

**STORAGE NAME:** h0897z.lgva.doc

**DATE:** May 25, 2001

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

**CHAPTER #:** 2001-317, Laws of Florida

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

**BILL #:** HB 897

**RELATING TO:** Clay Co. Development Authority

**SPONSOR(S):** Representative Wiles and others

**TIED BILL(S):** None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 6 NAYS 0
  - (2)
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

The bill codifies all prior special acts relating to the Clay County Development Authority (Authority) into a single act.

The bill also makes others changes that do not appear to alter the effect of existing law pertaining to the Authority.

The bill does not make any substantive changes to current law.

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 Clay County Development Authority was created in 1957, chapter 57-1226, Laws of Florida, for the purpose of carrying out sound planning and development for Clay County.

**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:**

The bill codifies all prior special acts relating to the Clay County Development Authority.

The bill states the District's minimum charter requirements that do not appear to alter the effect of existing law pertaining to the District.

The bill includes a secretary, and a treasurer as officers of the Authority. Also, the bill includes the Authority may elect an assistant secretary who is not a member of the Authority and is authorized to act as secretary for the board in the event of the absence or unavailability of the secretary.

The bill removes obsolete language which was preempted by applicable statutes.

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

**Section 1.** Provides that this act is the Authority's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all authority.

**Section 2.** Codifies, reenacts, amends, and repeals chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida.

**Section 3.** Re-creates and reenacts the Clay County Development Authority charter as follows:

Section 1. States short title.

Section 2. States definitions.

Section 3. Provides for the authority, creation and purpose of the Authority.

Section 4. States that there are ten members, whom are qualified electors of the county, of the Authority; states term limits.

Section 5. Provides for organization of the members.

Section 6. States quorum for the transaction of business of the Authority.

Section 7. Provides for compensation and travel expenses of members.

Section 8. Provides for authority of county and cities to contract with Authority.

Section 9. Describes powers, functions and duties of the Authority.

Section 10. States the Authority is prohibited to create debts against the State, county, or any incorporated cities.

Section 11. Provides for annual audits.

Section 12. States minimum charter requirements.

**Section 4.** Provides for liberal construction of act.

**Section 5.** Provides for act's control if there are conflicting provisions.

**Section 6.** Repeals chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after the effective date of act.

**Section 7.** Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 4, 2001

WHERE? Clay Today in Orange Park, 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

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

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