

**STORAGE NAME:** h1855z.lgva.doc

**DATE:** May 29, 2001

**\*\*AS PASSED BY THE LEGISLATURE\*\***

**CHAPTER #:** 2001-342, Laws of Florida

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LOCAL GOVERNMENT & VETERANS AFFAIRS  
FINAL ANALYSIS – LOCAL LEGISLATION**

**BILL #:** HB 1855/1ST ENG

**RELATING TO:** Holiday Park Park & Recreation District

**SPONSOR(S):** Representative Detert

**TIED BILL(S):** None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 8 NAYS 0
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill codifies all prior special acts relating to the Holiday Park Park & Recreation District in Sarasota County into a single act and repeals all prior special acts relating to the District's charter.

This bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

The District's authority to levy and collect a "recreation district tax" (special assessment) is not altered.

The bill states the District's current authority to annually assess and levy on the taxable property in the district is unchanged.

The bill declares the District a park and recreation district, an independent special taxing district, and a political subdivision of the State of Florida.

The bill does not change the District's boundaries.

No fiscal impacts are anticipated for either fiscal year 2001-02 or 2002-03 according to the Economic Impact Statement.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Holiday Park Park & Recreation District (District) was created in 1981, by chapter 81-441, Laws of Florida, to provide a park and recreation district.

**Codification**

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

**Schedule Of Submittals Of Special Districts' Charters**

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session

Special Districts with more than 12 special acts

2003 Legislative Session

Special Fire Control Districts

2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

### **Status Statement Language**

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the department's determination or declaratory statement regarding the status of the district.

### **C. EFFECT OF PROPOSED CHANGES:**

This bill codifies all prior special acts relating to the Holiday Park Park and Recreation District in Sarasota County into a single act and repeals all prior special acts relating to the District's charter.

This bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

The District's authority to levy and collect a "recreation district tax" (special assessment) is not altered.

The bill states the District's current authority to annually assess and levy a tax on the taxable property in the district not to exceed 0.2 mills on the dollar of assessed valuation is unchanged. The bill adds the district tax shall be levied against each lot or proportionally against any fraction which is part of an improved residential parcel.

The bill declares the District an independent special taxing district, and a political subdivision of the State of Florida. (The bill fails to declare the status of the district pursuant to section 189.405(5), F.S.)

The bill does not change the District's boundaries.

The bill provides members to execute a bond in the sum of \$5,000 to \$10,000 to faithfully perform the duties of the district.

The bill changes the election procedures to specifically refer to the Florida Election Code.

The bill changes the board of trustees from qualified electors to registered voters and freeholders.

The bill amends the terms of elections. Presently the charter provides for 9 seats with staggered terms. The change is to electing five trustees in even-numbered years and four trustees in odd-numbered years for 2-year terms.

The bill adds a new provision that the District provide trash and garbage collection and cable television or other centralized television antenna signals and services for the benefit of all persons residing within the District; to own, operate, and maintain the necessary equipment and apparatus

or to contract with others to provide such services; and to hold such franchises as may be necessary or desirable to provide such services.

The bill removes the provision that the district may enter into a contract or accept an assignment involving the initial purchase, lease, conveyance, or other manner of acquisition of real or tangible personal property constituting the recreational facilities and laundromat which presently exist within the territory included in the district at a cost price or consideration not exceeding \$750,000.

The bill amends the amount from \$20,000 (present amount) to \$40,000 for contracts involving the purchase, lease, conveyance, or other manner of acquisition of real or tangible personal property in any instance including all obligations, proposed to be assumed in connection with the acquisition. The exception, which is new, is to such acquisition as it relates to the repair or replacement of assets previously owned by the district.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1.** Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all District authority; states the District's current authority to annually assess and levy on the taxable property in the district a tax not to exceed 0.2 mills on the dollar of assessed valuation remains unchanged.

**Section 2.** Codifies, reenacts, amends, and repeals chapters 81-441, 82-380, and 87-445, Laws of Florida.

**Section 3.** Re-creates and reenacts the Tri-Par Estates Park and Recreation District charter as follows:

**Section 3.** Re-creates and reenacts the Tri-Par Estates Park and Recreation District charter as follows:

Section 1. States the District is a park and recreation district, an independent special taxing district and a political subdivision of the State of Florida; states powers and duties to the district shall not in any way diminish the powers and authority of the City of North Port.

Section 2. Describes the District's boundaries.

Section 3. Provides for a nine member board of trustees; provides for the organization of the board members; states members receive no compensation; provides for reimbursement of funds for any authorized disbursements the board members may properly incur on behalf of the district; provides members execute a bond in the sum of \$10,000 to faithfully perform the duties of the district; provides all premiums for the surety on all bonds must be paid from the funds of the district.

Section 4. Provides for elections.

Section 5. States any registered voter residing in the district may vote in the district election; provides for absentee ballots; provides a registered voter in the district and a freeholder within the district pay a filing fee of \$25, the person may qualify by fulfilling the requirements of section 99.095, F.S.; provides for notice of elections; provides the Supervisor of Elections of Sarasota County will appoint inspectors and clerks for the election; provides for the ballot language; provides for date of election; provides for term limits.

- Section 6. Provides for the election results; states expenses of the Supervisor of Elections for conducting the election will be paid out of general funds of the district.
- Section 7. States that the board is currently authorized to levy and assess a special assessment tax on real personal property in the District; states the District tax shall be levied against each lot or proportionally against any fraction thereof which is part of an improved residential parcel.
- Section 8. States the functions of the district; provides no debt is created without the approval of the board of trustees.
- Section 9. States the district tax is a lien on each improved residential parcel of land assessed.
- Section 10. States the disposition from the proceeds of the tax and the funds of the district.
- Section 11. Provides for vacancies.
- Section 12. Provides for the fiscal year of the district.
- Section 13. Defines the term property in regards to the district.
- Section 14. States the use of the facilities and property of the district.
- Section 15. Provides for the supervision of the real and personal property owned by the district; provides for the powers of the board of trustees.
- Section 16. Provides for the construction, acquisition, or improvement of real and personal property of the district.
- Section 17. Provides for meetings of the board of trustees.
- Section 18. States each parcel of property in the district is declared to be uniformly and generally benefited by the provisions of this act.
- Section 19. Provides for the abolishment of the district.
- Section 20. Provides for indemnification.
- Section 21. Defines terms.
- Section 22. Provides the district not enter future contracts in any instance when the cost exceeds \$40,000, provides for exceptions.
- Section 23. Provides for the severability of any unconstitutional or invalid provisions.
- Section 24. Provides for act's control if there are conflicting provisions.
- Section 25. Provides for liberal construction of act.
- Section 4.** Repeals chapters 81-441, 82-380, and 87-445, Laws of Florida.
- Section 5.** Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? March 2, 2001

WHERE? Sun Herald in Charlotte, Sarasota, and DeSoto Counties, 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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Local Government & Veterans Affairs adopted one amendment on April 19, 2001. The amendment provides that the district is an independent special taxing district pursuant to section 189.404(5), Florida Statutes. The House approved the amendment on April 24, 2001 and passed the bill as amended.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:**

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith