

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:

The Lakeland Downtown Development Authority (LDDA) was enacted by the Florida Legislature in 1977 with ad valorem taxation authority, and became the community redevelopment agency for the City of Lakeland in 1979. The LDDA is charged with recommending projects, plans, and developers to the city commission. It is empowered to option, buy, sell or lease real estate, and arrange financing to support and stimulate private projects authorized by the development plan with the approval of the city commission.

As required by s. 189.429 F.S.,¹ this bill codifies chapters 77-588 and 78-549, L.O.F., to update the LDDA Charter.

C. SECTION DIRECTORY:

Section 1 refers to the requirement of codification pursuant to s. 189.429, F.S., for the Lakeland Downtown Development Authority.

Section 2 codifies, reenacts, amends, and repeals chs. 77-588 and 78-549, L.O.F., to be read as provided in section 3 of this bill.

Section 3 provides the codification of the LDDA;

Section 1 codifies the short title.

Section 2 provides definitions.

Section 3 provides the statement of policy for the LDDA.

Section 4 codifies the current boundaries provided in Ordinance 2046, as amended by Proposed Ordinance No. 02-047, in 2002, which was adopted at the local level by referendum despite not being required under the current charter.

Section 5 codifies the creation, composition, qualifications, appointments, compensation, and electors of the board.

Section 6 codifies the board’s bylaws and internal governance, including quorum requirements and amending its own rules of procedure.

¹ Section 189.429, F.S., requires special districts to submit to the Legislature a draft of its codified charter.

Section 7 codifies the functions of the board, including the preparation and maintenance of downtown economic analyses, formulation of short-range and long-range plans, planning recommendations for the city to consider in the downtown development plans, and the active execution of these plans.

Section 8 codifies the powers of the board to enter into contracts, have and use a corporate seal, accept grants and donations, receive revenues and proceeds of taxes imposed, borrow money, request city to exercise its powers of eminent domain, acquire, own, convey, and lease land.

Section 9 codifies the LDDA's authority to levy ad valorem taxes, not to exceed two mills, and requires the board to establish a budget for the coming fiscal year and submit it to the Tax Collector of Polk County.

Section 10 codifies the requirements and maintenance of the board's records and fiscal management. Also prohibits independent audits and member voting when there is a direct or indirect financial interest at stake, other than the benefits generally derived from the development of the downtown area.

Section 11 codifies the governing provisions of issuing revenue certificates.

Section 12 provides the guidelines of transfer upon cessation of the board.

Section 13 codifies the requirements of a referendum, requires the city clerk to act as the elections supervisor and provides duties.

Subsection (7) codifies a clause prohibiting any provision that would require property owners' approval, whom may be included in a new boundary, but were not previously included within the boundary of the LDDA. This clause conflicts with section 9, Article VII, of the State Constitution, as listed in the comments section of this analysis.

Section 14 provides the millage limitations.

Section 15 contains the liberal construction clause.

Section 4 officially repeals Chs. 77-588 and 78-549, L.O.F.

Section 5 provides effective date upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 22, 2004.

WHERE?

The Ledger, Lakeland, Polk County, FL.

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

There does not appear to be an economic impact on state or local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

Pursuant to section 9, Article VII, of the State Constitution, a special district cannot levy ad valorem taxes on the newly annexed area until the newly annexed area approves the ad valorem levy by referendum. Subsection (7), of section 13, of the LDDA's Charter allows the LDDA to expand its boundaries before calling a referendum. Furthermore, ss. (7), of s.13, of the LDDA's Charter includes a clause prohibiting any provision that would require property owners' approval, whom may be included in the new boundary, but were not previously included within the boundary of the LDDA. All property owners that are subject to ad valorem taxation by a special district must be allowed to vote in a referendum.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Subcommittee on Local Affairs recommended one amendment on March 3, 2004. The amendment strikes the provision forbidding the approval of property owners or electors in an area, which were not previously included within the boundary of the LDDA, but will be affected by the LDDA's taxing authority, from voting in a referendum.