

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1067 City of Pensacola and Escambia County  
**SPONSOR(S):** Federal & Veterans Affairs Subcommittee, Andrade  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	14 Y, 0 N, As CS	Rivera	Miller
2) Workforce Development & Tourism Subcommittee	15 Y, 0 N	Cooper	Cooper
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Pensacola-Escambia County Promotion and Development Commission (Commission) is an independent special district created by special act in 1967 and reorganized 1980. Its purpose is to promote and develop public good and welfare within Escambia County and its municipalities. The Commission is made up of nine members who own land and are qualified to vote in the county. Members are appointed and serve 2 year terms unless they hold a public office. Members are appointed as follows:

- Two Escambia County Commissioners appointed by the County Board of Commissioners;
- Two Pensacola City Council members appointed by the Pensacola City Council;
- One Century Town Council member appointed by the Century Town Council;
- Two members at large appointed by the County Commissioners and Pensacola City Council;
- The President of the Pensacola Area Chamber of Commerce; and
- The Chairman of the Committee of 100 or the Chairman of the Tourist Advisory Council appointed by the President of the Pensacola Area Chamber of Commerce.

The bill revises certain definitions and removes outdated appointment requirements for Commission members. The bill also modifies the Commission's membership structure to:

- Allow landowners, residents, and owners or shareholders of businesses located in Escambia County to serve on the Commission;
- Stagger the two-year appointment terms;
- Modify appointments by the Century Town Council;
- Add appointments by the City of Pensacola and the FloridaWest Economic Development Alliance;
- Remove the appointment of the President of the Pensacola Chamber of Commerce, the President's appointee, and the member-at-large by Escambia County from the Commission;
- Allow officer elections at meetings other than annual organizational meetings; and
- Add the expectation of member attendance at meetings.

The bill provides the act will take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Independent 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 any district that is not a dependent special district.<sup>6</sup> A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.<sup>7</sup>

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others.<sup>8</sup>

With the exception of community development districts,<sup>9</sup> charters of independent special districts must include a list of required provisions, including the purpose of the district, its geographical boundaries, taxing authority, bond authority, and selection procedures for the members of its governing body.<sup>10</sup>

Any special laws or general laws of local application relating to any special district may not:

- Create a special district with a district charter that does not conform to the minimum requirements in s. 189.031(3), F.S.;<sup>11</sup>
- Exempt district elections from the requirements of s. 189.04, F.S.;<sup>12</sup>
- Exempt a district from the requirements for bond referenda in s. 189.042, F.S.;<sup>13</sup>

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

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

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

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

<sup>5</sup> *2018 – 2020 Local Gov't Formation Manual*, p. 69, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual Final.pdf> (last visited Feb. 27, 2019).

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

<sup>7</sup> S. 189.012(2), F.S.

<sup>8</sup> Art. VII, s. 9(a), Fla. Const.

<sup>9</sup> Section 189.0311, F.S. *See* s. 190.004, F.S. (providing that chapter 190, F.S., governs the functions and powers of independent community development districts).

<sup>10</sup> S. 189.031(3), F.S. (setting forth the minimum charter requirements).

<sup>11</sup> S. 189.031(2)(a), F.S.

<sup>12</sup> S. 189.031(2)(b), F.S.

<sup>13</sup> S. 189.031(2)(c), F.S.

- Exempt a district from certain requirements relating to<sup>14</sup> issuing bonds if no referendum is required,<sup>15</sup> requiring special district reports on public facilities,<sup>16</sup> notice and reports of special district public meetings,<sup>17</sup> or required reports, budgets, and audits<sup>18</sup>; or
- Create a district for which a statement documenting specific required matters is not submitted to the Legislature.<sup>19</sup>

### Pensacola-Escambia County Promotion and Development Commission

The Pensacola-Escambia Promotion and Development Commission (Commission) was originally created in 1967 by special act and reorganized in 1980.<sup>20</sup> It is an independent special district created to promote and develop public good and welfare within Escambia County and its municipalities through actions including promoting the advantages of Escambia County and increasing employment opportunities in the area.<sup>21</sup>

The Commission is authorized to issue revenue bonds and enter contracts with Escambia County and its municipalities, in addition to private parties.<sup>22</sup> All Commission funding must be allocated by interlocal agreement. The Commission must provide a budget for the fiscal year of its operation and maintenance costs to all parties providing funds. Additionally, the private sector is encouraged to voluntarily contribute a reasonable amount every year for the operation and maintenance of the Commission with the intent to create a public-private partnership for the economic development of the county.<sup>23</sup>

The Commission is made up of nine members, appointed as follows:

- Two Escambia County Commissioners appointed by the County Board of Commissioners;
- Two Pensacola City Council members appointed by the Pensacola City Council;
- One Century Town Council member appointed by the Century Town Council;
- The President of the Pensacola Area Chamber of Commerce;
- The Chairman of the Committee of 100 or the Chairman of the Tourist Advisory Council, as appointed by the President of the Pensacola Area Chamber of Commerce; and
- Two members at large appointed by the County Commissioners and Pensacola City Council.<sup>24</sup>

Members of the Commission must own land, be qualified to vote in the county, and must serve 2 year terms if they are not public officers.<sup>25</sup> Members are not compensated but are reimbursed for travel expenses for official business.<sup>26</sup> The Commission cannot transact business without a quorum of 5 members at duly recorded regularly and specially called meetings.<sup>27</sup>

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<sup>14</sup> S. 189.031(2)(d), F.S.

<sup>15</sup> S. 189.051, F.S.

<sup>16</sup> S. 189.08, F.S.

<sup>17</sup> S. 189.015, F.S.

<sup>18</sup> S. 189.016, F.S.

<sup>19</sup> S. 189.031(2)(e), F.S. (providing that each required statement filed with the Legislature must include the purpose of the proposed district, the authority of the district, an explanation of why the district is the best alternative, and a resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating the district is consistent with approved local planning and the local government does not object to creation of the district).

<sup>20</sup> See ch. 67-1365, as amended, Laws of Fla.

<sup>21</sup> Ch. 67-1365, s. 2, Laws of Fla., as amended by ch. 89-481, s.1, Laws of Fla.

<sup>22</sup> Ch. 67-1365, s. 9, Laws of Fla., as amended by ch. 80-579, s.1, Laws of Fla.

<sup>23</sup> Ch. 67-1365, s. 13, Laws of Fla., as amended by ch. 89-481, s.1, Laws of Fla.

<sup>24</sup> Ch. 67-1365, s. 4, Laws of Fla., as amended by chs. 80-579, s.1, 86-449, 89-481, Laws of Fla.

<sup>25</sup> *Id.*

<sup>26</sup> Ch. 67-1365, s. 7, Laws of Fla., as amended by ch. 80-579, s.1, Laws of Fla.

<sup>27</sup> Ch. 67-1365, s. 6, Laws of Fla., as amended by ch. 80-579, s.1, Laws of Fla.

## Effect of Proposed Changes

The bill revises the definitions of “promotion” and “development” to include successor entities of the Santa Rosa Island Authority, removes the promotion of tourist attributes and facilities in the area from the definition of “promotion,” and refines the definition of “development” to be the “economic development, job creation, workforce development” rather than “the increase of employment opportunities.”

The bill revises the Commission’s membership structure as follows:

- Allows real property owners, residents, and owners or shareholders of local businesses to serve on the Commission rather than just landowners who are qualified voters of Escambia County;
- Staggers 2-year appointment terms requiring three member appointments to occur at the same time;
- Allows annual officer elections to take place at meetings other than organizational meetings;
- Allows the Mayor of Century Town or a Town Council Member to serve on the Commission;
- Removes the president of the Pensacola Area Chamber of Commerce, the president’s appointee, and Escambia County’s member-at-large appointee from the Commission;
- Adds one member at-large appointment by the City of Pensacola and two member appointments of leaders by the FloridaWest Economic Development Alliance; and
- Inserts the expectation that members will attend Commission meetings.

The bill also updates the short title of the act to “Pensacola-Escambia Promotion and Development Commission Act,” deleting the word “county,” and removes outdated language concerning initial member appointments.

### B. SECTION DIRECTORY:

Section 1. Amends ch. 67-1365, Laws of Fla., as amended, revising the district name, key definitions, membership structure, and election of officers.

Section 2. Provides an effective date upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 24, 2019

WHERE? *Escambia Sun Press*, Escambia 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 provides authority nor requires rulemaking by executive branch agencies.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 12, 2019, the Local, Federal & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment specifies an owner or shareholder of a business located in Escambia County may serve on the Commission.

This analysis is drafted to the committee substitute as approved by the Local, Federal & Veterans Affairs Subcommittee.



**HOUSE OF REPRESENTATIVES**  
**2019 - 2020 LOCAL BILL CERTIFICATION FORM**

**BILL #:** HB1067  
**SPONSOR(S):** Rep. Alex Andrade  
**RELATING TO:** Pensacola-Escambia Development Commission  
[Indicate Area Affected (City, County, or Special District) and Subject]  
**NAME OF DELEGATION:** Escambia County  
**CONTACT PERSON:** Rachel Witbracht  
**PHONE NO.:** 8505017941      **E-Mail:** rachel.witbracht@myfloridahouse.gov

- I. *House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:*
- (1) *The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*
  - (2) *The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s);*
  - (3) *The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting; and*
  - (4) *An Economic Impact Statement for local bills must be prepared at the local level and filed with the Clerk of the House. Under House policy, a local bill will not be considered by a committee or subcommittee without an Economic Impact Statement.*

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES       NO

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level:

The Pensacola-Escambia Development Commission is enacted by Chapter 67-1365 Laws of Florida and amended by Chapter 80-579 Laws of Florida and must be amended by process of local bill.

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES       NO

**Date hearing held:** 1/28/2019

**Location:** Escambia County Board of County Commissioners Chambers

(3) Was this bill formally approved by a majority of the delegation members?

YES       NO       UNANIMOUSLY APPROVED

(4) Was an Economic Impact Statement prepared at the local level and filed with the Clerk of the House?

YES       NO

- II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or*

*the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE 1/24/2019

Where? Escambia Sun Press County Escambia County

Referendum in lieu of publication: YES  NO

Date of Referendum

III. *Article VII, section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please file this completed, original form with the Clerk of the House.

  
Delegation Chair (Original Signature)

  
Date

  
Printed Name of Delegation Chair



**HOUSE OF REPRESENTATIVES  
2019 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please file this completed, original form with the Clerk of the House as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** HB1067  
**SPONSOR(S):** Rep. Andrade  
**RELATING TO:** Pensacola-Escambia Development Commission

(Indicate Area Affected (City, County or Special District) and Subject)

Check if this is a revised Economic Impact Statement

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	FY 19-20	FY 20-21
Revenue decrease due to bill:	\$ 0	\$ 0
Revenue increase due to bill:	\$ 0	\$ 0

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	FY 19-20	FY 20-21
	\$ 0	\$ 0

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

No economic impact to the state related to the proposed bill. The proposed bill is an act relating to the City of Pensacola and Escambia County; amending chapter 67-1365, Laws of Florida, as amended; providing for a change in the membership structure of the Pensacola-Escambia Promotion and Development Commission.

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 19-20</u>	<u>FY 20-21</u>
Local:	\$ 0	\$ 0
State:	\$ 0	\$ 0
Federal:	\$ 0	\$ 0

**IV. ECONOMIC IMPACT:**

**Potential Advantages:**

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals:

Not Applicable

2. Advantages to Businesses:

Not Applicable

3. Advantages to Government:

Not Applicable

**Potential Disadvantages:**

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

- 1. Disadvantages to Individuals: Not Applicable
- 2. Disadvantages to Businesses: Not Applicable
- 3. Disadvantages to Government: Not Applicable

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

Not Applicable


**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

Not Applicable

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY: [Redacted]   
[Must be signed by Preparer]

Print preparer's name: Scott Luth  
01/22/2019  
Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):  
CEO

REPRESENTING: FloridaWest EDA

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