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DATE: April 10, 2001

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

BILL #: HB 975

RELATING TO: Sebring Airport Authority

SPONSOR(S): Representative Spratt

TIED BILL(S): None

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

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

This bill amends prior special acts relating to the Sebring Airport Authority (Authority).

This bill provides for an increase in the threshold dollar amount, that requires the Authority to conform with the sealed bids process, for purchase of property and services.

This bill extends the power and jurisdiction of the Authority over certain property.

This bill provides that a certain public records exemption is available to the Authority.

This bill reduces the number of board members required for an affirmative vote, prior to taking board action.

It appears that this bill, as introduced, creates a constitutional deficiency, in violation of Article I, Section 24, of the Florida Constitution. (See IV. COMMENTS, A. CONSTITUTIONAL ISSUES Section) An amendment, introduced by the Sponsor, corrects this deficiency. (See V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES Section)

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

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

B. PRESENT SITUATION:

Special Districts

Special districts are local units of special purpose government restricted to a limited boundary. They are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. Special districts provide municipal services in Florida. A broad range of services provided by special districts includes fire services, water control, economic development, housing, health facilities, and juvenile welfare.

In 1989, the Legislature granted counties and municipalities authority to create, at their prerogative, dependent special districts. The Legislature retains the authority to create independent special districts unless general law provides otherwise. Special districts must be either dependent or independent.

Dependent special districts are distinguished as districts that have at least one of the following characteristics:

- A governing body that is identical to the governing body of a single county or municipality;
- Governing board members that are appointed by a single county or municipality governing board;
- A governing body whose members may be removed by a single county or municipality governing board, at will; or
- A budget that must be approved or vetoed by a single county or municipality.

Prior to 1989, the Legislature could create dependent or independent districts, as could counties and municipalities. Chapter 189, F.S., was amended by the 1989 Legislature to provide definitions of special districts and establish methods for creation, elections, bond issuance, merger, dissolution, comprehensive planning, and reporting. The act requires compilation of an official list of all special districts in Florida. Besides enhancing special district uniformity and accountability, the act makes it easier to locate and understand the requirements imposed upon all special districts.

The Sebring Airport Authority is classified as a dependent special district.

Airport Authorities

Individual airport authorities have been created statutorily, through enactment of local bills. To date, there are 29 airport authorities in Florida, but not all of them are active. In addition, many airports are operated by units of local government, generally as a department or office within the local government structure.

Sebring Airport Authority

The Sebring Airport Authority was created by special act of the Legislature in 1967 (ch. 67-2070, L.O.F.) Since that time, it has been amended four times, through chs. 82-382, 89-484, 91-415, and 95-526, L.O.F.

The primary purpose of the Authority is to maintain and operate an airport and other facilities. In particular, the Act provides for powers and duties, including the power to acquire or lease airport or other facilities, issue bonds, exercise eminent domain, and enter into contracts.

The Act provides that four members constitute a quorum and that an affirmative vote of a majority of the members is required to take action.

The Act requires that the Authority conform with the sealed bid process, when the services or equipment contracted for involve an expenditure of more than \$5,000.

Public Records Exemptions and Economic Development Agencies

Section 288.075, F.S., provides for certain exemptions to public records law for economic development agencies, defined as the Office of Tourism, Trade, and Economic Development, an industrial development authority created under Chapter 159, F.S., or by special act, Spaceport, the public economic development agency that advises the county commission on the issuance of industrial revenue bonds, or any research and development authority created under Chapter 159, F.S.

C. EFFECT OF PROPOSED CHANGES:

This bill increases the threshold amount that triggers a sealed bid requirement, from \$5,000 to \$10,000.

This bill provides the Authority with power and jurisdiction over certain property.

This bill provides the Authority with a certain public records exemption, regarding specific economic development information.

This bill reduces the present requirement for affirmative vote, from a unanimous vote of the four members required for a quorum, to a majority of those members voting.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 8 of ch. 67-2070, L.O.F., as amended by s. 3 of ch. 89-484, L.O.F., increases the amount to \$10,000 of the minimum dollar amount necessary to require a sealed bid, prior to an award of a contract by the Authority, of the construction, repair, or alteration, or the purchase of equipment, services or supplies, clarifies that the Authority can reject all bids.

Section 2. Amends subsection (a) of s. 3 of ch. 67-2070, L.O.F., as amended by s. 1 of ch. 95-526, L.O.F., provides that the Authority has power and jurisdiction over certain property, limited by the power and authority of the Spring Lake Improvement District, Spring Lake Property Association, Inc., county zoning, and other restrictions.

Section 3. Adds subsection (o) to s. 6 of ch. 67-2070, L.O.F., as amended by s. 2 of ch. 89-484, L.O.F., and s. 2 of ch. 95-526, L.O.F., to authorize the Authority to promote business and industrial interests of the City of Sebring and Highlands County, and to maintain the confidentiality and exemption from disclosure of records made confidential and exempt from disclosure by s. 288.075, F.S.

Section 4. Amends s. 4 of ch. 67-2070, L.O.F., as amended by s. 1 of ch. 82-382, L.O.F., and s. 1 of ch. 89-484, L.O.F., reduces number of members required for an affirmative vote, to a majority of those present.

Section 5. Provides that this act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

December 31, 2000

January 10, 2001

WHERE?

Highlands Today and the Tampa Tribune.

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

According to the Economic Impact Statement, this bill will not directly increase or decrease revenues. This bill will enhance the Authority's ability to operate efficiently.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Art. I, S. 24 of the Florida Constitution provides, in part:

Section 24. Access to public records and meetings.—

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. (Art. I, S. 24, paragraph (a))

This section shall be self-executing. **The legislature...may provide by general law** for the exemption of records from the requirements of subsection (a)...provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than

necessary to accomplish the stated purpose of the law...**Laws enacted pursuant to this subsection...shall relate to one subject.** (Art. I, S. 24, paragraph (c)) (Emphasis added)

The bill, as introduced, is filed as a local bill, not as a general bill, and contains more than one subject. Therefore, it appears that the bill as introduced is constitutionally deficient.

B. **RULE-MAKING AUTHORITY:**

This bill does not necessitate additional rulemaking authority.

C. **OTHER COMMENTS:**

N/A

V. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

The Sponsor proposes an amendment, which deletes the language pertaining to the public records exemption. This amendment appears to correct the constitutional infirmity.

VI. **SIGNATURES:**

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

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