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**LOCAL GOVERNMENT AFFAIRS  
SUBCOMMITTEE**

**MEETING PACKET**

**Wednesday, January 13, 2016  
1:00 p.m.  
Webster Hall (212 Knott)**

**Steve Crisafulli  
Speaker**

**Debbie Mayfield  
Chair**



# The Florida House of Representatives

## Local Government Affairs Subcommittee

Steve Crisafulli  
Speaker

Debbie Mayfield  
Chair

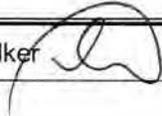
Meeting Agenda  
Wednesday, January 13, 2016  
Webster Hall (212 Knott)  
1:00 p.m. – 3:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Welcome and Opening Remarks
- V. Consideration of the Following Bill(s):
  - HB 709 City of Tallahassee, Leon County by Williams, A.
  - HB 745 Special Districts by Nuñez
  - HB 785 St. Lucie County Fire District, St. Lucie County by Lee
  - HB 791 Local Tax Referenda by Ingoglia
  - HB 845 Bay County Bridge Authority, Bay County by Trumbull
  - HB 847 Pasco County by Burgess
  - HB 871 Broward County by Clarke-Reed
  - HB 891 Northwest Florida Community Hospital Board of Trustees, Washington County by Drake
  - HB 895 West Manatee Fire and Rescue District, Manatee County by Boyd
  - HB 911 City of Delray Beach, Palm Beach County by Hager
  - HB 1007 City of Clearwater, Pinellas County by Latvala
  - HB 1081 North Sumter County Hospital District, Sumter County by O'Toole
- VI. Adjournment



HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 709 City of Tallahassee, Leon County  
**SPONSOR(S):** Williams  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Walker 	Miller 
2) Business & Professions Subcommittee			
3) Local & Federal Affairs Committee			

**SUMMARY ANALYSIS**

In 2008, the Legislature enacted a special act to authorize the Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation to issue a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way in the downtown area of Tallahassee, upon application and presentation of a valid street-closure permit, by a bona fide nonprofit civic organization. The act also defined the boundaries of the downtown area of Tallahassee, including parts of Florida A&M University.

The bill revises the boundaries of the downtown area of Tallahassee to include Bragg Memorial Stadium on the Florida A&M University campus for the purposes of temporary permits for a nonprofit civic organization to sell alcoholic beverages on the premises at outdoor events.

The Economic Impact Statement filed for the bill projects an indeterminate increase in sales tax revenues due to increased sales and that local businesses would benefit from the increased attendance at special events.

The bill takes effect upon becoming law.

**According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) may apply to this bill.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The Division of Alcoholic Beverages and Tobacco (Division) of the Department of Business and Professional Regulation is responsible for the enforcement of Florida's Beverage Laws.<sup>1</sup> Section 561.422, F.S., authorizes nonprofit civic organizations to apply for up to three temporary alcoholic beverage permits for a period not to exceed three days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages. The permit requires that the alcoholic beverages may only be consumed on the premises.

Upon the filing of an application, the nonprofit civic organization must present a local building or zoning permit and pay a \$25 permit fee. All net profits from the sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization. The permits are issued by the director of the Division, and nonprofit civic organizations are limited to three per calendar year.

In 2008, the Legislature enacted ch. 2008-294, Laws of Florida, to authorize the Division to issue a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way in the downtown area of Tallahassee, upon application and presentation of a valid street-closure permit, by a bona fide nonprofit civic organization in compliance with s. 561.422, F.S. Moreover, the act provided that a nonprofit organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits authorized in s. 561.422, F.S. Lastly, the act defined the boundaries of the downtown area of Tallahassee, including parts of Florida A&M University.

##### **Effect of Proposed Changes**

The bill amends ch. 2008-294, Laws of Florida, by revising the boundaries of the downtown area of Tallahassee to include Bragg Memorial Stadium on the Florida A&M University campus. This would expand the area subject to the exemption from s. 561.422, F.S., authorizing the Division to issue additional temporary permits for a nonprofit civic organization to sell alcoholic beverages on the premises at outdoor events.

The Economic Impact Statement projects the bill would slightly increase sales tax revenue due to increased sales on the campus of Florida A&M University during special events.<sup>2</sup> The Statement also anticipates the potential for local business growth due to the expansion of the college football and special events markets at Florida A&M University.

#### B. SECTION DIRECTORY:

Section 1. Amends ch. 2008-294, Laws of Florida, revising the boundaries of the downtown area of Tallahassee to expand the area subject to the exemption from s. 561.422, F.S., authorizing the Division to issue additional temporary permits for a nonprofit civic organization to sell alcoholic beverages on the premises at outdoor events on public right-of-way.

Section 2. Provides that the bill shall take effect upon becoming law.

<sup>1</sup> Ch. 561-568, F.S.

<sup>2</sup> Economic Impact Statement for HB 709 (2016).

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 16, 2015

WHERE? *Tallahassee Democrat*, a daily newspaper published in Leon 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:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) may apply to this bill.**

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Rep. Williams  
HB 709 LB

# TALLAHASSEE DEMOCRAT

## Tallahassee.com

A GANNETT COMPANY

FLORIDA A&M UNIVERSITY  
PO BOX 7238  
TALLAHASSEE, FL 32314

STATE OF FLORIDA COUNTY OF LEON:

Before the undersigned authority personally appeared Kristina Balytova, who on oath says that he or she is a Legal Advertising Representative of the Tallahassee Democrat, a daily newspaper published at Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

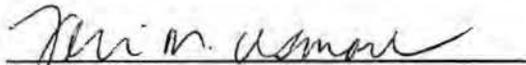
NOTICE

In the Second Judicial Circuit Court was published in said newspaper in the issues of:

10/16/15

Affiant further says that the said Tallahassee Democrat is a newspaper published at Tallahassee, in the said Leon County, Florida, and that the said newspaper has heretofore been continuously published in said Leon County, Florida each day and has been entered as periodicals matter at the post office in Tallahassee, in said Leon County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 19th of October 2015, by

  
Teri M. Ismail  
Notary Public for the State of Florida



**NOTICE OF LEGISLATION TO WHOM IT MAY CONCERN:** Notice is hereby given of the intent to apply to the 2016 Legislature, or 2016 Legislative Sessions, or 20156 legislature and any Special or Extended Sessions, for passage of an act amending Chapter 2008-294, Laws of Florida to expand the boundaries of the downtown Tallahassee area designated for purposes of temporary permits for a nonprofit civic organization to sell alcoholic beverages for consumption on the premises and providing an effective date.  
**PUBLICATION: 10/16/2015**

0000785398-01

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**PUBLICATION: 10/16/2015**

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HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 709
SPONSOR(S): Alan Williams
RELATING TO: City of Tallahassee, FL
NAME OF DELEGATION: Leon County
CONTACT PERSON: Alan Williams
PHONE NO.: (850) 717-5008 E-Mail: alan.williams@myfloridahouse.gov

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:
(1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
(2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
(3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
(4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?
YES [checked] NO [ ]

(2) Did the delegation conduct a public hearing on the subject of the bill?
YES [checked] NO [ ]

Date hearing held: 09/21/2015

Location: Leon County Commission Chambers, Tallahassee, FL

(3) Was this bill formally approved by a majority of the delegation members?
YES [checked] NO [ ]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?
YES [checked] NO [ ]

- II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES [checked] NO [ ] DATE October 12, 2015

Where? Tallahassee Democrat County Leon

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

**III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.**

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

  
Delegation Chair (Original Signature)

November 30, 2015  
Date

William Montford  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES**  
**2016 ECONOMIC IMPACT STATEMENT FORM**

***\*Read all instructions carefully.\****

***House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.***

**BILL #:** HB 709  
**SPONSOR(S):** Alan Williams  
**RELATING TO:** City of Tallahassee  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>-0-</u>	\$ <u>-0-</u>
Revenue increase due to bill:	\$ <u>-0-</u>	\$ <u>-0-</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>-0-</u>	\$ <u>-0-</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

There could perhaps be a small increase in sales tax revenue from slightly increased sales.  
However, the amount would be very slight given the small number of events that would be included in the expanded area. There would be no cost increase to the sale due to the passage of this legislation.

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>-0-</u>	\$ <u>-0-</u>
State:	\$ <u>-0-</u>	\$ <u>-0-</u>
Federal:	\$ <u>-0-</u>	\$ <u>-0-</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

- Advantages to Individuals: Individuals benefit from expanded selections at local college football games and special events.
- Advantages to Businesses: Local businesses benefit from expanding the economy surrounding local college football and other special events.
- Advantages to Government: N/A

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

- Disadvantages to Individuals: N/A

\_\_\_\_\_

2. Disadvantages to Businesses: N/A

\_\_\_\_\_

3. Disadvantages to Government: N/A

\_\_\_\_\_

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

N/A

\_\_\_\_\_

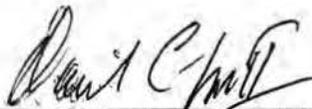
\_\_\_\_\_

\_\_\_\_\_

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:



**[Must be signed by Preparer]**

Print preparer's name:

**David C. Self, II**

**November 20, 2015**

**Date**

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

**Associate General Counsel**

REPRESENTING:

**Florida A&M University**

PHONE:

**(850)599-3591**

E-MAIL ADDRESS:

**david.self@famu.edu**

1                                   A bill to be entitled  
 2       An act relating to the City of Tallahassee, Leon  
 3       County; amending chapter 2008-294, Laws of Florida;  
 4       revising the boundaries of the downtown area for  
 5       purposes of temporary permits for a nonprofit civic  
 6       organization to sell alcoholic beverages for  
 7       consumption on the premises at outdoor events on  
 8       public right-of-way in the downtown area of  
 9       Tallahassee; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 1 of chapter 2008-294, Laws of Florida, is amended to read:

Section 1. (1) Notwithstanding any other provision of law, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may issue to a bona fide nonprofit civic organization, upon application and presentation of a valid street-closure permit issued by the City of Tallahassee, a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Tallahassee. Any such nonprofit civic organization may be issued up to 15 temporary permits per calendar year, and each temporary permit is valid for up to 3 days. For purposes of this act, the downtown area of Tallahassee is that area beginning at the

27 | intersection of Wahnish Way and West Orange Avenue, running  
 28 | north along Wahnish Way to Okaloosa Street; then west on  
 29 | Okaloosa Street to Perry Street; then north on Perry Street to  
 30 | Gamble Street; then east on Gamble Street to Wahnish Way,  
 31 | Railroad Avenue, and Macomb Street; then north along Wahnish  
 32 | Way, Railroad Avenue, and Macomb Street to West Park Avenue;~~τ~~  
 33 | then east to North Meridian Street;~~τ~~ then south to Apalachee  
 34 | Parkway;~~τ~~ then east to Suwannee Street;~~τ~~ then south to Myers  
 35 | Park Drive;~~τ~~ then east to Golf Terrace Drive;~~τ~~ then south to  
 36 | East Magnolia Drive;~~τ~~ then west to South Meridian Street;~~τ~~ then  
 37 | south to East Orange Avenue;~~τ~~ then west to the point of  
 38 | beginning at the intersection of Wahnish Way and West Orange  
 39 | Avenue, the total area encompassing approximately 1.5 square  
 40 | miles.

41 | Section 2. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 745 Special Districts  
**SPONSOR(S):** Nuñez  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 516

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Government Operations Subcommittee			
3) Local & Federal Affairs Committee			

### SUMMARY ANALYSIS

Special districts are used to provide a variety of local services and generally are funded through the imposition of ad valorem taxes, fees, and charges on the users of those services. There are two types of special districts: independent, which typically are created by special act and operationally are independent of any local general-purpose government, and dependent, which typically are created by local ordinance and are subject to the control of a local general-purpose government.

Special districts are required to maintain a website providing information about their budget and operations to the public. Independent special districts are required to maintain their own website, while dependent special districts have the option of maintaining their own website or having their website hosted on the website of the local general-purpose government to which the district is dependent.

The bill would require each special district to publish a version of its budget online that would allow the public to view the information in a variety of specific graphical and tabular formats and access multiple types of detailed financial information simultaneously. The bill also removes language concerning special districts that do not operate a website, since all special districts are required to operate a website as of October 1, 2015.

The bill may have an indeterminate negative fiscal impact on special districts, to the extent their websites do not currently contain the information and formatting required by the bill.

The effective date of the bill is July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Special Districts

A "special district" is "a unit of local government created for a special purpose... operat[ing] within a limited geographic boundary and is created by general law, special act, local ordinance, or rule of the Governor and Cabinet."<sup>1</sup> Special districts are created to provide a wide variety of services, such as mosquito control,<sup>2</sup> beach facilities,<sup>3</sup> children's services,<sup>4</sup> fire control and rescue,<sup>5</sup> or drainage control.<sup>6</sup>

Special districts can be classified as "dependent special districts"<sup>7</sup> or "independent special districts."<sup>8</sup> For a district to be classified as a "dependent special district," the district must meet at least one of the following criteria:

- Membership of its governing body is identical to that of the governing body of a single county or a single municipality;<sup>9</sup>
- All members of its governing body are appointed by the governing body of a single county or a single municipality;<sup>10</sup>
- The members of its governing body are subject to removal at will by the governing body of a single county or single municipality, during their unexpired terms;<sup>11</sup> or
- The district's budget requires approval or can be vetoed by the governing body of a single county or a single municipality.<sup>12</sup>

An "independent special district" is any special district that does not meet the definition of "dependent special district."<sup>13</sup> Furthermore, any special district that includes territory in more than one county is an independent special district, unless the district lies entirely with the borders of a single municipality.<sup>14</sup>

According to the Department of Economic Opportunity's (DEO) Special District Accountability Program Official List of Special Districts, the state currently has 1,659 special districts.<sup>15</sup> The districts can be further classified as follows:

- 1,649 active districts, 10 inactive districts
- 634 dependent special districts, of which 631 are active and 3 are inactive
- 1,025 independent special districts, of which 1,018 are active and 7 are inactive

<sup>1</sup> Section 189.012(6), F.S.

<sup>2</sup> Section 388.021(1), F.S. (however, new independent mosquito control districts are prohibited, *see* s. 388.021(2)).

<sup>3</sup> *See* s. 189.011, F.S.

<sup>4</sup> Section 125.901(1), F.S.

<sup>5</sup> Section 191.002, F.S.

<sup>6</sup> Section 298.01, F.S.

<sup>7</sup> Section 189.012(2), F.S.

<sup>8</sup> Section 189.012(3), F.S.

<sup>9</sup> Section 189.012(2)(a), F.S.

<sup>10</sup> Section 189.012(2)(b), F.S.

<sup>11</sup> Section 189.012(2)(c), F.S.

<sup>12</sup> Section 189.012(2)(d), F.S.

<sup>13</sup> Section 189.012(3), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *See* Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Jan. 7, 2016).

Special districts are governed generally by the Uniform Special District Accountability Act (Act).<sup>16</sup> The Act, initially passed in 1989,<sup>17</sup> created ch. 189, F.S., to centralize provisions governing special districts. Chapter 189 applies to the formation, governance, administration, supervision, merger, and dissolution of special districts, unless otherwise expressly provided in law.<sup>18</sup> The Act also provides an extensive statement of legislative intent aiming to improve accountability of special districts to state and local governments and providing for more effective communication and coordination in the monitoring of required reporting.<sup>19</sup>

### Reporting Requirements and Web-Based Access

As of October 1, 2015, all special districts are required to maintain an official website by the end of the first full fiscal year following their creation.<sup>20</sup> Independent special districts are required to maintain their own website, while dependent special districts have the option of maintaining their own website or having their website hosted on the website of the local general-purpose government to which the district is dependent.<sup>21</sup> The website must contain:<sup>22</sup>

- The full legal name of the district;
- The public purpose of the district;
- The name, address, e-mail address, term, and appointing authority (if applicable) for each member of the district's governing body;
- The fiscal year of the district;
- The full text of the district's charter;
- The date the district was established and the establishing entity;
- The statute(s) under which the district operates, if different from the statute which established the district;
- The mailing address, e-mail address, telephone number, and URL of the special district;
- A description of the boundaries of the district;
- A list of the services provided by the district;
- A list of all taxes, fees, assessments, and charges imposed by the district, including the rates for the current fiscal year and the statutory authority for the levy;
- The primary contact information for the district, for purpose of communication from DEO;
- The code of ethics adopted by the district;
- The district's budget and budget amendments; and
- The final, complete audit report for the recently completed fiscal year.

The budget information included on the district's website must meet the reporting requirements of s. 189.016, F.S.<sup>23</sup> That section requires the tentative budget for the district to be published on the district's website at least two days before the budget hearing, held pursuant to s. 200.065, F.S., or other law, to consider the budget.<sup>24</sup> Once the final budget is adopted, the district must post a copy to its website within 30 days.<sup>25</sup> If the district does not operate its own official website, the district must transmit the tentative or final budget to the local general-purpose government or local governing authority for

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<sup>16</sup> Section 189.01, F.S., *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts).

<sup>17</sup> Ch. 89-169, Laws of Fla.

<sup>18</sup> Ch. 189, F.S. *passim*; *but see* s. 190.004 (Ch. 190, F.S. as "sole authorization" for creation of community development districts).

<sup>19</sup> Section 189.06, F.S.

<sup>20</sup> Section 189.069(1), F.S.

<sup>21</sup> Section 189.069(1)(a)-(b), F.S.

<sup>22</sup> Section 189.069(2)(a)1.-12., F.S. HB 479 (2016) would add a list of regularly scheduled public meetings of the district, the public facilities report, link to the Department of Financial Services website, and the agenda and meeting materials (published at least seven days before the meeting or workshop and available for at least one year afterwards) of the district to these requirements.

<sup>23</sup> Section 189.069(2)(a)11., F.S.

<sup>24</sup> Section 189.016(4), F.S. HB 479 (2016) would require the district's tentative budget to remain on its website for at least 45 days.

<sup>25</sup> *Id.* HB 479 (2016) would require the district's final adopted budget to remain on its website for at least two years.

posting on that entity's website.<sup>26</sup> The proposed budget for a dependent special district must be contained in the general budget of the local governing authority to which it is dependent, but the local governing authority may present the district's budget separately as well.<sup>27</sup>

The governing body of a district may amend the budget for a fiscal year at any time during that fiscal year or within 60 days of its close.<sup>28</sup> The board may make amendments by:

- A motion to increase or decrease appropriations for expenditures within a fund, if the total appropriations of the fund do not increase;<sup>29</sup>
- Establishing procedures authorizing the designated budget officer to make certain amendments, if the total appropriations of the fund do not increase;<sup>30</sup>
- Passing a resolution to make an amendment for any other reason.<sup>31</sup>

If the governing body of the district makes an amendment by resolution, the amendment must be posted on the district's official website within five days after adoption.<sup>32</sup> An adopted amendment, like the tentative and final budget, must be posted to the website of the local general-purpose government or local governing authority if the district does not maintain a website.<sup>33</sup>

### Special District Financial Records

All financial records, including checking account and ledger information, made or received in the transaction of official business are public records.<sup>34</sup> A special district must permit these records to be inspected and copied by any person at any reasonable time, under reasonable conditions, and under the supervision of the custodian of the public records.<sup>35</sup> The district is not required to reformat records in a particular manner requested by the viewer.<sup>36</sup>

Special districts are required to comply with the financial reporting requirements of ss. 218.32 (annual financial reports) and 218.39 (annual financial audit reports), F.S.<sup>37</sup>

Each special district with revenues or a total of expenditures or expenses in excess of \$100,000, as reported on their financial statements, is required to have an annual audit conducted by an independent certified public accountant.<sup>38</sup> A dependent special district may meet this requirement by being included in the audit of the local government entity upon which it is dependent.<sup>39</sup> The auditor shall review the financial accounts and records of the district, reports on compliance and internal control, management letters, and financial statements, as required by rules adopted by the Auditor General.<sup>40</sup> The auditor must present these findings to the chair of the district's governing board and submit a copy of the report

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<sup>26</sup> *Id.*

<sup>27</sup> Section 189.016(5), F.S.

<sup>28</sup> Section 189.016(6), F.S.

<sup>29</sup> Section 189.016(6)(a), F.S.

<sup>30</sup> Section 189.016(6)(b), F.S.

<sup>31</sup> Section 189.016(6)(c), F.S.

<sup>32</sup> Section 189.016(7), F.S. HB 479 (2016) would require the amendment to remain on the district's website for at least two years.

<sup>33</sup> *Id.*

<sup>34</sup> Section 119.011(12), F.S. Special districts are included in the definition of "agency" for the purposes of the public records law. S. 119.011(2), F.S.

<sup>35</sup> Section 119.07, F.S.

<sup>36</sup> *See Seigle v. Berry*, 422 So. 2d 63, 65 (Fla. 4th DCA 1982) ("plaintiff ... may not require [the agency] to reorder [records]. Nothing in the statute, case law, or public policy imposes such a burden[.]")

<sup>37</sup> Section 189.016(9), F.S.

<sup>38</sup> Section 218.39(1), F.S. An entity is exempt from this requirement if it is informed by the first day of the fiscal year that the Auditor General will be conducting an audit of the entity for that fiscal year.

<sup>39</sup> Section 218.39(3)(a), F.S.

<sup>40</sup> Section 218.39(2), F.S. The rules of the Auditor General are Rules 10.550, 10.650, 10.700, 10.800, and 10.850, F.A.C. *See* Rule 61H1-20.0093, F.A.C.

to the Auditor General.<sup>41</sup> The audit report is a public record once the report is submitted by the auditor to the district.<sup>42</sup>

Each special district is required to file an annual financial report with the Department of Financial Services.<sup>43</sup> If the special district audit for the fiscal year was conducted by an independent certified public account, the district must submit an annual financial report and the audit report within 45 days of the completion of the audit report, but no later than nine months after the end of the fiscal year.<sup>44</sup> If the special district audit for the fiscal year was conducted by the Auditor General or the district is not required to conduct an independent audit, the district must submit an annual financial report no later than nine after the end of the fiscal year.<sup>45</sup> The report must include balance sheet information used by the Auditor General.<sup>46</sup> The Department of Financial Services is required to notify the Legislative Auditing Committee and DEO's Special District Accountability Program if the district fails to complete an annual financial report in the required period.<sup>47</sup> A link to the annual financial report must be included on the special district's website.<sup>48</sup>

### **Effect of Proposed Changes**

The bill would require each special district to publish budget information on its website in a format which allows the public to:

- View multiple years of budget, general ledger, and checking account data;
- Review year-over-year spending trends, examine individual accounting entries, and filter data according to categories in the special district's chart of accounts, including, but not limited to, fund, department, division, program, or activity;
- Download financial data and graphs;
- View data in different graphical formats, including, but not limited to, stacked line, trend line, bar graph, and pie chart;
- View data in tabular<sup>49</sup> formats;
- View information for multiple special district departments, divisions, funds, or financial categories simultaneously; and
- View and compare revenue and expense trends simultaneously on the same graph for any level of financial data.

No similar requirement exists for county or municipal governments.<sup>50</sup>

Most special districts would need to revise their websites significantly to conform to the provisions of the bill. Counties or municipalities that provide websites for their dependent districts would incur the costs of compliance. For example, officials from St. Lucie, Gulf, and Sarasota Counties stated that the average cost for upgrading and maintaining a website in compliance with the bill's requirements would

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<sup>41</sup> Sections 218.39(5), (7), F.S.

<sup>42</sup> See s. 119.0713(3), F.S.

<sup>43</sup> Section 218.32(1)(a), F.S.

<sup>44</sup> Section 218.32(1)(d), F.S.

<sup>45</sup> Section 218.32(1)(e), F.S.

<sup>46</sup> *Id.*

<sup>47</sup> Section 218.32(1)(f), F.S.

<sup>48</sup> Section 218.32(1)(g), F.S.

<sup>49</sup> According to the Oxford English Dictionary, "tabular" means presenting data in columns or tables. A spreadsheet would be an example of a tabular format.

<sup>50</sup> See s. 129.03, F.S. (preparation and adoption of county budget) and s. 166.241, F.S. (municipal budgets, establishing a procedure identical to the one for special districts under current law).

exceed \$20,000 per year.<sup>51</sup> An official from Orange County estimated the cost of compliance at \$62,400 for the first year and \$7,300 for each subsequent year.<sup>52</sup>

Special districts may find it more affordable to meet the requirements of the bill by hiring an outside vendor who specializes in presenting financial information in the precise manner required by the bill. For example, the City of Miami signed a sole source contract in September 2015 with a firm providing financial data visualization solutions to state and local governments.<sup>53</sup>

The bill would also remove language requiring a district to transmit budget information to the local general-purpose government or local governing authority if the district does not operate its own website. This language appears to be unnecessary, since all special districts are required to maintain a website as of October 1, 2015.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 189.016, F.S., to require each special districts to publish budget information on its official website in a variety of formats and to remove obsolete language concerning districts without a website.

Section 2: Providing an effective date of July 1, 2016.

### 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:

The bill may have an indeterminate negative fiscal impact on special districts, to the extent their websites do not currently contain the information and formatting required by the bill. The bill will require special districts declared inactive by DEO to incur the costs of maintaining a website and posting the requisite information even though such districts cannot collect taxes, fees, or assessments.<sup>54</sup>

Counties and municipalities that provide the websites through which their dependent special districts report may incur an indeterminate negative fiscal impact.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

<sup>51</sup> Email from Laura Youmans, Fla. Assoc. of Counties, RE: HB 745 – Special District Financial Reporting, regarding county reporting of financial information for special districts (Jan. 7, 2016). Copy retained by Local Government Affairs Subcommittee staff.  
<sup>52</sup> *Id.*

<sup>53</sup> City of Miami Res. R-15-0406, File ID # 15-01090.

<sup>54</sup> Section 189.062(5), F.S.

The bill would provide a positive, direct impact on the private sector to the extent special districts utilize outside vendors to comply with the bill's requirements.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not directly require counties or municipalities to spend funds or take any action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenue in the aggregate nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 31-33 of the bill require each special district to "publish an online version of its budget information on its official website." If a district chose an outside vendor to format its financial data to conform with the requirements of the bill, it is unclear if a hyperlink to the website of the vendor from the special district's website would be sufficient to meet the requirement to publish on the district's official website.

Lines 34-35 of the bill require each district to publish "multiple years of budget, general ledger, and checking account data." While budgets are written and published on an annual basis, ledger and checking account data are continuous activities. The bill is unclear if the data provided by the district must be provided in a real-time or may subject to a delay to meet other requirements (like protecting the confidentiality of third-party financial information<sup>55</sup>).

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>55</sup> See s. 119.071(5)(b), F.S. (exempting bank account, debit, charge, and credit card numbers held by public entities from public records requirements).

1                                   A bill to be entitled  
 2       An act relating to special districts; amending s.  
 3       189.016, F.S.; requiring each special district to  
 4       operate an official website; requiring each special  
 5       district's official website to include specified  
 6       budget information; conforming provisions to changes  
 7       made by this act; providing an effective date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11       Section 1. Subsections (4) and (7) of section 189.016,  
 12       Florida Statutes, are amended to read:

13       189.016 Reports; budgets; audits.—

14       (4) (a) The tentative budget must be posted on the special  
 15       district's official website at least 2 days before the budget  
 16       hearing, held pursuant to s. 200.065 or other law, to consider  
 17       such budget. The final adopted budget must be posted on the  
 18       special district's official website within 30 days after  
 19       adoption. ~~If the special district does not operate an official~~  
 20       ~~website, the special district must, within a reasonable period~~  
 21       ~~of time as established by the local general purpose government~~  
 22       ~~or governments in which the special district is located or the~~  
 23       ~~local governing authority to which the district is dependent,~~  
 24       ~~transmit the tentative budget or final budget to the manager or~~  
 25       ~~administrator of the local general purpose government or the~~  
 26       ~~local governing authority. The manager or administrator shall~~

27 ~~post the tentative budget or final budget on the website of the~~  
28 ~~local general purpose government or governing authority. This~~  
29 subsection and subsection (3) do not apply to water management  
30 districts as defined in s. 373.019.

31 (b) Each special district shall publish an online version  
32 of its budget information on its official website which allows  
33 the public to:

34 1. View multiple years of budget, general ledger, and  
35 checking account data;

36 2. Review year-over-year spending trends, examine  
37 individual accounting entries, and filter data according to  
38 categories in the special district's chart of accounts,  
39 including, but not limited to, fund, department, division,  
40 program, or activity;

41 3. Download financial data and graphs;

42 4. View data in different graphical formats, including,  
43 but not limited to, stacked line, trend line, bar graph, and pie  
44 chart;

45 5. View data in tabular formats;

46 6. View information for multiple special district  
47 departments, divisions, funds, or financial categories  
48 simultaneously; and

49 7. View and compare revenue and expense trends  
50 simultaneously on the same graph for any level of financial  
51 data.

52 (7) If the governing body of a special district amends the

53 budget pursuant to paragraph (6)(c), the adopted amendment must  
54 be posted on the official website of the special district within  
55 5 days after adoption. ~~If the special district does not operate~~  
56 ~~an official website, the special district must, within a~~  
57 ~~reasonable period of time as established by the local general-~~  
58 ~~purpose government or governments in which the special district~~  
59 ~~is located or the local governing authority to which the~~  
60 ~~district is dependent, transmit the adopted amendment to the~~  
61 ~~manager or administrator of the local general-purpose government~~  
62 ~~or governing authority. The manager or administrator shall post~~  
63 ~~the adopted amendment on the website of the local general-~~  
64 ~~purpose government or governing authority.~~

65 Section 2. This act shall take effect July 1, 2016.



HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 785 St. Lucie County Fire District, St. Lucie County  
**SPONSOR(S):** Lee, Jr.  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Monroe <i>Kipson</i>	Miller <i>E.H.M.</i>
2) Finance & Tax Committee			
3) Local & Federal Affairs Committee			

**SUMMARY ANALYSIS**

HB 785 revises the charter of the St. Lucie County Fire District to change the District's borrowing limit. Currently, the District may borrow up to \$1,500,000, unless an emergency is declared. If an emergency is declared the District may borrow up to \$4,000,000. Under HB 785, the District will be able to borrow an amount not to exceed 10% of their operating budget. The bill also amends the definition of the term "emergency."

This bill will take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Independent Special Fire Control Districts**

An independent special fire control district is a type of independent special district<sup>1</sup> created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.<sup>2</sup> Chapter 191, F.S., the "Independent Special Fire Control District Act," is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.<sup>3</sup> Chapter 191 controls over more specific provisions in any special act or general law of local application creating an independent fire control district's charter.<sup>4</sup> The Chapter requires every independent fire control district be governed by a five-member board unless the board members are appointed<sup>5</sup> and provides for:

- General powers;<sup>6</sup>
- Special powers;<sup>7</sup>
- Authority and procedures for the assessment and collection of ad valorem taxes;<sup>8</sup>
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;<sup>9</sup> and
- Issuance of district bonds and evidences of debt.<sup>10</sup>

As a type of independent special district,<sup>11</sup> independent special fire control districts are also subject to applicable provisions of ch. 189, F.S., the "Uniform Special District Accountability Act."<sup>12</sup> That Act prohibits special laws or general laws of local application that:<sup>13</sup>

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<sup>1</sup> A "special district" is a local government unit of "special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." S. 189.012(6), F.S. An "independent special district" is any special district that is not a "dependent special district," which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district's governing body are removable at will during their unexpired terms by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality. S. 189.012(3), F.S.

<sup>2</sup> Section 191.003(5), F.S.

<sup>3</sup> Section 191.002, F.S.

<sup>4</sup> Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section. *Id.*

<sup>5</sup> Section 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

<sup>6</sup> Section 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

<sup>7</sup> Section 191.008, F.S.

<sup>8</sup> Section 191.006(14); 191.009(1), F.S.

<sup>9</sup> Section 191.006(11), (15), 191.009(2)—(4), 191.011, F.S.

<sup>10</sup> Section 191.012, F.S.

<sup>11</sup> Section 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

<sup>12</sup> Section 189.031, F.S.

<sup>13</sup> Article III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by "like vote." The "Uniform Special District Accountability Act" (ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each the House and the Senate.

- Create special districts which do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;<sup>14</sup>
- Exempt district elections from the requirements of s. 189.04, F.S.;<sup>15</sup>
- Exempt a district from the requirements for bond referenda under s. 189.042, F.S.;<sup>16</sup>
- Exempt a district from the requirements for reporting, notice, or public meetings under ss. 189.015, 189.016, 189.051, or 189.08, F.S.;<sup>17</sup>
- Create a district for which a statement documenting the following is not submitted to the Legislature:
  - The purpose of the proposed district;
  - The authority of the proposed district;
  - An explanation of why the district is the best alternative; and
  - A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating that the proposed district is consistent with approved local government plans and the local government does not object to creation of the district.<sup>18</sup>

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.<sup>19</sup> Therefore, any boundary expansion must be approved by the Legislature.<sup>20</sup> A special district may not levy ad valorem taxes without approval by the effected voters in a referendum.<sup>21</sup>

### **St. Lucie County Fire District**

The St. Lucie Fire District was created in 1959 and its Charter was codified by Chapter 2004-407, Laws of Florida. The District is governed by an appointed board consisting of:

- Two members from the Board of County Commissioners of St. Lucie County,
- Two members from the City Commission of the City of Ft. Pierce,
- Two members from the City Commission of the City of Port St. Lucie, and
- One member appointed by the Governor.

### **Effect of Proposed Changes**

HB 785 revises the charter of the St. Lucie County Fire District<sup>22</sup> to change the District's borrowing limit. Currently, the District may borrow up to \$1,500,000, unless an emergency is declared. If an emergency is declared the District may borrow up to \$4,000,000.<sup>23</sup> Under the bill, the District will be able to borrow an amount not to exceed 10% of its operating budget. The funds borrowed must be spent in accordance with a supermajority vote of the District's board and the funds cannot be spent on normal operating expenses.

The bill also amends the definition of the term "emergency," allowing an emergency to be declared by a supermajority vote of the District's board.

### **B. SECTION DIRECTORY:**

**Section 1** revises the charter of the St. Lucie County Fire District to change the District's borrowing limit. It provides that the District will be able to borrow an amount not to exceed 10% of its operating

<sup>14</sup> Section 189.031(2)(a), F.S.

<sup>15</sup> Section 189.031(2)(b), F.S.

<sup>16</sup> Section 189.031(2)(c), F.S.

<sup>17</sup> Section 189.031(2)(d), F.S.

<sup>18</sup> Section 189.031(2)(e), F.S.

<sup>19</sup> *Bd. of Comm'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007).

<sup>20</sup> Section 191.014(2), F.S. ("The territorial boundaries of [an independent special fire control] district may be modified, extended, or enlarged with the approval or ratification of the Legislature.").

<sup>21</sup> Article VII, s. 9(b), Fla. Const.

<sup>22</sup> Ch. 2004-407, Laws of Florida.

<sup>23</sup> Section 6(2) of Section 3 Chapter 2004-407, Laws of Florida

budget. The borrowed funds may only be expended through a supermajority vote of the District's board. The bill also amends the definition of the term "emergency," allowing an emergency to be declared by a supermajority vote of the District's board.

**Section 2** states that the bill shall take effect upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 21, 2015

WHERE? Treasure Coast Newspapers

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:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Line 42 through 57 of this bill define the term "emergency" However, the only use of this term in the charter is being deleted in line 30 of the bill. Since the term "emergency" will no longer be used in the District's charter, it is recommend that the definition of that term be removed from said charter.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

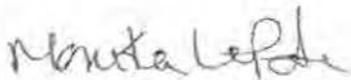
REP LEE  
HB 785 LB

# Treasure Coast Newspapers

State of Florida  
County of Martin

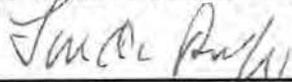
Before me the undersigned authority, personally appeared Monika LaPorte, who on oath says that she is an Advertising Billing Coordinator for Treasure Coast Newspapers, a daily newspaper published in Martin County Florida, that the advertisement for St. Lucie County Fire District in the matter of Notice of Intent – Statutory Notice was published on Oct. 21, 2015. Affiant further says that this publication of newspaper was published in said Martin County Florida and distributed, in Martin County, St. Lucie County and Indian River County, Florida with offices and paid circulation in Martin County, St. Lucie County and Indian River County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commissions or refunds for the purpose of securing this advertisement for publication in the said newspaper. Treasure Coast Newspapers has been entered as second class matter at the post office in Martin County, St. Lucie County and Indian River County, Florida and has been for a period of one year preceding the first publication of the attached copy of advertisement.

Original copies of publications may not be available at this date.



Monika LaPorte, Advertising Billing Coordinator

Sworn to and subscribed before me this 5th day of November A.D. 2015



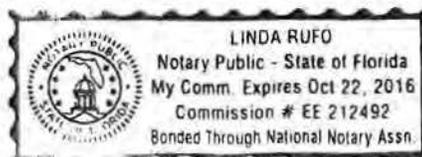
10/22/16

Notary Public

Seal

My Commission Expires:

() personally known to me or  
() who has produced \_\_\_\_\_ as identification.



ELECTION 2016



Former Virginia Sen. Jim Webb, accompanied by his wife, Hong Le Webb, announces he will drop out of the Democratic race for president Tuesday during a news conference at the National Press Club in Washington.

Webb ends Democratic bid

By Ken Thomas and Laurie Holman Associated Press

WASHINGTON — Former Virginia Sen. Jim Webb said Tuesday he is dropping out of the Democratic race for president and is considering his options about how he might "remain as a voice" in the campaign.

Webb said at a news conference that he is "withdrawing from any consideration" of becoming the Democratic Party's nominee and would spend the coming weeks exploring his options about a possible independent bid.

"The very nature of our democracy is under siege due to the power structure and the money that finances both political parties," Webb said, joined by his wife, Hong Le Webb. "Our political candidates are being pulled to the extremes. They're increasingly out of step with the people they're supposed to serve."

Webb said many of the issues that he cares about are not in line with the hierarchy of the Democratic Party, saying he did not have a "clear, exact fit" in either party. Asked if he still considers himself a Democrat, Webb said, "We'll think about that."

A Vietnam War veteran and former member of President Ronald Reagan's administration, Webb complained that he did not get the chance to make his views fully known at the first Democratic debate.

He has trailed badly in the field that includes Hillary Rodham Clinton and Vermont Sen. Bernie Sanders. Webb has been polling in the back of the pack with former Maryland Gov. Martin O'Malley and former Rhode Island Gov. Lincoln Chafee.

Webb has raised only about \$700,000 and ended the month of September with more than \$300,000 in the bank.

Rivals like Clinton and Sanders have raised millions for the campaign. Webb surprised many fellow Democrats when he became the first major figure in the party to form a presidential exploratory committee in November.

In a sign of Webb's impending decision, the Iowa Democratic Party said he would not appear at Saturday's major Jefferson-Jackson fundraiser in

Des Moines. Webb, 69, has promoted criminal justice reform and an overhaul of the campaign finance system and has been critical of the Obama administration's foreign policy.

He has urged Democrats to appeal to working-class Americans and white voters in the South who have left the Democratic Party in recent elections.

St Lucie County Fire District  
 Advertiser: 747617  
 Agency: N/A  
 Section-Page-Zone(s): A-16-All  
 Description: Statutory Notice  
 Insertion Number: N/A  
 Size: 2 Col x 4 in  
 Color Type: N/A

St. Lucie News Tribune  
 Wednesday, October 21, 2015

**LINUS** UP TO 24 MONTHS NO MONEY DOWN VALUE PROTECTED

2016 Cadillac SRX  
 \$339\* 24 months + Tax  
 and received \$750 towards your lease!

\*2016 Cadillac SRX, MSRP \$38,999. Lease to \$119/mo. plus tax for 36 months. \$200 down per mo. \$275 fee on opening. Plus tax. See dealer for complete details. Offer ends 10/31/15. See dealer for restrictions. ©2015 Linus. See dealer for details. Expires 10/31/15.

772-562-1700 • 1401 US Hwy 1 North  
 Linusautomotive.com

**NOTICE OF INTENT TO SEEK LEGISLATION**

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2016 Legislature, or 2016 Legislative Sessions, or 2016 Legislature and any Special or Extended Sessions, for passage of an act relating to the St. Lucie County Fire District amending chapter 2004-407, Laws of Florida, as the charter for the Fire District; specifically amending Section 6, Gifts, purchases, loans, to modify standards for the St. Lucie County Fire District to borrow money and definition of emergency; and providing an effective date.

**LOCAL'S NIGHT in October**  
 4pm - Close

**THE PRAWNBROKER**  
 GRILL

2 for 1 Well Drinks, House Wines & Domestic Draft Beer  
 4pm-close

Serving our Oktoberfest Menu  
 • Black Forest Beef Stew • Sauerbraten  
 • Grilled Bratwurst • Jager Schnitzel  
 • Wiener Schnitzel

Accepting reservations for parties of 6 or more  
 Outside bar is OPEN!  
 Sunset menu 4 - 5:30pm Daily  
 3754 SE Ocean Blvd., Sewall's Point  
**772-288-1222**

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**HOUSE OF REPRESENTATIVES**  
**2016 LOCAL BILL CERTIFICATION FORM**

**BILL #:** \_\_\_\_\_  
**SPONSOR(S):** REPRESENTATIVE LARRY LEE, JR.  
**RELATING TO:** ST. LUCIE COUNTY FIRE DISTRICT  
(Indicate Area Affected (City, County, or Special District) and Subject)  
**NAME OF DELEGATION:** ST. LUCIE COUNTY DELEGATION  
**CONTACT PERSON:** CHIEF BUDDY EMERSON  
**PHONE NO.:** (772 ) 621-3312 **E-Mail:** bemerson@slcfd.org

**I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:**

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and*
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.*
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.*

**(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?**

YES [ X ]      NO [ ]

**(2) Did the delegation conduct a public hearing on the subject of the bill?**

YES [ X ]      NO [ ]

**Date hearing held:** September 25, 2015

**Location:** Indian River State College, Fort Pierce, FL

**(3) Was this bill formally approved by a majority of the delegation members?**

YES [ x ]      NO [ ]

**(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?**

YES [ x ]      NO [ ]

**II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.**

**Has this constitutional notice requirement been met?**

**Notice published:** YES [ x ]    NO [ ]    **DATE:** OCTOBER 21, 2015

**Where?** TREASURE COAST NEWS TRIBUNE County ST. LUCIE

**Referendum in lieu of publication:** YES [ ]    NO [ ]

Date of Referendum \_\_\_\_\_

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES [ ]      NO [x]

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [ ]      NO [x]

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES [ ]      NO [x]

Please submit this completed, original form to the Local Government Affairs Subcommittee.

  
Delegation Chair (Original Signature)

11/13/2015  
Date

LARRY LEE, JR.  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES  
2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** \_\_\_\_\_

**SPONSOR(S):** \_\_\_\_\_

**RELATING TO:** St. Lucie County Fire District- Borrowing Authority  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>0</u>	\$ <u>0</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>0</u>	\$ <u>0</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

The proposed changes to the Fire District's statutory charter address the Fire District's need for proportionate borrowing authority, in order to maintain quality fire and emergency medical services. There will be no change to the Fire District's ad valorem millage rate, which is already at its maximum 3.0 mils cap. Therefore, no increase nor decrease in revenues will occur. The Fire District currently has no long-term debt and the proposed changes are not expected to result in additional long-term debt without the protection which will be provided by super majority vote of the local governing body.

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>NA</u>	\$ <u>NA</u>
State:	\$ <u>NA</u>	\$ <u>NA</u>
Federal:	\$ <u>NA</u>	\$ <u>NA</u>

**IV. ECONOMIC IMPACT:**

**Potential Advantages:**

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

- 1. **Advantages to Individuals:** 1. The proposed statutory changes will allow the Fire District to better provide quality fire and emergency medical services to the individuals residing in or visiting St. Lucie County, by providing it proportionate borrowing authority so that its fire vehicle replacement program may be stabilized.
- 2. **Advantages to Businesses:** 2. The proposed statutory changes will allow the Fire District to better provide quality fire and emergency medical services to the businesses located within St. Lucie County, by providing it proportionate borrowing authority so that its fire vehicle replacement program may be stabilized.
- 3. **Advantages to Government:** 3. The Fire District has no anticipated borrowing plans currently and has no viable Capital Improvement Plan in place. Without the proposed statutory changes, the Fire District does not have sufficient borrowing authority to adequately plan, for budgeting purposes or otherwise, in order to fund a vehicle replacement program or for other capital needs. The proposed statutory changes will allow the Fire District to better provide quality fire and emergency medical services to the constituents and personnel of St. Lucie County, as well as its cities, by providing it proportionate borrowing authority for maintaining a fire vehicle replacement program and other capital needs.

**Potential Disadvantages:**

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

- 1. **Disadvantages to Individuals:** There are no disadvantages to individuals expected as a result of the proposed statutory changes.

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2. Disadvantages to Businesses:

There are no disadvantages to businesses expected as a result of the proposed statutory changes.

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3. Disadvantages to Government:

There are no disadvantages to St. Lucie County governments expected as a result of the proposed statutory changes.

---

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

The proposed changes represent a reasonable approach to address the Fire District's need for realistic and proportionate borrowing authority, in order to maintain quality fire and emergency medical services to our residents and visitors.

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**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

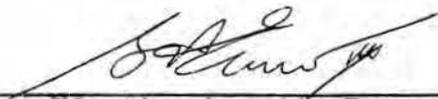
Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

St. Lucie County Fire District Data

See letter to Representative Larry Lee, Jr., from Fire Chief Buddy Emerson, dated September 8, 2015, enclosed herewith.

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:   
**[Must be signed by Preparer]**

Print preparer's name: Buddy Emerson

September 16, 2015  
**Date**

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Fire Chief

REPRESENTING: St. Lucie County Fire District

PHONE: 772.621.3312

E-MAIL ADDRESS: bemerson@slcfd.org

# St. Lucie County Legislative Delegation Meeting

September 25, 2015

1:30pm – 5:00pm

## Local Bill Vote St. Lucie County

Senator Denise Grimsley \_\_\_\_\_ YES NO

Representative Gayle Harrell, Vice-Chair Gayle Harrell YES NO

Representative Debbie Mayfield Debbie Mayfield YES NO

Senator Joe Negron Joe Negron YES NO

Representative Cary Pigman Cary Pigman YES NO

Representative Larry Lee, Jr., Chair Larry Lee, Jr. YES NO

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A bill to be entitled  
An act relating to the St. Lucie County Fire District,  
St. Lucie County; amending chapter 2004-407, Laws of  
Florida; revising requirements for the district's  
board of commissioners to borrow money; revising the  
definition of the term "emergency"; providing an  
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 6 of section 3 of chapter 2004-407,  
Laws of Florida, is amended to read:

Section 6. Gifts; purchases; loans.—

(1) The board shall have the power and authority to hold,  
control, and acquire, by gift or purchase, for the use of the  
district, any real or personal property and to pay the purchase  
price in installments or deferred payments and to condemn any  
lands needed for the purpose of said district. Said board is  
authorized to exercise the right of eminent domain and institute  
and maintain condemnation proceedings in the same manner as St.  
Lucie County, as other public municipalities under the laws of  
the state, or both.

(2) The board is hereby authorized and empowered, in order  
to carry out the purposes of this act, to borrow money not to  
exceed 10 percent of the district's operating budget consistent  
with chapters 189 and 191, Florida Statutes, the uses for which

27 must be approved by a supermajority of six affirmative votes of  
 28 the board, and the uses may not include normal operational  
 29 expenses; and \$1,500,000 in any one year unless the board shall  
 30 ~~issue a resolution that declares a district emergency as defined~~  
 31 ~~in this section, in which case the board is authorized and~~  
 32 ~~empowered to borrow money not to exceed the sum of \$4 million.~~  
 33 ~~In no event, however, shall the total of all amounts borrowed~~  
 34 ~~and unpaid exceed the sum of \$5 million. The board is further~~  
 35 ~~authorized and empowered to issue its promissory notes therefor~~  
 36 upon such terms and at such rates of interest as said board may  
 37 deem advisable, and said notes shall be a charge upon all  
 38 revenues derived from taxes in that year. If the district votes  
 39 to refinance any debt based on borrowed money authorized under  
 40 this subsection, its refinanced term cannot extend beyond its  
 41 original term.

42 (3) An emergency for the purposes of the St. Lucie County  
 43 Fire District is defined as:

44 (a) A natural or manmade fire or medical disaster  
 45 involving significant injury, death, or destruction of  
 46 structures and requiring extensive and unforeseen use of  
 47 overtime or additional personnel.

48 (b) A response to a declaration of a local emergency and  
 49 request by St. Lucie County that the district provide emergency  
 50 services, ~~the cost of which exceeds the annual borrowing limit~~  
 51 ~~of the district.~~

52 (c) A need to replace or repair fire or emergency medical  
 53 vehicles and equipment based on unanticipated and unforeseen  
 54 circumstances, ~~rather than on ordinary wear and tear, for losses~~  
 55 ~~not covered by insurance.~~

56 (d) Any other circumstances declared to be an emergency by  
 57 a supermajority of six affirmative votes of the board.

58 (4) The board ~~of commissioners of the district~~ shall have  
 59 the power and authority to acquire by gift or purchase and to  
 60 pay the purchase price for such firefighting and other equipment  
 61 as deemed reasonably necessary for the protection of property,  
 62 safety of lives, or reduction of fire hazards to the same, in  
 63 the district; to hire firefighting, emergency medical, civilian,  
 64 and other personnel as needed; and to inspect all property and  
 65 investigate for fire hazards and prescribe rules and regulations  
 66 pertaining thereto, including the enforcement of the Florida  
 67 Fire Prevention Code as revised from time to time.

68 (5) The board ~~of commissioners of the district~~ may  
 69 acquire, by gift or purchase, such emergency equipment and  
 70 employ such personnel as may be determined reasonably necessary  
 71 by the board for the operation and maintenance of emergency  
 72 medical service within the district.

73 Section 2. This act shall take effect upon becoming a law.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 791 Local Tax Referenda  
SPONSOR(S): Ingoglia  
TIED BILLS: IDEN./SIM. BILLS: SB 1100

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Finance & Tax Committee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law. Section 212.055, F.S. provides counties limited authority to levy discretionary sales surtaxes for specific purposes on transactions subject to state sales tax. Discretionary sales surtaxes are generally subject to approval by a majority of the qualified electors in a referendum.

Forty-six counties and fifteen school districts across the state levy at least one local discretionary sales surtax. These surtaxes are estimated to generate \$2.15 billion in revenue during fiscal year 2015-16.

The bill requires any referendum to levy a discretionary sales surtax to be held on the day of the general election and approved by 60 percent of electors voting. The bill also prohibits a county or school district from spending funds to promote a surtax referendum, except for funds specifically appropriated for that purpose.

The bill does not have a fiscal impact on state government, but may have a negative impact on local government revenues and may reduce local government expenditures.

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Introduction

##### Discretionary Sales Surtax

The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law.<sup>1</sup> By statute, counties have limited authority to levy a discretionary sales surtax for specific purposes on transactions subject to state sales tax.<sup>2</sup> These purposes include:

- The operation of a transportation system by a charter county;<sup>3</sup>
- Financing local government infrastructure projects;<sup>4</sup>
- Providing additional revenue for counties having less than 50,000 residents as of April 1, 1992;<sup>5</sup>
- Providing medical care for indigent persons;<sup>6</sup>
- Funding trauma centers;<sup>7</sup>
- The operation, maintenance, and administration of a county public general hospital;<sup>8</sup>
- School construction and renovation;<sup>9</sup> and
- Providing emergency fire rescue services and facilities.<sup>10</sup>

The surtax is collected by the Department of Revenue (DOR) using the same procedures utilized for the administration, collection, and enforcement of the general state sales tax.<sup>11</sup> DOR places these funds into the Discretionary Sales Surtax Clearing Trust Fund.<sup>12</sup> A separate account is established for each county imposing a discretionary surtax.<sup>13</sup> The proceeds of the surtax are distributed to the county on a monthly basis, minus an administrative fee of the lesser of three percent or administrative costs solely and directly attributable to the surtax.<sup>14</sup> Each county is liable for administrative costs equal to its prorated share of discretionary sales surtax revenue to the amount collected statewide.<sup>15</sup>

New surtaxes and rate changes to existing surtaxes take effect on January 1, while the repeal of an existing surtax takes effect on December 31.<sup>16</sup> The governing body of the county or the school district must notify DOR of the imposition, termination, or rate change of a discretionary sales surtax within 10 days of final adoption by ordinance or referendum, but no later than November 16.<sup>17</sup> The notification must include the duration of the surtax, the surtax rate, a copy of the ordinance, and any additional

<sup>1</sup> Art. VII, s. 1(a), Fla. Const.

<sup>2</sup> Section 212.054, F.S.; s. 212.055, F.S.

<sup>3</sup> Section 212.055(1), F.S.

<sup>4</sup> Section 212.055(2), F.S.

<sup>5</sup> Section 212.055(3), F.S.

<sup>6</sup> Section 212.055(4)(a), F.S. (for counties with more than 800,000 residents); s. 212.055(7), F.S. (for counties with less than 800,000 residents)

<sup>7</sup> Section 212.055(4)(b), F.S.

<sup>8</sup> Section 212.055(5), F.S.

<sup>9</sup> Section 212.055(6), F.S.

<sup>10</sup> Section 212.055(7), F.S.

<sup>11</sup> Section 212.054(4)(a), F.S.

<sup>12</sup> Section 212.054(4)(b), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 212.054(5), F.S.

<sup>17</sup> Section 212.054(7)(a), F.S.

information DOR requires by rule.<sup>18</sup> If the county or school district fails to provide timely notice, the effective date of the change is delayed by one year.<sup>19</sup> Counties and school districts are also required to notify DOR if a referendum or consideration of an ordinance to impose, terminate, or change the rate of a surtax is to occur after October 1.<sup>20</sup>

The forty-nine counties and fifteen school districts levying one or more discretionary sales surtaxes are projected to realize \$2.15 billion in revenue in fiscal year 2015-16.<sup>21</sup> If all counties and school districts levied discretionary sales surtaxes at the maximum possible rate, they would be projected to raise \$10.87 billion in revenue in fiscal year 2015-16.<sup>22</sup>

Local discretionary sales surtaxes are generally approved by referendum.<sup>23</sup> The referendum must be approved by a majority of electors voting.<sup>24</sup> Except for the emergency fire rescue services and facilities surtax, the date of the referendum is at the discretion of the county commission.<sup>25</sup>

### Referendum Process

The Florida Election Code sets forth the general requirements for a referendum.<sup>26</sup> The question presented to voters must contain a ballot summary with clear and unambiguous language, such that a "yes" or "no" vote on the measure indicates approval or rejection, respectively.<sup>27</sup> The ballot summary should explain the chief purpose of the measure and may not exceed 75 words.<sup>28</sup> The ballot summary and title must be included in the resolution or ordinance calling for the referendum.<sup>29</sup> For some discretionary sales surtaxes, the form of the ballot question is specified by statute.<sup>30</sup>

Five types of elections exist under the Election Code: primary elections, special primary elections, special elections, general elections, and presidential preference primary elections.<sup>31</sup> A "general election" is held on the first Tuesday after the first Monday in November in even-numbered years to fill national, state, county, and district offices, and for voting on constitutional amendments.<sup>32</sup>

### Effect of Proposed Changes

The bill requires any referendum to levy a discretionary sales surtax to be approved by 60 percent of the electors voting and requires the referendum be held on the day of the general election.

The bill also prohibits a county or school district from spending state or county funds or using their materials or publications to promote or advertise the surtax referendum, except where funds are specifically appropriated for that purpose.

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Section 212.054(7)(b), F.S. The deadline for this notification is October 1.

<sup>21</sup> *2015 Local Government Financial Information Handbook*, Office of Economic and Demographic Research, p. 152.

<sup>22</sup> *Id.*

<sup>23</sup> Section 212.055, F.S., *but see* s. 212.055(3), F.S. (small county surtax may be approved by extraordinary vote of the county commission, as long as surtax revenues are not used for servicing bond indebtedness), s. 212.055(4), F.S. (indigent care and trauma center surtax may be approved by extraordinary vote of the county commission), and s. 212.055(5), F.S. (county public hospital surtax may be approved by extraordinary vote of the county commission).

<sup>24</sup> Section 212.055, F.S.

<sup>25</sup> *E.g.* s. 212.055(1)(c), F.S. (referendum for charter county and regional transportation system to be held at a time "set at the discretion of the governing body"); *but see* s. 212.055(8)(b), F.S. (referendum for emergency fire rescue services and facilities surtax must be placed on the ballot of a "regularly scheduled election").

<sup>26</sup> Section 101.161, F.S.

<sup>27</sup> Section 101.161(1), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *See* s. 212.055(4)(b)1., F.S. (ballot question for discretionary sales surtax for trauma centers).

<sup>31</sup> Section 97.021(11), F.S.

<sup>32</sup> Art. VI, s. 5(a), Fla. Const. (also codified as s. 97.021(15), F.S.)

**B. SECTION DIRECTORY:**

Section 1: Amends 212.055, F.S., requiring discretionary sales surtax referendums to be held on the day of the general election and approved by 60 percent of electors voting.

Section 2: Provides an effective date of July 1, 2016.

**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:

Under current law, a local government may call a special election to hold a referendum to implement a discretionary sales surtax. Since this election could occur in any year, a discretionary sales surtax may be collected from the beginning of any year. The bill requires discretionary sales surtax referenda to be passed on the day of a general election, which occur biennially. The bill therefore only allows a discretionary sales surtax to be collected from the beginning of every other year, possibly reducing the ability of local governments to collect revenue.

2. Expenditures:

By requiring any discretionary sales surtax referendum to occur on the day of the general election, this bill reduces local government expenditures to the extent local governments would otherwise call a special election for approval of a discretionary sales surtax.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds, reduce the authority that counties or municipalities to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not provide rulemaking authority or require executive branch rulemaking.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill creates s. 212.055(9), prohibiting the county or school district from using state funds and county funds, materials, and publications to “promote or advertise” the proposed surtax referendum, except where the county or school district has specifically appropriated funds for that purpose. It is unclear if this language is intended to prohibit the county or school district from using funds, materials, or publications to encourage a vote in the affirmative on the referendum, or to prohibit the county or school district from making voters aware of the referendum more generally.

The bill creates s. 212.055(10), defining “day of the general election” for the purposes of s. 212.055, F.S., as the general election date defined by the Florida Constitution<sup>33</sup> and by statute.<sup>34</sup> Since referendums are conducted according to the Florida Election Code, this language appears redundant.

Some currently levied discretionary sales surtaxes expire at the conclusion of an odd-numbered year.<sup>35</sup> Since general elections only occur in even-numbered years, any levy approved would be collected from the beginning of the following (odd-numbered) year. This may result in counties being unable to collect discretionary sales surtaxes for a one-year period between the expiration of the current authorization and the effective date of the new authorization.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>33</sup> Art. VI, s. 5(a), Fla. Const.

<sup>34</sup> Section 97.021(15), F.S.

<sup>35</sup> *E.g. 2015 Local Government Financial Information Handbook*, Office of Economic and Demographic Research, p. 154 (Clay County Local Government Infrastructure Surtax expires Dec. 31, 2019).



27 | that any authorization for imposition of a discretionary sales  
 28 | surtax shall be published in the Florida Statutes as a  
 29 | subsection of this section, irrespective of the duration of the  
 30 | levy. Each enactment shall specify the types of counties  
 31 | authorized to levy; the rate or rates which may be imposed; the  
 32 | maximum length of time the surtax may be imposed, if any; the  
 33 | procedure which must be followed to secure voter approval, if  
 34 | required; the purpose for which the proceeds may be expended;  
 35 | and such other requirements as the Legislature may provide.  
 36 | Taxable transactions and administrative procedures shall be as  
 37 | provided in s. 212.054.

38 | (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM  
 39 | SURTAX.—

40 | (c) The proposal to adopt a discretionary sales surtax as  
 41 | provided in this subsection and to create a trust fund within  
 42 | the county accounts shall be placed on the ballot in accordance  
 43 | with law and must be approved by at least 60 percent of the  
 44 | electors voting in a referendum held on the day of a general  
 45 | election ~~at a time to be set at the discretion of the governing~~  
 46 | ~~body.~~

47 | (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

48 | (a)1. The governing authority in each county may levy a  
 49 | discretionary sales surtax of 0.5 percent or 1 percent. The levy  
 50 | of the surtax shall be pursuant to ordinance enacted by a  
 51 | majority of the members of the county governing authority and  
 52 | approved by at least 60 percent ~~a majority~~ of the electors of

53 | the county voting in a referendum on the surtax held on the day  
 54 | of a general election. If the governing bodies of the  
 55 | municipalities representing a majority of the county's  
 56 | population adopt uniform resolutions establishing the rate of  
 57 | the surtax and calling for a referendum on the surtax, the levy  
 58 | of the surtax shall be placed on the ballot and shall take  
 59 | effect if approved by at least 60 percent ~~a majority~~ of the  
 60 | electors of the county voting in the referendum on the surtax  
 61 | held on the day of a general election.

62 |         2. If the surtax was levied pursuant to a referendum held  
 63 | before July 1, 1993, the surtax may not be levied beyond the  
 64 | time established in the ordinance, or, if the ordinance did not  
 65 | limit the period of the levy, the surtax may not be levied for  
 66 | more than 15 years. The levy of such surtax may be extended only  
 67 | by approval of at least 60 percent ~~a majority~~ of the electors of  
 68 | the county voting in a referendum on the surtax held on the day  
 69 | of a general election.

70 |         (3) SMALL COUNTY SURTAX.—

71 |         (a) The governing authority in each county that has a  
 72 | population of 50,000 or fewer ~~less~~ on April 1, 1992, may levy a  
 73 | discretionary sales surtax of 0.5 percent or 1 percent. The levy  
 74 | of the surtax shall be pursuant to ordinance enacted by an  
 75 | extraordinary vote of the members of the county governing  
 76 | authority if the surtax revenues are expended for operating  
 77 | purposes. If the surtax revenues are expended for the purpose of  
 78 | servicing bond indebtedness, the surtax shall be approved by at

79 least 60 percent ~~a majority~~ of the electors of the county voting  
 80 in a referendum on the surtax held on the day of a general  
 81 election.

82 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

83 (a)1. The governing body in each county the government of  
 84 which is not consolidated with that of one or more  
 85 municipalities, which has a population of at least 800,000  
 86 residents and is not authorized to levy a surtax under  
 87 subsection (5), may levy, pursuant to an ordinance either  
 88 approved by an extraordinary vote of the governing body or  
 89 conditioned to take effect only upon approval by at least 60  
 90 percent ~~a majority vote~~ of the electors of the county voting in  
 91 a referendum, a discretionary sales surtax at a rate that may  
 92 not exceed 0.5 percent.

93 2. If the ordinance is conditioned on a referendum, a  
 94 statement that includes a brief and general description of the  
 95 purposes to be funded by the surtax and that conforms to the  
 96 requirements of s. 101.161 shall be placed on the ballot by the  
 97 governing body of the county. The referendum must be held on the  
 98 day of a general election. The following questions shall be  
 99 placed on the ballot:

100 FOR THE. . . .CENTS TAX

101 AGAINST THE. . . .CENTS TAX

102 3. The ordinance adopted by the governing body providing  
 103 for the imposition of the surtax shall set forth a plan for  
 104 providing health care services to qualified residents, as

105 defined in subparagraph 4. Such plan and subsequent amendments  
106 to it shall fund a broad range of health care services for both  
107 indigent persons and the medically poor, including, but not  
108 limited to, primary care and preventive care as well as hospital  
109 care. The plan must also address the services to be provided by  
110 the Level I trauma center. It shall emphasize a continuity of  
111 care in the most cost-effective setting, taking into  
112 consideration both a high quality of care and geographic access.  
113 Where consistent with these objectives, it shall include,  
114 without limitation, services rendered by physicians, clinics,  
115 community hospitals, mental health centers, and alternative  
116 delivery sites, as well as at least one regional referral  
117 hospital where appropriate. It shall provide that agreements  
118 negotiated between the county and providers, including hospitals  
119 with a Level I trauma center, will include reimbursement  
120 methodologies that take into account the cost of services  
121 rendered to eligible patients, recognize hospitals that render a  
122 disproportionate share of indigent care, provide other  
123 incentives to promote the delivery of charity care, promote the  
124 advancement of technology in medical services, recognize the  
125 level of responsiveness to medical needs in trauma cases, and  
126 require cost containment including, but not limited to, case  
127 management. It must also provide that any hospitals that are  
128 owned and operated by government entities on May 21, 1991, must,  
129 as a condition of receiving funds under this subsection, afford  
130 public access equal to that provided under s. 286.011 as to

131 meetings of the governing board, the subject of which is  
 132 budgeting resources for the rendition of charity care as that  
 133 term is defined in the Florida Hospital Uniform Reporting System  
 134 (FHURS) manual referenced in s. 408.07. The plan shall also  
 135 include innovative health care programs that provide cost-  
 136 effective alternatives to traditional methods of service  
 137 delivery and funding.

138 4. For the purpose of this paragraph, the term "qualified  
 139 resident" means residents of the authorizing county who are:

140 a. Qualified as indigent persons as certified by the  
 141 authorizing county;

142 b. Certified by the authorizing county as meeting the  
 143 definition of the medically poor, defined as persons having  
 144 insufficient income, resources, and assets to provide the needed  
 145 medical care without using resources required to meet basic  
 146 needs for shelter, food, clothing, and personal expenses; or not  
 147 being eligible for any other state or federal program, or having  
 148 medical needs that are not covered by any such program; or  
 149 having insufficient third-party insurance coverage. In all  
 150 cases, the authorizing county is intended to serve as the payor  
 151 of last resort; or

152 c. Participating in innovative, cost-effective programs  
 153 approved by the authorizing county.

154 5. Moneys collected pursuant to this paragraph remain the  
 155 property of the state and shall be distributed by the Department  
 156 of Revenue on a regular and periodic basis to the clerk of the

157 circuit court as ex officio custodian of the funds of the  
 158 authorizing county. The clerk of the circuit court shall:

159       a. Maintain the moneys in an indigent health care trust  
 160 fund;

161       b. Invest any funds held on deposit in the trust fund  
 162 pursuant to general law;

163       c. Disburse the funds, including any interest earned, to  
 164 any provider of health care services, as provided in  
 165 subparagraphs 3. and 4., upon directive from the authorizing  
 166 county. However, if a county has a population of at least  
 167 800,000 residents and has levied the surtax authorized in this  
 168 paragraph, notwithstanding any directive from the authorizing  
 169 county, on October 1 of each calendar year, the clerk of the  
 170 court shall issue a check in the amount of \$6.5 million to a  
 171 hospital in its jurisdiction that has a Level I trauma center or  
 172 shall issue a check in the amount of \$3.5 million to a hospital  
 173 in its jurisdiction that has a Level I trauma center if that  
 174 county enacts and implements a hospital lien law in accordance  
 175 with chapter 98-499, Laws of Florida. The issuance of the checks  
 176 on October 1 of each year is provided in recognition of the  
 177 Level I trauma center status and shall be in addition to the  
 178 base contract amount received during fiscal year 1999-2000 and  
 179 any additional amount negotiated to the base contract. If the  
 180 hospital receiving funds for its Level I trauma center status  
 181 requests such funds to be used to generate federal matching  
 182 funds under Medicaid, the clerk of the court shall instead issue

183 a check to the Agency for Health Care Administration to  
 184 accomplish that purpose to the extent that it is allowed through  
 185 the General Appropriations Act; and

186 d. Prepare on a biennial basis an audit of the trust fund  
 187 specified in sub-subparagraph a. Commencing February 1, 2004,  
 188 such audit shall be delivered to the governing body and to the  
 189 chair of the legislative delegation of each authorizing county.

190 6. Notwithstanding any other provision of this section, a  
 191 county shall not levy local option sales surtaxes authorized in  
 192 this paragraph and subsections (2) and (3) in excess of a  
 193 combined rate of 1 percent.

194 (b) Notwithstanding any other provision of this section,  
 195 the governing body in each county the government of which is not  
 196 consolidated with that of one or more municipalities and which  
 197 has a population of fewer ~~less~~ than 800,000 residents, may levy,  
 198 by ordinance subject to approval by at least 60 percent ~~a~~  
 199 ~~majority~~ of the electors of the county voting in a referendum, a  
 200 discretionary sales surtax at a rate that may not exceed 0.25  
 201 percent for the sole purpose of funding trauma services provided  
 202 by a trauma center licensed pursuant to chapter 395. The  
 203 referendum must be held on the day of a general election.

204 1. A statement that includes a brief and general  
 205 description of the purposes to be funded by the surtax and that  
 206 conforms to the requirements of s. 101.161 shall be placed on  
 207 the ballot by the governing body of the county. The following  
 208 shall be placed on the ballot:

209 FOR THE. . . .CENTS TAX

210 AGAINST THE. . . .CENTS TAX

211 2. The ordinance adopted by the governing body of the  
 212 county providing for the imposition of the surtax shall set  
 213 forth a plan for providing trauma services to trauma victims  
 214 presenting in the trauma service area in which such county is  
 215 located.

216 3. Moneys collected pursuant to this paragraph remain the  
 217 property of the state and shall be distributed by the Department  
 218 of Revenue on a regular and periodic basis to the clerk of the  
 219 circuit court as ex officio custodian of the funds of the  
 220 authorizing county. The clerk of the circuit court shall:

221 a. Maintain the moneys in a trauma services trust fund.

222 b. Invest any funds held on deposit in the trust fund  
 223 pursuant to general law.

224 c. Disburse the funds, including any interest earned on  
 225 such funds, to the trauma center in its trauma service area, as  
 226 provided in the plan set forth pursuant to subparagraph 2., upon  
 227 directive from the authorizing county. If the trauma center  
 228 receiving funds requests such funds be used to generate federal  
 229 matching funds under Medicaid, the custodian of the funds shall  
 230 instead issue a check to the Agency for Health Care  
 231 Administration to accomplish that purpose to the extent that the  
 232 agency is allowed through the General Appropriations Act.

233 d. Prepare on a biennial basis an audit of the trauma  
 234 services trust fund specified in sub-subparagraph a., to be

235 delivered to the authorizing county.

236 4. A discretionary sales surtax imposed pursuant to this  
 237 paragraph shall expire 4 years after the effective date of the  
 238 surtax, unless reenacted by ordinance subject to approval by at  
 239 least 60 percent ~~a majority~~ of the electors of the county voting  
 240 in a subsequent referendum held on the day of a general  
 241 election.

242 5. Notwithstanding any other provision of this section, a  
 243 county shall not levy local option sales surtaxes authorized in  
 244 this paragraph and subsections (2) and (3) in excess of a  
 245 combined rate of 1 percent.

246 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
 247 in s. 125.011(1) may levy the surtax authorized in this  
 248 subsection pursuant to an ordinance either approved by  
 249 extraordinary vote of the county commission or conditioned to  
 250 take effect only upon approval by at least 60 percent ~~a majority~~  
 251 ~~vote~~ of the electors of the county voting in a referendum. In a  
 252 county as defined in s. 125.011(1), for the purposes of this  
 253 subsection, "county public general hospital" means a general  
 254 hospital as defined in s. 395.002 which is owned, operated,  
 255 maintained, or governed by the county or its agency, authority,  
 256 or public health trust.

257 (a) The rate shall be 0.5 percent.

258 (b) If the ordinance is conditioned on a referendum, the  
 259 proposal to adopt the county public hospital surtax shall be  
 260 placed on the ballot in accordance with law ~~at a time to be set~~

261 | ~~at the discretion of the governing body.~~ The referendum must be  
 262 | held on the day of a general election. The referendum question  
 263 | on the ballot shall include a brief general description of the  
 264 | health care services to be funded by the surtax.

265 | (c) Proceeds from the surtax shall be:

266 | 1. Deposited by the county in a special fund, set aside  
 267 | from other county funds, to be used only for the operation,  
 268 | maintenance, and administration of the county public general  
 269 | hospital; and

270 | 2. Remitted promptly by the county to the agency,  
 271 | authority, or public health trust created by law which  
 272 | administers or operates the county public general hospital.

273 | (d) Except as provided in subparagraphs 1. and 2., the  
 274 | county must continue to contribute each year an amount equal to  
 275 | at least 80 percent of that percentage of the total county  
 276 | budget appropriated for the operation, administration, and  
 277 | maintenance of the county public general hospital from the  
 278 | county's general revenues in the fiscal year of the county  
 279 | ending September 30, 1991:

280 | 1. Twenty-five percent of such amount must be remitted to  
 281 | a governing board, agency, or authority that is wholly  
 282 | independent from the public health trust, agency, or authority  
 283 | responsible for the county public general hospital, to be used  
 284 | solely for the purpose of funding the plan for indigent health  
 285 | care services provided for in paragraph (e);

286 | 2. However, in the first year of the plan, a total of \$10

287 million shall be remitted to such governing board, agency, or  
 288 authority, to be used solely for the purpose of funding the plan  
 289 for indigent health care services provided for in paragraph (e),  
 290 and in the second year of the plan, a total of \$15 million shall  
 291 be so remitted and used.

292 (e) A governing board, agency, or authority shall be  
 293 chartered by the county commission upon this act becoming law.  
 294 The governing board, agency, or authority shall adopt and  
 295 implement a health care plan for indigent health care services.  
 296 The governing board, agency, or authority shall consist of no  
 297 more than seven and no fewer than five members appointed by the  
 298 county commission. The members of the governing board, agency,  
 299 or authority shall be at least 18 years of age and residents of  
 300 the county. No member may be employed by or affiliated with a  
 301 health care provider or the public health trust, agency, or  
 302 authority responsible for the county public general hospital.  
 303 The following community organizations shall each appoint a  
 304 representative to a nominating committee: the South Florida  
 305 Hospital and Healthcare Association, the Miami-Dade County  
 306 Public Health Trust, the Dade County Medical Association, the  
 307 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
 308 County. This committee shall nominate between 10 and 14 county  
 309 citizens for the governing board, agency, or authority. The  
 310 slate shall be presented to the county commission and the county  
 311 commission shall confirm the top five to seven nominees,  
 312 depending on the size of the governing board. Until such time as

313 the governing board, agency, or authority is created, the funds  
314 provided for in subparagraph (d)2. shall be placed in a  
315 restricted account set aside from other county funds and not  
316 disbursed by the county for any other purpose.

317 1. The plan shall divide the county into a minimum of four  
318 and maximum of six service areas, with no more than one  
319 participant hospital per service area. The county public general  
320 hospital shall be designated as the provider for one of the  
321 service areas. Services shall be provided through participants'  
322 primary acute care facilities.

323 2. The plan and subsequent amendments to it shall fund a  
324 defined range of health care services for both indigent persons  
325 and the medically poor, including primary care, preventive care,  
326 hospital emergency room care, and hospital care necessary to  
327 stabilize the patient. For the purposes of this section,  
328 "stabilization" means stabilization as defined in s.  
329 397.311(41). Where consistent with these objectives, the plan  
330 may include services rendered by physicians, clinics, community  
331 hospitals, and alternative delivery sites, as well as at least  
332 one regional referral hospital per service area. The plan shall  
333 provide that agreements negotiated between the governing board,  
334 agency, or authority and providers shall recognize hospitals  
335 that render a disproportionate share of indigent care, provide  
336 other incentives to promote the delivery of charity care to draw  
337 down federal funds where appropriate, and require cost  
338 containment, including, but not limited to, case management.

339 From the funds specified in subparagraphs (d)1. and 2. for  
340 indigent health care services, service providers shall receive  
341 reimbursement at a Medicaid rate to be determined by the  
342 governing board, agency, or authority created pursuant to this  
343 paragraph for the initial emergency room visit, and a per-member  
344 per-month fee or capitation for those members enrolled in their  
345 service area, as compensation for the services rendered  
346 following the initial emergency visit. Except for provisions of  
347 emergency services, upon determination of eligibility,  
348 enrollment shall be deemed to have occurred at the time services  
349 were rendered. The provisions for specific reimbursement of  
350 emergency services shall be repealed on July 1, 2001, unless  
351 otherwise reenacted by the Legislature. The capitation amount or  
352 rate shall be determined prior to program implementation by an  
353 independent actuarial consultant. In no event shall such  
354 reimbursement rates exceed the Medicaid rate. The plan must also  
355 provide that any hospitals owned and operated by government  
356 entities on or after the effective date of this act must, as a  
357 condition of receiving funds under this subsection, afford  
358 public access equal to that provided under s. 286.011 as to any  
359 meeting of the governing board, agency, or authority the subject  
360 of which is budgeting resources for the retention of charity  
361 care, as that term is defined in the rules of the Agency for  
362 Health Care Administration. The plan shall also include  
363 innovative health care programs that provide cost-effective  
364 alternatives to traditional methods of service and delivery

365 funding.

366 3. The plan's benefits shall be made available to all  
 367 county residents currently eligible to receive health care  
 368 services as indigents or medically poor as defined in paragraph  
 369 (4) (d).

370 4. Eligible residents who participate in the health care  
 371 plan shall receive coverage for a period of 12 months or the  
 372 period extending from the time of enrollment to the end of the  
 373 current fiscal year, per enrollment period, whichever is less.

374 5. At the end of each fiscal year, the governing board,  
 375 agency, or authority shall prepare an audit that reviews the  
 376 budget of the plan, delivery of services, and quality of  
 377 services, and makes recommendations to increase the plan's  
 378 efficiency. The audit shall take into account participant  
 379 hospital satisfaction with the plan and assess the amount of  
 380 poststabilization patient transfers requested, and accepted or  
 381 denied, by the county public general hospital.

382 (f) Notwithstanding any other provision of this section, a  
 383 county may not levy local option sales surtaxes authorized in  
 384 this subsection and subsections (2) and (3) in excess of a  
 385 combined rate of 1 percent.

386 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

387 (a) The school board in each county may levy, pursuant to  
 388 resolution conditioned to take effect only upon approval by at  
 389 least 60 percent ~~a majority vote~~ of the electors of the county  
 390 voting in a referendum, a discretionary sales surtax at a rate

391 that may not exceed 0.5 percent. The referendum must be held on  
392 the day of a general election.

393 (7) VOTER-APPROVED INDIGENT CARE SURTAX.—

394 (a)1. The governing body in each county that has a  
395 population of fewer than 800,000 residents may levy an indigent  
396 care surtax pursuant to an ordinance conditioned to take effect  
397 only upon approval by at least 60 percent ~~a majority vote~~ of the  
398 electors of the county voting in a referendum held on the day of  
399 a general election. The surtax may be levied at a rate not to  
400 exceed 0.5 percent, except that if a publicly supported medical  
401 school is located in the county, the rate shall not exceed 1  
402 percent.

403 2. Notwithstanding subparagraph 1., the governing body of  
404 any county that has a population of fewer than 50,000 residents  
405 may levy an indigent care surtax pursuant to an ordinance  
406 conditioned to take effect only upon approval by at least 60  
407 percent ~~a majority vote~~ of the electors of the county voting in  
408 a referendum held on the day of a general election. The surtax  
409 may be levied at a rate not to exceed 1 percent.

410 (8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.—

411 (b) Upon the adoption of the ordinance, the levy of the  
412 surtax must be placed on the ballot by the governing authority  
413 of the county enacting the ordinance. The ordinance will take  
414 effect if approved by at least 60 percent ~~a majority~~ of the  
415 electors of the county voting in a referendum held on the day of  
416 a general election ~~for such purpose~~. ~~The referendum shall be~~

417 ~~placed on the ballot of a regularly scheduled election.~~ The  
 418 ballot for the referendum must conform to the requirements of s.  
 419 101.161.

420 (9) FUNDING FOR DISCRETIONARY SALES SURTAXES.—Except for  
 421 the use of county or school district funds appropriated  
 422 specifically for the purpose of promoting or advertising a  
 423 proposed surtax, a county or school district may not expend  
 424 state or county funds or use county or school district materials  
 425 or publications to promote or advertise a proposed surtax  
 426 referendum to the electors of the county for any surtax  
 427 identified in this section.

428 (10) DEFINITION.—For purposes of this section, the term  
 429 "day of a general election" means the day that a general  
 430 election, as defined in s. 97.021, is held, which as provided in  
 431 s. 5, Art. VI of the State Constitution may be suspended or  
 432 delayed due to a state of emergency or impending emergency.

433 Section 2. This act shall take effect July 1, 2016.



HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 845 Bay County Bridge Authority, Bay County  
SPONSOR(S): Trumbull  
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Walker <i>EW</i>	Miller <i>EM</i>
2) Transportation & Ports Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

"Special Districts" are a type of limited local government created to perform specific services within a described geographic area. Sometimes called special taxing districts, most are created either by special act (independent special districts) or county or municipal ordinance (dependent special districts). The Special District Accountability Program in the Department of Economic Opportunity (DEO) is responsible for creating and maintaining a current list of all special districts in Florida, as provided in ch. 189, F.S., the Uniform Special District Accountability Act.

When a special district fails to meet certain statutory responsibilities, no longer functions, or informs DEO it is no longer active, DEO is required to follow the statutory process before declaring the district inactive. This includes documenting one or more statutory criteria for inactive status, publishing notice in the area of the district of DEO's intent to declare the district inactive, and documenting the lack of any objection to declaring the district inactive. DEO is required to deliver written notice of the declaration of inactive status to specific authorities. If the district was created by special act, notice is delivered to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight. If the district was created by local ordinance, notice is delivered to the governing body of the county or municipality that created the district. A special district declared inactive may not collect taxes, assessments, or fees while the declaration is in effect. However, the district still exists until its legal authority is repealed by the creating entity.

The bill dissolves the Bay County Bridge Authority, an independent special district, by repealing ch. 84-391, Laws of Florida. Any assets and liabilities of the district are transferred to the Bay County Board of County Commissioners.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### PRESENT SITUATION

###### Special Districts Declared Inactive

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>5</sup> A special district may be "dependent"<sup>6</sup> or "independent."<sup>7</sup>

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.<sup>8</sup> The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.<sup>9</sup> DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
  - Provides DEO with written notice that the district has taken no action for 2 or more years.<sup>10</sup>
  - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.<sup>11</sup>
  - Fails to respond to an inquiry from DEO within 21 days.<sup>12</sup>

<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> Id.

<sup>3</sup> Section 189.02(1), F.S.

<sup>4</sup> Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

<sup>5</sup> *2015 – 2016 Local Gov't Formation Manual*, p. 67, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2836> (accessed 9/28/2015).

<sup>6</sup> Section 189.012(2), F.S. A special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.

<sup>7</sup> Section 189.012(3), F.S. A special district that is not a dependent district.

<sup>8</sup> Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (accessed 9/28/2015).

<sup>9</sup> Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6, F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

<sup>10</sup> Section 189.062(1)(a)1., F.S.

<sup>11</sup> Section 189.062(1)(a)2., F.S.

- Following statutory procedure,<sup>13</sup> DEO determines the district failed to file specified reports,<sup>14</sup> including required financial reports.<sup>15</sup>
- For more than 1 year, no registered office or agent for the district was on file with DEO.<sup>16</sup>
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.<sup>17</sup>

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.<sup>18</sup> The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S.,<sup>19</sup> within 21 days after the publication date.<sup>20</sup> If no objection is filed within the 21 day period, DEO declares the district inactive.<sup>21</sup>

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.<sup>22</sup> The statute provides that the declaration of inactive status is sufficient notice under the Florida Constitution<sup>23</sup> to authorize the repeal of special laws creating or amending the charter of the inactive district.<sup>24</sup> This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature.<sup>25</sup>

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.<sup>26</sup>

A district declared inactive may not collect taxes, fees, or assessments.<sup>27</sup> This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO<sup>28</sup> or invalidated in an administrative proceeding<sup>29</sup> or civil action<sup>30</sup> timely brought by the governing body of the special district.<sup>31</sup> Failure of the

<sup>12</sup> Section 189.062(1)(a)3., F.S.

<sup>13</sup> Section 189.067, F.S.

<sup>14</sup> Section 189.066, F.S.

<sup>15</sup> Section 189.062(1)(a)4., F.S. *See, ss.* 189.016(9), 218.32, 218.39, F.S.

<sup>16</sup> Section 189.062(1)(a)5., F.S.

<sup>17</sup> Section 189.062(1)(a)6., F.S.

<sup>18</sup> Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

<sup>19</sup> The Florida Administrative Procedure Act.

<sup>20</sup> Section 189.062(10)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

<sup>21</sup> Section 189.062(1)(c), F.S.

<sup>22</sup> Section 189.062(3), F.S.

<sup>23</sup> Art. III, s. 10, Fla. Const.

<sup>24</sup> Section 189.062(3), F.S.

<sup>25</sup> Section 11.02, F.S.

<sup>26</sup> Section 189.062(2), F.S.

<sup>27</sup> Section 189.062(5), F.S.

<sup>28</sup> Section 189.062(5)(a), F.S.

<sup>29</sup> Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

<sup>30</sup> Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

<sup>31</sup> The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.<sup>32</sup>

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature<sup>33</sup> or the entity that created the district.<sup>34</sup>

### Bay County Bridge Authority

Bridge authority special districts exist to promote efficiency in transportation across the state by providing planning, construction and management of bridges over state waters. Bridge authorities are authorized to collect toll revenues, utilizing the SunPass electronic collection system, as well as issue tax-exempt revenue bonds to finance new infrastructure. Bridge authorities may also receive loans from the State Transportation Trust Fund and the State Infrastructure Bank.<sup>35</sup>

The Bay County Bridge Authority ("the Authority") was created as a dependent special district by special act in 1984 with the Board of County Commissioners of Bay County acting as the Authority.<sup>36</sup> The Authority was created to construct and maintain a bridge over North Bay. In 1998, the Florida Department of Transportation (DOT) designed, built, and now maintains the D.J. Bailey Memorial Bridge.<sup>37</sup>

The registered agent of the Authority notified the Department of Community Affairs (DCA)<sup>38</sup> that the Authority had become inactive within the meaning of s. 189.4044(1)(a)1., F.S. (2003), by failing to take any action within a two calendar year period and requested that DCA declare the District inactive. On December 31, 2003 and again on January 7, 2004, DCA published the "Notice of Proposed Declaration of Inactive Status of the Bay County Bridge Authority Independent Special District" in the News Herald.<sup>39</sup> Pursuant to statute, the notice required any objections to the District being placed on inactive status to be filed with DCA within 60 days<sup>40</sup> of the initial publication of the notice; no objections were received. On March 25, 2004, DCA declared the District inactive. DCA notified the Speaker of the House and the President of the Senate pursuant to statute that the district had been declared inactive.<sup>41</sup>

### EFFECT OF THE BILL

The bill dissolves the Bay County Bridge Authority by repealing ch. 84-391, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Bay County.

### B. SECTION DIRECTORY:

<sup>32</sup> Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

<sup>33</sup> Sections 189.071(3), 189.072(3), F.S.

<sup>34</sup> Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

<sup>35</sup> Florida Special District Review, <http://www.flspecialdistrictreview.state.fl.us/Default.aspx?groupId=9>.

<sup>36</sup> Ch. 84-391, Laws of Florida.

<sup>37</sup> DOT "Florida Bridge Information" for 2015 4<sup>th</sup> Quarter, p. 65 (10/1/2015), at

<http://www.dot.state.fl.us/statemaintenanceoffice/bridgeinfo.shtm>. The actions of DOT rendered moot any further need for the Authority.

<sup>38</sup> The Department of Community Affairs was abolished and the Division of Community Planning, responsible for supervision of special districts, was transferred to the newly created Department of Economic Opportunity, effective July 1, 2011. Ch. 2011-142, ss. 3, 528, Laws of Florida.

<sup>39</sup> Letter from the Department of Community Affairs to President of the Senate James King and Speaker of the House Johnnie Byrd, "Re: Inactive Status of the Bay County Bridge Authority," (March 12, 2004).

<sup>40</sup> The current iteration of procedures for dissolution under s. 189.062 F.S. (2015), requires only a 21 day notice and response period. The notice and response period was 60 days under s. 189.4044 F.S. (2003).

<sup>41</sup> The statute currently requires notification of the standing committee chairs; however, at the time the district was declared inactive, the statute only required the Speaker of the House and President of the Senate be notified. 189.4044(1) F.S., (2003).

Section 1: Repeals ch. 84-391, Laws of Florida.

Section 2: Abolishes the Bay County Bridge Authority and transfers all assets and liabilities of the district to the Board of County Commissioners of Bay County.

Section 3: Provides the bill is effective upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? March 12, 2004

WHERE? Tallahassee, 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:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

When notice of intent to file a local bill is published in the area to be affected pursuant to statute,<sup>42</sup> proof of such publication typically is in the form of an affidavit.<sup>43</sup> However, in this instance the notice of declaring inactive status in and of itself is sufficient to satisfy the constitutional requirement.<sup>44</sup> To satisfy the requirement of general law that evidence of the necessary publication "be established" in the Legislature before the bill is passed,<sup>45</sup> a Substitute Notice of Publication reciting the requirement of s. 189.062(3), F.S., was submitted with the bill.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

<sup>42</sup> Section 11.02, F.S.

<sup>43</sup> Section 11.03, F.S.

<sup>44</sup> Section 189.062(3), F.S.

<sup>45</sup> Section 11.021, F.S.

Rep. Trumbull

HB 845 LB

**SUBSTITUTE NOTICE OF PUBLICATION**

Re: Bay County Bridge Authority

The Special District Accountability Program in the Department of Economic Opportunity has declared the Bay County Bridge Authority in Bay County to be inactive. By notice dated March 12, 2004, the Department informed the President of the Florida Senate and the Speaker of the Florida House of Representatives of the inactive status of the district. Under s. 189.062(3), F.S. (formerly s. 189.4044(3), F.S. (2003), the declaration of inactive status from DEO is sufficient notice under s. 10, art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
 Governor

HEIDI HUGHES  
 Interim Secretary

March 12, 2004

The Honorable James E. "Jim" King, Jr.  
 President, The Senate of Florida  
 Room 409, The Capitol  
 402 South Monroe Street  
 Tallahassee, Florida 32399-1300

The Honorable Johnnie B. Byrd, Jr.  
 Speaker of the House of Representatives  
 Room 420, The Capitol  
 402 South Monroe Street  
 Tallahassee, Florida 32399-1300

Re: Inactive Status of the Bay County Bridge Authority

Dear President King and Speaker Byrd:

When a special district becomes inactive within the meaning of Section 189.4044 *Florida Statutes*, the Department of Community Affairs must file a *Declaration of Inactive Status Report* (enclosed) with the President of the Senate and the Speaker of the House of Representatives. Pursuant to Section 189.4044(3)-(4), *Florida Statutes*, this is sufficient notice as required by Section 10, Article III of the *State Constitution* to authorize the Legislature to repeal any special laws so reported. The above referenced special district has become inactive. Therefore, I dutifully request that the Legislature dissolve this special district by repealing its enabling laws. Thank you for your time and consideration.

Best Regards,

Heidi Hughes  
 Interim Secretary

HH/jg

Enc. Declaration of Inactive Status Report for  
 the Bay County Bridge Authority

cc: Ms. Joy Bales, Registered Agent and Bay County Deputy County Manager  
 Mr. Jack Gaskins Jr., Special District Information Program

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
 Phone: 850.486.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
 Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCORDIA FIELD OFFICE  
 2796 Overseas Highway, Suite 212  
 Marathon, FL 33050-2227  
 (888) 389-2402

COMMUNITY PLANNING  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (904) 488-2364

EMERGENCY MANAGEMENT  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (904) 488-2364

HOUSING & COMMUNITY DEVELOPMENT  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100

DECLARATION OF INACTIVE STATUS REPORT  
BAY COUNTY BRIDGE AUTHORITY

Name of Inactive Special District: *Bay County Bridge Authority* (the "Authority"), a dependent special district located in Bay County in the State of Florida.

Inactive Status Based Upon: Certification from the Authority's Registered Agent that the Authority has become inactive within the meaning of Section 189.4044(1)(a)1., *Florida Statutes*.

Action Taken by the Department of Community Affairs: The Bay County Board of County Commissioners published a *Notice of Declaration of Inactive Status of the Bay County Bridge Authority* in *The News Herald*, a newspaper of general circulation in Bay County, on December 31, 2003 and January 7, 2004. This notice required any party objecting to the dissolution of the Authority to file an objection within 60 days after the date of the last publication of the notice with the Department of Community Affairs (the "Department"). In addition, the Notice required any creditors asserting claims against the Authority to file such claims with the Department during that time (Section 189.4044(1)(b), *Florida Statutes*).

Result: Sixty days elapsed from the last publication date of the notice of proposed declaration of inactive status and no sustained objections or claims were filed. The Department's Special District Information Program declared the Authority to be inactive on March 10, 2004 (Section 189.4044(1)(c), *Florida Statutes*).

Action Requested of the Florida Legislature: Dissolve the *Bay County Bridge Authority* by repealing Chapter 84-391, *Laws of Florida*, which became law on June 14, 1984 (Section 189.4044(4), *Florida Statutes*).

  
Heidi Hughes, Interim Secretary

25 March 2004  
Date

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 845

SPONSOR(S): \_\_\_\_\_

RELATING TO: Bay County Bridge Authority  
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Bay County

CONTACT PERSON: Patti Butchikas

PHONE NO.: (850) 914-6300 E-Mail: Patti.Butchikas@myfloridahouse.gov

**I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:**

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: November 9, 2015

Location: Bay County Board Chamber, 840 W. 11th St., Panama City, FL 32401

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

**II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.**

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE 3/12/2004

Where? Letter per s. 189.4044(3), F.S. (2003) County Leon

Referendum in lieu of publication: YES  NO

Date of Referendum N/A

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

  
Delegation Chair (Original Signature)

11/9/15  
Date

Rep. Jay Trumbull  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES**  
**2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** HB 845

**SPONSOR(S):** \_\_\_\_\_

**RELATING TO:** Bay County Bridge Authority  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>-0-</u>	\$ <u>-0-</u>
Revenue increase due to bill:	\$ <u>-0-</u>	\$ <u>-0-</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>-0-</u>	\$ <u>-0-</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

n/a

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>n/a</u>	\$ <u>n/a</u>
State:	\$ <u>n/a</u>	\$ <u>n/a</u>
Federal:	\$ <u>n/a</u>	\$ <u>n/a</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: Remove authority of inactive special district to impose bridge tolls and penalties.
2. Advantages to Businesses: Remove authority of inactive special district to impose bridge tolls and penalties.
3. Advantages to Government: Remove potential liabilities for bridge authority.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None

\_\_\_\_\_

\_\_\_\_\_

2. Disadvantages to Businesses: None

\_\_\_\_\_

\_\_\_\_\_

3. Disadvantages to Government: None

\_\_\_\_\_

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

No anticipated impact. The district is inactive.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

n/a

\_\_\_\_\_

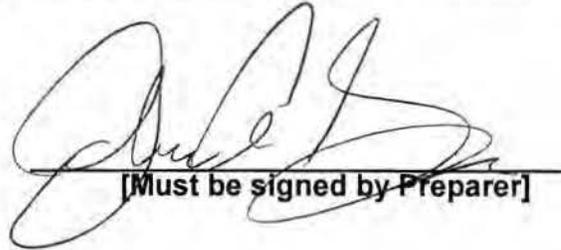
\_\_\_\_\_

\_\_\_\_\_

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name:

Johnathan A. Stukey

09/25/15

Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Budget Director

REPRESENTING:

Bay County, FL

PHONE:

(850) 248-8240

E-MAIL ADDRESS:

astukey@baycountyfl.gov

1                                   A bill to be entitled  
 2           An act relating to the Bay County Bridge Authority,  
 3           Bay County; repealing chapter 84-391, Laws of Florida;  
 4           abolishing the authority; transferring assets and  
 5           liabilities of the authority to the Board of County  
 6           Commissioners of Bay County; providing an effective  
 7           date.

8

9   Be It Enacted by the Legislature of the State of Florida:

10

11           Section 1. Chapter 84-391, Laws of Florida, is repealed.

12           Section 2. The Bay County Bridge Authority, Bay County, is  
 13 abolished. All assets and liabilities of the authority are  
 14 transferred to the Board of County Commissioners of Bay County.

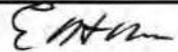
15

          Section 3. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 847 Pasco County  
**SPONSOR(S):** Burgess, Jr.  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Agriculture & Natural Resources Subcommittee			
3) Local & Federal Affairs Committee			

### SUMMARY ANALYSIS

Pasco County is interested in using reclaimed water to restore, recover, and enhance the ecosystem of Crews Lake. The Legislature has recognized reclaimed water as being a vital component of meeting the state's water needs and has declared the use of reclaimed water as a formal state objective.

The bill repeals Ch. 99-166, Laws of Florida, and would place Pasco County under the generally applicable laws and regulations applying to sewage treatment facility discharges statewide. This will enable the county to use reclaimed water for a variety of purposes, including irrigation, power generation, fire protection, and natural system restoration.

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

This bill will take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Reclaimed Water

"Reclaimed water" is statutorily defined as any "water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility."<sup>1</sup> Reclaimed water can reduce stress on overburdened ground and surface water supplies by providing water for applications where potable water is not necessary.<sup>2</sup> The Legislature has acknowledged the vital role of reclaimed water, by establishing "the encouragement and promotion of water conservation and reuse of reclaimed water" as a formal state objective<sup>3</sup> and stating reclaimed water is of great importance to "meeting the state's existing and future water supply needs while sustaining natural systems."<sup>4</sup> The Legislature has also proclaimed the benefits of reclaimed water to water, wastewater, and reclaimed water consumers.<sup>5</sup>

Florida contains over 440 water reclamation systems which capture 659,000,000 gallons of water per day, more than any other state.<sup>6</sup> Reclaimed water is used by over 240,000 Florida residences and hundreds of parks, golf courses, and schools.<sup>7</sup> Other uses for reclaimed water include agricultural irrigation, industrial uses, groundwater recharge, and the watering of lawns, landscapes, cemeteries, and golf courses.<sup>8</sup>

The safety of reclaimed water is established in the scientific literature. Studies show "reclaimed, surface, and ground water [are] more similar than dissimilar,"<sup>9</sup> that the "risks [associated with reclaimed water] are not measurably different than risks associated with irrigation using potable water,"<sup>10</sup> and "irrigation of raw-eaten vegetable crops and artichokes with reclaimed water was shown to be as safe as irrigation with well water."<sup>11</sup> Evidence from real-world use in Florida supports these conclusions, with no reported cases of illness related to reclaimed water use in the state over forty years of use.<sup>12</sup>

##### Legislative Acts Concerning Reclaimed Water

Reclaimed water, like all waters in the state, is considered a basic resource in need of conservation to realize its full beneficial use.<sup>13</sup> Reclaimed water is defined as "water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater

---

<sup>1</sup> Section 373.019(17), F.S.

<sup>2</sup> Southwest Florida Water Management District, *Reclaimed Water: A reliable, safe alternative water supply*, available at [http://www.swfwmd.state.fl.us/download/view/site\\_file\\_sets/118/reclaimed\\_water\\_lev2\\_08.09.pdf](http://www.swfwmd.state.fl.us/download/view/site_file_sets/118/reclaimed_water_lev2_08.09.pdf) (last visited Dec. 18, 2015).

<sup>3</sup> Section 373.250(1)(a), F.S.

<sup>4</sup> Section 403.064(1), F.S.

<sup>5</sup> Section. 367.0817(3), F.S.

<sup>6</sup> *Reclaimed Water: A reliable, safe alternative water supply*, *supra* note 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Tom Helgeson and Mark McNeal, *A Reconnaissance-Level Quantitative Comparison of Reclaimed Water, Surface Water, and Groundwater*, WateReuse Foundation Project Number 02-008-01 (2009).

<sup>10</sup> James Crook, *Irrigation of Parks, Playgrounds, and Schoolyards with Reclaimed Water: Extent and Safety*, WateReuse Foundation Project Number 04-006-01 (2005).

<sup>11</sup> Baham Sheikh, et al., *Monterey Wastewater Reclamation Study for Agriculture, Final Report*, Research Journal of the Water Pollution Control Federation, Vol. 62, No. 3 pp. 216-226 (May-Jun. 1990).

<sup>12</sup> *Reclaimed Water: A reliable, safe alternative water supply*, *supra* note 2.

<sup>13</sup> Section 373.016(1), F.S.

treatment facility.<sup>14</sup> Before this statutory definition was added to ch. 373 in 2012,<sup>15</sup> the Department of Environmental Protection (DEP) already regulated the use of reclaimed water under more general provisions.<sup>16</sup> It is unclear if DEP had sufficient statutory authority to engage in this rulemaking before the passage of ch. 2012-150,<sup>17</sup> but the definition adopted by the Legislature mirrored the definition adopted by DEP.<sup>18</sup>

The search for additional uses for reclaimed water continues, with DEP working on a comprehensive study since 2014 on “the expansion of use of reclaimed water, stormwater, and excess surface water in this state.”<sup>19</sup>

The use of reclaimed water in Pasco County is governed by a special act.<sup>20</sup> The act prohibits new discharges from existing sewage treatment facilities into coastal waters in Pasco County and their tributaries<sup>21</sup> and required then existing discharges to be eliminated by July 1, 2004.<sup>22</sup> DEP is permitted to grant waivers to these requirements in two circumstances:

- Applicant conclusively demonstrates no other practical alternative exists, the discharge receives advanced waste treatment to at least the level defined by s. 403.086(4), F.S., and the applicant conclusively demonstrates the proposed discharge will not result in a violation of water quality standards; or<sup>23</sup>
- The discharge is a limited wet weather surface water discharge serving as a backup to a reuse system and will not cause a violation of water quality standards.<sup>24</sup>

### Pasco County

The Pasco County Master Reuse System is permitted by DEP as a stand-alone reclaimed distribution and disposal system for treated wastewater effluent produced by county treatment facilities.<sup>25</sup> The system provides approximately twenty million gallons of reclaimed water per day for use by golf courses, landscaped common areas, parks, schools, residents, and businesses.<sup>26</sup>

One proposed use for reclaimed water in Pasco County is to increased water levels in Crews Lake.<sup>27</sup> The lake was once 700 acres and centerpiece of the 113 acre Crews Lake Wilderness Park.<sup>28</sup> Primarily due to groundwater withdrawals, the lake has become almost completely dehydrated.<sup>29</sup> The Southwest Florida Water Management District adopted management levels for the lake in 1984 and it has been on the “Stressed Lake” list since 1992.<sup>30</sup>

<sup>14</sup> Section 373.019(17), F.S.

<sup>15</sup> Ch. 2012-150, Laws of Fla.

<sup>16</sup> See Rule 62-610.100, F.A.C. (effective Nov. 19, 2007).

<sup>17</sup> House Bill Analysis of CS/HB 639 (2012) at 2.

<sup>18</sup> *Id.* at 9.

<sup>19</sup> Ch. 2014-79, Laws of Fla.

<sup>20</sup> Ch. 99-166, Laws of Fla.

<sup>21</sup> Ch. 99-166, s. 1(1), Laws of Fla.

<sup>22</sup> Ch. 99-166, s. 1(2), Laws of Fla.

<sup>23</sup> Ch. 99-166, s. 1(3)(a), Laws of Fla.

<sup>24</sup> Ch. 99-166, s. 1(3)(b), Laws of Fla.

<sup>25</sup> Department of Environmental Protection, *Wastewater Facility Information*, available at <http://www.dep.state.fl.us/water/wastewater/facinfo.htm> (last visited Dec. 18, 2015).

<sup>26</sup> CH2M Hill, *Pasco County Master Reuse System*. On file with House Local Government Affairs Subcommittee.

<sup>27</sup> Carl Orth, *Pasco provides plenty of priorities for state lawmakers*, available at <http://suncoastnews.com/su/list/news-pasco/pasco-provides-plenty-of-priorities-for-state-lawmakers-20150227/> (last visited Dec. 18, 2015).

<sup>28</sup> Pasco County, FL, *Crews Lake Natural Systems Restoration*. On file with House Local Government Affairs Subcommittee.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

## Effect of Proposed Changes

The bill repeals ch. 99-166, Laws of Florida. The bill will result in the coastal waters of Pasco County being subject to the general regulatory statutes applicable to sewage treatment facility discharges statewide. The bill is projected to benefit both individuals and businesses. By allowing the discharge of reclaimed water into Crews Lake, Pasco County Utilities will not need to construct additional storage facilities for reclaimed water and the Pasco County Environmental Lands Acquisition and Management Program will not need to maintain dry lake beds.<sup>31</sup> These changes will result in stable utility rates for consumers and a potentially reduced tax burden.<sup>32</sup> The total savings projected over alternative methods of reclaimed water disposal is project to be \$23,364,870.<sup>33</sup>

One of the anticipated uses of water is the rehydration of Crews Lake. The Wakodahatchee Wetlands and the Green Cay Wetlands in Palm Beach County are considered models for the Crews Lake project.<sup>34</sup> Those wetlands are a significant tourist destination, bolstering the local economy.<sup>35</sup>

The Economic Impact Statement (EIS) submitted for this bill simply stated the bill would have no impact on revenues or expenditures and did not provide any other information or discuss the specific data used in reaching the estimates.<sup>36</sup> The EIS submitted for HB 1025 during the 2014 session, a bill very similar to the present bill,<sup>37</sup> was prepared by the same individual and reached the same conclusions concerning the fiscal impact of the bill.

### B. SECTION DIRECTORY:

Section 1: Repeals ch. 99-166, Laws of Florida, concerning sewage treatment facility discharges in Pasco County.

Section 2: Provides that the bill shall take effect upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? August 28, 2015

WHERE? *Baylink Pasco*, a publication of general circulation in Pasco County, Florida, published by the *Tampa Bay Times*, a daily newspaper in Pasco County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

<sup>31</sup> Economic Impact Statement for HB 1025 (2014). HB 1025 (2014) added an exception to ch. 99-166, Laws of Fla. allowing discharges for the purpose of rehydrating a surface water body. This bill, by making sewage treatment facilities in Pasco County subject to regulatory provisions provided by general law, would have the same effect.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Economic Impact Statement for HB 847 (2016).

<sup>37</sup> HB 1025 (2014) passed the House but did not pass in the Senate.

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:

This bill does not provide authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

180393

**Tampa Bay Times**  
Published Daily

STATE OF FLORIDA        } ss  
COUNTY OF Pasco County

Before the undersigned authority personally appeared **Johnnie Murry** who on oath says that he/she is **Legal Clerk of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: NOTICE OF INTENT TO** was published in **Tampa Bay Times: 8/28/15**, in said newspaper in the issues of **Baylink Pasco**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pasco County, Florida and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

*Johnnie Murry*  
Signature of Affiant

Sworn to and subscribed before me this 08/28/2015.

*Kathleen J. Klase*  
Signature of Notary Public

Personally known   /   or produced identification

Type of identification produced \_\_\_\_\_



KATHLEEN J. KLASE  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE203640  
Expires 6/20/2016

**NOTICE OF INTENT TO  
SEEK LEGISLATION**

Notice is hereby given of the intent to apply to the Pasco County Legislative Delegation for consideration of a proposed local bill relating to Pasco County, repealing Chapter 99-166, Laws of Florida, relating to sewage treatment facility discharges; providing an effective date. This matter will be heard at the public meeting of the Pasco County Legislative Delegation on September 29, 2015, from 1 p.m. to 4 p.m. at Sunlake High School, 3023 Sunlake Blvd., Land O' Lakes, FL 34638, Florida. (180393) 8/28/2015

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 847  
 SPONSOR(S): Representative Danny Burgess  
 RELATING TO: Pasco County Repealing Chapter 99-166  
[Indicate Area Affected (City, County, or Special District) and Subject]  
 NAME OF DELEGATION: Pasco County Legislative Delegation  
 CONTACT PERSON: Jim Browne  
 PHONE NO.: (813) 909-9919 E-Mail: Browne.Jim@FLSenate.gov

- I. *House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:*
- (1) *The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*
  - (2) *The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and*
  - (3) *The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.*
  - (4) *An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.*

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: September 29, 2015

Location: Sunlake High School, 3023 Sunlake Boulevard, Land O'Lakes, FL 34638

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

- II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE September 28, 2015

Where? Tampa Bay Times County Pasco

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

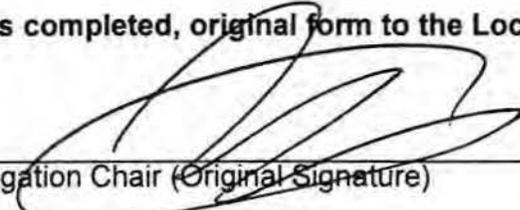
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

  
\_\_\_\_\_  
Delegation Chair (Original Signature)

09/29/15

\_\_\_\_\_  
Date

John Legg

\_\_\_\_\_  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES  
2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** HB 847  
**SPONSOR(S):** Representative Burgess  
**RELATING TO:** Pasco County Repealing Chapter 99-166  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>N/A</u>	\$ <u>N/A</u>
Revenue increase due to bill:	\$ <u>N/A</u>	\$ <u>N/A</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>N/A</u>	\$ <u>N/A</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

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**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>N/A</u>	\$ <u>N/A</u>
State:	\$ <u>N/A</u>	\$ <u>N/A</u>
Federal:	\$ <u>N/A</u>	\$ <u>N/A</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: N/A  
\_\_\_\_\_  
\_\_\_\_\_
- 2. Advantages to Businesses: N/A  
\_\_\_\_\_  
\_\_\_\_\_
- 3. Advantages to Government: N/A  
\_\_\_\_\_  
\_\_\_\_\_

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

- 1. Disadvantages to Individuals: N/A  
\_\_\_\_\_

\_\_\_\_\_

2. Disadvantages to Businesses: N/A

\_\_\_\_\_

3. Disadvantages to Government: N/A

\_\_\_\_\_

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:

  
**[Must be signed by Preparer]**

Print preparer's name:

**Bruce Kennedy**

**08/21/15**

**Date**

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

**Assistant County Administrator Utilities**

REPRESENTING:

**Pasco County**

PHONE:

**(813) 929-2755**

E-MAIL ADDRESS:

**bkennedy@pascocountyfl.net**

HB 847

2016

1                   A bill to be entitled  
2           An act relating to Pasco County; repealing chapter 99-  
3           166, Laws of Florida, relating to sewage treatment  
4           facility discharges into coastal waters within the  
5           county or waters tributary thereto; providing an  
6           effective date.

7

8   Be It Enacted by the Legislature of the State of Florida:

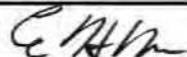
9

10           Section 1. Chapter 99-166, Laws of Florida, is repealed.  
11           Section 2. This act shall take effect upon becoming a law.



HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 871 Broward County  
SPONSOR(S): Clarke-Reed  
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Highway & Waterway Safety Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The Fish and Wildlife Conservation Commission (FWC), counties, and municipalities may establish "boating-restricted areas," placing limits on vessel speed and numbers, for the purpose of protecting public safety. To enforce speed limits in "boating-restricted areas," FWC must place regulatory markers (such as speed limit signs). The New River Canal and the Florida Intracoastal Waterway in Broward County are defined as "boating-restricted areas." Current law directs Broward County to bear the cost of providing speed limit signs and directs that each incorporated area within the county shall bear the cost of erecting any signs to be placed within its boundaries.

The bill repeals current law requiring Broward County to pay for the cost of providing the speed limit signs and requiring each incorporated area within the county to bear the cost of erecting any signs to be placed within its boundaries. Any responsibility for constructing and maintaining signs after the passage of the act would pass to FWC under general law. The bill also repeals a provision specifying that a person who operates a vessel in excess of the maximum speed limit in New River Canal and the Florida Intracoastal Waterway is guilty of a non-criminal infraction to be punished under s. 318.18(3), F.S. Persons found to have operated a vessel in excess of the maximum speed limit would therefore be liable according to general law.

Broward County currently spends \$30,000 per year on "upgrades" to the speed limit signs. The bill would shift those costs from the county to FWC.

This bill would take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Boating-Restricted Areas

Under the Florida Vessel Safety Law, boating-restricted areas may be established for "any purpose necessary to protect the safety of the public," as long as the restrictions relate to boating accidents, visibility, hazardous currents or waters levels, vessel traffic congestion, or other navigational hazards.<sup>1</sup> Both vessel speed and vessel traffic may be restricted.<sup>2</sup>

A boating-restricted area may be created by the Fish and Wildlife Conservation Commission (FWC) by adopting an administrative rule pursuant to ch. 120, F.S.,<sup>3</sup> or by a county or municipality by adoption of an ordinance.<sup>4</sup> Boating can only be restricted in an area with consultation and coordination with the governing body of the county or municipality where the area is located, and with the Coast Guard and Army Corps of Engineers, where the area is part of the navigable waters of the United States.<sup>5</sup> The current federal definition of navigable waters of the United States includes:

- All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters, including interstate wetlands;
- All other waters, including intrastate waters, that could affect interstate or foreign commerce;
- All tributaries of those waters previously described;
- The territorial sea; and
- Wetlands adjacent to those waters previously described (but are not themselves wetlands).<sup>6</sup>

It is unlawful to operate a vessel in a boating-restricted area or to carry on any prohibited activity,<sup>7</sup> if the area has been clearly marked by regulatory markers.<sup>8</sup> Violating the Florida Vessel Safety Law is a noncriminal infraction,<sup>9</sup> and violators are subject to a \$50 fine.<sup>10</sup> The restriction and penalties do not apply in the case of an emergency, or to any law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.<sup>11</sup>

The ability to enforce regulations in boating-restricted areas is dependent upon the placement of regulatory markers.<sup>12</sup> FWC is required to adopt rules establishing a uniform system of regulatory markers compatible with Coast Guard regulations.<sup>13</sup> Counties and municipalities which have been granted a boating-restricted area designation for a portion of the Florida Intracoastal Waterway may

<sup>1</sup> Section 327.46(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 327.46(1)(a), F.S.

<sup>4</sup> Section 327.46(1)(b)-(c), F.S.

<sup>5</sup> Section 327.46(2), F.S.

<sup>6</sup> 40 C.F.R. §110.1 (2015).

<sup>7</sup> "Prohibited activity" is defined for the purposes of ch. 327 as an "activity that will impede or disturb navigation or creates a safety hazard on waterways of this state." s. 327.02(35), F.S.

<sup>8</sup> Section 327.46(3), F.S.

<sup>9</sup> Section 327.73(1)(k), F.S.

<sup>10</sup> Section 327.73(1), F.S.

<sup>11</sup> Section 327.46(4), F.S.

<sup>12</sup> See s. 327.46(3), F.S.

<sup>13</sup> Section 327.41(1), F.S.

apply to FWC for permission to place regulatory markers under the procedures of s. 327.40, F.S.<sup>14</sup>

### Boating-Restricted Areas in Broward County

Chapter 86-364, Laws of Florida, established a speed limit of thirty miles per hour for vessels travelling on the New River Canal and Florida Intracoastal Waterway.<sup>15</sup> Boaters are informed of the speed limit by signs at locations designated by Division of Law Enforcement of FWC.<sup>16</sup> Broward County is responsible for the cost of erecting and maintaining the signs in unincorporated areas, while municipalities are responsible for these costs for any sign inside their boundaries.<sup>17</sup> The speed limit set by the act does not apply in regulatory zones, idle speed/no wake zones, and manatee zones.<sup>18</sup>

Boating restrictions are enforced by the Division of Law Enforcement of FWC and other law enforcement officers.<sup>19</sup> FWC has also adopted a rule concerning "Broward County Boating Restricted Areas."<sup>20</sup> An earlier version of this rule specifically authorized Broward County to install and maintain regulatory markers, as directed by the Division of Law Enforcement, within boating-restricted areas.<sup>21</sup> This authorization was removed with the intention of shifting authority and responsibility for managing regulatory markers along the Florida Intracoastal Waterway from Broward County and the City of Fort Lauderdale to FWC.<sup>22</sup>

### Effect of Proposed Changes

The bill transfers authority for the construction and maintenance of speed limit signs along the New River Canal and Florida Intracoastal Waterway in Broward County from the county to FWC.

The bill removes a provision stating that operating a vessel in excess of the maximum speed limit in the New River Canal and the Florida Intracoastal Waterway is a non-criminal infraction punishable by a civil penalty "computed in accordance with [the] provisions [of] ... s. 318.18(3), F.S." Vessel operators who exceed the maximum speed limit would instead be liable under the provisions of s. 327.73, F.S.

Broward County has previously spent money erecting speed limit signs in the New River Canal and Florida Intracoastal Waterway.<sup>23</sup> Most of these signs are still in good condition and the county currently spends approximately \$30,000 a year for upgrades as part of its Parks and Recreation budget.<sup>24</sup> FWC maintains ninety percent of the markers for manatee protection.<sup>25</sup>

#### B. SECTION DIRECTORY:

Section 1: Amends ch. 86-364, Laws of Florida, concerning speed limit signs on the New River Canal and Florida Intracoastal Waterway, Broward County.

Section 2: Provides that the bill shall take effect upon becoming law.

<sup>14</sup> Section 327.41(2), F.S.

<sup>15</sup> Ch. 86-364, s. 1, Laws of Fla.

<sup>16</sup> Ch. 86-364, s. 2, Laws of Fla. The Florida Marine Patrol's functions are now part of FWC's Division of Law Enforcement.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Section 327.70(1), F.S.

<sup>20</sup> Rule 68D-24.008, F.A.C. (effective 7/21/13).

<sup>21</sup> Rule 68D-24.008(3), F.A.C. (effective 12/18/94).

<sup>22</sup> Letter from Major Richard Moore, Boating and Waterways Section Leader, FWC, to Barbara Sharief, Mayor of Broward County, Re: Broward County Special Acts of Local Application Numbers 86-364 and 89-428, dated 2/10/14. A copy of this letter is on file with the House Local Government Affairs Subcommittee.

<sup>23</sup> Economic Impact Statement for HB 869 (2015).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 4, 2015

WHERE? The Sun-Sentinel, a daily newspaper published in Broward, Palm Beach, and Miami-Dade Counties, 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:

This bill does not provide authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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**SUN-SENTINEL**  
**Published Daily**  
**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**



**STATE OF FLORIDA**

**COUNTY OF: BROWARD/PALM BEACH/MIAMI-DADE**

Before the undersigned authority personally appeared

MARK KURZITZ, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL, a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11745-Other Legal Notices

BROWARD COUNTY  
Lombardo, Faith

Was published in said newspaper in the issues of; Oct 04, 2015

3635315

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, and that the said newspaper has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, each day and has been entered as second class matter at the post office in BROWARD County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised, any person, firm or corporation, any discount, rebate, commission or refund, for the purpose of securing this advertisement for publication in the said newspaper.

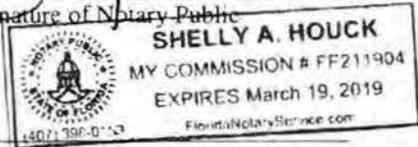
Mark Kurzitz

Signature of Affiant

Sworn to and subscribed before me this: October 05, 2015.

Shelly A. Houck

Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

Personally Known (X) or Produced Identification ( )

**NOTICE OF LEGISLATION**  
Notice is hereby given that the following bill will be presented to the 2016 Legislative Session of the Florida Legislature for consideration and enactment.

A BILL TO BE ENTITLED  
AN ACT RELATING TO BROWARD COUNTY,  
FLORIDA, AMENDING CHAPTER 86-364,  
LAWS OF FLORIDA, RELATING TO BOAT-  
ING SPEED LIMITS AND SIGNAGE IN  
FLORIDA INTRACOASTAL WATERWAYS IN  
BROWARD COUNTY, PROVIDING AN EF-  
FECTIVE DATE

BROWARD COUNTY LEGISLATIVE DE-  
LEGATION  
REPRESENTATIVE GWYNDOLEN CLARKE-  
REED, CHAIR  
10/4/2015

Order # - 3635315

**HOUSE OF REPRESENTATIVES**  
**2016 LOCAL BILL CERTIFICATION FORM**

BILL #: HB 871  
SPONSOR(S): Representative Gwyndolen Clarke-Reed  
RELATING TO: Broward County - Waterway Speed Limit & Signage  
(Indicate Area Affected (City, County, or Special District) and Subject)  
NAME OF DELEGATION: Broward Legislative Delegation  
CONTACT PERSON: Andrea Knowles  
PHONE NO.: (954) 325 2980 E-Mail: Aknowles@broward.org

I. *House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:*  
(1) *The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*  
(2) *The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and*  
(3) *The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.*  
(4) *An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.*

- (1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?  
YES  NO
- (2) Did the delegation conduct a public hearing on the subject of the bill?  
YES  NO   
Date hearing held: September 29, 2015  
Location: Broward County Governmental Center
- (3) Was this bill formally approved by a majority of the delegation members?  
YES  NO
- (4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?  
YES  NO

II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?  
Notice published: YES  NO  DATE October 4, 2015  
Where? San Sentinel County Broward

Referendum in lieu of publication: YES [ ] NO

Date of Referendum \_\_\_\_\_

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES [ ] NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [ ] NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES [ ] NO [ ]

Please submit this completed, original form to the Local Government Affairs Subcommittee.

Gwendolyn Clarke-Reed  
Delegation Chair (Original Signature)

12/17/13  
Date

Gwendolyn Clarke-Reed  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES**  
**2016 ECONOMIC IMPACT STATEMENT FORM**

**\*Read all instructions carefully.\***

**House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.**

**BILL #:** 871  
**SPONSOR(S):** Gwendolen Clarke-Reed  
**RELATING TO:** Broward County  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>0</u>	\$ <u>0</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>0</u>	\$ <u>0</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

The Florida Fish and Wildlife Commission already covers  
costs of ~~signage~~ signage

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>0</u>	\$ <u>0</u>
State:	\$ <u>0</u>	\$ <u>0</u>
Federal:	\$ <u>0</u>	\$ <u>0</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: None  
\_\_\_\_\_  
\_\_\_\_\_
2. Advantages to Businesses: None  
\_\_\_\_\_  
\_\_\_\_\_
3. Advantages to Government: Increased efficiencies as one entity will be responsible for the signage.  
\_\_\_\_\_

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None  
\_\_\_\_\_

2. Disadvantages to Businesses:

*None*

3. Disadvantages to Government:

*None*

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

*None*

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

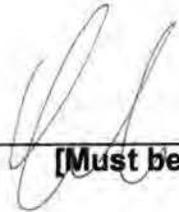
Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

*N/A*

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:



**[Must be signed by Preparer]**

Print preparer's name:

C. Marty Cassini

8-18-15

**Date**

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

REPRESENTING:

Broward County

PHONE:

954-357-7575

E-MAIL ADDRESS:

mcassini@broward.org

1                                   A bill to be entitled  
 2           An act relating to Broward County; amending chapter  
 3           86-364, Laws of Florida, as amended; repealing a civil  
 4           penalty for an operator of a vessel exceeding the  
 5           speed limit in specified waterways; providing  
 6           applicability; repealing requirements for the erection  
 7           of waterway speed limit signs; providing an effective  
 8           date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Chapter 86-364, Laws of Florida, as amended by  
 13           chapter 89-428, Laws of Florida, is amended to read:

14           Section 1. (1) The maximum speed limit on the New River  
 15           Canal and Florida Intracoastal Waterway in Broward County is 30  
 16           miles per hour, except in those areas posted "idle speed/no  
 17           wake" or "slow down/minimum wake."

18           ~~(2) Any person who operates a vessel in excess of the~~  
 19           ~~maximum speed limit is guilty of a noncriminal infraction,~~  
 20           ~~punishable by a civil penalty. The amount of the civil penalty~~  
 21           ~~shall be computed in accordance with provisions pertaining to~~  
 22           ~~penalties for unlawful speed under section 318.18(3), Florida~~  
 23           ~~Statutes.~~

24           (2)(3) The maximum allowable wake created by any vessel,  
 25           regardless of the speed or size of the vessel, is 15 inches in  
 26           vertical height, measured from the ambient tide level to the

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27 crest of the vessel's wake at a distance not less than 25 feet  
28 from the vessel. For the purposes of this subsection, "wake"  
29 means all changes in the vertical level of the water's surface  
30 caused by the passage of a vessel including, but not limited to,  
31 a vessel's bow wave, stern wake, and propeller wash. This  
32 subsection does not authorize a vessel proceeding with a wake of  
33 15 inches or less to travel at a speed in excess of "idle  
34 speed/no wake" or "slow down/minimum wake" when in such boating-  
35 restricted areas. Any person who violates this subsection is  
36 guilty of a misdemeanor of the second degree, punishable as  
37 provided in section 775.082 or section 775.083, Florida  
38 Statutes.

39 (3)~~(4)~~ This section does not apply to any person operating  
40 a vessel as a participant in, or during officially sanctioned  
41 trial runs preceding or following, a lawfully permitted regatta  
42 or boat race or to any governmental officer or employee  
43 operating a law enforcement, U. S. Coast Guard, or fire or  
44 rescue vessel in the performance of his official duties.

45 (4)~~(5)~~ For the purposes of enforcement of subsection (1),  
46 law enforcement officers may use aircraft, vessels, manual or  
47 electronic timing devices, or radar. If radar is used, the  
48 provisions of section 316.1906, Florida Statutes, must be  
49 complied with.

50 (5)~~(6)~~ For the purposes of enforcement of subsection (2)  
51 ~~(3)~~, law enforcement officers may use mechanical, electronic, or  
52 photographic measuring devices.

53           ~~(6)~~~~(7)~~(a) A person may not operate any vessel on the New  
 54 River Canal or Florida Intracoastal Waterway in Broward County  
 55 in such a manner as to exceed a maximum sound level of 80 dB A  
 56 at a distance of 50 feet from the vessel.

57           (b) Any person who violates this subsection or refuses to  
 58 submit to a sound level test when requested to do so by a law  
 59 enforcement officer is guilty of a misdemeanor of the second  
 60 degree, punishable as provided in section 775.082 or section  
 61 775.083, Florida Statutes.

62           ~~(7)~~~~(8)~~ An alleged violator of this section shall be issued  
 63 a uniform boating citation, as provided in section 327.74,  
 64 Florida Statutes. A finding of guilt for the violation of any  
 65 provision of this section, irrespective of the withholding of  
 66 adjudication or sentence, shall be considered as a conviction  
 67 for a violation of chapter 327, Florida Statutes, and the  
 68 provisions of section 327.731, Florida Statutes, shall apply.  
 69 The speed limit provisions of this section do not apply to  
 70 regulatory zones, idle speed/no wake zones, slow speed/minimum  
 71 wake zones, or manatee protection zones. ~~The courts shall~~  
 72 ~~forward one-half of all moneys received as fines or civil~~  
 73 ~~penalties for violations of this chapter to the State Treasurer~~  
 74 ~~for deposit to the Motorboat Revolving Trust Fund.~~

75           ~~Section 2. The Florida Marine Patrol shall designate where~~  
 76 ~~speed limit signs shall be located. The county shall bear the~~  
 77 ~~cost of providing such signs, and each incorporated area within~~  
 78 ~~the county shall bear the cost of erecting any signs to be~~

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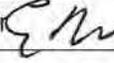
79 ~~placed within its corporate boundaries. The speed limit~~  
80 ~~provisions of this section shall not apply to regulatory zones,~~  
81 ~~idle speed/no wake zones or manatee areas.~~

82       Section 2. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 891 Northwest Florida Community Hospital Board of Trustees, Washington County  
**SPONSOR(S):** Drake  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Walker 	Miller 
2) Local & Federal Affairs Committee			

### SUMMARY ANALYSIS

"Special Districts" are a type of limited local government created to perform specific services within a described geographic area. Sometimes called special taxing districts, most are created either by special act (independent special districts) or county or municipal ordinance (dependent special districts). The Special District Accountability Program in the Department of Economic Opportunity (DEO) is responsible for creating and maintaining a current list of all special districts in Florida, as provided in ch. 189, F.S., the Uniform Special District Accountability Act.

When a special district fails to meet certain statutory responsibilities, no longer functions, or informs DEO it is no longer active, DEO is required to follow the statutory process before declaring the district inactive. This includes documenting one or more statutory criteria for inactive status, publishing notice in the area of the district of DEO's intent to declare the district inactive, and documenting the lack of any objection to declaring the district inactive. DEO is required to deliver written notice of the declaration of inactive status to specific authorities. If the district was created by special act, notice is delivered to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight. If the district was created by local ordinance, notice is delivered to the governing body of the county or municipality that created the district. A special district declared inactive may not collect taxes, assessments, or fees while the declaration is in effect. However, the district still exists until its legal authority is repealed by the creating entity.

The bill dissolves the Northwest Florida Community Hospital District, an independent special district, by repealing ch. 88-532, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Washington County.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### PRESENT SITUATION

###### Special Districts Declared Inactive

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>5</sup> A special district may be "dependent"<sup>6</sup> or "independent."<sup>7</sup>

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.<sup>8</sup> The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.<sup>9</sup> DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
  - Provides DEO with written notice that the district has taken no action for 2 or more years.<sup>10</sup>
  - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.<sup>11</sup>
  - Fails to respond to an inquiry from DEO within 21 days.<sup>12</sup>

<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> Id.

<sup>3</sup> Section 189.02(1), F.S.

<sup>4</sup> Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

<sup>5</sup> *2015 – 2016 Local Gov't Formation Manual*, p. 67, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2836> (accessed 9/28/2015).

<sup>6</sup> Section 189.012(2), F.S. A special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.

<sup>7</sup> Section 189.012(3), F.S. A special district that is not a dependent district.

<sup>8</sup> Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at <https://dea.deo.myflorida.com/fhed/sdip/OfficialListdeo/> (accessed 9/28/2015).

<sup>9</sup> Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6., F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

<sup>10</sup> Section 189.062(1)(a)1., F.S.

<sup>11</sup> Section 189.062(1)(a)2., F.S.

- Following statutory procedure,<sup>13</sup> DEO determines the district failed to file specified reports,<sup>14</sup> including required financial reports.<sup>15</sup>
- For more than 1 year, no registered office or agent for the district was on file with DEO.<sup>16</sup>
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.<sup>17</sup>

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.<sup>18</sup> The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S.,<sup>19</sup> within 21 days after the publication date.<sup>20</sup> If no objection is filed within the 21 day period, DEO declares the district inactive.<sup>21</sup>

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.<sup>22</sup> The statute provides that the declaration of inactive status is sufficient notice under the Florida Constitution<sup>23</sup> to authorize the repeal of special laws creating or amending the charter of the inactive district.<sup>24</sup> This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature.<sup>25</sup>

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.<sup>26</sup>

A district declared inactive may not collect taxes, fees, or assessments.<sup>27</sup> This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO<sup>28</sup> or invalidated in an administrative proceeding<sup>29</sup> or civil action<sup>30</sup> timely brought by the governing body of the special district.<sup>31</sup> Failure of the

<sup>12</sup> Section 189.062(1)(a)3., F.S.

<sup>13</sup> Section 189.067, F.S.

<sup>14</sup> Section 189.066, F.S.

<sup>15</sup> Section 189.062(1)(a)4., F.S. *See, ss.* 189.016(9), 218.32, 218.39, F.S.

<sup>16</sup> Section 189.062(1)(a)5., F.S.

<sup>17</sup> Section 189.062(1)(a)6., F.S.

<sup>18</sup> Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

<sup>19</sup> The Florida Administrative Procedure Act.

<sup>20</sup> Section 189.062(10)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

<sup>21</sup> Section 189.062(1)(c), F.S.

<sup>22</sup> Section 189.062(3), F.S.

<sup>23</sup> Art. III, s. 10, Fla. Const.

<sup>24</sup> Section 189.062(3), F.S.

<sup>25</sup> Section 11.02, F.S.

<sup>26</sup> Section 189.062(2), F.S.

<sup>27</sup> Section 189.062(5), F.S.

<sup>28</sup> Section 189.062(5)(a), F.S.

<sup>29</sup> Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

<sup>30</sup> Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

<sup>31</sup> The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.<sup>32</sup>

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature<sup>33</sup> or the entity that created the district.<sup>34</sup>

#### Northwest Florida Community Hospital District

The Northwest Florida Community Hospital District was created as an independent special district by special act in 1988. The act authorized a seven member board of trustees to oversee the Washington County Hospital, composed of the chief of the hospital medical staff, five members appointed by the Board of County Commissioners registered in the members' respective county commission districts, and one member appointed by the Board of County Commissioners from the county at large.<sup>35</sup> The act granted the Board of Trustees "all of the powers and duties" under ch. 155, F.S., including the ability to levy a property tax within the district of up to 10 mils based upon the financial needs of the hospital.<sup>36</sup>

On November 3, 2011, the registered agent of the Northwest Florida Community Hospital Board of Trustees, Ms. Camilla Schmitz, notified DEO that the District had not taken any action for two or more years<sup>37</sup> and requested that DEO declare the District inactive.<sup>38</sup> On January 21, 2012, DEO published the "Notice of Proposed Declaration of Inactive Status of the Northwest Florida Community Hospital District" in the Washington County News. Pursuant to statute, the notice required any objections to the District being placed on inactive status to be filed with DEO within 21 days of the initial publication of the notice; no objections were received. On February 13, 2012, DEO declared the District inactive. DEO notified the Speaker of the House, the President of the Senate, pursuant to statute that the district had been declared inactive.<sup>39</sup>

#### EFFECT OF THE BILL

The bill dissolves the Northwest Florida Community Hospital District by repealing ch. 88-532, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Washington County.

#### B. SECTION DIRECTORY:

Section 1: Repeals ch. 88-532, Laws of Florida.

Section 2: Abolishes the Northwest Florida Community Hospital Board of Trustees and transfers all assets and liabilities of the district to the Board of County Commissioners of Washington County.

Section 3: Provides the bill is effective upon becoming law.

<sup>32</sup> Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

<sup>33</sup> Sections 189.071(3), 189.072(3), F.S.

<sup>34</sup> Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

<sup>35</sup> Ch. 88-532, Laws of Florida.

<sup>36</sup> Section 155.12, F.S.

<sup>37</sup> The Northwest Community Hospital is no longer owned by Washington County and the dissolution of the district apparently will not impact the current management or efficacy of the hospital. See Florida Hospital Association, <http://www.fha.org/reports-and-resources/hospital-directory.aspx>.

<sup>38</sup> Letter from the Department of Economic Opportunity to President of the Senate Mike Haridopolos and Speaker of the House Dean Cannon, "Re: Declaration of Inactive Status of the Northwest Florida Community Hospital District" (February 22, 2012).

<sup>39</sup> At the time the district was declared inactive the statute only required the Speaker of the House and President of the Senate be notified. See s. 189.4044 F.S. (2012). In 2014 the statute was revised to require additional notice to specified standing legislative committees. See ch. 2014-22, s. 24, Laws of Florida.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 22, 2012

WHERE? Leon 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:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

When notice of intent to file a local bill is published in the area to be affected pursuant to statute,<sup>40</sup> proof of such publication typically is in the form of an affidavit.<sup>41</sup> However, in this instance the notice of declaring inactive status in and of itself is sufficient to satisfy the constitutional requirement.<sup>42</sup> To satisfy the requirement of general law that evidence of the necessary publication "be established" in the Legislature before the bill is passed,<sup>43</sup> a Substitute Notice of Publication reciting the requirement of s. 189.062(3), F.S., was submitted with the bill.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>40</sup> Section 11.02, F.S.

<sup>41</sup> Section 11.03, F.S.

<sup>42</sup> Section 189.062(3), F.S.

<sup>43</sup> Section 11.021, F.S.

Rep Dracke  
HB 891 LB

**SUBSTITUTE NOTICE OF PUBLICATION**

Re: Northwest Florida Community Hospital Board of Trustees

The Special District Accountability Program in the Department of Economic Opportunity has declared the Northwest Florida Community Hospital Board of Trustees, in Washington County, to be inactive. By notice dated February 22, 2012, the Department informed the President of the Florida Senate and the Speaker of the Florida House of Representatives of the inactive status of the district. Under s. 189.062(3), F.S. (formerly s. 189.4044(3), F.S.), the declaration of inactive status from DEO is sufficient notice under s. 10, art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

Rick Scott  
GOVERNOR



Cynthia R. Lorenson  
INTERIM EXECUTIVE DIRECTOR

February 22, 2012

The Honorable Mike Haridopolos, President  
Florida Senate  
Room 312, Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

The Honorable Dean Cannon, Speaker  
Florida House of Representatives  
420 The Capitol  
402 South Monroe Street  
Tallahassee, Florida 32399-1300

Re: Declaration of Inactive Status of the Northwest Florida Community Hospital District

Dear President Haridopolos and Speaker Cannon:

The Department of Economic Opportunity (the "Department") administers Chapter 189 Florida Statutes (the Uniform Special District Accountability Act of 1989). This Act charges the Department with a number of responsibilities as they relate to special districts. Among these responsibilities is the requirement to declare special districts inactive for dissolution under certain circumstances. When special districts created by special act of the Legislature become inactive, the Department must notify the Speaker of the House of Representatives and the President of the Senate.

Section 189.4044, Florida Statutes, describes four conditions in which the Department must declare special districts inactive. One of these conditions is met when the Department is notified in writing by a special district's registered agent that the special district has taken no action for two or more years.

On November 3, 2011, Ms. Camilla Schmitz, the registered agent of the Northwest Florida Community Hospital District (the "District"), an independent special district located in Washington County, notified the Department in writing that the District has not taken any action since 2004. Ms. Schmitz asked the Department to declare the District inactive.

The Capitol Building 107 E. Madison Street Tallahassee, Florida 32399-1121 904-437-7135  
www.FloridaInfo.org www.tourism.com/FLORIDA www.tourism.com/FLORIDA/DEO

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All state telephone numbers on this document may be reached by persons using TTY/TDD equipment at the Florida Relay Service (877) 337-2711.

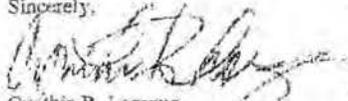
The Honorable Mike Haridopoulos  
The Honorable Dean Cannon  
Page Two

On January 21, 2012, the Department published a "Notice of Proposed Declaration of Inactive Status of the Northwest Florida Community Hospital District" in the Washington County News. This notice required any party objecting to the inactive status to file an objection with the Department pursuant to Chapter 120, Florida Statutes, within twenty-one (21) days after the date of publication of the notice. The Department did not receive any objections. Therefore, on February 13, 2012, the Department declared the Authority inactive by changing its status on the Official List of Special Districts from "active" to "inactive."

Section 189.4044(3), Florida Statutes, provides that this declaration of inactive status is sufficient notice as required by Section 10, Article III of the State Constitution to authorize the Legislature to repeal any special laws so reported. According to our records, the Authority was established by Chapter 19421, Laws of Florida, and amended by Chapters 76-502 and 88-532, Laws of Florida. The Department requests that the Legislature dissolve the Authority by repealing its special acts.

Please contact Mr. Darrick McGhee, Legislative and Cabinet Affairs Director, at 850-245-7370 if you have any questions or need further assistance.

Sincerely,



Cynthia R. Lorenzo  
Interim Executive Director

CRL/jg

cc: Ms. Marony M. Black, Registered Agent, Northwest Florida Community Hospital District  
Mr. Jeff Goodman, Washington County Attorney  
✓ Mr. Jech Gaskins Jr., Special District Interpretation Program

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: ~~HB 891~~ HB 891  
SPONSOR(S): Representative Brad Drake  
RELATING TO: Northwest Florida Community Hospital Board of Trustees  
(Indicate Area Affected (City, County, or Special District) and Subject)  
NAME OF DELEGATION: Washington County  
CONTACT PERSON: Rhonda Thomas  
PHONE NO.: (850) 718-0047 E-Mail: Thomas.rhonda@myfloridahouse.gov

I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: November 10, 2015

Location: Board of County Commissioners' Boardroom at 1331 South Blvd Chipley, FL

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE 2/22/2012

Where? Letter per s. 189.4044, F.S. (2011) County Leon

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

  
\_\_\_\_\_  
Delegation Chair (Original Signature)

11/10/15  
\_\_\_\_\_  
Date

Brad Drake  
\_\_\_\_\_  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES**  
**2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:**

~~HB 377~~ HB 891

**SPONSOR(S):**

**RELATING TO:**

Northwest Florida Community Hospital Board of Trustees

[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ _____	\$ _____
Revenue increase due to bill:	\$ _____	\$ _____

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ _____	\$ _____

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

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**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ _____	\$ _____
State:	\$ _____	\$ _____
Federal:	\$ _____	\$ _____

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

- Advantages to Individuals: Dissolves a unit of local government that is inactive and no longer necessary.
- Advantages to Businesses: Dissolves a unit of local government that is inactive and no longer necessary.
- Advantages to Government: Dissolves an inactive unit of local government.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

- Disadvantages to Individuals: None

\_\_\_\_\_

2. Disadvantages to Businesses: None

\_\_\_\_\_

3. Disadvantages to Government: None

\_\_\_\_\_

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

No anticipated impact. The district is inactive.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

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A bill to be entitled  
 An act relating to the Northwest Florida Community  
 Hospital Board of Trustees, Washington County;  
 repealing chapter 88-532, Laws of Florida; abolishing  
 the board; transferring assets and liabilities of the  
 board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 88-532, Laws of Florida, is repealed.

Section 2. The Northwest Florida Community Hospital Board  
 of Trustees is dissolved. All assets and liabilities of the  
 board are transferred to the Board of County Commissioners of  
 Washington County.

Section 3. This act shall take effect upon becoming a law.



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 895 West Manatee Fire and Rescue District, Manatee County  
**SPONSOR(S):** Boyd  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Monroe <i>KDSM</i>	Miller <i>E.H.M.</i>
2) Finance & Tax Committee			
3) Local & Federal Affairs Committee			

**SUMMARY ANALYSIS**

The West Manatee Fire and Rescue District (District) was created by Chapter 2000-401, Laws of Florida, which merged the Anna Maria Fire Control District and the Westside Fire Control District. As part of merging the two earlier districts, ch. 2000-401 provided specific details regarding the initial composition of the board and arranged for the length of those initial terms in order to provide for staggered elections of the board members. This local bill removes those provisions as obsolete and confirms the terms of current board members. It also provides that all terms of board members elected in the future will be four year terms.

In addition, ch. 2000-401, Laws of Florida, as amended by ch. 2001-334, Laws of Florida, provides for the levy of non-ad valorem assessments by the District and the procedures regarding such assessments, including a listing of maximum assessment rates for various parcels. This bill removes that list, leaving the levying of non-ad valorem assessments to be governed by the provisions of s. 191.009(2), F.S. This bill also adds language stating that "the district is authorized to exceed the maximum assessment rates established in this act." Finally, the bill confirms the current non-ad valorem rates being levied by the District which were adopted by District resolution on July 16, 2015.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district<sup>1</sup> created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.<sup>2</sup> Chapter 191, F.S., the "Independent Special Fire Control District Act," is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.<sup>3</sup> Chapter 191 controls over more specific provisions in any special act or general law of local application creating an independent fire control district's charter.<sup>4</sup> The Chapter requires every independent fire control district be governed by a five-member board<sup>5</sup> and provides for:

- General powers;<sup>6</sup>
- Special powers;<sup>7</sup>
- Authority and procedures for the assessment and collection of ad valorem taxes;<sup>8</sup>
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;<sup>9</sup> and
- Issuance of district bonds and evidences of debt.<sup>10</sup>

As a type of independent special district,<sup>11</sup> independent special fire control districts are also subject to applicable provisions of ch. 189, F.S., the "Uniform Special District Accountability Act."<sup>12</sup> That Act prohibits special laws or general laws of local application that:<sup>13</sup>

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<sup>1</sup> A "special district" is a local government unit of "special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." S. 189.012(6), F.S. An "independent special district" is any special district that is not a "dependent special district," which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district's governing body are removable at will during their unexpired terms by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality. S. 189.012(3), F.S.

<sup>2</sup> Section 191.003(5), F.S.

<sup>3</sup> Section 191.002, F.S.

<sup>4</sup> Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section. *Id.*

<sup>5</sup> Section 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

<sup>6</sup> Section 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

<sup>7</sup> Section 191.008, F.S.

<sup>8</sup> Section 191.006(14); 191.009(1), F.S.

<sup>9</sup> Section 191.006(11), (15), 191.009(2)—(4), 191.011, F.S.

<sup>10</sup> Section 191.012, F.S.

<sup>11</sup> Section 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

<sup>12</sup> Section 189.031, F.S.

<sup>13</sup> Article III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by "like vote." The "Uniform Special District

- Create special districts which do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;<sup>14</sup>
- Exempt district elections from the requirements of s. 189.04, F.S.;<sup>15</sup>
- Exempt a district from the requirements for bond referenda under s. 189.042, F.S.;<sup>16</sup>
- Exempt a district from the requirements for reporting, notice, or public meetings under ss. 189.015, 189.016, 189.051, or 189.08, F.S.;<sup>17</sup>
- Create a district for which a statement documenting the following is not submitted to the Legislature:
  - The purpose of the proposed district;
  - The authority of the proposed district;
  - An explanation of why the district is the best alternative; and
  - A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating that the proposed district is consistent with approved local government plans and the local government does not object to creation of the district.<sup>18</sup>

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.<sup>19</sup> A special district may not levy ad valorem taxes without approval by the effected voters in a referendum.<sup>20</sup>

Section 191.005, F. S., provides for the election of the district board of commissioners, including its membership, officers, and meetings. The initial District charter<sup>21</sup> complied with this general law requirement and provided for both the initial board members and the initial elections and term lengths for those board members.

Under s. 191.009, F.S., districts are authorized to levy ad valorem taxes and non-ad valorem assessments for district purposes. Each district is authorized by this general provision to levy ad valorem taxes up to 3.75 mills, upon voter approval, notwithstanding lower millage caps in the special acts of individual districts. This provision applies unless a higher amount has previously been authorized. In that event, the higher, previously authorized rate applies.<sup>22</sup>

Non-ad valorem assessments levied by independent fire districts are governed by s. 191.009(2), F.S., which includes requirements for the levying of such assessments and limitations on the growth of the assessment rates. The rate of non-ad valorem assessments must be set by resolution properly adopted by the board of the District.<sup>23</sup> On July 16, 2015, the District's board adopted resolution 2015-03, establishing the current rates for non-ad valorem assessments in the District.<sup>24</sup>

The District's enabling act also includes specific provisions regarding the levy of special assessments and the procedures regarding such assessment. Under the enabling act, assessments are based on property type which has been divided into three categories. The three categories are vacant parcels,

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Accountability Act" (ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each the House and the Senate.

<sup>14</sup> Section 189.031(2)(a), F.S.

<sup>15</sup> Section 189.031(2)(b), F.S.

<sup>16</sup> Section 189.031(2)(c), F.S.

<sup>17</sup> Section 189.031(2)(d), F.S.

<sup>18</sup> Section 189.031(2)(e), F.S.

<sup>19</sup> *Bd. of Comm'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007).

<sup>20</sup> Article VII, s. 9(b), Fla. Const.

<sup>21</sup> Ch. 2000-401, Laws of Fla.

<sup>22</sup> Section 191.009(1), F.S.

<sup>23</sup> Section 191.009(2)(a), F.S.

<sup>24</sup> West Manatee Fire & Rescue District Resolution 2015-03, at <http://www.wmfr.org/financials/> (accessed 1/7/2016). See Minutes of West Manatee Fire & Rescue District Commission Regular Meeting for July 16, 2015, at [www.wmfr.org/wp-content/uploads/2015/07/Board-Minutes-Jul-16-2015.pdf](http://www.wmfr.org/wp-content/uploads/2015/07/Board-Minutes-Jul-16-2015.pdf) (accessed 1/17/2016).

residential parcels, and commercial parcels.<sup>25</sup> The amount of the assessment depends on not only what type of parcel the property is, but also the square footage of the home/building. The enabling act was amended by ch. 2001-334, Laws of Florida, to provide that this list of assessment amounts is a listing of the maximum rates which may be assessed.<sup>26</sup>

### Proposed Changes

Chapter 2000-401, Laws of Florida, provided specific details regarding the initial composition of the board and arranged the initial terms in order to provide for staggered elections of the board members. This bill removes those provisions as obsolete and confirms the terms of current board members. It also provides that all terms of board members elected in the future will be four year terms.

In addition, ch. 2000-401, Laws of Florida, as amended by ch. 2001-334, Laws of Florida, provided for the levy of non-ad valorem assessments and the procedures regarding such assessments, including a listing of maximum assessment rates for various parcels. This bill removes that list, leaving the levying of non-ad valorem assessments to be governed by the provisions of s. 191.009(2), F.S. This bill also adds language to Section 13 of the District's charter stating that "the district is authorized to exceed the maximum assessment rates established in this act." Finally, the bill confirms the current non-ad valorem rates being levied by the District which were adopted by resolution on July 16, 2015.

#### B. SECTION DIRECTORY:

**Section 1** amends ch. 2000-401, Laws of Florida, as amended by ch. 2001-334, Laws of Florida, which is the enabling act of the West Manatee Fire and Rescue District. The bill removes obsolete provisions regarding the initial board members and their terms and confirms the terms of current board members. It also provides that all terms of board members elected in the future will be four year terms. In addition, it removes the schedule of maximum non-ad valorem assessments which was contained in ch. 2000-401, Laws of Florida, as amended by ch. 2001-334, Laws of Florida, leaving the levying of non-ad valorem assessments to be governed by the provisions of s. 191.009(2), F.S. This bill also adds language stating that "the district is authorized to exceed the maximum assessment rates established in this act." Finally, the bill confirms the current non-ad valorem rates being levied by the District which were adopted by resolution on July 16, 2015.

**Section 2** provides that this bill shall take effect upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? September 16, 2015

WHERE? Manatee 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

<sup>25</sup> Ch. 2000-401, Section 13 of Section 2, Laws of Fla.

<sup>26</sup> Ch. 2001-334, Section 1, Laws of Fla.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill does not provide authority or require implementation by administrative agency rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

This bill adds language to Section 13 of the District's charter stating that "the district is authorized to exceed the maximum assessment rates established in this act." The bill also amends Section 13 to remove the listing of maximum assessment rates in the act. These two provisions are in conflict.

The bill states Resolution 2015-03 was adopted on July 15, 2015, when the correct date is July 16, 2015.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Rep. Royce  
HB 895 LB

# BRADENTON HERALD

WWW.BRADENTON.COM  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
Bradenton, FL 34205-8894  
941-745-7066

RECEIVED  
SEP 25 2015  
BY: \_\_\_\_\_

Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

STATE OF FLORIDA  
COUNTY OF MANATEE

Before the undersigned authority personally appeared Dava Reyes, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Intent To Seek Legislation**, was published in said newspaper in the issue(s) of **09/16/2015**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

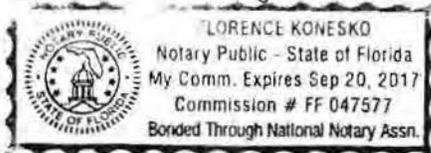
### NOTICE OF INTENT TO SEEK LEGISLATION

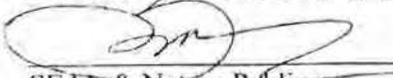
The West Manatee Fire and Rescue District, Manatee County, Florida, hereby gives notice pursuant to Article III, Section 10 of the Florida Constitution and Section 11.02, Florida Statutes, of its intent to seek legislation before the 2016 Florida Legislature. The legislation amends the District's special acts to provide 4-year terms of office for all seats on the board of commissioners, confirm existing non-ad valorem assessment rates, clarify that future assessment rates may be amended pursuant to Section 191.009, Florida Statutes, and provide an effective date.

By: **Mary Stephens, Adm.Asst.**  
09/16/15

  
(Signature of Affiant)

Sworn to and subscribed before me this  
16 Day of Sept, 2015

  
LORENCE KONESKO  
Notary Public - State of Florida  
My Comm. Expires Sep 20, 2017  
Commission # FF 047577  
Bonded Through National Notary Assn.

  
SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 895

SPONSOR(S): Jim Boyd

RELATING TO: West Manatee Fire Rescue District, Manatee County, Florida, an independent special district of the State of Florida; relating to an amendment to its enabling legislation clarifying the election cycle for election of commissioners and clarifying use of Chapter 191, Florida Statutes, for setting assessments.

NAME OF DELEGATION: Manatee County

CONTACT PERSON: Chief Tom Sousa; David Bishop, Chairman; James D. Dye, counsel for District

PHONE NO.: ( 941)761-1555 (District office) or 941-748-4411 (counsel office) E-Mail: [tom.sousa@wmfr.org](mailto:tom.sousa@wmfr.org); [jdye@dye-firm.com](mailto:jdye@dye-firm.com)

I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:

(1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;

(2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and

(3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.

(4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: August 24, 2015

Location: State College of Florida's Auditorium at Lakewood Ranch Campus  
7131 Professional Parkway East, Sarasota, FL 34240

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE 9/16/2015

Where? Bradenton Herald County Manatee

Referendum in lieu of publication: YES  NO

Date of Referendum NA

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

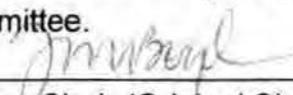
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)? NA

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

 1/4/16  
Delegation Chair (Original Signature) Date

Jim Boyd  
Printed Name of Delegation Chair

**Economic Impact Statement PAGE 1 of 4**

**HOUSE OF REPRESENTATIVES  
2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** *HB 895*

**SPONSOR(S):** *Boyd*

**RELATING TO:** West Manatee Fire Rescue District, Manatee County, Florida, an independent special district of the State of Florida; relating to an amendment to its enabling legislation clarifying the election cycle for election of commissioners and clarifying use of Chapter 191, Florida Statutes, for setting assessments.

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	FY 16-17	FY 17-18
Revenue decrease due to bill:	\$ <u>NA</u>	\$ <u>NA</u>
Revenue increase due to bill:	\$ <u>NA</u>	\$ <u>NA</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets. None

Expenditures for Implementation, Administration and Enforcement: **None**

FY 16-17 FY 17-18

\$ 0 \$ 0

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

This bill does two things. The first is to clarify which commission seats are open during the election cycle. There are 5 commission seats. As the District was originally formed in 2000, Seats 1, 2, and 5 were elected during presidential years (2004, 2008, etc.) and Seats 3 and 4 were elected during the off year. As a result of a commissioner resigning and a replacement being appointed to fill the term, Seat 2 is out of synch from the original act's requirements. The proposed bill realigns the charter to current practice and maintains the original act's cycle of 3 commissioners elected in one class and 2 commissioners in the other. The bill has seats 1 and 5 up for election in 2016 and seats 2, 3, and 4 up for election in 2018. If passed, the charter will match practice.

The second thing the act does is to clarify the District's practice of setting assessments conforms to Chapter 191, F.S. The District was created by Chapter 2000-401, Laws of Florida. This chapter authorized the District to use any assessment method available under Chapter 191, F.S. In the first amendment to the District's enabling act, Chapter 2001-334, Laws of Florida, language was added indicating the District's 2001 assessments were capped at the 2001 rate. Its ability to use the assessment methods in Chapter 191, F.S., was unchanged however, creating an ambiguity. The District has historically used the authority of Chapter 191 to set its assessment rates. The proposed bill removes the ambiguity and confirms that Chapter 191 is available to the District, as it is to all fire districts in the state.

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments. The proposed bill does not create new funding sources but confirms the District's ability to use Chapter 191, F.S, to set its assessment rates and schedule.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years. None other than routine assessments and budgeting.

	FY 16-17	FY 17-18
Local:	\$ <u>NA</u>	\$ <u>NA</u>
State:	\$ <u>NA</u>	\$ <u>NA</u>
Federal:	\$ <u>NA</u>	\$ <u>NA</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals:

The impact to individuals is negligible. Both aspects of the bill simply clarify existing practices and confirm those practices are in line with existing state law.

2. Advantages to Businesses: The impact to businesses is negligible. Both aspects of the bill simply clarify existing practices and confirm those practices are in line with existing state law.

3. Advantages to Government: The primary benefit to government is to remove an ambiguity from the District's charter on its assessment practice and to align the election cycle with the current practice.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: There are few if any disadvantages to the bill.

Individuals are not affected since the bill does not change regulations or the ability of individuals to have dealings with the District. It does not authorize the District to do anything other than what has already been authorized by the legislature for all special fire districts in the state. The primary disadvantages are based on the bill not passing. If the bill does not become law, the commissioner currently holding Seat 2 will be required to run for re-election. Both he and the supervisor of elections will incur costs that would not have otherwise have been incurred.

2. Disadvantages to Businesses: Business will have few if any disadvantages from this bill if it passes. If it passes, the business of the District will be unchanged. The way that the District and businesses will continue their relationships as they always have.

3. Disadvantages to Government: If the bill passes, the District itself will continue as is but with 2 questions eliminated. The questions of whether the commissioner in Seat 2 runs in 2016 or 2018 will have been answered. Any questions as to whether the District can continue to set its assessment in accordance with Chapter 191 will also be eliminated. If the bill does not pass, the District may be subject to a challenge that the

method it uses to set its assessments in unauthorized. The District believes it is authorized to set assessments just like every other fire district in the state but if challenged, it would have to respond to any potential challenge thereby incurring costs and uncertainty in its operations.

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

If the bill passes, present governmental services will be unchanged. The purpose of the bill is to clarify current operations, not to create new powers or responsibilities.

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits. NA

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:



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Print preparer's name: Thomas J. Sousa

Date: August 17<sup>th</sup>, 2015

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Fire Chief

REPRESENTING: West Manatee Fire and Rescue District

PHONE: 941-761-1555

E-MAIL ADDRESS: tom.sousa@wmfr.org

A bill to be entitled

An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, as amended; revising provisions related to the terms of the members of the district's board of commissioners; deleting obsolete provisions relating to the initial board of commissioners; providing for continuation of the staggered terms of commissioners; confirming certain non-ad valorem assessment rates adopted by the district on a specified date; specifying that the district may exceed the maximum non-ad valorem assessment rates provided in the district's enabling legislation as authorized by general law; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 4 and 13 of section 2 of chapter 2000-401, as amended by chapter 2001-334, Laws of Florida, are amended to read:

Section 4. District board of commissioners; membership, terms of office, officers, meetings.—The district board of commissioners shall conduct and administer the business affairs of the district through a five-member board which shall be elected in nonpartisan elections by the electors of the district for a term of 4 ~~four (4)~~ years, and each member shall serve

27 | until the member's successor assumes office. A member of the  
 28 | board shall be a resident of the district and a citizen of the  
 29 | United States. No district board member shall be a paid employee  
 30 | of the district, and each board member shall continue to meet  
 31 | all qualifications to hold office continually through his or her  
 32 | term. Members of the district board shall take office at the  
 33 | same time as do county officers, being the second Tuesday  
 34 | following the general election in November. The board of  
 35 | commissioners shall be established and elected, and shall  
 36 | operate, organize and function in accordance with the provisions  
 37 | of section 191.005, Florida Statutes. The office of each member  
 38 | of the board is designated as being a seat, distinguished from  
 39 | each of the other seats of the board by a numeral; 1, 2, 3, 4,  
 40 | or 5. The numerical seat designation does not reflect a  
 41 | geographical subdistrict or area of the district, but each  
 42 | candidate for a seat on the board shall designate, at the time  
 43 | the candidate qualifies, the seat for which the candidate is  
 44 | qualifying. The election for each seat shall be at-large within  
 45 | the district. ~~The initial board of commissioners, until~~  
 46 | ~~successors are elected and assume office, shall consist of the~~  
 47 | ~~officials who are then holding elected office as a district~~  
 48 | ~~board member for seats 1, 4 and 5 on the West Side Fire Control~~  
 49 | ~~District and seats 2 and 3 on the Anna Maria Fire Control~~  
 50 | ~~District as of the date immediately preceding the effective day~~  
 51 | ~~of this act. The commissioners holding seat 1 and 5 from West~~  
 52 | ~~Side Fire Control District and the commissioner hold seat 2 from~~

53 ~~the Anna Maria Fire Control District shall have initial terms of~~  
 54 ~~four (4) years, with their terms expiring in November, 2004, as~~  
 55 ~~provided in this section. The commissioner holding seat 4 from~~  
 56 ~~the West Side Fire Control District and the commissioner holding~~  
 57 ~~seat 3 from the Anna Maria Fire Control District shall have~~  
 58 ~~initial terms of two (2) years, with their terms expiring in~~  
 59 ~~November, 2002, as provided in this section. The foregoing~~  
 60 ~~provisions establish an initial board having three (3)~~  
 61 ~~commissioners, each with a 4-year ~~four (4) year~~ term, and two~~  
 62 ~~(2) commissioners, each with a 2-year ~~two (2) year~~ term, thereby~~  
 63 ~~establishing staggered terms for the board on the effective date~~  
 64 ~~of this act. The terms of the current members of the board are~~  
 65 ~~confirmed. Beginning in 2016, seats 1 and 5 shall be elected to~~  
 66 ~~4-year terms. Beginning in 2018, seats 2, 3, and 4 shall be~~  
 67 ~~elected to 4-year terms.~~

68 Section 13. Schedule of special assessments.—The  
 69 provisions regarding assessment procedures as set forth above,  
 70 represents the method to be followed by the district regarding  
 71 any subsequent establishment or increase in special assessments  
 72 for the district. The non-ad valorem assessment rates that the  
 73 district currently charges pursuant to West Manatee Fire and  
 74 Rescue District Resolution 2015-03, adopted July 15, 2015, are  
 75 confirmed. Notwithstanding any provision of this act, the  
 76 district is authorized to exceed the maximum assessment rates  
 77 established in this act in an amount not to exceed the average  
 78 annual growth rate in Florida personal income over the previous

79 5 years, as specified in s. 191.009, Florida Statutes. The board  
80 may amend its assessment rates in accordance with s. 191.009,  
81 Florida Statutes, or as otherwise provided by general law. ~~Upon~~  
82 ~~the effective date of this act, but in no way limiting the~~  
83 ~~ability of the district board to increase special assessments as~~  
84 ~~necessary in keeping with this charter, for assessment purposes,~~  
85 ~~all property within the district is divided into three general~~  
86 ~~classifications: vacant parcels, residential parcels, and~~  
87 ~~commercial/industrial parcels. The rates set forth in the~~  
88 ~~schedule of non-ad valorem special assessments provided by this~~  
89 ~~section are caps on the district's non-ad valorem assessment~~  
90 ~~rates that may be levied without approval of the Legislature.~~

91 ~~(1) Vacant parcels shall include all parcels which are~~  
92 ~~essentially undeveloped. The annual assessment for these parcels~~  
93 ~~shall be as follows:~~

94 ~~(a) A vacant platted lot, \$25 per lot.~~

95 ~~(b) Unsubdivided acreage, \$25 per acre or fraction~~  
96 ~~thereof; and,~~

97 ~~(c) A vacant commercial and industrial parcel shall be~~  
98 ~~assessed as a platted lot or unsubdivided acreage, as~~  
99 ~~applicable. Whenever a residential unit is located on a parcel~~  
100 ~~defined herein as vacant, the residential plot shall be~~  
101 ~~considered as one lot or one acre, with the balance of the~~  
102 ~~parcel being assessed as vacant land in accordance with the~~  
103 ~~schedule herein. When an agricultural or commercial building~~  
104 ~~or structure is located on a parcel defined herein as vacant,~~

105 ~~the building or structure shall be assessed in accordance with~~  
 106 ~~the schedule of commercial/industrial assessments.~~

107 ~~(2) Residential parcels include all parcels which are~~  
 108 ~~developed for residential purposes. All residential parcels~~  
 109 ~~shall be assessed by the number and square footage size of~~  
 110 ~~dwelling units per parcel. Surcharges may be assigned by the~~  
 111 ~~district for dwelling units located on the third or higher~~  
 112 ~~floors. The annual assessment for these parcels shall be as~~  
 113 ~~follows:~~

114 ~~(a) A single family residential parcel shall be assessed~~  
 115 ~~on a square footage basis for each dwelling unit at \$125 for the~~  
 116 ~~first 1,000 square feet in the dwelling unit, and all square~~  
 117 ~~footage above 1,000 square feet shall be charged at a rate of~~  
 118 ~~\$0.075 per additional square foot.~~

119 ~~(b) A parcel for residential condominium use shall be~~  
 120 ~~assessed on a square footage basis for each dwelling unit at~~  
 121 ~~\$125 for the first 1,000 square feet in the dwelling unit, and~~  
 122 ~~all square footage above 1,000 square feet shall be charged at a~~  
 123 ~~rate of \$0.075 per additional square foot.~~

124 ~~(c) A mobile home shall be assessed at \$125 per dwelling~~  
 125 ~~unit;~~

126 ~~(d) A duplex, multi-family residential, cooperative,~~  
 127 ~~retirement home and any miscellaneous residential-use parcel~~  
 128 ~~shall be assessed on a square footage basis for each dwelling~~  
 129 ~~unit at \$125 for the first 1,000 square feet in the dwelling~~

130 ~~unit, and all square footage above 1,000 square feet shall be~~  
 131 ~~charged at a rate of \$0.075 per additional square foot.~~

132 ~~(e) Any other residential unit, including, but not~~  
 133 ~~limited, to the residential portions of mixed-use parcels and~~  
 134 ~~travel trailer units or parks shall be assessed \$125 per~~  
 135 ~~dwelling unit or available rental space, as applicable.~~

136 ~~(3) Commercial/industrial parcels shall include all other~~  
 137 ~~developed parcels which are not included in the residential~~  
 138 ~~categories as defined in subsection (2). Each~~  
 139 ~~commercial/industrial parcel shall be assessed on a square~~  
 140 ~~footage basis for each building and structure in accordance with~~  
 141 ~~the following schedule:~~

142 ~~(a) The base assessment for each building or structure~~  
 143 ~~shall be \$300 for the first 1,000 square feet and all square~~  
 144 ~~footage above 1,000 square feet, shall be charged at a rate of~~  
 145 ~~\$0.125 per additional square foot.~~

146 ~~(b) Whenever a parcel is classified for multiple-hazard~~  
 147 ~~use, the district may vary the assessment in accordance with~~  
 148 ~~actual categories.~~

149 Section 2. This act shall take effect upon becoming a law.



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 911 City of Delray Beach, Palm Beach County  
**SPONSOR(S):** Hager  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Government Operations Subcommittee			
3) Local & Federal Affairs Committee			

**SUMMARY ANALYSIS**

The civil service code for the City of Delray Beach was created by a special act of the Legislature in 1949. The civil service code currently applies to all regular employees of the city, except assistant city managers, department heads, and police majors. The code also does not apply to employees covered by a collective bargaining agreement or by an expired collective bargaining agreement subject to renegotiation, unless the collective bargaining agreement specifies the code shall apply.

The bill repeals ch. 49-25784, Laws of Fla., creating a civil service code for the City of Delray Beach, and subsequent special acts amending the civil service code. The current civil service code is included in the city's code of ordinances and repealing the act provides flexibility for the city to make changes pursuant to its home-rule authority.

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

The bill provides for a referendum to be held in conjunction with a general election in the City of Delray Beach. The bill takes effect only upon approval by a majority of qualified electors in the City of Delray Beach, except that the provision providing for the referendum shall take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Delray Beach Civil Service Code

The civil service code for the City of Delray Beach was created by a special act of the Legislature in 1949.<sup>1</sup> The provisions cover all full-time permanent employees of the city, except assistant city managers, department heads, and police majors.<sup>2</sup> Employees covered by a collective bargaining agreement with the city, or covered by an expired collective bargaining agreement subject to renegotiation, are also excluded unless the agreement specifies the code applies.<sup>3</sup>

The provisions of the code are implemented by the Civil Service Board (CSB). The CSB consists of five members.<sup>4</sup> Three members are selected by the city commission.<sup>5</sup> These members may not be employed by the city in any capacity and must come from different occupational fields.<sup>6</sup> Members selected by the city commission serve a two-year term.<sup>7</sup> Two members are elected by city employees.<sup>8</sup> City employee members cannot work in the same department and are elected annually.<sup>9</sup> Each department is limited to a single candidate for the CSB, with a departmental primary-type election to be held in the event multiple candidates from a department declare their intention to run.<sup>10</sup> The CSB contains two alternate members, one selected by the city commission and one elected by city employees.<sup>11</sup> The alternate members must meet the same eligibility criteria as regular members of the CSB.<sup>12</sup>

The conditions of city employment are established by rules and regulations adopted by the city manager.<sup>13</sup> These rules include employee duties, hours of work, discipline, control, conduct, and direction.<sup>14</sup> The CSB may make recommendations concerning enforcement of the rules to the city manager.<sup>15</sup> If the rules and regulations adopted by the city manager require an examination for filling a position, the CSB is responsible for administering the examination and maintaining a list of candidates based on the results.<sup>16</sup>

The number of positions in each city department and the classification of those positions is controlled by the city commission.<sup>17</sup> In the event the number of positions or classifications is reduced, employees are retained according to seniority.<sup>18</sup> Employees in an eliminated position in a higher classification position may choose to be "bump[ed] back" to a lower classification position, receiving the pay for the

<sup>1</sup> Ch. 49-25784, Laws of Fla., as amended. Codified as Title 3, ch. 35, s. 35.001-35.014, Delray Beach Code of Ordinances.

<sup>2</sup> S. 35.002(A), Delray Beach Code of Ordinances.

<sup>3</sup> *Id.*

<sup>4</sup> Section 35.003(A)(1), Delray Beach Code of Ordinances.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Section 35.003(A)(2), Delray Beach Code of Ordinances.

<sup>11</sup> Section 35.003(A)(1), Delray Beach Code of Ordinances.

<sup>12</sup> *Id.*

<sup>13</sup> Section 35.004, Delray Beach Code of Ordinances.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 35.005, Delray Beach Code of Ordinances.

<sup>17</sup> Section 35.007(A), Delray Beach Code of Ordinances.

<sup>18</sup> Section 35.007(B), Delray Beach Code of Ordinances.

lower position.<sup>19</sup> Employees may also be placed on inactive status for up to one year, during which they retain seniority in event of reemployment by the city.<sup>20</sup> If no position is available, the city manager may appoint the employee to another position, if the employee meets the qualifications for that position and received a satisfactory performance review in the previous year.<sup>21</sup>

To terminate an employee, the city manager must serve a written statement or notice of discharge to the employee.<sup>22</sup> The notice must contain the reason the employee is being terminated, along with specific facts which would enable the employee to make an explanation.<sup>23</sup> The city manager must file the statement, along with any explanation provided by the employee, with the CSB before the discharge may take effect.<sup>24</sup>

If an employee has been discharged, demoted, or suspended without pay for more than seven days, the employee may file an appeal with the CSB.<sup>25</sup> The employee may not appeal non-disciplinary actions, as determined by the city manager.<sup>26</sup> The appeal must be filed within ten days of employee receiving notice and a hearing must be held:<sup>27</sup>

- For discharge: within 90 days, but no sooner than 60 days
- For demotion or suspension: within 30 days.

A hearing may be postponed by mutual consent of the city, the CSB, and the employee.<sup>28</sup> In a discharge hearing, the CSB functions like a jury with counsel selected by the CSB as the judge.<sup>29</sup> This method may also be used for a demotion or suspension hearing if the city commission consents and either the CSB acting alone, or the CSB and the employee jointly, request it.<sup>30</sup> If this method is not used, the CSB may request the city commission to appoint and retain a qualified attorney to provide legal advice to the CSB.<sup>31</sup> The attorney is selected by a drawing consisting of four candidates, two selected by the city manager and two selected by the CSB.<sup>32</sup> If either party fails to submit two names, the drawing is held from the remaining entries submitted.<sup>33</sup> The code does not specify who serves as judge for demotion or suspension hearings, but grants many of the powers of a judge to the chairperson of the CSB during such a hearing.<sup>34</sup> If the CSB disapproves of the discharge, demotion, or suspension and reinstates the employee, the CSB may also grant the employee any pay lost due to the discharge, demotion, or suspension.<sup>35</sup>

The city manager may discipline an employee by suspending the employee for up to 30 days without pay.<sup>36</sup> The city manager may not circumvent this requirement by successive suspensions.<sup>37</sup> If an employee has been charged with a crime, the city manager may suspend the employee until the case

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<sup>19</sup> *Id.*

<sup>20</sup> Section 35.007(C), Delray Beach Code of Ordinances.

<sup>21</sup> Section 35.013, Delray Beach Code of Ordinances.

<sup>22</sup> Section 35.008, Delray Beach Code of Ordinances.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Section 35.009(A), Delray Beach Code of Ordinances.

<sup>26</sup> Section 35.009 (B), Delray Beach Code of Ordinances. The code gives termination for failure to have or maintain job qualifications and requirements as an example of a non-disciplinary action.

<sup>27</sup> Section 35.009(A), Delray Beach Code of Ordinances.

<sup>28</sup> *Id.*

<sup>29</sup> Section 35.009(B)(7), Delray Beach Code of Ordinances.

<sup>30</sup> Section 35.009(B)(2), Delray Beach Code of Ordinances.

<sup>31</sup> Section 35.009(B)(3), Delray Beach Code of Ordinances.

<sup>32</sup> *Id.*

<sup>33</sup> Section 35.009(B)(5), Delray Beach Code of Ordinances.

<sup>34</sup> *See s.* 35.009(B)(11), Delray Beach Code of Ordinances (chairperson may swear witnesses and issue subpoenas).

<sup>35</sup> Section 35.012(B), Delray Beach Code of Ordinances.

<sup>36</sup> Section 35.012(A), Delray Beach Code of Ordinances.

<sup>37</sup> *Id.*

is resolved, even if the suspension is for longer than 30 days.<sup>38</sup> If the employee is found guilty, the city manager may dismiss the employee, but if the employee is acquitted or cleared of the charges, the city manager is required to restore the employee's previous position with full compensation for the suspension period.<sup>39</sup>

### Civil Service Codes

The Florida Constitution requires a civil service system for state employees and authorizes the creation of civil service systems and boards for employees of counties, municipalities, and districts.<sup>40</sup> While this language appears to limit the creation of a civil service code for municipal employees to the Legislature, the Florida Supreme Court has upheld municipal ordinances creating a civil service system as a valid exercise of municipal home-rule authority under art. VIII, s. 2(b) of the Florida Constitution<sup>41</sup> and the Legislature has implicitly adopted this interpretation.<sup>42</sup>

While municipalities are granted broad home-rule powers by the Florida Constitution, subject to general law, changes to any special act or municipal charter which would affect any rights of municipal employees are subject to approval by referendum.<sup>43</sup>

### Effect of Proposed Changes

The bill repeals ch. 49-25784, Laws of Fla., and subsequent special acts creating and amending the civil service code for the City of Delray Beach. The current civil service code has been incorporated into the city charter by reference<sup>44</sup> and also codified in the city's code of ordinances.<sup>45</sup> The city possesses the power, pursuant to its charter, to adopt a civil service code to the extent the code does not conflict with general law.

#### B. SECTION DIRECTORY:

Section 1: Repeals ch. 97-324, 86-428, 83-397, 80-496, 79-447, 67-1284, and 25784 (1949), Laws of Fla.

Section 2: Provides that the bill shall take effect upon approval by a majority of qualified electors in the City of Delray Beach voting in a referendum held in conjunction with a general election, except that this section takes effect upon the bill becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 18, 2015

WHERE? The *Sun-Sentinel*, a daily newspaper published in Broward, Palm Beach, and Miami-Dade Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Art. III, s. 14, Fla. Const.

<sup>41</sup> *City of Casselberry v. Orange County Police Benev. Ass'n*, 482 So. 2d 336, 339 (Fla. 1986).

<sup>42</sup> *See* s. 447.601, F.S. (stating public employee provisions of ch. 447 are not intended to repeal, amend, or modify any ordinance creating a civil service system for public employees, except where those ordinances are in conflict).

<sup>43</sup> Section 166.021(4), F.S.

<sup>44</sup> *See* Art. I, s. 1.03, Delray Beach Charter (stating special acts pertaining to the jurisdiction and exercise of municipal powers of the city are considered amendments to the charter and shall be incorporated as such).

<sup>45</sup> Title 3, ch. 35, Delray Beach Code of Ordinances.

is resolved, even if the suspension is for longer than 30 days.<sup>38</sup> If the employee is found guilty, the city manager may dismiss the employee, but if the employee is acquitted or cleared of the charges, the city manager is required to restore the employee's previous position with full compensation for the suspension period.<sup>39</sup>

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## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes  No

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Art. III, s. 14, Fla. Const.

<sup>41</sup> *City of Casselberry v. Orange County Police Benev. Ass'n*, 482 So. 2d 336, 339 (Fla. 1986).

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<sup>43</sup> Section 166.021(4), F.S.

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<sup>45</sup> Title 3, ch. 35, Delray Beach Code of Ordinances.

IF YES, WHEN? In conjunction with a general election held in the City of Delray Beach.

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:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides for a referendum to be held in conjunction with "a general election" in the City of Delray Beach. The bill does not specify which general election or if the referendum is to be held in conjunction with the next general election. A letter from the city attorney suggests the city intended to hold the referendum on March 15, 2016, during the Presidential Preference Primary.<sup>46</sup> Section 166.031, F.S. states that a charter amendment referendum must be held during a general election held within the municipality or at a special election called for the purpose of approving the amendment.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

<sup>46</sup> Letter from Noel Pfeffer, City Attorney for the City of Delray Beach, to Rep. Magar, dated Sept. 29, 2015, available at [http://www.pbcgov.com/legislativeaffairs/pdf/2015/LB\\_City\\_of\\_Delray\\_Beach\\_Local\\_Bill\\_Package.pdf](http://www.pbcgov.com/legislativeaffairs/pdf/2015/LB_City_of_Delray_Beach_Local_Bill_Package.pdf).

HB 911

Order # - 3687552

**SUN-SENTINEL**  
**Published Daily**  
**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**RECEIVED**  
**NOV 20 2015**  
**CITY CLERK**

STATE OF FLORIDA

COUNTY OF: BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared MARK KUZNITZ, who on oath says that he or she is a duly authorized representative of the SUN-SENTINEL, a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11745-Other Legal Notices

City of Delray Beach/City Clerk's Office  
Susan Maloney

Was published in said newspaper in the issues of; Nov 18, 2015

3747119

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, and that the said newspaper has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, each day and has been entered as second class matter at the post office in BROWARD County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised, any person, firm or corporation, any discount, rebate, commission or refund, for the purpose of securing this advertisement for publication in the said newspaper.

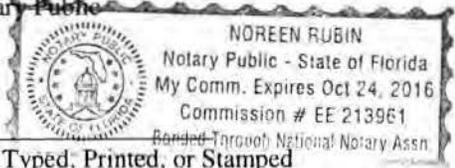
*Mark Kuznitz*

Signature of Affiant

Sworn to and subscribed before me this: November 18, 2015.

*Noreen Rubin*

Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**NOTICE OF INTENTION TO SEEK ENACTMENT OF SPECIAL LAW**  
The City Commission of the City of Delray Beach, Florida does hereby give notice of its intention to seek the enactment of a special law during the 2016 session of the Florida Legislature relating to the City of Delray Beach Civil Service Act:

A bill to be entitled  
An act relating to the City of Delray Beach, Palm Beach County, repealing chapters 97-324, 86-428, 83-397, 80-496, 79-447, 67-1284, and 25784 (1949), Laws of Florida; repealing the civil service act for the city, requiring a referendum; providing an effective date.

CITY OF DELRAY BEACH  
Chevelle D. Nubin, MMC  
City Clerk  
11/18/2015

**HOUSE OF REPRESENTATIVES**  
**2016 LOCAL BILL CERTIFICATION FORM**

**BILL #:** HB 911  
**SPONSOR(S):** Rep. Bill Hager  
**RELATING TO:** City of Delray Beach, Palm Beach County  
[Indicate Area Affected (City, County, or Special District) and Subject]  
**NAME OF DELEGATION:** Palm Beach County  
**CONTACT PERSON:** Rachael Ondrus  
**PHONE NO.:** (561) 322-7908 **E-Mail:** rachael@mcnicholas.biz

I. *House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:*  
(1) *The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*  
(2) *The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and*  
(3) *The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.*  
(4) *An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.*

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: December 8, 2015

Location: Lakeside Medical Center, 39200 Hooker Hwy, Belle Glade, FL 33430

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE November 18, 2015

Where? Sun-Sentinel County Palm Beach

Referendum in lieu of publication: YES  NO

10

Date of Referendum \_\_\_\_\_

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

*M. Magar*

\_\_\_\_\_  
Delegation Chair (Original Signature)

*1/11/16*

\_\_\_\_\_  
Date

Representative MaryLynn Magar

\_\_\_\_\_  
Printed Name of Delegation Chair

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A bill to be entitled  
An act relating to the City of Delray Beach, Palm  
Beach County; repealing chapters 97-324, 86-428, 83-  
397, 80-496, 79-447, 67-1284, and 25784 (1949), Laws  
of Florida; repealing the civil service act for the  
city; requiring a referendum; providing an effective  
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapters 97-324, 86-428, 83-397, 80-496, 79-  
447, 67-1284, and 25784, 1949, Laws of Florida, are repealed.

Section 2. This act shall take effect only upon its  
approval by a majority vote of those qualified electors of the  
City of Delray Beach voting in a referendum to be held in  
conjunction with a general election, except that this section  
shall take effect upon this act becoming a law.

**HOUSE OF REPRESENTATIVES  
2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** HB 911  
**SPONSOR(S):** Representative Hager  
**RELATING TO:** City of Delray Beach Repeal of Special Act Creating Civil Service Code  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>0</u>	\$ <u>0</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>0</u>	\$ <u>0</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

No anticipated external impacts.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>0</u>	\$ <u>0</u>
State:	\$ <u>0</u>	\$ <u>0</u>
Federal:	\$ <u>0</u>	\$ <u>0</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: None  
\_\_\_\_\_  
\_\_\_\_\_
2. Advantages to Businesses: None  
\_\_\_\_\_  
\_\_\_\_\_
3. Advantages to Government: Enhanced flexibility in managing staff  
\_\_\_\_\_  
\_\_\_\_\_

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None  
\_\_\_\_\_

\_\_\_\_\_

2. Disadvantages to Businesses: None

\_\_\_\_\_

3. Disadvantages to Government: None

\_\_\_\_\_

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

None anticipated.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

Estimates based on general knowledge of current personnel policies.

\_\_\_\_\_

\_\_\_\_\_



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1007 City of Clearwater, Pinellas County  
**SPONSOR(S):** Latvala  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Monroe <i>KDSM</i>	Miller <i>E.H.M.</i>
2) Agriculture & Natural Resources Subcommittee			
3) Local & Federal Affairs Committee			

### SUMMARY ANALYSIS

The State conveyed submerged lands in 1925 via Chapter 11050, Laws of Fla., to Pinellas County to be surrendered to the City of Clearwater for the purpose of building the Memorial Causeway, which runs from downtown Clearwater to Clearwater Beach. The act provided that the property was to be used exclusively for public purposes by the city, and that it would revert to the state if it was ever used for any other purpose. This bill addresses the use and development of a specific portion of these lands, the permitted use of which was modified by Chapters 2007-312, and 2010-250, Laws of Fla.

The specified portion of land is:

- the filled portion uplands to the east of Clearwater Harbor, and
- the submerged portion where the city's downtown boat slips now exist.

The bill states that the specified lands may be used and developed for the purposes of:

- waterfront economic development,
- activating the downtown waterfront, and
- enhancing the use of Coachman Park and other city facilities.

This use must be consistent with:

- the Department of Economic Opportunity's goals and objectives,
- the Downtown Redevelopment Plan,
- the Clearwater Community Code and other applicable law.

In addition, the bill specifically:

- removes the prohibition that carnivals and shows not be allowed upon the land,
- removes the limitation that the lands be used only for public parks and places of recreation and never cease to be used for public purposes, and
- releases the specified lands from the right of reversion to the state as long as the use and development is consistent with this section.

This takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Clearwater Harbor—Memorial Causeway Submerged Lands

The State conveyed submerged lands in 1925 via Chapter 11050, Laws of Fla., to Pinellas County to be surrendered to the City of Clearwater for the purpose of building the Memorial Causeway.<sup>1</sup> The act provided that the property was to be used exclusively for public purposes by the city, and that it would revert to the State if it was ever used for any other purpose. The act also provided that:

The city of Clearwater or the County of Pinellas shall have the right to fill said land lying north of said line to be used for public parks and places of recreation only, the same to be maintained by the said city or county, or both. Provided that no carnivals or shows of any character shall be placed or allowed upon the land lying north of said line; and provided further that should said property ever cease to be used for public parks and places of recreation only, same shall revert to the State.<sup>2</sup>

Submerged lands to the north of the Memorial Causeway Submerged Lands (which were not included in the special act grant) were later filled, resulting in the "Island Estates" subdivision. Consequently, the Island Estates' most southerly boundary extended along the northerly boundary of the Memorial Causeway Submerged Lands. In 1958, a Deed of Dedication was granted by the Clearwater City Commission and recorded in the public record to "dedicate, grant and convey unto the Public in general," a portion of the Memorial Causeway Submerged Lands, subject to express provisions in the dedication, and conditions and provisions of law (presumably including the 1925 Special Act). The dedication stated that the land was to be used as a "waterway for boating and boat traffic," "docks, boat slips or piers" by "lessees, tenants, permittees or assigns." As a result of this dedication, docks were built within the Memorial Causeway Submerged Lands area for use by Island Estates' upland owners in 1965.

Pursuant to ch. 86-345, Laws of Fla., the Legislature released a portion of the property granted by the 1925 special act from the right of reverter retained by the state in order to permit the development and maintenance of a nonprofit marine science center as approved by the city commission and electors of the City of Clearwater.<sup>3</sup> The act declared that the use of the property as a marine science center was for a proper public purpose, and conditioned the act upon the city conveying the property to the Clearwater Marine Science Center subject to the restriction that the center devote the property solely to the expansion of its facility, or that such property would automatically revert to the city.

##### Chapter 2007-312, Laws of Florida

Chapter 2007-312, Laws of Fla., ratified any use of the property described in the 1925 special act<sup>4</sup> and authorized by the City of Clearwater on or before the effective date of the act, whether or not the use was for a public purpose. The act also declared that any use of the property described in ch. 86-345,

<sup>1</sup> This land included 500 feet to the north and 700 feet to the south of a centerline, east to west, following the course of the former Memorial Causeway.

<sup>2</sup> Ch. 11050, s. 1, Sec. 1, (1925).

<sup>3</sup> The Clearwater City Commission adopted Ordinance 4028-85, finding that the development and maintenance of the property as a marine science center was in the interest of public health, safety and welfare of the citizens of Clearwater, and authorized the conveyance of the property to the Clearwater Marine Science Center subject to a right of reverter. The electors of the city approved the action by a special referendum election called for that purpose on October 1, 1985.

<sup>4</sup> Chapter 11050, Laws of Fla. (1925).

Laws of Fla., is consistent with the grant made in the earlier act for the purpose of developing and maintaining a marine science center. This provision pertains to uses undertaken on or before the effective date of ch. 2007-312, Laws of Fla. This ratification preserved the property to the ownership of the Clearwater Marine Science Center.

Additionally, ch. 2007-312, Laws of Fla., provided that the City of Clearwater may authorize private uses of the submerged property<sup>5</sup> for which it had received an application no later than December 31, 2006, if such uses were consistent with the laws and rules governing the management of state sovereignty submerged lands by the Board of Trustees of the Internal Improvement Trust Fund (BOT). The act provided that a dock or mooring facility for a multi-family dwelling or a dock for a single-family dwelling which is consistent with such laws and rules does not violate the act. The alteration of any existing public land use designation of this property must first be approved by the voters of the City of Clearwater in a "site-specific" referendum. The City of Clearwater is required to use any revenue generated by authorizing private use of the subject submerged land to fund water-related activities for the benefit of the public.

Finally, ch. 2007-312, Laws of Fla., provided for reversion of the submerged lands granted under the 1925 special act to the state if the BOT finds that any use, which is authorized by the City of Clearwater and not ratified by the act, is inconsistent with the laws and rules governing the BOT's management of such lands. This language governs future actions by the city with regard to the submerged land.

The act did not modify or supersede any provision of the City of Clearwater's charter concerning the requirement of a referendum for use of waterfront property that is owned by the city.

#### Chapter 2010-250, Laws of Florida

In 2012 the legislature authorized the City of Clearwater to use the filled upland portion of the property described in ch. 11050, Laws of Fla. (1925), for recreational purposes and commercial working waterfronts as defined in s. 342.07, F.S., with the intent of providing greater access for the public to the navigable waters of the state, and providing access to water-dependent commercial activities. The legislation provided that the submerged portions of the property granted to the City of Clearwater under ch. 11050, Laws of Fla. (1925), would continue to be used as provided for in that act, as well as ch. 2007-312, Laws of Fla., and that the city could use any revenue generated by public or private use of the submerged land to fund water-related activities for public benefit.

The legislation also provided that any filled portion of the lands granted under ch. 11050, Laws of Fla. (1925), which then existed as uplands to the west of the east abutment of the west bridge, be used and developed in accordance with the Florida Coastal Management Program, the Waterfronts Florida Program, the City of Clearwater Comprehensive Plan, the City of Clearwater Code of Ordinances, and other applicable law. The legislation released these lands from the right of reverter to the extent that the use and development of the property are consistent with the above mentioned programs and regulations.

Chapter 2010-250, s. 4, Laws of Fla., expressly provided that this law did not modify or supersede any provision of the Charter of the City of Clearwater concerning the requirement of a referendum for the use of waterfront property that is owned by the City of Clearwater.

#### **Proposed Changes**

The bill addresses the use and development of a specific portion of the lands which were granted by the state to the City of Clearwater in 1925, the permitted use of which was modified by chs. 2007-312, and 2010-250, Laws of Fla.. The specified portion of land is:

---

<sup>5</sup> As described in Chapter 11050, Laws of Fla. (1925).

- the filled portion uplands to the east of Clearwater Harbor, and
- the submerged portion where the city's downtown boat slips now exist.

The bill states that the specified lands may be used and developed for the purposes of:

- waterfront economic development,
- activating the downtown waterfront, and
- enhancing the use of Coachman Park and other city facilities.

This use must be consistent with:

- the Department of Economic Opportunity's goals and objectives,
- the Downtown Redevelopment Plan,
- the Clearwater Community Code and other applicable law.

In addition, the bill specifically:

- removes the prohibition that carnivals and shows not be allowed upon the land,
- removes the limitation that the lands be used only for public parks and places of recreation and never cease to be used for public purposes, and
- releases the specified lands from the right of reversion to the state as long as the use and development is consistent with this section.

## B. SECTION DIRECTORY:

### **Section 1 –**

The section addresses the use and development of a specific portion of the filled portion uplands to the east of Clearwater Harbor, and the submerged portion where the city's downtown boat slips now exist. It states that the specified lands may be used and developed for the purposes of waterfront economic development, activating the downtown waterfront, and enhancing the use of Coachman Park and other city facilities. The section states that this use must be consistent with the Department of Economic Opportunity's goals and objectives, the Downtown Redevelopment Plan, the Clearwater Community Code, and other applicable law.

In addition, this section removes the prohibition that carnivals and shows not be allowed upon the land, removes the limitation that the lands be used only for public parks and places of recreation and never cease to be used for public purposes, and releases the specified lands from the right of reversion to the state as long as the use and development is consistent with this section.

### **Section 2 –**

Explicitly provides that submerged lands, other than the land upon which the downtown boat docks exist, shall continue to be used as provided in chs. 11050, 1925, 2007-312, and 2010-250, Laws of Fla.

### **Section 3 –**

States that this act does not modify or supersede any portions of the City's charter concerning:

- referendum requirements or restrictions on the sale, donation, lease, or other transfer of the lands,
- restrictions on vacating for private benefit the right of way or easement at the water's edge, and
- the restriction on certain public property that must be maintained as open space and for public utilities or city facilities only.

### **Section 4 –**

Provides that this bill shall take effect upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 13, 2015

WHERE? Business Observer

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:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Serial Number  
15-10559N

# Business Observer

Published Weekly  
Clearwater, Pinellas County, Florida

COUNTY OF PINELLAS

S.S.

STATE OF FLORIDA

Before the undersigned authority personally appeared Kelly Martin who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Clearwater, Pinellas County, Florida; that the attached copy of advertisement,

being a Notice of Legislation

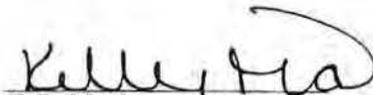
in the matter of Intent to Apply to the 2016 Legislature for Passage of an Act; Amending Chapter 11050 et al

in the Court, was published in said newspaper in the

issues of 11/13/2015

Affiant further says that the said Business Observer is a newspaper published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore been continuously published and has been entered as periodicals matter at the Post Office in Clearwater in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

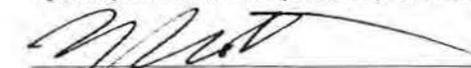
\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

  
Kelly Martin

Sworn to and subscribed before me this

13th day of November, 2015 A.D.

by Kelly Martin who is personally known to me.

  
\_\_\_\_\_  
Notary Public, State of Florida  
(SEAL)



Mary Mott  
Commission # FF144684  
Expires: July 24, 2018  
Bonded thru Aaron Notary

Rep. Latrela  
HB 1007 LB

RECEIVED

NOV 16 2015

OFFICIAL RECORDS AND  
LEGISLATIVE SVCS DEPT

NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2016 Legislature for passage of an act relating to the City of Clearwater, Pinellas County, amending Chapter 11050, Laws of Florida (1925), relating to the use and development of specified city-owned lands; removing certain restrictions on use of the lands imposed by Chapter 11050; specifying that the act does not modify or supersede the city's charter relating to waterfront property owned by the city, providing an effective date. November 13, 2015 15-10559N

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1007

SPONSOR(S): Representative Chris Latvala

RELATING TO: the City of Clearwater  
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Pinellas County Legislative Delegation

CONTACT PERSON: Rosemarie Call, City Clerk

PHONE NO.: (727) 562-4092 E-Mail: rosemarie.call@myclearwater.com

I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: November 10, 2015

Location: USF- University Student Center, 200 6th Ave, St. Petersburg, FL

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE November 13, 2015

Where? Business Observer County Pinellas

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

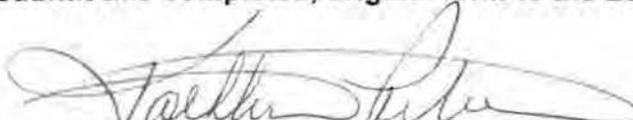
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

  
Delegation Chair (Original Signature)

1/11/16  
Date

Kathleen Peters  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES  
2016 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** HB 1007  
**SPONSOR(S):** Representative Chris Latvala (District 67) and Senator Jack Latvala (District 20)  
**RELATING TO:** Clearwater, Pinellas County, - Clearwater reverter clause  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>0</u>	\$ <u>0</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>0</u>	\$ <u>0</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

The bill does not create any revenues or costs that do not exist.

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>0</u>	\$ <u>0</u>
State:	\$ <u>0</u>	\$ <u>0</u>
Federal:	\$ <u>0</u>	\$ <u>0</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: Provides public access to the water. Connects the downtown and waterfront to other important destinations via water-related transportation.
  
2. Advantages to Businesses: Bill allows the City to partner with operators of recreational boating activities, water taxi and ferry services to enhance waterfront activation efforts.
  
3. Advantages to Government: Bill releases the state revenue provision to the extent that the property is owned and developed in accordance with the Department of Economic Opportunity's Waterfront Florida Program, the Florida Coastal Management Program and the City Comprehensive Plan and this Code of Ordinances.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None

\_\_\_\_\_

2. Disadvantages to Businesses: None

\_\_\_\_\_

3. Disadvantages to Government: None

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

None

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY: Rosemarie Call  
[Must be signed by Preparer]

Print preparer's name: Rosemarie Call  
November 19, 2015  
Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

City Clerk

REPRESENTING: City of Clearwater

PHONE: (727)562-4092

E-MAIL ADDRESS: rosemarie.call@myclearwater.com

1                                   A bill to be entitled  
 2           An act relating to the City of Clearwater, Pinellas  
 3           County; providing for the use and development of  
 4           specified city-owned lands; removes certain  
 5           restrictions on use of the lands imposed by chapter  
 6           11050, Laws of Florida (1925); specifying that the act  
 7           does not modify or supersede the city's charter  
 8           relating to waterfront property owned by the city;  
 9           providing an effective date.

10  
 11           WHEREAS, the right-of-way for the causeway spanning  
 12           downtown Clearwater and Clearwater Beach, known as Memorial  
 13           Causeway, and certain adjacent submerged lands were granted to  
 14           the City of Clearwater under chapter 11050, Laws of Florida,  
 15           1925, to be owned and maintained as provided in that act, and

16           WHEREAS, chapter 11050, Laws of Florida, 1925, restricts  
 17           the use of those lands to specified public purposes and provides  
 18           for reversion of the lands to the state in the event they are  
 19           used in a manner inconsistent with those restrictions, and

20           WHEREAS, a portion of the submerged lands granted to the  
 21           city under chapter 11050, Laws of Florida, 1925, now consists of  
 22           a limited amount of filled uplands, including a portion of the  
 23           Downtown Waterfront District adjacent to the city's 126-slip  
 24           downtown boat slip project, and

25           WHEREAS, in pursuit of economic development, the City of  
 26           Clearwater engaged the Urban Land Institute to provide strategic

27 | advice regarding a comprehensive and long-term plan for  
 28 | continued growth and development within Clearwater, and  
 29 |       WHEREAS, one of the Urban Land Institute's recommended  
 30 | strategies for economic development and growth in Clearwater is  
 31 | implementation of a plan for the city's Downtown Waterfront  
 32 | District, which requires use and development of a certain  
 33 | portion of the formerly submerged lands granted under chapter  
 34 | 11050, Laws of Florida, 1925, now existing as uplands on the  
 35 | eastern terminus of Clearwater Harbor and limited adjacent  
 36 | submerged lands upon which the downtown boat slips exist, and  
 37 |       WHEREAS, those economic development strategies specifically  
 38 | provide for capitalizing on the city's unique 28-foot bluff  
 39 | overlooking Clearwater Harbor; creating a comprehensive boating  
 40 | plan to provide public access to the water; providing a full-  
 41 | service environment for boaters to integrate into the Downtown  
 42 | Waterfront District; connecting the downtown and waterfront to  
 43 | other important destinations via water-related transportation;  
 44 | partnering with operators of recreational boating activities  
 45 | such as kayaks, paddleboats, and jet ski rentals; providing for  
 46 | commercial activities; the physical expansion of the city's  
 47 | Coachman Park with enhanced programming; creating water taxi and  
 48 | ferry services; attracting waterfront restaurants; and  
 49 | activating the city's waterfront, and  
 50 |       WHEREAS, the Urban Land Institute additionally recognizes  
 51 | that cleanliness of the water is an important part of the city's  
 52 | brand and therefore recommends that the city become a steward of

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53 a healthy marine environment, including the monitoring of marine  
54 health, creating policies to help protect marine life and the  
55 quality of the water, and enforcing those policies, which is  
56 congruent with legislative objectives of protecting  
57 environmental and cultural resources and balancing public access  
58 to coastal and marine resources while protecting fragile and  
59 overused environments, and

60 WHEREAS, the Legislature supports revitalization of  
61 waterfront areas in the state, with a focus on protecting  
62 environmental and cultural resources, providing public access,  
63 and enhancing the viable traditional economy, and

64 WHEREAS, in accordance with a referendum approved by the  
65 electors of the City of Clearwater, the city has invested more  
66 than \$12 million in its downtown boat slips project to prompt  
67 revitalization of its Downtown Waterfront District, and

68 WHEREAS, the city wishes to expand its revitalization  
69 efforts consistent with the Department of Economic Opportunity's  
70 Waterfronts Florida Program and the Florida Coastal Management  
71 Program and provide for elimination of certain antiquated  
72 restrictions on the subject lands and the reverter provision of  
73 chapter 11050, Laws of Florida, 1925, which precludes the city's  
74 long-term economic development efforts, NOW, THEREFORE,

75

76 Be It Enacted by the Legislature of the State of Florida:

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78           Section 1. (1) Subject to City of Clearwater Charter  
79 provisions, any filled portions of the lands granted under  
80 chapter 11050, Laws of Florida, 1925, currently existing as  
81 uplands to the east of Clearwater Harbor, and the limited  
82 submerged lands upon which the city's downtown boat slips now  
83 exist, may be used and developed for purposes of waterfront  
84 economic development, activating the downtown waterfront and  
85 enhancing the use of Coachman Park and other city facilities  
86 consistent with the Department of Economic Opportunity's goals  
87 and objectives, the Downtown Redevelopment Plan, the Clearwater  
88 Community Development Code, and other applicable law.

89           (2) This section specifically removes the prohibition of  
90 chapter 11050, Laws of Florida, 1925, that carnivals or shows of  
91 any character not be placed or allowed upon the lands, removes  
92 the limitation that the lands be used only for public parks and  
93 places of recreation and never cease to be used for public  
94 purposes, and releases the upland and limited submerged lands  
95 from a right of reversion to the state to the extent that the  
96 use and development is consistent with this section.

97           Section 2. Submerged portions of the lands granted to the  
98 City of Clearwater under chapter 11050, Laws of Florida, 1925,  
99 upon which the downtown boat slips do not exist shall continue  
100 to be used as provided for in chapters 11050, 1925, 2007-312,  
101 and 2010-250, Laws of Florida.

102           Section 3. This act does not modify or supersede any  
103 provision of the Charter of the City of Clearwater concerning

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104 the requirement of a referendum for the use of waterfront  
105 property that is owned by the City of Clearwater, including  
106 certain restrictions on recreation and open-space land relating  
107 to the sale, donation, lease for new use, or other transfer; the  
108 restriction that a right-of-way or easement that terminates at,  
109 or provides access to the water's edge of fresh or salt water  
110 may not be vacated for private benefit; and restrictions that  
111 certain public property in the subject area be maintained as  
112 open space and for public utilities or city facilities only.

113 Section 4. This act shall take effect upon becoming a law.



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1081 North Sumter County Hospital District, Sumter County  
**SPONSOR(S):** O'Toole  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Walker <i>EW</i>	Miller <i>EM</i>
2) Local & Federal Affairs Committee			

**SUMMARY ANALYSIS**

"Special Districts" are a type of limited local government created to perform specific services within a described geographic area. Sometimes called special taxing districts, most are created either by special act (independent special districts) or county or municipal ordinance (dependent special districts). The Special District Accountability Program in the Department of Economic Opportunity (DEO) is responsible for creating and maintaining a current list of all special districts in Florida, as provided in ch. 189, F.S., the Uniform Special District Accountability Act.

When a special district fails to meet certain statutory responsibilities, no longer functions, or informs DEO it is no longer active, DEO is required to follow the statutory process before declaring the district inactive. This includes documenting one or more statutory criteria for inactive status, publishing notice in the area of the district of DEO's intent to declare the district inactive, and documenting the lack of any objection to declaring the district inactive. DEO is required to deliver written notice of the declaration of inactive status to specific authorities. If the district was created by special act, notice is delivered to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight. If the district was created by local ordinance, notice is delivered to the governing body of the county or municipality that created the district. A special district declared inactive may not collect taxes, assessments, or fees while the declaration is in effect. However, the district still exists until its legal authority is repealed by the creating entity.

The bill dissolves the North Sumter County Hospital District, an independent special district, by repealing ch. 2004-451, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Sumter County.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### PRESENT SITUATION

###### Special Districts Declared Inactive

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>5</sup> A special district may be "dependent"<sup>6</sup> or "independent."<sup>7</sup>

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.<sup>8</sup> The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.<sup>9</sup> DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
  - Provides DEO with written notice that the district has taken no action for 2 or more years.<sup>10</sup>
  - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.<sup>11</sup>
  - Fails to respond to an inquiry from DEO within 21 days.<sup>12</sup>

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<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> Id.

<sup>3</sup> Section 189.02(1), F.S.

<sup>4</sup> Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

<sup>5</sup> *2015 – 2016 Local Gov't Formation Manual*, p. 67, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2836> (accessed 9/28/2015).

<sup>6</sup> Section 189.012(2), F.S. A special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.

<sup>7</sup> Section 189.012(3), F.S. A special district that is not a dependent district.

<sup>8</sup> Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at

<https://dea.deo.myflorida.com/fhcd/sdip/OfficialListideo/> (accessed 9/28/2015).

<sup>9</sup> Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6., F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

<sup>10</sup> Section 189.062(1)(a)1., F.S.

<sup>11</sup> Section 189.062(1)(a)2., F.S.

- Following statutory procedure,<sup>13</sup> DEO determines the district failed to file specified reports,<sup>14</sup> including required financial reports.<sup>15</sup>
- For more than 1 year, no registered office or agent for the district was on file with DEO.<sup>16</sup>
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.<sup>17</sup>

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.<sup>18</sup> The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S.,<sup>19</sup> within 21 days after the publication date.<sup>20</sup> If no objection is filed within the 21 day period, DEO declares the district inactive.<sup>21</sup>

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.<sup>22</sup> The statute provides that the declaration of inactive status is sufficient notice under the Florida Constitution<sup>23</sup> to authorize the repeal of special laws creating or amending the charter of the inactive district.<sup>24</sup> This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature.<sup>25</sup>

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.<sup>26</sup>

A district declared inactive may not collect taxes, fees, or assessments.<sup>27</sup> This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO<sup>28</sup> or invalidated in an administrative proceeding<sup>29</sup> or civil action<sup>30</sup> timely brought by the governing body of the special district.<sup>31</sup> Failure of the

<sup>12</sup> Section 189.062(1)(a)3., F.S.

<sup>13</sup> Section 189.067, F.S.

<sup>14</sup> Section 189.066, F.S.

<sup>15</sup> Section 189.062(1)(a)4., F.S. *See, ss.* 189.016(9), 218.32, 218.39, F.S.

<sup>16</sup> Section 189.062(1)(a)5., F.S.

<sup>17</sup> Section 189.062(1)(a)6., F.S.

<sup>18</sup> Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

<sup>19</sup> The Florida Administrative Procedure Act.

<sup>20</sup> Section 189.062(10)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

<sup>21</sup> Section 189.062(1)(c), F.S.

<sup>22</sup> Section 189.062(3), F.S.

<sup>23</sup> Art. III, s. 10, Fla. Const.

<sup>24</sup> Section 189.062(3), F.S.

<sup>25</sup> Section 11.02, F.S.

<sup>26</sup> Section 189.062(2), F.S.

<sup>27</sup> Section 189.062(5), F.S.

<sup>28</sup> Section 189.062(5)(a), F.S.

<sup>29</sup> Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

<sup>30</sup> Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

<sup>31</sup> The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.<sup>32</sup>

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature<sup>33</sup> or the entity that created the district.<sup>34</sup>

#### North Sumter County Hospital District

The North Sumter County Hospital District (the District) was created as an independent special district by special act in 2004. The act authorized a five member board of trustees to oversee the Sumter County Hospital, with each member appointed by the governor to serve six year terms. The act granted the Board of Trustees "all of the powers of a body corporate" including the power to contract and purchase property. In addition, the District was given eminent domain as well as the ability to levy a property tax within the district of up to 1 mil based upon the financial needs of the hospital.<sup>35</sup>

The District's electors did not approve the necessary ad valorem tax to fund the district. By 2008, the registered agent of the District, Mr. James Rogan, notified the Division of Community Planning in the Department of Community Affairs (DCA)<sup>36</sup> that the District had not taken any action for two or more years and requested that DCA declare the District inactive.<sup>37</sup> On January 17, 2008, DCA published the "Notice of Proposed Declaration of Inactive Status of the North Sumter County Hospital District" in the Sumter County Times. Pursuant to statute, the notice required any objections to the District being placed on inactive status to be filed with DEO within 21 days of the initial publication of the notice; no objections were received. On February 13, 2008, DCA declared the District inactive. DCA notified the Speaker of the House, the President of the Senate, pursuant to statute that the district had been declared inactive.<sup>38</sup>

### **EFFECT OF THE BILL**

The bill dissolves the North Sumter County Hospital District by repealing ch. 2004-451, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Sumter County.

#### **B. SECTION DIRECTORY:**

- Section 1: Repeals ch. 2004-451, Laws of Florida.
- Section 2: Abolishes the North Sumter County Hospital District and transfers all assets and liabilities of the district to the Board of County Commissioners of Sumter County.
- Section 3: Provides the bill is effective upon becoming law.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

<sup>32</sup> Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

<sup>33</sup> Sections 189.071(3), 189.072(3), F.S.

<sup>34</sup> Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

<sup>35</sup> Ch. 2004-451, s. 4, Laws of Florida.

<sup>36</sup> The Department of Community Affairs was abolished and the Division of Community Planning, responsible for supervision of special districts, was transferred to the newly created Department of Economic Opportunity, effective July 1, 2011. Ch. 2011-142, ss. 3, 528, Laws of Florida.

<sup>37</sup> Letter from the Department of Community Affairs to President of the Senate Ken Pruitt and Speaker of the House Marco Rubio, "Re: Notice of Declaration of Inactive Status of the North Sumter County Hospital District, an independent special district located in Sumter County, Florida, established by Chapter 2004-451, Laws of Florida" (February 29, 2008).

<sup>38</sup> At the time the district was declared inactive the statute only required the Speaker of the House and President of the Senate be notified. See s. 189.4044 F.S. (2008). In 2014 the statute was revised to require additional notice to specified standing legislative committees. See ch. 2014-22, s. 24, Laws of Florida.

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 29, 2008

WHERE? Leon 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:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

When notice of intent to file a local bill is published in the area to be affected pursuant to statute,<sup>39</sup> proof of such publication typically is in the form of an affidavit.<sup>40</sup> However, in this instance the notice of declaring inactive status in and of itself is sufficient to satisfy the constitutional requirement.<sup>41</sup> To satisfy the requirement of general law that evidence of the necessary publication "be established" in the Legislature before the bill is passed,<sup>42</sup> a Substitute Notice of Publication reciting the requirement of s. 189.062(3), F.S., was submitted with the bill.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>39</sup> Section 11.02, F.S.

<sup>40</sup> Section 11.03, F.S.

<sup>41</sup> Section 189.062(3), F.S.

<sup>42</sup> Section 11.021, F.S.

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB, 1081  
 SPONSOR(S): Rep. O'Toole  
 RELATING TO: North Sumter County Hospital District  
(Indicate Area Affected (City, County, or Special District) and Subject)  
 NAME OF DELEGATION: Sumter County  
 CONTACT PERSON: Joshua Blake  
 PHONE NO.: (352) 315-4445 E-Mail: Joshua.Blake@myfloridahouse.gov

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:
- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
  - (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
  - (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
  - (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: 12/10/15  
 Location: The Villages Sumter County Services Center 7375 Powell Road

(3) Was this bill formally approved by a majority of the delegation members? Wildwood, FL

YES  NO

34785

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES  NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE 2/29/2008

Where? Letter per s. 189.4044, F.S. (2007) County Leon

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

H. Marlene O'Toole  
Delegation Chair (Original Signature)

12/11/15  
Date

H. MARLENE O'TOOLE  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES  
2016 ECONOMIC IMPACT STATEMENT FORM**

**\*Read all instructions carefully.\***

**House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.**

**BILL #:** HB 1081  
**SPONSOR(S):** Rep. O'Toole  
**RELATING TO:** North Sumter County Hospital District  
[Indicate Area Affected (City, County or Special District) and Subject]

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>0.00</u>	\$ <u>0.00</u>
Revenue increase due to bill:	\$ <u>0.00</u>	\$ <u>0.00</u>

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>0.00</u>	\$ <u>0.00</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

The North Sumter County Hospital District is inactive so there is no change in either  
revenues nor expenditures in dissolving it.  
 \_\_\_\_\_  
 \_\_\_\_\_

**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>0.00</u>	\$ <u>0.00</u>
State:	\$ <u>0.00</u>	\$ <u>0.00</u>
Federal:	\$ <u>0.00</u>	\$ <u>0.00</u>

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: Dissolves a unit of local government that is inactive and no longer necessary.
2. Advantages to Businesses: Dissolves a unit of local government that is inactive and no longer necessary.
3. Advantages to Government: Dissolves an inactive unit of local government.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None

\_\_\_\_\_

2. Disadvantages to Businesses: None

\_\_\_\_\_

3. Disadvantages to Government: None

\_\_\_\_\_

\_\_\_\_\_

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

No anticipated impact. The district is inactive.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

No estimates were used. Since the district is inactive there are no

financial consequences for dissolving it.

\_\_\_\_\_

\_\_\_\_\_



