

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes – the bill increases the rates of special assessments for certain lighting benefits provided by the District.

B. EFFECT OF PROPOSED CHANGES:

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 s. 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of the 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 s. 189.429, F.S. to provide that reenactment of existing law pursuant to s. 189.429, F.S.: (1) shall not be construed to grant additional authority nor to supersede 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 ss. 189.429 and 191.015, F.S., 201 special districts (includes local bills that were vetoed or filed and did not pass the Legislature) have codified their charters.

Although the deadline for submission of a codified charter by all special districts was prior to the 2005 Legislative session, all special districts have not complied with this requirement, and proposed codification bills for other special districts have not been enacted by the Legislature or have been vetoed by the Governor. As a result, additional proposed codification bills are anticipated.

Pinecraft Lighting District

The Pinecraft Lighting District (District) is an independent special district located in Sarasota County. The District was created by ch. 71-911, L.O.F., which has been amended by subsequent special acts.

The primary purpose of the District is to provide street lighting. The District is governed by a five member board of commissioners (Board), appointed by the Governor. The district levies benefit assessments.

Current authority provides that each board member receive no compensation for their services, but the Secretary-Treasurer may be paid \$300 annually.

The District has the power to establish and collect special assessments, and to provide for reasonable penalties for any such rates, fees, or other charges which are delinquent.

The bill codifies (reenacts) all prior special acts of the district into a single act, as required by s. 189.429, F.S. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

The bill deletes outdated language and organizes previously authorized powers of the District. The bill also makes minor, stylistic changes to some of the language of the charter.

Changes to the Pinecraft Lighting District Charter

The bill contains a provision which does not simply codify existing law, but amends the charter of the District to:

- increase the rate of special assessments for lighting benefits to \$75 from \$25 annually on any one business firm, \$30 from \$10 annually on a home and the parcel of land that is less than one acre, \$2 from .50 cent per vacant lot in platted subdivisions, and \$2 from .50 cent per acre or fraction of un-subdivided acreage by the District.

Charter of District

This bill recreates and reenacts the District's charter as follows:

- Section 1: Provides for boundaries of the District.¹
- Section 2: Provides for a five member board of commissioners appointed by the Governor; provides no compensation for commissioners except for the secretary-treasurer; requires each commissioner to execute a \$1,000 bond to secure faithful performance of powers and duties.²
- Section 3: Provides for 4-year term limits; provides the commissioners are elected by the qualified electors of the District.³
- Section 4: Authorizes District to levy special assessments, rates, protest, and provides for collection.⁴
- Section 5: Provides for assessment as a lien; provides for procedure upon delinquency.⁵
- Section 6: Provides for deposition of funds; provides for disbursement by check.⁶
- Section 7: Provides for the authority to borrow money; provides for the installment purchases of equipment.⁷
- Section 8: Provides for the use of funds by the District.⁸
- Section 9: Authorizes for the acquisition of sites and equipment; provides for the authority to hire personnel.⁹

¹ See ch. 71-911, L.O.F. § 1.

² See ch. 71-911, L.O.F. § 2.

³ See ch. 71-911, L.O.F. § 3, ch. 72-689, L.O.F. § 1; ch. 76-486, L.O.F. § 1.

⁴ See ch. 71-911, L.O.F. § 4.

⁵ See ch. 71-911, L.O.F. § 5.

⁶ See ch. 71-911, L.O.F. § 6.

⁷ See ch. 71-911, L.O.F. § 7.

⁸ See ch. 71-911, L.O.F. § 8.

⁹ See ch. 71-911, L.O.F. § 9.

- Section 10: Provides for the duties of the board officers; provides for record of meetings; provides for a quorum; provides the rules and regulations.¹⁰
- Section 11: Provides for an annual report of District actions and accounting of funds of the Board.¹¹
- Section 12: Provides for the continuing existence of the District.¹²
- Section 13: Provides for proceedings against the District.¹³
- Section 14: Provides definitions.¹⁴
- Section 15: Provides for severability.¹⁵

C. SECTION DIRECTORY:

- Section 1: Provides that the reenactment of existing law in this bill may not be construed as a grant of additional authority; provides legislative intent.
- Section 2: Codifies, reenacts, amends and repeals chapters 71-911, 72-689, 76-486, L.O.F.
- Section 3: Recreates and reenacts the charter of the District.
- Section 4: Repeals chapters 71-911, 72-689, 76-486, L.O.F.
- Section 5: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 3, 2005.

WHERE? *Sarasota Herald-Tribune*, Sarasota, Sarasota 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

The Economic Impact Statement indicates the bill has anticipated new revenues of \$6,820 for FY 2005-06 and \$8,525 for FY 2006-07.

¹⁰ See ch. 71-911, L.O.F. § 10.

¹¹ See ch. 71-911, L.O.F. § 11.

¹² See ch. 71-911, L.O.F. § 12.

¹³ See ch. 71-911, L.O.F. § 13.

¹⁴ See ch. 71-911, L.O.F. § 14.

¹⁵ See ch. 71-911, L.O.F. § 15.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Section 10(2) of the charter provides that the board of commissioners may adopt such rules and regulations not inconsistent with any portion of this act as it may deem necessary in and about any transaction of its business and in carrying out the provisions of this act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

Not Applicable.