

STORAGE NAME: h1141.ca

DATE: March 7, 2000

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

BILL #: HB 1141

RELATING TO: Jupiter Inlet District

SPONSOR(S): Representative Merchant

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC)
 - (2) REAL PROPERTY AND PROBATE (CJC)
 - (3) FINANCE AND TAXATION (FRC)
 - (4) GENERAL GOVERNMENT APPROPRIATIONS (FRC)
 - (5)
-

I. SUMMARY:

This bill amends the Jupiter Inlet District Act through clarifying that the district is an independent special taxing district.

This bill also codifies existing provisions relating to district formation and boundaries, commission procedure, eminent domain and bond issuance, bond and property tax exemptions, and notice of applications for environmental permits.

The Economic Impact Statement indicates that this bill has no effect on the fiscal status of the district.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Jupiter Inlet District, created in 1921, has been amended 18 times. In each subsequent act, although earlier acts are referenced, unaltered language is not incorporated consistently in each amending piece of legislation. To date, a single, inclusive act has not been drafted.

The 1997 Legislature amended chapter 189, Florida Statutes, 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, Florida Statutes, 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, Florida Statutes, by (i) extending the deadline to codify to December 1, 2004, (ii) 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, (iii) removing the prohibition of substantive amendments in a district's codification bill, and (iv) 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
Districts (47 districts)

2004 Legislative Session

STATUS STATEMENT LANGUAGE

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.

C. EFFECT OF PROPOSED CHANGES:

For the first time since its inception, this bill provides a uniform, comprehensive document relating to the Jupiter Inlet District and repeals the following Laws of Florida: Chapters 8910, 10727, 13674, 16057, 22787, 22868, 24154, 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533, 80-573, 81-458, 83-492, 85-482, and 87-522.

This bill amends the current act in the following manner: deletes obsolete language; changes requirement that commissioner post bond within 60 days after elected, to before taking office; removes time restriction for appointment of chair, treasurer and secretary; requires annual auditing requirement to conform with Florida Statutes; removes language specifying a quorum; removes language requiring War Department approval for certain changes to inlets or waterways; removes details relating to referendum notice on general obligation bonds and requires general conformity with law.

This bill expressly classifies the District as an independent special district.

This bill clarifies that the District charter can only be amended through special act by the Legislature.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Provides for the codification of all Jupiter Inlet District special acts; clarifies that legislative intent is to produce one comprehensive act.

Section 2 -- Codifies, amends and repeals all earlier special acts.

Section 3 -- Ratifies district formation and provides as follows:

Section 1: Ratifies creation of Jupiter Inlet District.

Section 2: Classifies status of District as an independent special district and also a public corporation; provides for boundaries.

Section 3: Provides that the District was organized to maintain Loxahatchee River and Jupiter Inlet; grants powers to act as corporation, including ability to contract, levy ad valorem taxes, issue bonds, exercise eminent domain;

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provides that only Legislature can amend charter; provides for five commissioner board, elections, and terms of office; provides commissioner compensation (\$120 per month) and per diem; provides for bond issuance and requires referendum before issuance of general obligation bonds; requires levy of ad valorem taxes to satisfy interest and sinking fund payments on general obligation bonds; caps millage maximum at 3 mills per dollar.

Section 4: Authorizes District to borrow money and sets interest rate at no more than allowed by law; provides for surety bond; requires appointment of an engineer; authorizes District to alter body of water and/or bridges to maintain Loxahatchee River; grants power of eminent domain; provides tax exemption for money, bonds and property of District.

Section 5: Requires Department of Environmental Protection to provide written notice of permit applications.

Section 6: Provides for liberal construction.

Section 4 -- Repeals all previous acts 10 days after effective date of this act.

Section 5 -- Provides severability clause.

Section 6 -- Provides for effective date upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 24, 1999

WHERE? The Palm Beach Post

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:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Sponsor of the bill is offering a technical amendment which conforms bill language to current law, regarding the maximum interest rate and total aggregate dollar amount allowed on loans.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Cindy M. Brown, J.D.

Joan Highsmith-Smith