

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7049 PCB MLA 10-04 Playgrounds and Recreation Centers

SPONSOR(S): Military & Local Affairs Policy Committee & Bovo

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee	11 Y, 0 N	Fudge	Hoagland
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

SUMMARY ANALYSIS

Part 1, of ch. 418, F.S., was created in 1925, and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorizes cities and counties to establish a system of supervised recreation, which may include the creation of a playground and recreation board for such purpose. Cities and counties are authorized to finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.

Part 1 also prescribes the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection (DEP). While the bill deletes these provisions, DEP maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program (FRDAP).

The bill repeals Part 1, of ch. 418, F.S., ss. 418.01- 418.12, F.S., because it is obsolete.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Part 1, of ch. 418, F.S., was created in 1925, and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorizes cities and counties to establish a system of supervised recreation, which may include the creation of a playground and recreation board for such purpose. Cities and counties are authorized to finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.¹

Section 418.12 of Part 1, describes the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection.

Effect of Proposed Changes

The bill repeals Part 1, of ch. 418, F.S., ss. 418.01-418.12, F.S. As stated above Part 1 was enacted in 1925 the majority of which has not been amended since inception. The most recent amendment occurred in 1994 to s. 418.12, F.S., when the Department of Natural Resources was changed to Department of Environmental Protection. While the bill deletes this section, DEP maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program (FRDAP). Local governments can accomplish the provisions of Part 1 under their general authority.

B. SECTION DIRECTORY:

Section 1: Repeals s. 418.01, F.S., describing the scope of the chapter and providing definitions.

Section 2: Repeals s. 418.02, F.S., relating to recreation centers; use and acquisition of land; equipment and maintenance.

Section 3: Repeals s. 418.03, F.S., relating to supervision.

¹See s. 201.01(1)(c), F.S., for counties and s. 200.01(2)(c), F.S., for municipalities.

Section 4: Repeals s. 418.04, F.S., relating to playground and recreation board

Section 5: Repeals s. 418.05, F.S., relating to cooperation with other units and boards.

Section 6: Repeals s. 418.06, F.S., relating to gifts, grants, devises, and bequests.

Section 7: Repeals s. 418.07, F.S., relating to issuance of bonds.

Section 8: Repeals s. 418.08, F.S., relating to petition for referendum.

Section 9: Repeals s. 418.09, F.S., relating to resolution or ordinance providing for recreation system.

Section 10: Repeals s. 418.10, F.S., relating to tax levy.

Section 11: Repeals s. 418.11, F.S., relating to payment of expenses and custody of funds.

Section 12: Repeals s. 418.12, F.S., relating to duties and functions of division of recreation and parks

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

The tax levy authorized by s. 418.08, F.S., is subject to referendum and is therefore already included within the millages authorized for counties under s. 201.01(1)(c), F.S., and municipalities under s. 200.01(2)(c), F.S.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES