

Thus, in view of the clear legislative intent that the salary schedules prescribed by Ch. 145, F. S., for county officials are intended to compensate them for all official duties performed by them, and the criminal penalty attached to a violation of the legislative mandate in this respect, it is suggested that, pending legislative or judicial clarification, a county official whose salary is fixed by Ch. 145 should not retain as personal compensation any sums received by him for performing duties, official in nature, of a position in county government, to which he has been appointed by the board of county commissioners.

073-443—November 28, 1973

**MUNICIPAL HOME RULE POWERS ACT
APPLICABILITY TO SPECIAL DISTRICT**

To: Robert G. Fellows, City Attorney, Delray Beach

Prepared by: Jan Dunn, Assistant Attorney General

QUESTIONS:

1. Is Ch. 71-604, Laws of Florida, which establishes the Delray Beach Downtown Development Authority, now an ordinance pursuant to §166.021(5), F. S., [Ch. 73-129, Laws of Florida]?
2. If question 1 is answered in the affirmative, what is the effect on the taxing power of the authority?

SUMMARY:

Chapter 71-604, Laws of Florida, a special act which establishes the Delray Beach Downtown Development Authority, does not now become an ordinance pursuant to Ch. 73-129, Laws of Florida.

The Municipal Home Rule Powers Act, Ch. 73-129, Laws of Florida, applies to municipalities. The intent of the act is to secure broad home rule powers for municipalities. Section 166.021(5), F. S., says that "all existing special acts pertaining exclusively to the power or jurisdiction of a particular municipality . . . shall become an ordinance"

The Delray Beach Downtown Development Authority was established by a special act of the legislature, Ch. 71-604, Laws of Florida. However, a special taxing district is not a municipality. It does not have general municipal government functions and powers. Attorney General Opinion 069-130. I feel, therefore, that the Municipal Home Rule Powers Act does not apply to the authority. Nor is Ch. 71-604 a "special act pertaining exclusively to the power or jurisdiction of a particular municipality." It is a special act pertaining to the power or jurisdiction of a special district. The act gives the municipality no additional powers. Rather the powers are bestowed upon the authority as a separate entity. The fact that the city council appoints the governing board of the authority does not change this. It must be concluded, therefore, that Ch. 71-604 does not become an ordinance under §166.021(5). Because of this holding, it is unnecessary to consider your second question.