

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 4039 (SB 952)

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Porter and others (Oelrich)

116 Y's

0 N's

**COMPANION
BILLS:** SB 952

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 4039 passed the House on January 25, 2012, and subsequently passed the Senate on March 6, 2012. The bill repeals Part 1 of chapter 418, F.S., consisting of ss. 418.01-418.12, F.S., which was enacted in 1925 and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. The law also authorizes the governing body of a city or county to establish a system of supervised recreation. Part 1 of chapter 418, F.S., has not been amended since its inception, except in 1994 when the Department of Natural Resources was changed to the Department of Environmental Protection. While the bill deletes this section, the Department of Environmental Protection maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program. Local governments can currently accomplish the provisions of Part 1 under their general authority.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on April 27, 2012, ch. 2012-189, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Part 1, of chapter 418, F.S., was created in 1925, and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorizes the governing body of a city or county to establish a system of supervised recreation. Cities and counties are authorized under Part 1, of chapter 418, F.S., to finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.¹

Section 418.12, F.S., of Part 1, describes the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection.

Effect of Proposed Changes

The bill repeals Part 1 of chapter 418, F.S., consisting of ss. 418.01-418.12, F.S. Part 1 was enacted in 1925, and for the most part has not been amended since its inception. The most recent amendment to Part 1 of ch. 418, F.S., occurred in 1994 to s. 418.12, F.S., when the Department of Natural Resources was changed to the Department of Environmental Protection. While the bill deletes this section, the Department of Environmental Protection maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program². Local governments can currently accomplish the provisions of Part 1 under their general authority.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹ See s. 201.01(1)(c), F.S., for counties and s. 200.01(2)(c), F.S., for municipalities.

² See s. 375.075, F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.