

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1449 w/CS Indian River and Brevard Counties/Sebastian Inlet Tax District
SPONSOR(S): Mayfield
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	<u>18 Y, 0 N w/CS</u>	<u>Sheheane</u>	<u>Highsmith-Smith</u>
2) <u>Judiciary</u>	<u></u>	<u>Havlicak</u>	<u>Havlicak</u>
3) <u>Finance & Tax</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Sebastian Inlet Tax District, an independent special district, into a single act. The District is currently authorized to levy up to 1 ½ mills on taxable district property. This bill does not change that provision. The bill increases the salaries of the Board members of the District from \$1,000 annually to \$3,600 annually, beginning on October 1, 2003. The bill additionally provides for the Board to set their own compensation for each fiscal year beginning October 1, 2004.

According to the Economic Impact Statement, there are no new, increased, or decreased revenues as a result of this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Sebastian Inlet Tax District, an independent special district, into a single act. The District is currently authorized to levy up to 1 ½ mills on taxable district property. This bill does not change that provision. The bill increases the salaries of the Board members of the District from \$1,000 annually to \$3,600 annually, beginning on October 1, 2003. The bill additionally provides for the Board to set their own compensation for each fiscal year beginning October 1, 2004.

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 initially authorized by the 1997 Legislature and is codified in s. 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows 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. 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 s. 189.429, F.S., to provide that reenactment of existing law pursuant to s. 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.

Status Statement Language

Section 189.404(5), F.S., 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 of Community Affairs' determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

Section 1: Constitutes the codification of all special acts relating to the Sebastian Inlet Tax District, also known as the Sebastian Inlet District.

Section 2: Codifies, reenacts, amends, and repeals all acts relating to the Sebastian Inlet Tax District.

Section 3: The Sebastian Inlet Tax District is reenacted, and the charter for the District is re-created and reenacted to read:

Section 1: Maintains current language describing the boundaries of the District.

Section 2: Maintains current language relating to the governing board of the District and provides new language raising the number of board members from three to five members.

Section 3:

(a) Maintains current language describing the terms of office for the members of the board.

1. Maintains current language relating to the staggered terms of the members of the board.

2. Maintains current language relating to newly elected board members.

(b) States that board members are to be elected on a nonpartisan basis by a majority of qualified electors within the District as follows:

1. Candidates shall qualify as provided by law. Ballots shall be in the form for general elections as provided by law.

2. Maintains current language relating to the election and voting process for the board members.

3. Maintains current language relating to the duties of the officials conducting the election.

(c) Maintains current language relating to the surety bond required of the board members as well as the process of appointment by the Governor in the case of vacancies on the Board of Commissioners.

(d) Maintains current language relating to the meetings of the board.

(e) States that all bookkeeping and accounting shall be in accordance with the law for special districts.

(f) States that all purchasing and bidding shall be done in accordance with the procedures of the Brevard County Board of Commissioners.

Section 4: Maintains current language relating to the board selecting a chair, vice chair, and secretary/treasurer.

Section 5: Maintains current language stating that the board members shall not be reimbursed for travel inside the district, but shall be reimbursed for travel outside. This section provides new language updating the annual salary for board members from \$1,000 per year to \$3,600 per year starting October 1, 2003 and shall set their own salary for each fiscal year starting on October 1, 2004.

Section 6: States that the Board is to maintain the inlet between the Indian River and the Atlantic Ocean as necessary for the purposes of the District and its inhabitants. This section also states that the District is declared to be for public purpose.

Section 7: States that the Board is to select a Chief Engineer who will determine the necessary improvements to the inlet waterway.

Section 8: Maintains current language authorizing the board to accept real or personal property to be used for purposes of the District.

Section 9: Maintains current language stating that the Board may levy a tax not to exceed 1 ½ mills each year and provides detail to the tax.

Section 10: Maintains current language stating that the Board is authorized to borrow money temporarily for the purposes of the District and to pay expenses on behalf of the District.

Section 11: States that all work done under the provisions of the Board is to be supervised by the Chief Engineer of the Board.

Section 12: States that it is the duty of the Board to preserve all work constructed by the Board.

Section 13: States that it will be a misdemeanor to cause damage to any portion of the Sebastian Inlet resulting in a fine not to exceed \$1,000 and/or imprisonment for no longer than 6 months.

Section 14: Provides for severability.

Section 15: States that any agent for the Board or employee related to the Board may be removed at any time.

Section 16: States that all work for the District shall be in accordance with laws of the State of Florida and authorizes the Board to reject any and all bids. This section also provides current language relating to provisions of contracts and surety bonds for contractors who may do business with the District. In the event of an emergency, the Board of Commissioners is authorized to spend a sum not to exceed \$15,000, utilizing the following procedure:

(a) The Board shall obtain at least three telephone bid offers for the business endeavor under consideration.

(b) The Board shall make a record of the offers and shall award the contract to the lowest possible bidder and follow up with notifying the media of the action to be taken by the Board to rectify the emergency.

Section 17: Provides language relating to authorization of the Board to vacate any easement or transfer fee simple interest in any real property it may hold to any unit of local, state, or federal government.

Section 4: In the event of conflict of this act with any other act, this act shall control the extent of such conflict.

Section 5: Repeals chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida.

Section 6: This act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 17, 18, and 19, 2003.

WHERE? Florida Today, Brevard 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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Many local bills contain language providing that in the event of a conflict of the provisions of the local bill with the provisions of any other general or local law, the provisions of the act being considered controls to the extent of the conflict(s). This is referred to as a "supremacy" clause. This language does not allow interested persons or Members of the Legislature knowledge of the specific laws containing potential conflicts. Unless those specific laws in conflict are identified, it is suggested that the "supremacy" clause be removed from the bill.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Committee on Local Government and Veterans' Affairs adopted one amendment in their meeting on March 27, 2003. The amendment provides language declaring that the district is an independent district.