

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1611 Greater Seminole Area Special Recreation District  
**SPONSOR(S):** Waters  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government &amp; Veterans' Affairs</u>	_____	<u>Sheheane</u>	<u>Highsmith-Smith</u>
2) <u>Finance &amp; Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill constitutes the codification of all special acts relating to the Greater Seminole Area Special Recreation District. The bill provides language stating that Commissioners who fail to attend a minimum of 50 percent of the meetings called for any fiscal year will be declared vacant and removed from further service. The District is currently authorized to levy up to one-half mill of ad valorem tax on each taxable dollar. This bill does not change that provision. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

According to the Staff Counsel for the Greater Seminole Area Recreation District<sup>1</sup>, there will be an estimated administration, implementation, and enforcement cost of \$250 for fiscal years 2003-2004 and 2004-2005.

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<sup>1</sup> Timothy C. Schuler, Staff Counsel for the Greater Seminole Area Special Recreation District

## 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 constitutes the codification of all special acts relating to the Greater Seminole Area Special Recreation District. The District is currently authorized to levy up to one-half mill of ad valorem tax on each taxable dollar. This bill does not change that provision. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

The bill provides language stating that Commissioners who fail to attend a minimum of 50 percent of the meetings called for any fiscal year will be declared vacant and removed from further service.

#### **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 section 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 section 189.429, Florida Statutes to 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.

#### **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 Greater Seminole Area Special Recreation District.

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

Section 3: The Greater Seminole Area Special Recreation District is re-created to read:

Section 1: Maintains the boundaries of the District.

Section 2: Maintains that the Board of the District consists of seven members serving for terms of four years each.

Section 3: Maintains language relating to the terms of the Board members and provides new language stating that Board members who do not attend at least 50 percent of the meetings in any one year will be disqualified from further service.

Section 4: Maintains language permitting the Board to enter into contractual agreements.

Section 5: Maintains language stating that pursuant to a referendum approval by the voters, the District may levy ad valorem tax up to on-half mill on each taxable dollar.

Section 6: Maintains language authorizing the District to lease or acquire real or personal property for the benefit of the District.

Section 7: Maintains language stating that the funds derived from the tax levied were used to purchase a particular parcel of real property and provides a detailed description of that property.

Section 8: Maintains language relating to the proper deposit of funds received by the District.

Section 9: Maintains language relating to the funds received from the tax levied. This section also maintains language relating to surplus funds.

Section 10: Maintains language relating to the records to be kept by the Board in the meetings of the Board.

Section 11: Maintains that this special district exists until dissolved by law.

Section 12: Maintains language defining the word "district."

Section 13: The provisions of this act are to be liberally construed.

Section 4: Repeals all prior acts relating to the District.

Section 5: This act shall be liberally construed to promote the purposes of this act.

Section 6: Provides for severability.

Section 7: This act shall take effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 14, 2003.

WHERE? *Tampa Bay Review*, Pinellas County, FL

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.