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DATE: March 9, 2001

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

BILL #: HB 479

RELATING TO: Rainbow Lakes Estates District

SPONSOR(S): Representative(s) Kendrick

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS
 - (2) FISCAL POLICY & RESOURCES (FRC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill codifies all prior special acts relating to the Rainbow Lakes Estates Municipal Service District into a single act. This bill also makes substantive changes to the District charter, including: granting authority to borrow money and issue evidences of indebtedness; providing for the appointment of an advisory committee; providing the minimum charter requirements for the District.

No fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

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 Rainbow Lakes Estates Municipal Service District was created by a majority of the electors of the District voting in a special election held on November 18, 1969, pursuant to chapter 69-1298, Laws of Florida. Approximately 329 of the 550 qualified electors voted in favor of the measure while 65 were against it. The district was created to provide services such as road construction and maintenance, water, sewer and electricity when the developer of the area, AMREP, pulled out. AMREP pulled out of the area in January 1969 but agreed to continue supplying the needed services until November 1970. The District is authorized by chapter 69-1298, Laws of Florida, made effective upon the approval of the electors, and Article VII, section 9 of the State Constitution to levy an ad valorem maintenance tax upon all taxable real and personal property within the District not to exceed 3 mills during any one year.

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.

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.

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.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 69-1298 and 97-375, Laws of Florida, relating to the Rainbow Lakes Estates Municipal Service District (District) into a single act. This bill also makes substantive changes to the charter, including: granting authority to borrow money and issue evidences of indebtedness; providing for the appointment of an advisory committee; providing the minimum charter requirements for the District. In compliance with section 189.404(5), Florida Statutes, this bill provides that the District is an independent special district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under section 189.429, Florida Statutes. States the Legislative intent for the act.

Section 2: Amends, codifies, reenacts, and repeals special acts relating to the District's charter.

Section 3: Provides for the re-creation and reenactment of the charter for the District and the following provisions.

Section 1: Ratifies and confirms the creation of the District and describes the boundaries of the District.

Section 2: Provides that the Board of County Commissioners of Marion County will constitute the District's governing board; specifies that the District is a public corporation with the powers appertaining thereto; provides that the Clerk of the Circuit Court of Marion County will be the ex officio clerk and treasurer of the District.

- Section 3: Provides that the District may make rules and regulations, adopt and official seal, hire employees and independent contractors; Authorizes the District to provide road maintenance and lighting, maintain and operate all public lands and all public civic and recreational facilities, provide law enforcement, provide fire protection, exercise certain zoning powers, provide and regulate and control furnishing of public utility services within the District, acquire right and interest in property, prevent violation of this law, join with other entities in the exercise of common powers, levy ad valorem taxes, levy and assess special assessments, and borrow money and issue evidences of indebtedness; provides that the tax collectors of Marion and Levy Counties will be the ex officio tax collectors for the District; provides that the Clerk of the Circuit Court of Marion County will be the ex officio clerk and treasurer of the District.
- Section 4: Provides the fiscal year for the District; provides for the annual public hearing for the adoption of a District budget; provides for the disposition and expenditure of funds received from taxation.
- Section 5: Provides that the Board of County Commissioners of Levy County may delegate and contract the administration and furnishing of services by the District to the area of the District within the boundaries of Levy County to the governing board of the District.
- Section 6: Provides for the appointment of an advisory committee.
- Section 7: Provides the minimum charter requirements under section 189.404(3), Florida Statutes; provides the purpose of the District; provides the powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements; provides the method for establishing the District; provides that the District's charter may only be amended by special act of the Legislature; provides the membership and organization of the governing board of the District; provides the maximum compensation of a governing board member; provides the administrative duties of the governing board of the District; provides the applicable financial disclosure, notices, and reporting requirements; provides the procedures and requirements for issuing bonds; provides the procedures for conducting District elections or referenda; provides the methods for financing the District; provides the authorized millage levy for ad valorem taxes; provides the method for collecting non-ad valorem assessments, fees, or services charges; provides the District's planning requirements; provides geographic boundary limitations.

Section 4: Provides for liberal construction.

Section 5: Provides for the severability of any invalid provision.

Section 6: Repeals special acts relating to the District's charter.

Section 7: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 4, 2001

WHERE?

Star-Banner

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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Technical amendments are needed by the sponsor to (1) correct a scrivener's error of the spelling of the District's name; (2) clarify that all existing laws relating to the District are codified, reenacted, amended, and repealed as provided in this bill; (3) correct scrivener's errors in the description of the District's boundaries; (4) correct the name of the tax levied by the District and references to the tax collectors of Marion and Levy Counties; (5) clarify that the tax collectors of Marion and Levy Counties are the ex officio tax collectors for the District; and (6) correct the name of the tax levied by the District and a grammatical error.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Christopher J. Shipley

Joan Highsmith-Smith