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DATE: March 13, 2001

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

BILL #: HB 847

RELATING TO: Dog Island Conservation District

SPONSOR(S): Representative Kendrick

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill codifies all prior special acts relating to the Dog Island Conservation District in Franklin County into a single act and repeals all prior special acts relating to the District's charter.

This bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

No fiscal impacts are anticipated for either fiscal year 2001-02 or 2002-03 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 District was created in 1975, chapter 75-374, Laws of Florida, to promote the health, safety, and general welfare of the area and its inhabitants, visitors, and property owners, to establish, maintain, and preserve aesthetic values and preserve and foster the development and display of attractiveness, and to prevent congestion and the destruction of natural beauty.

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.

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.

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.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 75-374, 79-461, and 84-430, Laws of Florida, relating to the Dog Island Conservation District (District) into a single act.

The bill reenacts the existing charter and removes obsolete language preempted by applicable general law chapters and inserts applicable chapter language.

The bill states the District is an independent special district, in compliance with general law, and a political subdivision of the State.

The bill provides that the terms of two members of the board shall expire in odd-numbered years, and the terms of three members of the board shall expire in even-numbered years.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification of all special acts relating to Dog Island Conservation District pursuant to section 189.429, Florida Statutes; declares the District an independent special district and political subdivision; states the intent of the Legislature to have a comprehensive special act charter and the intent to preserve all powers granted by this and previous acts.

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

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

Section 1: Provides Legislative intent.

Section 2: Describes the creation of the District and the boundaries for the District.

Section 3: Provides for the election of the District board; provides term limits; provides that the terms of two members of the board shall expire in odd-numbered years, and the terms of three members of the board shall expire in even-numbered years; provides for the participation of the residents in the election of the board members.

Section 4: Provides the powers of the District.

Section 5: Provides that the District board is currently authorized to levy and assess ad valorem taxes if approved by the voters of the District in a referendum; provides the District board shall have the power to levy and assess ad valorem tax not exceeding 5 mills; provides the District to establish a budget, and annually determine the millage to be requested; provides the recommended millage be certified to the Board of County Commissioners of Franklin County by the board, as provided by general law; provides for the proceeds, deposit, administration and disbursement of the tax; provides certain time period must lapse before another referendum can be held after the failure of a referendum.

Section 6: Provides for the financial procedures for all disbursements of funds; provides for the fiscal year date.

Section 7: Provides for the annual meeting of the District.

Section 8: Provides for the minutes, records, and actions taken by the board, for the preparation and adoption of an annual budget for each ensuing fiscal year, for internal control of its accounts, and for an external audit annually; provides for filing of the audit; provides the bylaws specify functions assigned to personnel, the manner and schedule of performance.

Section 9: Provides for the impairment of bondholders' rights.

Section 10: Provides for persons to pay the taxes on the property deemed to hold a fee simple interest in real property and to be a freeholder.

Section 4: Repeals chapters 75-374, 79-461, and 84-430, Laws of Florida.

Section 5: Provides for the validity of remaining provisions of the act should any part of the act be held invalid.

Section 6: Provides that the provisions of this act shall control in the event of a conflict with the provisions of any other act.

Section 7: Provides that the act shall take effect upon being law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? February 1, 2001

WHERE? The Apalachicola Times in Franklin 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:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

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