

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 891 Carrabelle Port and Airport Authority, Franklin County  
**SPONSOR(S):** Beshears  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	15 Y, 0 N	Banner	Miller
2) Transportation & Infrastructure Subcommittee	15 Y, 0 N	Johnson	Vickers
3) Government Accountability Committee	22 Y, 0 N	Banner	Williamson

### SUMMARY ANALYSIS

The Carrabelle Port and Airport Authority is a dependent special district created to oversee and manage the long-range development of port facilities, recreational facilities, and airports within the district. The district has no active board members, no staff, and collected no revenues to support any administrative activity. The City of Carrabelle, in consultation with the Governor's Office, the Department of Transportation, and the Department of Economic Opportunity, determined that the district effectively is inactive. On June 2, 2016, the Carrabelle City Commission voted unanimously to dissolve the district.

HB 891 dissolves the Carrabelle Port and Airport Authority and transfers all assets and liabilities to the City Commission of the City of Carrabelle.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Special Districts

A “special district” is a “local unit of special purpose...government within a limited boundary, created by special law, special act, local ordinance, or by rule of the Governor and Cabinet.”<sup>1</sup> Special districts are created to provide a variety of services, such as mosquito control,<sup>2</sup> children’s services,<sup>3</sup> fire control and rescue,<sup>4</sup> or drainage control.<sup>5</sup>

A “dependent special district” is defined by meeting at least one of the following criteria:

- Membership of its governing body is identical to that of the governing body of a single county or single municipality;
- All members of its governing body are appointed by the governing body of a single county or a single municipality;
- The members of its governing body are subject to removal at will by the governing body of a single county or single municipality, during their unexpired terms; or
- The district’s budget requires approval or can be vetoed by the governing body of a single county or a single municipality.<sup>6</sup>

Section 189.069, F.S., requires that each special district maintain an official website containing, at a minimum, the following:

- The full name of the special district and its public purpose.
- The name, official address, official email address, and, if applicable, term and appointing authority, of each member of the governing body.
- The fiscal year of the special district.
- The full text of the special district’s charter, date of establishment, establishing entity, and the statutory authority under which the special district operates.
- The mailing address, email address, telephone number, and website of the special district.
- A description of the boundaries or service area and the services provided by the special district.
- A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including rates or amounts for the fiscal year and the statutory authority for the levy of the fee, tax, or charge.
- The primary contact information for the special district for purposes of communication with the Department of Economic Opportunity (DEO).
- A code of ethics adopted by the special district.
- The budget of the special district and any amendments in accordance with s. 189.016, F.S.
- The final, complete audit report for the most recent completed fiscal year and audit reports requirement by law or authorized by the governing body of the special district.
- A listing of its regularly scheduled public meetings as required by s. 189.015(1), F.S.
- A public facilities report, if applicable.
- The link to the Department of Financial Services’ website pursuant to s. 218.32(1)(g), F.S.

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<sup>1</sup> Section 189.012(6), F.S.

<sup>2</sup> See s. 388.021, F.S.

<sup>3</sup> See s. 125.901, F.S.

<sup>4</sup> See ch. 191, F.S.

<sup>5</sup> See ch. 298, F.S.

<sup>6</sup> Section 189.012(2), F.S.

- At least 7 days prior to each meeting or workshop, the agenda of the event and meeting materials available in electronic format. This information must remain on the website for at least 1 year after the event.

The Special District Accountability Program within DEO is responsible for maintaining and electronically publishing the official list of all special districts in Florida.<sup>7</sup> The official list currently reports all active special districts as well as those declared inactive by DEO.

A special district may be declared inactive if it meets one of the following factors:

- The registered agent of the district, the chair of the district governing board, or the governing body of the appropriate local general-purpose government:
  - Provides DEO with written notice that the district has taken no action for 2 or more years.<sup>8</sup>
  - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.<sup>9</sup>
  - Fails to respond to an inquiry from DEO within 21 days.<sup>10</sup>
- Following statutory procedure,<sup>11</sup> DEO determines the district failed to file specified reports, including required financial reports.<sup>12</sup>
- For more than 1 year, no registered office or agent for the district was on file with DEO.<sup>13</sup>
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.<sup>14</sup>

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature<sup>15</sup> or the entity that created the district.<sup>16</sup>

#### Carrabelle Port and Airport Authority

The Carrabelle Port and Airport Authority is a dependent special district created in 1986.<sup>17</sup> The district initially was created as part of the Timber Island Seafood Park economic development plan and was charged with the responsibility of the long-range development of port facilities, recreational facilities, and airports within the district.<sup>18</sup> The district is governed by a seven member board.<sup>19</sup> The board consists of four members appointed by the Carrabelle City Commission and three members appointed by the Governor.<sup>20</sup>

The airport property is owned by the City of Carrabelle and historically the airport has been operated and managed by the city. During the most recent license renewal and inspection, in order to provide clarity as to the entity with authority over and responsibility for the airport, Department of Transportation

<sup>7</sup> Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited February 28, 2017).

<sup>8</sup> Section 189.062(1)(a)1., F.S.

<sup>9</sup> Section 189.062(1)(a)2., F.S.

<sup>10</sup> Section 189.062(1)(a)3., F.S.

<sup>11</sup> Section 189.067, F.S.

<sup>12</sup> Section 189.066, F.S.

<sup>13</sup> Section 189.062(1)(a)4., F.S. See ss. 189.016(9), 218.32, 218.39, F.S.

<sup>14</sup> Section 189.062(1)(a)5., F.S.

<sup>15</sup> Sections 189.071(3), 189.072(3), F.S.

<sup>16</sup> Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

<sup>17</sup> Chapter 86-464, Laws of Fla. An earlier law enacted to create the district was rejected by the local electors voting in a referendum. See ch. 80-471, Laws of Fla.

<sup>18</sup> Chapter 86-464, s. 8, Laws of Fla.

<sup>19</sup> Chapter 86-464, s. 3(3), Laws of Fla.

<sup>20</sup> *Id.*

staff recommended that the city either implement and utilize the district as it was created or move to dissolve it.<sup>21</sup>

As the long-term economic development needs of the community changed over the years, the utilization of the Port and Airport Authority significantly decreased and city staff believes it has been inactive since at least 2000. City staff also indicated that the Governor's Office considers the district "inactive by default" since no appointments have been made to the board. There are currently no active board members, no staff, and no revenues have been collected by the district to support any administrative activity, including but not limited to, adhering with the requirements of s. 189.069, F.S.<sup>22</sup>

On June 2, 2016, the Carrabelle City Commission voted unanimously to proceed with actions necessary to dissolve the district.<sup>23</sup>

### **Effect of Proposed Changes**

The bill repeals chapters 80-471 and 86-464, Laws of Florida and dissolves the Carrabelle Port and Airport Authority. The bill transfers all assets and liabilities to the City Commission of the City of Carrabelle.

#### **B. SECTION DIRECTORY:**

Section 1. Repeals chapters 80-471 and 86-464, Laws of Florida.

Section 2. Abolishes the Carrabelle Port and Airport Authority and transfers all assets and liabilities to the City Commission of the City of Carrabelle.

Section 3. Provides the bill is effective upon becoming law.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 19, 2017

WHERE? The Times

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.

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<sup>21</sup> Carrabelle City Commission. *Carrabelle City Commission Meeting June 2, 2016*. Retrieved from <https://www.youtube.com/watch?v=zvAoeZnyhs0>. (accessed March 1, 2017).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

**B. RULE-MAKING AUTHORITY:**

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

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.