

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 829 Manatee County Port Authority
SPONSOR(S): Galvano
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>8 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) <u>Finance & Tax</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Manatee County Port Authority in Manatee County into a single act and repeals all prior special acts relating to the District's charter. This bill conforms the District's authority to the Port Facilities Financing Law, chapter 315, Florida Statutes, and other applicable general laws. This bill revises the definition of port facilities. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated for either 2003-04 or 2004-05 according to the Economic Impact Statement.

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 Manatee County Port Authority in Manatee County into a single act and repeals all prior special acts relating to the District’s charter. This bill conforms the District’s authority to the Port Facilities Financing Law, chapter 315, Florida Statutes, and other applicable general laws. This bill revises the definition of port facilities. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

Chapter 315, F.S., Port Facilities Financing

Chapter 315, F.S., provides for Port facilities bonds, sources of payment and security for bonds; contracts for borrowing of money; trust agreement or resolution; remedies; refunding bonds; exemption from taxation; and bonds, and legal investments. It appears that chapter 315, F.S., does not allow for the imposition of ad valorem taxation by ports.

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.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

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.** Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all District authority.
- Section 2.** Codifies, reenacts, amends, and repeals chapters 67-1681, 69-1277, 69-1279, 74-532, and 75-428, Laws of Florida.
- Section 3.** Re-creates and reenacts the Manatee County Port Authority charter as follows:
- Section 1. States the creation of the District is ratified, restated, and approved; states the name of the Port Authority.
- Section 2. States the Port Authority is a dependent special district; provides the applicability as set forth in this act and chapters 189 and 315, F.S.; provides the charter may be amended only by special act of the Legislature.
- Section 3. States the popular name.
- Section 4. States definitions.
- Section 5. Declares public purpose.
- Section 6. Provides powers, duties, and functions of the Port Authority.
- Section 7. Provides for contracts of borrowing of money.
- Section 8. Provides for the exemption from all state, county, municipal or other taxes or assessments – this authority is carried forward from the Port Authority's enabling act – section 10 of chapter 67-1681, L.O.F.
- Section 9. Authorizes by resolution(s) the issuance of bonds.
- Section 10. Provides for the liberal construction of the charter.
- Section 11. Provides this law is an additional alternative method of doing the things authorized by this act.
- Section 12. Provides pursuant to chapter 315, F.S., and this charter, for the authorization to issue and sell bonds bearing any interest rate, for the purpose of paying for the cost of port facilities.
- Section 13. Provides for the source of payment and security for bonds.

- Section 14. Provides for the retirement or refunding of bonds or obligations of the District.
- Section 15. Provides for a trust agreement or resolution.
- Section 16. Provides a status as legal investments.
- Section 17. Provides for remedies of bondholders.
- Section 4.** Provides for the liberal construction of this act.
- Section 5.** Provides for act's control if there are conflicting provisions.
- Section 6.** Repeals chapters 67-1681, 69-1277, 69-1279, 74-532, and 75-428, Laws of Florida.
- Section 7.** Provides that the act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

- A. NOTICE PUBLISHED? Yes No
- IF YES, WHEN? December 31, 2002
- WHERE? Bradenton Herald, Bradenton, Manatee 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: Not Applicable.
- B. RULE-MAKING AUTHORITY: None.
- C. DRAFTING ISSUES OR OTHER COMMENTS:

In section 6 of the charter, lines 89 - 90, of the bill, an incorrect reference to chapter 315.03, Florida Statutes, is made. The reference should either be to the section or chapter, whichever is intended.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.