

STORAGE NAME: h0501a.sgc.doc
DATE: January 31, 2002

**HOUSE OF REPRESENTATIVES
SMARTER GOVERNMENT COUNCIL
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 501

RELATING TO: Daytona Beach Racing District

SPONSOR(S): Representative Lynn

TIED BILL(S):

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 7 NAYS 0
 - (2) SMARTER GOVERNMENT COUNCIL YEAS 12 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Daytona Beach Racing and Recreational Facilities District (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.

There is no fiscal impact on the state budget or on local governments or 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:

Background

The Daytona Beach Racing and Recreational Facilities District (District) was created in 1953, by chapter 29590, Laws of Florida and has been subsequently amended by special acts. It 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, F.S., 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, F.S. (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, F.S., 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. Additionally, the 2001 Legislature amended section 189.429, F.S. creating subsections (2) and (3). The subsections provide that reenactment of existing law pursuant to section 189.429, F.S.: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes,

assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

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, F.S., 110 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, F.S., is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Daytona Beach Racing and Recreational Facilities District in Volusia County into a single act and repeals all prior special acts relating to the District's charter. This bill also makes other changes to the charter including: describing the purpose for the District; describing powers, functions, and duties of the district regarding ad valorem taxation, bond issues and other revenue-raising capabilities, budget matters, lien issues, and other similar issues; describing the methods for establishing the District; describing the method for amending the charter of the District; describing the membership and organization of the governing board of the district; describing the compensation of a governing board member; describing the administrative duties of the governing board of the District; describing the applicable financial disclosure, noticing, and reporting, requirements; describing the procedures and requirements for issuing bonds; describing the procedures for conducting any district elections or referenda and the qualifications of an elector of the district; describing the methods for financing the district; describing the authorized millage rate; describing the methods for collecting non-ad valorem assessments, fees, or service charges; describing the District planning requirements; and describing that the geographic boundary limitations. 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), F.S., this bill provides that the District is an independent special district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: States that this act constitutes the codification of special acts relating to this district.

Section 2: States that all previous laws pertaining to this District are codified, reenacted, amended, and repealed

Section 3: Recreates and reenacts the district charter, providing the following:

Section 1: Provides definitions for words used in the act.

Section 2: Provides the geographical boundaries for the district and states that the District can contract and be contracted with, sue and be sued, and plead and be pleaded with.

Section 3: States the statutory method as amended by which the District can raise revenues periodically.

Section 4: States when the District was created.

Section 5: States district charter can only be amended by the Florida Legislature.

Section 6: Provides membership of the Daytona Beach Racing and Recreational Facilities District Commission (Commission), terms of office, reimbursement of expenses, quorums, vacancies, and surety bonds .

Section 7: Provides the powers of the District Commission.

Section 8: Provides the authorization for the District to issue bonds and places limits on what that revenue can be used for.

Section 9: Authorizes the District to impose charges for the usage of district facilities.

Section 10: Mandates that the District be responsible for the paying out of all bonds.

Section 11: Permits Volusia County to tax all District taxable property in proportion to the amount of all District-issued general obligation bonds.

Section 12: States that all moneys received pursuant to the authority of this act be deemed as trust funds and sets the guidelines for doing so.

Section 13: Provides remedies for bondholders in case of a dispute.

Section 14: Provides guidelines for refunding bonds.

Section 15: Permits the District to enter into competition for contracts without public notification.

Section 16: Declares inconsistent laws inapplicable.

Section 17: Provides that this act is not applicable to race tracks and jai alai frontons operating within the District.

Section 18: States that all district actions are for the welfare and benefit of the District and its inhabitants.

Section 19: Provides for liberal construction.

Section 20: Prohibits commercial motion pictures as provided by 847.013 F.S. in or upon District facilities.

- Section 21: Requires financial disclosure as set forth in Chapters 112 and 189, F.S.
- Section 22: Provides that the procedure for qualification of electors may be amended.
- Section 23: Provides guidelines for financing the District.
- Section 24: Provides that the guidelines for collecting non-ad valorem assessments, fees, or service charges is provided by statute or special act and may be amended from time to time.
- Section 25: Provides that the District's planning requirements are provided in ch. 189, F.S. and may be amended.
- Section 4:** Repeals all previous acts relating to the District's charter. Chapters 29588 and 29590, Laws of Florida, 1953, were repealed by chapter 31343, Laws of Florida, 1955. Chapter 31343, Laws of Florida, 1955; chapter 63-2023, Laws of Florida; chapter 73-647, Laws of Florida; and chapter 80-494, Laws of Florida, are repealed.
- Section 5:** Provides that if any part of this act is deemed unconstitutional, that this act is severable.
- Section 6:** This act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 26, 2001

WHERE? The News-Journal, Daytona Beach, 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

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C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Kevin Doyle

Joan Highsmith-Smith

AS REVISED BY THE SMARTER GOVERNMENT COUNCIL:

Prepared by:

Staff Director:

Kevin Doyle

Don Rubottom