

STORAGE NAME: h1635.ca

DATE: March 23, 2000

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

BILL #: HB 1635

RELATING TO: Baker County Development Commission

SPONSOR(S): Representative Crady

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC)
 - (2) FINANCE & TAXATION (FRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Baker County Development Commission in Baker County into a single act and repeals all prior special acts relating to the District's charter.

The bill declares that the District is an independent special district.

The bill modifies the membership, appointment, and terms of office for the Commission, authorizes the Commission to accept and use grants from the state, changes the audit requirements, and changes the allocation of Baker County's share of tax on racing.

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

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 Baker County Development Commission (Commission) was created by the Legislature in 1957, chapter 57-1129, Laws of Florida. The commission exists to encourage economic development in the county. Among the programs the Commission has assumed is the purchase of industrial parks which have been marketed to businesses as a way to increase the tax base and produce jobs for county residents.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes. 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 (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

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 36 special districts have codified their charters. Following is a list of special districts which have codified pursuant to sections 189.429 and 191.015, Florida Statutes, and the corresponding Laws of Florida:

Alachua County Library District	Ch. 98-502
Anastasia Mosquito Control District	Ch. 99-449
Baker County Hospital District	Ch. 99-431
Carrollwood Recreation District	Ch. 98-475, as amended by Ch. 99-418
Cedar Key Water & Sewer District	Ch. 98-473
Central Broward Water Control District	Ch. 98-501
Charlotte County Airport Authority	Ch. 98-508
Citrus County Hospital Board	Ch. 99-442
Citrus County Mosquito Control District	Ch. 99-432
County Line Drainage District	Ch. 99-417
East Charlotte Drainage District	Ch. 99-439
Flagler Estates Road & Water District	Ch. 98-529
Florosa Fire Control District	Ch. 99-479

Hillsboro Inlet District	Ch. 99-433
Immokalee Water & Sewer District	Ch. 98-495
Joshua Water Control District	Ch. 99-460
Lake Apopka Natural Gas District	Ch. 99-454
Lake Worth Drainage District	Ch. 98-525, as amended by Ch. 99-422
Lee County Bonita Springs Fire Control District	Ch. 98-464
Lee County Hyacinth Control District	Ch. 98-462
Lee County Mosquito Control District	Ch. 98-461
Loxahatchee Groves Water Control District	Ch. 99-425
North Bay Fire Control District	Ch. 98-470
North Naples Fire District	Ch. 99-450
Ocean City-Wright District	Ch. 99-478
Old Plantation Water Control District	Ch. 99-435
Orange County Library District	Ch. 99-486
Panama City-Bay Co. Airport	Ch. 98-527
Ranger Drainage District	Ch. 99-453
South Broward Drainage District	Ch. 98-524
Tindall Hammock Irrigation District	Ch. 98-523
Twelve Oaks Special District	Ch. 99-452
West Coast Inland Navigation District	Ch. 98-526

In 1998, the Environmental Protection Commission in Hillsborough County unsuccessfully attempted to codify its charter. The District is scheduled to codify in 2002. In 1999, there were two unsuccessful codifications. Mid-Bay Bridge Authority's codification bill passed the Legislature, but was vetoed by the Governor. The Authority was scheduled to codify its charter in 1999. The South Walton Fire District's codification bill died on the House calendar on April 30, 1999. The District is scheduled to codify its charter in 2004.

According to the Schedule of Submissions of Special District Charters and information relating to charters previously codified, there are 94 special districts that should have been codified during the 1999 session but which were not. There are 56 special districts that are scheduled for codification during the 2000 Legislative Session.

Status Statement Language

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:

The bill codifies all prior special acts relating to the Baker County Development Commission (Commission) into a single act and repeals all prior special acts relating to the District's charter.

The bill declares that the District is an independent special district.

The bill modifies the membership, appointment, and terms of office for the Commission. Currently, the Commission is composed of one member from each county commissioner district and two women from the county at large with differing durations for each of these seats. The bill provides that the Commission be composed of one member from each county commissioner district and two members from the county at large. The bill requires that two members of the Commission be women and that all appointments shall be for four years except appointments to fill vacancies. The bill also provides that any member of the Commission whose term has expired can remain in office until a replacement is appointed by the governor.

The bill allows the Commission to accept and use grants from the state.

The bill changes the audit requirements to require an annual audit only when revenues or expenditures are greater than \$50,000.

The bill changes the allocation to the Commission of Baker County's share of tax on racing under chapter 550, Florida Statutes to \$10,000 of the first \$58,000 from \$5,000 of the first \$61,000.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this is the codification required pursuant to chapter 97-255, Laws of Florida; states legislative intent and preserves authority granted to the District by general law and its legislative enactments.

Section 2: Codifies, reenacts, amends, and repeals special acts relating to the District's charter.

Section 3: Provides for the recreation of the District and the charter for the District with the following provisions.

Section 1: Provides the purpose of the District; provides the boundaries of the District as being within the statutory boundaries of Baker County.

Section 2: Provides definitions for the act.

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- Section 3: Provides the purpose and creates the Commission; provides the power to contract and to sue and be sued;
- Section 4: Provides that the Commission shall be composed of seven members, each of whom shall be a freeholder and qualified elector of the county; provides for how members shall be appointed by the governor; provides that appointments shall be for four year terms, except to fill vacancies, and that any member whose term has expired may remain in office until a replacement is appointed.
- Section 5: Provides that the mayor of each incorporated municipality and the chair of the Board of County Commissioners shall be ex officio members of the Commission.
- Section 6: Provides that the Commission shall elect a chair and a vice chair of the Commission.
- Section 7: Provides that any four members shall constitute a quorum for the transaction of business and that any project of the Commission must be approved by not less than four affirmative votes; provides that no business shall be transacted except at regularly called meetings and shall be duly recorded in the minutes.
- Section 8: Provides that members of the Commission shall serve without compensation but shall be reimbursed for travel expenses incurred in the performance of their duties as members of the Commission.
- Section 9: Provides that Baker County and all incorporated cities are expressly authorized to enter into contracts with the Commission.
- Section 10: Provides that the Commission shall have the power: to have and alter a seal; to acquire, hold, and dispose of personal property, including the stock of corporations; to enter into contracts with Baker County and all incorporated cities therein; to acquire real estate or liens or easements or franchises as necessary for its corporate purposes and to lease or make contracts with respect thereto, provided that the title to such lands and projects shall be in Baker County; to select and appoint agents and employees, including engineers, architects, builders, and attorneys, and to fix their compensation; to make contracts and to execute all instruments necessary and convenient; to construct, erect, acquire, own, repair, remodel, maintain, extend, improve, equip, operate, and manage projects located on property owned or leased by the Commission and to pay the costs of any such projects from the proceeds or revenue-anticipation certificates, grant, or loan; to borrow money for any of its corporate purposes and to execute notes, mortgages, deeds, to secure debt, trust deeds, and such other instruments as may be necessary or convenient to evidence and secure borrowing; to exercise any power granted by the laws of Florida to public or private corporations performing similar functions; to do all things necessary or convenient to carry out the powers expressly conferred by this act; to adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be employed; to issue revenue-anticipation certificates for the purpose of paying all or any part of the cost of any project of the Commission provided such certificates shall be issued and validated under and in accordance with the applicable provisions of the laws of Florida; to perform

such powers and duties as may from time to time be authorized by the Legislature.

Section 11: Provides that the Commission shall not be empowered or authorized in any manner to create a debt as against the State, Baker County, or any of the incorporated cities therein.

Section 12: Provides that the books and records of the Commission shall be audited annually at the expense of the Commission by a competent auditor when revenues or expenditures are greater than \$50,000 and that the Commission shall furnish copies of the audit to Baker County.

Section 13: Provides that this act, being for the purpose of developing and promoting the public good of Baker County and the incorporated cities and their inhabitants, shall be liberally construed.

Section 14: Provides for an appropriation of the first \$10,000 after the first \$58,000 of the monies accruing to Baker County under the provisions of chapter 550, Florida Statutes.

Section 15: Provides legislative intent that if any part of the act is held to be invalid, the remainder of the act shall not be affected.

Section 4: Repeals all previous special acts.

Section 5: Provides this act shall take effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 19, 1999

WHERE? The Baker County Standard in Baker 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:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill is offering an amendment. The amendment is in response to information provided by the Auditor General and removes the provisions related to the annual audit which is addressed by general law.

VI. SIGNATURES:

COMMITTEE ON COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith