

STORAGE NAME: h0939.lgva.doc
DATE: January 22, 2002

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

BILL #: HB 939
RELATING TO: St. Augustine - St. Johns County Airport Authority
SPONSOR(S): Representative Wiles

TIED BILL(S):

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

The bill codifies all prior special acts relating to the St. Augustine–St. Johns County Airport Authority (Authority) into a single act. The bill authorizes the Authority to conduct activities necessary to create and support multimodal transportation facilities to interconnect with and support airport activities. The bill allows the Authority to hire an Executive Director. This bill also makes other changes that do not appear to alter the effect of existing law pertaining to the Authority.

According to the Economic Impact Statement, this bill does not impact state or local budgets.

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 St. Augustine–St. Johns County Airport Authority (Authority), originally known as the St. Augustine Airport Authority, was created in 1963, by chapter 63-1853, Laws of Florida and has been subsequently amended. Current law does not authorize the employment of an Executive Director nor does it authorize the activities necessary to create and support multimodal transportation facilities to interconnect with and support airport activities.

Codification of Special Acts

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: (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 St. Augustine–St. Johns County Airport Authority in St. Johns County into a single act and repeals all prior special acts relating to the Authority's charter. The bill authorizes the Authority to conduct activities necessary to create and support multimodal transportation facilities to interconnect with and support airport activities. The bill allows the Authority to hire an Executive Director.

This bill also makes other changes to the charter including: describing the purpose for the Authority; describing powers, functions, and duties of the Authority 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 Authority; describing the method for amending the charter of the Authority; describing the membership and organization of the governing board of the Authority; describing the compensation of a governing board member; describing the administrative duties of the governing board of the Authority; describing the applicable financial disclosure, noticing, and reporting, requirements; describing the procedures and requirements for issuing bonds; describing the procedures for conducting any Authority elections or referenda and the qualifications of an elector of the Authority; describing the methods for financing the Authority; describing the authorized millage rate; describing the methods for collecting non-ad valorem assessments, fees, or service charges; describing the Authority planning requirements; and describing that the geographic boundary limitations. This bill also makes other changes that do not appear to alter the effect of existing law pertaining to the Authority. However, these changes to the charter do not appear to alter the effect of existing law pertaining to the Authority.

In compliance with section 189.404(5), F.S., this bill provides that the Authority is an independent special district.

D. SECTION-BY-SECTION ANALYSIS:

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

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

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

Section 1: States that the authority is an independent special district pursuant to chapter 189, F.S.

Section 2: Provides the geographical boundaries for the Authority.

Section 3: States the minimum charter requirements.

1. Creates the authority and states that it can sue and be sued.
2. Creates special taxing district to be administered by the Authority.
3. Provides membership of the Authority board, terms of office for the board, reimbursement of expenses, quorums, and how to fill vacancies for the board.
4. Empowers the Authority to employ staff.
5. Permits the Authority to own and acquire property.
6. Permits the Authority to create and support a multimodal transportation system to interconnect with airport activities.
7. Provides the Authority with the right and power of eminent domain.
8. Permits the Authority to enter into contracts including the right to lease any or all airport facilities.
9. Permits the Authority to borrow money.
10. Permits the Authority to issue bonds and provides guidelines.
11. Permits the Authority to levy ad valorem taxes on all taxable property within its borders. The rate cannot exceed .5 mill.
12. Prohibits the Authority to bind or commit the City of St. Augustine to be liable or responsible for any Authority actions.
13. Defines the fiscal year and provides guidelines for the auditing of the books of account. States that these books are open to the public.
14. Permits the City of St. Augustine and the County of St. Johns to contribute money to the Authority.

15. Permits the Authority to exercise powers related to aviation pursuant to law.

Section 4: Provides for liberal construction.

Section 5: Provides that if any part of this act is deemed unconstitutional, that this act is severable.

Section 6: Repeals all previous acts relating to the Authority's charter

Section 7: 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? St. Augustine Record, St. Augustine, St. Johns 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

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VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

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