

STORAGE NAME: h4253z.ca
DATE: May 6, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: 1ST ENG/HB 4253
RELATING TO: Charlotte County Development Authority
SPONSOR(S): Representative Harrington
COMPANION BILL(S): SB 2682 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 4253 was passed by the House Committee on Community Affairs on April 21, 1998, with 2 amendments. The bill passed the House on April 24, 1998, by a vote of 120 YEAS and 0 NAYS, and was ordered engrossed. The engrossed bill was received by the Senate on April 29, 1998 and was referred to the Senate Committee on Rules and Calendar. It was withdrawn from the Senate Committee on Rules and Calendar on May 1, 1998, and placed on the Senate Local Calendar. The Senate passed 1ST ENG/HB 4253 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-508, Laws of Florida.

II. SUMMARY:

The bill codifies all prior special act relating to the Charlotte County Development Authority into one special act.

The bill changes the authority's name to the Charlotte County Airport Authority.

The bill makes substantive changes to the charter.

The bill declares the District an independent district.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of special districts' charters (including fire control districts), either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation. However, in the 1997 interim, some districts expressed the need to request substantive changes to their charters but because of the number of amendments (special acts) to their charters, they do not have time to codify.

As a result, the Chair of the Committee on Community Affairs issued a Memorandum on October 3, 1997, explaining the policy of the Committee for charter codifications for the 1998 Legislative Session. In part the Memorandum states:

1. Although two bills are preferable (one to codify and one to accomplish the substantive change), the House Committee on Community Affairs will accept one bill (containing the codification and substantive change).
2. The substantive change, if included in the codifying local bill, **must be advertised** clearly and concisely, i.e., "a substantive change to the charter is being sought affecting membership of the Board," or whatever change(s) is applicable.
3. If a substantive change is needed to a District's charter this Session, but codification is too large a task to accomplish at the same time, the Committee will hear bills for any substantive changes that a legislative delegation deems necessary.
4. The Committee will accept voluntary charter codifications from any district for the 1998 Legislative Session. A schedule for submitting the codifying charter is attached and is based on the number of special acts a district currently enjoys. The attached proposed schedule of submittals is based on an extended deadline of 2004, which must be accomplished legislatively. The Committee will have a bill to address this issue during the 1998 Legislative Session. Keep in mind, if they choose to do so, a district may submit its codification earlier than the proposed schedule indicates.

Also, 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 with the department's determination or declaratory statement regarding the status of the district.

The 1997 Official List of Special Districts lists the Charlotte County Development Authority as an independent special district.

B. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special act relating to the Charlotte County Development Authority into one special act.

The bill changes the authority's name from the Charlotte County Development Authority to the Charlotte County Airport Authority.

The bill makes the following substantive changes to the charter:

- changes the purpose of the Authority from industry development and managing the Charlotte County airport to the management and development of the Charlotte County Airport and Commerce Park;
- changes the authority members assumption of office date from the first Tuesday after the first Monday in January to immediately upon election;
- changes the authority members terms of office expiration date in January to immediately upon election;
- increases the penal sum of the public official bond to \$100,000;
- changes the authority's ability to pay reasonable costs and expenses incurred by members to applying section 112.061, Florida Statutes;
- relieves the Authority of maritime responsibilities by removing the authority's regulating powers in this area; and
- requires the Authority to dispose of property in accordance with FAA requirements and guidelines on federal surplus property requirements.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 65-1357, 70-628, 73-430, 74-453, 84-405, 84-406, 88-479, and 91-399, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

- (3) any entitlement to a government service or benefit?

N/A

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Codifies, reenacts, amends, and repeals special acts relating to the Charlotte County Development Authority.

Section 2: Recreates and reenacts the charter for the Charlotte County Airport Authority. The charter provisions are:

Section 1 -- Provides the short title of "Charlotte County Airport Authority Act."

Section 2 -- Provides definitions.

Section 3 -- Provides purpose of the Authority; and creates the Airport Authority as an agency of Charlotte County.

Section 4 -- Provides composition of Authority members; provides terms; provides for assumption of office; and provides that elections are prescribed by general election laws.

Section 5 -- Provides for vacancies; and provides that members hold office until a successor is appointed and qualifies.

Section 6 -- Provides for election of a chair, vice-chair, secretary-treasurer, and assistant secretary-treasurer; provides that positions are at the will of the Authority; and provides when vice-chair and assistant secretary-treasurer serve.

Section 7 -- Requires members to take an oath to faithfully perform and execute a \$100,000 public official bond; and provides that the premium cost is paid by the Authority and included in district operation costs.

Section 8 -- Provides annual salary paid in monthly installments to Authority members; and grants authority to reimburse members for travel expenses as provided in section 112.061, Florida Statutes.

Section 9 -- Provides quorum; provides for monthly meetings; and provides for special meetings.

Section 10 -- Grants powers to the Authority.

Section 11 -- Authorizes the Board of County Commissioners to levy an annual tax in an amount fixed by the Authority; and provides for collection and remittance of taxes.

Section 12 -- Provides that the Authority's bonds are eligible for legal investments; and provides that the bonds may be security for deposits of public funds.

Section 13 -- Declares that the Authority and its purposes serve a county and public purpose.

Section 14 -- Allows for transfer of real and personal property to the Authority; and allows for contracts between the Authority and municipalities and county for any authorized purpose.

Section 15 -- Provides that the Authority does not have to pay any tax or assessment against its property.

Section 16 -- Requires an annual audit.

Section 17 -- Provides requirements and procedures for expenditure funds.

Section 18 -- Provides for the construction and acquisition of buildings, and real and personal property; provides for the disposal of property; provides that disposal shall be in accordance with FAA requirements and guidelines; provides for contracts and bidding procedures; and authorizes contracts between authority and other governmental agencies.

Section 19 -- Provides for transfer of Authority property to the county upon termination of the Authority; and authorizes the Board of County Commissioners to exercise powers granted to the Authority.

Section 3: Provides a severability clause.

STORAGE NAME: h4253z.ca

DATE: May 6, 1998

PAGE 8

Section 4: Repeals chapters 65-1357, 70-628, 73-430, 74-453, 84-405, 84-406, 88-479, and 91-399, Laws of Florida.

Section 5: Provides effective date of upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 30, 1998

WHERE? Charlotte county, Florida; Charlotte Sun Herald

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

V. COMMENTS:

An assistant county attorney for Charlotte County states that it appears that the removal of industrial development and maritime powers will not have any affect. The county currently has two councils and organizations which address the economic development of the county. The authority's power over maritime activities will have minimal impact since it is a somewhat dormant power of the authority.

The Authority repealed its authority to levy ad valorem taxes in chapter 91-399, Laws of Florida. The Authority only has the authority to levy taxes in order to meet its sinking fund requirement for the payment of bond principal and interest and in order to retire bonds.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs adopted the following technical amendments on April 21, 1998:

Amendment #1 -- Inserts the language "an independent special district" into section 1 of the bill in compliance with section 189.404(5), Florida Statutes; and

Amendment #2 -- Inserts chapter 74-453, Laws of Florida, which provided for the Authority's dissolution upon referendum approval within 1 year, into the bill's repealer provision.

STORAGE NAME: h4253z.ca

DATE: May 6, 1998

PAGE 9

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Laura L. Jacobs

Joan Highsmith-Smith

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Laura L. Jacobs

Joan Highsmith-Smith