

STORAGE NAME: h1383a.ca

DATE: April 4, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 1383

RELATING TO: Bayshore Gardens Park and Recreation District

SPONSOR(S): Representative Flanagan and Others

COMPANION BILL(S): SB 1870 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill increases from \$15,000 to \$25,000 the maximum amount the Board of Trustees may obligate for the acquisition of any real or tangible property without approving the measure by a two-thirds vote and referendum approval of the residents of the district.

The attached Economic Impact Statement indicates the bill would save the cost of a special election, approximately \$3,800 to \$4,800.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

General Law

Part II of chapter 418, Florida Statutes, was enacted in 1978. This statute authorizes each municipality and county to create recreation districts by local ordinance and without the involvement of the Legislature. A part II, chapter 418, Florida Statutes, recreation district has to be created by referendum unless a majority of electors sign a petition to create the district. This kind of district also is required to have either a governing board identical to the governing body of the municipality or county, or a five-member elected board.

Bayshore Gardens Park & Recreation District

The Bayshore Gardens Park & Recreation District (District) was created by special act (chapter 79-509, Laws of Florida) rather than under the authority of general law, and is an independent recreation district. The District, which consists of an estimated 3,000 adult residents, is governed by a nine member elected Board of Trustees (Board). The Board is authorized to levy special assessments and to issue bonds.

Section 24 of chapter 79-509, Laws of Florida, prohibits the Board from entering into any future contracts involving the acquisition of real or tangible personal property when the cost exceeds \$15,000, unless the following conditions are met:

- (1) the Board has by two-thirds vote approved the terms and conditions of such acquisition by written resolution.
- (2) within not less than thirty nor more than sixty days of the above resolution, the Board has certified the resolution to the Supervisor of Elections of Manatee County for a referendum election;
- (3) a majority of the qualified electors approve the resolution by referendum election.

B. EFFECT OF PROPOSED CHANGES:

This bill increases from \$15,000 to \$25,000 the maximum amount the Board of Trustees may obligate for the acquisition of any real or tangible property without approving the measure by a two-thirds vote and referendum approval of the residents of the district.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 79-509, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Section 24 of chapter 79-509, Laws of Florida, is amended to increase from \$15,000 to \$25,000 the maximum amount the Board of Trustees may obligate for the acquisition of any real or tangible property without approving the measure by a two-thirds vote and referendum approval of the residents of the district.

Section 2. An effective date of upon becoming law is provided.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? February 1, 1997

WHERE? Bradenton Herald, Manatee County

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B. REFERENDUM(S) REQUIRED? Yes [] No [X]

IF YES, WHEN? Not applicable.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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