

STORAGE NAME: h0939a.lgva.doc

DATE: April 5, 2001

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

BILL #: HB 939

RELATING TO: Pensacola-Escambia Govt. Center Authority

SPONSOR(S): Representative Miller and others

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill codifies all prior special acts relating to the Pensacola-Escambia Governmental Center Authority into a single act.

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:

N/A

B. PRESENT SITUATION:

The Pensacola-Escambia Governmental Center Authority (District) is a dependent special district created as an agency of the City of Pensacola and Escambia County by chapter 69-1049, Laws of Florida. The general purpose of the District is to acquire, construct, improve, operate, manage, and maintain a governmental center complex for the use and occupancy by the City of Pensacola, Escambia County, their agencies and departments, and other governmental entities. The District is comprised of five members – two members of the City Council of the City of Pensacola, two members of the Board of County Commissioners of Escambia County, and one selected by the members. Meetings are held on an as-needed basis.

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 and repeals chapters 69-1049, 70-679, and 71-631, Laws of Florida, relating to the Pensacola-Escambia County Governmental Center Authority into a single act.

In compliance with section 189.404(5), Florida Statutes, this bill provides that the District is a dependent 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: Provides that this act amends, codifies, reenacts, and repeals the 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: Provides the method for establishing the District; provides the status of the special district as a dependent special district.

Section 2: Defines words and terms as used in the District charter.

Section 3: Provides the membership and organization of the governing board of the District; provides procedures for appointment of members of the governing board of the District; provides terms of office for members of the governing board of the District; provides members of the governing board of the District will not be compensated; provides for selection of

officers of the governing board of the District; provides for the adoption of rules and the maintenance of public records; provides the location for the headquarters of the District.

- Section 4: Provides the powers, functions, limitations, and duties of the District regarding acquiring, owning, operating, and maintaining real and personal property; provides the powers, functions, and duties of the District regarding contractual agreements; provides the powers, functions, and duties of the District regarding rulemaking; provides the powers, functions, and duties of the District regarding regulation of public and private businesses; authorizes the District to hire personnel; provides civil service laws and rules will not apply to District personnel.
- Section 5: Provides that the District may enter into contracts, agreements, and leases subject to the approval of the Pensacola City Council and the Escambia Board of County Commissioners; authorizes the Pensacola City Council and the Escambia Board of County Commissioners to appropriate and advance funds to the District; authorizes the Pensacola City Council and the Escambia Board of County Commissioners to establish by resolution a special fund from which rental payments to the District may be paid; authorizes the Pensacola City Council and the Escambia Board of County Commissioners to pledge certain revenue as security for rental payments under any lease with the District.
- Section 6: Provides further powers of the District; authorizes the District to exercise the power of eminent domain; authorizes the District to acquire, own, construct, operate, maintain, improve, extend, and collect reasonable rentals on certain public buildings and facilities; provides powers, procedures, and duties of the District regarding bond disposition, issuance, re-issuance, validation, and retirement; provides that no indebtedness of the District will be construed as an obligation of the City of Pensacola, Escambia County, or the State of Florida; authorizes the District to pledge revenues for financing purposes; provides for separate budgeting of projects and facilities within the District; provides limitations on the expenditure of revenues derived from separately budgeted projects and facilities within the District.
- Section 7: Provides powers, procedures, and duties of the District regarding the issuance of refunding debt instruments; provides for the maturation of bonded indebtedness of the District.
- Section 8: Authorizes all public and private natural and artificial persons to invest up to the amount authorized by law in validated revenue certificates and bonds of the District notwithstanding any other restrictions on such investments contained in state law.
- Section 9: Authorizes the District to select land with the consent of the Board of County Commissioners of Escambia County and the City Council of the City of Pensacola for the operation of the Pensacola-Escambia Governmental Center.
- Section 10: Provides for the severability of any invalid provision.

Section 11: Provides the District will commence to operate only after approval of the creation of the District evidenced by an ordinance adopted by the City Council of the City of Pensacola.

Section 4: Repeals special acts relating to the District's charter.

Section 5: Provides this act will control to the extent of a conflict with the provisions of any other act.

Section 6: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

September 27, 2000

WHERE?

News Journal, Pensacola, Escambia County, 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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

STORAGE NAME: h0939a.lgva.doc

DATE: April 5, 2001

PAGE: 6

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

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