

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 297 Greater Boca Raton Beach and Park District
SPONSOR(S): Gannon
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	_____	<u>Sheheane</u>	<u>Highsmith-Smith</u>
2) <u>Finance & Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Greater Boca Raton Beach and Park District into a single act. The District is currently authorized to levy up to 2 mills ad valorem tax on taxable district property. The bill does not change that provision.

In addition to codifying current law, the bill also provides language modernizing the terms of the governing board and revises qualification deadlines for commissioners of the governing board. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

According to the Economic Impact Statement, there are no fiscal impacts on the state budget or local government budgets.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Greater Boca Raton Beach and Park District into a single act and repeals all prior special acts relating to the District's charter. The bill maintains the governing board's current authority to levy a tax no more than 2 mills on the dollar on taxable property within the District. This bill also provides language modernizing the terms of the governing board and revises qualification deadlines for commissioners of the governing board. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

Background

The Greater Boca Raton Beach and Park District was created in 1974 by chapter 74-423, Laws of Florida, and has been subsequently amended by 5 special acts. The Greater Boca Raton Beach and Park District is an independent special district and is currently authorized to levy up to 2 mills ad valorem tax on taxable district property.

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 initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows 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. 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, Florida Statutes to 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.

Status Statement Language

Section 189.404(5), F.S., 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 of Community Affairs' determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

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

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

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

Section 1: Maintains that the Greater Boca Raton Beach and Park District is an independent special district and describes the boundaries of the district.

Section 2: Board of Commissioners, Elections, Bond Required:

- (1) Establishes the governing board for the District (board). The board shall consist of five commissioners. Three shall reside within the corporate boundary of the City of Boca Raton and the remaining two commissioners shall reside within the remainder of the District. All commissioners shall be elected by qualified electors of the District. Odd numbered seats shall be filled for 4-year terms by those commissioners elected in 2000 and even numbered seats shall be filled for 4-year terms by the commissioners elected in 2002. Thereafter, all terms shall be 4 years in length.
- (2) A majority of the board shall constitute a quorum. A minimum of three affirmative votes shall be necessary on any vote of the board to set the annual millage, set the annual budget, or carry out any of the purposes of this act. The board shall keep true and accurate minutes and records which shall be available to the public.
- (3) The terms of office shall begin on January 1 following the election at which the commissioner is elected. The governor shall have the ability to remove any member of the board for just cause and shall fill any vacancies that may occur at any time. Should the City of Boca Raton boundaries be changed through annexation to include the area any commissioner of seat four or seat five resides, the member shall serve only until the next election.
- (4) States that commissioners shall be elected at the first and second nonpartisan elections and provides detail regarding said elections as well as detail to qualification procedures.
- (5) Maintains that the board is to convene as soon as practicable after January 1 each year and shall elect a chair and officers as necessary.
- (6) States that each commissioner is to give bond to the Governor in the sum of \$5,000, with a qualified surety company.
- (7) States that commissioners shall be compensated for attendance of board meetings or any meetings where the purposes of the District are transacted, pursuant to section 112.061 (6) (a) 1, F.S.

Section 3: Purposes and Obligations:

(1) To reimburse the City of Boca Raton the actual costs of debt service of acquisition, maintenance, operation, and debt service of improvements of the real property commonly known as the Schine and Butler Tracts. This section also provides a detailed description for the boundaries of the Schine and Butler Tracts.

(2) To reimburse the City of Boca Raton from other available revenues of the District the actual cost of debt service acquisition, maintenance, operation, and debt service of improvements on existing or future beach or park properties.

Section 4: Powers: Maintains that the governing board shall have all powers of a body corporate, including the power to sue and be sued under the name of the Greater Boca Raton Beach and Park District.

Section 5: Duties:

(1) Provides authorization for the governing board to levy taxes, not to exceed 2 mills, on all nonexempt, real and tangible property.

(2) States that the board is authorized to accept donations from private and governmental sources.

(3) States that if the purposes of this act are carried out by some other body or corporation, then the board is to reduce its expenditures as a result.

(4) States that in the case of the City of Boca Raton extending its boundaries to encompass the same boundaries of the District, then the District would cease to exist after fulfilling all of its obligations.

Section 6: Procedure for Payment of Funds: States that the funds of the District shall be paid out only upon warrant signed by either the chair of the board or a majority of the commissioners.

Section 7: Requires the board to seek at least three different supply sources if the cost of purchases exceeds \$5,000.

Section 8: Levy and Collection of Taxes; Procedure: Maintains that the board is to record the taxes levied by the District and that a certified copy of such a record is to be delivered to the Board of County Commissioners of Palm Beach County. This section also states that it is the duty of the Tax Collector of Palm Beach County to collect the taxes levied.

Section 9: Payment of Expenses: The board is authorized to pay all expenses incurred in the organization of the board, formation of the District, and all other reasonable and necessary expenses incurred in accomplishing the purposes of this act.

Section 4: It is intended for this act to be liberally construed in order to accomplish the purposes set forth in this act.

Section 5: Provides for severability.

Section 6: Chapters 74-423, 75-330, 76-323, 82-350, 85-481, and 97-330, Laws of Florida are repealed.

Section 7: This act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 10 & 13, 2003.

WHERE? The Palm Beach Post, Palm Beach 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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

On line 319 there should be a space between the words "be" and "approved".

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

An amendment has been offered by the bill's sponsor to correct a technical error. The amendment inserts a space between the words "be" and "approved".