



LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE

MEETING PACKET

**Tuesday, January 19, 2016
12:30 p.m.
Webster Hall (212 Knott)**

**Steve Crisafulli
Speaker**

**Debbie Mayfield
Chair**



The Florida House of Representatives

Local Government Affairs Subcommittee

Steve Crisafulli
Speaker

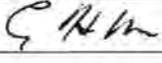
Debbie Mayfield
Chair

Meeting Agenda
Tuesday, January 19, 2016
Webster Hall (212 Knott)
12:30 p.m. – 3:30 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):
 - CS/HB 517 Licensure of Life Support Services by Health Quality Subcommittee, Renner, Campbell
 - HB 937 Tierra Verde Fire Control & Rescue District, Pinellas County by Peters
 - HB 945 Downtown Development Authority of the City of Fort Lauderdale, Broward County by DuBose
 - HB 971 Community Development Districts by Sullivan
 - HB 1039 Babcock Ranch Community Independent Special District, Charlotte and Lee Counties by Caldwell
 - HB 1071 South Broward Hospital District, Broward County by Stark
 - HB 1121 City of Fort Lauderdale, Broward County by Moraitis
- VI. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 517 Licensure of Life Support Services
SPONSOR(S): Health Quality Subcommittee; Renner
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	13 Y, 0 N, As CS	Siples	O'Callaghan
2) Local Government Affairs Subcommittee		Darden 	Miller 
3) Health & Human Services Committee			

SUMMARY ANALYSIS

The provision of emergency medical transportation services are governed by the Raymond H. Alexander, M.D., Emergency Medical Transportation Services Act, found in part III of ch. 401, F.S.

The Department of Health (DOH) is charged with licensing basic life support (BLS) service providers, advanced life support (ALS) service providers and air ambulances. All license applicants must meet the minimum standards regarding equipment, vehicles, personnel, services, and insurance established by the DOH. However, BLS and ALS service providers must also obtain a Certificate of Public Convenience and Necessity (COPCN) from the government of each county where the provider plans to operate.

Pursuant to s. 401.25, F.S., each county may adopt an ordinance establishing the standards for the issuance of a COPCN. Currently, a county must consider state guidelines, recommendations of local and regional trauma centers, and recommendations of municipalities within its jurisdiction. The bill makes the adoption of such an ordinance mandatory and requires existing COPCN ordinances to be amended to comply with the bill's provisions. The new or amended ordinance must include objective standards regarding the quality and cost of service, such as available equipment and trained personnel. The bill also requires the county commission to consider recommendations from fire control districts in establishing the standards for the COPCN.

Currently, if a COPCN is denied or revoked, an applicant appeals the decision in accordance with an enacted ordinance, which may include appealing to the county commission that denied or revoked the application or to a court of competent jurisdiction. However, in counties without enacted ordinances, the appropriate forum to review such decision may be unclear to the applicant. The bill allows an applicant for a COPCN whose application is denied to seek review of the the county commission's decision by writ of certiorari to the circuit court with jurisdiction over the county and the applicant. The bill provides that the applicant must be awarded the COPCN if the court record demonstrates that the applicant will provide service that is superior to the service provided by the current provider, as measured by the objective standards provided in the county's enacted ordinance and state guidelines.

The bill may have an indeterminate, negative fiscal impact on the state court system related to the review of denied COPCN applications in the circuit court having jurisdiction over the county and applicant.

The bill may have an indeterminate, negative fiscal impact on those counties that have to defend denial of COPCN applications in circuit court.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Emergency Medical Services

Part III of ch. 401, F.S., governs the provision of emergency medical transportation services in Florida and is titled the "Raymond H. Alexander, M.D., Emergency Medical Transportation Services Act (Act)."¹ The Act establishes the licensing and operational requirements for emergency medical services.

Emergency Medical Services Advisory Council

The Act creates the Emergency Medical Services Advisory Council (Council)² to act as an advisory body to the emergency medical services program within the Department of Health (DOH).³ The Council's duties include:

- Identifying and making recommendations to the DOH regarding the appropriateness of suggested changes to statutes and administrative rules;
- Acting as a clearinghouse for information specific to changes in the provision of medical services and trauma care;
- Providing technical support to the DOH in the areas of emergency medical services and trauma systems design, required medical and rescue equipment, required drugs and dosages, medical treatment protocols and emergency medical services personnel education and training requirements;
- Providing a forum for discussing significant issues facing the emergency medical services and trauma care communities;
- Providing a forum for planning the continued development of the state's emergency medical services system through the joint production of the emergency medical services state plan;
- Assisting the DOH in developing the emergency medical services quality management program;
- Assisting the DOH in setting program priorities; and
- Providing feedback to the DOH on the administration and performance of the emergency medical services program.⁴

Emergency Medical Transportation Services

Basic life support (BLS) service refers to any emergency medical service that uses only basic life support techniques.⁵ BLS includes basic non-invasive interventions to reduce morbidity and mortality associated with out-of-hospital medical and traumatic emergencies.⁶ The services provided may include stabilization and maintenance of airway and breathing, pharmacological interventions, trauma care, and transportation to an appropriate medical facility.⁷

¹ Section 401.2101, F.S.

² Section 401.245(2), F.S. The Council consists of 15 members appointed by the State Surgeon General, except that state agency representatives are appointed by the respective agency heads. Members are typically appointed for four year terms, with the chair being designated by the State Surgeon General and Secretary of Health. Additional members include six ex officio representatives appointed by various other state agency heads.

³ Section 401.245(1), F.S.

⁴ *Id.*

⁵ Section 401.23(8), F.S.

⁶ Section 401.23(7), F.S., and U.S. Department of Transportation, National Highway Safety Administration, *National EMS Scope of Practice Model 23-24*, available at www.nhtsa.gov/people/injury/ems/pub/emtbnscc.pdf (last visited Nov. 21, 2015).

⁷ *Id.*

Advanced life support (ALS) service refers to any emergency medical or non-transport service that uses advanced life support techniques.⁸ ALS includes the assessment or treatment of a person by a qualified individual, such as a paramedic, who is trained in the use of techniques such as the administration of drugs or intravenous fluid, endotracheal intubation, telemetry, cardiac monitoring, and cardiac defibrillation.⁹

Air ambulance service refers to a licensed publicly or privately owned service that operates air ambulances to transport persons requiring or likely to require medical attention during transport.¹⁰ An air ambulance is a fixed-wing or rotary-wing aircraft used for, or intended to be used for, the air transportation of sick or injured persons that require or are likely to require medical attention during transport.¹¹

Licensure

Current law requires providers of basic or advanced life support transportation services to be licensed in their respective fields.¹² Air ambulances must also be licensed by the DOH.¹³ The provider must submit an application to the DOH and must include documentation that the applicant meets the requirements for a BLS service or an ALS service.¹⁴ There are currently 233 licensed ALS providers, 8 licensed BLS providers, and 33 licensed air ambulance providers in Florida.¹⁵

To be licensed as a BLS or ALS service, an applicant must comply with the following requirements:

- The ambulances, equipment, vehicles, personnel, communications systems, staffing patterns, and services of the applicant meet the statutory requirement and administrative rules for either a BLS service or an ALS service, whichever is applicable;
- Have adequate insurance coverage or certificate of self-insurance for claims arising out of injury to or death of persons and damage to the property of others resulting from any cause for which the owner of such business or service would be liable; and
- A Certificate of Public Convenience and Necessity from each county in which the applicant will operate.¹⁶

In addition to the general licensure requirement, the DOH by rule provides a list of the equipment and supplies with which each BLS vehicle must be equipped and maintained and the equipment and medication with which each ALS vehicle must be equipped and maintained.¹⁷ Each BLS and ALS service must employ or contract with a medical director who is a licensed physician to oversee the services provided.¹⁸

To be licensed as an air ambulance service, an applicant must:

- Submit an application to the DOH with the appropriate fee;
- Specify the location of all required medical equipment and provide documentation that all such equipment is available and in good working order;

⁸ Section 401.23(2), F.S.

⁹ Section 401.23(1), F.S.

¹⁰ Section 401.23(4), F.S.

¹¹ Section 401.23(3), F.S.

¹² Section 401.25(1), F.S.

¹³ Section 401.251, F.S.

¹⁴ *Id.*

¹⁵ E-mail communication with staff of the Department of Health (Nov. 20, 2015) (on file with the Health Quality Subcommittee).

¹⁶ Section 401.25(2), F.S.

¹⁷ Rule 64J-1.002(4) F.A.C. (Basic Life Support Service License – Ground); Rule 64J-1.003(7), F.A.C. (Advanced Life Support Service License – Ground).

¹⁸ Rule 64J-1.004, F.A.C. The medical director must also be board certified, active in a broad-based clinical medical specialty with experience in prehospital care, and hold a certificate in Advanced Cardiac Life Support or its equivalent.

- Provide documentation that all aircraft and crew members meet applicable Federal Aviation Administration (FAA) regulations;
- Provide proof of adequate insurance coverage or certificate of self-insurance for claims arising out of injury to or death of persons and damage to the property of others resulting from any cause for which the owner of such business or service would be liable;
- Specify whether the service uses either fixed-winged or rotary-winged aircraft, or both; and
- Provide evidence the service has employed or contracted with a medical director, if the service provides interhospital air transport, air transport from one hospital to another facility, air transport from hospital to home, or other similar air transport.¹⁹

The DOH has provided a list of structural, equipment, and supply requirements that air ambulances must meet for licensure.²⁰ An air ambulance service must also have a safety committee and emergency protocols to address, at minimum, emergency procedures when the aircraft is overdue, when radio communications cannot be established, or when aircraft location cannot be verified.²¹

Certificate of Public Convenience and Necessity

A Certificate of Public Convenience and Necessity (COPCN) is a written statement, issued by the governing board of a county, granting permission for an emergency medical service provider to provide authorized services for the benefit of the population of that county or the benefit of the population of some geographic area of that county.²² At the time of licensure, each provider of life support transportation services must have a COPCN from the county in which the provider intends to operate.²³ Section 401.25(6), F.S., authorizes each county to adopt an ordinance establishing standards for issuing a COPCN.

Thirty-eight of Florida's sixty-seven counties have adopted ordinances to establish the procedure and set the standards for obtaining a COPCN.²⁴ These ordinances generally provide instructions on the application process, criteria on which the application may be judged, and procedures for appealing a denial, suspension, or revocation of a COPCN with the county commission or a court of competent jurisdiction.

Effect of Proposed Changes

Each county has the authority to adopt an ordinance providing standards for a COPCN, which takes into account state guidelines, recommendations of local and regional trauma centers, and recommendations of municipalities within its jurisdiction. The bill requires each county to adopt such an ordinance or amend an existing ordinance to comply with the bill's provisions. The new or amended ordinance must include objective standards that address the quality and cost of service, such as available equipment and trained personnel. The bill also requires the county commissions to consider recommendations from fire control districts in establishing the standards for the COPCN.

Currently, if a COPCN is denied or revoked, there is no uniform appeal process and an applicant must adhere to the appeal process provided in an ordinance, if the county has enacted such an ordinance. This may include appealing the decision to the county commission that denied or revoked the application or to a court of competent jurisdiction. The bill allows an applicant for a COPCN whose application is denied to appeal the decision by writ of certiorari to the circuit court with jurisdiction over

¹⁹ Section 401.251, F.S.

²⁰ Rule 64J-1.005, F.A.C.

²¹ *Id.*

²² Rule 64J-1.001(4), F.A.C.

²³ Section 401.25(2)(d), F.S.

²⁴ See, e.g. Volusia County Code of Ordinances Chapter 46 (Emergency Services) ; St. Johns County Ordinance No. 2012-20. County ordinances generally are available from Municode (<https://www.municode.com/library/fl>). Some counties have adopted policies or informal procedures to award COPCNs, but have not enacted an ordinance.

the county and the applicant to review the county commission's decision.²⁵ The bill provides that the applicant must be awarded the COPCN if the court record demonstrates that the applicant will provide service that is superior to the current provider, as measured by the standards set forth in the enacted ordinance in the applicant's jurisdiction and applicable state guidelines.

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

B. SECTION DIRECTORY:

Section 1. Amends s. 401.25, F.S., relating to licensure as a basic life support or an advanced life support service.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The state court system may see an indeterminate, positive fiscal impact from the collection of filing fees associated with providers filing writs of certiorari to review the decision of a county commission to deny an application for a COPCN.

2. Expenditures:

The state court system may see an indeterminate, negative fiscal impact from ALS, BLS, or air ambulance providers filing writs of certiorari to review the decision of a county commission to deny an application for a COPCN.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

A county that has not enacted an ordinance or needs to amend an existing ordinance establishing standards for issuing a COPCN, as required by the bill, may incur expenses or use resources to enact or amend an ordinance to comply with the bill's provisions.

To the extent that a county commission must defend its decision to deny the award of a COPCN, a county may accrue legal fees associated with such a legal action.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²⁵ A writ of certiorari may be used to commence a review of a quasi-judicial decision of any administrative body, agency, board, or commission not subject to the Administrative Procedures Act, unless judicial review by appeal is provided by general law. Fla. R. App. P. 9.190. See also Fla. R. App. P. 9.100(c).

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 action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

A state or any of its political subdivisions is preempted from enacting or enforcing any law or regulation that has the force or effect of law related to price, route, or service of any air carrier providing air transportation subject to the provisions of the Airline Deregulation Act.²⁶ The General Counsel of the U.S. Department of Transportation has opined that the Florida requirement for air ambulances to obtain a COPCN was preempted by the Airline Deregulation Act of 1978, because it effectively regulates the routes a carrier may fly by limiting them to the counties for which they have obtained a COPCN.²⁷

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 1, 2015, the Health Quality Subcommittee adopted an amendment that did the following:

- Requires the standards for certificates of public convenience and necessity (COPCN) for basic or advanced life support services and air ambulance services to be objective and address the quality and cost of services.
- Provides that a court's review of a denial of a COPCN is to be based on the standards set forth in the enacted ordinance in the appellant's jurisdiction and state guidelines.

The bill was reported favorably as a committee substitute. This analysis is drafted to the committee substitute.

²⁶ 49 U.S.C. s. 41713(b).

²⁷ Letter from D.J. Gribbin, General Counsel, U.S. Department of Transportation, to Michael Grief, Assistant General Counsel, Florida Department of Health (Oct. 10, 2007) (on file with the Health Quality Subcommittee).

A bill to be entitled

An act relating to licensure of life support services; amending s. 401.25, F.S.; requiring county governing bodies to adopt or amend ordinances that provide standards for certificates of public convenience and necessity for life support and air ambulance services; providing for the filing of an appeal by an applicant for a certificate of public convenience and necessity under certain circumstances; providing an effective date.

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

Section 1. Subsection (6) of section 401.25, Florida Statutes, is amended to read:

401.25 Licensure as a basic life support or an advanced life support service.—

(6) The governing body of each county shall ~~may~~ adopt or amend an ordinance ~~ordinances~~ that provides ~~provide~~ reasonable standards for certificates of public convenience and necessity for basic or advanced life support services and air ambulance services, including, but not limited to, objective standards that address the quality and cost of service, such as available equipment and trained personnel. In developing standards for certificates of public convenience and necessity, the governing body of each county must consider state guidelines,

27 | recommendations of the local or regional trauma agency created
28 | under chapter 395, and the recommendations of municipalities and
29 | fire control districts within its jurisdiction. An applicant
30 | whose application for a certificate of public convenience and
31 | necessity to provide basic or advanced life support services or
32 | air ambulance services pursuant to this chapter is denied may
33 | appeal the decision by certiorari to the circuit court with
34 | jurisdiction over the county and the applicant. An appellant
35 | shall be awarded the requested certificate if the record on
36 | appeal demonstrates that the applicant will provide a service
37 | that is superior to the service provided by the current
38 | provider, as measured by the standards set forth in the
39 | ordinance enacted in the applicant's jurisdiction and applicable
40 | state guidelines.

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



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee
 3 Representative Renner offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 401.25, Florida Statutes, is amended to
 8 read:

9 401.25 Licensure as a basic life support or an advanced
 10 life support service; air ambulance services.-

11 (1) Every person, firm, corporation, association, or
 12 governmental entity owning or acting as agent for the owner of
 13 any business or service which furnishes, operates, conducts,
 14 maintains, advertises, engages in, proposes to engage in, or
 15 professes to engage in the business or service of providing
 16 prehospital or interfacility advanced life support services or
 17 basic life support transportation services must be licensed as a



Amendment No. 1

18 basic life support service or an advanced life support service,
19 whichever is applicable, before offering such service to the
20 public. The application for such license must be submitted to
21 the department on forms provided for this purpose. The
22 application must include documentation that the applicant meets
23 the appropriate requirements for a basic life support service or
24 an advanced life support service, whichever is applicable, as
25 specified by rule of the department.

26 (2) The department shall issue a license for operation to
27 any applicant who complies with the following requirements:

28 (a) The applicant has paid the fees required by s. 401.34.

29 (b) The ambulances, equipment, vehicles, personnel,
30 communications systems, staffing patterns, and services of the
31 applicant meet the requirements of this part, including the
32 appropriate rules for either a basic life support service or an
33 advanced life support service, whichever is applicable.

34 (c) The applicant has furnished evidence of adequate
35 insurance coverage for claims arising out of injury to or death
36 of persons and damage to the property of others resulting from
37 any cause for which the owner of such business or service would
38 be liable. The applicant must provide insurance in such sums and
39 under such terms as required by the department. In lieu of such
40 insurance, the applicant may furnish a certificate of self-
41 insurance evidencing that the applicant has established an
42 adequate self-insurance plan to cover such risks and that the



Amendment No. 1

43 plan has been approved by the Office of Insurance Regulation of
44 the Financial Services Commission.

45 (d) The applicant has obtained a certificate of public
46 convenience and necessity from each county in which the
47 applicant will operate. In issuing the certificate of public
48 convenience and necessity, the governing body of each county
49 shall consider the recommendations of municipalities within its
50 jurisdiction.

51 (3) The department may suspend or revoke a license at any
52 time if it determines that the licensee has failed to maintain
53 compliance with the requirements prescribed for operating a
54 basic or advanced life support service.

55 (4) Each license issued in accordance with this part will
56 expire automatically 2 years after the date of issuance.

57 (5) The requirements for renewal of any license issued
58 under this part are the same as the requirements for original
59 licensure that are in effect at the time of renewal.

60 (6) (a) By January 1, 2017, the governing body of each
61 county that is not a fiscally constrained county as defined by
62 s. 218.67(1) shall may adopt an ordinance or amend an existing
63 ordinance to ordinances that provide reasonable, objective
64 standards for certificates of public convenience and necessity
65 for basic or advanced life support services and air ambulance
66 services. In developing the standards for certificates of public
67 convenience and necessity, the governing body of each county
68 must consider state guidelines, recommendations of the local or



Amendment No. 1

69 regional trauma agency created under chapter 395, ~~and the~~
70 recommendations of the municipalities within its jurisdiction,
71 and recommendations of the independent special districts that
72 provide fire rescue services within its jurisdiction. The
73 ordinance shall provide a quasi-judicial process, or some other
74 type of evidentiary process, for approval or denial of an
75 application for a certificate. The ordinance shall also provide
76 that applicants maintaining fire rescue infrastructure and
77 providing first response in the county as of January 1, 2016,
78 may appeal the county's decision to the circuit court with
79 jurisdiction over the county. A county that, as of January 1,
80 2016, has adopted an ordinance that complies with this
81 subsection is not required to further amend the ordinance.

82 (b) The governing body of a county defined as fiscally
83 constrained pursuant to s. 218.67(1) may adopt an ordinance to
84 provide reasonable, objective standards for certificates of
85 public convenience and necessity for basic or advanced life
86 support services. In developing the standards, the governing
87 body of each county must consider state guidelines,
88 recommendations of the local or regional trauma agency created
89 under chapter 395, recommendations of the municipalities within
90 its jurisdiction, and recommendations of the independent special
91 districts that provide fire rescue services within its
92 jurisdiction.

93 (c) The governing body of each county may adopt an
94 ordinance to provide reasonable, objective standards for



Amendment No. 1

95 certificates of public convenience and necessity for air
96 ambulance services. In developing the standards, the governing
97 body of each county must consider state guidelines,
98 recommendations of the local or regional trauma agency created
99 under chapter 395, recommendations of the municipalities within
100 its jurisdiction, and recommendations of the independent special
101 districts that provide fire rescue services within its
102 jurisdiction.

103 (7) (a) Each permitted basic life support ambulance not
104 specifically exempted from this part, when transporting a person
105 who is sick, injured, wounded, incapacitated, or helpless, must
106 be occupied by at least two persons: one patient attendant who
107 is a certified emergency medical technician, certified
108 paramedic, or licensed physician; and one ambulance driver who
109 meets the requirements of s. 401.281. This paragraph does not
110 apply to interfacility transfers governed by s. 401.252(1).

111 (b) Each permitted advanced life support ambulance not
112 specifically exempted from this part, when transporting a person
113 who is sick, injured, wounded, incapacitated, or helpless, must
114 be occupied by at least two persons: one who is a certified
115 paramedic or licensed physician; and one who is a certified
116 emergency medical technician, certified paramedic, or licensed
117 physician who also meets the requirements of s. 401.281 for
118 drivers. The person with the highest medical certifications
119 shall be in charge of patient care. This paragraph does not
120 apply to interfacility transfers governed by s. 401.252(1).



Amendment No. 1

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

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123 -----

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to certificates of public convenience

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and necessity for life support or air ambulance

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services; amending s. 401.25, F.S.; requiring, rather

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than authorizing, county governing boards to adopt

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ordinances or amend existing ordinances that provide

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standards for the issuance of certificates of public

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convenience and necessity for basic or advanced life

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support services; including the recommendations of

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specified districts in the development of such

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standards; requiring counties to adopt a process for

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review of applications; providing an appeal process;

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authorizing county governing boards to adopt

139

ordinances that provide standards for the issuance of

140

certificates of public convenience and necessity for

141

air ambulance services; specifying considerations for

142

such standards; providing an effective date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 937 Tierra Verde Fire Control & Rescue District, Pinellas County
SPONSOR(S): Peters
TIED BILLS: IDEN./SIM. BILLS:

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

Independent special fire control districts are a type of independent special district created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district. Independent fire control districts are governed by both ch.189, F.S., the "Uniform Special District Accountability Act," and ch. 191, F.S., the "Independent Special Fire Control District Act."

The bill creates the Tierra Verde Fire Control and Rescue District, an independent special fire control district in Pinellas County. The bill provides all necessary elements for the charter of the new district, including powers, financing, and memberships and terms for commissioners.

The bill provides for a referendum to be held at the next general election following the certification of a petition of ten percent of the electors residing in the district, to be held no later than December 31, 2031, except that sections 2 and 3 of the bill shall take effect upon becoming law.

According to House Rule 5.5(b), a local bill providing an exception to 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.

Article III, s. 11(a)(21), of the State Constitution prohibits any special law pertaining to any subject when prohibited by general law passed by 3/5 vote of the membership of the House and of the Senate. Because general law requires the local government in the jurisdiction of which an independent special district is being created to state its consent or that the creation complies with local planning, and because Pinellas County has not provided such a statement, the 3/5 vote requirement may be implicated.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district¹ created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.² 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.³ 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.⁴ The statute requires every independent fire control district be governed by a five-member board⁵ and provides for:

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

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

¹ 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.

² Section 191.003(5), F.S.

³ Section 191.002, F.S.

⁴ 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.*

⁵ 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.

⁶ 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).

⁷ Section 191.008, F.S.

⁸ Section 191.006(14); 191.009(1), F.S.

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

¹⁰ Section 191.012, F.S.

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

¹² Section 189.031, F.S.

¹³ Article III, s. 11(a)(21), Fla. Const. This paragraph prohibits 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.;¹⁴
- Exempt district elections from the requirements of s. 189.04, F.S.;¹⁵
- Exempt a district from the requirements for bond referenda under s. 189.042, F.S.;¹⁶
- 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.;¹⁷
- 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.¹⁸

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

Effect of Proposed Changes

The bill creates the Tierra Verde Fire Control and Rescue District (District), an independent special district in Pinellas County and provides a charter for the district. The charter provides:

- **Charter Section 1** provides that the bill may be cited as the "Tierra Verde Fire Control and Rescue District Act."
- **Charter Section 2** provides the boundaries for the District.
- **Charter Section 3** states the purpose of the District, including:
 - Managing the operations and governance of the District
 - Providing uniformity between the District and other independent special fire control districts
 - Providing the District with financing authority without disrupting previously authorized revenue sources
 - Improving communication and coordination between the District and other local governments to provide service delivery in a cost-effective manner.
 - Ensuring public accountability
- **Charter Section 4** provides the structure of the board of the District. The District would be governed by a board of five commissioners, who elect a chair, vice chair, secretary, and treasurer from among their ranks. Commissioners are required to execute a performance bond, as required by statute.²² Commissioners may approve, by a "majority plus one vote" (four of five members), a salary of up to \$500 a month for themselves. The compensation of the treasurer may be a different amount than the other board members, but is still subject to the \$500 cap. Commissioners are entitled to travel and per diem expenses as provided by general law.

¹⁴ Section 189.031(2)(a), F.S.

¹⁵ Section 189.031(2)(b), F.S.

¹⁶ Section 189.031(2)(c), F.S.

¹⁷ Section 189.031(2)(d), F.S.

¹⁸ Section 189.031(2)(e), F.S.

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

²⁰ 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.").

²¹ Article VII, s. 9(b), Fla. Const.

²² Section 191.005(6), F.S.

Commissioners must comply with ethics requirements established by ch. 112, F.S., or as otherwise provided by law or regulation.

- **Charter Section 5** provides that the District's elections be held in accordance with ch. 191, F.S. As each member of the board must be a qualified elector,²³ and the statute defines "elector" as a person who resides in the district,²⁴ each member of the board must be a resident of the district at the time of qualifying and throughout their tenure. Commissioners are elected at-large on a nonpartisan basis. If any commissioner's seat becomes vacant, the board may appoint a qualified person to serve in the interim until the next general election. Commissioners may be removed for unexcused absences. This section of the charter also provides for an official record of the district's meetings, resolutions, and other proceedings and that this official record will be open to the public in compliance with the public records laws.
- **Charter Section 6** authorizes the board to adopt rules and regulations necessary for the prevention of fires or for completing fire control and rescue work. Rules and regulations must be signed by the president and secretary of the District and made available on the District's website and in at least three public places for up to ten days before taking effect.
- **Charter Section 7** states that District funds may only be used to purchase firefighting and rescue equipment and facilities and for other services as necessary to provide those services. The District may exercise all powers set out in chs. 189 and 191, F.S. for these purposes.
- **Charter Section 8** states the financing mechanisms for the district. The board may levy ad valorem taxes up to two mills, non-ad valorem assessments, and impact fees for capital improvements. The District must adopt an annual budget and has the authority to issue bonds in accordance with s. 191.012, F.S.
- **Charter Section 9** states that the District will comply with the planning requirements of Part VIII of Ch. 189, F.S.
- **Charter Section 10** requires any modification, extension, or enlargement of the District's boundaries to be approved or ratified by the Legislature.
- **Charter Section 11** states that the charter of the District may only be amended by special act of the Legislature.
- **Charter Section 12** requires the District to enter into an agreement with the Pinellas County Emergency Medical Services Authority to provide emergency medical services and first responder services, with a requirement for cost recovery for the district for first responder services in Fort DeSoto Park.
- **Charter Section 13** requires the District to enter into the Automatic Aid/Closest Unit Response Agreement dated October 16, 1990, within one year after the act takes effect.
- **Charter Section 14** provides for severability of the act.

The bill provides that the charter shall take effect upon approval by a majority of qualified electors voting in a referendum held on or before December 30, 2031. This referendum can only be called upon the submission of a petition signed by 10 percent of the District's electors. This petition must be certified by the Pinellas County Supervisor of Elections at no cost to the county or the state. The Board of County Commissioners of Pinellas County is required to conduct the referendum at the next general election following certification.

Compliance with s. 189.031(2), F.S.

A proposed charter must meet the requirements of 189.031(2), F.S. The following chart compares the District charter to the statutory requirement:

²³ Section 191.005(2), F.S. A member who ceases to be a qualified elector is automatically removed from office by this statute.

²⁴ Section 191.003(3), F.S.: "Electors" means a person who is a resident of the district and is qualified to vote in a general election within the local general-purpose government jurisdiction in which the district is located.

Statutory Mandate	Specific Statute	Requirement	Compliance with Mandate	
			Yes/No	Bill/Charter Section or Statement to Legislature
189.031(2)(a)		Charter must include the minimum requirements of s. 189.031(3), F.S.	Y	
	189.031(3)(a)	Purpose of district	Y	Charter s. 3
	189.031(3)(b)	Powers/functions/duties of district re: <ul style="list-style-type: none"> • Ad valorem taxation • Issuing bonds • Other revenue-raising capabilities • Budget preparation • Budget approval • Liens • Foreclosure of liens • Use of tax deeds, tax certificates for non-ad valorem assessments • Contracting 	Y	Charter s. 7(1): "district has, and the board may exercise, all the powers and duties set forth in chapters 189 and 191, Florida Statutes." <ul style="list-style-type: none"> • Charter s. 8(1) • Budget: Charter s. 8(3)
	189.031(3)(c)	Method of establishing district	Y	<ul style="list-style-type: none"> • s. 191.003(5), F.S. • Special Act: Bill s. 1 • Referendum: Bill ss. 2 & 3
	189.031(3)(d)	Method of amending charter	Y	Charter s. 11
	189.031(3)(e)	Governing board of district: <ul style="list-style-type: none"> • Membership • Organization • If elected on basis of 1 acre = 1 vote, requires 5 member board; 3 member quorum. 	Y	<ul style="list-style-type: none"> • Membership: Charter ss. 4(1), 5(1), & 5(2) • Organization: Charter ss. 4(1) & 5(5)
	189.031(3)(f)	Maximum compensation of board members	Y	Charter s. 4(3)
	189.031(3)(g)	Administrative duties of board	Y	Charter ss. 7(1) & 7(2)
189.031(3)(h)	Applicable requirements for: <ul style="list-style-type: none"> • Financial disclosure • Noticing • Reporting 	Y	Charter ss. 4(4), 5(9), & 5(10)	

189.031(2)(a)	189.031(3)(i)	If district is authorized to issue bonds, procedures & requirements for issuing	Y	Charter s. 8(1)
	189.031(3)(j)	<ul style="list-style-type: none"> Procedures to conduct any district election/referenda Qualifications of district elector 	Y	Charter s. 5(1)
	189.031(3)(k)	District financing methods	Y	Charter s. 8(1)
	189.031(3)(l)	If district authorized to levy ad valorem taxes – millage rate	Y	Bill s. 2; Charter s 8(2). Maximum millage rate would be 2.0 mills.
	189.031(3)(m)	Method to collect non-ad valorem assessments, fees, charges	Y	Charter ss. 8(3) & 8(4)
	189.031(3)(n)	Planning requirements	Y	Charter ss. 7(1) & 7(2); s. 191.006, F.S.
	189.031(3)(o)	Geographic boundary limits of district	Y	Charter s. 2
189.031(2)(b)	189.04	District elections must comply with s. 189.04, F.S.	Y	Charter s. 5(1)
189.031(2)(c)	189.042	District bond referenda must comply with s. 189.042, F.S.	Y	Charter s. 8(1), incorporating ss. 189.051, 191.012, F.S.
189.031(2)(d)	189.015 189.016 189.051 189.08	District must comply with reporting, notice, public meetings requirements	Y	Charter ss. 4(4), 5(9), & 5(10)
189.031(2)(e)		Statement to Legislature documenting:	N	
	189.031(2)(e)1.	Purpose of proposed district	Y	Charter s. 3
	189.031(2)(e)2.	Authority of proposed district	Y	Charter ss. 4 & 7
	189.031(2)(e)3.	Explanation why dist. is best alt.	Y	Local Bill Certification
	189.031(2)(e)4.	Resolution/official statement of governing body/administrator of local jurisdiction within which proposed district is located: <ul style="list-style-type: none"> Creation of district is consistent with approved local plans of local gov't No objection to creation 	N	Pinellas County has not passed a resolution or made an official statement expressing support for the creation of the district.

The bill provides all terms and conditions required for the creation and chartering of an independent special district.²⁵ However, there is no resolution or other official statement from the Board of Commissioners of Pinellas County stating either that the board has no objection to the creation of the District or that the creation of the District is consistent with the county's comprehensive plan. Thus, the bill may require passage by 3/5 vote in the House and in the Senate.²⁶

B. SECTION DIRECTORY:

- Section 1: Creates the Tierra Verde Fire Control and Rescue District as an independent special fire control district in Pinellas County.
- Section 2: Provides that the Board of County Commissioners of Pinellas County shall call a referendum of the qualified electors of the proposed district upon the certification of a petition containing 10 percent of the electors of district.
- Section 3: Provides that the bill shall take effect only upon approval by a majority vote of qualified electors of the district voting in a referendum held on or before December 30, 2031, except that this section and section 2 take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? At the next general election following the certification by the Pinellas County Supervisor of Elections of a petition signed by ten percent of electors residing in the boundaries of the proposed district.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Article III, s. 11(a)(21), of the Florida Constitution prohibits any special law pertaining to any subject when prohibited by general law passed by 3/5 vote of the membership of the House and of the Senate, unless amended or repealed by like vote. Because general law requires the local government in the jurisdiction of which an independent special district is being created to state its consent or that the creation complies with local planning, and because Pinellas County has not provided such a statement, the 3/5 vote requirement may be implicated.

B. RULE-MAKING AUTHORITY:

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

²⁵ Section 189.031, F.S.

²⁶ Art. III, s. 11(a)(21), Fla. Const.; s. 189.031(2), F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 135-136 of the bill state that the District's elections and referenda shall be held in accordance with ch. 191, F.S., but does not include the special district election requirements in ch. 189, F.S.

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

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB937

SPONSOR(S): KATHLEEN PETERS

RELATING TO: TIERRA VELDE INDEPENDENT FIRE DISTRICT
(Indicate Area Affected (City, County, or Special District) and Subject)

NAME OF DELEGATION: PINELLAS

CONTACT PERSON: RJ MYERS

PHONE NO.: (850) 933-0883 E-Mail: RJ.MYERS@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: _____

Location: US F ST. PETE

(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 _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum TBD

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)

12/2/15
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 937
SPONSOR(S): Rep. Peters
RELATING TO: Tierra Verde Fire Control and Rescue District, Pinellas 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>Indeterminate</u>
Revenue increase due to bill:	\$ <u>0</u>	\$ <u>Indeterminate</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>Indeterminate</u>

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

Assuming a successful referendum is held in 2016 and taxes can be placed on the 2017/2018 tax roll, the maximum costs that could
be incurred would be that amount generated by 2 mills of ad valorem tax, which is currently \$1.68 milion. This would
be offset, however, by the elimination of Pinellas County's MSTU for the area in the amount of 1.9118 mills, effectively creating
a tax swap. The only additional cost would be the potential for paying members of the new board up to \$500 per month, as authorized by Ch. 191, F.S.

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>Ad valorem taxes</u>	\$ <u>0</u>	\$ <u>Indeterminate</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: For the taxpayers of Tierra Verde, assurance that all revenue generated by the new district will be spent on fire/rescue services in Tierra Verde.
- Advantages to Businesses: More efficient fire/rescue service and more rapid response. Possibly lower fire insurance costs.
- Advantages to Government: Local control of fire/rescue and budget by a board of residents elected by Tierra Verde electors.

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:

The only impact will be to replace the County MSTU funding source with an independent district governed by elected officials from Tierra Verde. Budgetary predictability and potentially better service should be the result.

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. Review of operations and budgets of similar fire/rescue districts; review of Pinellas County tax roll to determine aggregate taxable value of real property within the boundaries of the proposed district; and review of County MSTU budget and tax collections for Tierra Verde area.

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: Paul R Murray
[Must be signed by Preparer]

Print preparer's name: PAUL R MURRAY
1-5-16
Date

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

REPRESENTING: TVCA

PHONE: 727-867-9362

E-MAIL ADDRESS: TASSNIC@TAMPABAY.FL.GOV

1 A bill to be entitled
 2 An act relating to Pinellas County; creating the
 3 Tierra Verde Fire Control and Rescue District, an
 4 independent special district; providing a charter;
 5 providing a short title; providing territorial
 6 boundaries of the district; providing purposes and
 7 intent; providing for a board of commissioners of the
 8 district; providing for qualification, election,
 9 membership, terms of office, and compensation of the
 10 board; providing for the filling of vacancies;
 11 providing for meetings; providing rulemaking
 12 authority; providing powers and duties of the board;
 13 providing for use of district funds; authorizing the
 14 district to issue bonds and levy ad valorem taxes,
 15 non-ad valorem assessments, impact fees, and user
 16 charges; providing planning requirements; providing
 17 for modification of district boundaries; providing for
 18 amendment of the charter by special act of the
 19 Legislature; requiring the district to enter into
 20 specified agreements; providing severability;
 21 requiring a referendum; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Notwithstanding s. 189.031(2)(e), Florida
 26 Statutes, the Tierra Verde Fire Control and Rescue District, an

27 independent special district in Pinellas County, is created and
 28 established pursuant to chapters 189 and 191, Florida Statutes,
 29 and the charter for the district is created to read:

30 Section 1. Short title.—This act may be cited as the
 31 "Tierra Verde Fire Control and Rescue District Act."

32 Section 2. Formation; boundaries.—For the purpose of
 33 providing fire prevention and emergency rescue services pursuant
 34 to chapter 191, Florida Statutes, the Tierra Verde Fire Control
 35 and Rescue District ("district"), an independent special
 36 district, is created and incorporated in Pinellas County and
 37 shall embrace and include the territory described as:

38 A portion of fractional Sections 17, 18, 19, 20, 29, 30,
 39 31, and 32, Township 32 South, Range 16 East, together with
 40 submerged lands and together with unsurveyed lands, lying
 41 in Pinellas County, Florida, being described as follows:
 42 From the Southerly most corner of Lot 5, Block 23, TIERRA
 43 VERDE UNIT ONE, as recorded in Plat Book 57, Pages 42
 44 through 55, Public Records of Pinellas County, Florida, as
 45 the Point of Commencement; thence North 30°52'53" East,
 46 along the East line of said Block 23 and the Northeasterly
 47 extension thereof, 1,187.95 feet to a point on the center
 48 of the main ship channel of Boca Ciega Bay, the same being
 49 the City Limits of the City of St. Petersburg; thence along
 50 said main ship channel of Boca Ciega Bay and City Limits of
 51 the City of St. Petersburg the following two courses and
 52 distances, (1) North 56°23'06" West 2,350.94 feet, (2)

53 North 24°49'37" West 459.96 feet to the intersection with
 54 the Passa-Grille Channel, the same being the City Limits of
 55 the City of St. Pete Beach, said point being the Point of
 56 Beginning; thence along the said Pass-a-Grille Channel and
 57 the City Limits of the City of St. Pete Beach, the
 58 following four courses and distances: (1) South 49°04'05"
 59 West 2,741.70 feet, (2) South 38°55'13" West 1,201.77 feet,
 60 (3) South 21°58'42" West 1,202.38 feet, (4) South 11°52'59"
 61 East 2549.64 feet; thence departing said Pass-a-Grille
 62 Channel and City Limits of the City of St. Pete Beach,
 63 South 10°50'24" East 2,510.20 feet; thence South 48°30'09"
 64 East 740.07 feet; thence South 03°49'00" West 2,557.86
 65 feet; thence South 37°18'04" East 6,807.92 feet; thence
 66 North 88°30'47" East 173.30 feet, more or less to a point
 67 on the West line of the City Limits of the City of St.
 68 Petersburg; thence along said West line of the City Limits
 69 of the City of St. Petersburg North 00°09'46" West
 70 15,402.33 feet to a point on the aforesaid main ship
 71 channel of Boca Ciega Bay; thence along said main ship
 72 channel of Boca Ciega Bay continuing along the City Limits
 73 of the City of St. Petersburg, the following two courses
 74 and distances: (1) North 56°23'06" West 2,601.89 feet, (2)
 75 North 24°49'37" West 459.96 feet to the Point of Beginning.
 76 Section 3. Intent.—The purposes of this act are to:
 77 (1) Provide standards, direction, and procedures
 78 concerning the operation and governance of the Tierra Verde Fire

79 Control and Rescue District.

80 (2) Provide uniformity between the Tierra Verde Fire
 81 Control and Rescue District and other independent special fire
 82 control districts.

83 (3) Provide financing authority of the Tierra Verde Fire
 84 Control and Rescue District without hampering the efficiency and
 85 effectiveness of current authorized and implemented methods and
 86 procedures of raising revenues.

87 (4) Improve communication and coordination between the
 88 district and other local governments with respect to short-range
 89 and long-range planning to meet the demands for service delivery
 90 while maintaining fiscal responsibility.

91 (5) Provide uniform procedures for electing members of the
 92 governing board of the district to ensure greater accountability
 93 to the public.

94 Section 4. Board of commissioners; officers; bond;
 95 compensation.—

96 (1) The business affairs of the district shall be
 97 conducted and administered, pursuant to chapter 191, Florida
 98 Statutes, by the Board of Commissioners of the Tierra Verde Fire
 99 Control and Rescue District ("board"), which is established as a
 100 board of five commissioners. Annually, within 60 days after
 101 newly elected members have taken office, the board shall
 102 organize by electing from its members a chair, a vice chair, a
 103 secretary, and a treasurer. The positions of secretary and
 104 treasurer may be held by one member. The office of each

105 commissioner comprising the board is designated as being a seat
106 on the commission, distinguished from each of the other seats by
107 a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does
108 not designate a geographical subdistrict of the district.

109 (2) Each commissioner shall, upon assuming office, take
110 and subscribe to the oath of office prescribed by s. 5(b),
111 Article II of the State Constitution and s. 876.05, Florida
112 Statutes. Each commissioner, upon taking office and in
113 accordance with chapters 189 and 191, Florida Statutes, shall
114 execute to the Governor for the benefit of the district a bond
115 conditioned upon the faithful performance of the duties of the
116 commissioner's office. The premium for such bonds shall be paid
117 from district funds.

118 (3) Members of the board may each be paid a salary or
119 honorarium to be determined by at least a majority plus one vote
120 of the board, which salary or honorarium may not exceed \$500 per
121 month for each member. Special notice of any meeting at which
122 the board will consider a salary change for a board member shall
123 be published at least once, at least 14 days before the meeting,
124 in a newspaper of general circulation in the county. Separate
125 compensation for the board member serving as treasurer may be
126 authorized by like vote so long as total compensation for the
127 board member does not exceed \$500 per month. Members may be
128 reimbursed for travel and per diem expenses as provided in s.
129 112.061, Florida Statutes.

130 (4) Members of the board shall comply with the financial

131 disclosure, noticing, and reporting requirements of chapter 112,
 132 Florida Statutes, and any other applicable law or regulation.

133 Section 5. Board of commissioners; terms; election,
 134 qualifications, certification of single candidate.-

135 (1) District elections and referenda shall be held in
 136 accordance with chapter 191, Florida Statutes.

137 (2) Except as provided in this subsection, each of the
 138 five commissioners shall hold his or her respective seat on the
 139 board for a term of 4 years and shall be elected by majority
 140 vote of the electors of the district voting at a general
 141 election. In the first election after the effective date of this
 142 act, seats 1, 3, and 5 shall be designated for 4-year terms, and
 143 seats 2 and 4 shall be designated for 2-year terms. All
 144 commissioners must be qualified electors within the district and
 145 must reside within the district.

146 (3) Voting for commissioners shall be districtwide and
 147 nonpartisan.

148 (4) If a vacancy occurs on the board due to the
 149 resignation, death, or removal of a commissioner, or the failure
 150 of anyone to qualify for a board seat, the remaining members may
 151 appoint a qualified person to fill the seat until the next
 152 general election, at which time an election shall be held to
 153 fill the vacancy for the remaining term, if any. The board shall
 154 remove any member who has three consecutive, unexcused absences
 155 from regularly scheduled meetings. The board shall adopt
 156 policies by resolution defining excused and unexcused absences.

157 (5) Each commissioner, whenever elected, shall assume
 158 office 10 days after his or her election and shall serve until
 159 his or her successor is elected.

160 (6) All candidates shall qualify with the Supervisor of
 161 Elections of Pinellas County. All candidates may qualify by
 162 paying a filing fee of \$25 or by obtaining the signatures of at
 163 least 25 registered electors of the district on petition forms
 164 provided by the supervisor of elections, which petitions must be
 165 submitted and checked in the same manner as petitions filed by
 166 nonpartisan judicial candidates pursuant to s. 105.035, Florida
 167 Statutes.

168 (7) The names of all candidates qualifying for election to
 169 a seat on the board shall be included on the ballot or voting
 170 machines provided for use in the district, along with the
 171 candidates for county office at each regular county election, in
 172 such a way as to clearly indicate the respective seat for which
 173 each qualified candidate for district commissioner is running.

174 (8) Any expense of holding elections for commission seats
 175 at the regular county elections shall be paid out of the funds
 176 of the district, if required by proper authority.

177 (9) The board shall keep a permanent record book entitled
 178 "Record of Proceedings of Tierra Verde Fire Control and Rescue
 179 District" in which the minutes of all meetings, resolutions,
 180 proceedings, certificates, bonds given by commissioners, and
 181 corporate acts shall be recorded. The record book shall be open
 182 to inspection in the same manner as state, county, and municipal

183 records are open under chapter 119, Florida Statutes, and s. 24,
 184 Article I of the State Constitution. The record book shall be
 185 kept at the office or other regular place of business maintained
 186 by the board in the county or municipality in which the district
 187 is located.

188 (10) All meetings of the board shall be open to the
 189 public, consistent with chapter 286, Florida Statutes, s.
 190 189.015, Florida Statutes, and other applicable general laws.

191 Section 6. Rules and regulations.—The board is authorized
 192 to adopt rules and regulations for the prevention of fires, fire
 193 control, and rescue work within the district. Such rules and
 194 regulations, after being adopted by the board and copies thereof
 195 signed by the president and the secretary, and posted on the
 196 district website and in at least three public places within the
 197 district, one of which must be the fire station or such similar
 198 place wherein the firefighting and rescue equipment is normally
 199 kept, after 10 days has the force and effect of law.

200 Section 7. Powers; use of district funds.—

201 (1) The district has, and the board may exercise, all the
 202 powers and duties set forth in chapters 189 and 191, Florida
 203 Statutes.

204 (2) No funds of the district may be used for any purposes
 205 other than the administration of the affairs and business of the
 206 district; the construction, care, maintenance, upkeep,
 207 operation, and purchase of firefighting and rescue equipment or
 208 a fire station or stations; the payment of public utilities; and

209 the payment of salaries of district personnel as the board may
 210 from time to time determine to be necessary for the operations
 211 and effectiveness of the district.

212 (3) The board is authorized and empowered to buy, own,
 213 lease, and maintain a fire department within the district and to
 214 purchase, acquire by gift, lease, own, and dispose of
 215 firefighting equipment and property, real and personal, that the
 216 board may from time to time deem necessary or needful to prevent
 217 and extinguish fires within the district.

218 Section 8. Finances.-

219 (1) The powers, functions, and duties of the district
 220 regarding ad valorem taxation, bond issuance, other revenue-
 221 raising capabilities, budget preparation and approval, liens and
 222 foreclosure of liens, use of tax deeds and tax certificates as
 223 appropriate for non-ad valorem assessments, and contractual
 224 agreements, and the methods for financing the district and for
 225 collecting non-ad valorem assessments, fees, or service charges,
 226 shall be as set forth in this charter, in chapters 170, 189,
 227 191, and 197, Florida Statutes, and in any applicable general or
 228 special law.

229 (2) The district is authorized to levy and collect ad
 230 valorem taxes in accordance with s. 191.009, Florida Statutes,
 231 and chapter 200, Florida Statutes. The taxes levied and assessed
 232 by the district shall be a lien upon the land so assessed along
 233 with the county taxes assessed against such land until such
 234 assessments and taxes have been paid, and if the taxes levied by

235 the district become delinquent, such taxes are considered a part
 236 of the county tax subject to the same penalties, charges, fees,
 237 and remedies for enforcement and collection and shall be
 238 enforced and collected as provided by general law for the
 239 collection of such taxes. The maximum ad valorem millage rate
 240 that can be levied in any one year is 2.0 mills.

241 (3) The district has the authority to levy non-ad valorem
 242 assessments. The methods for assessing and collecting non-ad
 243 valorem assessments, fees, or service charges shall be as set
 244 forth in this charter, chapter 170, chapter 189, chapter 191, or
 245 chapter 197, Florida Statutes.

246 (4) The district has the authority to charge and collect
 247 impact fees for capital improvements on new construction within
 248 the district as prescribed in chapter 191, Florida Statutes, or
 249 any other applicable general law. The district shall comply with
 250 the requirements in ss. 163.31801 and 191.009(4), Florida
 251 Statutes, in its collection and use of impact fees. New
 252 facilities and equipment shall be as provided for in s.
 253 191.009(4), Florida Statutes. The district is authorized to
 254 enter into agreements regarding the collection of impact fees.

255 (5) The district has authority to issue general obligation
 256 bonds, assessment bonds, revenue bonds, notes, bond anticipation
 257 notes, and other evidences of indebtedness to finance all or a
 258 part of any proposed improvements in accordance with s. 191.012,
 259 Florida Statutes, chapter 189, Florida Statutes, and any other
 260 applicable general or special law.

261 (6) The board shall annually prepare, consider, and adopt
262 a district budget pursuant to the applicable requirements of
263 chapters 189 and 191, Florida Statutes. The fiscal year shall be
264 from October 1 through September 30. The budget shall state the
265 purpose for which the money is required and the amount necessary
266 to be raised by taxation within the district. Such budget and
267 proposed millage rate must be noticed, heard, and adopted in
268 accordance with chapters 189, 192, and 200, Florida Statutes.

269 (7) All warrants for the payment of labor, equipment,
270 materials, and other allowable expenses incurred by the district
271 board in carrying out the provisions of this charter are payable
272 on accounts and vouchers approved by the district board.

273 Section 9. Planning requirements.—The district comply with
274 the planning requirements set forth in part VIII of chapter 189,
275 Florida Statutes.

276 Section 10. Boundaries.—The boundaries of the district may
277 be modified, extended, or enlarged upon approval or ratification
278 by the Legislature.

279 Section 11. Amendment of charter.—This charter may be
280 amended only by special act of the Legislature.

281 Section 12. Emergency medical services; first responder
282 services.—The district shall enter into an agreement with the
283 Pinellas County Emergency Medical Services Authority for
284 automatic aid in the provision of emergency medical services and
285 first responder services. Such agreement must comply with the
286 provisions of the Automatic Aid/Closest Unit Response Agreement

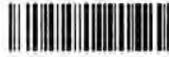
287 dated October 16, 1990. However, any agreement shall include
 288 provisions for actual cost recovery by the district for first
 289 responder services to Fort DeSoto Park.

290 Section 13. Automatic aid.—The district shall enter into
 291 the Automatic Aid/Closest Unit Response Agreement dated October
 292 16, 1990, within 1 year after this act takes effect.

293 Section 14. Severability.—If any provision of this act is
 294 held unconstitutional, inoperative, or void, such holding or
 295 invalidity does not affect the remaining portions of this act.

296 Section 2. The Board of County Commissioners of Pinellas
 297 County shall call and the Supervisor of Elections of Pinellas
 298 County shall conduct a referendum of the qualified electors of
 299 the proposed district on the question of whether the Tierra
 300 Verde Fire Control and Rescue District shall be created and
 301 authorized to levy non-ad valorem assessments and ad valorem
 302 taxes on real property within the district at a rate not to
 303 exceed 2 mills. The referendum shall only be called upon the
 304 certification of signatures of 10 percent of the electors
 305 residing within the boundaries described in section 2 of section
 306 1 on a petition to call such referendum. The certification of
 307 signatures shall be conducted by the Supervisor of Elections of
 308 Pinellas County at no cost to Pinellas County or the state. Upon
 309 certification of the necessary number of signatures, the
 310 referendum shall be held in conjunction with the next general
 311 election. If such referendum is not approved by the electors
 312 before December 31, 2031, this act shall stand repealed.

313 Section 3. This act shall take effect only upon approval
 314 by a majority vote of those qualified electors of the Tierra
 315 Verde Fire Control and Rescue District voting in a referendum
 316 election to be held on or before December 30, 2031, in
 317 accordance with the provisions of law relating to elections
 318 currently in force in the district, except that this section and
 319 section 2 shall take effect upon becoming a law.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee
 3 Representative Peters offered the following:

Amendment

6 Remove line 136 and insert:
 7 accordance with chapters 189 and 191, Florida Statutes.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 945 Downtown Development Authority of the City of Fort Lauderdale, Broward County
SPONSOR(S): DuBose
TIED BILLS: **IDEN./SIM. BILLS:**

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

SUMMARY ANALYSIS

The Downtown Development Authority of the City of Ft. Lauderdale is a special taxing district created to provide economic development, redevelopment, and coordination services to benefit areas of the city. To support the projects and responsibilities of the Authority, the city levies ad valorem taxes not to exceed one mill annually. The DDA's charter defines those properties subject to taxation and excludes most actual residential property. The enabling law for the DDA is due to expire on December 31, 2030.

Sections 1 and 2 of the bill revise the definitions of "residential property," resulting in more properties being included within those "non-residential" properties subject to the one mill ad valorem tax. Section 3 revises additional sections of the DDA charter to provide more autonomy in budgeting and direct control of DDA tax receipts. This section also authorizes the DDA, instead of the city commission, to levy the annual ad valorem tax. Finally, Section 3 of the bill extends the expiration date of the DDA to December 31, 2050.

The Economic Impact Statement projects increased ad valorem tax revenues for FY 2016-2017 of \$390,056, and for FY 2017-2018 of \$525,808, if the changes are approved by voter referendum.

Section 4 of the bill takes effect upon becoming law. The remainder of the bill takes effect only upon approval by a majority of resident qualified electors of the DDA in a referendum to be conducted in conjunction with the next general, special, or other election.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Downtown Development Authority of the City of Fort Lauderdale (DDA) was established by special act of the Legislature in 1965.¹ In accordance with s. 189.019, F.S., in 2005 the DDA submitted a recodified charter as a single, organized document for approval by the Legislature.² The DDA serves several functions in the community, include economic development, redevelopment of blighted areas, marketing, and coordinating projects between governmental entities and the private sector.³

The DDA's current charter defines "downtown" as all lands described in Section 2 of the charter that are "not being used as a residence."⁴ "Not being used as a residence" is defined as all residential⁵ lands not being used as a "residence," as well as portions of nonresidential lands not being used as a "residence."⁶ A "residence" is defined as a building used as living quarters by one or more persons.⁷ The Executive Director of the DDA determines whether property constitutes a residence.⁸

The Executive Director prepares an annual budget for the DDA, conforming to the fiscal year of the city and containing the information required of city departments in their respective budgets. The budget is submitted to the board of the DDA for approval.⁹ After approval, a copy of the budget is submitted to the city, with a statement of the necessary millage to fund services, as determined by the DDA board.¹⁰ The city commission of Fort Lauderdale is authorized to levy an ad valorem tax of up to one mill to finance the operations of the DDA.¹¹ The funds generated by this tax are deposited in the city treasury, credited to the DDA.¹² The city commission has the authority to use a "reasonable pro rata share" of the funds to defer the cost of handling and auditing.¹³

The DDA's charter currently is set to expire on December 31, 2030.¹⁴ On that date, all assets of the authority will become property of the City of Fort Lauderdale.¹⁵ If the Authority has any remaining outstanding debt at dissolution, the city is allowed to continuing levying ad valorem taxes authorized by the charter to retire the indebtedness.¹⁶

Effect of Proposed Changes

The bill revises the charter of the DDA in four significant areas:

¹ Ch. 65-1541, Laws of Fla.

² Ch. 2005-346, Laws of Fla.

³ Welcome to Downtown Fort Lauderdale, *About the DDA*, <http://www.ddaftl.org/#!/about-the-dda/c1uh6> (last visited 1/14/2016).

⁴ S. 5(a), Charter for the Downtown Development Authority of the City of Ft. Lauderdale, as codified in s.3, Ch. 2005-346, Laws of Fla. (herein Ft. Lauderdale DDA Charter).

⁵ Defined as lands zoned by the City of Fort Lauderdale as R-1-A, R-1, R-1-P, R-2-A, R-2, R-3-A/RM-25, R-3-9, RM-15, R-3/RM-30, R-3-C, R-4/RM-60, or R-4-C.

⁶ S. 5(b), Ft. Lauderdale DDA Charter

⁷ S. 5(c), Ft. Lauderdale DDA Charter

⁸ S. 5(b), Ft. Lauderdale DDA Charter

⁹ S. 11, Ft. Lauderdale DDA Charter

¹⁰ *Id.*

¹¹ S. 12, Ft. Lauderdale DDA Charter

¹² *Id.*

¹³ S. 13, Ft. Lauderdale DDA Charter

¹⁴ S. 15, Ft. Lauderdale DDA Charter

¹⁵ *Id.*

¹⁶ *Id.*

- First, the bill narrows the classifications of property excluded from the definition of "downtown." Under the bill's definition of "downtown," only residential buildings or units for which a homestead exemption is claimed are excluded from classification as "downtown."
- Second, the bill amends the provisions pertaining to budget preparation. The Authority would no longer be linked directly to the fiscal year of the city and would be required only to deliver a copy of its budget within 30 days after the budget was adopted.
- Third, the authority itself would be authorized to levy the ad valorem taxes provided in the charter, subject to the present one mill cap. The tax collector would transmit the funds directly to the Authority for deposit. The Authority would be responsible to comply with the Truth in Millage Rules and s. 200.065, F.S., in adopting a budget and levying taxes.
- Fourth, the expiration date of the law would be extended to December 31, 2050.

The bill provides for a referendum on all changes provided in the bill. Only the referendum provision takes effect upon the act becoming law.

B. SECTION DIRECTORY:

- Section 1: Amends Subsection 5 of Section 1 of Section 3 of Ch. 2005-346, Laws of Florida, to revise the definition of "downtown" and "residence," and removing definitions for "not being used as a residence" and "residential."
- Section 2: Amends Section 2 of Section 3 of Ch. 2005-346, Laws of Florida, to include certain residential property within those properties subject to taxation by the Authority.
- Section 3: Amends Sections 11, 12, 13, and 15 of Section 3 of Ch. 2005-346, Laws of Florida, revising procedures for final adoption of budget and millage and the authority to levy ad valorem taxes, and extending the expiration date of the Authority to December 31, 2050.
- Section 4: Provides the provisions of section 4 shall take effect upon becoming law and sections 1, 2, and 3 take effect only upon approval in a referendum of resident qualified electors of the Downtown Development Authority of the City of Fort Lauderdale to be held in conjunction with the next general, special, or other election in Broward County.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 4, 2015

WHERE? Sun-Sentinel, a daily newspaper of general circulation, published in Broward County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In conjunction with the next general, special, or other election in Broward County.

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 neither authorizes nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

Prior to consideration of a substantive amendment to a local bill, the chair of the legislative delegation must certify, by signing this Amendment Form, that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive committee, subcommittee, and floor amendments must be accompanied by a completed original Amendment Form which has been provided to and reviewed by Local Government Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 945

SPONSOR(S): Rep. DuBose

RELATING TO: The Downtown Development Authority of Fort Lauderdale, Broward County
(Indicate Area Affected (City, County or Special District) and Subject)

SPONSOR OF AMENDMENT: Rep. DuBose

AMENDMENT FOR: **Committee:** Local Government Affairs Subcommittee
(Check One) (Name of Committee or Subcommittee)

Floor

CONTACT PERSON: Gabriel Sheffield

PHONE NO: 850-717-5094 **E-MAIL:** Gabriel.Sheffield@myfloridahouse.gov

REVIEWED BY STAFF OF THE LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE
Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:
(Attach additional page(s) if necessary)

Removes provision extending the expiration date of district from December 31, 2030, to December 31, 2050.

II. REASON/NEED FOR AMENDMENT:
(Attach additional page(s) if necessary)

Under its existing authorization act, the expiration date of the district is December 31, 2030. The amendment retains this expiration date so that the operations of the district, and whether there is a continuing need for its services, may be more promptly reviewed.

III. NOTICE REQUIREMENTS

A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?

YES NO NOT APPLICABLE

B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?

YES NO NOT APPLICABLE

IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

NOTE: If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted to the Local Government Affairs Subcommittee prior to consideration of the amendment.

If yes, was the Revised Economic Impact Statement submitted as follows?

Committee Amendment: EIS filed with staff of committee/subcommittee hearing the bill.

Floor Amendment: EIS filed with staff of Local Government Affairs Subcommittee.

YES NO

V. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

YES NO UNANIMOUSLY APPROVED

For substantive amendments considered in committee or subcommittee, the properly-executed original of this form must be filed with the committee or subcommittee staff prior to the amendment being heard. [Note to committee staff: after receiving this form the original must be filed with the House Clerk.]

For substantive floor amendments, the properly-executed original of this form must be filed with the House Clerk prior to the amendment being heard.


Delegation Chair (Original Signature)

1/14/16
Date

Rep. Gwyndolen Clarke-Reed

Print Name of Delegation Chair

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 945

SPONSOR(S): Representative Bobby D. Bose

RELATING TO: Broward County - Downtown Development Auth. City of Ft. Lauderdale
[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? Sun-Sentinel County Broward

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

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 []

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

Gwendolen Clarke-Reed
Delegation Chair (Original Signature)

12/17/15
Date

Gwendolen 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 #: 945

SPONSOR(S): Representative Bobby B. DuBose

RELATING TO: Downtown Development Authority of the City of Fort Lauderdale
[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>390,056</u>	\$ <u>525,808</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.

Estimated increase in ad valorem tax receipts is shown in 2015 constant dollars

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>390,056</u>	\$ <u>525,808</u>
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.

1. Advantages to Individuals: Extension of new services such as security program
2. Advantages to Businesses: Same as No. 1 above
3. Advantages to Government: Streamlining of ad valorem tax procedures

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: Potential increase in ad valorem taxes

for new properties added to DDA

boundaries upon Referendum

2. Disadvantages to Businesses:

Same as No. 1 above

3. Disadvantages to Government:

None

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

No Impact.

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.

2015 tax rolls for all property within DDA boundaries with annual net new operating tax revenue generated using the DDA's operating millage rate.

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: C.W.
[Must be signed by Preparer]

Print preparer's name: Chris Wren
9/17/15
Date

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

REPRESENTING: Downtown Development Authority
of the City of Fort Lauderdale
PHONE:
E-MAIL ADDRESS: (954) 463-6574 CHRISWREN@DDAFTL.ORG

1 A bill to be entitled
 2 An act relating to the Downtown Development Authority
 3 of the City of Fort Lauderdale, Broward County;
 4 amending chapter 2005-346, Laws of Florida; revising
 5 definitions; adding certain residential property to
 6 the boundaries of the authority; revising procedures
 7 for final adoption of budget and millage; extending
 8 the expiration date of the act; requiring a
 9 referendum; providing an effective date.

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

12
 13 Section 1. Subsection (5) of section 1 of section 3 of
 14 chapter 2005-346, Laws of Florida, is amended to read:

15 Section 1. Definitions.—As used in this act, the following
 16 terms shall have the meaning ascribed to them in this section
 17 unless the context shall clearly requires otherwise:

18 (5) (a) "Downtown" means the lands described in section 2,
 19 specifically excluding each residential unit for which a
 20 homestead exemption is in effect as of January 1 of the
 21 applicable year not being used as a residence.

22 ~~(b) "Not being used as a residence" means all residential~~
 23 ~~lands not being used as a residence or that portion of~~
 24 ~~nonresidential lands not being used as a residence. The~~
 25 ~~determination of when land is being used as a residence shall be~~
 26 ~~made and certified by the Executive Director of the Downtown~~

27 ~~Development Authority at the time the books close for a Downtown~~
 28 ~~Development Authority election or, if the Downtown Development~~
 29 ~~Authority does not hold an election in a particular year, as of~~
 30 ~~January 1 of that year.~~

31 (b) ~~(e)~~ "Residence" means a building or unit in which one
 32 or more natural persons live.

33 ~~(d) "Residential" means lands zoned by the City of Fort~~
 34 ~~Lauderdale as R-1-A, R-1, R-1-P, R-2-A, R-2, R-3-A/RM-25, R-3-9,~~
 35 ~~RM-15, R-3/RM-30, R-3-C, R-4/RM-60, or R-4-C.~~

36 Section 2. Section 2 of section 3 of chapter 2005-346,
 37 Laws of Florida, is amended to read:

38 Section 2. The boundaries of the authority shall include
 39 the following lands in the City of Fort Lauderdale, Broward
 40 County:

41
 42 1. All lands ~~not being used as a residence~~ lying
 43 north of New River, east of Southwest and Northwest
 44 Fourth Avenue, south of Northwest and Northeast Second
 45 Street and west of Northeast and Southeast Sixth
 46 Avenue;

47
 48 2. All lands ~~not being used as a residence~~ lying
 49 north of Northwest Second Street, east of the Florida
 50 East Coast Railroad, south of Northwest Fourth Street,
 51 and west of North Andrews Avenue;

52

78 All of Blocks 1, 2, 4, 29 and 30, and portions of
 79 Blocks 33 and 34, NORTH LAUDERDALE AMENDED, according
 80 to the plat thereof recorded in Plat Book 1, Page 182,
 81 of the public records of Dade County, Florida;
 82 TOGETHER WITH all of the Blocks 2, 31, and 32, NORTH
 83 LAUDERDALE AMENDED RE-SUB, according to the plat
 84 thereof recorded in Plat Book 5, Page 25, of the
 85 public records of Broward County, Florida; ALSO
 86 TOGETHER WITH portions of Blocks A and B, GEORGE M.
 87 PHIPPENS SUB., according to the plat thereof recorded
 88 in Plat Book B, Page 146, of the public records of
 89 Dade County, Florida; ALSO TOGETHER WITH portions of
 90 Blocks A and B, FORT LAUDERDALE LAND AND DEVELOPMENT
 91 CO., SUB., according to the plat thereof recorded in
 92 Plat Book 1, Page 56, of the public records of Dade
 93 County, Florida; AND ALSO TOGETHER WITH portions of
 94 Northeast 3rd Street, Northeast 4th Street, Northeast
 95 5th Street, Northeast 5th Avenue, and Northeast 5th
 96 Terrace, lying adjacent to said Blocks, and being all
 97 more fully described as follows:

98
 99 Beginning at the Northwest corner of Lot 26, of said
 100 Block 4, thence due South, on the West lines of said
 101 Blocks 4 and 29, and extensions thereof, a distance of
 102 1300.00 feet; thence due East, on the North right-of-
 103 way line of said Northeast 4th Street, a distance

104 83.99 feet; thence due South, a distance of 50.00
 105 feet; thence due East, on the South right-of way line
 106 of said Northeast 4th Street, a distance of 392 feet;
 107 thence South 00°01'00" West, on the West lines of Lots
 108 20 and 19, Block A, and the West line of Lot 20, Block
 109 B, of said GEORGE M. PHIPPENS SUB., and extensions
 110 thereof, a distance of 495.00 feet; thence South
 111 89°57'46" East, on the South lines of Lots 20, 18, 16,
 112 14, 12, 10, 8, 6, 4, and 2, Block B, of said GEORGE M.
 113 PHIPPENS SUB., and the Easterly extension thereof, a
 114 distance of 720.17 feet; thence North 00°01'54" West,
 115 on the Southerly extension of the East line of Lot 20,
 116 Block A, of said FORT LAUDERDALE LAND AND DEVELOPMENT
 117 CO., SUB. and the Northerly extension thereof, a
 118 distance of 205.47 feet, thence due West, on the North
 119 right-of-way line of said Northeast 3rd Street, a
 120 distance of 25.00 feet; thence North 00°01'00" East,
 121 on the East lines of Lots 7 and 20, Block B, of said
 122 FORT LAUDERDALE LAND AND DEVELOPMENT CO. SUB., and
 123 extensions thereof, a distance of 289.15 feet; thence
 124 due East, on the South right-of-way line of Northeast
 125 4th Street, a distance of 169.75 feet; thence North
 126 00°17'27" East, on the West right-of way line of U.S.
 127 Highway No. 1; a distance of 1323.87 feet to the Point
 128 of Beginning less the following described land: Lots
 129 20, 21, 22, 23, 24, 25 and 26, Block "B", FORT

130 LAUDERDALE LAND AND DEVELOPMENT CO. Subdivision of
 131 Lots 1 and 2, Block 1, Fort Lauderdale, according to
 132 the plat thereof, recorded in Plat Book 1, Page 56, of
 133 the public records of Dade County, Florida, and Lots 2
 134 and 4, Block "A", GEORGE M. PHIPPEN'S SUBDIVISION of
 135 Lots 3, 4, 5 and 6, Block 1, and Lots 3, 4, 5, 6, 7,
 136 8, 9 and 10, Block 14, TOWN OF FORT LAUDERDALE,
 137 according to the plat thereof, recorded in Plat Book
 138 B, Page 146, of the public records of Dade County,
 139 Florida.

141 PARCEL II

142
 143 Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
 144 18, 19, 20 and 21, HARCOURT, according to the plat
 145 thereof, as recorded in Plat Book 2, Page 9, of the
 146 public records of Broward County, Florida; AND the
 147 west one-half (W 1/2) of Federal Highway (US No. 1),
 148 lying East of and adjacent to said Lots 4, 5, 6, 7, 9,
 149 9, 10, 11 and 12; AND the East one-half (E 1/2) of
 150 S.E. 5th Terrace, lying West of and adjacent to said
 151 Lots 14, 15, 16, 17, 18, 19, 20 and 21.

152
 153 TOGETHER WITH:
 154

155 Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12, HENRY
 156 SHACKELFORD AMENDED PLAT SUBDIVISION OF LOTS 2 & 3,
 157 BLOCK 57, TOWN OF FORT LAUDERDALE, according to the
 158 plat thereof, as recorded in Plat Book 3, Page 3, of
 159 the public records of Dade County, Florida; AND the
 160 West one-half of S.E. 5th Terrace, lying East of
 161 adjacent to and referenced Lots; AND the East one-half
 162 of S.E. 5th Avenue, lying West of adjacent of above
 163 referenced Lots.

164

165 TOGETHER WITH:

166

167 Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12, RE-AMENDED PLAT
 168 OF HENRY SHACKELFORD'S SUBDIVISION OF LOTS 2 & 3,
 169 BLOCK 57, TOWN OF FORT LAUDERDALE, according to the
 170 plat thereof, as recorded in Plat Book 3, Page 3 of
 171 the public records of Dade County, Florida; AND the
 172 West one-half of S.E. 5th Avenue, lying East of
 173 adjacent to and referenced Lots; AND the East one-half
 174 of S.E. 4th Avenue, lying West of adjacent to the
 175 above referenced Lots.

176

177 AND ALSO TOGETHER WITH:

178

179 Lots 2, 3, 4, 5, 6, 7, 8 and 9, MRS. DAISY
 180 SHACKELFORD'S AMENDED NEW SUBDIVISION OF LOT 4, BLOCK

181 | 57, TOWN OF FORT LAUDERDALE, according to the plat
 182 | thereof, as recorded in Plat Book 1, Page 165, of the
 183 | public records of Dade County, Florida, AND 10.00 foot
 184 | Alley adjacent to said Lot 6 and Lots 7, 8 & 9; AND
 185 | the West one-half of (W 1/2) of S.E. 4th Avenue, lying
 186 | East of and adjacent to above referenced Lots.

187 |

188 | AND ALSO TOGETHER WITH:

189 |

190 | Lots 5, 6, 7, 8, 9, 10, 11 and 12, SOUTH FLORIDA
 191 | DREDGING COMPANY DIVISION OF LOT 5, BLOCK 57, TOWN OF
 192 | FORT LAUDERDALE, according to the plat thereof, as
 193 | recorded in Plat Book 3, Page 27, of the public
 194 | records of Broward County, Florida; AND 10.00 foot
 195 | Alley adjacent to Lot 9 and Lots 10, 11 and 12; AND
 196 | 5.50 foot Alley lying East of and adjacent to above
 197 | referenced Lots; AND the East one-half (E1/2) of S.E.
 198 | 3rd Avenue, lying West of and adjacent to said Lots.

199 |

200 | AND ALSO TOGETHER WITH:

201 |

202 | The South 80.00 feet of Lots 2, 4 and 6, Block 3, all
 203 | of Blocks 4, 5 and 6, SUBDIVISION OF BLOCK 56, TOWN OF
 204 | FORT LAUDERDALE, according to the plat thereof, as
 205 | recorded in Plat Book 1, Page 63, of the public
 206 | records of Dade County, Florida; AND the West one-half

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207 (W1/2) of S.E. 3rd Avenue, lying East of and adjacent
 208 to above referenced South 80.00 feet of Lot 2 and said
 209 Block 6; AND the East one-half (E 1/2) of S.E. 1st
 210 Avenue, lying West of and adjacent to above referenced
 211 Block 4; AND the North one-half (N1/2) of S.E. 6th
 212 Court, lying South of and adjacent to said Lots 2, 4
 213 and 6, Block 3; AND the South one-half of S.E. 6th
 214 Court, lying North of and adjacent to said Blocks 4, 5
 215 and 6.

216
 217 AND ALSO TOGETHER WITH:

218
 219 Lots 17, 18, 19, 20 and 21, Block 55, TOWN OF FORT
 220 LAUDERDALE, according to the plat thereof, as recorded
 221 in Plat Book "B", Page 40, of the public records of
 222 Dade County, Florida, AND Parcel "A"; AND the East
 223 one-half of Andrews Avenue, lying West of and adjacent
 224 to said Parcel "A"; AND all that certain 14.00 foot
 225 Alley within said Block 55, lying North and East of
 226 said Parcel "A"; AND all that certain irregular Alley,
 227 lying North of said Parcel "A" and South of said Lot
 228 17.

229
 230 AND ALSO TOGETHER WITH;

231

232 Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
 233 18, 19, 20 and 21, Block 54, TOWN OF FORT LAUDERDALE,
 234 according to the plat thereof, as recorded in Plat
 235 Book "B", Page 40, of the public records of Dade
 236 County, Florida; AND the West one-half (W1/2) of
 237 Andrews Avenue, lying East of and adjacent to said
 238 Lots 13, 14, 15, 16, 17, 18, 19, 20 and 21; AND the
 239 East one-half of S.W. 1st Avenue lying West of and
 240 adjacent to said Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12;
 241 AND all that certain 14.00 foot Alley in said Block
 242 54, lying adjacent to above referenced Lots.

243
 244 AND ALSO TOGETHER WITH:

245
 246 Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
 247 18, 19 and Lot 20, less the North 25.00 feet thereof,
 248 Block 53, TOWN OF FORT LAUDERDALE, according to the
 249 plat thereof, as recorded in Plat Book "B", Page 40,
 250 of the public records of Dade County, Florida; AND the
 251 West one-half of (W1/2) of S.W. 1st Avenue, lying East
 252 of and adjacent to said Lots 13, 14, 15, 16, 17, 18,
 253 19 and Lot 20, less the North 25.00 feet thereof; AND
 254 all of S.W. Flagler Avenue lying West of and adjacent
 255 to said Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12; AND the
 256 East one-half (E1/2) of the Florida East Coast
 257 Railroad Right-of-Way, lying West of said S.W. Flagler

258 Avenue and South of the Westerly extension of the
 259 North line of said Lot 4 and North of the Westerly
 260 extension of the Northerly right of way line of S.W.
 261 7th Street.

262
 263 Said lands situate, lying and being in the City of
 264 Fort Lauderdale, Broward County, Florida, and
 265 containing 24.8679 Acres more or less.

266
 267 6.(a) All lands ~~not being used a residence~~ lying
 268 south of New River, east of the Florida East Coast
 269 Railroad, north of Southeast Sixth Street and
 270 Southwest Sixth Street, and west of Southeast Sixth
 271 Avenue.

272
 273 (b) All lands ~~not being used a residence~~ lying south
 274 of Southeast and Southwest Sixth Streets, east of the
 275 Florida East Coast Railroad, and west of Southeast
 276 Sixth Avenue, which are situated within one hundred
 277 fifty feet (150') of and are in contiguous
 278 proprietorship with Southeast or Southwest Sixth
 279 Street, upon approval of the majority of those voting
 280 in a referendum in which those participating are
 281 limited to the electors of the downtown (including
 282 also the lands added to the downtown by this act) who
 283 at the time of the referendum are owners of freeholds

284 in the downtown (as hereby expanded), not wholly
 285 exempt from taxation, and who are then duly registered
 286 for a Downtown Development Authority referendum,
 287 according to law. For the purposes of such referendum,
 288 the electors who register only as owners of freeholds
 289 which are situated within the lands authorized to be
 290 added to the downtown by this act may be separately
 291 registered and their votes cast in separate ballot
 292 boxes or voting machines (as the case may be) and
 293 separately tabulated, in case on or more other
 294 questions are being voted upon at such referendum, and
 295 such separate registrants shall thus be permitted to
 296 vote upon such other question or questions. If this
 297 law is approved at such referendum, such separately
 298 registered electors shall be incorporated into the
 299 permanent registration of electors of the Downtown
 300 Development Authority and their votes then counted on
 301 any other question or questions voted upon at such
 302 referendum.

303
 304 7. All of lots 14, 15, 16, 17, 18, 19, 20, 21, 22,
 305 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,
 306 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48, and
 307 portions of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
 308 12, 13, 36 and 37, Block 19, BRYAN SUBDIVISION of
 309 Blocks 5, 8 and 19, of the Town of Fort Lauderdale, as

310 recorded in Plat Book 1, Page 18, of the public
 311 records of Dade County, Florida, together with
 312 portions of those certain 10 foot alleys, lying within
 313 said Block 19,

314
 315 TOGETHER WITH all of Lots 2, 3, 4, 5, 6, 7, 8, 9, and
 316 10, AND A PORTION OF Lot 1, Block 18, TOWN OF FORT
 317 LAUDERDALE, as recorded in Plat Book 8, Page 40, of
 318 the public records of Dade County, Florida, together
 319 with that portion of a 14-foot alley lying within said
 320 Block 18,

321
 322 ALSO TOGETHER WITH all of Lots 1 and 2, T.M. BRYAN
 323 SUBDIVISION of Lots 11 and 12, Block 18, Town of Fort
 324 Lauderdale, as recorded in Plat Book 3, Page 12, of
 325 the public records of Dade County, Florida,

326
 327 ALSO TOGETHER WITH all of Lots 6, 7, 8 and 9, and
 328 portions of Lots 1, 2, 3, 4 and 5, Block 1, all of
 329 Lots 6, 7, 8, 9, 10 and 11 and portions of Lots 1, 2,
 330 3, 4 and 5, Block 2 KELLY'S RESUBDIVISION, as recorded
 331 in Plat Book 16, Page 50, of the public records of
 332 Broward County, Florida,

333
 334 ALSO TOGETHER WITH all of Lots 1, 2, 3, 4, 5, 6, 7, 8,
 335 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,

336 | 23, 24, A, B and C, HULDA S. HOLMES SUBDIVISION of
 337 | Block 23, Fort Lauderdale, as recorded in Plat Book 7,
 338 | Page 26, of the public records of Broward County,
 339 | Florida,

341 | ALSO TOGETHER WITH Lots 1, 2, 3, and 4, and a portion
 342 | of Lot 5, Block 24, TOWN OF FORT LAUDERDALE, as
 343 | recorded in Plat Book 8, Page 40, of the public
 344 | records of Dade County, Florida,

346 | ALSO TOGETHER WITH all of Lots 1, 2, 3, and 4, F.H.
 347 | BENTON'S SUBDIVISION in Block 24, Town of Fort
 348 | Lauderdale, as recorded in Plat Book 3, Page 30, of
 349 | the public records of Broward County, Florida,
 350 | together with all that portion of a 10 foot driveway
 351 | and cul-de-sac of said F. H. BENTON'S SUBDIVISION,

353 | ALSO TOGETHER WITH all of Lots 1 and 2, Canal 2 and
 354 | Canal 3 and portions of Lots 6, 7, 8, 9, 10, 11 and 13
 355 | and Canal No. 1, L.H. BRYAN'S SUBDIVISION of Block 32,
 356 | of Fort Lauderdale, Florida, as recorded in Plat Book
 357 | 3, Page 78, of the public records of Dade County,
 358 | Florida,

360 | AND ALSO TOGETHER WITH portions of S.W. Fifth Avenue,
 361 | S.W. Sixth Avenue, S.W. Second Street, S.W. Second

362 Court, Las Olas Boulevard, N.W. River Drive and North
 363 River Street, lying within or adjacent to the above
 364 said Blocks and being all more fully described as
 365 follows:

366
 367 Commencing at the Northwest corner of Lot 24 of said
 368 Block 18, TOWN OF FORT LAUDERDALE, thence South 0° 07'
 369 30" East, along the East line of said alley within
 370 Block 18, a distance of 15.00 feet to the Point of
 371 Beginning; thence continuing South 0° 07' 24" East,
 372 along the East line of said alley a distance of 585.04
 373 feet; thence South 89° 59' 02" East, a distance of
 374 40.97 feet, thence South 0° 07' 24" East, along the
 375 Northerly extension of the East line of the said F.H.
 376 BENTON'S SUBDIVISION, and along the said East line, a
 377 distance of 316.49 feet to a point on the existing
 378 bulkhead forming the Northerly limits of New River;
 379 thence Westerly and Southerly along the said existing
 380 bulkhead and extensions thereof, the following 11
 381 courses and distances: thence North 87° 04' 09" West,
 382 a distance of 37.36 feet; thence South 86° 43' 52"
 383 West, a distance of 13.74 feet, thence South 77° 14'
 384 35" West, a distance of 50.12 feet, thence South 73°
 385 43' 38" West, a distance of 43.15 feet; thence South
 386 54° 27' 01" West a distance of 67.25 feet; thence
 387 South 45° 58' 48" East, a distance of 7.62 feet;

388 | thence South 35° 35' 21" West, a distance of 175.30
 389 | feet; thence South 7° 34' 31' West, a distance of
 390 | 51.26 feet; thence South 2° 01' 02" West, a distance
 391 | of 25.35 feet, thence South 7° 22' 59" West, a
 392 | distance of 205.31 feet, thence South 29° 18' 46"
 393 | West, a distance of 92.94 feet to the Point of
 394 | Termination of the said 11 courses and distances;
 395 | thence North 89° 59' 37" West, along the Easterly
 396 | extension of the South line of Canal No. 3 of L.H.
 397 | BRYAN'S SUBDIVISION and along the said South line and
 398 | extensions thereof, a distance of 211.49 feet to a
 399 | point on the Easterly right-of-way line of S.W.
 400 | Seventh Avenue and a point on a curve; thence
 401 | Northwesterly along the said Easterly right-of-way
 402 | line and along a curve to the right, whose tangent
 403 | bears North 54° 00' 36" West, with a radius of 630.35
 404 | feet and a central angle of 18° 52' 41", an arc
 405 | distance of 207.69 feet to a point of compound curve;
 406 | thence Northwesterly along the said Easterly right-of-
 407 | way line and along a curve to the right, with a radius
 408 | of 513.96 feet and a central angle of 35° 00' 00", an
 409 | arc distance of 313.96 feet to a point of tangency;
 410 | thence North 0° 07' 55" West, along the said Easterly
 411 | right-of-way line and along the line 20.00 feet East
 412 | of and parallel with the West line of said Block 1 and
 413 | 2 of said KELLY'S SUBDIVISION and along the line of

414 20.00 feet East of and parallel with the West line of
 415 said Block 19, BRYAN SUBDIVISION of Blocks 5, 8 and
 416 19, a distance of 1008.08 feet to a point of curve;
 417 thence Northeasterly along a curve to the right, with
 418 a radius of 25.00 feet and a central angle of 90° 07'
 419 55", an arc distance of 39.33 feet to a point of
 420 tangency; thence due East, along the South right-of-
 421 way line of Broward Boulevard and along the line 15.00
 422 feet South of and parallel with the North line of said
 423 Block 19, BRYAN SUBDIVISION of Blocks 5, 8 and 19 and
 424 said Block 18, TOWN OF FORT LAUDERDALE, a distance of
 425 898 .88 feet to the Point of Beginning.

426
 427 All of the above said land situate, lying and being in
 428 the City of Fort Lauderdale, Broward County, Florida,
 429 and containing 22.8328 acres more or less.

430
 431 Section 3. Sections 11, 12, 13, and 15 of section 3 of
 432 chapter 2005-346, Laws of Florida, are amended to read:

433 Section 11. The director shall prepare and submit for the
 434 approval of the board a budget for the operation of the
 435 authority for the next fiscal year. Within 30 days ~~The budget~~
 436 ~~shall conform to the fiscal year of the city and shall contain~~
 437 ~~the information required of all city departments.~~ after approval
 438 by the board, a copy of the budget shall be delivered to the
 439 city ~~by the director with a statement of the millage required~~

440 ~~therefor as determined by the board, which millage shall be~~
 441 ~~levied by the city commission not to exceed the limits fixed by~~
 442 ~~law.~~ The operations of the authority shall be financed from any
 443 lawful source, including the following sources:

444 (1) Moneys borrowed and to be repaid from other funds
 445 received under the authority of this act.

446 (2) Donations and contributions to the authority for the
 447 performance of its functions from any source, public or private.

448 (3) Revenues from the rental, operation, or sale of
 449 assets, facilities, and projects of the authority.

450 (4) Proceeds of special assessments and an ad valorem tax
 451 of property in the downtown area.

452 Section 12. The authority ~~city commission~~ is authorized to
 453 levy an ad valorem tax on all downtown real and personal
 454 property not exceeding 1 mill on the dollar valuation (as such
 455 valuations are assessed for the general ad valorem roll of the
 456 city) of such property for the purpose of financing the
 457 operation of the authority provided that no tax under this law
 458 shall be levied upon property which is exempt from taxation by
 459 general or constitutional law. The ~~city~~ tax collector shall
 460 transmit funds so collected to the appropriate officer of the
 461 authority ~~city~~ responsible for the handling of the public money
 462 who shall deposit same in a bank account ~~the city treasury to~~
 463 ~~the credit~~ of the authority. Such money shall be used for no
 464 purpose other than those purposes authorized herein and only
 465 upon approval of the board, pursuant to vouchers signed by the

466 | director and the treasurer of the authority. The funds of the
 467 | authority shall be secured as other public funds are secured.
 468 | Other moneys received by the authority shall forthwith be
 469 | deposited in the bank account ~~city treasury to the credit~~ of the
 470 | authority, subject to disbursement as herein authorized.

471 | Section 13. The authority shall comply with the Truth in
 472 | Millage rules and s. 200.065, Florida Statutes, when adopting
 473 | its budget and assessing the ad valorem tax authorized by this
 474 | act ~~city commission shall have the power to assess against the~~
 475 | ~~funds of the authority, for the use and benefit of the general~~
 476 | ~~fund of the city, a reasonable pro rata share of such funds for~~
 477 | ~~the cost of handling and auditing, which assessment when made~~
 478 | ~~shall be paid annually by the board pursuant to an appropriate~~
 479 | ~~item in the budget.~~

480 | Section 15. On December 31, 2050 ~~2030~~, this law shall
 481 | expire and all assets of the authority shall on or before that
 482 | date be transferred by the authority to the city. Any assets
 483 | remaining in the hands of the authority on December 31, 2050
 484 | ~~2030~~, shall automatically devolve upon and become the property
 485 | of the city. In the event there shall be any indebtedness
 486 | outstanding against the authority, the city may continue to levy
 487 | whatever portion shall be necessary of the tax authorized by
 488 | this law to retire such indebtedness.

489 | Section 4. This act shall take effect only upon its
 490 | approval by a majority vote of those qualified electors residing
 491 | within the corporate limits of the Downtown Development

492 Authority of the City of Fort Lauderdale, as described in
493 section 2, voting in a referendum to be held in conjunction with
494 the next general, special, or other election to be held in
495 Broward County, except that this section shall take effect upon
496 becoming a law.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee
 3 Representative DuBose offered the following:

Amendment (with title amendment)

Remove lines 480-488

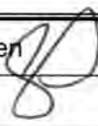
T I T L E A M E N D M E N T

Remove lines 7-8 and insert:

for final adoption of budget and millage; requiring a

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 971 Community Development Districts
SPONSOR(S): Sullivan
TIED BILLS: IDEN./SIM. **BILLS:** SB 1156

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

SUMMARY ANALYSIS

Community development districts (CDD) are a type of special-purpose local government intended to provide basic urban community services in a cost-effective manner. The operation of CDDs is governed by Chapter 190, F.S., the "Uniform Community Development District Act of 1980." Depending on their size, CDDs are created by a county or municipal ordinance or the adoption of a rule by the Florida Land and Water Adjudicatory Commission (FLWAC). There are currently 605 active CDDs in Florida.

The bill would increase the size of CDDs that may be created by a county or municipal ordinance from 1,000 acres or less to 2,500 acres or less. The bill makes corresponding changes to the threshold for creating a CDD by FLWAC rule and the process for determining district expansion. The bill clarifies CDDs may contract with towing operators to provide services to facilities and property owned by the district. The bill also creates a merger procedure for multiple districts created by ordinances of the same county or municipality.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 190, F.S., the "Uniform Community Development District Act of 1980,"¹ sets forth the exclusive and uniform procedures for establishing and operating a community development district (CDD).² This type of independent special district³ is an alternative method to manage and finance basic services for community development.⁴ There are currently 605 active CDDs in Florida.⁵

A CDD must act within the constraints of applicable comprehensive plans, ordinances, and regulations of the local general purpose government.⁶ CDDs have certain general powers, including the authority to assess and impose ad valorem taxes upon lands in the CDD, sue and be sued, participate in the state retirement system, contract for services, borrow money, accept gifts, adopt rules and orders pursuant to the APA, maintain an office, lease, issue bonds, raise money by user charges or fees, and levy and enforce special assessments.⁷

The statute also authorizes additional special powers pertaining to public improvements and facilities, such as systems for water management, water supply, sewer, and wastewater management, as well as roads, bridges, culverts, street lights, buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, signage, environmental contamination, conservation areas, mitigation areas, and wildlife habitat.⁸ With the consent of the applicable local general-purpose government with jurisdiction over the affected area, a CDD may plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for improvements such as parks and recreational areas, fire prevention and control, school buildings and related structures; security; control and elimination of mosquitoes and other arthropods of public health importance; waste collection and disposal.⁹

Establishing a CDD

Petition for Rulemaking by the Florida Land and Water Adjudicatory Commission

The method for establishing a CDD depends upon its size. CDDs of 1,000 acres or more are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)¹⁰ to adopt an

¹ Section 190.001, F.S.

² Sections 190.004 & 190.005, F.S.

³ A "special district" is "a unit of local government created for a special purpose... within a limited geographic boundary ... created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." Section 189.012(6), F.S. An "independent special district" is characterized by having a governing body the members of which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality. Section 189.012(3), F.S. Any special district including more than one county is an independent special district, unless the district lies wholly within a single municipality. Section 189.012(3), F.S.

⁴ Section 190.003(6), F.S.

⁵ Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Jan. 13, 2016).

⁶ Section 190.004(3), F.S.

⁷ Section 190.011, F.S.

⁸ Section 190.012(1), F.S. The rule or ordinance establishing the CDD may restrict the special powers authorized in this subsection.

Section 190.005(1)(f), (2)(d), F.S.

⁹ Section 190.012(2), F.S.

¹⁰ Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet. This distinction affects the requirements for an affirmative vote by the FLWAC. Unless

administrative rule creating the district.¹¹ The statute requires each petition to contain specific information, including the written consent to establishing the CDD by all landowners¹² of real property to be included in the district.¹³ Prior to filing, the petitioner must submit copies of the petition and pay separate filing fees of \$15,000 each to the county or municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.¹⁴ The counties and municipalities required to receive copies of the petition may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.¹⁵ Additionally, a public hearing on the petition must be held in the county where the CDD will be located; these hearings are conducted under the requirements of the Administrative Procedure Act¹⁶ before an administrative law judge.¹⁷ Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final consideration with the petition.¹⁸ If the petition is approved, staff of the FLWAC initiates proceedings to adopt the rule creating the CDD.

APA Rulemaking Requirements

A rule creating a CDD may not expand, modify, or delete any of the statutory requirements for a CDD charter, except for inclusion or exclusion of special powers as provided in s. 190.012, F.S.¹⁹ Rulemaking begins with publication of a notice of rule development.²⁰ Once the final form of the rule is developed, the agency must publish a notice of the proposed rule before it may be adopted.²¹ The publication of this notice triggers certain deadlines for the rulemaking process.²² The notice must include the full text of the proposed rule, other additional information, and the procedure to request a hearing on the proposed rule.²³ Once the statutory rulemaking requirements are met, the FLWAC may file the rule with the Department of State for final adoption and the rule typically goes into effect 20 days from this filing unless the notice of proposed rule provides a later date.²⁴

otherwise provided in law, the statutory voting requirements for the Administration Commission apply and affirmation by the FLWAC requires approval by the Governor and at least 2 Cabinet members.

¹¹ Section 190.005(1), F.S.

¹² "Landowner" means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years." Section 190.003(14), F.S.

¹³ Section 190.005(1)(a), F.S.

¹⁴ Section 190.005(1)(b), F.S.

¹⁵ Section 190.005(1)(c), F.S.

¹⁶ Ch. 120, F.S. The general hearing requirements are stated in ss. 120.569 and 120.57(1), F.S.

¹⁷ Section 190.005(1)(d), F.S.; Rules 42-1.009 & 42-1.012, F.A.C. Chapter 42-1, F.A.C., the procedural rules of the FLWAC, remains substantially unchanged since its adoption in 1982.

¹⁸ Section 190.005(1)(e), F.S. A similar process is followed when the FLWAC considers a proposed merger of existing CDDs. See FLWAC Agenda Item 1 and attachments (Aug. 8, 2011), at <http://www.myflorida.com/myflorida/cabinet/agenda11/0816/index.html> (last visited Jan. 13, 2016).

¹⁹ Section 190.005(1)(f), F.S. The statute permits the rule to contain only the metes and bounds description of the real property included in the CDD, the names of the 5 members of the initial board of supervisors for the CDD, and the name of the CDD.

²⁰ Section 120.54(2), F.S.

²¹ Section 120.54(3)(a)1., F.S.

²² Persons affected by the proposed rule have 21 days from the date of publication to request a hearing on the proposed rule. Section 120.54(3)(c), F.S. Those wanting to submit a lower cost regulatory alternative to the proposed rule have the same 21 day time limit. Sections 120.54(3)(a)1., 120.54(1)(a), F.S. The agency must wait at least 28 days from the date of publication before filing the proposed rule for final adoption. Section 120.54(3)(a)2., (3)(e)1., F.S.

²³ Section 120.54(3)(a)1., F.S.

²⁴ Section 120.54(3)(e)6., F.S. If the rule itself increases regulatory costs in excess of \$1 million over the first 5 years from implementation the rule cannot go into effect until ratified by the Legislature. Section 120.54(3), F.S.

Petition for Ordinance Creating a CDD

CDDs of less than 1,000 acres are established by ordinance of the county having jurisdiction over the majority of land in the area in which the CDD is to be located, with certain exceptions.²⁵ A petition to establish a CDD is filed with the county commission.²⁶ After conducting a local public hearing before an administrative law judge,²⁷ the commission may adopt an ordinance creating the CDD.²⁸ If any of the land proposed for inclusion in the CDD lies within the area of a municipality the county cannot create the district without approval of the affected municipality.²⁹

If all the land proposed for inclusion in the CDD lies within the territorial jurisdiction of a municipality, the petition is filed with that municipality which then exercises the duties otherwise performed by the county commission.³⁰ In this case, the CDD would be created by municipal ordinance. Within 90 days of receiving the petition, the county commission (or municipality, as applicable) may transfer the petition to the FLWAC.³¹ Finally, if all the land of the proposed CDD lies within the territorial jurisdiction of two or more municipalities, the petition must be filed with the FLWAC even if the total area is less than 1,000 acres.³²

Requirements for Notice, Meeting, and Vote of Landowners in a CDD

The powers of a CDD are exercised by the board of supervisors elected by the landowners of the district.³³ The board must have five members serving two or four year terms.³⁴ The initial members of the board are designated in the original petition to create the CDD and serve until new members are elected after the district is established.³⁵ A meeting of landowners for the purpose of electing the board must be held within 90 days of the effective date of the rule or ordinance creating the district.³⁶ Each landowner is entitled to one vote for each acre he or she owns.³⁷ The top two candidates are elected to four year terms, while the next three candidates are elected to two year terms.³⁸ A new board election, held among the qualified electors of the district, occurs when either the board proposes to exercise its ad valorem taxing authority or six years after the formation of the district (ten years for districts exceeding 5,000 acres).³⁹ Once the statutory requirements are met for election of one or more board member by all qualified electors in the district, such elections are non-partisan general elections conducted by the supervisor of elections.⁴⁰

Special Powers of a CDD

In addition to the general powers granted to a CDD in s. 190.011, F.S., a CDD may exercise additional powers subject to the consent of other regulatory and permitting bodies encompassing the territory of

²⁵ Section 190.005(2), F.S.

²⁶ Section 190.005(2)(a), F.S. The petition must contain the same information as required for submission to the FLWAC.

²⁷ Section 190.005(2)(b), F.S. The hearing must follow the same notice and procedural requirements as the local hearing for petitions before the FLWAC.

²⁸ See s. 190.005(2)(d), F.S.

²⁹ Section 190.005(2)(e), F.S.

³⁰ Section 190.005(2)(e), F.S.

³¹ Section 190.005(2)(f), F.S.

³² Section 190.005(2)(e), F.S.

³³ Section 190.006(1), F.S.

³⁴ *Id.*

³⁵ Sections 190.005(1)(a)3., 190.005(2)(a), F.S.

³⁶ Section 190.006(2)(a), F.S.

³⁷ Section 190.006(2)(b), F.S.

³⁸ *Id.*

³⁹ Sections 190.006(3)(a)1.-2., F.S. .). For CDDs with less than certain minimum numbers of qualified electors after 6 or 10 years, as applicable, the district landowners shall continue to elect the board members (s. 190.006(3)(a)2.a., F.S.) until the number of qualified electors in the district exceeds the statutory minimum (s. 190.006(3)(a)2.b., F.S.).

⁴⁰ Section 190.006(3)(b), F.S. The statute does not specify which supervisor of elections conducts the board election if the district encompasses property in more than one county.

the district.⁴¹ With the consent of the local general-purpose government, a CDD may operate and maintain facilities for:

- Indoor and outdoor recreational, cultural, and educational uses;⁴²
- Fire prevention and control;⁴³
- School buildings and related structures;⁴⁴
- Security systems, except that the district may not exercise any police power.⁴⁵

Financial Reporting by a CDD

CDDs are subject to the financial reporting requirements of Chapters, 189, 190, and 218, F.S.⁴⁶ The district manager is responsible for drafting a proposed budget on or before June 15 of each year.⁴⁷ The board of the CDD considers the proposed budget, makes amendments (as necessary), and adopts the budget by resolution.⁴⁸ After the board adopts the budget, a public hearing on the budget is held and the board may make further changes as it deems necessary.⁴⁹ At least sixty days prior to adoption, district is required to submit its budget to the local government entities having jurisdiction over the area.⁵⁰ This submission is for the purposes of disclosure and information only, but the local government entities may submit written comments to the CDD board.⁵¹ CDDs are also required to take affirmative steps to provide full disclosure of information related to public financing and maintenance of improvements constructed by the district.⁵² The district must furnish any developer of residential property in the district with sufficient copies of this information to be able to provide a copy to each prospective initial purchaser of property.⁵³ Districts must file disclosures of this information in the property records of each county in which the district is located.⁵⁴ DEO is required to keep a current list of districts and their disclosures of public financing.⁵⁵

CDDs, like other special districts, also must comply with the annual financial reporting and financial audit reporting requirements of Chapter 218, F.S.⁵⁶ A CDD with revenues or total expenditures or expenses in excess of \$100,000 is required to have an annual audit conducted by an independent certified public accountant.⁵⁷ 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.⁵⁸ The auditor must present these findings to the chair of the district's governing board and submit a copy of the report to the Auditor General.⁵⁹ The audit report is a

⁴¹ Section 190.012, F.S.

⁴² Section 190.012(2)(a), F.S.

⁴³ Section 190.012(2)(b), F.S.

⁴⁴ Section 190.012(2)(c), F.S.

⁴⁵ Section 190.012(2)(d), F.S.

⁴⁶ Sections 189.013, 190.008(1), F.S.

⁴⁷ Section 190.008(2)(a), F.S.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 190.008(2)(b), F.S.

⁵¹ Section 190.008(2)(b)-(c), F.S.

⁵² Section 190.009(1), F.S.

⁵³ *Id.*

⁵⁴ Section 190.009(1), F.S.

⁵⁵ Section 190.009(2), F.S.

⁵⁶ Section 189.016(9), F.S., s. 190.008(1), F.S.

⁵⁷ 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.

⁵⁸ 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.

⁵⁹ Sections 218.39(5), (7), F.S.

public record once the report is submitted by the auditor to the district.⁶⁰ All CDDs are required to file an annual financial report with the Department of Financial Services.⁶¹

Expansion or Contraction of a CDD

A landowner or the board of a CDD may petition for the boundaries of the district to be expanded or contracted.⁶² This petition must contain the same information as is required to form a district and follows the same hearing process.⁶³ For districts established by FLWAC rule, the petitioner must pay a \$1,500 filing fee to each county or municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district, and the required public meeting is conducted by the board of the CDD instead of a hearing officer.⁶⁴

The amount of land that can be added to a CDD is restricted. If a district was initially established by FLWAC rule, the cumulative additions to the district may not be greater than the lesser of ten percent of the land area of the district or 250 acres.⁶⁵ If a district was initially established by county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the district or 500 acres.⁶⁶

Dissolution of a CDD

A CDD remains in existence unless the district is merged with another district, all community development services associated with the district have been transferred to a county or municipal government, or the district is dissolved as provided in statute.⁶⁷ Ch. 190 provides three ways a district may be dissolved:

- Automatic dissolution: If a landowner does not receive a development permit for some part of the area covered by the CDD within five years of the effective date of the rule or ordinance establishing the district, the CDD is automatically dissolved.⁶⁸
- Action by local government: If a CDD is declared inactive by DEO pursuant to s. 189.062, F.S., the county or municipal government that created the district must be informed and is required to take "appropriate action."⁶⁹
- Petition for dissolution: A district with no outstanding financial obligations and no operating or maintenance responsibilities may petition the authority that created the district to dissolve the district by appropriate action.⁷⁰ If the district was created by a county or municipal government, the CDD may be dissolved by a non-emergency ordinance.⁷¹ If the district was created by FLWAC rule, the CDD may petition the commission to repeal the rule.

⁶⁰ See s. 119.0713(3), F.S.

⁶¹ Section 218.32(1)(a), F.S.

⁶² Section 190.046(1), F.S.

⁶³ Sections 190.046(1)(a)-(d), F.S.

⁶⁴ Section 190.046(1)(d)1-4., F.S.

⁶⁵ Section 190.046(1)(e)1., F.S.

⁶⁶ Section 190.046(1)(e)1., F.S.

⁶⁷ Section 190.046(2), F.S.

⁶⁸ Section 190.046(7), F.S. This subsection also requires a "judge of the circuit shall cause a statement (of dissolution) to be filed in the public records." No guidance is provided as to whether a party must ask the court for the statement, who is authorized to ask, or the procedure to bring the matter before the court.

⁶⁹ Section 190.046(8), F.S.

⁷⁰ Section 190.046(9), F.S.

⁷¹ *Id.*

A CDD may merge with another CDD upon filing a petition for merger.⁷² The petition must meet the requirements and will be evaluated by the criteria for establishing a new district.⁷³ The district created as a result of the merger may be a new district, or one of the districts may be noted as the surviving district.⁷⁴ The newly merged district assumes all assets and liabilities of the previous districts.⁷⁵ Before filing the petition, the merging districts must enter into a merger agreement to properly allocate indebtedness.⁷⁶ The approval of the merger agreement and the petition by the boards of each district is considered to constitute consent of the landowners of the district.⁷⁷

Effect of Proposed Changes

The bill modifies the establishment of CDDs in several ways. First, the bill increases the size of CDDs that can be created by county or municipal ordinance from less than 1,000 acres to less than 2,500 acres. The bill makes the corresponding changes to the threshold required for needing FLWAC approval for creation of a CDD. The bill also reduces the period notice of the public hearing conducted by a hearing officer on the petition to the FLWAC from four weeks immediately prior to the hearing to two weeks.

The bill requires any CDD in the territorial jurisdiction of two or more counties to be established by FLWAC rule, mirroring the requirement for FLWAC approval of any CDD in two or more municipalities in current law.

The bill clarifies that the prohibition on a CDD exercising police power does not prevent a district from contracting with a towing operator to remove a vehicle or vessel from facilities or property owned by the district. The district may only exercise its power to tow if the district follows the statutory authorization, notice, and procedural requirements⁷⁸ for an owner or lessee of private property. The district is not required to solicit bids when selecting a towing operator if the operator is included in an approved list of operators maintained by the local government that has jurisdiction over the district's facilities or property.

The bill raises the maximum threshold by which a district can expand. If a district was established initially by FLWAC rule, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the district or 1,000 acres. If a district was established initially by county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the district or 1,000 acres.

The bill also contains a streamlined merger procedure for CDDs created by the same county or municipality. Up to five districts, created by the same local general-purpose government and whose boards are composed entirely of qualified electors, may merge into one district by adoption of an ordinance by the local general-purpose government that created them. CDDs would be able to utilize this provision even if the merged district would have been required to have been created by the FLWAC if it were a new district. The filing of a petition approved by the board of each CDD applying constitutes consent of the landowners within each district.

The CDDs planning to merge must meet the requirements of s. 190.046(3), F.S. and must enter into a merger agreement specifying that:

- The merged district's board will consist of five members,

⁷² Section 190.046(3), F.S.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Section 715.07, F.S.

- Each at-large member of the merged district's board represents the entire district,
- Each former district is entitled to elect at least one board member from its former boundary,
- The member of the merger district's interim board will consist of:
 - If two CDDs merge, two members from each district and one at-large member
 - If three CDDs merge, one member from each district and two at-large members
 - If four CDDs merge, one member from each district and one at-large member
 - If five CDDs merge, one member from each district
- All pre-existing board members terms will end at the next general election and a new board representing the entire district will be elected

Before filing the merger petition, each district must hold a public hearing to take comment on the proposed merger, the merger agreement, and the assignment of board seats. The hearing must be noticed at least 14 days beforehand. If any district withdraws after the public hearing, the remaining districts considering merger must hold a public hearing on a revised merger agreement between the remaining parties. The petition may not be filed for at least 30 days after the last public hearing.

B. SECTION DIRECTORY:

- Section 1: Amends s. 190.005, F.S., increasing the maximum acreage for community development districts established by an ordinance of the county commission having jurisdiction.
- Section 2: Amends s. 190.012, F.S., to authorize community development districts to contract with a towing operator to remove a vehicle or vessel from district property.
- Section 3: Amends s. 190.046, F.S., increasing the permissible expansion of districts by petition and enabling districts created by county or municipal ordinance to merge, subject to certain conditions.
- Section 4: 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:
The bill may have an indeterminate positive impact on local government revenues to the extent the bill makes CDDs easier to create.
- 2. Expenditures:
The bill may have an indeterminate positive impact on CDD expenditures to the extent CDDs created by local ordinance may merge more readily and reduce administrative and reporting costs.

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 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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to community development districts;
 3 amending s. 190.005, F.S.; amending the acreage
 4 threshold for the establishment, by rule or ordinance,
 5 of a community development district; revising the
 6 notice requirements for holding a local public hearing
 7 on a petition to form a district; revising criteria
 8 for requiring a petition for a proposed district to be
 9 filed with the Florida Land and Water Adjudicatory
 10 Commission; amending s. 190.012, F.S.; authorizing a
 11 district to contract with a towing operator to remove
 12 vehicles or vessels from specified facilities or
 13 properties, subject to certain requirements; amending
 14 s. 190.046, F.S.; revising the criteria necessary for
 15 amending the boundaries of a district; authorizing up
 16 to a certain number of districts to merge into one
 17 surviving district, subject to certain requirements;
 18 providing for membership of the surviving merged
 19 district board; providing requirements of the merger
 20 agreement; providing for public hearings subject to
 21 certain requirements; prohibiting a petition to merge
 22 from being filed within a specified timeframe;
 23 conforming cross-references; providing an effective
 24 date.

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

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Section 1. Subsections (1) and (2) of section 190.005, Florida Statutes, are amended to read:

190.005 Establishment of district.-

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 ~~1,000~~ acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or

53 option of 100 percent of the real property to be included in the
 54 district, and when real property to be included in the district
 55 is owned by a governmental entity and subject to a ground lease
 56 as described in s. 190.003(14), the written consent by such
 57 governmental entity.

58 3. A designation of five persons to be the initial members
 59 of the board of supervisors, who shall serve in that office
 60 until replaced by elected members as provided in s. 190.006.

61 4. The proposed name of the district.

62 5. A map of the proposed district showing current major
 63 trunk water mains and sewer interceptors and outfalls if in
 64 existence.

65 6. Based upon available data, the proposed timetable for
 66 construction of the district services and the estimated cost of
 67 constructing the proposed services. These estimates shall be
 68 submitted in good faith but are not binding and may be subject
 69 to change.

70 7. A designation of the future general distribution,
 71 location, and extent of public and private uses of land proposed
 72 for the area within the district by the future land use plan
 73 element of the effective local government comprehensive plan of
 74 which all mandatory elements have been adopted by the applicable
 75 general-purpose local government in compliance with the
 76 Community Planning Act.

77 8. A statement of estimated regulatory costs in accordance
 78 with the requirements of s. 120.541.

79 (b) Prior to filing the petition, the petitioner shall:
 80 1. Pay a filing fee of \$15,000 to the county, if located
 81 within an unincorporated area, or to the municipality, if
 82 located within an incorporated area, and to each municipality
 83 the boundaries of which are contiguous with, or contain all or a
 84 portion of the land within, the external boundaries of the
 85 district.

86 2. Submit a copy of the petition to the county, if located
 87 within an unincorporated area, or to the municipality, if
 88 located within an incorporated area, and to each municipality
 89 the boundaries of which are contiguous with, or contain all or a
 90 portion of, the land within the external boundaries of the
 91 district.

92 3. If land to be included within a district is located
 93 partially within the unincorporated area of one or more counties
 94 and partially within a municipality or within two or more
 95 municipalities, pay a \$15,000 filing fee to each entity.
 96 Districts established across county boundaries shall be required
 97 to maintain records, hold meetings and hearings, and publish
 98 notices only in the county where the majority of the acreage
 99 within the district lies.

100 (c) Such county and each such municipality required by law
 101 to receive a petition may conduct a public hearing to consider
 102 the relationship of the petition to the factors specified in
 103 paragraph (e). The public hearing shall be concluded within 45
 104 days after the date the petition is filed unless an extension of

105 | time is requested by the petitioner and granted by the county or
 106 | municipality. The county or municipality holding such public
 107 | hearing may by resolution express its support of, or objection
 108 | to the granting of, the petition by the Florida Land and Water
 109 | Adjudicatory Commission. A resolution must base any objection to
 110 | the granting of the petition upon the factors specified in
 111 | paragraph (e). Such county or municipality may present its
 112 | resolution of support or objection at the Florida Land and Water
 113 | Adjudicatory Commission hearing and shall be afforded an
 114 | opportunity to present relevant information in support of its
 115 | resolution.

116 | (d) A local public hearing on the petition shall be
 117 | conducted by a hearing officer in conformance with the
 118 | applicable requirements and procedures of the Administrative
 119 | Procedure Act. The hearing shall include oral and written
 120 | comments on the petition pertinent to the factors specified in
 121 | paragraph (e). The hearing shall be held at an accessible
 122 | location in the county in which the community development
 123 | district is to be located. The petitioner shall cause a notice
 124 | of the hearing to be published in a newspaper at least once a
 125 | week for the 2 ~~4~~ successive weeks immediately prior to the
 126 | hearing. Such notice shall give the time and place for the
 127 | hearing, a description of the area to be included in the
 128 | district, which description shall include a map showing clearly
 129 | the area to be covered by the district, and any other relevant
 130 | information which the establishing governing bodies may require.

131 The advertisement shall not be placed in that portion of the
 132 newspaper where legal notices and classified advertisements
 133 appear. The advertisement shall be published in a newspaper of
 134 general paid circulation in the county and of general interest
 135 and readership in the community, not one of limited subject
 136 matter, pursuant to chapter 50. Whenever possible, the
 137 advertisement shall appear in a newspaper that is published at
 138 least 5 days a week, unless the only newspaper in the community
 139 is published fewer than 5 days a week. In addition to being
 140 published in the newspaper, the map referenced above must be
 141 part of the online advertisement required pursuant to s.
 142 50.0211. All affected units of general-purpose local government
 143 and the general public shall be given an opportunity to appear
 144 at the hearing and present oral or written comments on the
 145 petition.

146 (e) The Florida Land and Water Adjudicatory Commission
 147 shall consider the entire record of the local hearing, the
 148 transcript of the hearing, resolutions adopted by local general-
 149 purpose governments as provided in paragraph (c), and the
 150 following factors and make a determination to grant or deny a
 151 petition for the establishment of a community development
 152 district:

- 153 1. Whether all statements contained within the petition
 154 have been found to be true and correct.
- 155 2. Whether the establishment of the district is
 156 inconsistent with any applicable element or portion of the state

157 comprehensive plan or of the effective local government
 158 comprehensive plan.

159 3. Whether the area of land within the proposed district
 160 is of sufficient size, is sufficiently compact, and is
 161 sufficiently contiguous to be developable as one functional
 162 interrelated community.

163 4. Whether the district is the best alternative available
 164 for delivering community development services and facilities to
 165 the area that will be served by the district.

166 5. Whether the community development services and
 167 facilities of the district will be incompatible with the
 168 capacity and uses of existing local and regional community
 169 development services and facilities.

170 6. Whether the area that will be served by the district is
 171 amenable to separate special-district government.

172 (f) The Florida Land and Water Adjudicatory Commission
 173 shall not adopt any rule which would expand, modify, or delete
 174 any provision of the uniform community development district
 175 charter as set forth in ss. 190.006-190.041, except as provided
 176 in s. 190.012. A rule establishing a community development
 177 district shall only contain the following:

178 1. A metes and bounds description of the external
 179 boundaries of the district and any real property within the
 180 external boundaries of the district which is to be excluded.

181 2. The names of five persons designated to be the initial
 182 members of the board of supervisors.

183 3. The name of the district.

184 (g) The Florida Land and Water Adjudicatory Commission may
 185 adopt rules setting forth its procedures for considering
 186 petitions to establish, expand, modify, or delete uniform
 187 community development districts or portions thereof consistent
 188 with the provisions of this section.

189 (2) The exclusive and uniform method for the establishment
 190 of a community development district of less than 2,500 ~~1,000~~
 191 acres in size or a community development district of up to 7,000
 192 acres in size located within a connected-city corridor
 193 established pursuant to s. 163.3246(14) shall be pursuant to an
 194 ordinance adopted by the county commission of the county having
 195 jurisdiction over the majority of land in the area in which the
 196 district is to be located granting a petition for the
 197 establishment of a community development district as follows:

198 (a) A petition for the establishment of a community
 199 development district shall be filed by the petitioner with the
 200 county commission. The petition shall contain the same
 201 information as required in paragraph (1)(a).

202 (b) A public hearing on the petition shall be conducted by
 203 the county commission in accordance with the requirements and
 204 procedures of paragraph (1)(d).

205 (c) The county commission shall consider the record of the
 206 public hearing and the factors set forth in paragraph (1)(e) in
 207 making its determination to grant or deny a petition for the
 208 establishment of a community development district.

209 (d) The county commission shall not adopt any ordinance
 210 which would expand, modify, or delete any provision of the
 211 uniform community development district charter as set forth in
 212 ss. 190.006-190.041. An ordinance establishing a community
 213 development district shall only include the matters provided for
 214 in paragraph (1)(f) unless the commission consents to any of the
 215 optional powers under s. 190.012(2) at the request of the
 216 petitioner.

217 (e) If all of the land in the area for the proposed
 218 district is within the territorial jurisdiction of a municipal
 219 corporation, then the petition requesting establishment of a
 220 community development district under this act shall be filed by
 221 the petitioner with that particular municipal corporation. In
 222 such event, the duties of the county, hereinabove described, in
 223 action upon the petition shall be the duties of the municipal
 224 corporation. If any of the land area of a proposed district is
 225 within the land area of a municipality, the county commission
 226 may not create the district without municipal approval. If all
 227 of the land in the area for the proposed district, even if less
 228 than 2,500 ~~1,000~~ acres, is within the territorial jurisdiction
 229 of two or more municipalities or two or more counties, except
 230 for proposed districts within a connected-city corridor
 231 established pursuant to s. 163.3246(14), the petition shall be
 232 filed with the Florida Land and Water Adjudicatory Commission
 233 and proceed in accordance with subsection (1).

234 (f) Notwithstanding any other provision of this

235 subsection, within 90 days after a petition for the
 236 establishment of a community development district has been filed
 237 pursuant to this subsection, the governing body of the county or
 238 municipal corporation may transfer the petition to the Florida
 239 Land and Water Adjudicatory Commission, which shall make the
 240 determination to grant or deny the petition as provided in
 241 subsection (1). A county or municipal corporation shall have no
 242 right or power to grant or deny a petition that has been
 243 transferred to the Florida Land and Water Adjudicatory
 244 Commission.

245 Section 2. Paragraph (d) of subsection (2) of section
 246 190.012, Florida Statutes, is amended to read:

247 190.012 Special powers; public improvements and community
 248 facilities.—The district shall have, and the board may exercise,
 249 subject to the regulatory jurisdiction and permitting authority
 250 of all applicable governmental bodies, agencies, and special
 251 districts having authority with respect to any area included
 252 therein, any or all of the following special powers relating to
 253 public improvements and community facilities authorized by this
 254 act:

255 (2) After the local general-purpose government within the
 256 jurisdiction of which a power specified in this subsection is to
 257 be exercised consents to the exercise of such power by the
 258 district, the district shall have the power to plan, establish,
 259 acquire, construct or reconstruct, enlarge or extend, equip,
 260 operate, and maintain additional systems and facilities for:

261 (d) Security, including, but not limited to, guardhouses,
 262 fences and gates, electronic intrusion-detection systems, and
 263 patrol cars, when authorized by proper governmental agencies;
 264 except that the district may not exercise any police power, but
 265 may contract with the appropriate local general-purpose
 266 government agencies for an increased level of such services
 267 within the district boundaries. However, this paragraph does not
 268 prohibit a district from contracting with a towing operator to
 269 remove a vehicle or vessel from a district-owned facility or
 270 property if the district follows the authorization and notice
 271 and procedural requirements in s. 715.07 for an owner or lessee
 272 of private property. The district's selection of a towing
 273 operator is not subject to public bidding if the towing operator
 274 is included in an approved list of towing operators maintained
 275 by the local government that has jurisdiction over the
 276 district's facility or property.

277 Section 3. Paragraph (e) of subsection (1) and subsection
 278 (2) of section 190.046, Florida Statutes, are amended,
 279 subsections (4) through (9) are renumbered as subsections (5)
 280 through (10), respectively, and a new subsection (4) is added to
 281 that section, to read:

282 190.046 Termination, contraction, or expansion of
 283 district.—

284 (1) A landowner or the board may petition to contract or
 285 expand the boundaries of a community development district in the
 286 following manner:

287 (e)1. During the existence of a district initially
 288 established by administrative rule, the process to amend the
 289 boundaries of the district pursuant to paragraphs (a)-(d) shall
 290 not permit a cumulative net total greater than 50 ~~40~~ percent of
 291 the land in the initial district, and in no event greater than
 292 1,000 ~~250~~ acres on a cumulative net basis.

293 2. During the existence of a district initially
 294 established by county or municipal ordinance, the process to
 295 amend the boundaries of the district pursuant to paragraphs (a)-
 296 (d) shall not permit a cumulative net total greater than 50
 297 percent of the land in the initial district, and in no event
 298 greater than 1,000 ~~500~~ acres on a cumulative net basis.

299 (2) The district shall remain in existence unless:

300 (a) The district is merged with another district as
 301 provided in subsection (3) or subsection (4);

302 (b) All of the specific community development systems,
 303 facilities, and services that it is authorized to perform have
 304 been transferred to a general-purpose unit of local government
 305 in the manner provided in subsections ~~(4)~~, (5), (6), and (7)
 306 ~~(6)~~; or

307 (c) The district is dissolved as provided in ~~subsection~~
 308 ~~(7)~~, subsection (8), ~~or~~ subsection (9), or subsection (10).

309 (4) (a) To achieve economies of scale, reduce costs to
 310 affected district residents and businesses in areas with
 311 multiple existing districts, and encourage the merger of
 312 multiple districts, up to five districts that were established

313 by the same local general-purpose government and whose board
 314 memberships are composed entirely of qualified electors may
 315 merge into one surviving district through adoption of an
 316 ordinance by the local general purpose government,
 317 notwithstanding the acreage limitations otherwise set forth for
 318 the establishment of a district in this chapter. The filing of a
 319 petition by the majority of the members of each of the district
 320 board of supervisors seeking to merge constitutes consent of the
 321 landowners within each applicable district.

322 (b) In addition to meeting the requirements of subsection
 323 (3), a merger agreement entered into between the district boards
 324 subject to this subsection must also:

325 1. Require the surviving merged district board to consist
 326 of five elected board members.

327 2. Require each at-large board seat to represent the
 328 entire geographic area of the surviving merged district.

329 3. Ensure that each district to be merged is entitled to
 330 elect at least one board member from its former boundary.

331 4. Ensure a fair allocation of board membership to
 332 represent the districts being merged. To that end:

333 a. If two districts merge, two board members shall be
 334 elected from each of the districts and one member shall be
 335 elected at-large.

336 b. If three districts merge, one board member shall be
 337 elected from each of the three districts and two board members
 338 shall be elected at-large.

339 c. If four districts merge, one board member shall be
 340 elected from each of the four districts and one board member
 341 shall be elected at-large.

342 d. If five districts merge, one board member shall be
 343 elected from each of the five districts.

344 5. Require the election of board members for the surviving
 345 merged district to be held at the next general election
 346 following the merger, at which time all terms of preexisting
 347 board members shall end and the merger shall be legally in
 348 effect.

349 (c) Before filing the merger petition with the local
 350 general-purpose government under this subsection, each district
 351 proposing to merge must hold a public hearing within its
 352 district to provide information about and take public comment on
 353 the proposed merger, merger agreement, and assignment of board
 354 seats. Notice of the hearing shall be published at least 14 days
 355 before the hearing. If, after the public hearing, a district
 356 board decides that it no longer wants to merge and cancels the
 357 proposed merger agreement, the remaining districts must each
 358 hold another public hearing on the revised merger agreement. A
 359 petition to merge may not be filed for at least 30 days after
 360 the last public hearing held by the districts proposing to
 361 merge.

362 Section 4. This act shall take effect July 1, 2016.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee
 3 Representative Sullivan offered the following:

Amendment (with title amendment)

6 Remove line 125 and insert:
 7 week for the 4 successive weeks immediately prior to the

T I T L E A M E N D M E N T

11 Remove lines 5-7 and insert:
 12 of a community development district; revising criteria

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1039 Babcock Ranch Community Independent Special District, Charlotte and Lee Counties

SPONSOR(S): Caldwell

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. Miller</i>
2) Finance & Tax Committee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The Babcock Ranch Community Special District (District) is an independent district located in Charlotte County. This bill will expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the District from approximately 13,630 acres to approximately 17,787 acres. The bill also makes conforming changes to the enabling act to reflect that the District will now be located in both Lee and Charlotte Counties. The bill updates statutory references to Chapter 189, F.S. Finally, the bill changes a provision regarding the District's public facilities report to indicate that the counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.

The bill provides that sections 6 and 7 shall take effect upon the bill becoming law.

Section 7 provides for the remaining sections of the bill, and the inclusion of property in Lee County, to be approved by a majority of qualified landowners within the existing district and within the seven parcels proposed for addition at a landowners' meeting to be held within 90 days from the effective date of the act.

Section 7 reiterates the provisions in the present charter that the District's authority to levy ad valorem taxes and issue general obligation bonds shall take effect only after approval by a majority of qualified electors in the District at a referendum to be conducted only after all members of the District's governing board themselves are qualified District voters elected by the other voters in the District.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Babcock Ranch Community Special District (District) is an independent special district created in 2007 and located in Charlotte County.¹ The boundaries of the district currently encompass approximately 13,630 acres in Charlotte County.² The purpose of the District is to plan, construct, maintain, operate, finance, and improve the provision of systems, facilities, and services necessary to meet the infrastructure needs of the Babcock Ranch Community – a sustainable, compact, mixed-use community.³

Proposed Changes

The bill will expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the district from approximately 13,630 acres to approximately 17,787 acres total.

The bill also makes conforming changes to the enabling act to reflect that the District will now be located in both Lee and Charlotte Counties. These changes include changing the term "Charlotte County" to "Charlotte and Lee Counties" and changing references from "the county" to "the counties" or "the respective county."

The bill provides that if an amendment to the District's boundaries or powers is proposed which only affects one county, the District only need obtain a resolution or statement from the affected county before such change may be considered by the Legislature.

The bill also updates statutory references to ch. 189, F.S., to conform with the changes which have been made to the statute since 2007.

Finally, the bill changes a provision regarding the District's public facilities report to indicate that the Counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.

B. SECTION DIRECTORY:

Section 1 amends the District's enabling act to:

- Amend the definitions of "Babcock Ranch Community" and "Qualified elector" to conform the charter to the inclusion of land within Charlotte and Lee Counties within the District.
- Make other conforming changes to reflect that the District will now be located in both Lee and Charlotte Counties.
- Specify that if an amendment to the District's boundaries or powers is proposed which only affects one county, the District only need obtain a resolution or statement from the affected county before such change may be considered by the legislature.

Section 2 amends the District's enabling act to:

- Make conforming changes to reflect that the District will now be located in both Lee and Charlotte Counties.

¹ Ch. 2007-306, Laws of Fla.

² Section 4, Chapter 2007-306, L.O.F.

³ Sections 2(1)(c) and (d), Chapter 2007-306, L.O.F.

- Update statutory references to Chapter 189, F.S., to reflect the changes which have been made to the statute since 2007.

Section 3 amends the District's enabling act to:

- Expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the district from approximately 13,630 acres to approximately 17,787 acres total.

Section 4 amends the District's enabling act to:

- Make conforming changes to reflect that the District will now be located in both Lee and Charlotte Counties.
- Update statutory references to Chapter 189, F.S., to reflect the changes which have been made to the statute since 2007.

Section 5 makes changes to the District's enabling act to:

- Change a provision regarding the District's public facilities report to provide the Counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.
- Make conforming changes to reflect that the District will now be located in both Lee and Charlotte Counties.
- Update statutory references to Chapter 189, F.S., to reflect the changes which have been made to the statute since 2007.

Section 6 specifies that the election provided for in Section 7 of the bill will be held on a one-acre/one-vote basis.

Section 7 specifies that ss. 6 and 7 of the bill will take effect upon becoming law. The remainder of the bill will take effect upon approval by a majority vote of the owners of the land within the district, including land in Charlotte and Lee Counties, who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners' meeting to be held within 90 days after this section is effective. Finally, this section reiterates the provisions in the present charter that the District's authority to levy ad valorem taxes and issue general obligation bonds shall take effect only after approval by a majority of qualified electors in the District at a referendum to be conducted only after all members of the District's governing board themselves are qualified District voters elected by the other voters in the District.⁴

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 21, 2015 and October 22, 2015

WHERE? Charlotte Sun and News-Press

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? At a landowner's meeting to be held within 90 days of the effective date of this act.

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

Attn:
HOPPING GREEN & SAMS PA
119 S MONROE ST STE 300
TALLAHASSEE, FL 32301

STATE OF FLORIDA COUNTY OF LEE:
Before the undersigned authority personally appeared
Shari Terrell, who on oath says that he or she is a Legal
Assistant of the News-Press, a daily newspaper
published at Fort Myers in Lee 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:

10/21/15

Affiant further says that the said News-Press is a paper
of general circulation daily in Lee, Charlotte, Collier,
Glades and Hendry Counties and published at Fort
Myers, in said Lee County, Florida, and that the said
newspaper has heretofore been continuously published
in said Lee County, Florida each day and has been
entered as periodicals matter at the post office in Fort
Myers, in said Lee 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
corporation 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 21th of October
2015, by Shari Terrell who is personally known to me.



Notice of Intent to Seek Legislation
TO WHOM IT MAY CONCERN: Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of an intent to seek legislation before the 2016 Legislature and any Special or Extended Sessions amending the Chapter 2007-306, Laws of Florida, relating to the Babcock Ranch Community Independent Special District in Charlotte County. This legislation expands the boundaries of the Babcock Ranch Independent Special District to include areas of Lee County; provides legislative intent and procedures of the District; describes the amended District boundaries; provides for a governing board, board member qualifications, terms of office, election procedures and compensation; provides District powers and revenue raising capabilities; provides for appropriate referenda in charter and provides an effective date.
Ad. 805790 Oct. 21, 2015

Notice of Intent to Seek Legislation
TO WHOM IT MAY CONCERN: Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of an intent to seek legislation before the 2016 Legislature and any Special or Extended Sessions amending the Chapter 2007-306, Laws of Florida, relating to the Babcock Ranch Community Independent Special District in Charlotte County. This legislation expands the boundaries of the Babcock Ranch Independent Special District to include areas of Lee County; provides legislative intent and procedures of the District; describes the amended District boundaries; provides for a governing board, board member qualifications, terms of office, election procedures and compensation; provides District powers and revenue raising capabilities; provides for appropriate referenda in charter and provides an effective date.
Ad. 805790 Oct. 21, 2015

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared **Shari Terrell** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

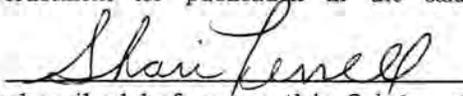
Notice Of Meeting

In the matter of:

Lee County Legislative Delegation

In the court was published in said newspaper in the issues of
Sept. 3, 2015

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the 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 the said newspaper.



Sworn to and subscribed before me this 3rd day of September, 2015.

by **Shari Terrell**
personally known to me or who has produced

_____ as identification, and who did or did not take an oath.

Notary Public 

Print Name: **Jessica Hanft**
My commission Expires: **February 12, 2017**



LEE COUNTY LEGISLATIVE DELEGATION MEETING AND PUBLIC HEARING
The Lee County Legislative Delegation Meeting has been set for Wednesday, October 14, 2015, in the Nursing Building (Room AA-177) at Florida Southwestern State College. The meeting is scheduled to begin at 9:00am until 5:00pm, or upon completion of the agenda and public comment. The Delegation will conduct local business including a public hearing on local bills (if filed), funding requests and other issues for which people may have registered to speak.
The deadline for submitting local bills to the Delegation is 5:00pm on Friday, October 2, 2015. All local bills must be accompanied by completed paperwork required by the Florida Legislature, including original signatures of the legislative sponsors, and should be forwarded to Representative Caldwell at 15191 Homestead Road, Building A, Lehigh Acres, FL 33971.
Requests for placement on the meeting agenda must be submitted in writing to State Representative Matt Caldwell, Chairman, Lee County Legislative Delegation, 15191 Homestead Road, Building A, Lehigh Acres, FL 33971, no later than Friday, October 2, 2015 at 5:00pm. Requests made by electronic mail will be acknowledged within two (2) days of receiving the request.
Presenters who wish to provide supporting materials to the Delegation must submit three (3) copies of those materials to the address above by 5:00pm on Friday, October 2, 2015. Each set of materials must be printed on letter-size paper and three-hole punched at the left margin. Please submit a copy of supporting materials by electronic mail as well.
The deadline to register to make a general presentation (not related to local bills) to the Delegation is also 5:00pm on Friday, October 2, 2015. All requests for time on the agenda must be submitted in writing via email to charlotte.codle@myfloridahouse.gov. The agenda for the meeting will be set by Tuesday, October 6, 2015 and will be changed only to accommodate unforeseen emergencies.
For more information, please contact Charlotte Codle, Legislative Assistant to Representative Caldwell, at 239-694-0161.
All meetings of the Lee County Legislative Delegation are open to the public.
No. 1503893
September 3, 2015

SUN NEWSPAPERS

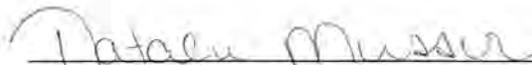
Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Natalie Musser, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intent to Seek Legislation, was published in said newspaper in the issue(s) of:

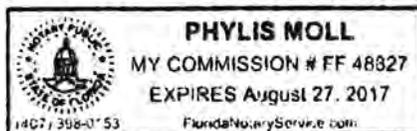
October 22, 2015

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte 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 said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 22nd day of October, 2015.


(Signature of Notary Public)



Personally known OR Produced Identification

Type of Identification Produced _____

Notice of Intent
to Seek Legislation

TO WHOM IT MAY CONCERN:
Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of an intent to seek legislation before the 2016 Legislature and any Special or Extended Sessions amending the Chapter 2007-306, Laws of Florida, relating to the Babcock Ranch Community Independent Special District in Charlotte County. This legislation expands the boundaries of the Babcock Ranch Independent Special District to include areas of Lee County; provides legislative intent and procedures of the District; describes the amended District boundaries; provides for a governing board, board member qualifications, terms of office, election procedures and compensation; provides District powers and revenue raising capabilities; provides for appropriate referenda in charter and provides an effective date.
Publish: October 22, 2015
233250 3232889

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1039
SPONSOR(S): Representative Roberson & Representative Caldwell
RELATING TO: Babcock Ranch Community Independent Special District, Charlotte and Lee Counties
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Charlotte County
CONTACT PERSON: Jae Williams
PHONE NO.: (941) 613-0914 **E-Mail:** Jae.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 NO

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

YES NO

Date hearing held: October 15, 2015

Location: Punta Gorda Isles Civic Association, 2001 Shreve Street, Punta Gorda 33950

(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 22, 2015

Where? Charlotte Sun County Charlotte

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)

12/30/15
Date

Kenneth L. Roberson

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 1039
SPONSOR(S): Rep. Caldwell & Rep. Roberson
RELATING TO: Charlotte and Lee Counties - Babcock Ranch Independent Special 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</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 proposal would expand the boundaries of the Babcock Ranch Community Independent Special District ("District") by 4,157.2 acres in Lee County ("Expansion Area"). There is no residential or commercial development planned for this area which is currently expected to be used for sports fields sometime in the future (3-to-5 years at the earliest).

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: The expansion provides additional recreational opportunities in the future.
2. Advantages to Businesses: The expansion will provide additional customers for local businesses from the spectators and the participants in the expected sporting events.
3. Advantages to Government: At no cost to the State, local or federal governments recreational sports fields will be developed.

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:

Some existing, low quality, range land would be converted for use as sporting fields with supporting low impact development.

3. Disadvantages to Government:

None

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

The District would be responsible for providing services and infrastructure to support the expected recreational uses in the Expansion Area. Charlotte County would provide public safety services.

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. See attached Statement of Estimated Regulatory Costs.

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.

Digitally signed by Henry H. Fishkind,
Ph.D.

Date: 2015.12.01 11:35:52 -05'00'

Henry H. Fishkind, Ph.D.

PREPARED BY:

[Must be signed by Preparer]

Print preparer's name: Henry H. Fishkind, Ph.D.

December 1, 2015

Date

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

REPRESENTING: The District

PHONE: 407-382-3256

E-MAIL ADDRESS: Hankf@fishkind.com

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1039
SPONSOR(S): Representative Matt Caldwell
RELATING TO: Babcock Ranch Community Independent Special District, Charlotte and Lee Counties
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Lee County
CONTACT PERSON: Charlotte Codie
PHONE NO.: (239) 694-0161 **E-Mail:** Charlotte.Codie@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: October 14, 2015

Location: Florida Southwestern State College, Nursing Building (Room AA-177), 8099 College Pkwy, Fort Myers, FL 33919

(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 21, 2015

Where? News-Press **County** Lee

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

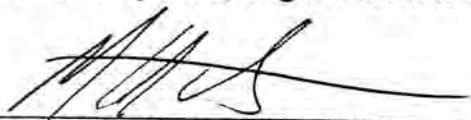
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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)

01/04/2016

Date

Matt Caldwell

Printed Name of Delegation Chair

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

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BILL #: HB 1039
SPONSOR(S): Representative Matt Caldwell
RELATING TO: Babcock Ranch Community Independent Special District, Charlotte and Lee Counties
[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>
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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 proposal would expand the boundaries of the Babcock Ranch Community Independent Special District ("District") by 4,157.2 acres in Lee County ("Expansion Area"). There is no residential or commercial development planned for this area which is currently expected to be used for sports fields sometime in the future (3-to-5 years at the earliest).

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: The expansion provides additional recreational opportunities in the future.
2. Advantages to Businesses: The expansion will provide additional customers for local businesses from the spectators and the participants in the expected sporting events.
3. Advantages to Government: At no cost to the State, local or federal governments recreational sports fields will be developed.

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: Some existing, low quality, range land would be converted for use as sporting fields with supporting low impact development.
3. Disadvantages to Government: None
-
-

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

The District would be responsible for providing services and infrastructure to support the expected recreational uses in the Expansion Area. Charlotte County would provide public safety services.

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. See attached Statement of Estimated Regulatory Costs.

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.

Henry H. Fishkind, Ph.D.

Digitally signed by Henry H. Fishkind,
Ph.D.

PREPARED BY:

Date: 2015.12.01 11:35:52 -05'00'

[Must be signed by Preparer]

Print preparer's name:

Henry H. Fishkind, Ph.D.

December 1, 2015

Date

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

REPRESENTING:

The District

PHONE:

407-382-3256

E-MAIL ADDRESS:

Hankf@fishkind.com

STATEMENT OF ESTIMATED REGULATORY COSTS

BOUNDARY EXPANSION OF THE BABCOCK RANCH INDEPENDENT SPECIAL DISTRICT

1.0 Introduction

1.1 Purpose and Scope

This statement of estimated regulatory costs ("SERC") supports the petition to expand the boundaries of Babcock Ranch Community Independent Special District ("District"). The District's boundaries are proposed to be expanded to include 4,157.2 acres in Lee County. The District will provide infrastructure and community services to the additional acreage.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), FS defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.
- (d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.
- (e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.
- (f) Any additional information that the agency determines may be useful.
- (g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule

2.0 Will the proposed expansion of the District directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No. Although development alternatives are being considered, over the next five years there is no development planned for the expansion area. However, if the District's plans for infrastructure development should change, any impact would be positive for economic growth, private sector

job creation, employment and investment. The accelerated installation of District infrastructure would support private development and construction giving rise to increased employment and private sector investment.

3.0 Will the proposed expansion of the District directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule

No. Although development alternatives are being considered, over the next five years there is no development planned for the expansion area. However, if the District's plans for infrastructure development should change, it would have a positive impact on business competitiveness by supporting private sector investment and supporting increases in the productivity of the property. There would be no adverse impact on the ability of any person to compete with others in other states or in alternative domestic markets in light of the location of the expansion area.

4.0 Will the proposed expansion of the District directly or indirectly increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule

No. Although development alternatives are being considered, over the next five years there is no development planned for the expansion area. However, if the District's plans for infrastructure development should change, then the District would impose special assessments on the properties in the expansion area benefitting from the District's infrastructure. However, the precise nature and amount of any such assessments, if any, are not known at this time.

5.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

If this petition is granted, all landowners within the proposed expansion area of the District will come under the jurisdiction of the District. This will include the property of the current landowner prior to the development and sale of its property in the expansion area.

6.0 Good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

Cost to State Government Entities

The proposed expansion of the District will add 4,157.2 acres of land located in Lee County. Since the District was established by the Legislature, the Legislature's staff will process the petition to expand the District's boundaries.

The processing of the petition and the analysis of the petition by the staff of the Legislature will absorb staff time and resources. However, these costs will be minimal because: (a) the petition contains all of the information necessary for its review requiring no additional research and (b) the Legislative staff is already in place and is very experienced in reviewing similar matters. In this case the issues are relatively simple and straightforward requiring little staff time and resources.

The ongoing costs to various State entities to implement and enforce the proposed boundary amendment relate strictly to the receipt and processing of various reports that the District is required to file annually with the State and its various entities. These annual reports are outlined in the attached Appendix. However, the costs to these State agencies that will receive and process the reports will not be increased because the District would have been required to file these annual reports regardless of whether the proposed boundary amendment is approved.

Cost to Lee County

Lee County ("County") staff also will analyze the petition to expand the District's boundaries. These activities will absorb some County resources. However, these costs to the County are likely to be minimal for a number of reasons. First, review of the petition does not include analysis of the development to be served by the District. Second, the petition itself provides much of the information needed for a staff review. Third, the County currently employs the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land use and zoning changes that are far more complex than is the petition to amend the boundaries of an existing community development district.

The annual costs to Lee County, related to the continued existence of the District, are also very small and are within the control of the local government. The District is an independent unit of local government. The only annual costs incurred are the minimal costs of receiving and to the extent desired, reviewing the various reports that the District is required to provide to the local governments.

Impact on State and Local Revenue

Adoption of the proposed ordinance will have no negative impact on State or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No State or local subsidies are required or expected. Furthermore, the petition involves only the amendment of the boundaries of an existing District.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any unit of local government. By State law debts of the District are strictly its own responsibility.

7.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

The District already exists and plans to provide community facilities and services to a portion of the Development. The proposal is to expand the District's boundaries. However, there will be no change in the scope of facilities or services provided by the District. The District will provide precisely the same services and facilities to the new District areas that it planned on providing to the lands located within the current boundaries of the District.

However, prospective future landowners in the expansion area of the District may be required to pay non-ad valorem assessments levied by the District to fund the installation of capital improvements in the expansion area. In addition to the levy of non ad valorem assessments for debt service, the District will also impose a non ad valorem assessment to fund the operations and maintenance of the District and its facilities and services if any such services and facilities are installed in the expansion area.

It is important to note that the various costs referenced above are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Instead, the facilities and services provided by the District are substituting in part for developer provided infrastructure and facilities. Along these same lines, District imposed assessments for operations and maintenance cost are similar to what would be charged in any event by a property owner's association common to most master planned developments.

Real estate markets are quite efficient, because buyers and renters evaluate all of the cost and benefits associated with various alternative locations. Therefore, market forces preclude developers from marking up the prices of their products beyond what the competition allows. To remain competitive the operations and maintenance charges must also be in line with the competition.

Furthermore, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides.

The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal services taxing unit (MSTU), a neighborhood association, County provision (directly or via a dependent special district), or through developer-bank loans.

8.0 An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.

There will be no impact on small businesses because of the amendment of the District's boundaries. If anything, the impact may be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

Charlotte County has an estimated population greater than 25,000 in the most current census (2010). Therefore, the County is not defined as a "small" County according to Section 120.52, F.S. However, as noted above there will be no adverse impact on either local government or small business due to the amendment of the District's boundaries.

9.0 Any additional information that the agency determines may be useful.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits.

Finally, it is useful to reflect upon the question of whether the District is the best alternative to provide community facilities and services to the Development. As an alternative to the District, the County could approve a dependent special district for the area, such as an MSBU or a special taxing district under Chapter 170, F.S. Either of these alternatives could finance the improvements contemplated in Table 2 in a fashion similar to the proposed District.

However, unlike the District, the alternatives would require the County to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District. In addition, administering a project of the size and complexity of the development program anticipated for the District is very significant and expensive undertaking.

With a District, residents and renters within the District would have a focused unit of government under their direct control. The District can then be more responsive to resident needs without disrupting other County responsibilities.

Third, any debt of a District is strictly the District's responsibility. While it may be technically true that the debt of the County-established, dependent special district, is not strictly the County's responsibility, any financial problems that the special District may have inevitably will entangle the County. This will not be the case if the District's boundaries are amended.

Another alternative to the District would be for the developer to provide the infrastructure and to use a property owners association (POA) for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA a District can impose and collect its assessments along with other property

taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA.

Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations.

10.0 In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule

No regulatory alternatives were submitted. Alternatives to the proposed rule were discussed above in paragraph 9.

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	11.45	9 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 - Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 Days after

1 A bill to be entitled
 2 An act relating to the Babcock Ranch Community
 3 Independent Special District, Charlotte and Lee
 4 Counties; amending chapter 2007-306, Laws of Florida;
 5 expanding the Babcock Ranch Community Independent
 6 Special District to include areas of Lee County;
 7 amending legislative intent, definitions, legislative
 8 policy, district creation and establishment, governing
 9 board administrative duties, district budgets and
 10 financial reports, and district powers to include
 11 references to Lee County; amending the district's
 12 legal boundaries to include areas of Lee County;
 13 requiring district governing board election procedures
 14 to involve officials from both counties; requiring
 15 general obligation bond elections to occur in both
 16 counties; authorizing the levy and collection of non-
 17 ad valorem maintenance taxes in both counties;
 18 providing for required notices to be published in both
 19 counties; requiring a referendum; providing an
 20 effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraphs (a), (g), (j), (n), (o), (p), and
 25 (q) of subsection (1), paragraphs (f) and (w) of subsection (2),

26 and paragraphs (a), (d), and (f) of subsection (3) of section 2
 27 of chapter 2007-306, Laws of Florida, are amended to read:

28 Section 2. Legislative findings and intent; definitions;
 29 policy.—

30 (1) LEGISLATIVE FINDINGS AND INTENT.—

31 (a) The unincorporated areas ~~area~~ of southeastern
 32 Charlotte County and northeastern Lee County, including the
 33 Babcock Ranch lands, are unique and special with a need towards
 34 protecting natural resources and retaining a viable agricultural
 35 system while protecting private property rights and promoting a
 36 sound economy.

37 (g) There are two alternatives for the creation of
 38 independent special districts for properties of this size: the
 39 establishment by rule of the Governor and Cabinet of one or more
 40 uniform community development districts over the property; and
 41 the establishment by special act of the Legislature of a single
 42 independent special district meeting the minimum requirements of
 43 chapter 189, Florida Statutes, the applicable district
 44 accountability general law. Use of this special act, created
 45 under chapter 189, Florida Statutes, is the better of the two
 46 alternatives in this case because it will allow for use of a
 47 single special district, with longer involvement and
 48 responsibility on the part of the initial landowner, which will
 49 result in better intergovernmental coordination and lower
 50 administrative costs for Charlotte County, Lee County, and the
 51 district, including its landowners and residents. ~~Additionally,~~

52 ~~use of this special act will provide the flexibility to include~~
 53 ~~within the district, at a later date, contiguous Babcock Ranch~~
 54 ~~lands within Lee County, whereas chapter 190, Florida Statutes,~~
 55 ~~would prevent a single uniform community development district~~
 56 ~~from crossing county lines.~~ Additionally, use of this special
 57 act updates the charter of a uniform community development
 58 district under chapter 190, Florida Statutes, eliminates
 59 potential for its abuse, clarifies and sets forth certain
 60 uniform procedures for liens on property, and makes other
 61 substantial reforms to the benefit of the people of Charlotte
 62 and Lee Counties County and future landowners, residents, and
 63 visitors.

64 (j) The existence and use of such a limited, specialized
 65 single-purpose local government for the Babcock Ranch Community,
 66 subject to the respective Charlotte county comprehensive plan
 67 and land development regulations, will result in a higher
 68 propensity to provide for orderly development and prevent urban
 69 sprawl; protect and preserve environmental and conservation uses
 70 and assets; potentially enhance the market value for both
 71 present and future landowners of the property consistent with
 72 the need to protect private property; potentially enhance the
 73 net economic benefit to Charlotte and Lee Counties County,
 74 including an enhanced tax base to the benefit of all present and
 75 future taxpayers in Charlotte and Lee Counties County; and
 76 result in the sharing of costs of providing certain systems,

77 facilities, and services in an innovative, sequential, and
 78 flexible manner within the area to be serviced by the district.

79 (n) In order to be responsive to the critical timing
 80 required through the exercise of its special management
 81 functions, an independent district requires financing of those
 82 functions, including bondable, lienable, and nonlienable
 83 revenue, with full and continuing public disclosure and
 84 accountability, funded by landowners, both present and future,
 85 and funded also by users of the systems, facilities, and
 86 services provided to the land area by the district, without
 87 burdening the taxpayers and citizens of the state, Charlotte
 88 County, Lee County, or any municipality therein.

89 (o) The district created and established by this act shall
 90 not exercise or have any comprehensive planning, zoning, or
 91 development permitting power; the establishment of the district
 92 shall not be considered a development order within the meaning
 93 of chapter 380, Florida Statutes; and all applicable planning
 94 and permitting laws, rules, regulations, agreements, and
 95 policies of Charlotte and Lee Counties ~~County~~ shall control the
 96 development of the land within each respective county to be
 97 served by the district.

98 (p) ~~The creation by This act of the Babcock Ranch~~
 99 ~~Community Independent Special District~~ is not inconsistent with
 100 either the Charlotte County or Lee County comprehensive plan.

101 (q) Neither Charlotte County nor Lee County objects ~~does~~
 102 ~~not object~~ to the creation of the district.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

103 (2) DEFINITIONS.—As used in this act:

104 (f) "Babcock Ranch Community" means that portion of the
 105 Babcock Ranch to be developed with a new, sustainable, compact,
 106 mixed-use community pursuant to that certain Interlocal Planning
 107 Agreement for the Babcock Ranch, dated January 24, 2006, among
 108 the Florida Department of Community Affairs, Lee and Charlotte
 109 Counties, and the then contract purchaser of the Babcock Ranch,
 110 and pursuant to development approvals issued or to be issued by
 111 Lee and Charlotte Counties ~~County and Charlotte County~~,
 112 consisting of approximately 17,800 acres. ~~The subject of this~~
 113 ~~act is that portion of the Babcock Ranch Community located in~~
 114 ~~Charlotte County, consisting of approximately 13,631 acres, as~~
 115 described in section 4.

116 (w) "Qualified elector" means any person at least 18 years
 117 of age or older, who is a citizen of the United States, a legal
 118 resident of the state and the district, ~~and~~ who registers to
 119 vote with the Supervisor of Elections in Charlotte County or Lee
 120 County, and resides in either Charlotte County or Lee County.

121 (3) POLICY.—Based upon its findings, ascertainments,
 122 determinations, intent, purpose, and definitions, the
 123 Legislature states its policy expressly:

124 (a) The district and the district charter, with its
 125 general and special powers, as created in this act, are
 126 essential and the best alternative for the residential,
 127 commercial, and other community uses, projects, or functions in
 128 the included portions ~~portion~~ of Charlotte County and Lee County

129 consistent with the effective comprehensive plans and serve a
 130 lawful public purpose.

131 (d) The district shall operate and function subject to,
 132 and not inconsistent with, the applicable comprehensive plan of
 133 either Charlotte County or Lee County ~~comprehensive plan~~ and any
 134 applicable development orders, zoning regulations, and other
 135 land development regulations.

136 (f) This act may be amended, in whole or in part, only by
 137 subsequent special act of the Legislature. No amendment to this
 138 act that alters the district boundaries or the general or
 139 special powers of the district may be considered by the
 140 Legislature unless it is accompanied by a resolution or official
 141 statement as provided for in section 189.031(2)(e)4.
 142 ~~189.404(2)(e)4.~~, Florida Statutes. However, if an amendment
 143 alters the district boundaries in only one county, or affects
 144 the district's special powers in only one county, it is
 145 necessary to secure the resolution or statement from only the
 146 affected county.

147 Section 2. Subsection (1) of section 3 of chapter 2007-
 148 306, Laws of Florida, is amended to read:

149 Section 3. Creation and establishment; jurisdiction;
 150 construction; charter with legal description.-

151 (1) The Babcock Ranch Community Independent Special
 152 District, which also may be referred to as the "district," is
 153 created and incorporated as a public body corporate and politic,
 154 an independent, limited, special purpose local government, an

155 independent special district under section 189.031 ~~189.404~~,
 156 Florida Statutes, and as defined in this act and section
 157 189.012(3) ~~189.403(3)~~, Florida Statutes, in and for a certain
 158 portions ~~portion~~ of Charlotte County and Lee County. Any
 159 amendments to chapter 190, Florida Statutes, after January 1,
 160 2007, granting additional general powers, special powers,
 161 authorities, or projects to a community development district by
 162 amendment to its uniform charter, sections 190.006-190.041,
 163 Florida Statutes, shall constitute a general power, special
 164 power, authority, or function of the Babcock Ranch Community
 165 Independent Special District. All notices for the enactment by
 166 the Legislature of this special act have been provided pursuant
 167 to the State Constitution, laws of the state, and the Rules of
 168 the Florida House of Representatives and of the Florida Senate.

169 Section 3. Section 4 of chapter 2007-306, Laws of Florida,
 170 is amended to read:

171 Section 4. Legal description of the Babcock Ranch
 172 Community Independent Special District.-

173
 174 LEGAL DESCRIPTION. The metes and bounds legal
 175 description of the district, within which there are no
 176 parcels of property owned by those who do not wish
 177 their property to be included within the district, is
 178 as follows:

179
 180 CHARLOTTE COUNTY PARCEL:

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A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E,

207 along the North line of Section 1, Township 43 South,
 208 Range 26 East, a distance of 3,430.66 feet; Thence
 209 N00°00'40"W a distance of 10,185.53 feet; Thence
 210 N05°46'23"E a distance of 1,058.56 feet; Thence
 211 N66°40'38"W a distance of 200.62 feet; Thence
 212 S83°12'47"W a distance of 1,373.33 feet; Thence
 213 N30°17'33"W a distance of 1,686.63 feet; Thence
 214 N70°02'41"W a distance of 1,332.41 feet; Thence
 215 S72°42'44"W a distance of 1,430.81 feet; Thence
 216 N49°18'31"W a distance of 2,362.25 feet; Thence
 217 S69°00'57"W a distance of 1,518.19 feet; Thence
 218 S21°08'17"W a distance of 865.44 feet; Thence
 219 S20°29'11"E a distance of 1,376.91 feet; Thence
 220 N74°38'25"E a distance of 1,635.69 feet; Thence
 221 S00°18'50"E a distance of 1,309.92 feet; Thence
 222 S89°45'02"W a distance of 4,154.48 feet; Thence
 223 N51°39'36"W a distance of 782.53 feet; Thence
 224 N04°14'12"E a distance of 1,329.59 feet; Thence
 225 N39°20'59"W a distance of 1,779.16 feet; Thence
 226 N42°01'35"W a distance of 1,162.94 feet; Thence
 227 S52°01'16"W a distance of 818.34 feet; Thence
 228 S62°56'46"W a distance of 516.42 feet; Thence
 229 S89°59'33"W a distance of 307.20 feet; Thence
 230 N80°06'18"W a distance of 334.84 feet; Thence
 231 N20°54'51"W a distance of 336.86 feet; Thence
 232 N05°03'05"E a distance of 533.35 feet; Thence

233 N22°47'49"E a distance of 5,490.82 feet; Thence
 234 N55°42'26"E a distance of 195.73 feet; Thence
 235 N21°59'06"W a distance of 1,739.17 feet; Thence
 236 N52°37'55"E a distance of 867.75 feet; Thence
 237 N13°36'57"W a distance of 2,507.33 feet; Thence
 238 S78°50'16"W a distance of 687.95 feet; Thence
 239 N19°48'25"W a distance of 366.25 feet; Thence
 240 N08°01'21"W a distance of 493.32 feet; Thence
 241 N03°43'40"E a distance of 687.22 feet; Thence
 242 N00°28'20"E a distance of 674.51 feet; Thence
 243 N25°12'33"W a distance of 261.13 feet; Thence
 244 N42°54'55"W a distance of 643.19 feet; Thence
 245 N07°19'37"W a distance of 171.40 feet; Thence
 246 N13°05'30"E a distance of 201.96 feet; Thence
 247 N32°40'01"W a distance of 186.12 feet; Thence
 248 N05°04'15"W a distance of 1,832.77 feet; Thence
 249 N19°47'08"W a distance of 527.20 feet; Thence
 250 N26°13'22"W a distance of 802.13 feet; Thence
 251 S79°06'55"W a distance of 475.20 feet; Thence
 252 N74°19'19"W a distance of 1,689.05 feet; Thence
 253 N01°26'06"W a distance of 897.42 feet; Thence
 254 N89°51'42"W a distance of 67.91 feet; Thence
 255 N00°00'03"W a distance of 1,218.37 feet; Thence
 256 N39°50'11"W a distance of 190.86 feet; Thence
 257 N00°00'29"W a distance of 324.62 feet; Thence
 258 N89°59'52"W a distance of 688.20 feet; Thence

259 N00°00'00"E a distance of 1,967.22 feet; Thence
 260 N41°13'25"W a distance of 2,825.17 feet; Thence
 261 S89°59'57"W a distance of 3,566.80 feet; Thence
 262 S00°00'03"E a distance of 2,799.34 feet; Thence
 263 S89°11'17"W a distance of 5,960.98 feet to a point
 264 lying 50.00 feet East of the East right-of-way line
 265 for State Road No. 31; Thence along a line 50.00 feet
 266 East of, and parallel with, the East right-of-way line
 267 for State Road No. 31, the following courses and
 268 distances: S00°48'43"E a distance of 2,976.13 feet and
 269 S00°34'01"W a distance of 786.25 feet; Thence
 270 S89°25'59"E a distance of 4,104.32 feet; Thence
 271 S00°01'22"E a distance of 2,084.04 feet; Thence
 272 S16°46'15"E a distance of 1,740.24 feet; Thence
 273 S09°11'59"W a distance of 1,325.85 feet; Thence
 274 S73°15'18"E a distance of 661.15 feet; Thence
 275 N59°20'29"E a distance of 577.75 feet; Thence
 276 S38°10'48"E a distance of 551.46 feet; Thence
 277 S86°25'58"E a distance of 385.80 feet; Thence
 278 S24°01'11"E a distance of 975.12 feet; Thence
 279 S57°46'34"E a distance of 530.20 feet; Thence
 280 S70°04'12"E a distance of 1,843.47 feet; Thence
 281 N63°01'21"E a distance of 1,214.99 feet; Thence
 282 S50°03'22"E a distance of 2,565.56 feet; Thence
 283 S13°56'09"W a distance of 1,953.90 feet; Thence
 284 S12°51'59"E a distance of 1,862.33 feet; Thence

285 S71°59'01"W a distance of 448.53 feet; Thence
 286 N45°00'57"W a distance of 266.60 feet; Thence
 287 S69°50'23"W a distance of 1,104.27 feet; Thence
 288 S28°10'55"E a distance of 1,272.60 feet; Thence
 289 S62°45'03"W a distance of 4,638.30 feet; Thence
 290 S82°12'01"W a distance of 711.48 feet; Thence
 291 S81°38'00"W a distance of 5,167.82 feet; Thence
 292 N77°54'41"W a distance of 707.32 feet; Thence
 293 N89°28'15"W a distance of 299.98 feet to a point lying
 294 50.00 feet East of the East right-of-way line for
 295 State Road No. 31; Thence along a line 50.00 feet East
 296 of, and parallel with, the East right-of-way line for
 297 State Road No. 31, the following courses and
 298 distances: S00°31'45"W a distance of 4,197.71 feet,
 299 S00°26'10"W a distance of 5,282.33 feet and
 300 S00°36'46"W a distance of 5,337.00 feet to the Point
 301 of Beginning.

302
 303 Containing 13,630.64 acres, more or less.

304
 305 Bearings hereinabove mentioned are based on the North
 306 line of Section 6, Township 43 South, Range 26 East to
 307 bear S89°41'45"E.

308
 309 LEE COUNTY PARCEL:

310

311 A parcel of land lying within Sections 1 through 7 and
 312 Section 9, Township 43 South, Range 26 East, Lee
 313 County, Florida, being more particularly described as
 314 follows:

315
 316 Commence at the Southwest corner of Section 31,
 317 Township 42 South, Range 26 East and run S89°41'45"E,
 318 along the South line of said Section 31, a distance of
 319 50.00 feet to a point on the East right-of-way line of
 320 State Road No. 31, said point also being the Point of
 321 Beginning of the parcel of land herein described;
 322 Thence continue S89°41'45"E a distance of 5,189.75
 323 feet to the Northeast corner of Section 6, Township 43
 324 South, Range 26 East; Thence S89°41'45"E a distance of
 325 5,306.08 feet to the Northeast corner of Section 5,
 326 Township 43 South, Range 26 East; Thence S89°37'16"E a
 327 distance of 5,289.11 feet to the Northeast corner of
 328 Section 4, Township 43 South, Range 26 East; Thence
 329 S89°35'44"E a distance of 5,294.60 feet to the
 330 Northeast corner of Section 3, Township 43 South,
 331 Range 26 East; Thence S89°35'44"E a distance of
 332 5,294.60 feet to the Northeast corner of Section 2,
 333 Township 43 South, Range 26 East; Thence S89°35'44"E,
 334 along the North line of Section 1, Township 43 South,
 335 Range 26 East, a distance of 155.76 feet; Thence
 336 S09°58'52"W a distance of 4,667.96 feet; Thence

337 S04°10'14"W a distance of 283.52 feet; Thence
 338 S03°53'19"E a distance of 515.32 feet to a point on
 339 the South line of Section 2, Township 43 South, Range
 340 26 East (said point being 558.41 feet West of the
 341 Southeast corner of said Section 2); Thence
 342 N88°38'22"W a distance of 2,084.07 feet to the South
 343 one-quarter corner of said Section 2; Thence
 344 N88°38'42"W a distance of 2,642.06 feet to the
 345 Southwest corner of said Section 2; Thence N89°51'49"W
 346 a distance of 5,300.09 feet to the Southwest corner of
 347 Section 3, Township 43 South, Range 26 East; Thence
 348 N89°51'54"W a distance of 2,650.09 feet to the South
 349 one-quarter corner of Section 4, Township 43 South,
 350 Range 26 East; Thence S00°23'25"W a distance of
 351 1,330.65 feet to the Southwest corner of the North
 352 one-half of the Northeast one-quarter of Section 9,
 353 Township 43 South, Range 26 East; Thence S06°02'41"E a
 354 distance of 1,338.36 feet to a point on the North line
 355 of the Southeast one-quarter of said Section 9 (said
 356 point being 150.00 feet East of the Northwest corner
 357 of the Southeast one-quarter of said Section 9);
 358 Thence S00°22'58"W, parallel with and 150.00 feet East
 359 of the West line of the Southeast one-quarter of said
 360 Section 9, a distance of 2,611.56 feet to a point on
 361 the North right-of-way line of County Road No. 78;
 362 Thence along said right-of-way line the following

363 courses and distances, N89°54'54"W a distance of
 364 150.26 feet and N89°54'44"W a distance of 2,648.95
 365 feet to a point on the West line of said Section 9;
 366 Thence N00°22'31"E a distance of 2,612.02 feet to the
 367 West one-quarter corner of said Section 9; Thence
 368 N00°21'56"E a distance of 2,663.13 feet to the
 369 Southeast corner of Section 5, Township 43 South,
 370 Range 26 East; Thence N89°52'00"W a distance of
 371 2,666.70 feet to the South one-quarter corner of said
 372 Section 5; Thence N89°50'47"W a distance of 2,667.42
 373 feet to the Southwest corner of said Section 5; Thence
 374 S00°23'16"W, along the East line of Section 7,
 375 Township 43 South, Range 26 East, a distance of
 376 5,294.00 feet to a point on the North right-of-way
 377 line of County Road No. 78; Thence Westerly along the
 378 curved right-of-way line, (said curve being curved
 379 concave to the North, having a delta angle of
 380 00°53'52" and a radius of 11,339.17 feet, with a chord
 381 bearing of N89°19'12"W and a chord length of 177.69
 382 feet) a distance of 177.69 feet to the end of the
 383 curve; Thence N88°52'16"W, along said North right-of-
 384 way line, a distance of 4,406.31 feet to the beginning
 385 of a curve to the right; Thence along the arc of the
 386 curved right-of-way line, (said curve being curved
 387 concave to the Northeast, having a delta angle of
 388 89°12'05" and a radius of 522.94 feet, with a chord

389 bearing of N44°16'14"W and a chord length of 734.37
 390 feet) a distance of 814.14 feet to a point on the East
 391 right-of-way line of State Road No. 31; Thence along
 392 the East right-of-way line for State Road No. 31, the
 393 following courses and distances, N00°19'49"E a
 394 distance of 4,776.07 feet, N00°18'54"E a distance of
 395 5,313.41 feet and N00°36'46"E a distance of 0.14 feet
 396 to the Point of Beginning.
 397 Containing 4,157.2 acres, more or less.
 398 Bearings hereinabove mentioned are based on the North
 399 line of Section 6, Township 43 South, Range 26 East to
 400 bear S89°41'45"E.
 401 CONTAINING A TOTAL AREA OF 17,787.84 ACRES, PLUS OR
 402 MINUS.

403
 404 Section 4. Paragraphs (a) and (d) of subsection (3) and
 405 subsection (8) of section 5 of chapter 2007-306, Laws of
 406 Florida, are amended to read:

407 Section 5. Governing board; members and meetings;
 408 organization; powers; duties; terms of office; related election
 409 requirements.-

410 (3)(a)1. The board may not exercise the ad valorem taxing
 411 power or general obligation bond power authorized by this act
 412 until such time as all members of the board, except for
 413 nonvoting members, are qualified electors who are elected by
 414 qualified electors of the district.

415 2.a. Regardless of whether the district has proposed to
 416 levy ad valorem taxes or issue general obligation bonds, board
 417 members initially elected by landowners shall be elected by
 418 qualified electors of the district as the district becomes
 419 populated with qualified electors. The transition shall occur
 420 such that the composition of the board, after the first general
 421 election following a trigger of the qualified elector population
 422 thresholds set forth below, shall be as follows:

423 (I) Once 4,600 qualified electors reside within the
 424 district, one voting board member shall be a person who was
 425 elected by the qualified electors, and four voting board members
 426 shall be persons who were elected by the landowners.

427 (II) Once 8,900 qualified electors reside within the
 428 district, two voting board members shall be persons who were
 429 elected by the qualified electors, and three voting board
 430 members shall be persons elected by the landowners.

431 (III) Once 22,000 qualified electors reside within the
 432 district, three voting board members shall be persons who were
 433 elected by the qualified electors and two voting board members
 434 shall be persons who were elected by the landowners.

435 (IV) Once 24,000 qualified electors reside within the
 436 district, four voting board members shall be persons who were
 437 elected by the qualified electors and one voting board member
 438 shall be a person who was elected by the landowners.

439 (V) Once 25,000 qualified electors reside within the
 440 district, all five voting board members shall be persons who
 441 were elected by the qualified electors.

442
 443 Nothing in this sub-subparagraph is intended to require an
 444 election prior to the expiration of an existing board member's
 445 term.

446 b. On or before June 1 of each year, the board shall
 447 determine the number of qualified electors in the district as of
 448 the immediately preceding April 15. The board shall use and rely
 449 upon the official records maintained by the supervisor of
 450 elections and property appraiser or tax collector in and for
 451 each ~~Charlotte~~ county in making this determination. Such
 452 determination shall be made at a properly noticed meeting of the
 453 board and shall become a part of the official minutes of the
 454 district.

455 c. All governing board members elected by qualified
 456 electors shall be elected at large at an election occurring as
 457 provided in subsection (2) and this subsection.

458 d. Once the district qualifies to have any of its board
 459 members elected by the qualified electors of the district, the
 460 initial and all subsequent elections by the qualified electors
 461 of the district shall be held at the general election in
 462 November. The board shall adopt a resolution if necessary to
 463 implement this requirement. The transition process described

464 herein is intended to be in lieu of the process set forth in
 465 section 189.041 ~~189.4051~~, Florida Statutes.

466 (d) The supervisors ~~supervisor~~ of elections shall appoint
 467 the inspectors and clerks of elections, prepare and furnish the
 468 ballots, designate polling places, and canvass the returns of
 469 the election of board members by qualified electors. The county
 470 canvassing boards ~~board~~ shall declare and certify the results of
 471 the election.

472 (8) The board shall keep a permanent record book entitled
 473 "Record of Proceedings of Babcock Ranch Community Independent
 474 Special District," in which shall be recorded minutes of all
 475 meetings, resolutions, proceedings, certificates, bonds given by
 476 all employees, and any and all corporate acts. The record book
 477 and all other district records shall at reasonable times be
 478 opened to inspection in the same manner as state, county, and
 479 municipal records pursuant to chapter 119, Florida Statutes. The
 480 record book shall be kept at the office or other regular place
 481 of business maintained by the board in a designated location in
 482 either Charlotte County or Lee County.

483 Section 5. Paragraphs (c) and (d) of subsection (4),
 484 paragraphs (f) and (g) of subsection (6), paragraph (s) of
 485 subsection (7), paragraphs (i) and (n) of subsection (10),
 486 paragraph (c) of subsection (12), paragraph (a) of subsection
 487 (13), paragraph (a) of subsection (19), paragraph (b) of
 488 subsection (20), and subsection (26) of section 6 of chapter
 489 2007-306, Laws of Florida, are amended to read:

490 Section 6. Governing board; general duties.-

491 (4) BUDGET; REPORTS AND REVIEWS.-

492 (c) At least 60 days prior to adoption, the board of the
 493 district shall submit to the boards of county commissioners of
 494 Charlotte and Lee Counties ~~County Board of County Commissioners,~~
 495 for purposes of disclosure and information only, the proposed
 496 annual budget for the ensuing fiscal year, and each ~~the~~ board of
 497 county commissioners may submit written comments to the board of
 498 the district solely for the assistance and information of the
 499 board of the district in adopting its annual district budget.

500 (d) The board of the district shall submit annually to the
 501 boards of county commissioners of Charlotte and Lee Counties
 502 ~~County Board of County Commissioners~~ its district public
 503 facilities report under section 189.08(2) ~~189.415(2)~~, Florida
 504 Statutes, which report each ~~the~~ board of county commissioners
 505 may shall use and rely on in the preparation or revision of its
 506 comprehensive plan, specifically under section 189.08(6)
 507 ~~189.415(6)~~, Florida Statutes.

508 (6) GENERAL POWERS.-The district shall have, and the board
 509 may exercise, the following general powers:

510 (f) To maintain an office at such place or places as the
 511 board designates in either Charlotte County or Lee County, and
 512 within the district when facilities are available.

513 (g) To exercise such special powers and other express
 514 powers as may be authorized and granted by this act in the
 515 charter of the district, including powers as provided in any

516 interlocal agreement entered into pursuant to chapter 163,
 517 Florida Statutes, or that shall be required or permitted to be
 518 undertaken by the district pursuant to any development order or
 519 development of regional impact, or any other agreement with
 520 Charlotte County, Lee County, or other governmental entities,
 521 including, without limitation, any school district, sheriff,
 522 fire district, drainage district, and health care district for
 523 proportionate, fair-share, or pipelining capital construction
 524 funding for any certain capital facilities or systems required
 525 from the development pursuant to any applicable development
 526 order or agreement.

527

528 The provisions of this subsection shall be construed liberally
 529 in order to carry out effectively the specialized purpose of
 530 this act.

531 (7) SPECIAL POWERS.—The district shall have, and the board
 532 may exercise, the following special powers to implement its
 533 lawful and special purpose and to provide, pursuant to that
 534 purpose, systems, facilities, services, improvements, projects,
 535 works, and infrastructure, each of which constitutes a lawful
 536 public purpose when exercised pursuant to this charter, subject
 537 to, and not inconsistent with, the regulatory jurisdiction and
 538 permitting authority of all other applicable governmental
 539 bodies, agencies, and any special districts having authority
 540 with respect to any area included therein, and to plan,
 541 establish, acquire, construct or reconstruct, enlarge or extend,

542 equip, operate, finance, fund, and maintain improvements,
 543 systems, facilities, services, works, projects, and
 544 infrastructure, including, without limitation, any obligations
 545 pursuant to a development order or agreement. Any or all of the
 546 following special powers are granted by this act in order to
 547 implement the special purpose of the district:

548 (s) To provide for affordable housing and affordable
 549 housing assistance in accordance with section 189.081(6)
 550 ~~189.4155(6)~~, Florida Statutes, and other provisions of general
 551 law.

552 (10) BONDS.—

553 (i) General obligation bonds.—

554 1. Subject to the limitations of this charter, the
 555 district shall have the power from time to time to issue general
 556 obligation bonds to finance or refinance capital projects or to
 557 refund outstanding bonds in an aggregate principal amount of
 558 bonds outstanding at any one time not in excess of 35 percent of
 559 the assessed value of the taxable property within the district
 560 as shown on the pertinent tax records at the time of the
 561 authorization of the general obligation bonds for which the full
 562 faith and credit of the district is pledged. Except for
 563 refunding bonds, no general obligation bonds shall be issued
 564 unless the bonds are issued to finance or refinance a capital
 565 project and the issuance has been approved at an election held
 566 in accordance with the requirements for such election as
 567 prescribed by the State Constitution. Such elections shall be

568 called to be held in the district by the boards ~~Board~~ of county
 569 commissioners of Charlotte and Lee Counties ~~County~~ upon the
 570 request of the board of the district. The expenses of calling
 571 and holding an election shall be at the expense of the district,
 572 and the district shall reimburse each ~~the~~ county for any
 573 expenses incurred in calling or holding such election.

574 2. The district may pledge its full faith and credit for
 575 the payment of the principal and interest on such general
 576 obligation bonds and for any reserve funds provided therefor and
 577 may unconditionally and irrevocably pledge itself to levy ad
 578 valorem taxes on all taxable property in the district, to the
 579 extent necessary for the payment thereof, without limitation as
 580 to rate or amount.

581 3. If the board determines to issue general obligation
 582 bonds for more than one capital project, the approval of the
 583 issuance of the bonds for each and all such projects may be
 584 submitted to the electors on one and the same ballot. The
 585 failure of the electors to approve the issuance of bonds for any
 586 one or more capital projects shall not defeat the approval of
 587 bonds for any capital project that has been approved by the
 588 electors.

589 4. In arriving at the amount of general obligation bonds
 590 permitted to be outstanding at any one time pursuant to
 591 subparagraph 1., there shall not be included any general
 592 obligation bonds that are additionally secured by the pledge of:

593 a. Any assessments levied in an amount sufficient to pay
 594 the principal and interest on the general obligation bonds so
 595 additionally secured, which assessments have been equalized and
 596 confirmed by resolution of the board pursuant to this act or
 597 section 170.08, Florida Statutes.

598 b. Water revenues, sewer revenues, or water and sewer
 599 revenues of the district to be derived from user fees in an
 600 amount sufficient to pay the principal and interest on the
 601 general obligation bonds so additionally secured.

602 c. Any combination of assessments and revenues described
 603 in sub-subparagraphs a. and b.

604 (n) Application of section 189.051 ~~189.4085~~, Florida
 605 Statutes.—Bonds issued by the district shall meet the criteria
 606 set forth in section 189.051 ~~189.4085~~, Florida Statutes.

607 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 608 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 609 ASSESSMENTS; MAINTENANCE TAXES.—

610 (c) Non-ad valorem maintenance taxes.—If and when
 611 authorized by general law, to maintain and preserve the physical
 612 facilities and services constituting the works, improvements, or
 613 infrastructure provided by the district pursuant to this act; to
 614 repair and restore any one or more of them, when needed; and to
 615 defray the current expenses of the district, including any sum
 616 that may be required to pay state and county ad valorem taxes on
 617 any lands that may have been purchased and that are held by the
 618 district under the provisions of this act, the governing board

619 | may, upon the completion of said systems, facilities, services,
 620 | works, improvements, or infrastructure, in whole or in part, as
 621 | may be certified to the board by the engineer of the board, levy
 622 | annually a non-ad valorem and nonmillage tax upon each tract or
 623 | parcel of land within the district, to be known as a
 624 | "maintenance tax." This non-ad valorem maintenance tax shall be
 625 | apportioned upon the basis of the net assessments of benefits
 626 | assessed as accruing from the original construction and shall be
 627 | evidenced to and certified by the governing board of the
 628 | district not later than June 1 of each year to the property
 629 | appraisers ~~appraiser~~ of Charlotte and Lee Counties ~~County~~ and
 630 | shall be extended by the property appraiser on the tax roll of
 631 | the property appraiser, as certified by the property appraiser
 632 | to the tax collector, and collected by the tax collector on the
 633 | merged collection roll of the tax collector in the same manner
 634 | and at the same time as county ad valorem taxes, and the
 635 | proceeds therefrom shall be paid to the district. This non-ad
 636 | valorem maintenance tax shall be a lien until paid on the
 637 | property against which assessed and enforceable in like manner
 638 | and of the same dignity as county ad valorem taxes.

639 | (13) SPECIAL ASSESSMENTS.—

640 | (a) As an alternative method to the levy and imposition of
 641 | special assessments pursuant to chapter 170, Florida Statutes,
 642 | pursuant to the authority of section 197.3631, Florida Statutes,
 643 | or pursuant to other provisions of general law, now or hereafter
 644 | enacted, which provide a supplemental means or authority to

645 impose, levy, and collect special assessments as otherwise
646 authorized under this act, the board may levy and impose special
647 assessments to finance the exercise of any of its powers
648 permitted under this act using the following uniform procedures:

649 1. At a noticed meeting, the governing board of the
650 district may consider and review an engineer's report on the
651 costs of the systems, facilities, and services to be provided, a
652 preliminary assessment methodology, and a preliminary roll based
653 on acreage or platted lands, depending upon whether platting has
654 occurred.

655 a. The assessment methodology shall address and discuss
656 and the board shall consider whether the systems, facilities,
657 and services being contemplated will result in special benefits
658 peculiar to the property, different in kind and degree than
659 general benefits, as a logical connection between the systems,
660 facilities, and services themselves and the property, and
661 whether the duty to pay the assessments by the property owners
662 is apportioned in a manner that is fair and equitable and not in
663 excess of the special benefit received. It shall be fair and
664 equitable to designate a fixed proportion of the annual debt
665 service, together with interest thereon, on the aggregate
666 principal amount of bonds issued to finance such systems,
667 facilities, and services that give rise to unique, special, and
668 peculiar benefits to property of the same or similar
669 characteristics under the assessment methodology so long as such
670 fixed proportion does not exceed the unique, special, and

671 peculiar benefits enjoyed by such property from such systems,
 672 facilities, and services.

673 b. The engineer's cost report shall identify the nature of
 674 the proposed systems, facilities, and services, their location,
 675 a cost breakdown plus a total estimated cost, including cost of
 676 construction or reconstruction, labor, and materials, lands,
 677 property, rights, easements, franchises, or systems, facilities,
 678 and services to be acquired, cost of plans and specifications,
 679 surveys of estimates of costs and revenues, costs of
 680 engineering, legal, and other professional consultation
 681 services, and other expenses or costs necessary or incident to
 682 determining the feasibility or practicability of such
 683 construction, reconstruction, or acquisition, administrative
 684 expenses, relationship to the authority and power of the
 685 district in its charter, and such other expenses or costs as may
 686 be necessary or incident to the financing to be authorized by
 687 the governing board.

688 c. The preliminary assessment roll to be prepared will be
 689 in accordance with the method of assessment provided for in the
 690 assessment methodology and as may be adopted by the governing
 691 board; the assessment roll shall be completed as promptly as
 692 possible and shall show the acreage, lots, lands, or plats
 693 assessed and the amount of the fairly and reasonably apportioned
 694 assessment based on special and peculiar benefit to the
 695 property, lot, parcel, or acreage of land; and, if the
 696 assessment against each such lot, parcel, acreage, or portion of

697 land is to be paid in installments, the number of annual
 698 installments in which the assessment is divided shall be entered
 699 into and shown upon the assessment roll.

700 2. The governing board of the district may determine and
 701 declare by an initial assessment resolution to levy and assess
 702 the assessments with respect to assessable improvements stating
 703 the nature of the systems, facilities, and services,
 704 improvements, projects, or infrastructure constituting such
 705 assessable improvements, the information in the engineer's cost
 706 report, the information in the assessment methodology as
 707 determined by the board at the noticed meeting and referencing
 708 and incorporating as part of the resolution the engineer's cost
 709 report, the preliminary assessment methodology, and the
 710 preliminary assessment roll as referenced exhibits to the
 711 resolution by reference. If the board determines to declare and
 712 levy the special assessments by the initial assessment
 713 resolution, the board shall also adopt and declare a notice
 714 resolution that shall provide and cause the initial assessment
 715 resolution to be published once a week for a period of 2 weeks
 716 in newspapers ~~a newspaper~~ of general circulation published in
 717 Charlotte and Lee Counties ~~County~~ and said board shall by the
 718 same resolution fix a time and place at which the owner or
 719 owners of the property to be assessed or any other persons
 720 interested therein may appear before said board and be heard as
 721 to the propriety and advisability of making such improvements,
 722 as to the costs thereof, as to the manner of payment therefor,

723 and as to the amount thereof to be assessed against each
 724 property so improved. Thirty days' notice in writing of such
 725 time and place shall be given to such property owners. The
 726 notice shall include the amount of the assessment and shall be
 727 served by mailing a copy to each assessed property owner at his
 728 or her last known address, the names and addresses of such
 729 property owners to be obtained from the record of the property
 730 appraiser of the county political subdivision in which the land
 731 is located or from such other sources as the district manager or
 732 engineer deems reliable, and proof of such mailing shall be made
 733 by the affidavit of the manager of the district or by the
 734 engineer, said proof to be filed with the district manager,
 735 provided that failure to mail said notice or notices shall not
 736 invalidate any of the proceedings hereunder. It is provided
 737 further that the last publication shall be at least 1 week prior
 738 to the date of the hearing on the final assessment resolution.
 739 Said notice shall describe the general areas to be improved and
 740 advise all persons interested that the description of each
 741 property to be assessed and the amount to be assessed to each
 742 piece, parcel, lot, or acre of property may be ascertained at
 743 the office of the manager of the district. Such service by
 744 publication shall be verified by the affidavit of the publisher
 745 and filed with the manager of the district. Moreover, the
 746 initial assessment resolution with its attached, referenced, and
 747 incorporated engineer's cost report, preliminary assessment
 748 methodology, and preliminary assessment roll, along with the

749 notice resolution, shall be available for public inspection at
750 the office of the manager and the office of the engineer or any
751 other office designated by the governing board in the notice
752 resolution. Notwithstanding the foregoing, the landowners of all
753 of the property that is proposed to be assessed may give the
754 district written notice of waiver of any notice and publication
755 provided for in this subparagraph and such notice and
756 publication shall not be required, provided, however, that any
757 meeting of the governing board to consider such resolution shall
758 be a publicly noticed meeting.

759 3. At the time and place named in the noticed resolution
760 as provided for in subparagraph 2., the governing board of the
761 district shall meet and hear testimony from affected property
762 owners as to the propriety and advisability of making the
763 systems, facilities, services, projects, works, improvements, or
764 infrastructure and funding them with assessments referenced in
765 the initial assessment resolution on the property. Following the
766 testimony and questions from the members of the board or any
767 professional advisors to the district of the preparers of the
768 engineer's cost report, the assessment methodology, and the
769 assessment roll, the governing board shall make a final decision
770 on whether to levy and assess the particular assessments.
771 Thereafter, the governing board shall meet as an equalizing
772 board to hear and to consider any and all complaints as to the
773 particular assessments and shall adjust and equalize the
774 assessments on the basis of justice and right.

775 4. When so equalized and approved by resolution or
776 ordinance by the governing board, to be called the final
777 assessment resolution, a final assessment roll shall be filed
778 with the clerk of the board and such assessment shall stand
779 confirmed and remain legal, valid, and binding first liens on
780 the property against which such assessments are made until paid,
781 equal in dignity to the first liens of ad valorem taxation of
782 county and municipal governments and school boards. However,
783 upon completion of the systems, facilities, service, project,
784 improvement, works, or infrastructure, the district shall credit
785 to each of the assessments the difference in the assessment as
786 originally made, approved, levied, assessed, and confirmed and
787 the proportionate part of the actual cost of the improvement to
788 be paid by the particular special assessments as finally
789 determined upon the completion of the improvement; but in no
790 event shall the final assessment exceed the amount of the
791 special and peculiar benefits as apportioned fairly and
792 reasonably to the property from the system, facility, or service
793 being provided as originally assessed. Promptly after such
794 confirmation, the assessment shall be recorded by the clerk of
795 the district in the minutes of the proceedings of the district,
796 and the record of the lien in this set of minutes shall
797 constitute prima facie evidence of its validity. The governing
798 board, in its sole discretion, may, by resolution, grant a
799 discount equal to all or a part of the payee's proportionate
800 share of the cost of the project consisting of bond financing

801 cost, such as capitalized interest, funded reserves, and bond
 802 discounts included in the estimated cost of the project, upon
 803 payment in full of any assessments during such period prior to
 804 the time such financing costs are incurred as may be specified
 805 by the governing board in such resolution.

806 5. District assessments may be made payable in
 807 installments over no more than 30 years after ~~from~~ the date of
 808 the payment of the first installment thereof and may bear
 809 interest at fixed or variable rates.

810 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 811 PROVISIONS REQUIRED.-

812 (a) No contract shall be let by the board for any goods,
 813 supplies, or materials to be purchased when the amount thereof
 814 to be paid by the district shall exceed the amount provided in
 815 section 287.017, Florida Statutes, for category four, unless
 816 notice of bids shall be advertised once in newspapers ~~a~~
 817 ~~newspaper~~ in general circulation in Charlotte and Lee Counties
 818 ~~County~~. Any board seeking to construct or improve a public
 819 building, structure, or other public works shall comply with the
 820 bidding procedures of section 255.20, Florida Statutes, and
 821 other applicable general law. In each case, the bid of the
 822 lowest responsive and responsible bidder shall be accepted
 823 unless all bids are rejected because the bids are too high or
 824 the board determines it is in the best interests of the district
 825 to reject all bids. The board may require the bidders to furnish
 826 bond with a responsible surety to be approved by the board.

827 Nothing in this section shall prevent the board from undertaking
 828 and performing the construction, operation, and maintenance of
 829 any project or facility authorized by this act by the employment
 830 of labor, material, and machinery.

831 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 832 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.-

833 (b) No such rates, fees, rentals, or other charges for any
 834 of the facilities or services of the district shall be fixed
 835 until after a public hearing at which all the users of the
 836 proposed facility or services or owners, tenants, or occupants
 837 served or to be served thereby and all other interested persons
 838 shall have an opportunity to be heard concerning the proposed
 839 rates, fees, rentals, or other charges. Rates, fees, rentals,
 840 and other charges shall be adopted under the administrative
 841 rulemaking authority of the district, but shall not apply to
 842 district leases. Notice of such public hearing setting forth the
 843 proposed schedule or schedules of rates, fees, rentals, and
 844 other charges shall have been published in newspapers ~~a~~
 845 ~~newspaper~~ of general circulation in Charlotte and Lee Counties
 846 ~~County~~ at least once and at least 10 days prior to such public
 847 hearing. The rulemaking hearing may be adjourned from time to
 848 time. After such hearing, such schedule or schedules, either as
 849 initially proposed or as modified or amended, may be finally
 850 adopted. A copy of the schedule or schedules of such rates,
 851 fees, rentals, or charges as finally adopted shall be kept on
 852 file in an office designated by the board and shall be open at

853 all reasonable times to public inspection. The rates, fees,
 854 rentals, or charges so fixed for any class of users or property
 855 served shall be extended to cover any additional users or
 856 properties thereafter served that shall fall in the same class,
 857 without the necessity of any notice or hearing.

858 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.-

859 (a) The board may ask the Legislature through its local
 860 legislative delegations in and for Charlotte and Lee Counties
 861 ~~County~~ to amend this act to contract, to expand or to contract,
 862 and to expand the boundaries of the district.

863 (b) The district shall remain in existence until:

864 1. The district is terminated and dissolved pursuant to
 865 amendment to this act by the Legislature.

866 2. The district has become inactive pursuant to section
 867 189.062 ~~189.4044~~, Florida Statutes.

868 Section 6. In the election provided for in section 7, each
 869 landowner present in person or by proxy is entitled to cast one
 870 vote for each assessable acre or fraction of an acre of land
 871 owned by him or her and located within the district.

872 Section 7. This section and section 6 shall take effect
 873 upon this act becoming a law, and the remaining sections shall
 874 take effect upon approval by a majority vote of the owners of
 875 land within the district, including land in Charlotte and Lee
 876 Counties, who are not exempt from ad valorem taxes or non-ad
 877 valorem assessments and who are present in person or by proxy at
 878 a landowners' meeting to be held within 90 days after the

879 | effective date of this act. Such landowners' meeting shall be
880 | noticed in the same manner as provided in section 5 of chapter
881 | 2007-306, Laws of Florida. However, the provisions of this act
882 | authorizing the levy of ad valorem taxation and the issuance of
883 | general obligation bonds shall take effect only upon express
884 | approval by a majority vote of those qualified electors of the
885 | Babcock Ranch Community Independent Special District voting in a
886 | referendum election held at such time as all members of the
887 | district's governing board are qualified electors of the
888 | district who are elected by qualified electors of the district
889 | as provided in this act.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1071 South Broward Hospital District, Broward County
SPONSOR(S): Stark
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

The South Broward Hospital District (the District) is a special district created by law, operating under ch. 2004-397, Laws of Florida. The current law limits investments made under an investment plan to an enumerated list of investment vehicles. In contrast, general law under s. 218.415, F.S., provides a broader array of investment vehicles to counties, municipalities, school districts, and special districts.

The bill removes the current enumerated list in ch. 2004-397, Laws of Florida, enabling the District to utilize the full range of investment tools available to other units of local government under general law and to approve other investment vehicles not specifically authorized by law through a resolution of the District Board of Commissioners.

The fiscal impact is indeterminate because the amount of accrued interest will vary based upon the amount of principal invested, the interest rate being applied, and protocols for crediting interest.

This bill is effective upon the bill becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

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,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁵ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.

The South Broward Hospital District (District), was created in 1947 by special act⁶ in order to provide for and maintain any and all types of health facilities, equipment, and services within Broward County.⁷ The District is managed by a seven member Board of Commissioners (Board).⁸ The Board has the power to levy an ad valorem tax of up to 2.5 mills as well as any additional mills necessary to pay interest and principle on bonds not to exceed \$50 million dollars used to establish, construct, acquire, add to, operate, or maintain District facilities.⁹

The District has the ability to invest any funds in its possession pursuant to an investment policy approved by the Board¹⁰ and limited to an enumerated list of approved instruments, specifically:

- The Local Government Surplus Funds Trust Fund under s. 218.405, F.S.
- Commercial bankers' acceptances
- Prime quality commercial paper
- Interest bearing bonds, debentures and other forms of debt with a fixed maturity of a domestic corporation
- Direct obligations of the United States Government and various federal financial institutions
- Options for the purpose of hedging to protect underlying asset values.¹¹

Contrastingly, units of general local government have investment powers under a separate statutory scheme proscribed by general law.¹² The range of investment tools available with an investment policy in place under this section is broader than the options currently available to the District, including:

- The Local Government Surplus Funds Trust Fund under s. 218.405 F.S. or any intergovernmental investment pool authorized by the Florida Interlocal Cooperation Act of 1969, as provided in s. 163.01, F.S.;
- Security Exchange Commission registered money market funds with the highest credit rating
- Interest-bearing time deposits or savings accounts in qualified public depositories authorized under s. 280.02, F.S.;
- Direct obligations of the United States Treasury;

¹ Section 189.031(3), F.S.

² Id.

³ Section 189.02(1), F.S.

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

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

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

⁶ Ch. 24415, Laws of Fla.

⁷ Ch. 84-400, Laws of Fla.

⁸ Ch. 2004-397, s. 3, Laws of Fla.

⁹ Ch. 2004-397, s. 27 & 11, Laws of Fla.

¹⁰ Ch. 2004-397, s. 37 of s. 3, Laws of Fla.

¹¹ Ch. 2004-397, s. 37(1)-(6) of s. 3, Laws of Fla.

¹² Section 218.415, F.S.

- Federal agencies and instrumentalities;
- Rated or unrated bonds, notes, and certain instruments guaranteed by the government of Israel;
- Securities of certain management-type investment companies and trusts which invest only in United States government entities;
- Other investments authorized by law or resolution for a special district.¹³

EFFECT OF THE BILL

The bill amends ch. 2004-397, Laws of Florida, to authorize the District to invest surplus public funds through the more expansive list of investment tools available to counties, municipalities, school districts and other special districts under general law. The bill also allows the District to authorize additional investment vehicles by resolution of the Board under the statutory authorization.¹⁴

The bill includes a savings clause for this act, providing that a ruling invalidating any provision or application of the law created by the bill does not render invalid any other provision or application of the new law.

B. SECTION DIRECTORY:

Section 1. Amends ch. 2004-397, Laws of Florida, to expand the investment options available to the District by deleting the present list of available options and relying on the provisions available to other units of local government under general law.

Section 2. Provides that the act created by the bill shall be liberally construed to effectuate its purposes.

Section 3. Provides that if any provision of the act created by the bill is rendered invalid, the portions which are valid are severable and to be given effect.

Section 4. Provides the bill is effective upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? Oct. 4, 2015

WHERE? Broward, County

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.

¹³ Section 218.415(16)(a)-(i), F.S.

¹⁴ Section 218.415(16)(i), F.S.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 2 requires liberal construction only of the new law created by the bill. Section 3 provides a savings clause only for the new law created by the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Rep. Stark
HB 1071 LB

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 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

BROWARD COUNTY
Lombardo, Faith

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

3635358

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: 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 Legisla-
tive Session of the Florida Legislature for
consideration and enactment:

A BILL TO BE ENTITLED
AN ACT RELATING TO THE SOUTH BRO-
WARD HOSPITAL DISTRICT, BROWARD
COUNTY, AMENDING CHAPTER 2004-397,
LAWS OF FLORIDA, PROVIDING A SAVING
CLAUSE IN THE EVENT ANY PROVISION OF
THE ACT IS DEEMED INVALID; PROVIDING
AN EFFECTIVE DATE.

BROWARD COUNTY LEGISLATIVE DEL-
EGATION
REPRESENTATIVE GWYNDOLEN CLARKE-
REED, CHAIR
10/4/2015

Order # - 3635358

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1071
 SPONSOR(S): Representative Richard Starke
 RELATING TO: Broward County - @ South Broward Hospital District
[Indicate Area Affected (City, County, or Special District) and Subject]
 NAME OF DELEGATION: Broward Legislative Delegation
 CONTACT PERSON: Andrea Knowles
 PHONE NO.: (954) 325-2950 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? Sun-Sentinel County Broward

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

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 []

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

Camyrdalen Clarke-Reed
Delegation Chair (Original Signature)

12/17/15
Date

Camyrdalen 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 #: 1071
SPONSOR(S): Representative Richard Stank
RELATING TO: Bowling Green - Memorial Healthcare Systems
[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.

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: No impact on individuals

2. Advantages to Businesses: No impact on businesses

3. Advantages to Government: No impact on government, however
the bill will provide clearer
guidelines consistent with state law.

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:

Services will not be impacted.

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:

Matthew J. Muhart
[Must be signed by Preparer]

Print preparer's name:

Matthew J. Muhart

August 19, 2015

Date

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

Exec. VP and Chief Administrative Officer

REPRESENTING:

Memorial Healthcare System

PHONE:

954-265-2995

E-MAIL ADDRESS:

mmuhart@mhs.net

A bill to be entitled

An act relating to the South Broward Hospital District, Broward County; amending chapter 2004-397, Laws of Florida; revising the authority of the district's board of commissioners to invest funds; authorizing investments listed in an investment policy adopted by the board pursuant to requirements applicable to various units of local government; deleting a list of authorized investments; providing construction and severability; providing an effective date.

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

Section 1. Section 37 of section 3 of chapter 2004-397, Laws of Florida, is amended to read:

Section 37. In addition to any investment authorized by general law, including s. 218.415, Florida Statutes, and to the extent created by the State Constitution, the Board of Commissioners of the South Broward Hospital District shall be and is hereby authorized and empowered to invest any funds in its control or possession in accordance with an investment policy approved by the board which mandates prudent investment practices which shall include, among other items, the investment objectives and permitted securities of the policy. Such investment policy shall be designed to maximize the financial

27 | return to the fund consistent with the risks incumbent in each
28 | investment and shall be designed to preserve the appropriate
29 | diversification of the portfolio. Accordingly, ~~the following~~
30 | ~~instruments are authorized for investment:~~

31 | ~~(1) In the trust fund known as Local Government Surplus~~
32 | ~~Funds Trust Fund as created and established by section 218.405,~~
33 | ~~Florida Statutes.~~

34 | ~~(2) Bankers' acceptances which are drawn upon and accepted~~
35 | ~~by a commercial bank which is a member bank of the Federal~~
36 | ~~Reserve System maintaining capital accounts in excess of 7.5~~
37 | ~~percent of total assets, and which member bank of its holding~~
38 | ~~company carries a credit rating in one of the two highest~~
39 | ~~alphabetical categories from at least two nationally recognized~~
40 | ~~debt rating agencies.~~

41 | ~~(3) Commercial paper of prime quality rated by at least~~
42 | ~~two nationally recognized debt rating agencies in the highest~~
43 | ~~letter and numerical rating of each agency. If not so rated,~~
44 | ~~such prime quality commercial paper may be purchased if secured~~
45 | ~~by a letter of credit provided by a commercial bank, which bank~~
46 | ~~or its holding company carries a credit rating in one of the two~~
47 | ~~highest alphabetical categories from at least two nationally~~
48 | ~~recognized debt rating agencies.~~

49 | ~~(4) Interest-bearing bonds, debentures, and other such~~
50 | ~~evidence of indebtedness with a fixed maturity of any domestic~~
51 | ~~corporation within the United States which is listed on any one~~
52 | ~~or more of the recognized national stock exchanges in the United~~

53 ~~States which is listed on any one or more of the recognized~~
54 ~~national stock exchanges in the United States and conforms with~~
55 ~~the periodic reporting requirements under the Securities~~
56 ~~Exchange Act of 1934. Such obligations shall either carry~~
57 ~~ratings in one of the two highest classifications of at least~~
58 ~~two nationally recognized debt rating agencies or be secured by~~
59 ~~a letter of credit provided by a commercial bank, which bank or~~
60 ~~its holding company carries a credit rating in one of the two~~
61 ~~highest alphabetical categories from at least two nationally~~
62 ~~recognized debt rating agencies.~~

63 ~~(5) Negotiable direct obligations of, or obligations the~~
64 ~~principal and interest of which are unconditionally guaranteed~~
65 ~~by, the United States Government and obligations of the Federal~~
66 ~~Farm Credit Banks, Federal Home Loan Mortgage Corporations, or~~
67 ~~Federal Home Loan Bank or its district banks, including Federal~~
68 ~~Home Loan Mortgage Corporation participation certificates or~~
69 ~~obligations guaranteed by the Government National Mortgage~~
70 ~~Association, which are purchased and sold under repurchase~~
71 ~~agreements and reverse repurchase agreements. Repurchase~~
72 ~~agreements and reverse repurchase agreements may be entered into~~
73 ~~only with a member bank of the Federal Reserve System or primary~~
74 ~~dealer in United States Government Securities. Further, any such~~
75 ~~repurchase agreements and reverse repurchase agreements shall be~~
76 ~~fully collateralized by the type of securities which are named~~
77 ~~in this subsection. Securities purchased or repurchased by the~~

78 ~~South Broward Hospital District shall be delivered to the South~~
 79 ~~Broward Hospital District or its agent versus payment.~~

80 ~~(6) Purchase of options so as to engage in bona fide~~
 81 ~~hedging activities for the purpose of protecting the asset value~~
 82 ~~of the underlying portfolio. However, the underlying security~~
 83 ~~(that is, the security that must be delivered if a put option or~~
 84 ~~call option contract is exercised) shall be negotiable direct~~
 85 ~~obligations of, or obligations the principal and interest of~~
 86 ~~which are unconditionally guaranteed by, the United States~~
 87 ~~Government and obligations of the Federal Farm Credit Banks,~~
 88 ~~Federal Home Loan Mortgage Corporations, or Federal Loan Bank or~~
 89 ~~its district banks, including Federal Home Loan Mortgage~~
 90 ~~Corporation participation certificates, or obligations~~
 91 ~~guaranteed by the Government National Mortgage Association.~~
 92 ~~Further, the options of said underlying securities shall be~~
 93 ~~traded on a securities exchange or board of trade regulated by~~
 94 ~~the Securities Exchange Commission or the Commodity Futures~~
 95 ~~Trading Commission.~~

96 Section 2. This act shall be liberally construed to
 97 effectuate the purposes set forth herein.

98 Section 3. If any provision of this act or its application
 99 to any person or circumstance is held invalid, the invalidity
 100 does not affect other provisions or applications of the act that
 101 can be given effect without the invalid provision or
 102 application, and to this end the provisions of this act are
 103 severable.

HB 1071

2016

104

Section 4. This act shall take effect upon becoming a law.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee
 3 Representative Stark offered the following:

Amendment

Remove lines 96-98 and insert:

Section 2. Section 4 of chapter 2004-397, Laws of Florida,
is amended to read:

Section 4. This act shall be liberally construed to
effectuate the purposes set forth herein.

Section 3. Section 5 of chapter 2004-397, Laws of Florida,
is amended to read:

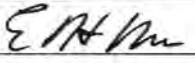
Section 5. If any provision of this act or its application

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1121 City of Fort Lauderdale, Broward County

SPONSOR(S): Moraitis, 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

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. Outside of an FWC pilot program of five municipalities, however, counties and municipalities are not allowed to regulate anchoring vessels outside of mooring areas.

The bill would prohibit anchoring in an area previously designated as a boating-restricted area by the City of Fort Lauderdale. The bill prescribes the penalty for anchoring in the designated area. The bill authorizes the City of Fort Lauderdale to adopt an ordinance defining a violation of the anchoring restriction as a civil infraction enforceable by the city's code enforcement officers.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Vessel Safety Law

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.¹ Both vessel speed and vessel traffic may be restricted.²

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.,³ or by a county or municipality by adoption of an ordinance.⁴ 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 U.S. Coast Guard and U.S. Army Corps of Engineers, where the area is part of the navigable waters of the United States.⁵ Under the current federal general definition:

Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.⁶

It is unlawful to operate a vessel in a boating-restricted area or to carry on any prohibited activity,⁷ if the area has been clearly marked by regulatory markers.⁸ Violating the Florida Vessel Safety Law is a noncriminal infraction,⁹ and violators are subject to a \$50 fine.¹⁰ 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.¹¹

Local governments may enact and enforce regulations considering live-aboard vessels within their jurisdiction, but are prohibited from regulating the anchoring of non-live-aboard vessels outside of mooring fields.¹² A live-aboard vessel is any vessel which is:

- Used solely as a residence and not for navigation;¹³
- Represented as a place of business or a professional or other commercial enterprise;¹⁴ or
- Declared a domicile, pursuant to s. 222.17, F.S.¹⁵

¹ Section 327.46(1), F.S.

² *Id.*

³ Section 327.46(1)(a), F.S.

⁴ Section 327.46(1)(b)-(c), F.S.

⁵ Section 327.46(2), F.S.

⁶ 33 C.F.R. s. 329.4 (2015).

⁷ “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.

⁸ Section 327.46(3), F.S.

⁹ Section 327.73(1)(k), F.S.

¹⁰ Section 327.73(1), F.S.

¹¹ Section 327.46(4), F.S.

¹² Section 327.60(3), F.S.

¹³ Section 327.02(19)(a), F.S.

¹⁴ Section 327.02(19)(b), F.S.

A pilot program, administered by the FWC in consultation with the Department of Environmental Protection, was established in 2009 to explore regulations for anchoring or mooring of non-live-aboard vessels outside of public mooring fields.¹⁶ The program was initially established for five years and was subsequently renewed until 2017.¹⁷ FWC was responsible for selecting five locations for the pilot program, two on the east coast of the state, two on the west coast, and one within Monroe County.¹⁸ Counties and municipalities participating in the pilot program may pass ordinances regulating non-live-aboard vessels outside of a mooring field, subject to FWC approval.¹⁹

Effect of Proposed Changes

The bill describes a portion of the Middle River that has been designated by the City of Fort Lauderdale as a boating-restricted area, pursuant to s. 327.46, F.S. The bill states that the area has been designated a "watersports activity area" by the city, where single-engine vessels, not exceeding twenty-one feet, may engage in watersports activities or other activities, in accordance with idle speed/no wake zone or slow speed/minimum wake zone limitations. The bill prohibits anchoring in this "watersports activity area."

The bill states that a person anchoring in the "watersports activity area" has committed a non-criminal civil infraction punishable by civil penalty of \$50 for a first offense, \$100 for a second offense, and \$250 for a third or subsequent offense. The bill authorizes the City of Fort Lauderdale to adopt an ordinance making a violation of the anchoring prohibition in the bill a civil infraction, enforceable by a special magistrate pursuant to the Code Enforcement chapter of the City of Fort Lauderdale's Code of Ordinances.

The bill is intended to address concerns of residents in the affected area that anchored vessels are limiting the area available for watersports activities, creating a safety hazard, and generating excessive noise.²⁰ The bill may positively impact local marinas by encouraging anchoring in those areas instead of in undesignated areas.²¹

B. SECTION DIRECTORY:

- Section 1: Provides definitions for the purposes of the act.
- Section 2: Defines the boundaries a watersports activity area previously established the City of Fort Lauderdale, pursuant to s. 327.46, F.S., and describes the watersports activities.
- Section 3: Prohibits an owner/operator of a vessel from anchoring in the watersports activity area described in Section 2 of the bill.
- Section 4: Provides that a violation of this act is a non-criminal civil infraction pursuant to s. 162.21, F.S.
- Section 5: Authorizes the City of Fort Lauderdale to enforce the act by adoption of an ordinance.
- Section 6: Provides that the bill shall take effect upon becoming law.

¹⁵ Section 327.02(19)(c), F.S.

¹⁶ Section 327.4105, F.S.

¹⁷ Chapter 2009-86, Laws of Fla. (pilot program to expire July 1, 2014), ch. 2014-136, Laws of Fla. (pilot program to expire July 1, 2017).

¹⁸ Section 327.4105(2), F.S. FWC selected St. Augustine, Stuart, St. Petersburg, Sarasota, and Key West/Marathon. FWC, *Update on the Anchoring and Mooring Pilot Program*, available at <http://www.floridajobs.org/fdcp/dcp/waterfronts/Meetings/CrystalRiver/FWCMooringPilotProjectUpdate.pdf>. (last visited Jan. 15, 2016).

¹⁹ Section 327.4015(3), F.S.

²⁰ Economic Impact Statement for HB 1121 (2016).

²¹ *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

Rep. Motacchio
HB 1121 LB

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 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

BROWARD COUNTY
Lombardo, Faith

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

3635327

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: 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 THE CITY OF FORT LAUDERDALE; PROVIDING DEFINITIONS; PROHIBITING THE ANCHORAGE OF VESSELS IN A DESIGNATED WATERSPORTS ACTIVITY; ESTABLISHING SUCH PROHIBITED ACTIVITY AS A VIOLATION FOR WHICH ONE MAY BE CHARGED WITH A NONCRIMINAL INFRACTION; ESTABLISHING CIVIL PENALTIES FOR OFFENSES; AUTHORIZING THE CITY OF FORT LAUDERDALE TO ENFORCE THE PROVISIONS OF THIS LAW; PROVIDING FOR AN EFFECTIVE DATE.

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

Order # - 3635327

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1121
SPONSOR(S): Representative - George Morantz
RELATING TO: Broward County - Fort Lauderdale (Annexing + Merging)
(Indicate Area Affected (City, County, or Special District) and Subject)
NAME OF DELEGATION: Broward Legislative Delegation
CONTACT PERSON: Andrea Knowles
PHONE NO.: (561) 325-2980 **E-Mail:** Annawles@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 4th, 2015

Where? Sun-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

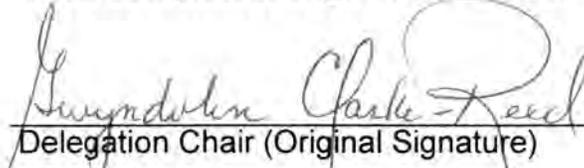
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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.


Delegation Chair (Original Signature)

12/21/15
Date

Gayndolen Clark 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 #: 1121

SPONSOR(S): Representative George R. Moraitis, Jr.

RELATING TO: The City of Fort Lauderdale

[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:	\$ <u>500</u>	\$ <u>500</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.

Verbal warnings would be issued for an initial time frame if this bill passes. City staff would make boaters aware of the violations. City staff estimate that this would be a very low revenue generating infraction. The estimate is based upon the issuance of ten first offense violations at \$50 per citation.

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: Citation Revenue	\$ <u>500</u>	\$ <u>500</u>
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.

1. Advantages to Individuals:

Residents in the area have complained about vessels anchoring in these areas being eyesores, reducing the size of the watersport zones (safety), excessive noise, and other such issues. These complaints would be reduced.

2. Advantages to Businesses:

This bill may encourage anchorign vessels to use local marinas instead of anchoring free of charge in undesignated areas.

3. Advantages to Government:

Reduction in fire and medical emergency calls to offshore vessels via the fire boat (approximately 10 per year currently). Reduction in public safety incidences involving anchored vessels.

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: Limits the availability of free anchoring areas.

2. Disadvantages to Businesses: There are no known disadvantages to businesses

3. Disadvantages to Government: There are no known disadvantages to government

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

The City of Fort Lauderdale's Police Department already patrols this area and responds to complaints so there is no anticipated cost to the City of enforcing this bill. This bill would allow police officers to respond to our neighbors' concerns and complaints.

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.

Revenue was assumed at 10 first offense violation citations at \$50 per citation. However, it is difficult to estimate the number of vessels that would not comply after a written warning.

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: Lee R. Feldman, ICMA-CM
9/9/15
Date

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

City Manager

REPRESENTING: City of Fort Lauderdale

PHONE: 954-828-5894

E-MAIL ADDRESS: lfeldman@fortlauderdale.gov

A bill to be entitled

An act relating to the City of Fort Lauderdale,
 Broward County; providing definitions; designating a
 watersports activity area in the city and providing
 boundaries; prohibiting the anchorage of vessels in
 designated watersports activity areas; providing that
 such offense is a noncriminal infraction; establishing
 civil penalties for such offenses; authorizing the
 City of Fort Lauderdale to enforce this act; providing
 an effective date.

WHEREAS, section 327.46, Florida Statutes, authorizes the
 creation of a boating-restricted area for any purpose necessary
 to protect the safety of the public if such restrictions are
 based on vessel traffic congestion or other navigational
 hazards, and

WHEREAS, a boating-restricted area may include vessel-
 exclusion zones if the area is reserved for a particular
 activity and user group separation must be imposed for the
 protection and safety of those participating in such activity,
 and

WHEREAS, the City of Fort Lauderdale, pursuant to section
 327.46, Florida Statutes, has created a watersports activity
 area within a limited area in Middle River, bounded on the south
 by the intersection of Middle River and the Intracoastal

26 Waterway and bounded on the north by N.E. 21st Court, all within
 27 the corporate limits of the City of Fort Lauderdale, and

28 WHEREAS, within this watersports activity area, vessels not
 29 exceeding 21 feet in length with a single engine may engage in
 30 watersports activities involving the towing of persons on a pair
 31 of waterskis, slalom waterski, inner-tube, inflated tube, knee-
 32 board, wake-board, or similar devices designed and intended to
 33 be towed behind a vessel, and

34 WHEREAS, the combination of congested vessel traffic and a
 35 pattern of slow speed/minimum wake and idle speed/no wake zones
 36 through the City of Fort Lauderdale means very few areas are
 37 suitable for watersports activities, leaving the restricted area
 38 of Middle River as one of the only remaining areas of the city
 39 where watersports activities are appropriate, and

40 WHEREAS, chapter 327, Florida Statutes, provides that
 41 activities that will impede or disturb navigation or create a
 42 safety hazard are prohibited, and

43 WHEREAS, the congregation of anchored vessels within the
 44 watersports activity area in Middle River impedes and disturbs
 45 the navigational freedoms of, and creates a safety hazard for,
 46 vessels lawfully engaged in watersports activities in such area,
 47 and

48 WHEREAS, for the safety of the public, anchoring vessels in
 49 this boating-restricted area should be prohibited, and

50 WHEREAS, section 327.44(2), Florida Statutes, provides that
 51 "No person shall anchor, operate, or permit to be anchored,

52 | except in case of emergency, or operated a vessel or carry on
 53 | any prohibited activity in a manner which shall unreasonably or
 54 | unnecessarily constitute a navigational hazard or interfere with
 55 | another vessel. Anchoring under bridges or in or adjacent to
 56 | heavily traveled channels shall constitute interference if
 57 | unreasonable under the prevailing circumstances," and

58 | WHEREAS, the City of Fort Lauderdale is committed to
 59 | creating a safe environment in Middle River to encourage
 60 | watersports activities and to preserve the river's rich history
 61 | of being a watersports activity destination, NOW, THEREFORE,

62 |
 63 | Be It Enacted by the Legislature of the State of Florida:
 64 |

65 | Section 1. As used in this act, the term:

66 | (1) "Idle speed/no wake zone" means a boating-restricted
 67 | area established to protect the safety of the public. In an idle
 68 | speed/no wake zone, a vessel is prohibited from proceeding at a
 69 | speed greater than the minimum speed necessary to maintain
 70 | steerageway.

71 | (2) "Slow speed/minimum wake zone" means a boating-
 72 | restricted area established to protect the safety of the public.
 73 | In a slow speed/minimum wake zone, a vessel must be fully off
 74 | plane and completely settled into the water and may not proceed
 75 | at a speed greater than the speed that is reasonable and prudent
 76 | to avoid the creation of excessive wake or other hazardous
 77 | conditions under the existing circumstances. A vessel that is:

78 (a) Operating on a plane is not proceeding at slow
79 speed/minimum wake.

80 (b) In the process of coming off plane and settling into
81 the water or coming up onto plane is not proceeding at slow
82 speed/minimum wake.

83 (c) Operating at a speed that creates a wake which
84 unreasonably or unnecessarily endangers other vessels is not
85 proceeding at slow speed/minimum wake.

86 (d) Completely off plane and which has fully settled into
87 the water and is proceeding without wake or with minimum wake is
88 proceeding at slow speed/minimum wake.

89 (3) "Waterski" means a single or pair of skis used in
90 planing over water while being towed by a vessel.

91 (4) "Waterskiing" means the recreational activity of
92 planing or jumping on waterskis while being towed by a vessel.
93 The term includes planing or jumping while upon an inner-tube,
94 inflated tube, knee board, wake board, or upon a similar device
95 designed and intended for being towed behind a vessel and upon
96 which a person or persons may be towed, all while being towed
97 behind a vessel.

98 (5) "Watersports activity area" means a boating-restricted
99 area in which activities involving vessels, not exceeding 21
100 feet in length, as set forth on the State of Florida vessel
101 registration, and powered by a single engine only, where such
102 vessels are engaged in the towing of a person or persons, on a
103 pair of waterskis, slalom waterski, inner-tube, inflated tube,

104 knee-board, wake board, or upon a similar device designed and
105 intended to be towed behind a vessel and upon which a person or
106 persons may be towed. A vessel engaged in watersports activities
107 may not simultaneously tow more than two sets of waterskis,
108 inner-tubes, or similar devices as set forth above. Vessels
109 engaged in watersports activities shall proceed at a speed and
110 course consistent with the safety of the person or persons being
111 towed, but under no circumstances may the vessel proceed at a
112 speed greater than 35 miles per hour. To enhance the safety of
113 the vessels and persons engaged in watersports activities, as
114 well as the safety of all vessels and persons within a
115 watersports activity designated area as provided in this act,
116 all vessels not lawfully engaged in watersports activities shall
117 proceed in accordance with idle speed/no wake zone or slow
118 speed/minimum wake zone limitations within the applicable
119 boating restricted area.

120 Section 2. The following area has been designated,
121 pursuant to s. 327.46(1)(b) and (c), Florida Statutes, as a
122 watersports activity area in the City of Fort Lauderdale in
123 which single-engine vessels, not exceeding 21 feet, as set forth
124 on the State of Florida vessel registration, may engage in
125 watersports activities, and all other vessels not lawfully
126 engaged in watersports activities must operate in according with
127 the idle speed/no wake zone or slow speed/minimum wake zone
128 limitations within the applicable boating-restricted area: the
129 area of Middle River bounded on the North by N.E. 21st Court and

130 bounded on the South by the intersection of Middle River and the
 131 Intracoastal Waterway, except those areas designated idle
 132 speed/no wake zones.

133 Section 3. An owner, or one who operates, as defined in s.
 134 327.02(30) and (31), Florida Statutes, a vessel, as defined in
 135 s. 327.02(43), Florida Statutes, may not anchor within the
 136 watersports activity area defined in section 2 designated by the
 137 City of Fort Lauderdale pursuant to s. 327.46(1)(b) and (c),
 138 Florida Statutes.

139 Section 4. A person cited for a violation of this act
 140 commits a noncriminal civil infraction pursuant to s. 162.21,
 141 Florida Statutes, punishable by payment of a civil penalty of:

- 142 (1) Fifty dollars for a first offense.
- 143 (2) One hundred dollars for a second offense.
- 144 (3) Two hundred fifty dollars for a third or subsequent
 145 offense.

146 Section 5. The City of Fort Lauderdale is authorized to
 147 enforce this act upon adoption of an ordinance making a
 148 violation of section 3 a civil infraction, enforceable by a
 149 special magistrate under City of Fort Lauderdale Code Chapter
 150 11, "Code Enforcement," Article IV, "Citation Violation Notice
 151 Procedures." The authority granted to the City of Fort
 152 Lauderdale under this act shall be cumulative to entities
 153 currently authorized to enforce this act.

154 Section 6. This act shall take effect upon becoming a law.

