

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1633 CS

Alachua County Housing Authority

**SPONSOR(S):** Cretul

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Local Government Council</u>	<u>8 Y, 0 N, w/CS</u>	<u>Nelson</u>	<u>Hamby</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

HB 1633 provides that the Alachua County Board of Commissioners may appoint two alternate members to the Alachua County Housing Authority. The bill has an effective date of upon becoming law.

According to the Economic Impact Statement, this bill has no fiscal impact.

**Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### County Housing Authorities

Section 421.27, F.S., creates a housing authority in each Florida county. The area of operation of a housing authority created for a county includes all of the county for which it is created except that portion of the county which lies within the territorial boundaries of any city as defined in the Housing Authorities Law<sup>1</sup>, as amended.

These housing authorities may not transact business or exercise their powers until or unless the governing body of the county declares by resolution that there is need for a housing authority in such county. Upon notification of the adoption of such resolution, the commissioners of the housing authority are appointed by the Governor. These appointments are to be made "in the same manner as the commissioners of a housing authority created for a city may be appointed by the mayor...."

Section 421.05, F.S., which provides for such appointments, states that the mayor shall appoint no fewer than five persons, and no more than seven persons,<sup>2</sup> as commissioners of the authority. Three of the commissioners who are first appointed are designated to serve for terms of one, two and three years, respectively; the remaining commissioners are designated to serve for terms of four years each, from the date of their appointment. Thereafter, each commissioner is appointed for a four year term, except that a vacancy is filled for the unexpired term. Each housing authority is required to have at least one commissioner who is a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the housing authority. In the case of an authority does not have a completed project, no tenant-commissioner may be appointed until 10 percent of the units in the first project of the authority have been occupied. The cessation of a tenant-commissioner's tenancy in a housing project or the cessation of rent subsidy removes the tenant-commissioner from office, and another person meeting the qualifications required for the office is appointed for the unexpired portion of the term. After all reasonable efforts have been made and documented, if the commissioners find that no housing project resident or rent subsidy recipient is available to serve as a tenant-commissioner, the existing vacancy then is filled through the normal appointment procedures. However, such normal appointment does not preclude the requirement to exercise diligence in all succeeding vacancies to attempt to first appoint a tenant-commissioner until at least one tenant-commissioner has been appointed. No commissioner of an authority may be an officer or employee of the city for which the authority is created. A commissioner holds office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner is filed with the clerk, and such certificate is conclusive evidence of the due and proper appointment of such commissioner. A commissioner receives no compensation for his or her services but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties. The requirements of this subsection with respect to the number of commissioners of a housing authority apply without regard to the date on which the housing authority was created.

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<sup>1</sup> Part I of ch. 421, F.S.

<sup>2</sup> Notwithstanding this limitation on the number of commissioners of a housing authority, any housing authority that has more than seven commissioners on March 28, 1991, may maintain the same number.

These commissioners may be removed or suspended in the same manner and for the same reasons as other gubernatorial appointees.

#### Alachua County Housing Authority

The Alachua County Housing Authority is a dependent special district.<sup>3</sup> Chapter 71-526, L.O.F., currently provides that the commissioners of the Alachua County Housing Authority shall be appointed by the Board of County Commissioners of Alachua County in lieu of the method appointment provided for under ch. 421.27, F.S. The Housing Authorities' web site<sup>4</sup> notes that its board of commissioners is comprised of five commissioners.

#### **Effect of Proposed Changes**

HB 1633 amends ch. 71-526, L.O.F. It retains the language which provides that the commissioners of the Alachua County Housing Authority shall be appointed by the Board of County Commissioners of Alachua County, but provides that the board may appoint one at-large alternate member and one alternate tenant commissioner.<sup>5</sup> The bill also corrects a reference to s. 421.27(2), F.S.

The bill provides an effective date of upon becoming law.

#### C. SECTION DIRECTORY:

Section 1: Amends ch. 71-526, L.O.F.

Section 2: Provides an effective date.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 24, 2006

WHERE? *The Gainesville Sun*, a daily newspaper published in Alachua 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

According to the Economic Impact Statement, this bill has no fiscal impact.

### **III. COMMENTS**

<sup>3</sup> <http://floridaspecialdistricts.org/OfficialList/report.asp>

<sup>4</sup> <http://fdt.net/~acha/BoardofCommish.htm/>

<sup>5</sup> While ch. 421, F.S., allows for up to seven commissioners, it does not contemplate the appointment of alternate members.

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

**Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.**

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

At its meeting on April 5, 2006, the Local Government Council adopted a strike-all amendment to the bill which removed proposed language declaring that the Alachua County Housing Authority is an independent special district. This amendment also removed an unnecessary severability provision.