

STORAGE NAME: h0981.lgva.doc
DATE: February 6, 2002

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

BILL #: HB 981
RELATING TO: Trailer Estates Park District
SPONSOR(S): Representative Bennett
TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
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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 codifies all prior special acts relating to the Trailer Estates Park District in Manatee County into a single act and repeals all prior special acts relating to the District's charter.

The District's authority to levy and collect a "recreation district tax" (special assessment) is not altered.

The bill declares the District a park and recreation district, a special taxing district, but fails to declare whether independent or dependent.

The bill does not change the District's boundaries.

No fiscal impacts are anticipated for either fiscal year 2002-03 or 2003-04 according to the Economic Impact Statement.

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 Trailer Estates Park District (District) was created in 1969, by chapter 69-1287, Laws of Florida, to provide a park and recreation district. The District is currently authorized to levy and assess a "recreation district tax" (special assessment) on real personal property in the District, the District does not have the authority to levy ad valorem tax.

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. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes creating subsections (2) and (3). The subsections provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

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, 110 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:

This bill codifies all prior special acts relating to the Trailer Estates Park District in Manatee County into a single act and repeals all prior special acts relating to the District's charter.

The District's authority to levy and collect a "recreation district tax" (special assessment) is not altered.

The bill declares the District a park and recreation district, a special taxing district, but fails to declare whether independent or dependent.

The bill does not change the District's boundaries.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all District authority; states the District's current authority to annually assess and levy on the taxable property in the District a tax not to exceed 0.2 mills on the dollar of assessed valuation remains unchanged.

Section 2. Codifies, reenacts, amends, and repeals chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, and 96-442, Laws of Florida.

Section 3. Re-creates and reenacts the Trailer Estates Park District charter as follows:

- Section 1. States the District is a park and recreation district, a special taxing district. (The bill fails to declare status as required by section 189.404(5), F.S.)
- Section 2. Describes the District's boundaries.
- Section 3. Describes a nine member board of trustees; provides for the organization of the board members; states members receive no compensation; provides for reimbursement of funds for any authorized disbursements the board members may properly incur on behalf of the District; provides members execute a bond in the sum of \$5,000 to faithfully perform the duties of the District; provides all premiums for the surety on all bonds must be paid from the funds of the District.
- Section 4. Provides for elections.
- Section 5. States any registered voter residing in the District may vote in the District election; provides for absentee ballots; provides for the person qualifying for election by fulfilling the requirements in the charter; provides notice of elections; provides the trustees may appoint inspectors and clerks for the election; provides for the ballot language.
- Section 6. Provides for the election results; provides for a runoff election; states expenses of the Supervisor of Elections for conducting the election will be paid out of general funds of the District.
- Section 7. States that the board is currently authorized to levy and assess a special assessment tax on real personal property in the District; provides for the collection of the tax; provides for the compensation of the county tax collector and the county tax assessor; states the District tax shall be assessed equally against all improved residential parcels.
- Section 8. States the functions of the District; provides no debt is created without the approval of the board of trustees.
- Section 9. States the District tax is a lien on each improved residential parcel of land assessed.
- Section 10. States the disposition from the proceeds of the tax and the funds of the District.
- Section 11. Provides trustees hold office for a term of 2 years; provides for vacancies; provides for removal of a trustee.
- Section 12. Provides for the fiscal year of the District; provides for the District budget; provides for notice of financial statement; provides for copy of budget to each taxpayer within the District.
- Section 13. Defines the term property in regards to the District.
- Section 14. States the use of the facilities and property of the District.
- Section 15. Provides for the supervision of the real and personal property owned by the District; provides for the powers of the board of trustees.

- Section 16. Provides for the construction, acquisition, or improvement of real and personal property of the District.
- Section 17. Provides for meetings of the board of trustees.
- Section 18. States each parcel of property in the District is declared to be uniformly and generally benefited by the provisions of this act.
- Section 19. Provides for the abolishment of the District.
- Section 20. Provides for indemnification.
- Section 21. Defines terms.
- Section 22. Provides for the severability of any unconstitutional or invalid provisions.
- Section 23. Provides for act's control if there are conflicting provisions.
- Section 24. Provides for liberal construction of act.
- Section 25. Provides effective date of upon becoming law upon passage and approval by the Governor or upon its becoming a law without such approval and is to become effective immediately after a special referendum election; provides for referendum.
- Section 26. Provides the trustees may not enter into contract involving the initial purchase, lease, conveyance, or other manner of acquisition of real or tangible personal property constituting recreational facilities which presently exist within the District, in any instance when the cost price or consideration exceeds \$25,000 including all obligations proposed to be assumed in connection with the acquisition; provides exemptions to this provision.
- Section 4.** Repeals chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, and 96-442, Laws of Florida.
- Section 5.** Provides for act's control if there are conflicting provisions.
- Section 6.** Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? December 8, 2001

WHERE? Sarasota Herald-Tribune in Sarasota, Sarasota County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? An obsolete provision that provides less than 30 nor more than 60 days after this act becomes a law. This referendum is removed in the strike-everything amendment.

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:

The Sponsor may wish to address these concerns through the amendatory process: removing a provision in the bill that states the District has the authority to annually assess and levy against the taxable property in the District a tax on the assessed valuation of the land. According to the attorney for the District, the District does not have the authority to levy ad valorem tax, only a special assessment tax. Repeal chapter 94-413, L.O.F., a previous special act, to be in compliance with section 189.404(5), Florida Statutes, to add the word "independent" to the status statement, delete obsolete language, and delete obsolete referendum language from the enabling act.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith