

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 485 Santa Rosa Island Authority, Escambia County

**SPONSOR(S):** Ingram

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	13 Y, 0 N	Darden	Miller
2) Local & Federal Affairs Committee	16 Y, 0 N	Darden	Kiner

### SUMMARY ANALYSIS

The Escambia County Board of County Commissioners may authorize a monthly expense allowance of up to \$400 to members of the Santa Rosa Island Authority (Authority) for the purpose of conducting the duties of their office. The Santa Rosa Island Authority, an independent special district in Escambia County created by special act in 1947, guides the development of Pensacola Beach by leasing property on the island to individuals and businesses. The Authority is fully funded by rental fees.

The bill increases the authorized maximum monthly expense allowance for Authority members from \$400 to \$550 and allows for up to an additional \$100 for the chair of the Authority. The bill also removes language stating members of the Authority shall not receive compensation for their services. The Santa Rosa Island Authority has budgeted for the increase for the current fiscal year.

This bill shall take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Santa Rosa Island Authority (Authority) is an independent special district<sup>1</sup> created by special act in 1947 to construct public infrastructure, adopt and enforce rules concerning building, health, and safety, and lease property on the portions of Santa Rosa Island owned by Escambia County.<sup>2</sup> The portions of the island governed by the Authority were previously owned by the federal government, but were transferred to Escambia County in 1946 to use or lease in a manner consistent with the public interest.<sup>3</sup> The area today is synonymous with the unincorporated community of Pensacola Beach, which has 2,738 residents<sup>4</sup> and is a significant tourist destination.<sup>5</sup>

The Authority is currently governed by a six member board.<sup>6</sup> Five of the seats are filled by members selected by the Escambia County Board of County Commissioners.<sup>7</sup> Each member of the commission selects one member, subject to approval by a majority vote of the commissioners.<sup>8</sup> The final member is selected by the voters of Santa Rosa Island in a non-partisan election.<sup>9</sup> The elected member must be both a resident and leaseholder on Santa Rosa Island.<sup>10</sup>

All land on the island is owned by Escambia County under the 1946 conveyance.<sup>11</sup> The Authority leases property on the island to individuals and businesses.<sup>12</sup> The Authority is fully funded by fees collected from the rentals.<sup>13</sup> The rental fees generated \$8,084,978 in revenue for the fiscal year concluding September 30, 2014.<sup>14</sup> Over the same period, the Authority spent \$5,963,462 on operating expenses and \$1,076,989 on bond payments.<sup>15</sup>

The Authority is required to submit an annual budget report to the Escambia County Board of County Commissioners.<sup>16</sup> The budget does not require approval by the commission, with the Authority possessing responsibility for determining if excess revenues should be paid to Escambia County's general revenue fund.<sup>17</sup>

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<sup>1</sup> See S. 189.012(3), F.S. (defining independent special district as any special district that is not a dependent special district under s. 189.012(2), F.S.). The Authority, with a membership of elected and appointed officials and having budgetary independence, does not meet any of the criteria for a dependent special district.

<sup>2</sup> Ch. 47-24500, Laws of Fla.

<sup>3</sup> Pub. L. No. 79-564, H.R. 4486, 79th Cong. (July 30, 1946).

<sup>4</sup> U.S. Census Bureau, *Demographic Profiles for Places in Florida*, available at <http://quickfacts.census.gov/cgi-bin/qfd/demolink?12> (last visited Feb. 10, 2015).

<sup>5</sup> Pensacola Bay Area Convention & Visitors Bureau, *Visit Pensacola: Pensacola Beach and Perdido Key*, <http://www.visitpensacola.com/> (last visited Feb. 11, 2015).

<sup>6</sup> Ch. 83-407, Laws of Fla.

<sup>7</sup> Ch. 47-24500, Laws of Fla.

<sup>8</sup> Ch. 70-680, Laws of Fla.; the Board of County Commissioners of Escambia County contains five members.

<sup>9</sup> Ch. 83-407, Laws of Fla.

<sup>10</sup> *Id.*

<sup>11</sup> See Pub. L. No. 79-564, H.R. 4486, 79th Cong. (July 30, 1946).; see also *State v. Escambia County*, 52 So. 2d 125 (Fla. 1951).

<sup>12</sup> Santa Rosa Island Authority, *What We Do*, <http://sria-fla.com/what-we-do.php> (last visited Feb. 11, 2015).

<sup>13</sup> Santa Rosa Island Authority, *Who We Are*, <http://sria-fla.com/who-we-are.php> (last visited Feb. 11, 2015).

<sup>14</sup> Santa Rosa Island Authority, *November 19, 2014 Committee Meeting Agenda/BU*, pp. 19-28, available at [http://sria-fla.com/admin/documents/november\\_19\\_2014\\_committee\\_meeting\\_agenda\\_and\\_backup.pdf](http://sria-fla.com/admin/documents/november_19_2014_committee_meeting_agenda_and_backup.pdf) (last visited Feb. 11, 2015).

<sup>15</sup> *Id.*

<sup>16</sup> Ch. 47-24500, Laws of Fla.

<sup>17</sup> *Id.*

Under current law, the members of the Authority are entitled to an expense allowance for attending to Authority business.<sup>18</sup> The allowance is set by the Escambia County Board of County Commissioners, but may not exceed \$400 per month, including travel expenses.<sup>19</sup> Under the initial charter, members were entitled to receive all “necessary expenses” incurred in the conduct of their duties.<sup>20</sup> The expense allowance was first capped in 1975, at \$250 per month,<sup>21</sup> before being increased to \$400 in 1984.<sup>22</sup> The expense allowance is provided to Authority members as a per diem. Members of the Authority are not otherwise entitled to compensation for their services.<sup>23</sup>

### **Effect of Proposed Changes**

The bill would increase the maximum authorized monthly allowance amount for members of the Santa Rosa Island Authority from \$400 per member to \$550. The bill also permits the Escambia County Board of County Commissioners to provide an additional \$100 per month expense allowance for the chair of the Authority.

The bill also removes the provision stating that members of the Authority shall receive no compensation for their services. While the charter does not provide the Authority the power to compensate members, this provision is necessary to clarify Authority members may receive the monthly allowance as a per diem.

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

Section 1: Amends Chapter 47-24500, Laws of Florida, as amended, to increase the authorized allowance for members of the Santa Rose Island Authority and to remove the prohibition against members of the Authority receiving compensation for their services.

Section 2: Provides the bill shall take effect upon becoming law.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 24, 2014

WHERE? *Pensacola News Journal*, a daily newspaper of general circulation, published in 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:

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<sup>18</sup> Ch. 47-24500, *as amended by* Ch. 84-426, Laws of Fla.

<sup>19</sup> Ch. 84-426, Laws of Fla.

<sup>20</sup> Ch. 47-24500, Laws of Fla.

<sup>21</sup> Ch. 75-366, Laws of Fla.

<sup>22</sup> Ch. 84-426, Laws of Fla.

<sup>23</sup> Ch. 47-24500, Laws of Fla.

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not provide rulemaking authority or require executive branch rulemaking.

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

The Santa Rosa Island Authority has reserved the amount required to pay for the increase.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**