

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1323 Daytona Beach Racing and Recreational Facilities District, Volusia County  
**SPONSOR(S):** Leek  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	13 Y, 0 N	Renner	Miller
2) Ways & Means Committee	18 Y, 0 N	Dugan	Langston
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Daytona Beach Racing & Recreational Facilities District (district) is an independent special district organized pursuant to Chs. 29588 & 29590, Laws of Florida (1953). The district is located within the eastern portion of Volusia County. The district is authorized to construct and operate any racing and recreational facilities within the territorial limits of the district, to lease, rent or contract for the operation of all or any part of any racing and recreational facilities, to fix and collect rates, rentals, fees and charges for the use of such facilities, and to issue bonds of the district to pay the costs of construction of such facilities.

The bill revises the district boundaries to include the City of Daytona Beach.

The bill takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>5</sup>

An "independent special district" is characterized by having a governing board comprised of members which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality.<sup>6</sup> Additionally, a district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

##### Daytona Beach Racing & Recreational Facilities District

The Daytona Beach Racing & Recreational Facilities District (district) is an independent special district organized pursuant to Chs. 29588 & 29590, Laws of Florida (1953).<sup>7</sup> The district is located within the eastern portion of Volusia County and encompasses 101.3 square miles.

The governing body of the district is comprised of a five-member commission, consisting of two members appointed by the County, two members appointed by the City of Daytona Beach and one member appointed jointly.<sup>8</sup>

Among other matters, the commission is authorized to:<sup>9</sup>

- Purchase or otherwise acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any racing and recreational facilities within the territorial limits of the district;
- Issue bonds or to request the Volusia Board of County Commissioners to issue bonds of the district, to pay the cost of purchasing, or otherwise acquiring, constructing, reconstructing, improving, extending, enlarging or equipping racing and recreational facilities;
- Lease, rent or contract for the operation of all or any part of any racing and recreational facilities;

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<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 189.02(1), F.S.

<sup>4</sup> Section 190.005(1), F.S. *See, generally,* s. 189.012(6), F.S.

<sup>5</sup> 2017 – 2018 *Local Gov't Formation Manual*, p. 64, available at

<http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last viewed 3/1/2017)

<sup>6</sup> Section 189.012(3), F.S.

<sup>7</sup> This act was repealed and replaced by ch. 31343, Laws of Fla. (1955).

<sup>8</sup> Ch. 2002-338, s. 6, Laws of Fla. The special acts comprising the charter of the district were codified, reenacted, amended, and repealed as the current charter in ch. 2002-338, Laws of Fla.

<sup>9</sup> *Id.* at Section 7

- Fix and collect rates, rentals, fees and charges for the use of any racing and recreational facilities;
- Levy a tax to pay the principle and interest on all general obligation bonds issued by the District.

The district has reinvested more than \$6.5 million to build and improve recreational facilities such as parks and walking trails in Daytona Beach, Holly Hill, South Daytona and unincorporated areas of Volusia County.<sup>10</sup>

The City of Daytona Beach was not originally encompassed by the district when it was created. Rather, the district followed the boundaries of the Halifax Hospital District, which was in the process of being developed. The population of the City of Daytona Beach has grown from 37,395 in 1959 to over 64,569 as of 2016.<sup>11</sup> The district began expanding in the early 1970's to accommodate development that resulted from the addition of paved roads reaching further out from the city center.

### Effect of Proposed Changes

The bill revises the District boundaries to include the City of Daytona Beach, which encompasses 63.8 square miles.

#### B. SECTION DIRECTORY:

Section 1 Amends ch. 2002-338, Laws of Florida, by revising district boundaries to include the City of Daytona Beach.

Section 2 Provides the bill takes effect upon becoming law.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 29, 2017

WHERE? *The News-Journal*, Daytona Beach, Volusia 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:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

<sup>10</sup> Daytona Beach Racing and Recreational Facilities District website, available at <http://www.daytonaracingdistrict.com/about-us.html> (last visited March 14, 2017).

<sup>11</sup> Bureau of Economic and Business Research, University of Florida, *Florida Estimates of Population, 2016*.

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**