

STORAGE NAME: h0561.lgva.doc

DATE: March 22, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 561

RELATING TO: Daytona Bch. Racing Facilities Dist.

SPONSOR(S): Representative Lynn

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (2) FISCAL POLICY & RESOURCES (FRC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill codifies all prior special acts relating to the Daytona Beach Racing and Recreational Facilities District into a single act. This bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

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:

N/A

B. PRESENT SITUATION:

The Daytona Beach Racing and Recreational Facilities District was created by a special act of the Legislature in 1955. See chapter 31343, Laws of Florida (1955). The District is an independent special district.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow 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) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove 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. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

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 to the department's determination or declaratory statement regarding the status of the district.

Schedule of Submittals of Special Districts' Charters

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 29588 and 29590, Laws of Florida (1953), chapter 31343, Laws of Florida (1955), and chapters 63-2023, 73-647 and 80-494, Laws of Florida, relating to the Daytona Beach Racing and Recreational Facilities District (District) into a single act. This bill also makes other changes to the charter, including: describing the powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements; describing the method by which the District was established; describing that the District is an independent special district; describing that the District's charter may only be amended by a special act of the Legislature; describing applicable financial disclosure, noticing, and reporting requirements; describing the procedure for conducting any District elections and the qualifications of an elector of the District; describing the methods for financing the District; describing the methods for collecting non-ad valorem assessments, fees, or service charges; and describing District planning requirements. However, these changes to the charter do not appear to alter the effect of existing law pertaining to the District.

In compliance with section 189.404(5), Florida Statutes, this bill provides that the District is an independent special district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under section 189.429, Florida Statutes. States the Legislative intent for the act.

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

Section 3: Provides for the re-creation and reenactment of the charter for the District and the following provisions.

Section 1: Defines words and terms as they are used in the District charter.

- Section 2: Provides the name by which the District will be known; provides the geographic boundary limitations of the District.
- Section 3: Describes the powers, functions, and duties of the district regarding ad valorem taxation [that have been in place since 1955], bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements.
- Section 4: Describes the method by which the District was established; provides that the District is an independent special district.
- Section 5: Provides the method for amending the charter of the District.
- Section 6: Describes the membership and organization of the governing board of the District; provides the maximum compensation of a governing board member; provides the number of members of the governing board that will constitute a quorum; provides that each member of the governing board of the District must take an oath and execute a surety bond; provides the method for handling vacancies on the governing board of the District.
- Section 7: Provides the powers, functions, and duties of the governing board of the District.
- Section 8: Provides the method for financing the District; authorizes the issuance of bonds; provides the procedures and requirements for issuing bonds; provides limitations on the use of bond proceeds; provides the maximum amount of bonds that may be issued.
- Section 9: Provides the method for collecting fees, charges, and other revenue.
- Section 10: Authorizes the District to pledge revenues and take other steps to protect and enforce the rights and remedies of bondholders.
- Section 11: Provides for the levy of ad valorem taxes; provides for method for determining the annual tax levy.
- Section 12: Provides that all moneys received by the District are deemed to be trust funds.
- Section 13: Provides the remedies against the District, governing board of the District, and the Board of County Commissioners available to bondholders and trustees under any trust agreement.
- Section 14: Authorizes the issuance and redemption of special refunding bonds and general obligation refunding bonds.
- Section 15: Provides the District may enter into contracts or agreements without negotiation and without public notice.
- Section 16: Declares inconsistent general or special laws are inapplicable to the provisions of this act.

Section 17: Defines words and terms as they are used in the District charter; provides that this charter will not apply to certain race tracks and jai alai frontons.

Section 18: Provides the purposes of the District.

Section 19: Provides for liberal construction.

Section 20: Prohibits the showing of certain commercial motion pictures in or upon District facilities.

Section 21: Describes the applicable financial disclosure, noticing, and reporting requirements.

Section 22: Describes the procedure for conducting any District elections and the qualifications of an elector of the District.

Section 23: Describes the methods for financing the District.

Section 24: Describes the methods for collecting non-ad valorem assessments, fees, or service charges.

Section 25: Describes District planning requirements.

Section 4: Repeals special acts relating to the District's charter.

Section 5: Provides for the severability of any invalid provision.

Section 6: Provides an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 10, 2001

WHERE?

The News-Journal, Daytona Beach, Volusia County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

N/A

STORAGE NAME: h0561.lgva.doc

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PAGE: 6

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment is necessary to clarify that all of the prior special acts of the District are being repealed.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Christopher J. Shipley

Joan Highsmith-Smith