

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1077

Canaveral Port District, Brevard County

SPONSOR(S): Allen

TIED BILLS:

IDEN./SIM. BILLS: SB 1530

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>7 Y, 0 N</u>	<u>Dominguez</u>	<u>Hamby</u>
2) <u>Transportation Committee</u>	<u>14 Y, 0 N</u>	<u>Pugh</u>	<u>Miller</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Canaveral Port District (District) is an independent special district governed by chapter 2003-335, Laws of Florida (L.O.F.), as amended. The Canaveral Port Authority (Authority) is the governing body of the District in Brevard County and is tasked with managing the port (i.e. administering, maintaining, improving). The Authority derives its statutory power from chapter 315, F.S., relating to Port Facilities Financing.

HB 1077 allows the Authority to sell, convey, or dispose of any lands, interests, or rights in lands to which the District acquired title after January 1, 1987, or other lands the Authority may acquire in the future.

The bill also allows the Authority to exchange lands for other lands within the state owned by any person. While executing an exchange, the Authority must fix the terms and conditions of the exchange and may pay or receive any sum of money the Authority may deem necessary to equalize the values of the exchanged properties.

The bill requires that the sale, disposal, conveyance, and exchange of lands that may be executed after the passage of this bill be made at a noticed meeting.

The Economic Impact Statement states:

- The bill will allow the sale of real property that was acquired by the District after January 1, 1987 (the year the District ceased levying ad valorem taxes) that is surplus to Port needs and return this property to the tax rolls.
- The proceeds of the sale of the surplus real property will be utilized for needed Port projects and improvements to Port facilities.

The bill raises no apparent constitutional or legal concerns, nor does it appear to impact state revenues.

HB 1077 takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government – HB 1077 allows the Canaveral Port Authority to sell, convey, or dispose of any lands, interests, or rights in lands to which the District acquired title after January 1, 1987, or other lands the Authority may acquire in the future.

B. EFFECT OF PROPOSED CHANGES:

Background

The Canaveral Port District (District) is an independent special district created by governed by chapter 2003-335, L.O.F., as amended. The Canaveral Port Authority (Authority) is the governing body of the District in Brevard County and is tasked with managing the port (i.e. administering, maintaining, improving). The Authority derives its statutory power from chapter 315, F.S., relating to Port Facilities Financing.

The Authority codified its special acts in 2003.¹

After January 1, 1987, as part of a debt settlement with a bankrupt tenant, the Canaveral Port Authority accepted some parcels of land as part of the debt settlement of the tenant. The land is adjacent to existing Port property.

Effect of Proposed Changes

HB 1077 allows the Authority to sell, convey, or dispose of any lands, interests, or rights in lands to which the District acquired title after January 1, 1987, or other lands the Authority may acquire in the future.

The power to sell or convey granted in this bill includes the power to enter into public partnerships regarding district lands. However, any conveyance or agreement associated with these partnerships must be for a public purpose.

The bill provides for all sales of land, interests, rights in land, or lease of any interests in land to be for cash or upon terms and securities approved by the Authority. The bill requires full payment prior to the execution and delivery of deeds.

HB 1077 also requires the District to publish a notice of intention to sell or dispose of land in a newspaper of general circulation in Brevard County. This notice must follow the following guidelines:

- The notice must appear at least once each week for 2 consecutive weeks;
- The first publication must appear no less than 15 days and no more than 30 days prior to the meeting at which the proposed sale or disposition will be considered; and
- The notice must include a description of the lands or interests or rights in lands offered for sale or other disposition.

Deeds of conveyance of lands, the titles to which are held by the District or the Authority, must be special warranty deeds.

¹ ch. 2003-335, L.O.F.

The bill also allows the Authority to exchange lands for other lands within the state owned by any person. While executing an exchange, the Authority must fix the terms and conditions of the exchange and may pay or receive any sum of money the Authority may deem necessary to equalize the values of the exchanged properties. Meetings where an exchange is to take place must be noticed.

HB 1077 takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends Article IV of section 3 of ch. 2003-335, L.O.F., to add section 25.

Section 2: Provides for bill to become effective upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 24, 2004

WHERE? Florida Today, Melbourne, Brevard 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:

Economic Impact

The sale of District owned surplus real estate property may provide the Canaveral Port Authority with funds which may be used for projects and improvements.

Other Materials

A memorandum explaining the effects of this bill was provided by the Canaveral Port Authority. This summary and analysis included the following:

- The Canaveral Port Authority stopped levying ad valorem taxes in 1986.

- After January 1, 1987, as part of a debt settlement with a bankrupt tenant, the Canaveral Port Authority accepted some parcels of land as part of the debt settlement of the tenant. The land is adjacent to existing Port property.
- The passage of HB 1077 will allow the Canaveral Port Authority to sell real property which the Canaveral Port Authority Commissioners determine is surplus to the needs of the Port and which was acquired after the Port ceased levying ad valorem taxes.
- The sale of those properties would return those properties to the tax rolls of Brevard County.
- The proceeds from the sale of the lands would be utilized by the Canaveral Port Authority for needed improvements and projects at Port Canaveral.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.