

STORAGE NAME: h1427z.ca
DATE: August 10, 1999

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
FINAL ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1427
RELATING TO: Carrollwood Recreation District in Hillsborough County
SPONSOR(S): Representative Wallace and others
COMPANION BILL(S): SB 2582 (identical)

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
- (2) GOVERNMENTAL OPERATIONS (PRC) YEAS 5 NAYS 0
- (3) FINANCE & TAXATION (FRC) (W/D)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 1427 was filed in the House on March 2, 1999. The bill was referred to the House Committees on Community Affairs, Governmental Operations, and Finance & Taxation. On March 17, 1999, the Committee on Community Affairs unanimously approved the bill. The Committee on Governmental Operations unanimously approved the bill on April 8, 1999. Subsequently, the bill was withdrawn from the Committee on Finance & Taxation on April 15, 1999, and placed on the Local Bill Calendar. HB 1427 died on the House Calendar on April 30, 1999. However, its companion bill, SB 2582, became law on May 26, 1999, as ch. 99-418, Laws of Florida. SB 2582 was passed by the Senate on April 21, 1999 by a vote of 39 YEAS and 0 NAYS. On April 27, 1999, the House passed the bill by a vote of 117 YEAS and 0 NAYS.

II. SUMMARY:

The Carrollwood Recreation District was originally created in 1972, pursuant to ch. 72-565, Laws of Florida. The language creating this special district was revised in 1998, pursuant to ch. 98-475, Laws of Florida.

House Bill 1427 supersedes ch. 98-475, Laws of Florida, and revises the charter of the Carrollwood Recreation District in Hillsborough County, an independent special district.

This bill replaces all the language in ch. 98-475, but most of such language is restated. In keeping with the intent of the bill, however, it deletes provisions in the charter which have had their effect, and provides additional definitions.

This bill provides for nonpartisan, biennial elections and a transition schedule to biennial elections.

This bill provides for appointment of trustees under certain circumstances, and organization and elections of officers of the District's governing board.

The bill clarifies the District's powers and includes standard business practices of the District not previously enumerated as "new" powers.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Pursuant to s. 189.429, F.S., (requiring draft codified charters), the Carrollwood Recreation District's charter was codified by ch. 98-475, Laws of Florida. The District is an independent district in the Carrollwood subdivision of Hillsborough County, which was created by the Legislature pursuant to ch. 72-565, Laws of Florida.

B. EFFECT OF PROPOSED CHANGES:

This bill supersedes ch. 98-475, Laws of Florida, and clarifies language in the charter, including providing additional definitions in the charter.

The bill provides for nonpartisan, *biennial elections, and a transition schedule*. The District currently has annual elections with specific election dates depending on whether its an even or odd numbered election year. By moving to biennial elections, which are conducted during the general elections, the District intends to increase voter turnout and decrease the expense associated with an election.

The bill requires candidates to *pay a qualifying fee* if a written petition with more than fifteen signatures is not submitted.

The bill provides for organization of the Board *providing for one-year terms for Board officers*.

The bill clarifies that all residents of the District, *even non-property owners*, may vote on non-ad valorem assessments. Although this is the current practice in the District, the charter provides for residents only to vote on non-ad valorem assessments.

The bill provides that a vote of a majority of the *members present* (rather than a majority of the quorum), is necessary to pass a motion or resolution.

The bill provides for *appointment of Trustees* under certain circumstances. The bill provides that *the Governor shall immediately appoint the number of trustees necessary to obtain a quorum* (6 members) when the number of trustees drops below 6. The appointed trustees must be qualified electors of the District and serve until a successor is elected or appointed. If there are any additional vacant seats after the Governor's appointments, then the Board has the authority to fill the vacancies. In addition, the bill provides that if there are vacancies due to less than six trustees being elected during that year's election cycle, the Board is authorized to appoint the number of trustees necessary to obtain a quorum. Trustees appointed by the Board under this section shall serve a term as if they were elected.

The bill provides for the *investment and expenditure of District funds*. The District, by resolution, may invest any surplus and reserve funds in accordance with general law. The District is authorized to maintain a petty cash fund and reserve fund and provides for the expenditure of those funds. The bill authorizes the District to transfer funds among line items up to 20 percent each fiscal year for unforeseen contingencies. Disbursements of funds, except those from petty cash, must be by check or draft signed by two of the authorized three members. Currently, disbursements of funds only need the president and one other member to sign.

The bill requires the Board to *conduct its business as a public body* which subjects the Board to open government, financial disclosure, avoidance of conflict of interest, and ethics laws.

The bill *clarifies the District's powers* and identifies standard business practices of the District in instances when those practices have not previously been enumerated as a power or duty of the District. These powers include:

- the authority to enter into contracts and agreements, including those for professional services;
- holding an organizational meeting and election of board officers;

- the ability to call meetings which are not the regularly established meetings;
- authorization to employ personnel necessary for the operation and maintenance of the District's facilities and to expend funds for a surety bond for each employee required to be bonded; and
- the authority to adopt bylaws; and
- the authority to enter into contracts and agreements, including those for professional services.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Ch. 98-475, 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?

This bill does not increase the District's authority to make rules. It does, however, insert new language regarding standard business practices which the District currently practices.

(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:

Not applicable.

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

N/A

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

N/A

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

N/A

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?

This bill directs the supervisor, by resolution of the board, to place on the ballot a referendum to change the maximum annual assessment from \$300.

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?

Yes.

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:

Not applicable.

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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:

Not applicable.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: States the intent of this act is to supersede Chapter 98-475, Laws of Florida, the District's codified charter; Provides purpose of bill; Provides that the bill is a reviser bill.

Section 2: Provides that the Carrollwood Recreation District is an independent special district approved by referendum; provides that each residential parcel is uniformly benefited and equally assessed; and provides restrictions on the usage of facilities by District's residents.

Section 3: Describes the boundaries of the District; Includes as District property any property and structures acquired by the District.

Section 4: Provides definitions.

Section 5: Provides for governing board of District; Provides number of trustees and length of terms; Provides election procedures and requirements; Provides inclusion of campaign finance laws if money is collected.

Section 6: Provides the organization and operating procedures of the governing board; Provides for appointment of trustees in specific circumstances; Provides for open meetings and records; Authorizes reimbursement of expenses; Provides that two of the three authorized Board members must sign the check or draft to disburse funds; Requires bond for those members who have authority to sign checks; Provides that members are not civilly liable and are immune from suit for acts or omissions relating to their duties.

Section 7: Grants powers and duties to the District; Authorizes an organizational meeting and election of board officers; Requires public record of meetings and conducting business as a public body; Authorizes the District to transact the business of the District; Authorizes the creation of a petty cash fund and reserve fund and provides procedures; Provides for establishment of bylaws for calling non-regular meetings; Authorizes the

investment of any surplus and reserve funds; Authorizes the levying of a non-ad valorem assessment; Provides additional duties required under Chapter 198, Florida Statutes; Authorizes the establishment of an account for tax revenues and provides requirements; Authorizes the District to purchase, sell, or lease real and personal property; Allows the disposition of District property; Authorizes the operation of recreational facilities; Authorizes the District to insure its property, operations, and its trustees; Authorizes the establishment, charge and collection of admission fees; Authorizes the District to incur debt and other obligations; Restricts amount of total debt obligations to maximum amount; Limits the issuance of bonds to specific purposes; Provides bond issuance procedures; Allows the District to use its assessments as security for obligations; Authorizes purchase money notes and mortgages, and the creation of a reserve fund; Requires an annual financial statement; Requires adoption of an itemized budget and provides budget requirements and adoption procedures; Authorizes the District to transfer funds among line items, and includes limits; Provides procedures for directing the Supervisor of Elections to hold elections or referendum; Allows the District to enter into contracts and agreements; Allows the Board to fill specific vacancies; Provides for removal of trustees; Allows the District to receive gifts; Authorizes the District to install and maintain facilities and lighting; Allows the employment of personnel; Authorizes the District to pay for any required surety bonds; Authorizes the adoption of bylaws; Authorizes the District to perform other functions necessary to carry out act; Requires the District to pay expenses associated with elections or referendums.

Section 8: Provides for the tax collector to collect the non-ad valorem assessments; and provides for deducting tax collector fees.

Section 9: Provides that the District's non-ad valorem assessment is a valid lien upon each improved residential parcel; Provides that the lien is a part of the Hillsborough County's non-ad valorem assessment; Provides for collection of lien.

Section 10: Provides that the District may be dissolved pursuant to section 189.4042, Florida Statutes.

Section 11: Provides a severability clause.

Section 12: Provides for liberal construction.

Section 13: Repeals chapters 72-565, 75-385, 81-394, 84-445, and 98-475, Laws of Florida; provides that the repeal does not affect current prosecutions, contracts, agreements, decisions, rules, and actions.

Section 14: Provides an effective date of upon becoming law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? January 30, 1999

WHERE? The Times; Tampa, Hillsborough County

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

IF YES, WHEN?

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

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

V. COMMENTS:

Although Chapter 106, Florida Statutes, is applicable to the elections of trustees in this District, the District's charter provides an exemption from this chapter. The charter provides that any candidate who collects or expends campaign contributions shall do so in accordance with the campaign finance chapter of the Florida Statutes. However, a candidate is exempt from this requirement if the candidate declares in writing that he or she will not collect or expend any contributions except for the expenditure of funds for the payment of the qualifying fee or the cost of verification of signatures on petitions.

The changes in the District's charter regarding biennial elections was reviewed by Hillsborough County's Supervisor of Elections Pam Iorio. The changes were endorsed as they will save tax dollars and bring the act into compliance with general law.

The changes in the District's charter regarding the reserve and surplus funds were reviewed by the State Board of Administration. The SBA made recommendations of appropriate language for the charter's provisions. However, its recommendations of draft language does not constitute an endorsement of the legislation by SBA.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:

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Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON Community Affairs:

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