

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS**

BILL #: CS/CS/HB 1067 City of Pensacola and Escambia County
SPONSOR(S): State Affairs Committee; Local, 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	20 Y, 0 N, As CS	Rivera	Williamson

FINAL HOUSE FLOOR ACTION: **GOVERNOR'S ACTION:** Approved
112 Y's 1 N's

SUMMARY ANALYSIS

CS/CS/HB 1067 passed the House on April 11, 2019, and subsequently passed the Senate on May 1, 2019.

The Pensacola-Escambia County Promotion and Development Commission (Commission) is an independent special district created by special act in 1967, and reorganized in 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 to serve two-year terms, unless they hold a public office, 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The bill revises certain definitions and removes outdated appointment requirements for Commission members.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 Escambia County's member-at-large appointee;
- Allow officer elections at meetings other than annual organizational meetings; and
- Add the expectation of member attendance at meetings.

The bill was approved by the Governor on May 23, 2019, ch. 2019-177, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current 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,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ 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.⁵

An "independent special district" is any district that is not a dependent special district.⁶ 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 the governing body of a single county or municipality.⁷

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.⁸

With the exception of community development districts,⁹ 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.¹⁰

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.;¹¹
- Exempt district elections from the requirements of s. 189.04, F.S.;¹²
- Exempt a district from the requirements for bond referenda in s. 189.042, F.S.;¹³

¹ S. 189.031(3), F.S.

² *Id.*

³ S. 189.02(1), F.S.

⁴ S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.

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

<https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual Final.pdf> (last visited Mar. 20, 2019).

⁶ S. 189.012(3), F.S.

⁷ S. 189.012(2), F.S.

⁸ Art. VII, s. 9(a), Fla. Const.

⁹ S. 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).

¹⁰ S. 189.031(3), F.S. (setting forth the minimum charter requirements).

¹¹ S. 189.031(2)(a), F.S.

¹² S. 189.031(2)(b), F.S.

¹³ S. 189.031(2)(c), F.S.

- Exempt a district from certain requirements relating to¹⁴ issuing bonds if no referendum is required,¹⁵ requiring special district reports on public facilities,¹⁶ notice and reports of special district public meetings,¹⁷ or required reports, budgets, and audits¹⁸; or
- Create a district for which a statement documenting specific required matters is not submitted to the Legislature.¹⁹

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 1980.²⁰ It is an independent special district created to promote and develop public good and welfare within Escambia County and its municipalities through actions that include promoting the advantages of Escambia County and increasing employment opportunities in the area.²¹

The Commission is authorized to issue revenue bonds and enter into contracts with Escambia County and its municipalities, in addition to private parties.²² 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 contribute voluntarily 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.²³

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.²⁴

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

¹⁴ S. 189.031(2)(d), F.S.

¹⁵ S. 189.051, F.S.

¹⁶ S. 189.08, F.S.

¹⁷ S. 189.015, F.S.

¹⁸ S. 189.016, F.S.

¹⁹ S. 189.031(2)(e), F.S. (providing that each required statement filed with the Legislature 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 that states the district is consistent with approved local planning and the local government does not object to its creation).

²⁰ See ch. 67-1365, as amended, Laws of Fla.

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

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

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

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

²⁵ *Id.*

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

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

Effect of the Bill

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 revises the definition of “development” to mean certain improvements through “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 two-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.

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. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 24, 2019

WHERE? *Escambia Sun Press*, Escambia County, Florida

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Not applicable.