

**STORAGE NAME:** h0339z.lgva.doc  
**DATE:** July 1, 2002

**\*\*AS PASSED BY THE LEGISLATURE\*\***  
**CHAPTER #:** 2002-331, Laws of Florida

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

**BILL #:** HB 339, 1ST ENG.  
**RELATING TO:** Lafayette County Development Authority  
**SPONSOR(S):** Representative Stansel  
**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 DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill repeals the authorizing special act of the Lafayette County Development Authority (Authority). The bill also transfers all assets and liabilities of the Authority to the Board of County Commissioners of Lafayette County.

The attached "Economic Impact Statement" indicates the bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" 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 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:

**Lafayette Development Authority**

The Lafayette Development Authority was created by chapter 59-1460, Laws of Florida, to provide for the sound planning and development of Lafayette County. Pursuant to the act, the Authority is composed of eight members appointed by the Governor. The Governor is directed to appoint one member from each of the county commission's districts and three members from the county at large.

The enabling act provides for the election of a chairman and vice chairman, quorum requirements, compensation for travel expenses, and the powers of the Authority. Such powers include:

- To have and alter a seal;
- To acquire, hold, and dispose of personal property;
- To enter into contracts with Lafayette County and all municipalities within the county;
- To acquire real property;
- To select and appoint agents and employees;
- To make contracts;
- To construct, erect, acquire, own, repair, remodel, maintain, extend, improve, equip, operate and manage projects;
- To pay the costs of any projects from the proceeds of revenue-anticipation certificates or from any grant from the county or any municipality, or from any grant from the state, or from any contribution or loan by persons, firms, or corporations;
- To borrow money for its corporate purposes;
- To exercise any power granted by the laws of Florida to public or private corporations performing similar functions;
- To adopt, alter, or repeal its own bylaws, rules, and regulations;
- To issue revenue-anticipation certificates for the purpose of paying all or part of the cost of any project.

The enabling act prohibits the Authority from creating a debt against the state, Lafayette County, or any municipality within the county, and provides for an annual audit of the Authority's books and records.

According to information submitted by the bill sponsor, the Authority owns three pieces of property: two parks with boat tramps and one piece of property next to an industrial park.

### **General Law Governing the Merger or Dissolution of a Special District**

Subsection (2) of s. 189.4042, F.S., provides that the merger or dissolution of an independent special district or a dependent district created and operating pursuant to a special act may only be effectuated by the Legislature unless otherwise provided by general law. If an inactive independent district was created by a county or municipality through a referendum, the county or municipality that created the district may dissolve the district after publishing notice as described in s. 189.4044, F.S. If an independent district was created by a county or municipality by referendum or any other procedure, the county or municipality that created the district may merge or dissolve the district pursuant to the same procedure by which the independent district was created. However, for any independent district that has ad valorem taxation powers, the same procedure required to grant such independent district ad valorem taxation powers must also be required to dissolve or merge the district.

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

This bill repeals the authorizing special act of the Lafayette County Development Authority (Authority), and transfers all assets and liabilities of the Authority to the Board of County Commissioners of Lafayette County.

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

**Section 1.** Chapter 59-1460, L.O.F., is repealed.

**Section 2.** This section transfers all assets and liabilities of the Authority to the Board of County Commissioners of Lafayette County.

**Section 3.** An effective date of upon becoming a law is provided.

### **III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

December 13, 2001

WHERE?

*The Mayo Free Press, Lafayette County*

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:

**Floor Amendments**

On March 14, 2002, the House of Representatives considered HB 339, adopted a traveling amendment by the Committee on Local Government and Veterans Affairs, and passed the bill as amended. On March 22, 2002, the Senate considered and passed HB 339, 1<sup>st</sup> ENG.

**Committee on Local Government & Veterans Affairs**

On February 7, the Committee on Local Government & Veterans Affairs considered HB 339, adopted one amendment, and passed the bill. The amendment, which is traveling with the bill, provides for all assets and liabilities of the Lafayette Development Authority to be transferred to the Board of County Commissioners of Lafayette County.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Thomas L. Hamby, Jr.

Joan Highsmith-Smith

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

Prepared by:

Staff Director:

Thomas L. Hamby, Jr.

Joan Highsmith-Smith

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**PAGE:** 5