

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 299 City of Delray Beach
SPONSOR(S): Gannon
TIED BILLS:

IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Delray Beach Downtown Development Authority. Currently, the District is authorized to levy up to one mill of tax on each taxable dollar. This bill does not change that provision. 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 new, increased, or decreased revenues as a result of this bill.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0299.lgv.doc
DATE: March 31, 2003

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 Delray Beach Downtown Development Authority. Currently, the District is authorized to levy up to one mill of tax on each taxable dollar. This bill does not change that provision.

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: Constitutes the codification of all special acts relating to the Delray Beach Downtown Development Authority.

Section 2: Codifies, reenacts, and repeals all prior acts relating to the Delray Beach Downtown Development Authority.

Section 3: The charter is reenacted and re-created to read:

Section 1: This act will be known as the Delray Beach Downtown Development Authority Act.

Section 2: Provides definitions for the District.

Section 3: Maintains the description of the downtown area.

Section 4: Creation of the Authority: Maintains language that the board will be composed of seven members.

(a) Maintains language that the City Council will appoint members of the board for the District.

(b) Maintains that each member will be appointed to terms of three years.

(c) Maintains language regarding the qualifications of board members.

(d) Maintains language relating to filling a vacancy on the board.

(e) Maintains language relating to the compensation of board members.

Section 5: Authority Bylaws and Internal Government: Maintains language relating to the rules and bylaws of the District.

Section 6: Functions of the Authority:

(a) Prepare an analysis of the economic conditions of the Downtown area.

(b) Formulate long-range plans for improving the attractiveness of the Downtown area.

(c) Recommend to the City Council actions deemed most suitable for the improvement of the Downtown area.

(d) Participate actively in the Downtown development plan.

(e) Participate in plans for the economic development and promotion of the Downtown area.

(f) Carry on all projects and undertakings authorized by law.

Section 7: Powers of the Authority: This section maintains current language regarding the powers assigned to the Authority in order to manage the District for the purposes set forth in this act.

Section 8: This section maintains current language permitting the District to levy up to one mill of tax on each dollar.

Section 9: Maintains current language relating to the fiscal year of the District. The fiscal year is to coincide with that of the city and the funds of the Authority are to be secured in a separate account from that of the City.

Section 10: Tax Exemption of Authority Property: This section maintains current language relating to the exempt tax status of the Authority.

Section 11: This section maintains language relating to the issuance of revenue certificates pursuant to the Authority and the governance of the certificates.

Section 12: This section maintains language stating that if the Authority should cease to exist for any reason, then the property of the Authority would become that of the City.

Section 13: Maintains language stating that that this act is not a restriction or limitation on any powers which the Authority may have under any laws of this State.

Section 14: States that this act should be liberally construed for the purposes of the District.

Section 4: Provides for severability.

Section 5: This act shall control in the event of a conflict with any other act.

Section 6: Repeals all prior acts relating to the Authority.

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 17, 2003.

WHERE? 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:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Supremacy Clause

Many local bills contain language providing that in the event of a conflict of the provisions of the local bill with the provisions of any other general or local law, the provisions of the act being considered controls to the extent of the conflict(s). This is referred to as a "supremacy" clause. This language does not allow interested persons or Members of the Legislature knowledge of the specific laws containing potential conflicts. Unless those specific laws in conflict are identified, it is suggested that the "supremacy" clause be removed from the bill.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

An amendment is necessary to remove the supremacy clause in the bill.