



**LOCAL GOVERNMENT AFFAIRS
SUBCOMMITTEE**

MEETING PACKET

**Monday, January 25, 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

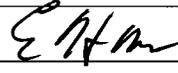
Debbie Mayfield
Chair

Meeting Agenda
Monday, January 25, 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 691 Retail Sale of Dextromethorphan by Business & Professions Subcommittee, Broxson
 - HB 1221 Barron Water Control District, Glades and Hendry Counties by Hudson
 - HB 1265 Greater Naples Fire Rescue District, Collier County by Passidomo
 - HB 1267 Greater Naples Fire Rescue District, Collier County by Passidomo
 - HB 1339 City of Webster, Sumter County by O'Toole
 - HB 1355 Gainesville Regional Utilities, Alachua County by Perry
 - HB 1371 St. Augustine-St. Johns County Airport Authority by Stevenson
 - HB 1417 Hillsborough County by Young
- VI. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 691 Retail Sale of Dextromethorphan
SPONSOR(S): Business & Professions Subcommittee; Broxson
TIED BILLS: IDEN./SIM. **BILLS:** SB 938

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	13 Y, 0 N, As CS	Brown-Blake	Anstead
2) Local Government Affairs Subcommittee		Renner 	Miller 
3) Regulatory Affairs Committee			

SUMMARY ANALYSIS

Dextromethorphan (DXM) is a common active ingredient used by pharmaceutical companies in many over-the-counter (OTC) cough suppressant medications. The ingredient is used most commonly as a cough suppressant and an expectorant, but is also used for the temporary relief of sinus congestions, runny nose, cough, sneezing, itchy nose and throat, and watery eyes caused by allergies, cold, flu, or other upper respiratory infections.

The use of DXM in larger than therapeutic doses causes impaired vision, sweating, fever, rapid breathing, increased blood pressure and heart rate, slurred speech, impaired judgment and mental function, hallucinations and dissociative effects, and in higher doses, coma, or death. Teenagers and young adults have been documented as abusing DXM in larger than therapeutic doses in order to achieve the dissociative effect. The dangers associated with DXM abuse include possible overdose of DXM, overdose of other combined substances, impairment leading to injury or death, and dependence upon the drug.

The bill restricts the sale of a "finished drug product" that contains DXM to persons younger than the age of 18. Specifically, manufacturers, distributors, retail entities, and their employees and representatives are prohibited from knowingly or willfully selling a finished drug product that contains any quantity of DXM to a person younger than 18 years old. Additionally, the bill prohibits a person younger than 18 years of age from purchasing a finished drug product that contains any quantity of DXM. The person making the sale of the finished drug product that contains DXM is required to obtain proof of age from the purchaser prior to completing the sale, unless the person making the sale could reasonably presume from the consumer's outward appearance that the consumer is 25 years old or older.

The bill provides for fines to be paid by manufacturers, distributors, retail entities, or their employees or representatives in violation of this section, as well as persons who possess or receive a finished drug product that contains DXM with the intent to distribute it to a person under the age of 18. The bill provides for a way for recipients of the fine to dispute the violation and provides for the local jurisdiction to recover unpaid accrued fines.

The bill preempts any ordinance regulating the sale, distribution, receipt, or possession of DXM which may be enacted by a county, municipality, or other political subdivision of the state. DXM is not subject to further regulation by such political subdivisions.

The bill is expected to have no financial impact on a state or local agency.

The bill has an effective date of January 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

General:

DXM is a common active ingredient used by pharmaceutical companies in many OTC cough suppressant medications. The ingredient is used most commonly as a cough suppressant and an expectorant, but is also used for the temporary relief of sinus congestions, runny nose, cough, sneezing, itchy nose and throat, and watery eyes caused by allergies, cold, flu, or other upper respiratory infections. Approximately 70 products which contain DXM are available to consumers. Additionally, DXM can be purchased in bulk over the internet in a powder form as the pure raw ingredient used by pharmaceutical companies to manufacture the cough medicines. When taken as directed in an OTC medication, DXM has few side effects and has a long history of safety and effectiveness.¹

The use of DXM in larger than therapeutic doses causes impaired vision, sweating, fever, rapid breathing, increased blood pressure and heart rate, slurred speech, impaired judgment and mental function, hallucinations and dissociative effects, and in higher doses, coma.² Teenagers and young adults have been documented as abusing DXM in larger than therapeutic doses in order to achieve the dissociative effect, where the drug distorts how they perceive sight and sound and creates a feeling of detachment from the environment.³ The dangers associated with DXM abuse include possible overdose of DXM, overdose of other combined substances, impairment leading to injury or death, and dependence upon the drug.

Overdoses:

Before 2009, there were five documented fatal overdoses associated with ingestion of DXM.⁴ Very high doses of DXM are shown to shut down the central nervous system, causing death. Additionally, OTC medications that include DXM typically are combined with acetaminophen to relieve pain, or other medications that can be toxic in larger than therapeutic doses, causing liver damage, heart attack, stroke, and death.

Impairment:

DXM causes impaired vision, altered consciousness, and hallucinations, which can lead to irrational or dangerous behavior or otherwise impede the ability of a person to act responsibly. A person who is suffering from these conditions would be a risk to themselves and others if they chose to operate a motor vehicle or otherwise be in a place where their safety was not insured. Individuals have killed and been killed in car related accidents while high on DXM.⁵

¹ Center for Substance Abuse Research, *Dextromethorphan (DXM)*, found at <http://www.cesar.umd.edu/cesar/drugs/dxm.asp> (last visited January 6, 2016).

² WebMD, *Teen Drug Abuse of Cough Medicine*, found at <http://www.webmd.com/parenting/teen-abuse-cough-medicine-9/teens-and-dxm-drug-abuse?page=3> (last visited January 6, 2016).

³ What is DXM, *About DXM*, found at <http://www.whatisdxm.com/about-dxm.html>, (last visited January 6, 2016).

⁴ Journal of Analytical Toxicology, Vol. 33, March 2009, *Five Deaths Resulting from Abuse of Dextromethorphan Sold Over the Internet*, found at https://www.researchgate.net/publication/24037337_Five_Deaths_Resulting_from_Abuse_of_Dextromethorphan_Sold_Over_the_Internet, (last visited on January 6, 2016).

⁵ The Morning Call, *Moore teen who drove high on 'poor man's PCP,' killing 2, pleads guilty,* found at <http://www.mcall.com/news/breaking/mc-moore-township-teen-killed-two-while-driving-high-cough-syrup-20151023-story.html>, (last visited on January 6, 2016).

Dependence:

The level and likelihood of experiencing addiction to DXM depends upon the dose and frequency of the use by an individual. High dose chronic use of DXM can lead to toxic psychosis, a mental condition which is characterized by loss of contact with reality and confusion, as well as other physiological and behavioral problems.⁶

Regulation:

The sale of DXM directly to consumers is not regulated by the state of Florida or the Federal government. It is not considered a controlled substance that would require a prescription. The Federal Drug Administration approved DXM in 1958 as an OTC cough suppressant. During the 1960s and 70s, DXM was available OTC in tablet form by the brand name of Romilar. In 1975, the extensive abuse of Romilar was recognized, and the medication was removed from the OTC market. However, DXM was specifically excluded from the 1970 Controlled Substances Act (CSA), which required the regulation of manufacture, importation, possession, use, and distribution of certain medications. Because DXM was excluded from the CSA, it remained legal to produce and sell in OTC medications, thus it was still readily available for abuse. Shortly after the removal of Romilar from the market, other pharmaceutical companies introduced other medications, including various cough syrups, which included DXM.⁷ These new medications were allegedly designed to limit recreation use by creating an unpleasant taste if consumed in large quantities. However, shortly after their introduction, many of the companies introduced more tolerable flavors in order to increase sales of their products.⁸

Currently, larger retailers such as Target, Walgreens, and CVS already prohibit their employees from selling DXM-related products to persons under the age of 18. Therefore, the possible violations of this provision are likely to be related to the sale of DXM-related products from smaller retailers or retailers that do not specialize in the sale of OTC medications and do not currently require age verification prior to sale.

Effect of the Bill

The bill restricts the sale of a “finished drug product” that contains DXM to persons younger than the age of 18. The term “finished drug product” is defined to mean a drug legally marketed under the Federal Food, Drug, and Cosmetic Act that is in finished dosage form. The term “drug” is defined pursuant to s. 499.003(18), F.S.

The bill specifies that a manufacturer, distributor, retail entity, or its employee or representative is prohibited from knowingly or willfully selling a finished drug product that contains any quantity of DXM to a person younger than 18 years old. Additionally, the bill prohibits a person younger than 18 years of age from purchasing a finished drug product that contains any quantity of DXM.

The employee or representative making the sale of the finished drug product that contains DXM is required to obtain proof of age from the purchaser prior to completing the sale, unless the person making the sale could reasonably presume from the consumer’s outward appearance that the consumer is 25 years old or older. “Proof of age” is defined to mean any document issued by a governmental agency that contains the date of birth and a description or photograph of the person purchasing the finished drug product. The term includes, but is not limited to, a passport, United States Armed Services identification card, driver license, or an identification card issued by this state or another state of the United States.

⁶ Jaffe, J.H. (ed). (1995). Encyclopedia of Drugs and Alcohol, Vol. 1. Simon & Schuster MacMillan: New York. (Id. Footnote 1).

⁷ Id. at 1.

⁸ Id. at 1.

The bill provides for the following fines to be paid by entities or individuals in violation of these requirements:

- A manufacturer, distributor, or retailer whose employee sells to a consumer under the age of 18 during the course of employment or in association with the manufacturer, distributor, or retailer, is subject to:
 - A warning for the initial violation at each sales location;
 - A \$100 fine for any subsequent violations at each sales location.
- Note: The manufacturer, distributor, or retailer may avoid the fine if it can demonstrate a good faith effort to comply with the requirements.
- A person who possesses or receives a finished drug product that contains DXM with the intent to distribute it to a person under the age of 18 is subject to a fine of \$25.
 - An employee or representative of a manufacturer, distributor, or retailer who sells to a person under the age of 18 during the course of employment is subject to a warning.

The civil penalties issued shall accrue and may be recovered in a civil action brought by the local jurisdiction. The civil penalty issued to the person in possession with the intent to distribute must include information regarding how to dispute the penalty, and shall clearly state that the violation is a noncriminal violation. The civil penalty issued to the manufacturer, distributor, or retailer must include:

- The date and approximate time of the sale in violation of this section;
- The location of the sale, including the address;
- The name of the employee or representative that completed the sale;
- Information regarding how to dispute the penalty; and
- Notice that the violation is a noncriminal violation.

The civil penalty issued to the manufacturer, distributor, or retailer must be provided to the manager on duty. If no manager on duty is available, the law enforcement officer may attempt to contact the manager. If the attempt to contact fails, a copy of the penalty may be given to the employee and a copy mailed the owner's business address as filed with the Department of State or the law enforcement officer may return for service to the manager at a later time.

The civil penalty may be disputed by the recipient of the penalty. In order to dispute, the recipient must provide notice of a dispute to the clerk of the county court in the jurisdiction in which the violation occurred within 15 days of receipt of the penalty. The local jurisdiction then must hold a hearing in a court of competent jurisdiction. If the court finds in favor of the jurisdiction, the jurisdiction can then recover the fine.

The requirements of the bill do not:

- Restrict on the placement of finished drug products that contain DXM in a retail store, restrict direct access of consumers to the finished drug product, or require the maintenance of transaction records;
- Create a criminal violation; or
- Apply to a medication that contains DXM that is sold pursuant to a prescription.

The bill preempts any ordinance regulating the sale, distribution, receipt, or possession of DXM which may be enacted by a county, municipality, or other political subdivision of the state. DXM is not subject to further regulation by such political subdivisions.

B. SECTION DIRECTORY:

Section 1 restricts the sale of a "finished drug product" that contains dextromethorphan to persons over the age of 18.

Section 2 provides an effective date of January 1, 2017.

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 provides for local jurisdictions to recover the fines after the issuance of penalties by local law enforcement officers to persons who violate this provision. Therefore, there may be a minimal increase in revenues for local governments that receive payment for the fines, though the amount is difficult to determine and would likely be minimal due to the anticipated low number of citations issued.

2. Expenditures:

Local law enforcement offices would be required to issue citations for the violations. Because the possible violations of this provision are likely to be related to the sale of DXM related products from smaller retailers, and the officers would need to be present or run a sting in order to catch a violation, the number of violations is likely to be low. Local law enforcement agencies likely will be able to meet these requirements with existing resources. Any projected expenditures by local governments should be insignificant.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private entities would be required to train their employees to check the identifications of individuals purchasing certain medications. If there is a cost to this additional training, it should be minimal.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires implementation by administrative rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 12, 2016, the Business & Professions Subcommittee adopted a strike-all amendment and an amendment to the strike-all and reported the bill favorably as a committee substitute. The amendments:

- Create s. 501.975, F.S., placing the language in the Consumer Protection chapter of the Florida Statutes.
- Clarify the definition of “drug”.
- Update the term “proof of age” to mirror the identification requirements for the sale of tobacco.
- Extend the prohibition to sell to include manufacturers, distributors, retailers and their employees and representatives.
- Clarify that the violation is non-criminal.
- Clarify that failure to pay the required fine issued for a violation will subject the person to civil recovery by the local jurisdiction.
- Provide due process for individuals or entities to dispute the violation in county court.
- Provide enforcement by local law enforcement.
- Remove penalties for underage purchasers or employees in violation of this section.
- Provide a warning for any violations by employees and for first violations by distributors, manufacturers, and retailers.
- Provide a \$100 fine for any subsequent violation by distributors, manufacturers, and retailers.

The staff analysis is drafted to reflect the committee substitute.

27 finished dosage form. For purposes of this section, the term
 28 "drug" has the same meaning as provided in s. 499.003(18).

29 (b) "Proof of age" means any document issued by a
 30 governmental agency that contains the date of birth and a
 31 description or photograph of the person purchasing the finished
 32 drug product. The term includes, but is not limited to, a
 33 passport, a driver license, or an identification card issued by
 34 this state, another state, or any branch of the United States
 35 Armed Forces.

36 (2) (a) A manufacturer, distributor, or retailer, or its
 37 employees and representatives, may not knowingly or willfully
 38 sell a finished drug product containing any quantity of
 39 dextromethorphan to a person younger than 18 years of age.

40 (b) A person younger than 18 years of age may not purchase
 41 a finished drug product containing any quantity of
 42 dextromethorphan.

43 (3) An employee or representative of a retailer making a
 44 retail sale of a finished drug product containing any quantity
 45 of dextromethorphan must require and obtain proof of age from
 46 the purchaser before completing the sale, unless from the
 47 purchaser's outward appearance the person making the sale would
 48 reasonably presume the purchaser to be 25 years of age or older.

49 (4) (a) Each sales location of a manufacturer, distributor,
 50 or retailer whose employee or representative, during the course
 51 of the employee's or representative's employment or association
 52 with the manufacturer, distributor, or retailer, sells

53 dextromethorphan in violation of this section is subject to a
 54 written warning for an initial violation or, for each subsequent
 55 violation, a civil penalty of not more than \$100, which shall
 56 accrue and may be recovered in a civil action brought by the
 57 local jurisdiction. A manufacturer, distributor, or retailer who
 58 demonstrates a good faith effort to comply with this section is
 59 not subject to the civil penalty.

60 (b) An employee or representative of a manufacturer,
 61 distributor, or retailer who, during the course of the
 62 employee's or representative's employment or association with
 63 the manufacturer, distributor, or retailer, sells
 64 dextromethorphan in violation of this section is subject to a
 65 written warning.

66 (c) A person who possesses or receives dextromethorphan
 67 with the intent to distribute to a person younger than 18 years
 68 of age in violation of this section is subject to a civil
 69 penalty of not more than \$25 for each violation, which shall
 70 accrue and may be recovered in a civil action brought by the
 71 local jurisdiction. Notice of a civil penalty issued to a person
 72 pursuant to this paragraph shall include information regarding
 73 how to dispute the civil penlaty and shall clearly state that
 74 the violation is a noncriminal violation.

75 (5) Notice of a civil penalty issued to a manufacturer,
 76 distributor, or retailer pursuant to this section shall be
 77 provided to the manager on duty at the time the notice is
 78 issued. If a manager is not available, a local law enforcement

79 officer shall attempt to contact the manager to issue the
 80 notice. If the local law enforcement officer is unsuccessful in
 81 contacting the manager, he or she may leave a copy of the notice
 82 with an employee and mail a copy of the notice to the owner's
 83 business address, as filed with the Department of State, or he
 84 or she may return to issue the notice at a later time. A notice
 85 of civil penalty shall provide:

86 (a) The date and approximate time of the sale in violation
 87 of this section.

88 (b) The location of the sale, including the address.

89 (c) The name of the employee or representative that
 90 completed the sale.

91 (d) Information regarding how to dispute the civil
 92 penalty.

93 (e) Notice that the violation is a noncriminal violation.

94 (6) To dispute the civil penalty, the recipient of the
 95 notice must notify the clerk of the county court in the
 96 jurisdiction in which the violation occurred of the dispute in
 97 writing within 15 days after receipt of the notice. The local
 98 jurisdiction, through its duly authorized officers, shall hold a
 99 hearing in the court of competent jurisdiction when a notice of
 100 a violation of this section is issued, when the violation is
 101 disputed, and when the recipient is issued the notice of civil
 102 penalty by a local law enforcement officer employed by or acting
 103 on behalf of the jurisdiction. If the court finds in favor of
 104 the jurisdiction, the court shall require payment of the civil

105 penalty as provided in this section.

106 (7) This section shall be applied uniformly throughout the
 107 state. Enforcement of this section shall remain with local law
 108 enforcement departments and officials charged with the
 109 enforcement of the laws of the state.

110 (8) This section does not:

111 (a) Impose any restriction on the placement of products in
 112 a retail store, direct access of customers to finished drug
 113 products, or the maintenance of transaction records.

114 (b) Apply to a medication containing dextromethorphan that
 115 is sold by a retailer pursuant to a valid prescription.

116 (c) Create a criminal violation. A person who violates
 117 this section commits a noncriminal violation as defined in s.
 118 775.08(3).

119 (9) This section preempts any ordinance regulating the
 120 sale, distribution, receipt, or possession of dextromethorphan
 121 enacted by a county, municipality, or other political
 122 subdivision of the state, and dextromethorphan is not subject to
 123 further regulation by such political subdivisions.

124 Section 2. This act shall take effect January 1, 2017.

HB 1221

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1221 Barron Water Control District, Glades and Hendry Counties
SPONSOR(S): Hudson
TIED BILLS: **IDEN./SIM. BILLS:** SB 1358

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

SUMMARY ANALYSIS

The Barron Water Control District was created to serve Glades and Hendry Counties on May 8, 1975. The District's Charter was recodified in 2001 by Chapter 2001-301, Laws of Fla., which included the provisions of both Chapters 84-436 and 2000-416, Laws of Fla. That recodification also extended the life span of the district until midnight September 30, 2020.

This bill would remove the automatic repeal of the District from its Charter allowing the District to continue to exist and levy special assessments indefinitely.

This bill shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Barron Water Control District was created to serve Glades and Hendry Counties under the terms of a circuit court order entered on May 8, 1975.¹ The District has continuously provided water management service to the citizens of Glades and Hendry Counties for nearly 41 years.

The District's charter was recodified in 2001 by ch. 2001-301, Laws of Fla., which included the provisions of both chs. 84-436 and 2000-416, Laws of Fla. That recodification also extended the life span of the district. When originally formed the district was authorized for 30 years. Chapter 2001-301, Laws of Fla., extended the district's life span for an additional 15 years, providing that:

The Barron Water Control District of Glades and Hendry Counties shall cease to exist at midnight September 30, 2020.²

Water Control Districts

Chapter 298, F.S., governs the creation and operation of a water control district (WCD). A WCD has the authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.³ A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment.⁴

Current law generally prohibits any special laws or general laws of local application that grant additional authority, powers, rights, or privileges to a WCD formed pursuant to ch. 298, F.S.⁵ However, the prohibition does not apply to such laws if the law:

- Amends an existing special act providing for the levy of an annual maintenance tax of a district;
- Extends the corporate life of a district;
- Consolidates adjacent districts; or
- Authorizes the construction or maintenance of roads for agricultural purposes.

Further, current law expressly does not prohibit special laws or general laws of local application that:

- Change the method of voting for a board of supervisors for any WCD;⁶
- Change the term of office or qualifications for WCD board members;⁷ and
- Change the governing authority or governing board of any WCD.⁸

¹ See "Order Granting Petition for the Formation of a Water Management District," entered on May 8, 1975 in the case "In Re: Barron Water Management District," Case No. 72-197, Circuit Court of the 20th Judicial Circuit in and for Hendry County. Prior to July 1, 1980, water control districts could be created by order granting a petition of the landowners to the circuit court with jurisdiction over the majority of the land to be contained in the proposed district. See, s. 298.01, F.S., and historical note.

² Ch. 2001-301, Section 3(a) of Section 3, Laws of Fla.

³ Section 298.22, F.S.

⁴ Section 298.22(3), F.S.

⁵ Section 298.76(1), F.S.

⁶ Section 298.76(2), F.S.

⁷ Section 298.76(3), F.S.

⁸ Section 298.76(4), F.S.

Any special or local law the Legislature enacts pertaining to a WCD prevails on the WCD and has the same force and effect as if it were part of ch. 298, F.S., at the time the WCD was created and organized.⁹

Special Assessments

The primary funding source for water control districts is special assessments, which must provide a special benefit to the property which is being assessed and that assessment must be proportionate to the benefit received by the property.¹⁰

The Barron Water Control District levies its special assessment on a per acre basis, based on four different categories of land. This is the primary funding source for the District's 2015-2016 budget of \$1,348,201. For the 2015-2016 budget year the rates of assessment were:

- Urban rate, \$67.94; which was levied on 4,665.05 acres,
- Urban grove, \$33.97; which was levied on 507.11 acres,
- Irrigated units, \$25.35; which was levied on 14,426.77 acres, and,
- Drainage units, \$5.26; which was levied on 7,083.91 acres.¹¹

Proposed Changes

This bill repeals s. 3(a) of s. 3 of ch. 2001-301, Laws of Fla., which contains the language abolishing the Barron Water Control District on September 30, 2020. This would allow the District to continue to exist and levy special assessments indefinitely.

B. SECTION DIRECTORY:

Section 1 -

Repeals s. 3(a) of s. 3 of ch. 2001-301, Laws of Fla., which contains the language abolishing the Barron Water Control District on September 30, 2020.

Section 2 -

Provides that this bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 8, 2015

WHERE? The Clewiston News

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

⁹ Section 298.76(5), F.S.

¹⁰ City of Boca Raton v. State, 595 So.2d 25 (Fla 1992).

¹¹ From the Barron Water Control District's website which can be accessed at: <http://bwcd.net/about/> (Last accessed 01/12/2016)

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



Rep. Hudson
HB 1221 LB

STATE OF FLORIDA
COUNTY OF HENDRY

Before the undersigned authority, personally appeared Jose Jesus Zaragoza who on oath says he is the Publisher, of the Clewiston News, a weekly newspaper published at Clewiston in Hendry County, Florida, that the attached copy of advertisement being a **Public Notice** in the matter:

Notice of Intent to Seek Legislation - Ad #472904
in the 20th Judicial District of the Circuit Court, was published in said newspaper in the issue(s) of:

October 8, 2015

Affiant further says that the said Clewiston News is a newspaper published at Clewiston, in said Hendry County, Florida, and that said newspaper has heretofore been continuously published in said Hendry County, Florida each week, and has been entered as periodicals matter at the post office in Clewiston, in said Hendry 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.

[Signature]
Jose Jesus Zaragoza

Sworn to and subscribed before me this
12th day of October 2015 AD

Notary Public, State of Florida at Large

[Signature]
Notary Public

NOTICE OF INTENT TO SEEK LEGISLATION
Barron Water Control District, Glades County and Hendry County, Florida, hereby gives notice pursuant to Article III, Section 10 of the Florida Constitution and Section 11.02, Florida Statutes, of its intent to seek legislation before the 2016 Florida Legislature. The legislation deletes a date of automatic dissolution of the district and provides an effective date.
Mark Colbert, Chairman
Barron Water Control District
472904 CGS 10/8/2015

ASHLEY SMITH
Commission # FF 146091
My Commission Expires
July 29, 2018

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1221
 SPONSOR(S): Hudson
 RELATING TO: Barrom Water Control District
(Indicate Area Affected (City, County, or Special District) and Subject)
 NAME OF DELEGATION: Hendry
 CONTACT PERSON: Chris Lyon
 PHONE NO.: (850) 222-5702 E-Mail: clyon@llw-law.com

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

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

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

YES NO

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

YES NO

Date hearing held: September 29, 2015

Location: Hendry County Courthouse

(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 8, 2015

Where? Clewiston News County Hendry

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO

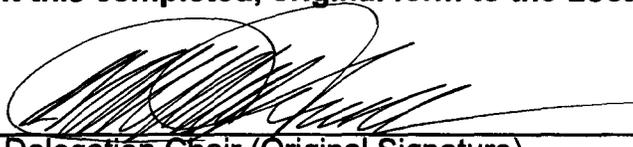
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

11/2/16

Date

MATT HUDSON

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1221

SPONSOR(S): Hudson

RELATING TO: Baron Water Control District
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Glades

CONTACT PERSON: Chris Lyon

PHONE NO.: (850) 222-5702 E-Mail: clyon@llw-law.com

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

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

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

YES NO

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

YES NO

Date hearing held: December 9, 2015

Location: Glades County Commission Chambers

(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 8, 2015

Where? Clewiston News County Glades

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)

Jan 12, 2016

Date

Cary Pigman

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 #: AB 1221
SPONSOR(S): Rep. Hudson
RELATING TO: Barron Water Control District, Glades and Hendry 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>
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: Allows for the continuation of high quality, low cost drainage, irrigation and flood control services within the district.
2. Advantages to Businesses: Same as above.
3. Advantages to Government: Allows for the continuation of high quality, low cost, drainage, irrigation and flood control services without having to transfer service responsibility after the District's current sunset date.

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:

The bill will allow the existing Barron Water Control District to continue its operations after 2020. The bill does not amend, authorize or delete any provisions related to the District's authority to collect revenue.

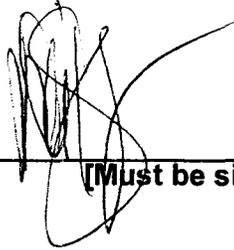
VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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. Prior experience representing special districts.

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:

Judi Kennington-Korf

12/15/2015

Date

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

General Manager

REPRESENTING:

Barron Water Control District

PHONE:

863-675-0346

E-MAIL ADDRESS:

judikk@bwcd.net



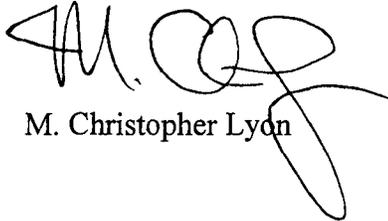
January 13, 2016

Re: Addendum to Economic Impact Statement of Barron Water Control District/HB 1221

To Whom It May Concern:

This confirms that pursuant to Section 189.076(2), Florida Statutes if the referenced legislation does not pass, the local general purpose government (Hendry and Glades Counties) would become the owner of all district property and assume all district indebtedness. In essence, the counties will have to provide flood control service and raise revenue to provide it. If the legislation passes, the district will continue to levy assessments on district landowners and provide flood control services. There will be no revenue increase if the bill passes.

Sincerely yours,



M. Christopher Lyon

See Things Differently®

TAMPA BAY
101 Riverfront Boulevard
Suite 620
Bradenton, Florida 34205

p | 941-708-4040 • f | 941-708-4024

JACKSONVILLE
245 Riverside Avenue
Suite 150
Jacksonville, Florida 32202

p | 904-353-6410 • f | 904-353-7619

TALLAHASSEE
315 South Calhoun Street
Suite 830
Tallahassee, Florida 32301

p | 850-222-5702 • f | 850-224-9242

WEST PALM BEACH
515 North Flagler Drive
Suite 1500
West Palm Beach, Florida 33401

p | 561-640-0820 • f | 561-640-8202

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1265 Greater Naples Fire Rescue District, Collier County
SPONSOR(S): Passidomo
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

The Greater Naples Fire Rescue District was formed in 2014 by the merger of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District. The District serves approximately 147,000 residents in an area of 283 square miles. The Isles of Capri Municipal Rescue and Fire Services Capital Improvement District is a municipal services taxing unit (MSTU) created by Collier County to provide fire and rescue services in an unincorporated area of the County.

The bill proposes to annex the area currently serviced by the Isles of Capri MSTU into the Greater Naples Fire Rescue District subject to approval in a referendum by a majority of resident electors in the affected area. The merger should result in a reduced tax burden for residents in the annexed area and improved response time.

The bill provides for a referendum to be held in conjunction with a general, special, or other election in Collier County no later than December 31, 2016. The bill takes effect only upon approval by the majority of the resident electors in the area to be annexed into the district, except for the provision for the referendum, which takes effect upon becoming law.

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 a district’s charter.⁴ The Chapter requires every 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 Chapter 189 prohibits the following types of special laws or general laws of local application:¹³

- Creating special districts that do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;¹⁴

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.

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); s. 191.009(1), F.S.

⁹ Section 191.006(11), (15); s. 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 Art. III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by “like vote.” The Uniform Special District Accountability Act (Ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each house.

- Exempting district elections from the requirements of s. 189.04, F.S.;¹⁵
- Exempting a district from the requirements for bond referenda under s. 189.042, F.S.;¹⁶
- Exempting 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
- Creating 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

Greater Naples Fire Rescue District: Creation and Today

The Greater Naples Fire Rescue District (GNFD) was created by the merger of two fire control districts in Collier County, the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District. The merger was passed by the Legislature during the 2014 session²² and approved by the voters of each district on November 4, 2014.²³

At the time the merger was approved by the voters, the East Naples Fire Control and Rescue District served approximately 70,000 residents in a territory spanning 150 square miles.²⁴ ENFD had 75 employees, including 56 shift personnel manning five fire stations, and responded to 10,235 emergency calls annually. The district levied ad valorem taxes at a millage rate of 1.5 mills, with revenues of \$10,724,348 in FY 2013-2014.²⁵ The Golden Gate Fire Control and Rescue District (GGFD) served approximately 77,000 residents in a territory spanning 133 square miles.²⁶ GGFD had 75 employees, including 65 shift personnel manning four fire stations, and responded to 6,056 emergency calls

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 *Board 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 Art. VII, s. 9(b), Fla. Const.

²² Ch. 2014-240, Laws of Fla.

²³ Collier County Supervisor of Elections, *2014 General Election*, <http://www.colliervotes.com/?id=240> (last visited Jan. 15, 2016). Residents of the East Naples Fire Control District approved of the merger 67.5 percent to 32.5 percent, while the residents of the Golden Gate Fire Control District approved 70 percent to 30 percent.

²⁴ East Naples – Golden Gate Fire Control and Rescue Districts, *Golden Gate/East Naples Merger Playbook*. [hereinafter "Merger Playbook"].

²⁵ *Local Government General Ad Hoc Report for East Naples Fire Control and Rescue District, FY 2014*, at <https://apps.fldfs.com/LocalGov/Reports/AdHoc.aspx> (last visited Jan. 17, 2016). Each special district with revenues (or total expenditures and expenses) exceeding \$100,000 must file an audited financial report within 9 months from the end of the fiscal year being reported. Section 218.39(1), F.S. A copy of the audit report must be filed with the Auditor General per s. 218.39(7), F.S., and accompany the district's annual financial report filed with the Department of Financial Services, per s. 218.32(1), F.S. Because the financial report for GNFD's FY 2014-2015 has not yet been filed, this analysis uses the most recent information available from the reports of its predecessor districts.

²⁶ Merger Playbook, *supra* note 25.

annually. The district levied ad valorem taxes at a millage rate of 1.5 mills, with projected revenues of \$6,912,610 in FY 2013-2014.²⁷

Before the 2014 merger, ENFD and GGFD had operated for a year under an interlocal agreement as a consolidated entity.²⁸ In the first year of operation under the interlocal agreement, the districts saved \$612,998.²⁹

The GNFD today contains the former territories of the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District. In 2014, the merged entity received more than 17,100 calls for service.³⁰ Sixty-three percent of calls related to medical emergencies, while thirty-seven percent related to fires and other types of calls of service.³¹ GNFD also conducted over 6,000 fire and life safety inspections.

The district is currently administered by an eight-member Board of Fire Commissioners.³² The size of the board will change from eight members to five members after elections in November 2018, consistent with s. 191.005(1)(a).³³ The GNFD charter maintains a distinction between the former territory of the East Naples and Golden Gate special fire control districts for the purpose of interim board elections.³⁴

Isles of Capri Municipal Rescue and Fire Services Capital Improvement District

The Isles of Capri Municipal Rescue and Fire Services Capital Improvement District (Isles of Capri MSTU) is an MSTU created and existing pursuant to Collier County ordinance.³⁵ The purpose of the MSTU is to provide fire and rescue services within a specific area of unincorporated Collier County.

The present millage rate imposed in the Isles of Capri MSTU is 2 mills. This prompted residents of 280 homes in part of a subdivision called “Fiddler’s Creek” to seek annexation of their property into ENFD, which already provides service to the remainder of that subdivision. At its meeting on September 10, 2013, the Collier County Board of County Commissioners approved the negotiation of an interlocal agreement for the Isles of Capri MSTU to be operationally managed by the ENFD, pending discussions between the county and the Legislature on expanding the ENFD’s boundaries.³⁶

Chapter 2014-239, Laws of Fla., would have merged the Isles of Capri MSTU into the ENFD, but the merger was rejected by Isles of Capri residents in a referendum held August 26, 2014.³⁷ The residents of the Fiddler’s Creek subdivision, however, voted strongly in favor of annexation.³⁸ The Legislature

²⁷ *Local Government General Ad Hoc Report for Golden Gate Fire Control and Rescue District, FY 2014*, at <https://apps.fldfs.com/LocalGov/Reports/AdHoc.aspx> (last visited Jan. 17, 2016).

²⁸ Merger Playbook, *supra* note 25.

²⁹ *Id.*

³⁰ 2014 GNFD Annual Report, available at <http://www.greaternaplesfire.org/who-we-are/annual-report.html> (last visited Jan. 15, 2016).

³¹ *Id.*

³² Art. IV, s. 4.01, Charter of Greater Naples Fire Rescue District, as codified in s.4, Ch. 2014-240, Laws of Fla. [hereinafter “Greater Naples Fire Charter”].

³³ *Id.* S. 191.004(1)(a) requires independent special fire control districts to have a five-member board.

³⁴ See art. II, s. 2.01, Greater Naples Fire Charter (drawing a distinction between the “Golden Gate Division” and “East Naples Division”) and art. IV, s. 4.01, Greater Naples Fire Charter (reserving board seats for each previous district’s territory on an interim basis).

³⁵ Collier County, Florida, Code of Ordinances, Part I, Ch. 122, Art. LXVII, section 122-1876, at <http://library.municode.com/index.aspx?clientId=10578&stateId=9&stateName=Florida> (last visited Jan. 15, 2016).

³⁶ Collier County Board of County Commissioners Minutes, Nov. 12, 2013, Agenda Item 11C. Available at <http://www.colliergov.net/Index.aspx?page=2280>.

³⁷ Collier County Supervisor of Elections, *2014 Primary Election*, <http://www.colliervotes.com/?id=239> (last visited Jan. 17, 2016).

³⁸ *Isle of Capri voters oppose fire merger*, NBC 2, available at <http://www.nbc-2.com/story/26378921/isle-of-capri-voters-oppose-fire-merger#.Vpu6ME1gnct> (last visited Jan. 17, 2016).

approved the annexation of Fiddler's Creek in 2015,³⁹ subject to a referendum to be held in conjunction with the Presidential Preference Primary on March 15, 2016.⁴⁰

Effect of Proposed Changes

The bill incorporates the present area included within the Isles of Capri MSTU, with the exception of the Fiddler's Creek area, into the GNFD as part of the "East Naples Division." This will bring residents in the area under the service duties and taxing authority of the district. The bill also provides for a referendum of qualified electors residing within the annexed area at the time of a general, special, or other election held in Collier County before December 31, 2016. Unless a majority of the electors in the affected area vote to approve the expansion, the remainder of the bill will not go into effect.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2014-240, Laws of Fla., to annex the Isles of Capri MSTU into the Greater Naples Fire Rescue District and deletes obsolete language concerning a previous annexation referendum.

Section 2: Provides that the bill shall take effect upon approval by a majority vote of those qualified electors residing in the area being transferred into the Greater Naples Fire Rescue District voting in a referendum to be held in conjunction with a general, special, or other election to be held in Collier County no later than December 31, 2016, except that this section shall 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? In conjunction with a general, special, or other election in Collier County held before December 31, 2016.

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 rulemaking authority or require executive branch rulemaking.

³⁹ Ch. 2015-188, Laws of Fla.

⁴⁰ See Editorial: *Right idea, wrong approach and bad timing on Collier straw ballot*, Naples Daily News, Jan. 14, 2016, available at <http://www.naplesnews.com/opinion/editorials/editorial-right-idea-wrong-approach-and-bad-timing-on-collier-straw-ballot-293ad942-b69a-3aa6-e053-0-365290591.html> (last visited Jan. 17, 2016).

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1265

SPONSOR(S): Rep. Passidomo

RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- Isles of Capri
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Collier County

CONTACT PERSON: Kevin Comerer

PHONE NO.: (859) 717-5106 E-Mail: kevin.comerer@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: 15000 Livingston Rd., Naples, FL 34109

(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 Before December 31, 2016

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

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

YES NO

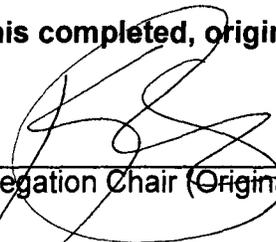
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

1/20/16

Date

Kathleen C. Passidomo

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 #: 1265
SPONSOR(S): Rep. Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- Isles of Capri
(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>768,103</u>	\$ <u>806,508</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>minimal</u>	\$ <u>0</u>

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

There is minimal cost to the District associated with the passage of the local bill. If the District elects to hold the referendum associated with this local bill at a special election, then it will incur costs associated with such special election. Notwithstanding, the District anticipates that the referendum will be held either at the 2016 primary or general election. In addition, due to cost savings, expenditures are expected to be reduced.

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: Ad valorem and impact fees	\$ <u>768,103</u>	\$ <u>806,508</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: A reduced ad valorem tax rate from 2.0 to 1.5 mills.

2. Advantages to Businesses: A reduced ad valorem tax rate from 2.0 to 1.5 mills.

3. Advantages to Government: Collier County will no longer be responsible
for managing the Isles of Capri dependent
district/municipal service taxing unit.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: None

2. Disadvantages to Businesses: None

3. Disadvantages to Government: None.

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

No impact on competition is expected as this expansion is for the provision of fire and rescue services that are already being provided by the District in Isles of Capri through a signed interlocal agreement with Collier County effective 10/1/2015.

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.

The ad valorem budgeted assessment figure is based upon the projected revenue calculations by Collier County.

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:

Tara Bishop

Date

9/10/15

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

Deputy Director, Finance and Administration

REPRESENTING:

Greater Naples Fire Rescue District

PHONE:

239-348-7540

E-MAIL ADDRESS:

tbishop@gnfire.org



COLLIER COUNTY PROPERTY APPRAISER

ABE SKINNER, CFA

January 15, 2016

Greater Naples Fire Rescue District
Tara Bishop, Deputy Director
14575 Collier Boulevard
Naples, Florida 34119

RE: Legal Description Used for HB 1265 and HB 1267

Dear Deputy Director Bishop:

Our office has reviewed the legal descriptions provided as they pertain to the inclusion of the Isles of Capri Fire Control and Rescue District and the Collier County Fire District One into the Greater Naples Fire Rescue District.

The legal description used in HB 1265, Paragraph B (Lines 36 through 43) accurately describes the entire Isles of Capri Fire Control and Rescue District that is to be included into the Greater Naples Fire Rescue District.

The legal description used in HB 1267, Paragraph B (Lines 36 through 129) accurately describes that portion of the Collier County Fire District One that is to be included into the Greater Naples Fire Rescue District. Please note that the area in Section 1, Township 51 South, Range 26 East ("Naples Reserve"), has been specifically excluded out of this legal description per the direction of the Greater Naples Fire Rescue District.

Respectfully,

Ernie W. Kerskie, Director
Mapping Department
Office of the Collier County Property Appraiser
239-252-8161
ekerskie@collierappraiser.com

1 A bill to be entitled
 2 An act relating to the Greater Naples Fire Rescue
 3 District, Collier County; amending chapter 2014-240,
 4 Laws of Florida; expanding district boundaries;
 5 deleting obsolete provisions; requiring a referendum;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Article II of section 4 of chapter 2014-240,
 11 Laws of Florida, is amended to read:

12 ARTICLE II

13 BOUNDARIES OF THE DISTRICT

14 Section 2.01 The lands to be incorporated within the
 15 Greater Naples Fire Rescue District consist of the following
 16 described lands in Collier County:

- 17
 18 A. Township 48 South, Range 26 East, Sections 25, 26,
 19 27, 28, 33, 34, 35, 36. Township 48 South, Range 27
 20 East, Sections 29, 30, 31, 32. Township 49 South,
 21 Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13,
 22 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,
 23 33, 34, 35, 36. Township 49 South, Range 27 East,
 24 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 25 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
 26 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49

27 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
 28 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township
 29 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
 30 14, 15, 16.

31
 32 Hereinafter referred to as the "Golden Gate Division;"

33
 34 and also,

35
 36 B. All that land located within Sections 19, 20, 21,
 37 27, 28, 29, 30, 31, 32, 33 and 34 of Township 51
 38 South, Range 26 East, the south 1/2 (S 1/2) of Section
 39 22, Township 51 South, Range 26 East, and those
 40 portions of Sections 4, 5 and 6 of Township 52 South,
 41 Range 26 East, which lie north of the Marco River,
 42 Collier County, Florida. Bearings are based on the
 43 west line of said Tract M being South 00°20'09" East.

44
 45 ~~C.B.~~ Beginning at the northeast corner of the
 46 Northwest quarter of Section 27, Township 49 South,
 47 Range 25 East, thence along the north line of said
 48 Section 27, east 45 feet to the east right-of-way line
 49 of C-851 (also known as Goodlette-Frank Road), (which
 50 right-of-way line lies 45 feet east of, measured at
 51 right angles to, and parallel with the north and south
 52 quarter section line of said Section 27), to the north

53 line of Lot 11, Naples Improvement Company's Little
 54 Farms, Plat Book 2, Page 2; thence east to the east
 55 section line of Section 27, Township 49 South, Range
 56 25 East; then north along the east line of said
 57 Section 27 to the northeast corner of said Section 27;
 58 said point also being the southeast corner of Section
 59 23 Township 49 South, Range 25 East thence east along
 60 the north line of Section 26, Township 49 South, Range
 61 25 East to a point 990.0 feet west of the west right-
 62 of-way line of Airport-Pulling Road; thence south
 63 01°30'00" East, 1320.0 feet; thence north 89°25'40"
 64 East, 660.0 feet; thence north 01°30'00" West, 1320.0
 65 feet to the north line of said Section 26; thence east
 66 along said north line of Section 26 to the west right-
 67 of-way line of Airport-Pulling Road; to the south line
 68 of said Section 26 (said right-of-way line lying 50
 69 feet west of the southeast corner of said Section 26);
 70 thence westerly along said south line to the southwest
 71 corner of said Section 26; thence northerly along the
 72 west line of said Section 26; to the southerly right-
 73 of-way line of Golden Gate Parkway (100 feet wide);
 74 thence easterly along said southerly right-of-way line
 75 to a point lying 1220.00 feet west of the west line of
 76 said Airport-Pulling Road; thence northerly parallel
 77 with said west right-of-way line to the northerly
 78 right-of-way line of said Golden Gate Parkway; thence

79 westerly along the north right-of-way of Golden Gate
 80 Parkway to a point 620 feet east and 235.46 feet south
 81 of the northwest corner of Lot 8, Naples Improvement
 82 Company's Little Farms; thence north 235.46 feet to
 83 the north line of Lot 8; thence west along said north
 84 line 620 feet to the northwest corner of said Lot 8;
 85 thence southerly to that angle point in said east
 86 right-of-way line which lies on a line 400.00 feet
 87 northerly of (measured at right angles to) and
 88 parallel with the north line of Section 34, Township
 89 49 South, Range 25 East; thence continuing along said
 90 east right-of-way to the north line of Gordon River
 91 Homes Subdivision; thence east along the north line of
 92 Lots 50, 49, and 48 to a point 22.5 feet east of the
 93 northwest corner of Lot 48; thence south parallel to
 94 the west line of Lot 48 to the south line of Lot 48;
 95 thence west along the south line of Lots 48, 49, and
 96 50 to the east right-of-way line of Goodlette-Frank
 97 Road; thence continuing along said east right-of-way
 98 line, which line lies 100.00 feet east of, measured at
 99 right angles to, and parallel with the north and south
 100 quarter section line of said Section 34; thence
 101 continuing along said east right-of-way line to a
 102 point on the north line of the southwest quarter of
 103 the northeast quarter of Section 34, Township 49
 104 South, Range 25 East; thence continue on said right of

105 way line 460.0 feet; thence north 89°41'30" East
 106 494.99 feet; thence south 0°34'06" East 615.88 feet to
 107 a point of curvature; thence southwesterly 343.97 feet
 108 along the arc of a tangential circular curve, concave
 109 to the northwest have a radius of 243.97 feet and
 110 subtended by a chord which bears south 44°33'25" West
 111 345.84 feet; thence south 89°41'30" West 250.0 feet to
 112 the easterly right of way line of Goodlette-Frank
 113 Road; thence south along said right-of-way line to a
 114 point 48.41 feet south of the north line of the south
 115 half of Section 34, Township 49 South, Range 25 East;
 116 thence north 89°56'59" East 249.79 feet; thence
 117 northeasterly 173.98 feet along the arc of a circular
 118 curve concave to the northwest having a radius of
 119 293.97 feet and being subtended by a chord which bears
 120 north 72°59'41" East 171.46 feet; thence south
 121 89°47'31" East 808.79 feet; thence north 89°55'05"
 122 East 993.64 feet to a point on that bulkhead line as
 123 shown on Plate recorded in Bulkhead Line Plan Book 1,
 124 Page 25 Collier County Public Records, Collier County,
 125 Florida; thence run the following courses along the
 126 said Bulkhead line, 47.27 feet along the arc of a non-
 127 tangential circular curve concave to the west, having
 128 a radius of 32.68 feet and subtended by a chord having
 129 a bearing of south 14°08'50" East and a length of
 130 43.26 feet to a point of tangency; south 27°17'25"

131 West for 202.44 feet to a point of curvature; 296.89
 132 feet along the arc of a curve concave to the
 133 southeast, having a radius of 679.46 feet and
 134 subtended by a chord having a bearing of south
 135 14°46'21" West and a length of 294.54 feet to a point
 136 of reverse curvature; 157.10 feet along the arc of a
 137 curve concave to the northwest, having a radius of
 138 541.70 feet, and subtended by a chord having a bearing
 139 of south 10°33'47" West and a length of 156.55 feet to
 140 a point of reverse curvature; 307.67 feet along the
 141 arc of a curve concave to the northeast; having a
 142 radius of 278.30 feet, and subtended by a chord having
 143 a bearing of south 12°47'59" East and a length of
 144 292.24 feet to a point of reverse curvature; 135.31
 145 feet along the arc of a curve concave to the southwest
 146 having a radius of 100.00 feet and subtended by a
 147 chord having a bearing of south 05°42'27" East and a
 148 length of 125.21 feet to a point of tangency; thence
 149 South 33°03'21" West for 295.10 feet; and South
 150 33°27'51" West 1.93 feet to the north line of the
 151 River Park East Subdivision which is also the north
 152 line of the south half of the southeast quarter of
 153 Section 34, Township 49 South, Range 25 East; thence
 154 along the north line of the south half of the
 155 southeast quarter of said Section 34, easterly to the
 156 west line of Section 35, Township 49 South, Range 25

157 East; thence along the west line of said Section 35,
 158 northerly 1320 feet more or less to the northwest
 159 corner of the south half of said Section 35; thence
 160 along the north line of the south half of said Section
 161 35, easterly to the west right-of-way line of State
 162 Road No. 31 (Airport Road), which right-of-way lies
 163 50.0 feet west of, measured at right angles to, and
 164 parallel with the east line of said Section 35; thence
 165 along said right-of-way line of State Road No. 31,
 166 south 00°13'57" West 1800 feet more or less to a point
 167 on said west right-of-way line, which lies north
 168 00°13'57" East 848.02 feet and south 89°46'03" West
 169 50.00 feet from the southeast corner of said Section
 170 35; thence continuing along said west right-of-way
 171 line southerly 325.02 feet along the arc of a
 172 tangential circular curve concave to the east, radius
 173 2914.93 feet, subtended by a chord which bears south
 174 2°57'43" East 324.87 feet; thence continuing along
 175 said west right-of-way line, tangentially south
 176 6°09'22" East 3.13 feet, thence southerly along a
 177 curve concave to the southwest, having a central angle
 178 of 6°23'18" and a radius of 1860.08 feet, a distance
 179 of 207.34 feet; thence south 0°13'57" West 313.03 feet
 180 more or less to a point on the north line of and 20
 181 feet west of the northeast corner of Section 2,
 182 Township 50 South, Range 25 East; thence

183 southeasterly, 300.7 feet more or less to a point on
 184 the east line of said Section 2 which point lies 300.0
 185 feet south of the northeast corner of said Section 2;
 186 thence along the east line of the north half of said
 187 Section 2, southerly to the southeast corner of the
 188 north half of said Section 2; thence along the south
 189 line of the north half of said Section 2; westerly to
 190 the northeast corner of the southeast quarter of
 191 Section 3, Township 50 South, Range 25 East; thence
 192 southerly along the east line of the southeast corner
 193 of said Section 3 for a distance of 2013.98 feet;
 194 thence North 89°37'20" East 662.04 feet; thence South
 195 00°17'20" East 119.26 feet; thence South 89°27'40"
 196 West 322.00 feet; thence South 00°17'20" East 10.00
 197 feet; thence South 89°27'40" West 68.00 feet; thence
 198 South 00°17'20" East 361.00 feet; thence North
 199 89°27'40" East 68.00 feet; thence South 00°17'20" East
 200 140.00 feet; thence South 89°27'40" West 221.81 feet;
 201 thence North 01°05'56" West 6.99 feet; thence westerly
 202 along the arc of a non-tangential circular curve
 203 concave to the north having a radius of 370.00 feet
 204 through a central angle of 18°34'13" and being
 205 subtended by a chord which bears North 81°50'17" West
 206 119.40 feet for a distance of 119.92 feet to a point
 207 on the east line of said Section 3; thence southerly
 208 along the east line of Section 3, and along the east

209 lines of Sections 10, 15, 22, and 27, all in Township
 210 50 South, Range 25 East, to the southeast corner of
 211 said Section 27, Township 50 South, Range 25 East;
 212 thence westerly along the south line of said Section
 213 27, Township 50 South, Range 25 East, and along the
 214 western prolongation of said south line to a point
 215 1,000 feet west of the mean low water line of the Gulf
 216 of Mexico; thence southeasterly along said shoreline
 217 to the south line of Section 3, Township 51 South,
 218 Range 25 East, thence easterly along the south line of
 219 said Section 3, Section 2, Section 1, Township 51
 220 South; thence along the south corner of said Section
 221 5; thence north along the east line of Section 5,
 222 Township 51 South, Range 26 East; thence continue on
 223 the north line of Section 25, 26 and part of Section
 224 27, Township 49 South, Range 25 East to the point of
 225 beginning and also,

226
 227 D.C. All those lands in Collier County described as:
 228 Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 229 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 230 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 231 and 36, Township 51 South, Range 26 East; Sections 1,
 232 2, 3 and those portions of Sections 10, 11, 12, and
 233 13, Township 52 South, Range 26 East, that lie North
 234 of the Marco River; those portions of Sections 5, 6, 7

235 and 18, Township 52 South, Range 27 East, that lie
 236 West and North of State Road 92; and Sections 7, 8,
 237 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 238 Township 51 South, Range 27 East, and those portions
 239 of Sections 32 and 33, Township 51 South, Range 27
 240 East, that lie west and North of State Road 92,

241
 242 E.D. Less and except the North 1/2 of Section 2 of
 243 Township 50 South, Range 25 East and the South 1/2 of
 244 Section 35 of Township 49 South, Range 25 East.

245
 246 F.E. Less and except approximately 21.99 acres, more
 247 or less: A portion of Lots 7 through 9 of Naples
 248 Improvement Company's Little Farms as recorded in Plat
 249 Book 2 at page 2 of the Public Records of Collier
 250 County, Florida, being more particularly described as
 251 follows:

252
 253 Commence at the intersection of the East right-of-way
 254 of Goodlette-Frank Road (C.R. 851) and the South
 255 right-of-way of Golden Gate Parkway; thence run along
 256 said South right-of-way for the following four (4)
 257 courses:

258
 259 (1) Thence run North 44°42'45" East, for a distance
 260 of 35.36 feet;

261
 262 (2) Thence run North 89°42'45" East, for a distance
 263 of 122.57 feet;
 264
 265 (3) Thence run North 80°12'12" East, for a distance
 266 of 159.63 feet;
 267
 268 (4) To a point on a circular curve concave northwest,
 269 whose radius point bears North 11°26'26" West, a
 270 distance of 813.94 feet therefrom; thence run
 271 Northeasterly along the arc of said curve to the left,
 272 having a radius of 813.94 feet, through a central
 273 angle of 22°36'33", subtended by a chord of 319.10
 274 feet at a bearing of North 67°15'18" East, for an arc
 275 length of 321.18 feet to the intersection of the South
 276 right-of-way of said Golden Gate Parkway and the West
 277 line of the East 338.24 feet of the West 958.34 feet
 278 of Lot 7 of Naples Improvements Company's Little Farms
 279 Subdivision as recorded in Plat Book 2 at page 2 of
 280 the Public Records of Collier County, Florida, also
 281 being the point of beginning of the parcel of land
 282 herein described; thence run South 00°16'32" East,
 283 along the West line of the East 338.24 feet of the
 284 West 958.34 feet of said Lot 7, for a distance of
 285 302.90 feet to a point on the South line of said Lot

286 7; thence run along said South line for the following
 287 two (2) courses:

288
 289 (1) Thence run North 89°41'51" East, for a distance
 290 of 338.41 feet;

291
 292 (2) Thence run North 89°50'24" East, for
 293 approximately 850 feet to a point on the mean high
 294 water line of the west bank of Gordon River, said
 295 point herein called Point "A", thence return to the
 296 aforementioned point of beginning, thence run along
 297 the south right-of-way of said Golden Gate Parkway for
 298 the following four (4) courses:

299
 300 (1) Beginning at a point on a circular curve concave
 301 northwest, whose radius point bears North 34°02'58"
 302 West a distance of 813.94 feet therefrom; thence run
 303 Northeasterly along the arc of said curve to the left,
 304 having a radius of 813.94 feet, through a central
 305 angle of 05°09'09", subtended by a chord of 73.17 feet
 306 at a bearing of North 53°22'27" East, for an arc
 307 length of 73.20 feet to the end of said curve;

308
 309 (2) Thence run North 50°47'53" East, for a distance
 310 of 459.55 feet

311

312 (3) To the beginning of a tangential circular curve
 313 concave south; thence run Easterly along the arc of
 314 said curve to the right, having a radius of 713.94
 315 feet; through a central angle of 38°52'20"; subtended
 316 by a chord of 475.13 feet at a bearing of North
 317 70°14'03" East, for an arc length of 484.37 feet to
 318 the end of said curve;

319
 320 (4) Thence run North 89°40'13" East, for
 321 approximately 724 feet to a point on the mean high
 322 water line of the west bank of Gordon River; thence
 323 meander Southwesterly along the mean high water line
 324 for approximately 900 feet to the aforementioned Point
 325 "A" and the point of ending.

326
 327 G.F. Less and except approximately 112.82 acres, more
 328 or less: All of East Naples Industrial Park, according
 329 to the plat thereof recorded in Plat Book 10, Pages
 330 114 and 115, of the Public Records of Collier County,
 331 Florida; all of East Naples Industrial Park Replat No.
 332 1, according to the Plat thereof recorded in Plat Book
 333 17, Pages 38 and 39, of the Public Records of Collier
 334 County, Florida; and the Northerly 200 feet of the
 335 Southerly 510 feet of the Easterly 250 feet of the
 336 Northeast 1/4 of Section 35, Township 49 South, Range

337 | 25 East, Collier County, Florida, less and excepting
 338 | the Easterly 50 feet thereof.

339 |

340 | H.G. Less and except approximately 6.17 acres, more
 341 | or less: All that part of Lots 12, 13, and 14, Naples
 342 | Improvement Company's Little Farms, as recorded in
 343 | Plat Book 2, Page 2 of the Public Records of Collier
 344 | County, Florida, being more particularly described as
 345 | follows:

346 |

347 | Commencing at the Southwest corner of Lot 12, thence
 348 | along the South line of said Lot 12, North 89°26'51"
 349 | East 20.00 feet to the East right-of-way line of
 350 | Goodlette-Frank Road; thence along the East right-of-
 351 | way line North 00°39'49" East 10.00 feet to the Point
 352 | of Beginning of the herein described parcel; thence
 353 | continue along said East right-of-way North 00°39'49"
 354 | West 580.00 feet; thence leaving said East right-of-
 355 | way North 89°20'11" East 260.12 feet; thence North
 356 | 59°31'13" East, 153.66 feet; thence South 30°28'42"
 357 | East, 119.01 feet; thence South 00°33'09" East, 554.02
 358 | feet to a line lying 10 feet North of and parallel
 359 | with said South line of Lot 12; thence along the said
 360 | parallel line South 89°26'51" West, 451.54 feet to the
 361 | point of beginning of the herein described parcel.

362 |

363 | Bearings are based on the said East line Goodlette-
 364 | Frank Road being North 00°33'49" East.

365 |
 366 | I.H. Less and except approximately 12.77 acres, more
 367 | or less: The West one-half (W 1/2) of the Northwest
 368 | one-quarter (NW 1/4) of the Northwest one-quarter (NW
 369 | 1/4) of Section 11, Township 50 South, Range 25 East,
 370 | lying South of State Road 90 (Tamiami Trail, U.S. 41),
 371 | in Collier County, Florida, except the South 264 feet,
 372 | and All that part of the South 264 feet of the
 373 | Southwest one-quarter (SW 1/4) of the Northwest one-
 374 | quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
 375 | of Section 11, Township 50 South, Range 25 East, in
 376 | Collier County, Florida, lying north of the north line
 377 | of Walker's Subdivision as delineated on a Plat of
 378 | record in plat book 1, at page 36, of the Public
 379 | Records of Collier County, Florida.

380 |
 381 | TOGETHER WITH:

382 |
 383 | Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 384 | to plat in Plat Book 1, Page 32, Public Records of
 385 | Collier County, Florida.

386 |
 387 | LESS AND EXCEPT

388 |

389 Those parcels described in Official Records Book 1969,
 390 Page 977, and Official Records Book 2119, Page 1344
 391 both of the Public Records of Collier County, Florida.

392
 393 J.I. Less and except approximately 6.16 acres, more
 394 or less: Being a part of Estuary at Grey Oaks Roadway,
 395 Clubhouse and Maintenance Facility Tract, Plat Book
 396 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
 397 Book 37, pages 13-18 and part of Section 26, Township
 398 49 South, Range 25 East, Collier County, Florida.

399
 400 All that part of Estuary at Grey Oaks Roadway,
 401 Clubhouse and Maintenance Facility Tracts according to
 402 the plat thereof as recorded in Plat Book 36, pages 9-
 403 16, Estuary at Grey Oaks Tract B according to the plat
 404 thereof as recorded in Plat Book 37, pages 13-18,
 405 Public Records of Collier County, Florida, and part of
 406 Section 26, Township 49 South, Range 25 East, Collier
 407 County, Florida being more particularly described as
 408 follows:

409
 410 Commencing at the northwest corner of Tract M of said
 411 Estuary at Grey Oaks Roadway, Clubhouse and
 412 Maintenance Facility Tracts;

413

414 Thence along the west line of said Tract M South
 415 00°East 613.48 feet to the Point of Beginning of the
 416 parcel herein described;

417
 418 Thence continue South 00°20'09" East 406.67 feet;
 419 Thence North 89°24'29" West 660.00 feet;

420
 421 Thence North 00°20'09" West 406.66 feet to a point on
 422 the boundary of Golf Course Tract 1 of said Estuary at
 423 Grey Oaks Tract B;

424
 425 Thence along said boundary South 89°24'33" East 660.00
 426 feet to the Point of Beginning of the parcel herein
 427 described;

428
 429 Bearings are based on the west line of said Tract M
 430 being South 00°20'09" East.

431
 432 Hereinafter referred to as the "East Naples Division."

433
 434 ~~Section 2.02 If the annexation authorized by HB 949, 2014~~
 435 ~~Regular Session, is approved at referendum, the East Naples~~
 436 ~~Division shall also include the following described lands in~~
 437 ~~Collier County:~~

438

439 ~~All that land located within Sections 19, 20, 21, 22,~~
 440 ~~27, 28, 29, 30, 31, 32, 33 and 34 of Township 51~~
 441 ~~South, Range 26 East, and those portions of Sections~~
 442 ~~4, 5 and 6 of Township 52 South, Range 26 East, which~~
 443 ~~lie north of the Marco River, Collier County, Florida.~~
 444 ~~Bearings are based on the west line of said Tract M~~
 445 ~~being South 00°20'09" East.~~

446
 447 Section 2.02 ~~2.03~~ Chapter 171, Florida Statutes, shall
 448 apply to all annexations by a municipality within the district's
 449 boundaries.

450 Section 2. This act shall take effect only upon its
 451 approval by a majority vote of those qualified electors residing
 452 within the area being transferred from Collier County to the
 453 Greater Naples Fire Rescue District described in section 1
 454 voting in a referendum to be held in conjunction with a general,
 455 special, or other election to be held in Collier County no later
 456 than December 31, 2016, except that this section shall take
 457 effect upon becoming law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1267 Greater Naples Fire Rescue District, Collier County

SPONSOR(S): Passidomo

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

The Greater Naples Fire Rescue District was formed in 2014 by the merger of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District. The District serves approximately 147,000 residents in an area of 283 square miles. Collier County Fire District One is part of a municipal services taxing unit (MSTU) created by Collier County to provide fire and rescue services in an unincorporated area of the County.

The bill proposes to annex the area currently serviced by Collier County Fire District One into the Greater Naples Fire Rescue District subject to approval in a referendum by a majority of resident electors in the affected area. The bill should result in a reduced tax burden for residents in the annexed area with no change in response time.

The bill provides for a referendum to be held in conjunction with a general, special, or other election in Collier County no later than December 31, 2016. The bill takes effect only upon approval by the majority of the resident electors in the area to be annexed into the district, except for the provision for the referendum, which takes effect upon becoming law.

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 a district’s charter.⁴ The Chapter requires every 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 Chapter 189 prohibits the following types of special laws or general laws of local application:¹³

- Creating special districts that do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;¹⁴

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.

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); s. 191.009(1), F.S.

⁹ S. 191.006(11), (15), s. 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 Art. III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by “like vote.” The Uniform Special District Accountability Act (Ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each house.

- Exempting district elections from the requirements of s. 189.04, F.S.;¹⁵
- Exempting a district from the requirements for bond referenda under s. 189.042, F.S.;¹⁶
- Exempting 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
- Creating 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

Greater Naples Fire Rescue District: Creation and Today

The Greater Naples Fire Rescue District (GNFD) was created by the merger of two fire control districts in Collier County, the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District. The merger was passed by the Legislature during the 2014 session²² and approved by the voters of each district on November 4, 2014.²³

At the time the merger was approved by the voters, the East Naples Fire Control and Rescue District served approximately 70,000 residents in a territory spanning 150 square miles.²⁴ ENFD had 75 employees, including 56 shift personnel manning five fire stations, and responded to 10,235 emergency calls annually. The district levied ad valorem taxes at a millage rate of 1.5 mills, with revenues of \$10,724,348 in FY 2013-2014.²⁵ The Golden Gate Fire Control and Rescue District (GGFD) served approximately 77,000 residents in a territory spanning 133 square miles.²⁶ GGFD had 75 employees, including 65 shift personnel manning four fire stations, and responded to 6,056 emergency calls

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 *Board 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 Fla. Const. art. VII, s. 9(b).

²² Ch. 2014-240, Laws of Fla.

²³ Collier County Supervisor of Elections, *2014 General Election*, <http://www.colliervotes.com/?id=240> (last visited Jan. 17, 2016). Residents of the East Naples Fire Control District approved of the merger 67.5 percent to 32.5 percent, while the residents of the Golden Gate Fire Control District approved 70 percent to 30 percent.

²⁴ East Naples – Golden Gate Fire Control and Rescue Districts, *Golden Gate/East Naples Merger Playbook*. [hereinafter "Merger Playbook"].

²⁵ *Local Government General Ad Hoc Report for East Naples Fire Control and Rescue District, FY 2014*, at <https://apps.fldfs.com/LocalGov/Reports/AdHoc.aspx> (last visited Jan. 17, 2016). Each special district with revenues (or total expenditures and expenses) exceeding \$100,000 must file an audited financial report within 9 months from the end of the fiscal year being reported. Section 218.39(1), F.S. A copy of the audit report must be filed with the Auditor General per s. 218.39(7), F.S., and accompany the district's annual financial report filed with the Department of Financial Services, per s. 218.32(1), F.S. Because the financial report for GNFD's FY 2014-2015 has not yet been filed, this analysis uses the most recent information available from the reports of its predecessor districts.

²⁶ Merger Playbook, *supra* note 25.

annually. The district levied ad valorem taxes at a millage rate of 1.5 mills, with projected revenues of \$6,912,610 in FY 2013-2014.²⁷

Before the merger, ENFD and GGFD had operated for a year under an interlocal agreement as a consolidated entity.²⁸ In the first year of operation under the interlocal agreement, the districts saved \$612,998.²⁹

The GNFD today contains the former territories of the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District. In 2014, the merged entity received more than 17,100 calls for service.³⁰ Sixty-three percent of calls related to medical emergencies, while thirty-seven percent related to fires and other types of calls of service.³¹ GNFD also conducted over 6,000 fire and life safety inspections.

The district is currently administered by an eight-member Board of Fire Commissioners.³² The size of the board will change from eight members to five members after elections in November 2018, consistent with s. 191.005(1)(a).³³ The GNFD charter maintains a distinction between the former territory of the East Naples and Golden Gate special fire control districts for the purpose of interim board elections.³⁴

Collier County Fire District One

Collier County Fire District One was created in the early 1970s to provide fire protection in unincorporated areas of the county.³⁵ Originally extending from the Lee County line to portions of the line with Broward and Miami-Dade counties, the district today mostly covers protected lands such the Picayune State Forest, Collier Seminole State Park, the Fakahatchee Preserve, Florida Panther Preserve, and the Big Cypress National Preserve.³⁶ Services in the district are provided by the GNFD and Ochopee Fire Control Districts,³⁷ but are financed by an MSTU.³⁸ The current millage rate for Collier County Fire District One is two mills.

Effect of Proposed Changes

The bill incorporates the present area included in Collier County Fire District One into the GNFD as part of the “East Naples Division.” This will bring residents in the area under the service duties and taxing authority of the district. Since the current millage rate for the GNFD is 1.5 mills, annexation should result in a tax reduction for residents. The bill also provides for a referendum of qualified electors residing within the annexed area at the time of a general, special, or other election held in Collier County before December 31, 2016. Unless a majority of the electors in the affected area vote to approve the expansion, the remainder of the bill will not go into effect.

²⁷ *Local Government General Ad Hoc Report for Golden Gate Fire Control and Rescue District, FY 2014*, at <https://apps.fldfs.com/LocalGov/Reports/AdHoc.aspx> (last visited Jan. 17, 2016).

²⁸ *Id.*

²⁹ *Id.*

³⁰ 2014 GNFD Annual Report, available at <http://www.greaternaplesfire.org/who-we-are/annual-report.html> (last visited Jan. 17, 2016).

³¹ *Id.*

³² Art. IV, s. 4.01, Charter of Greater Naples Fire Rescue District, as codified in s.4, Ch. 2014-240, Laws of Fla. [hereinafter “Greater Naples Fire Charter”].

³³ *Id.* S. 191.004(1)(a) requires independent special fire control districts to have a five-member board.

³⁴ See art. II, s. 2.01, Greater Naples Fire Charter (drawing a distinction between the “Golden Gate Division” and “East Naples Division”) and art. IV, s. 4.01, Greater Naples Fire Charter (reserving board seats for each previous district’s territory on an interim basis).

³⁵ Collier County, *Fire Services*, <https://www.colliergov.net/index.aspx?page=7674> (last visited Jan. 17, 2016).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Collier County, Florida, Code of Ordinances, Part I, Ch. 122, Art. XLI, section 122-1131, at <http://library.municode.com/index.aspx?clientId=10578&stateId=9&stateName=Florida> (last visited Jan. 17, 2016).

The bill also removes language from the GNFD charter concerning lands that would have been annexed by the district if voters of the Isles of Capri MSTU had approved ch. 2014-239, Laws of Fla.

B. SECTION DIRECTORY:

Section 1: Amends article II of section 4 of ch. 2014-240, Laws of Florida, describing the boundaries of the Greater Naples Fire Rescue District, to expand the boundaries of the district and remove obsolete language describing the territory of a failed referendum.

Section 2: Provides the bill shall take effect only upon its approval by a majority vote of those qualified electors of Collier County residing in the area to be annexed, as described in section 1 of the bill, voting in a referendum held in conjunction with a general, special, or other election to be held in Collier County no later than December 31, 2016, except that this section shall 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? In conjunction with a general, special, or other election in Collier County held before December 31, 2016.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

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: 1267

SPONSOR(S): Passidomo

RELATING TO: Greater Naples Fire Rescue District, Collier County
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Passidomo

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

Floor

CONTACT PERSON: Kevin Comerer

PHONE NO: 850-717-5106 **E-MAIL:** Kevin.Comerer@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)

Corrects an error in the property description.

II. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Transcription error in the property description.

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)

1/21/16

Date

Karthiken Passidomo

Print Name of Delegation Chair



HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1267
SPONSOR(S): Rep. Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- District One
NAME OF DELEGATION: Collier County
CONTACT PERSON: Kevin Comerer
PHONE NO.: (850) 717-5106 E-Mail: kevin.comerer@myfloridahouse.gov

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

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

(2) Did the delegation conduct a public hearing on the subject of the bill?
YES [checked] NO []
Date hearing held: October 15, 2015
Location: 15000 Livingston Rd., Naples, FL 34109

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

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

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

Has this constitutional notice requirement been met?
Notice published: YES [] NO [checked] DATE
Where? County

Referendum in lieu of publication: YES NO

Date of Referendum Before December 31, 2016

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

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

YES NO

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

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

1/26/16

Date

Kathleen C. Passidomo

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 #: 1267
SPONSOR(S): Rep. Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- District One
[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>19,919</u>	\$ <u>20,000</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>minimal</u>	\$ <u>0</u>

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

There is minimal cost to the District associated with the passage of the local bill. If the District elects to hold the referendum associated with this local bill at a special election, then it will incur costs associated with such special election. Notwithstanding, the District anticipates that the referendum will be held either at the 2016 primary or general election. In addition, due to cost savings, expenditures are expected to be reduced.

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: Ad valorem and impact fees from District One	\$ <u>230,025</u>	\$ <u>230,025</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: A reduced ad valorem tax rate from 2.0 to 1.5 mils.

2. Advantages to Businesses: Same as above.

3. Advantages to Government: Collier County will no longer be responsible
for managing the District One municipal
service taxing unit.

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: New development will be required to pay impact fees

so that the existing property owners are not required to pay for
new infrastructure needed as a result of the new growth.

2. Disadvantages to Businesses: New development will be required to pay impact fees
so that the existing property owners are not required to pay for
new infrastructure needed as a result of the new growth.

3. Disadvantages to Government: None.

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

No impact on competition is expected as this expansion is for the provision of fire
and rescue services that are already being provided by the district in District One.

There are no expected reduction in 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.

The ad valorem budgeted assessment figure is based upon the projected
revenue calculations by Collier County. The impact fee revenues figure
is based upon the project growth within District One.

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:

Tara Bishop

9/14/15
Date

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

Deputy Director, Finance and Administration

REPRESENTING:

Greater Naples Fire Rescue District

PHONE:

239-348-7540

E-MAIL ADDRESS:

tbishop@gnfire.org



COLLIER COUNTY PROPERTY APPRAISER

ABE SKINNER, CFA

January 15, 2016

Greater Naples Fire Rescue District
Tara Bishop, Deputy Director
14575 Collier Boulevard
Naples, Florida 34119

RE: Legal Description Used for HB 1265 and HB 1267

Dear Deputy Director Bishop:

Our office has reviewed the legal descriptions provided as they pertain to the inclusion of the Isles of Capri Fire Control and Rescue District and the Collier County Fire District One into the Greater Naples Fire Rescue District.

The legal description used in HB 1265, Paragraph B (Lines 36 through 43) accurately describes the entire Isles of Capri Fire Control and Rescue District that is to be included into the Greater Naples Fire Rescue District.

The legal description used in HB 1267, Paragraph B (Lines 36 through 129) accurately describes that portion of the Collier County Fire District One that is to be included into the Greater Naples Fire Rescue District. Please note that the area in Section 1, Township 51 South, Range 26 East ("Naples Reserve"), has been specifically excluded out of this legal description per the direction of the Greater Naples Fire Rescue District.

Respectfully,

Ernie W. Kerskie, Director
Mapping Department
Office of the Collier County Property Appraiser
239-252-8161
ekerskie@collierappraiser.com

1 A bill to be entitled
2 An act relating to the Greater Naples Fire Rescue
3 District, Collier County; amending chapter 2014-240,
4 Laws of Florida; expanding district boundaries;
5 deleting obsolete provisions; requiring a referendum;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Article II of section 4 of chapter 2014-240,
11 Laws of Florida, is amended to read:

12 ARTICLE II

13 BOUNDARIES OF THE DISTRICT

14 Section 2.01 The lands to be incorporated within the
15 Greater Naples Fire Rescue District consist of the following
16 described lands in Collier County:

17
18 A. Township 48 South, Range 26 East, Sections 25, 26,
19 27, 28, 33, 34, 35, 36. Township 48 South, Range 27
20 East, Sections 29, 30, 31, 32. Township 49 South,
21 Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13,
22 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,
23 33, 34, 35, 36. Township 49 South, Range 27 East,
24 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
25 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
26 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49

27 | South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
28 | 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township
29 | 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
30 | 14, 15, 16.

31 |
32 | Hereinafter referred to as the "Golden Gate Division;"

33 |
34 | and also,

35 |
36 | B. That portion of Sections 11, 14, 23, 24 and 25,
37 | Township 51 South, Range 25 East, that lie east of the
38 | Gulf of Mexico;

39 |
40 | All of Sections 12 and 13 Township 51 South, Range 25
41 | East;

42 |
43 | All of Sections 1, 12, 13, 24, 25, and 36, Township 50
44 | South, Range 26 East;

45 |
46 | All of Sections 7 and 8 Township 51 South, Range 26
47 | East;

48 |
49 | That portion of Sections 24 through 29, Township 52
50 | South, Range 26 East, that lies east and South of the
51 | Marco Island City limits;

52 |

53 All of Sections 33, 34, and 35, Township 52 South,
54 Range 26 East;

56 All of Sections 3, 4, 5, 9, 10, and 11, Township 53
57 South, Range 26 East;

59 All of Sections 1 through 36, Township 50 South, Range
60 27 East;

62 All of Sections 1 through 6, 9 through 15, 23 through
63 26, and that portion of Sections 32 and 33, that lies
64 South and East of the North and West right-of-way line
65 of State Road 92, Township 51 South, Range 27 East;

67 All of Sections 2 through 4, that portion of Sections
68 5, 7 and 8 that lies East of the West right-of-way
69 line of State Road 92, all of Sections 9 through 17,
70 that portion of Section 18 that lies East and South of
71 the West and North right-of-way line of State Road 92,
72 less that portion of Section 18 located in Ordinance
73 No. 98-114, all of Section 19, less that portion
74 located in Ordinance No. 98-114, all of Sections 20
75 through 36, Township 52 South, Range 27 East;

77 All of Sections 1, 2, 3 11, 12, and 13, Township 53
78 South, Range 27 East;

79
 80 All of Sections 25, 26, 27, 34, 35 and 36, Township 49
 81 South, Range 28 East;
 82
 83 All of Sections 1 through 36, Township 50 South, Range
 84 28 East;
 85
 86 All of Sections 1 through 36, Township 51 South, Range
 87 28 East;
 88
 89 All of Sections 1, 2, 7, 12, 15 through 23 and 25
 90 through 36, Township 52 South, Range 28 East;
 91
 92 All of Sections 1 through 36, Township 53 South, Range
 93 28 East;
 94
 95 All of Sections 25 through 36, Township 49 South,
 96 Range 29 East;
 97
 98 All of Sections 3 through 10, 15 through 22, and 27
 99 through 34, Township 50 South, Range 29 East;
 100
 101 All of Sections 3 through 10, 15 through 22, and 27
 102 through 34, Township 51 South, Range 29 East;
 103
 104 All of Sections 3 through 10, 15 through 17, and 29

105 | through 34, Township 52 South, Range 29 East;
 106 |
 107 | All of Sections 3 through 10, all of Section 15, less
 108 | that portion of 15 located in Ordinance No. 92-100,
 109 | all of Sections 19 through 22, that portion of Section
 110 | 23 not included in Ordinance No. 92-100, that portion
 111 | of Section 26 not included in Ordinance No. 92-100,
 112 | all of Sections 27 through 35 and that portion of
 113 | Section 36 not included in Ordinance 92-100, Township
 114 | 53 South, Range 29 East;
 115 |
 116 | All of Sections 1 through 36, Township 49 South, Range
 117 | 30 East;
 118 |
 119 | All of Sections 1 through 36, Township 49 South, Range
 120 | 31 East;
 121 |
 122 | All of Sections 1 through 36, Township 49 South, Range
 123 | 32 East;
 124 |
 125 | All of Sections 1 through 36, Township 49 South, Range
 126 | 33 East;
 127 |
 128 | All of Sections 1 through 36, Township 49 South, Range
 129 | 34 East; Collier County, Florida.
 130 |

131 | C.B. Beginning at the northeast corner of the
 132 | Northwest quarter of Section 27, Township 49 South,
 133 | Range 25 East, thence along the north line of said
 134 | Section 27, east 45 feet to the east right-of-way line
 135 | of C-851 (also known as Goodlette-Frank Road), (which
 136 | right-of-way line lies 45 feet east of, measured at
 137 | right angles to, and parallel with the north and south
 138 | quarter section line of said Section 27), to the north
 139 | line of Lot 11, Naples Improvement Company's Little
 140 | Farms, Plat Book 2, Page 2; thence east to the east
 141 | section line of Section 27, Township 49 South, Range
 142 | 25 East; then north along the east line of said
 143 | Section 27 to the northeast corner of said Section 27;
 144 | said point also being the southeast corner of Section
 145 | 23 Township 49 South, Range 25 East thence east along
 146 | the north line of Section 26, Township 49 South, Range
 147 | 25 East to a point 990.0 feet west of the west right-
 148 | of-way line of Airport-Pulling Road; thence south
 149 | 01°30'00" East, 1320.0 feet; thence north 89°25'40"
 150 | East, 660.0 feet; thence north 01°30'00" West, 1320.0
 151 | feet to the north line of said Section 26; thence east
 152 | along said north line of Section 26 to the west right-
 153 | of-way line of Airport-Pulling Road; to the south line
 154 | of said Section 26 (said right-of-way line lying 50
 155 | feet west of the southeast corner of said Section 26);
 156 | thence westerly along said south line to the southwest

157 | corner of said Section 26; thence northerly along the
 158 | west line of said Section 26; to the southerly right-
 159 | of-way line of Golden Gate Parkway (100 feet wide);
 160 | thence easterly along said southerly right-of-way line
 161 | to a point lying 1220.00 feet west of the west line of
 162 | said Airport-Pulling Road; thence northerly parallel
 163 | with said west right-of-way line to the northerly
 164 | right-of-way line of said Golden Gate Parkway; thence
 165 | westerly along the north right-of-way of Golden Gate
 166 | Parkway to a point 620 feet east and 235.46 feet south
 167 | of the northwest corner of Lot 8, Naples Improvement
 168 | Company's Little Farms; thence north 235.46 feet to
 169 | the north line of Lot 8; thence west along said north
 170 | line 620 feet to the northwest corner of said Lot 8;
 171 | thence southerly to that angle point in said east
 172 | right-of-way line which lies on a line 400.00 feet
 173 | northerly of (measured at right angles to) and
 174 | parallel with the north line of Section 34, Township
 175 | 49 South, Range 25 East; thence continuing along said
 176 | east right-of-way to the north line of Gordon River
 177 | Homes Subdivision; thence east along the north line of
 178 | Lots 50, 49, and 48 to a point 22.5 feet east of the
 179 | northwest corner of Lot 48; thence south parallel to
 180 | the west line of Lot 48 to the south line of Lot 48;
 181 | thence west along the south line of Lots 48, 49, and
 182 | 50 to the east right-of-way line of Goodlette-Frank

183 Road; thence continuing along said east right-of-way
 184 line, which line lies 100.00 feet east of, measured at
 185 right angles to, and parallel with the north and south
 186 quarter section line of said Section 34; thence
 187 continuing along said east right-of-way line to a
 188 point on the north line of the southwest quarter of
 189 the northeast quarter of Section 34, Township 49
 190 South, Range 25 East; thence continue on said right of
 191 way line 460.0 feet; thence north 89°41'30" East
 192 494.99 feet; thence south 0°34'06" East 615.88 feet to
 193 a point of curvature; thence southwesterly 343.97 feet
 194 along the arc of a tangential circular curve, concave
 195 to the northwest have a radius of 243.97 feet and
 196 subtended by a chord which bears south 44°33'25" West
 197 345.84 feet; thence south 89°41'30" West 250.0 feet to
 198 the easterly right of way line of Goodlette-Frank
 199 Road; thence south along said right-of-way line to a
 200 point 48.41 feet south of the north line of the south
 201 half of Section 34, Township 49 South, Range 25 East;
 202 thence north 89°56'59" East 249.79 feet; thence
 203 northeasterly 173.98 feet along the arc of a circular
 204 curve concave to the northwest having a radius of
 205 293.97 feet and being subtended by a chord which bears
 206 north 72°59'41" East 171.46 feet; thence south
 207 89°47'31" East 808.79 feet; thence north 89°55'05"
 208 East 993.64 feet to a point on that bulkhead line as

209 | shown on Plate recorded in Bulkhead Line Plan Book 1,
 210 | Page 25 Collier County Public Records, Collier County,
 211 | Florida; thence run the following courses along the
 212 | said Bulkhead line, 47.27 feet along the arc of a non-
 213 | tangential circular curve concave to the west, having
 214 | a radius of 32.68 feet and subtended by a chord having
 215 | a bearing of south 14°08'50" East and a length of
 216 | 43.26 feet to a point of tangency; south 27°17'25"
 217 | West for 202.44 feet to a point of curvature; 296.89
 218 | feet along the arc of a curve concave to the
 219 | southeast, having a radius of 679.46 feet and
 220 | subtended by a chord having a bearing of south
 221 | 14°46'21" West and a length of 294.54 feet to a point
 222 | of reverse curvature; 157.10 feet along the arc of a
 223 | curve concave to the northwest, having a radius of
 224 | 541.70 feet, and subtended by a chord having a bearing
 225 | of south 10°33'47" West and a length of 156.55 feet to
 226 | a point of reverse curvature; 307.67 feet along the
 227 | arc of a curve concave to the northeast; having a
 228 | radius of 278.30 feet, and subtended by a chord having
 229 | a bearing of south 12°47'59" East and a length of
 230 | 292.24 feet to a point of reverse curvature; 135.31
 231 | feet along the arc of a curve concave to the southwest
 232 | having a radius of 100.00 feet and subtended by a
 233 | chord having a bearing of south 05°42'27" East and a
 234 | length of 125.21 feet to a point of tangency; thence

235 South 33°03'21" West for 295.10 feet; and South
 236 33°27'51" West 1.93 feet to the north line of the
 237 River Park East Subdivision which is also the north
 238 line of the south half of the southeast quarter of
 239 Section 34, Township 49 South, Range 25 East; thence
 240 along the north line of the south half of the
 241 southeast quarter of said Section 34, easterly to the
 242 west line of Section 35, Township 49 South, Range 25
 243 East; thence along the west line of said Section 35,
 244 northerly 1320 feet more or less to the northwest
 245 corner of the south half of said Section 35; thence
 246 along the north line of the south half of said Section
 247 35, easterly to the west right-of-way line of State
 248 Road No. 31 (Airport Road), which right-of-way lies
 249 50.0 feet west of, measured at right angles to, and
 250 parallel with the east line of said Section 35; thence
 251 along said right-of-way line of State Road No. 31,
 252 south 00°13'57" West 1800 feet more or less to a point
 253 on said west right-of-way line, which lies north
 254 00°13'57" East 848.02 feet and south 89°46'03" West
 255 50.00 feet from the southeast corner of said Section
 256 35; thence continuing along said west right-of-way
 257 line southerly 325.02 feet along the arc of a
 258 tangential circular curve concave to the east, radius
 259 2914.93 feet, subtended by a chord which bears south
 260 2°57'43" East 324.87 feet; thence continuing along

261 | said west right-of-way line, tangentially south
 262 | 6°09'22" East 3.13 feet, thence southerly along a
 263 | curve concave to the southwest, having a central angle
 264 | of 6°23'18" and a radius of 1860.08 feet, a distance
 265 | of 207.34 feet; thence south 0°13'57" West 313.03 feet
 266 | more or less to a point on the north line of and 20
 267 | feet west of the northeast corner of Section 2,
 268 | Township 50 South, Range 25 East; thence
 269 | southeasterly, 300.7 feet more or less to a point on
 270 | the east line of said Section 2 which point lies 300.0
 271 | feet south of the northeast corner of said Section 2;
 272 | thence along the east line of the north half of said
 273 | Section 2, southerly to the southeast corner of the
 274 | north half of said Section 2; thence along the south
 275 | line of the north half of said Section 2; westerly to
 276 | the northeast corner of the southeast quarter of
 277 | Section 3, Township 50 South, Range 25 East; thence
 278 | southerly along the east line of the southeast corner
 279 | of said Section 3 for a distance of 2013.98 feet;
 280 | thence North 89°37'20" East 662.04 feet; thence South
 281 | 00°17'20" East 119.26 feet; thence South 89°27'40"
 282 | West 322.00 feet; thence South 00°17'20" East 10.00
 283 | feet; thence South 89°27'40" West 68.00 feet; thence
 284 | South 00°17'20" East 361.00 feet; thence North
 285 | 89°27'40" East 68.00 feet; thence South 00°17'20" East
 286 | 140.00 feet; thence South 89°27'40" West 221.81 feet;

287 | thence North 01°05'56" West 6.99 feet; thence westerly
 288 | along the arc of a non-tangential circular curve
 289 | concave to the north having a radius of 370.00 feet
 290 | through a central angle of 18°34'13" and being
 291 | subtended by a chord which bears North 81°50'17" West
 292 | 119.40 feet for a distance of 119.92 feet to a point
 293 | on the east line of said Section 3; thence southerly
 294 | along the east line of Section 3, and along the east
 295 | lines of Sections 10, 15, 22, and 27, all in Township
 296 | 50 South, Range 25 East, to the southeast corner of
 297 | said Section 27, Township 50 South, Range 25 East;
 298 | thence westerly along the south line of said Section
 299 | 27, Township 50 South, Range 25 East, and along the
 300 | western prolongation of said south line to a point
 301 | 1,000 feet west of the mean low water line of the Gulf
 302 | of Mexico; thence southeasterly along said shoreline
 303 | to the south line of Section 3, Township 51 South,
 304 | Range 25 East, thence easterly along the south line of
 305 | said Section 3, Section 2, Section 1, Township 51
 306 | South; thence along the south corner of said Section
 307 | 5; thence north along the east line of Section 5,
 308 | Township 51 South, Range 26 East; thence continue on
 309 | the north line of Section 25, 26 and part of Section
 310 | 27, Township 49 South, Range 25 East to the point of
 311 | beginning and also,
 312 |

313 D.C. All those lands in Collier County described as:
 314 Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 315 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 316 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 317 and 36, Township 51 South, Range 26 East; Sections 1,
 318 2, 3 and those portions of Sections 10, 11, 12, and
 319 13, Township 52 South, Range 26 East, that lie North
 320 of the Marco River; those portions of Sections 5, 6, 7
 321 and 18, Township 52 South, Range 27 East, that lie
 322 West and North of State Road 92; and Sections 7, 8,
 323 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 324 Township 51 South, Range 27 East, and those portions
 325 of Sections 32 and 33, Township 51 South, Range 27
 326 East, that lie west and North of State Road 92,

327
 328 E.D. Less and except the North 1/2 of Section 2 of
 329 Township 50 South, Range 25 East and the South 1/2 of
 330 Section 35 of Township 49 South, Range 25 East.

331
 332 F.E. Less and except approximately 21.99 acres, more
 333 or less: A portion of Lots 7 through 9 of Naples
 334 Improvement Company's Little Farms as recorded in Plat
 335 Book 2 at page 2 of the Public Records of Collier
 336 County, Florida, being more particularly described as
 337 follows:

338

339 Commence at the intersection of the East right-of-way
 340 of Goodlette-Frank Road (C.R. 851) and the South
 341 right-of-way of Golden Gate Parkway; thence run along
 342 said South right-of-way for the following four (4)
 343 courses:

344
 345 (1) Thence run North $44^{\circ}42'45''$ East, for a distance
 346 of 35.36 feet;

347
 348 (2) Thence run North $89^{\circ}42'45''$ East, for a distance
 349 of 122.57 feet;

350
 351 (3) Thence run North $80^{\circ}12'12''$ East, for a distance
 352 of 159.63 feet;

353
 354 (4) To a point on a circular curve concave northwest,
 355 whose radius point bears North $11^{\circ}26'26''$ West, a
 356 distance of 813.94 feet therefrom; thence run
 357 Northeasterly along the arc of said curve to the left,
 358 having a radius of 813.94 feet, through a central
 359 angle of $22^{\circ}36'33''$, subtended by a chord of 319.10
 360 feet at a bearing of North $67^{\circ}15'18''$ East, for an arc
 361 length of 321.18 feet to the intersection of the South
 362 right-of-way of said Golden Gate Parkway and the West
 363 line of the East 338.24 feet of the West 958.34 feet
 364 of Lot 7 of Naples Improvements Company's Little Farms

365 Subdivision as recorded in Plat Book 2 at page 2 of
 366 the Public Records of Collier County, Florida, also
 367 being the point of beginning of the parcel of land
 368 herein described; thence run South 00°16'32" East,
 369 along the West line of the East 338.24 feet of the
 370 West 958.34 feet of said Lot 7, for a distance of
 371 302.90 feet to a point on the South line of said Lot
 372 7; thence run along said South line for the following
 373 two (2) courses:

374

375 (1) Thence run North 89°41'51" East, for a distance
 376 of 338.41 feet;

377

378 (2) Thence run North 89°50'24" East, for
 379 approximately 850 feet to a point on the mean high
 380 water line of the west bank of Gordon River, said
 381 point herein called Point "A", thence return to the
 382 aforementioned point of beginning, thence run along
 383 the south right-of-way of said Golden Gate Parkway for
 384 the following four (4) courses:

385

386 (1) Beginning at a point on a circular curve concave
 387 northwest, whose radius point bears North 34°02'58"
 388 West a distance of 813.94 feet therefrom; thence run
 389 Northeasterly along the arc of said curve to the left,
 390 having a radius of 813.94 feet, through a central

391 angle of 05°09'09", subtended by a chord of 73.17 feet
 392 at a bearing of North 53°22'27" East, for an arc
 393 length of 73.20 feet to the end of said curve;

394

395 (2) Thence run North 50°47'53" East, for a distance
 396 of 459.55 feet

397

398 (3) To the beginning of a tangential circular curve
 399 concave south; thence run Easterly along the arc of
 400 said curve to the right, having a radius of 713.94
 401 feet; through a central angle of 38°52'20"; subtended
 402 by a chord of 475.13 feet at a bearing of North
 403 70°14'03" East, for an arc length of 484.37 feet to
 404 the end of said curve;

405

406 (4) Thence run North 89°40'13" East, for
 407 approximately 724 feet to a point on the mean high
 408 water line of the west bank of Gordon River; thence
 409 meander Southwesterly along the mean high water line
 410 for approximately 900 feet to the aforementioned Point
 411 "A" and the point of ending.

412

413 G.F. Less and except approximately 112.82 acres, more
 414 or less: All of East Naples Industrial Park, according
 415 to the plat thereof recorded in Plat Book 10, Pages
 416 114 and 115, of the Public Records of Collier County,

417 Florida; all of East Naples Industrial Park Replat No.
 418 1, according to the Plat thereof recorded in Plat Book
 419 17, Pages 38 and 39, of the Public Records of Collier
 420 County, Florida; and the Northerly 200 feet of the
 421 Southerly 510 feet of the Easterly 250 feet of the
 422 Northeast 1/4 of Section 35, Township 49 South, Range
 423 25 East, Collier County, Florida, less and excepting
 424 the Easterly 50 feet thereof.

425
 426 ~~H.G.~~ Less and except approximately 6.17 acres, more
 427 or less: All that part of Lots 12, 13, and 14, Naples
 428 Improvement Company's Little Farms, as recorded in
 429 Plat Book 2, Page 2 of the Public Records of Collier
 430 County, Florida, being more particularly described as
 431 follows:

432
 433 Commencing at the Southwest corner of Lot 12, thence
 434 along the South line of said Lot 12, North 89°26'51"
 435 East 20.00 feet to the East right-of-way line of
 436 Goodlette-Frank Road; thence along the East right-of-
 437 way line North 00°39'49" East 10.00 feet to the Point
 438 of Beginning of the herein described parcel; thence
 439 continue along said East right-of-way North 00°39'49"
 440 West 580.00 feet; thence leaving said East right-of-
 441 way North 89°20'11" East 260.12 feet; thence North
 442 59°31'13" East, 153.66 feet; thence South 30°28'42"

443 East, 119.01 feet; thence South 00°33'09" East, 554.02
 444 feet to a line lying 10 feet North of and parallel
 445 with said South line of Lot 12; thence along the said
 446 parallel line South 89°26'51" West, 451.54 feet to the
 447 point of beginning of the herein described parcel.

448

449 Bearings are based on the said East line Goodlette-
 450 Frank Road being North 00°33'49" East.

451

452 I.H. Less and except approximately 12.77 acres, more
 453 or less: The West one-half (W 1/2) of the Northwest
 454 one-quarter (NW 1/4) of the Northwest one-quarter (NW
 455 1/4) of Section 11, Township 50 South, Range 25 East,
 456 lying South of State Road 90 (Tamiami Trail, U.S. 41),
 457 in Collier County, Florida, except the South 264 feet,
 458 and All that part of the South 264 feet of the
 459 Southwest one-quarter (SW 1/4) of the Northwest one-
 460 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
 461 of Section 11, Township 50 South, Range 25 East, in
 462 Collier County, Florida, lying north of the north line
 463 of Walker's Subdivision as delineated on a Plat of
 464 record in plat book 1, at page 36, of the Public
 465 Records of Collier County, Florida.

466

467 TOGETHER WITH:

468

469 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 470 to plat in Plat Book 1, Page 32, Public Records of
 471 Collier County, Florida.

472

473 LESS AND EXCEPT

474

475 Those parcels described in Official Records Book 1969,
 476 Page 977, and Official Records Book 2119, Page 1344
 477 both of the Public Records of Collier County, Florida.

478

479 ~~J.F.~~ Less and except approximately 6.16 acres, more
 480 or less: Being a part of Estuary at Grey Oaks Roadway,
 481 Clubhouse and Maintenance Facility Tract, Plat Book
 482 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
 483 Book 37, pages 13-18 and part of Section 26, Township
 484 49 South, Range 25 East, Collier County, Florida.

485

486 All that part of Estuary at Grey Oaks Roadway,
 487 Clubhouse and Maintenance Facility Tracts according to
 488 the plat thereof as recorded in Plat Book 36, pages 9-
 489 16, Estuary at Grey Oaks Tract B according to the plat
 490 thereof as recorded in Plat Book 37, pages 13-18,
 491 Public Records of Collier County, Florida, and part of
 492 Section 26, Township 49 South, Range 25 East, Collier
 493 County, Florida being more particularly described as
 494 follows:

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Commencing at the northwest corner of Tract M of said Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tracts;

Thence along the west line of said Tract M South 00°East 613.48 feet to the Point of Beginning of the parcel herein described;

Thence continue South 00°20'09" East 406.67 feet;
Thence North 89°24'29" West 660.00 feet;

Thence North 00°20'09" West 406.66 feet to a point on the boundary of Golf Course Tract 1 of said Estuary at Grey Oaks Tract B;

Thence along said boundary South 89°24'33" East 660.00 feet to the Point of Beginning of the parcel herein described;

Bearings are based on the west line of said Tract M being South 00°20'09" East.

Hereinafter referred to as the "East Naples Division."

~~Section 2.02 If the annexation authorized by HB 949, 2014~~

521 ~~Regular Session, is approved at referendum, the East Naples~~
 522 ~~Division shall also include the following described lands in~~
 523 ~~Collier County:~~

524
 525 ~~All that land located within Sections 19, 20, 21, 22,~~
 526 ~~27, 28, 29, 30, 31, 32, 33 and 34 of Township 51~~
 527 ~~South, Range 26 East, and those portions of Sections~~
 528 ~~4, 5 and 6 of Township 52 South, Range 26 East, which~~
 529 ~~lie north of the Marco River, Collier County, Florida.~~
 530 ~~Bearings are based on the west line of said Tract M~~
 531 ~~being South 00°20'09" East.~~

532
 533 Section 2.02 ~~2.03~~ Chapter 171, Florida Statutes, shall
 534 apply to all annexations by a municipality within the district's
 535 boundaries.

536 Section 2. This act shall take effect only upon its
 537 approval by a majority vote of those qualified electors residing
 538 within the area being transferred from Collier County to the
 539 Greater Naples Fire Rescue District as described in section 1
 540 voting in a referendum to be held in conjunction with a general,
 541 special, or other election to be held in Collier County no later
 542 than December 31, 2016, except that this section shall take
 543 effect upon becoming 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 Passidomo offered the following:

4

5 **Amendment**

6 Remove line 109 and insert:
 7 all of Sections 16 through 22, that portion of Section

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1339 City of Webster, Sumter County
SPONSOR(S): O'Toole
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Monroe <i>KDM</i>	Miller <i>EAM</i>
2) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The City of Webster, located in Sumter County, is still operating under the charter that was passed by the Legislature in 1957, which is 115 pages long and contains numerous outdated provisions. Since this charter was adopted before the 1968 Florida Constitution it includes no provisions for home rule. By its terms the charter "may from time to time be amended by duly enacted acts of the legislature of the State of Florida." The Legislature has made no changes to this charter since it was enacted in 1957.

This bill repeals the 1957 charter and replaces it with a modern charter enabling the city to take advantage of the home rule authority provided by the Florida Constitution and statute.

This bill shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The City of Webster, located in Sumter County, still operates under the charter passed by the Legislature in 1957.¹ Since this charter was adopted before the 1968 Florida Constitution it includes no provisions for home rule. Furthermore, the charter states that it “may from time to time be amended by duly enacted acts of the legislature of the State of Florida.”² The Legislature has made no changes to this charter since it was enacted in 1957.

The Florida Constitution adopted in 1968 provides municipalities with the powers of home rule.³ In addition, the Legislature adopted the “Municipal Home Rule Powers Act”⁴ to further define and grant the powers of municipalities. As a result, modern municipal charters need not include exhaustive details listing everything the municipality is permitted to do and the Legislature is not routinely called upon to amend the charters of municipalities.

The City of Webster’s 1957 Charter is 115 pages long and includes numerous outdated provisions including exhaustive detail about the municipality’s power to do everything from improving sidewalks⁵ to regulating street music⁶.

This bill repeals the 1957 Charter and replaces it with a modern charter enabling the city to take advantage of the home rule authority provided by the Florida Constitution and statute.. The provisions of this modern charter are detailed in the Section Directory below.

B. SECTION DIRECTORY:

Section 1: States that this act is a codification of all special acts relating to the City of Webster. However, this section cites s. 189.429, F.S., which does not exist, and ch. 189 governs special districts, instead of municipalities. In addition, this section refers to “the district” instead of “the municipality.”

Section 2: States that ch. 57-19944, Laws of Fla., is “codified, reenacted, amended, and repealed as provide in this act.”

Section 3: Provides the new charter for the City of Webster, which contains 25 sections as described below:

- Section 1 provides for a short title.
- Section 2 provides the City of Webster shall continue as a body corporate and a municipal corporation, and that all existing codes, ordinances, policies, and action are ratified and affirmed if consistent with this act.
- Section 3 contains the legal description of the City’s boundaries.
- Section 4 addresses municipal powers, granting to the City of Webster, “as a body corporate and politic, all the powers of a municipality under the Florida Constitution and in Florida Statutes”.
- Section 5 establishes that the city council shall consist of four members plus the mayor who shall all be elected at large. This section also provides that a candidate for office must have resided in the city for 12 months and that neither the city manager or city attorney may run for office while employed by the city.

¹ Ch. 57-1944, Laws of Fla.

² Ch. 57-1944, s. 12.04 of s. 10 Laws of Fla.

³ Art. VIII, s. 2, Fla. Const.

⁴ Ch. 166, F.S.

⁵ Ch. 57-1944, s. 12.05(25) of s. 10, Laws of Fla.

⁶ Ch. 57-1944, s. 12.05(62) of s. 10, Laws of Fla.

- Section 6 addresses city elections and allows the council to either use the County's Supervisor of Elections or conduct the elections itself, including determining the qualifications of its members.
- Section 7 deals with terms of office and limits each council members to two consecutive four year terms.
- Section 8 outlines the power and duties of the city council and provides that the City shall be a council-manager government with the council serving as the head of city government while the city manager serves as the chief administrative officer.
- Section 9 outlines the powers and duties of the mayor which include serving as a council member, presiding at council meetings, serving as the ceremonial head of government, executing contracts and other documents, and being recognized by the Governor for the purposes of military law.
- Section 10, addressing compensation and expenses, specifies that the mayor and city council shall keep their current salaries, that expenses shall be compensated, and that any ordinance increasing salaries shall not take effect until after the next regularly scheduled city election.
- Section 11 deals with vacancies, forfeiture of office, suspensions, recalls, and the filling of vacancies. This section includes a list of reasons why the council may rule that a member has forfeited his or her office, which list includes two different provisions regarding excessive absences. In addition, this section specifies how to fill vacancies in the first year of a four year term and in the last year of a four year term. However, no guidance is given on how to fill a vacancy during the second or third year of a term.
- Section 12 addresses city council meetings, organizational meetings, quorum requirements, and includes the oath of office for council members.
- Section 13 covers the appointment, qualifications, and compensation of the city manager.
- Section 14 covers the qualifications, powers, and duties of the city attorney.
- Section 15 states the qualifications, powers, and duties of the city clerk, specifying the clerk "shall fulfill the role of a functioning administrative officer of the city serving under the direction and managerial control of the city manager."
- Section 16 creates and establishes a police department and states that the chief of police shall be appointed by and serves under the city manager.
- Section 17 creates and establishes the department of public works and states that the director of public works shall be appointed by and serves under the city manager.
- Section 18 states that neither the mayor nor a council member shall be employed by the city and that they may not be employed by the city for one year after leaving office. In addition, it states the neither the mayor nor a council member shall "have any direct or indirect financial interest with any association, partnership, firm, or corporation which contracts for performing any service or furnishing any material or equipment to, or for, the city."
- Section 19 governs the city budget and the appropriations process.
- Section 20 pertains to public records.
- Section 21 provides that the city charter may be amended as provided in ch. 166, F.S., or as otherwise provided in general law.
- Section 22 establishes standards of conduct for elected officials, appointed officials, and city employees.
- Section 23 preserves all ordinances in effect upon the adoption of the charter.
- Section 24 addresses the rights of officers and employees at the time of the adoption of the charter.
- Section 25 addresses pending matters, stating that all pending matters shall continue except as modified by this act and that all obligations, contracts, outstanding indebtedness and bonds shall not be impaired or avoided by this act.

Section 4: Repeals Chapter 57-1944, Law of Fla.

Section 5: Provides the bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 1, 2015

WHERE? Daily Commercial, a daily newspaper published in Lake and Sumter Counties

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues:

Section 1 of the bill, as filed, incorrectly references s. 189.429, F.S., which is a non-existent statute in a chapter pertaining to special districts, and refers to the City of Webster as "the district."

Section 2 of the bill, the new charter for the City of Webster, has a few issues. First, section 8(5) of the charter would prevent the city council from requesting information directly from city employees. Second, section 11(2) contains two different provisions regarding excessive absences. Third, section 11(5) addresses filling vacancies on the city council in the first and fourth years of a term, but does not include provisions governing vacancies in the second or third year. Fourth, section 18(2) contains conflict of interest provisions that are so restrictive they are likely to result in individuals unknowingly and unintentionally violating those restrictions.

Other Comments:

Rule 5.5(a) of the Rules of the Florida House of Representatives states that:

A committee or subcommittee may not report a local bill favorably if the substance of the local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum.

In this case, the 1957 charter only provides for amendment by special act of the Florida Legislature. Section 166.031, F.S., provides the alternative means of amending the charter by adopting an ordinance requiring a referendum be held. Accordingly, this bill is properly before the Legislature.

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 1339
SPONSOR(S): O'Toole
RELATING TO: City of Webster, Sumter County

[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: O'Toole

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

CONTACT PERSON: Joshua Blake

PHONE NO: (850)717-5033 **E-MAIL:** Joshua.Blake@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)

The amendment removes Section 1 which is unneeded and incorrectly drafted directory language, adds language specifying that the mayor and council members may request information directly from city employees, removes an extraneous provision regarding

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

Without the amendment, it is unknown what affect Section 1's incorrectly drafted language would have, the mayor and council members would be unable to request information directly from city employees, there would be two conflicting provisions regarding excessive absences,

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.

H. Marlene O'Toole
Delegation Chair (Original Signature)

1-21-2016
Date

H. Marlene O'Toole
Print Name of Delegation Chair

Rep. O'Toole
HB 1339 LB

Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily



who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

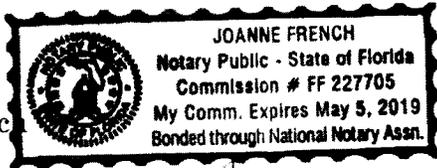
Notice

was published in said newspaper in the issues of:

Dec. 1, 2015

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake 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 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 1 day of Dec A.D., 2015.



Joanne French
Notary Public

Joanne French
(Print, Type or Stamp Name of Notary Public)

AD# 10042442

NOTICE IS HEREBY GIVEN that the Sumter County Legislative Delegation will consider the enactment of a Legislative Bill on the following subject at its annual meeting:

A BILL TO BE ENTITLED AN ACT REVISING AND AMENDING THE CHARTER OF THE CITY OF WEBSTER, FLORIDA; PROVIDING FOR A SHORT TITLE; PROVIDING FOR A FLORIDA MUNICIPAL CORPORATION, THE CITY OF WEBSTER, FLORIDA, TO CONTINUE IN EXISTENCE WITH THE SAME BOUNDARIES AS ARE IN EFFECT; PROVIDING FOR THE COMPOSITION OF A CITY COUNCIL INCLUDING A MAYOR AND FOUR CITY COUNCIL MEMBERS WITH ALL ELECTED AT LARGE; PROVIDING FOR QUALIFICATIONS OF OFFICE; PROVIDING FOR ELECTION TO OFFICE; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR POWERS AND DUTIES OF THE CITY COUNCIL; PROVIDING FOR THE POWERS AND DUTIES OF THE MAYOR AND MAYOR PRO-TEM; PROVIDING FOR COMPENSATION AND EXPENSES; PROVIDING FOR VACANCIES, FORFEITURE OF OFFICE, SUSPENSION, RECALL AND THE FILLING OF VACANCIES; PROVIDING FOR A COUNCIL-MANAGER FORM OF GOVERNMENT; PROVIDING FOR CHARTER OFFICERS AND THE OFFICES OF CITY MANAGER AND CITY ATTORNEY PROVIDING FOR PUBLIC MEETINGS, QUORUMS, AND PUBLIC RECORDS; PROVIDING FOR A LIMITATION ON EMPLOYMENT; PROVIDING

FOR BUDGETS AND APPROPRIATIONS; PROVIDING FOR ELECTORS AND ELECTIONS; PROVIDING FOR THE AMENDMENT OF THE CITY CHARTER; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR THE PRESERVATION OF ORDINANCES; PROVIDING FOR THE RIGHTS OF OFFICERS AND EMPLOYEES; PROVIDING FOR PENDING MATTERS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Proposed Bill will be heard during the Sumter County Legislative Delegation scheduled on December 10, 2015, which begins at 2:00 p.m. or as soon thereafter as it may be heard.

The meeting will be held at the 7375 Powell Road, Wildwood, Florida, 34785, Suite 102.

The proposed Bill may be inspected at Webster City Hall between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

Notice is given if any person desires to appeal any action taken by the Sumter County Legislative Delegation at the above meeting, verbatim record of the proceedings may be necessary and is not prepared or furnished by the Sumter County Legislative Delegation.

Persons needing special assistance gaining access to the Sumter County Legislative Delegation meeting or to be heard at the meeting should call 352-689-4400 to make any special arrangements.

The public is invited and encouraged to attend.

Deanna Naugler
City Clerk

AD No: 10042442
December 01, 2015

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: H.B. 1339

SPONSOR(S): Rep. O'Toole

RELATING TO: City of Webster, Sumter County
(Indicate Area Affected (City, County, or Special District) and Subject)

NAME OF DELEGATION: Sumter County

CONTACT PERSON: Joshua Blake

PHONE NO.: 352 717 5033 E-Mail: joshua.blake@myfloridahouse.gov

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

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

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

YES NO

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

YES NO

Date hearing held: 12/10/15

Location: 7375 Powell Road, Wildwood, FL 34785 - Sumter County Services Bldg

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

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 12/1/2015

Where? Daily Commercial County Sumter County

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.

M. Marlene O'Toole
Delegation Chair (Original Signature)

12/11/15
Date

M. MARLENE O'TOOLE
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM

Read all instructions carefully.

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

BILL #: H.B. 1339
SPONSOR(S): Representative Marlene O'Toole
RELATING TO: City of Webster City Charter
[Indicate Area Affected (City, County or Special District) and Subject]

I. REVENUES:

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

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

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

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

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

N/A

III. FUNDING SOURCE(S):

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

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

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>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: Removal of all references to racial segregation, which are not only inconsistent with Florida state law, but which are morally repugnant and do not reflect equality of citizenship which is a cornerstone of the City of Webster.
- 2. Advantages to Businesses: A more user-friendly Charter, which citizens and businesses in the City of Webster will be able to easily understand.
- 3. Advantages to Government: Administration by an appointed employee promotes open communication between management and legislators, which will encourage continual participation among the Council, without fear of breaking the Sunshine 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: N/A

2. Disadvantages to Businesses: N/A

3. Disadvantages to Government: N/A

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

Replacement of the inconsistent Strong Mayor form of government with a more efficient Council-City Manager form of government thereby creating a professional management team that provides stability of government through consistency in administration.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

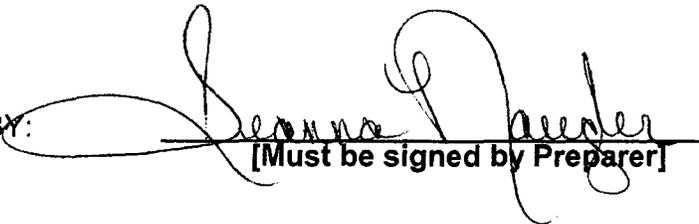
Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

See, Chapter 166, Florida Statutes, and the supporting provisions of the Florida Constitution

Also, see, the "Local Government Formation Manual" published by the Florida House of Representatives.

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: Deanna Naugler
December 2, 2015
Date

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

REPRESENTING: City of Webster

PHONE: 352-793-2073

E-MAIL ADDRESS: dnaugler@websterfl.com

1 A bill to be entitled
 2 An act relating to the City of Webster, Sumter County;
 3 providing legislative intent; codifying, amending,
 4 repealing, and reenacting special acts relating to the
 5 city; repealing chapter 57-1944, Laws of Florida;
 6 providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Pursuant to s. 189.429, Florida Statutes, this
 11 act constitutes the codification of all special acts relating to
 12 the City of Webster, Sumter County. It is the intent of the
 13 Legislature in enacting this law to provide a single,
 14 comprehensive special act charter for the district, including
 15 all current legislative authority granted to the district by its
 16 several legislative enactments and any additional authority
 17 granted by this act.

18 Section 2. Chapter 57-1944, Laws of Florida, relating to
 19 the City of Webster, is codified, reenacted, amended, and
 20 repealed as provided in this act.

21 Section 3. The charter of the City of Webster is re-
 22 created and reenacted to read:

23 Section 1. Short title.—This act, together with any future
 24 amendments thereto, shall be known and may be cited as the
 25 "Charter of the City of Webster," hereinafter referred to as the
 26 "charter."

27 Section 2. Body corporate; continuous existence.-
 28 (1) The incorporated municipality of the City of Webster,
 29 now existing, shall continue to be a body corporate and a
 30 municipal corporation within Sumter County under the name of the
 31 city, and as such, shall have perpetual succession and existence
 32 in accordance with general law.

33 (2) The codes, ordinances, policies, and actions, of
 34 whatever type or nature, of the City of Webster shall carry
 35 forward after the effective date of this act insofar as
 36 consistent with this act and the said codes, ordinances,
 37 policies, and actions are ratified and affirmed.

38 Section 3. Boundaries.-The boundaries and corporate limits
 39 existing at the time of the adoption of this charter may be
 40 amended as provided by general law. The boundaries are described
 41 as follows:

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 43 The South 1/2 of the Northeast 1/4 and the East 1/2 of
 44 the Southeast 1/4 of Section 36, Township 21 South,
 45 Range 22 East, Sumter County, Florida; and the
 46 Southwest 1/4 of the West 1/2 of the Southeast 1/4 of
 47 Section 31, Township 21 South, Range 23 East, Sumter
 48 County, Florida; and the East 1/2 of the Northeast 1/4
 49 of Section 1 Township 22 South, Range 22 East, Sumter
 50 County, Florida; and the West 1/2 of the Northeast 1/4
 51 of Section 6, Township 22 South Range 23 East, Sumter
 52 County, Florida.

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TOGETHER WITH:

The South-1/2 of the Northeast -1/4; and the East-1/2 of the Southeast-1/4; and the East-1/2 of the Southeast-1/4 of the of the Northwest-1/4 all being in Section 36, Township 21 South, Range 22 East, Sumter County, Florida.

And

The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida.

And

The East 1/2 of the Northeast-1/4 of Section 1, Township 22 South, Range 22 East, Sumter County, Florida.

And

The West-1/2 of the Northeast-1/4; and the Northwest-1/4 of Section 6, Township 22 South, Range 23 East, Sumter County, Florida.

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TOGETHER WITH:

The South-1/2 of the Northeast-1/4 and the East-1/2 of the Southeast-1/4 of Section 36, Township 21 South, Range 22 East, Sumter County, Florida.

And

The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida.

And

The East-1/2 of the Northeast-1/4 of Section 1, Township 22 South, Range 22 East;

W-1/2 of the NE-1/4 and the NW-1/4 of Section 6, Township 22 South, Range 23 East;

And

The East-1/2 of the Southeast-1/4 of the Northwest-1/4, Section 36, Township 21 South, Range 22 East, Sumter County, Florida.

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And

All that portion of the East-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida, lying Southerly of the abandoned Seaboard Coastline Railroad right of way and Northerly of County Road Number 478, LESS beginning 264 feet East of the Southwest corner of the Southeast-1/4 of the Southeast-1/4 of said Section, from thence run North 165 feet, then run East 132 feet, thence run South 165 feet, thence run West 132 feet to a Point of Beginning.

TOGETHER WITH:

Lot 12, Block A, BAYS SUBDIVISION, as recorded in Plat Book 4, Page 46, Public Records of Sumter County.

TOGETHER WITH:

The North 435.00 feet of the South 870 feet of the West 3/4 of the Northwest 1/4 of the Northeast 1/4 of Section 1 Township 22 South, Range 22 East, Sumter County, Florida.

TOGETHER WITH:

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Parcel Number: Q31-002, that is, begin at the Northwest corner of the Southwest-1/4 of the Northwest-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida, and run thence East 420 feet, thence South 210 feet, thence West 420 feet, thence North 210 feet to the Point of Beginning.

TOGETHER WITH:

Parcel Number S01-078, that is the South 435.00 feet of the West 3/4 of the Northwest-1/4 of the Northeast-1/4 of Section 1, Township 22 South, Range 22 East, Sumter County, Florida; LESS that portion platted as Tract 5, 6, and 7 Rodgers' Subdivision as recorded in Plat Book 4, Page 47 of the Public Records of Sumter County, Florida.

TOGETHER WITH:

The West 3/4 of the Northwest 1/4 of the Northeast 1/4, LESS the North 221.51 feet of the West 257.47 feet and the South 870.00 feet thereof of Section 1, Township 22 South, Range 22 East, Sumter County, Florida; LESS that portion platted as Tracts 5, 6, 7

156 Rodgers' Subdivision as recorded in Plat Book 4, Page
 157 47 of the Public Records of Sumter County, Florida.

158
 159 Section 4. Municipal powers.-

160 (1) The city, as a body corporate and politic, has all
 161 powers of a municipality existing under the Constitution and
 162 laws of the State of Florida, as fully and completely as though
 163 such powers were specifically enumerated in this charter, unless
 164 otherwise specifically prohibited by or contrary to the
 165 provisions of this charter.

166 (2) Without limiting the generality of subsection (1), the
 167 city has all governmental, corporate, and proprietary powers
 168 necessary to enable it to conduct municipal government, perform
 169 municipal functions, and render municipal services, and may
 170 exercise any power for municipal purposes under the home rule
 171 powers of municipalities as set forth in the Constitution of the
 172 State of Florida and general law.

173 (3) The city has all planning and land use regulatory
 174 powers of a municipality with regard to all lands located within
 175 the city limits of the city.

176 (4) The powers of the city shall be liberally construed in
 177 favor of the city.

178 Section 5. City council; composition; qualifications for
 179 office.-

180 (1) COMPOSITION OF THE CITY COUNCIL.-

181 (a) There shall be a five-member city council consisting
 182 of the mayor and four city council members.

183 (b) The mayor and city council members shall run for
 184 office at large and be elected at large.

185 (2) QUALIFICATIONS FOR OFFICE.-

186 (a) Each candidate for office shall be a qualified elector
 187 of the city.

188 (b) Each candidate for office must have resided in the
 189 city continuously for a minimum of 12 months immediately before
 190 qualifying. A resident, for the purpose of qualifying for
 191 office, and while maintaining office, shall be a person whose
 192 principal place of physical residence is in the city.

193 (c) The charter officers of the city manager and city
 194 attorney may not be candidates for any elected office while
 195 holding a charter officer position.

196 Section 6. City elections.-

197 (1) ELECTION PROCEDURE.-All elections shall be held in
 198 accordance with the provisions of the state election code except
 199 as otherwise provided by this charter, or by the present or
 200 future ordinances of the city.

201 (2) REGISTRATION OF ELECTORS.-A citizen of the United
 202 States who has resided within the city for a period of at least
 203 30 days shall be eligible to register as a city elector so long
 204 as residency is maintained. Registration shall be permanent and
 205 in conformity with general law.

206 (3) CANVASSING AND QUALIFICATION.-

207 (a) Unless a majority of the city council votes to use the
 208 supervisor of elections for qualifying of candidates and
 209 conducting the election and the county canvassing board for
 210 canvassing the election, the city council shall conduct the
 211 election and has authority to determine the qualification of its
 212 members, subject to review by the courts.

213 (b) If the city council has not authorized the county
 214 canvassing board to canvass the election, at the time that the
 215 city council meets to canvass the results of an election, a
 216 registered elector of the city is entitled to file with the city
 217 council an affidavit setting out the facts showing that a
 218 candidate has violated the provisions of this charter as to the
 219 manner of his or her election, or is otherwise unqualified to
 220 hold office, and the city council shall take proof at such
 221 meeting and declare the results.

222 (c) The city council may by ordinance authorize the
 223 supervisor of elections to provide for qualifying for candidates
 224 and conduct the election and for the county canvassing board to
 225 canvass the election. If the city council provides the
 226 supervisor of elections and the county canvassing board with
 227 such authority, then the supervisor of elections is responsible
 228 for the qualifying of candidates and conducting the election and
 229 the county canvassing board shall canvass the election. Once an
 230 ordinance is enacted authorizing the transfer of these
 231 responsibilities, the supervisor of elections and the county
 232 canvassing board shall retain this authority at all subsequent

233 elections unless the city council enacts a subsequent ordinance
 234 transferring such responsibility back to the city. Such
 235 ordinance must be enacted and provided to the supervisor of
 236 elections and county canvassing board at least 1 year before the
 237 next general election.

238 Section 7. Terms of office.-

239 (1) The term of office for the mayor and each city council
 240 member is 4 years. Consecutive terms are limited to two full 4-
 241 year terms with a minimum of a 1-year period of time out of
 242 office before being allowed to run for the city council
 243 subsequently.

244 (2) The mayor and each city council member shall remain in
 245 office until his or her successor is elected and assumes the
 246 duties of the position.

247 (3) The terms of office in effect on the effective date of
 248 this charter shall continue to be in effect and elections shall
 249 occur accordingly.

250 (4) The mayor and city council members may succeed
 251 themselves.

252 Section 8. Powers and duties of city council.-

253 (1) The form of government of the City of Webster shall be
 254 the council-manager form of government whereby the mayor and
 255 city council are collectively the head of city government with
 256 regard to policy with a city manager serving in the role of
 257 chief administrative officer as set forth in this charter. The

258 | city attorney shall be the only charter officer aside from the
 259 | mayor and city council and the city manager.

260 | (2) Except as otherwise prescribed in this charter or
 261 | provided by general law, all policy setting, legislative, and
 262 | police powers of the city are vested in the mayor and city
 263 | council, including, but not limited to, the following:

264 | (a) Enacting ordinances under the police power, land
 265 | development regulatory power, and other home rule powers
 266 | pertinent to municipalities.

267 | (b) Establishing public policy and providing general
 268 | direction for administrative actions.

269 | (c) Reviewing and approving all policy manuals relating to
 270 | the operations and administration of city government.

271 | (d) Reviewing and approving all administrative
 272 | recommendations for staff classifications and reclassifications,
 273 | and wages and salaries.

274 | (e) Approving contracts and other fiscal matters relating
 275 | to the operations of city government except as may be delegated
 276 | to the city manager.

277 | (f) Creating city departments and offices and establishing
 278 | and funding positions for the operation and administration of
 279 | such departments and offices as deemed necessary.

280 | (g) Creating and appointing members to boards,
 281 | commissions, committees, task forces, and such other bodies as
 282 | deemed necessary.

283 (3) The city council shall provide for the exercise of its
 284 powers and for the performance of all duties and obligations
 285 imposed on the city by general law by means of ordinance,
 286 resolution, motion, policy directive, or other appropriate
 287 action.

288 (4) The city council shall adopt a purchasing policies
 289 manual and a personnel policies manual.

290 (5) Neither the city council nor any of its members shall
 291 dictate the appointment of any person to office or employment by
 292 the city manager or in any manner prevent the city manager from
 293 using his or her own judgment in selecting those officers or
 294 employees which he or she is entitled to appoint or select under
 295 the provisions of this charter. The city council and its members
 296 shall deal with the administrative service solely through the
 297 city manager and neither the city council nor any member thereof
 298 shall give orders to the subordinates of the city manager,
 299 either publicly or privately.

300 Section 9. Powers and duties of the mayor and mayor pro
 301 tempore.-

302 (1) MAYOR.-The mayor shall be a member of the city council
 303 and is considered, in every respect, as part of the city council
 304 for the purposes of votes and actions by the city council. In
 305 addition to the regular powers invested in any city council
 306 member, the mayor shall:

307 (a) Be recognized by the Governor for purposes of military
 308 law and have the power to declare an emergency.

309 (b) Preside at meetings of the city council and be
 310 recognized as the head of city government for all ceremonial
 311 occasions and purposes, but has no administrative duties except
 312 as to carry out the responsibilities provided in this charter.

313 (c) Execute city contracts, deeds, and other documents
 314 unless delegated to the city manager.

315 (d) Have the power to represent the city in all agreements
 316 with other governmental entities and provide certifications to
 317 other governmental entities that the city council has approved
 318 unless such powers are delegated to another city official.

319 (e) Coordinate with both elected officials and city staff
 320 of neighboring cities and counties on items that are of mutual
 321 concern or items that require an exchange of information.

322 (f) Coordinate with the city manager, city attorney, and
 323 city council on city legal matters.

324 (2) MAYOR PRO TEMPORE.—At the first regular meeting after
 325 each regular municipal election, at which newly elected city
 326 council members assume their duties of office, the five city
 327 council members shall, by majority vote of the city council,
 328 select a city council member, exclusive of the mayor, to act as
 329 mayor pro tempore. In addition to the regular powers invested in
 330 any city council member, the mayor pro tempore shall:

331 (a) Have all the powers and duties of the mayor in the
 332 absence from the city of the mayor or his or her inability to
 333 act, whether by reason of his or her death, resignation,
 334 impeachment, mental or physical sickness, or for any other

335 reason, and the city clerk certifies as to the absence from the
 336 city of the mayor or his or her inability to act, upon demand,
 337 when the mayor is so absent from the city or unable to act; and

338 (b) Serve as acting mayor during the absence or disability
 339 of the mayor, and during such period, has the same powers and
 340 duties as the mayor.

341 (3) ALTERNATIVE TO FILLING VACANCY.—In the absence of the
 342 mayor and the mayor pro tempore, the remaining city council
 343 members shall elect a city council member to serve as acting
 344 mayor.

345 Section 10. Compensation and expenses.—

346 (1) The mayor and city council members shall continue to
 347 receive the salary in effect for their positions on the date
 348 that this charter becomes effective. Thereafter, they shall
 349 receive compensation as established by adoption of an ordinance
 350 adjusting pay scales, but an ordinance increasing such salary
 351 may not take effect until after the next regular city election.
 352 The salaries of the mayor and city council members may be
 353 different at the determination of the city council, but all
 354 salaries for city council members not serving as mayor shall be
 355 equal.

356 (2) The mayor and city council members shall be reimbursed
 357 for actual expenses incurred while performing their official
 358 duties in accordance with provisions of general law or
 359 resolution adopted by the city council.

360 Section 11. Vacancies; forfeiture of office; suspension;
 361 recall; filling of vacancies.-

362 (1) VACANCIES.-A vacancy in the office of mayor or of a
 363 city council member shall occur upon the death of the incumbent,
 364 removal from office as authorized by general law, resignation,
 365 election or appointment to another public office which creates
 366 dual officeholding, judicially determined incompetence, or
 367 forfeiture of office.

368 (2) FORFEITURE OF OFFICE.-The mayor or a city council
 369 member shall forfeit his or her office upon determination by the
 370 vote of four members of the entire city council, acting as a
 371 body, that he or she has committed any of the following acts:

372 (a) Lacks at any time, or fails to maintain during his or
 373 her term of office, any qualifications for the office prescribed
 374 by this charter or otherwise required by law.

375 (b) Is convicted of a felony, or enters a plea of guilty
 376 or nolo contendere to a crime punishable as a felony, even if
 377 adjudication of guilt is withheld.

378 (c) Is convicted of a first degree misdemeanor arising
 379 directly out of his or her official conduct or duties or enters
 380 a plea or guilty or nolo contendere thereto, even if
 381 adjudication of guilt is withheld.

382 (d) Is found to have violated any standard of conduct or
 383 code of ethics established by law for public officials and has
 384 been suspended from office by the Governor, unless subsequently
 385 reinstated as provided by general law.

386 (e) Is absent from three or more regular meetings of the
 387 city council in a consecutive 6-month period, unless such series
 388 of absences, or any one of the absences, is excused by the city
 389 council by adoption of a resolution setting forth the fact of
 390 such excused absence or absences, thereby making the total of
 391 consecutive and unexcused absences less than three.

392 (f) Is found by a vote of the city council to have
 393 abandoned his or her office as a result of extensive absences.

394 (3) SUSPENSION FROM OFFICE.-

395 (a) The mayor or a city council member shall be suspended
 396 from office by the city council acting as a body upon return of
 397 an indictment or issuance of an information charging the mayor
 398 or a city council member with any crime that is punishable as a
 399 felony or with any crime arising out of his or her official
 400 conduct or duties which is punishable as a misdemeanor.

401 (b) During the period of suspension, the mayor or the city
 402 council member shall not perform any official act, duty, or
 403 function, or receive any allowance, emolument, or privilege of
 404 office.

405 (c) If the mayor or a city council member is subsequently
 406 found not guilty of the charge, or if the charge is otherwise
 407 dismissed or altered so that suspension would no longer be
 408 required as provided in this charter, the suspension shall be
 409 lifted by the city council and the mayor or city council member
 410 is entitled to receive full back allowances and such other

411 emoluments as he or she would have been entitled to had the
 412 suspension not occurred.

413 (4) RECALL.—The electors of the city, after following the
 414 procedures for recall established by general law, may remove the
 415 mayor or any city council member from office.

416 (5) FILLING OF VACANCIES.—

417 (a) If, for any reason other than recall, a vacancy occurs
 418 in the office of mayor within the first year of a term, the
 419 mayor pro tempore shall assume the position of mayor, and within
 420 30 days after the occurrence of such vacancy, a special election
 421 for mayor shall be held to elect a mayor for the remainder of
 422 the unfilled term.

423 (b) In the event that the office of mayor becomes vacant
 424 with less than 1 year remaining in the term, the mayor pro
 425 tempore shall serve as mayor for the remainder of the term of
 426 the mayor and the vacancy in his or her office shall be filled
 427 as provided in the charter for the remainder of his or her term.

428 (c) If, for any reason other than recall, a vacancy occurs
 429 in the office of a city council seat, other than mayor, within
 430 the last year of a term, the office shall be filled for the
 431 remainder of the term by appointment within 30 days after the
 432 occurrence of such vacancy by majority vote of the remaining
 433 city council members.

434 (d) If, for any reason other than recall, a vacancy occurs
 435 in the office of a city council seat within the first year of a
 436 term, the office shall be filled by appointment within 30 days

437 after the occurrence of such vacancy by majority vote of the
 438 city council and such appointment shall expire when a city
 439 council member is elected and he or she is seated in accordance
 440 with this charter.

441 (e) If a vacancy occurs as a result of a recall petition,
 442 such vacancy will be filled by special election as provided in
 443 general law.

444 (f) Before a person is appointed to fill a vacant seat on
 445 the city council, he or she must meet all qualifications for
 446 office.

447 Section 12. City council meetings; organizational meeting;
 448 quorum; special meeting.-

449 (1) The city council shall meet regularly at least once a
 450 month. All meetings are subject to notice and other requirements
 451 of law applicable to public meetings.

452 (2) The newly elected city council members, if any, shall
 453 be installed, on the second Tuesday after the first Monday in
 454 January after their election, after taking the oath of office.

455 (3) Installation into office shall be made by the city
 456 council and consist of declaring election results, administering
 457 the oath of office by the city attorney or city clerk, and
 458 receiving a bond from each city council member elected, if
 459 required by ordinance.

460 (4) The oath shall be in substantially the following form:
 461 "I,, do solemnly swear (or affirm), that I will support,
 462 protect, and defend the Constitution and government of the

463 United States and of the State of Florida against all enemies,
 464 domestic or foreign, and that I will bear true faith, loyalty,
 465 and allegiance to the same, and that I am entitled to hold
 466 office under the Constitution; that I will faithfully perform
 467 all duties of the office of of the City of Webster, on
 468 which I am about to enter, so help me, God."

469 (5) The city council shall conduct its meetings in
 470 accordance with Robert's Rules of Order except as prescribed by
 471 resolution or ordinance of the city council.

472 (6) Voting on ordinances and resolutions shall be by roll
 473 call. A majority of the city council constitutes a quorum. No
 474 action of the city council is valid unless adopted by an
 475 affirmative vote of the majority of the city council that is in
 476 attendance, unless otherwise provided by law or ordinance, or
 477 stated in this charter. A tie vote shall result in a motion
 478 failing. All actions of the city council shall be accomplished
 479 by ordinance, resolution, or motion, although the city council
 480 may express its consensus in other appropriate ways.

481 (7) The city council has the power to expel any member of
 482 the audience who is disorderly while the council is in session.

483 (8) Special meetings may be held at the call of the mayor
 484 or, in the absence of the mayor, at the call of the mayor pro
 485 tempore. Special meetings may also be called upon the request of
 486 a majority of the city council members as presented in writing
 487 to the city clerk. At least 24 hours' prior notice of the

488 meeting must be given to the public, unless a declared emergency
 489 situation exists.

490 Section 13. City manager; appointment, qualifications, and
 491 compensation.-

492 (1) The city council, by simple majority vote, shall
 493 appoint a city manager who shall be a charter officer of the
 494 city and the administrative head of the city government, under
 495 the direction and supervision of the city council, and who shall
 496 hold office at the pleasure of the city council under a contract
 497 that is entered consistent with controlling law. He or she shall
 498 receive such compensation as the city council may fix and
 499 determine in such contract. He or she shall be chosen solely on
 500 the basis of his or her executive and administrative
 501 qualifications, without regard to his or her political belief,
 502 and must be 21 years of age or older. The city manager need not
 503 be a resident of the city.

504 (2) The city manager is responsible to the city council
 505 for the proper administration of all affairs of the city coming
 506 under his or her jurisdiction. The city manager's powers include
 507 the following, as well as those that are consistent with sound
 508 and generally accepted public management practices and
 509 principles consistent with this charter and other controlling
 510 law:

511 (a) To see that the laws and ordinances of the city are
 512 enforced;

513 (b) To appoint, suspend, or remove all city employees and
 514 appoint administrative officers provided for by and under this
 515 charter, except as otherwise provided by law;

516 (c) To control, direct, and exercise supervision over all
 517 departments and divisions and offices of the city's government;

518 (d) To fix the compensation of all subordinate city
 519 employees based on a range of pay rate for each class of
 520 employee approved by resolution of the city council;

521 (e) To enforce the city's personnel rules and purchasing
 522 policies;

523 (f) To see that all terms and conditions imposed in favor
 524 of the city or its inhabitants in any public utility franchise
 525 are faithfully kept and performed and, upon knowledge of any
 526 violation thereof, to call the same to the attention of the city
 527 attorney, whose duty it is hereby made to take such legal steps
 528 as may be necessary to enforce the franchise;

529 (g) To attend all meetings of the city council, with a
 530 right to take part in the discussion but without having a vote;

531 (h) To negotiate all contracts, franchises, acquisition,
 532 and disposition of property personally or through agents
 533 designated by him or her and, upon approval thereof by the
 534 council, implement on behalf of the city all agreements, leases,
 535 deeds, and other instruments in connection therewith;

536 (i) To direct and supervise the administration of all
 537 departments, offices, and agencies of the city, except as
 538 otherwise provided by this charter or by law;

539 (j) To make recommendations to the city council concerning
 540 the affairs of the city and facilitate the work of the city
 541 council in developing policy;

542 (k) To assist the council to develop long-term goals for
 543 the city and strategies to implement those goals;

544 (l) To recommend to the city council for adoption such
 545 measures as he or she deems necessary or expedient in the
 546 interest of the city;

547 (m) To prepare and submit the annual budget, budget
 548 message, and capital program to the mayor for review and
 549 approval by the city council;

550 (n) To administer financial transactions of the city,
 551 including investments, withdrawals, and expenditures in
 552 accordance with city investment policies and the adopted city
 553 budget;

554 (o) To keep the mayor and the city council fully apprised
 555 as to the financial condition and the affairs of the city;

556 (p) To act as director of any department as needed;

557 (q) To have prepared and to submit to the city council,
 558 within 6 months after the close of each fiscal year, a complete
 559 audit of the financial condition of the city for the preceding
 560 fiscal year;

561 (r) To sign all checks and agreements or other documents
 562 approved by the city council or required for daily business
 563 needs of the city issued by the city except as otherwise
 564 provided in this charter and to sign such other documents

565 approved by the city council or required for the daily business
 566 of the city;

567 (s) To perform such other duties as required by this
 568 charter or as directed by the city council;

569 (t) To prepare or administer the preparation of city
 570 policies manuals, ordinances, and similar materials for city
 571 council review and approval;

572 (u) To review employee disciplinary actions taken by
 573 subordinate staff and take final administrative action before
 574 initiation of review, if any, by the city council;

575 (v) To purchase supplies and equipment of the various
 576 departments of the city; and

577 (w) During his or her absence of no more than 14 days, to
 578 appoint an acting city manager. However, with regard to an
 579 absence or disability of any longer period or such other period
 580 of time as may be determined by the city council, the city
 581 council may, by resolution, designate some properly qualified
 582 person to temporarily execute the functions of the office. The
 583 person thus designated has the same powers and duties as the
 584 city manager, and shall be known while so serving as acting city
 585 manager.

586 (3) The city manager or acting city manager may be removed
 587 by the city council at any time consistent with the terms of his
 588 or her contract and controlling law.

589 Section 14. City attorney; qualifications; powers and
 590 duties.-

591 (1) The city attorney is the chief legal officer and
 592 advisor of the city.

593 (2) The city attorney must be a member in good standing of
 594 The Florida Bar.

595 (3) The city attorney shall:

596 (a) Serve as chief advisor to the city council and all
 597 city departments, offices, advisory boards, and agencies;

598 (b) Attend all city council meetings, unless excused by
 599 motion and vote of the city council, and perform such
 600 professional duties as may be required by law or by the city
 601 council in furtherance of the law;

602 (c) Engage in litigation on behalf of the city council
 603 pursuant to its direction; and

604 (d) Appoint assistants to assist in the provision of legal
 605 services to the city.

606 (4) The city attorney shall be a charter officer of the
 607 city and be appointed by a majority vote of the full city
 608 council and shall serve at the pleasure of a majority vote of
 609 the full city council.

610 Section 15. City clerk qualifications; powers and duties;
 611 option for city administrator or city manager.-

612 (1) The city clerk is an employee of the city appointed by
 613 the city manager and shall fulfill the role of a functioning
 614 administrative officer of the city serving under the direction
 615 and managerial control of the city manager.

616 (2) The city clerk shall be selected by the city manager
 617 on the basis of education, experience, expertise, and
 618 administrative ability pertaining to administering municipal
 619 government.

620 (3) The city clerk shall operate under the direction and
 621 managerial control of the city manager and shall:

622 (a) Prepare the agenda for review and approval by the
 623 mayor and attend city council meetings, take part in discussion,
 624 and furnish information as requested by the city council;

625 (b) Process and maintain all official city documents and
 626 records and ensure that all actions of the city council are
 627 recorded, including, but not limited to, providing for regular
 628 codification of city codes and ordinances in conjunction with
 629 the city attorney;

630 (c) Supervise the preparation and indexing of minutes;

631 (d) Act as chief financial officer, prepare reports
 632 relative to city finances and assets, and maintain various
 633 property files; and

634 (e) Perform such other city clerk related duties as
 635 required by the city council and city manager.

636 Section 16. Police department.-

637 (1) The police department of the City of Webster is
 638 created and established and shall consist of a chief of police
 639 and as many subordinate officers, patrol officers, and employees
 640 as are necessary for the functioning of the department.

641 (2) The chief of police may appoint additional patrol
 642 officers upon approval of the city manager.

643 (3) The chief of police shall be appointed by the city
 644 manager and shall serve under the direction and supervision of
 645 the city manager. The chief of police shall aid in the
 646 enforcement of order in the city. He or she shall attend in
 647 person or by deputy all meetings of the city council, and
 648 perform such duties appropriate to his or her office as may be
 649 imposed upon him or her by the law, the ordinances of the city,
 650 the direction of the city manager or the city council. He or she
 651 is the head of the police department and responsible for seeing
 652 that the laws and ordinances of city and state are enforced.

653 (4) The chief of police and all officers must be certified
 654 as required by general law.

655 (5) The chief of police shall assume such other duties as
 656 directed by the city council or city manager.

657 Section 17. Department of public works.-

658 (1) The department of public works is established as an
 659 administrative branch or division of the city and is responsible
 660 for stormwater control, water and wastewater services,
 661 maintenance and repair of city signage, curbs, rights-of-way,
 662 public parking, streetlights, and such other services as
 663 designated by the city council or the city manager.

664 (2) The position of director of public works shall be
 665 appointed by the city manager. The director of public works
 666 shall serve under the direction of the city manager and assist

667 in carrying out the policies and programs of the city council.
 668 He or she shall coordinate the work and activities of the
 669 department of public works. He or she shall make periodical
 670 inspections of streets, public buildings, public works, public
 671 machinery, and all public property, and make report thereof to
 672 the city manager. He or she shall perform such other duties as
 673 may be delegated to him or her.

674 Section 18. Limit of employment of city council members;
 675 conflict.-

676 (1) Neither the mayor nor city council members shall be in
 677 the employment of the city while in office, nor shall a former
 678 mayor or city council member be employed by the city until after
 679 the expiration of 1 year from the time of leaving office.

680 (2) It is unlawful for any city council member to have any
 681 direct or indirect financial interest with any association,
 682 partnership, firm, or corporation which contracts for performing
 683 any service or furnishing any material or equipment to, or for,
 684 the city.

685 Section 19. Budget and appropriations.-

686 (1) The city council shall adopt a budget and set tax
 687 rates in accordance with general law.

688 (2) The city council has all powers of local government
 689 vested in it by general law relative to fiscal processes and
 690 procedures.

691 (3) The city council shall adopt a financial policy, at
 692 such times as it deems appropriate, to provide for financial
 693 management policies of the city.

694 (4) The city council shall enact a purchasing code to
 695 regulate the procurement of goods and services in accordance
 696 with sound and generally accepted public management practice and
 697 principles.

698 Section 20. City records.-

699 (1) All city public records shall be maintained by the
 700 city clerk in accordance with general law.

701 (2) All ordinances or resolutions of the city council
 702 shall be executed by the mayor or, in the mayor's absence, by
 703 the mayor pro tempore, or in the absence of both, by the acting
 704 mayor, and attested to by the city clerk with approval, as to
 705 form and legality, by the city attorney.

706 Section 21. Charter amendment.-

707 (1) This charter may be amended in accordance with the
 708 provisions of the Municipal Home Rule Powers Act, chapter 166,
 709 Florida Statutes, or as may otherwise be provided by general
 710 law. The form, content, and certification of any petition to
 711 amend shall be established by ordinance.

712 (2) A charter review committee may be appointed at any
 713 time by the city council. The committee shall complete its work
 714 and present any recommendations for change within the time
 715 period as prescribed by the city council. The city council may
 716 act on the proposed changes to the charter and place the

717 proposed changes on the next scheduled general election ballot
 718 if it concurs with the proposals.

719 Section 22. Standards of conduct.-All elected officials,
 720 appointed officials, and employees of the city are subject to
 721 the standards of conduct for the public officers and employees
 722 established in general law. In addition, the city council may,
 723 by ordinance, establish a supplemental code of ethics for the
 724 city, which may in no case diminish the provisions of general
 725 law.

726 Section 23. Ordinances preserved.-All ordinances in effect
 727 upon the adoption of this charter, to the extent not
 728 inconsistent with it, remain in force until repealed or changed
 729 as provided in this charter.

730 Section 24. Rights of officers and employees.-

731 (1) Except as otherwise expressly provided in this
 732 charter, this charter does not affect or impair the rights or
 733 privileges of persons who are officers or employees of the City
 734 of Webster at the time of adoption.

735 (2) All officers heretofore elected or appointed and
 736 holding office in the City of Webster continue to hold their
 737 respective offices and discharge the duties thereof until their
 738 successors are elected and qualified.

739 Section 25. Pending matters.-

740 (1) All rights, title, claims, actions, orders, contracts,
 741 ownership of property, uncollected taxes, dues, judgments,
 742 decrees, and legal or administrative proceedings involving the

743 City of Webster, and all property and property rights of every
744 nature whatever held or owned by the city, shall continue,
745 except as modified pursuant to this charter.

746 (2) No obligation or contract of the said municipality of
747 any nature whatever, including outstanding indebtedness and
748 bonds heretofore issued, may be impaired or avoided by this act,
749 but all debts and obligations of the City of Webster shall pass
750 to and be binding upon the municipality hereby organized and
751 created.

752 Section 4. Chapter 57-1944, Laws of Florida, is repealed.

753 Section 5. 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 O'Toole offered the following:

Amendment

6 Remove everything after the enacting clause and insert:

7 Section 1. Chapter 57-1944, Laws of Florida, relating to
 8 the City of Webster, is codified, reenacted, amended, and
 9 repealed as provided in this act.

10 Section 2. The charter of the City of Webster is re-
 11 created and reenacted to read:

12 Section 1. Short title.—This act, together with any future
 13 amendments thereto, shall be known and may be cited as the
 14 "Charter of the City of Webster," hereinafter referred to as the
 15 "charter."

16 Section 2. Body corporate; continuous existence.—



Amendment No. 1

17 (1) The incorporated municipality of the City of Webster,
18 now existing, shall continue to be a body corporate and a
19 municipal corporation within Sumter County under the name of the
20 city, and as such, shall have perpetual succession and existence
21 in accordance with general law.

22 (2) The codes, ordinances, policies, and actions, of
23 whatever type or nature, of the City of Webster shall carry
24 forward after the effective date of this act insofar as
25 consistent with this act and the said codes, ordinances,
26 policies, and actions are ratified and affirmed.

27 Section 3. Boundaries.—The boundaries and corporate limits
28 existing at the time of the adoption of this charter may be
29 amended as provided by general law. The boundaries are described
30 as follows:

31
32 The South 1/2 of the Northeast 1/4 and the East 1/2 of the
33 Southeast 1/4 of Section 36, Township 21 South, Range 22 East,
34 Sumter County, Florida; and the Southwest 1/4 of the West 1/2 of
35 the Southeast 1/4 of Section 31, Township 21 South, Range 23
36 East, Sumter County, Florida; and the East 1/2 of the Northeast
37 1/4 of Section 1 Township 22 South, Range 22 East, Sumter
38 County, Florida; and the West 1/2 of the Northeast 1/4 of
39 Section 6, Township 22 South Range 23 East, Sumter County,
40 Florida.

41
42 TOGETHER WITH:



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43
44 The South-1/2 of the Northeast -1/4; and the East-1/2 of the
45 Southeast-1/4; and the East-1/2 of the Southeast-1/4 of the of
46 the Northwest-1/4 all being in Section 36, Township 21 South,
47 Range 22 East, Sumter County, Florida.

48
49 And

50
51 The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of
52 Section 31, Township 21 South, Range 23 East, Sumter County,
53 Florida.

54
55 And

56
57 The East 1/2 of the Northeast-1/4 of Section 1, Township 22
58 South, Range 22 East, Sumter County, Florida.

59 And

60
61 The West-1/2 of the Northeast-1/4; and the Northwest-1/4 of
62 Section 6, Township 22 South, Range 23 East, Sumter County,
63 Florida.

64
65 TOGETHER WITH:
66



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67 The South-1/2 of the Northeast-1/4 and the East-1/2 of the
68 Southeast-1/4 of Section 36, Township 21 South, Range 22 East,
69 Sumter County, Florida.

70

71 And

72

73 The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of
74 Section 31, Township 21 South, Range 23 East, Sumter County,
75 Florida.

76

77 And

78

79 The East-1/2 of the Northeast-1/4 of Section 1, Township 22
80 South, Range 22 East;

81

82 W-1/2 of the NE-1/4 and the NW-1/4 of Section 6, Township 22
83 South, Range 23 East;

84

85 And

86

87 The East-1/2 of the Southeast-1/4 of the Northwest-1/4, Section
88 36, Township 21 South, Range 22 East, Sumter County, Florida.

89

90 And

91



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92 All that portion of the East-1/4 of Section 31, Township 21
93 South, Range 23 East, Sumter County, Florida, lying Southerly of
94 the abandoned Seaboard Coastline Railroad right of way and
95 Northerly of County Road Number 478, LESS beginning 264 feet
96 East of the Southwest corner of the Southeast-1/4 of the
97 Southeast-1/4 of said Section, from thence run North 165 feet,
98 then run East 132 feet, thence run South 165 feet, thence run
99 West 132 feet to a Point of Beginning.

100
101 TOGETHER WITH:102
103 Lot 12, Block A, BAYS SUBDIVISION, as recorded in Plat Book 4,
104 Page 46, Public Records of Sumter County.105
106 TOGETHER WITH:107
108 The North 435.00 feet of the South 870 feet of the West 3/4 of
109 the Northwest 1/4 of the Northeast 1/4 of Section 1 Township 22
110 South, Range 22 East, Sumter County, Florida.111
112 TOGETHER WITH:113
114 Parcel Number: Q31-002, that is, begin at the Northwest corner
115 of the Southwest-1/4 of the Northwest-1/4 of Section 31,
116 Township 21 South, Range 23 East, Sumter County, Florida, and



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117 run thence East 420 feet, thence South 210 feet, thence West 420
118 feet, thence North 210 feet to the Point of Beginning.

119
120 TOGETHER WITH:

121
122 Parcel Number S01-078, that is the South 435.00 feet of the West
123 3/4 of the Northwest-1/4 of the Northeast-1/4 of Section 1,
124 Township 22 South, Range 22 East, Sumter County, Florida; LESS
125 that portion platted as Tract 5, 6, and 7 Rodgers' Subdivision
126 as recorded in Plat Book 4, Page 47 of the Public Records of
127 Sumter County, Florida.

128
129 TOGETHER WITH:

130
131 The West 3/4 of the Northwest 1/4 of the Northeast 1/4, LESS the
132 North 221.51 feet of the West 257.47 feet and the South 870.00
133 feet thereof of Section 1, Township 22 South, Range 22 East,
134 Sumter County, Florida; LESS that portion platted as Tracts 5,
135 6, 7 Rodgers' Subdivision as recorded in Plat Book 4, Page 47 of
136 the Public Records of Sumter County, Florida.

137
138 Section 4. Municipal powers.-

139 (1) The city, as a body corporate and politic, has all
140 powers of a municipality existing under the Constitution and
141 laws of the State of Florida, as fully and completely as though
142 such powers were specifically enumerated in this charter, unless



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143 | otherwise specifically prohibited by or contrary to the
144 | provisions of this charter.

145 | (2) Without limiting the generality of subsection (1), the
146 | city has all governmental, corporate, and proprietary powers
147 | necessary to enable it to conduct municipal government, perform
148 | municipal functions, and render municipal services, and may
149 | exercise any power for municipal purposes under the home rule
150 | powers of municipalities as set forth in the Constitution of the
151 | State of Florida and general law.

152 | (3) The city has all planning and land use regulatory
153 | powers of a municipality with regard to all lands located within
154 | the city limits of the city.

155 | (4) The powers of the city shall be liberally construed in
156 | favor of the city.

157 | Section 5. City council; composition; qualifications for
158 | office.-

159 | (1) COMPOSITION OF THE CITY COUNCIL.-

160 | (a) There shall be a five-member city council consisting
161 | of the mayor and four city council members.

162 | (b) The mayor and city council members shall run for
163 | office at large and be elected at large.

164 | (2) QUALIFICATIONS FOR OFFICE.-

165 | (a) Each candidate for office shall be a qualified elector
166 | of the city.

167 | (b) Each candidate for office must have resided in the
168 | city continuously for a minimum of 12 months immediately before



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169 qualifying. A resident, for the purpose of qualifying for
170 office, and while maintaining office, shall be a person whose
171 principal place of physical residence is in the city.

172 (c) The charter officers of the city manager and city
173 attorney may not be candidates for any elected office while
174 holding a charter officer position.

175 Section 6. City elections.-

176 (1) ELECTION PROCEDURE.-All elections shall be held in
177 accordance with the provisions of the state election code except
178 as otherwise provided by this charter, or by the present or
179 future ordinances of the city.

180 (2) REGISTRATION OF ELECTORS.-A citizen of the United
181 States who has resided within the city for a period of at least
182 30 days shall be eligible to register as a city elector so long
183 as residency is maintained. Registration shall be permanent and
184 in conformity with general law.

185 (3) CANVASSING AND QUALIFICATION.-

186 (a) Unless a majority of the city council votes to use the
187 supervisor of elections for qualifying of candidates and
188 conducting the election and the county canvassing board for
189 canvassing the election, the city council shall conduct the
190 election and has authority to determine the qualification of its
191 members, subject to review by the courts.

192 (b) If the city council has not authorized the county
193 canvassing board to canvass the election, at the time that the
194 city council meets to canvass the results of an election, a



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195 registered elector of the city is entitled to file with the city
196 council an affidavit setting out the facts showing that a
197 candidate has violated the provisions of this charter as to the
198 manner of his or her election, or is otherwise unqualified to
199 hold office, and the city council shall take proof at such
200 meeting and declare the results.

201 (c) The city council may by ordinance authorize the
202 supervisor of elections to provide for qualifying for candidates
203 and conduct the election and for the county canvassing board to
204 canvass the election. If the city council provides the
205 supervisor of elections and the county canvassing board with
206 such authority, then the supervisor of elections is responsible
207 for the qualifying of candidates and conducting the election and
208 the county canvassing board shall canvass the election. Once an
209 ordinance is enacted authorizing the transfer of these
210 responsibilities, the supervisor of elections and the county
211 canvassing board shall retain this authority at all subsequent
212 elections unless the city council enacts a subsequent ordinance
213 transferring such responsibility back to the city. Such
214 ordinance must be enacted and provided to the supervisor of
215 elections and county canvassing board at least 1 year before the
216 next general election.

217 Section 7. Terms of office.-

218 (1) The term of office for the mayor and each city council
219 member is 4 years. Consecutive terms are limited to two full 4-
220 year terms with a minimum of a 1-year period of time out of



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221 office before being allowed to run for the city council
222 subsequently.

223 (2) The mayor and each city council member shall remain in
224 office until his or her successor is elected and assumes the
225 duties of the position.

226 (3) The terms of office in effect on the effective date of
227 this charter shall continue to be in effect and elections shall
228 occur accordingly.

229 (4) The mayor and city council members may succeed
230 themselves.

231 Section 8. Powers and duties of city council.-

232 (1) The form of government of the City of Webster shall be
233 the council-manager form of government whereby the mayor and
234 city council are collectively the head of city government with
235 regard to policy with a city manager serving in the role of
236 chief administrative officer as set forth in this charter. The
237 city attorney shall be the only charter officer aside from the
238 mayor and city council and the city manager.

239 (2) Except as otherwise prescribed in this charter or
240 provided by general law, all policy setting, legislative, and
241 police powers of the city are vested in the mayor and city
242 council, including, but not limited to, the following:

243 (a) Enacting ordinances under the police power, land
244 development regulatory power, and other home rule powers
245 pertinent to municipalities.



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246 (b) Establishing public policy and providing general
247 direction for administrative actions.

248 (c) Reviewing and approving all policy manuals relating to
249 the operations and administration of city government.

250 (d) Reviewing and approving all administrative
251 recommendations for staff classifications and reclassifications,
252 and wages and salaries.

253 (e) Approving contracts and other fiscal matters relating
254 to the operations of city government except as may be delegated
255 to the city manager.

256 (f) Creating city departments and offices and establishing
257 and funding positions for the operation and administration of
258 such departments and offices as deemed necessary.

259 (g) Creating and appointing members to boards,
260 commissions, committees, task forces, and such other bodies as
261 deemed necessary.

262 (3) The city council shall provide for the exercise of its
263 powers and for the performance of all duties and obligations
264 imposed on the city by general law by means of ordinance,
265 resolution, motion, policy directive, or other appropriate
266 action.

267 (4) The city council shall adopt a purchasing policies
268 manual and a personnel policies manual.

269 (5) Neither the city council nor any of its members shall
270 dictate the appointment of any person to office or employment by
271 the city manager or in any manner prevent the city manager from



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272 using his or her own judgment in selecting those officers or
273 employees which he or she is entitled to appoint or select under
274 the provisions of this charter. Except for the purposes of
275 inquiry and information, the city council and its members shall
276 deal with the administrative service solely through the city
277 manager and neither the city council nor any member thereof
278 shall give orders to the subordinates of the city manager,
279 either publicly or privately.

280 Section 9. Powers and duties of the mayor and mayor pro
281 tempore.-

282 (1) MAYOR.-The mayor shall be a member of the city council
283 and is considered, in every respect, as part of the city council
284 for the purposes of votes and actions by the city council. In
285 addition to the regular powers invested in any city council
286 member, the mayor shall:

287 (a) Be recognized by the Governor for purposes of military
288 law and have the power to declare an emergency.

289 (b) Preside at meetings of the city council and be
290 recognized as the head of city government for all ceremonial
291 occasions and purposes, but has no administrative duties except
292 as to carry out the responsibilities provided in this charter.

293 (c) Execute city contracts, deeds, and other documents
294 unless delegated to the city manager.

295 (d) Have the power to represent the city in all agreements
296 with other governmental entities and provide certifications to



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297 other governmental entities that the city council has approved
298 unless such powers are delegated to another city official.

299 (e) Coordinate with both elected officials and city staff
300 of neighboring cities and counties on items that are of mutual
301 concern or items that require an exchange of information.

302 (f) Coordinate with the city manager, city attorney, and
303 city council on city legal matters.

304 (2) MAYOR PRO TEMPORE.—At the first regular meeting after
305 each regular municipal election, at which newly elected city
306 council members assume their duties of office, the five city
307 council members shall, by majority vote of the city council,
308 select a city council member, exclusive of the mayor, to act as
309 mayor pro tempore. In addition to the regular powers invested in
310 any city council member, the mayor pro tempore shall:

311 (a) Have all the powers and duties of the mayor in the
312 absence from the city of the mayor or his or her inability to
313 act, whether by reason of his or her death, resignation,
314 impeachment, mental or physical sickness, or for any other
315 reason, and the city clerk certifies as to the absence from the
316 city of the mayor or his or her inability to act, upon demand,
317 when the mayor is so absent from the city or unable to act; and

318 (b) Serve as acting mayor during the absence or disability
319 of the mayor, and during such period, has the same powers and
320 duties as the mayor.

321 (3) ALTERNATIVE TO FILLING VACANCY.—In the absence of the
322 mayor and the mayor pro tempore, the remaining city council



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323 members shall elect a city council member to serve as acting
324 mayor.

325 Section 10. Compensation and expenses.-

326 (1) The mayor and city council members shall continue to
327 receive the salary in effect for their positions on the date
328 that this charter becomes effective. Thereafter, they shall
329 receive compensation as established by adoption of an ordinance
330 which adjusts that salary, but an ordinance increasing such
331 salary may not take effect until after the next regular city
332 election. The salaries of the mayor and city council members may
333 be different at the determination of the city council, but all
334 salaries for city council members not serving as mayor shall be
335 equal.

336 (2) The mayor and city council members shall be reimbursed
337 for actual expenses incurred while performing their official
338 duties in accordance with provisions of general law or
339 resolution adopted by the city council.

340 Section 11. Vacancies; forfeiture of office; suspension;
341 recall; filling of vacancies.-

342 (1) VACANCIES.-A vacancy in the office of mayor or of a
343 city council member shall occur upon the death of the incumbent,
344 removal from office as authorized by general law, resignation,
345 election or appointment to another public office which creates
346 dual officeholding, judicially determined incompetence, or
347 forfeiture of office.



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348 (2) FORFEITURE OF OFFICE.-The mayor or a city council
349 member shall forfeit his or her office upon determination by the
350 vote of four members of the entire city council, acting as a
351 body, that he or she has committed any of the following acts:

352 (a) Lacks at any time, or fails to maintain during his or
353 her term of office, any qualifications for the office prescribed
354 by this charter or otherwise required by law.

355 (b) Is convicted of a felony, or enters a plea of guilty
356 or nolo contendere to a crime punishable as a felony, even if
357 adjudication of guilt is withheld.

358 (c) Is convicted of a first degree misdemeanor arising
359 directly out of his or her official conduct or duties or enters
360 a plea or guilty or nolo contendere thereto, even if
361 adjudication of guilt is withheld.

362 (d) Is found to have violated any standard of conduct or
363 code of ethics established by law for public officials and has
364 been suspended from office by the Governor, unless subsequently
365 reinstated as provided by general law.

366 (e) Is absent from three or more regular meetings of the
367 city council in a consecutive 6-month period, unless such series
368 of absences, or any one of the absences, is excused by the city
369 council by adoption of a resolution setting forth the fact of
370 such excused absence or absences, thereby making the total of
371 consecutive and unexcused absences less than three.

372 (3) SUSPENSION FROM OFFICE.-



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373 (a) The mayor or a city council member shall be suspended
374 from office by the city council acting as a body upon return of
375 an indictment or issuance of an information charging the mayor
376 or a city council member with any crime that is punishable as a
377 felony or with any crime arising out of his or her official
378 conduct or duties which is punishable as a misdemeanor.

379 (b) During the period of suspension, the mayor or the city
380 council member shall not perform any official act, duty, or
381 function, or receive any allowance, emolument, or privilege of
382 office.

383 (c) If the mayor or a city council member is subsequently
384 found not guilty of the charge, or if the charge is otherwise
385 dismissed or altered so that suspension would no longer be
386 required as provided in this charter, the suspension shall be
387 lifted by the city council and the mayor or city council member
388 is entitled to receive full back allowances and such other
389 emoluments as he or she would have been entitled to had the
390 suspension not occurred.

391 (4) RECALL.—The electors of the city, after following the
392 procedures for recall established by general law, may remove the
393 mayor or any city council member from office.

394 (5) FILLING OF VACANCIES.—

395 (a) If, for any reason other than recall, a vacancy occurs
396 in the office of mayor within the first three years of a term,
397 the mayor pro tempore shall assume the position of mayor, and
398 within 30 days after the occurrence of such vacancy, a special



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399 election for mayor shall be held to elect a mayor for the
400 remainder of the unfilled term.

401 (b) In the event that the office of mayor becomes vacant
402 with less than 1 year remaining in the term, the mayor pro
403 tempore shall serve as mayor for the remainder of the term of
404 the mayor and the vacancy in his or her office shall be filled
405 as provided in the charter for the remainder of his or her term.

406 (c) If, for any reason other than recall, a vacancy occurs
407 in the office of a city council seat, other than mayor, within
408 the last year of a term, the office shall be filled for the
409 remainder of the term by appointment within 30 days after the
410 occurrence of such vacancy by majority vote of the remaining
411 city council members.

412 (d) If, for any reason other than recall, a vacancy occurs
413 in the office of a city council seat within the first three
414 years of a term, the office shall be filled by appointment
415 within 30 days after the occurrence of such vacancy by majority
416 vote of the city council and such appointment shall expire when
417 a city council member is elected and he or she is seated in
418 accordance with this charter.

419 (e) If a vacancy occurs as a result of a recall petition,
420 such vacancy will be filled by special election as provided in
421 general law.

422 (f) Before a person is appointed to fill a vacant seat on
423 the city council, he or she must meet all qualifications for
424 office.



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425 Section 12. City council meetings; organizational meeting;
426 quorum; special meeting.-

427 (1) The city council shall meet regularly at least once a
428 month. All meetings are subject to notice and other requirements
429 of law applicable to public meetings.

430 (2) The newly elected city council members, if any, shall
431 be installed, on the second Tuesday after the first Monday in
432 January after their election, after taking the oath of office.

433 (3) Installation into office shall be made by the city
434 council and consist of declaring election results, administering
435 the oath of office by the city attorney or city clerk, and
436 receiving a bond from each city council member elected, if
437 required by ordinance.

438 (4) The oath shall be in substantially the following form:
439 "I,, do solemnly swear (or affirm), that I will support,
440 protect, and defend the Constitution and government of the
441 United States and of the State of Florida against all enemies,
442 domestic or foreign, and that I will bear true faith, loyalty,
443 and allegiance to the same, and that I am entitled to hold
444 office under the Constitution; that I will faithfully perform
445 all duties of the office of of the City of Webster, on
446 which I am about to enter, so help me, God."

447 (5) The city council shall conduct its meetings in
448 accordance with Robert's Rules of Order except as prescribed by
449 resolution or ordinance of the city council.



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450 (6) Voting on ordinances and resolutions shall be by roll
451 call. A majority of the city council constitutes a quorum. No
452 action of the city council is valid unless adopted by an
453 affirmative vote of the majority of the city council that is in
454 attendance, unless otherwise provided by law or ordinance, or
455 stated in this charter. A tie vote shall result in a motion
456 failing. All actions of the city council shall be accomplished
457 by ordinance, resolution, or motion, although the city council
458 may express its consensus in other appropriate ways.

459 (7) The city council has the power to expel any member of
460 the audience who is disorderly while the council is in session.

461 (8) Special meetings may be held at the call of the mayor
462 or, in the absence of the mayor, at the call of the mayor pro
463 tempore. Special meetings may also be called upon the request of
464 a majority of the city council members as presented in writing
465 to the city clerk. At least 24 hours' prior notice of the
466 meeting must be given to the public, unless a declared emergency
467 situation exists.

468 Section 13. City manager; appointment, qualifications, and
469 compensation.-

470 (1) The city council, by simple majority vote, shall
471 appoint a city manager who shall be a charter officer of the
472 city and the administrative head of the city government, under
473 the direction and supervision of the city council, and who shall
474 hold office at the pleasure of the city council under a contract
475 that is entered consistent with controlling law. He or she shall



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476 receive such compensation as the city council may fix and
477 determine in such contract. He or she shall be chosen solely on
478 the basis of his or her executive and administrative
479 qualifications, without regard to his or her political belief,
480 and must be 21 years of age or older. The city manager need not
481 be a resident of the city.

482 (2) The city manager is responsible to the city council
483 for the proper administration of all affairs of the city coming
484 under his or her jurisdiction. The city manager's powers include
485 the following, as well as those that are consistent with sound
486 and generally accepted public management practices and
487 principles consistent with this charter and other controlling
488 law:

489 (a) To see that the laws and ordinances of the city are
490 enforced;

491 (b) To appoint, suspend, or remove all city employees and
492 appoint administrative officers provided for by and under this
493 charter, except as otherwise provided by law;

494 (c) To control, direct, and exercise supervision over all
495 departments and divisions and offices of the city's government;

496 (d) To fix the compensation of all subordinate city
497 employees based on a range of pay rate for each class of
498 employee approved by resolution of the city council;

499 (e) To enforce the city's personnel rules and purchasing
500 policies;



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501 (f) To see that all terms and conditions imposed in favor
502 of the city or its inhabitants in any public utility franchise
503 are faithfully kept and performed and, upon knowledge of any
504 violation thereof, to call the same to the attention of the city
505 attorney, whose duty it is hereby made to take such legal steps
506 as may be necessary to enforce the franchise;

507 (g) To attend all meetings of the city council, with a
508 right to take part in the discussion but without having a vote;

509 (h) To negotiate all contracts, franchises, acquisition,
510 and disposition of property personally or through agents
511 designated by him or her and, upon approval thereof by the
512 council, implement on behalf of the city all agreements, leases,
513 deeds, and other instruments in connection therewith;

514 (i) To direct and supervise the administration of all
515 departments, offices, and agencies of the city, except as
516 otherwise provided by this charter or by law;

517 (j) To make recommendations to the city council concerning
518 the affairs of the city and facilitate the work of the city
519 council in developing policy;

520 (k) To assist the council to develop long-term goals for
521 the city and strategies to implement those goals;

522 (l) To recommend to the city council for adoption such
523 measures as he or she deems necessary or expedient in the
524 interest of the city;



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525 (m) To prepare and submit the annual budget, budget
526 message, and capital program to the mayor for review and
527 approval by the city council;

528 (n) To administer financial transactions of the city,
529 including investments, withdrawals, and expenditures in
530 accordance with city investment policies and the adopted city
531 budget;

532 (o) To keep the mayor and the city council fully apprised
533 as to the financial condition and the affairs of the city;

534 (p) To act as director of any department as needed;

535 (q) To have prepared and to submit to the city council,
536 within 6 months after the close of each fiscal year, a complete
537 audit of the financial condition of the city for the preceding
538 fiscal year;

539 (r) To sign all checks and agreements or other documents
540 approved by the city council or required for daily business
541 needs of the city issued by the city except as otherwise
542 provided in this charter and to sign such other documents
543 approved by the city council or required for the daily business
544 of the city;

545 (s) To perform such other duties as required by this
546 charter or as directed by the city council;

547 (t) To prepare or administer the preparation of city
548 policies manuals, ordinances, and similar materials for city
549 council review and approval;



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550 (u) To review employee disciplinary actions taken by
551 subordinate staff and take final administrative action before
552 initiation of review, if any, by the city council;

553 (v) To purchase supplies and equipment of the various
554 departments of the city; and

555 (w) During his or her absence of no more than 14 days, to
556 appoint an acting city manager. However, with regard to an
557 absence or disability of any longer period or such other period
558 of time as may be determined by the city council, the city
559 council may, by resolution, designate some properly qualified
560 person to temporarily execute the functions of the office. The
561 person thus designated has the same powers and duties as the
562 city manager, and shall be known while so serving as acting city
563 manager.

564 (3) The city manager or acting city manager may be removed
565 by the city council at any time consistent with the terms of his
566 or her contract and controlling law.

567 Section 14. City attorney; qualifications; powers and
568 duties.-

569 (1) The city attorney is the chief legal officer and
570 advisor of the city.

571 (2) The city attorney must be a member in good standing of
572 The Florida Bar.

573 (3) The city attorney shall:

574 (a) Serve as chief advisor to the city council and all
575 city departments, offices, advisory boards, and agencies;



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576 (b) Attend all city council meetings, unless excused by
577 motion and vote of the city council, and perform such
578 professional duties as may be required by law or by the city
579 council in furtherance of the law;

580 (c) Engage in litigation on behalf of the city council
581 pursuant to its direction; and

582 (d) Appoint assistants to assist in the provision of legal
583 services to the city.

584 (4) The city attorney shall be a charter officer of the
585 city and be appointed by a majority vote of the full city
586 council and shall serve at the pleasure of a majority vote of
587 the full city council.

588 Section 15. City clerk qualifications; powers and duties;
589 option for city administrator or city manager.-

590 (1) The city clerk is an employee of the city appointed by
591 the city manager and shall fulfill the role of a functioning
592 administrative officer of the city serving under the direction
593 and managerial control of the city manager.

594 (2) The city clerk shall be selected by the city manager
595 on the basis of education, experience, expertise, and
596 administrative ability pertaining to administering municipal
597 government.

598 (3) The city clerk shall operate under the direction and
599 managerial control of the city manager and shall:



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600 (a) Prepare the agenda for review and approval by the
601 mayor and attend city council meetings, take part in discussion,
602 and furnish information as requested by the city council;

603 (b) Process and maintain all official city documents and
604 records and ensure that all actions of the city council are
605 recorded, including, but not limited to, providing for regular
606 codification of city codes and ordinances in conjunction with
607 the city attorney;

608 (c) Supervise the preparation and indexing of minutes;

609 (d) Act as chief financial officer, prepare reports
610 relative to city finances and assets, and maintain various
611 property files; and

612 (e) Perform such other city clerk related duties as
613 required by the city council and city manager.

614 Section 16. Police department.-

615 (1) The police department of the City of Webster is
616 created and established and shall consist of a chief of police
617 and as many subordinate officers, patrol officers, and employees
618 as are necessary for the functioning of the department.

619 (2) The chief of police may appoint additional patrol
620 officers upon approval of the city manager.

621 (3) The chief of police shall be appointed by the city
622 manager and shall serve under the direction and supervision of
623 the city manager. The chief of police shall aid in the
624 enforcement of order in the city. He or she shall attend in
625 person or by deputy all meetings of the city council, and



Amendment No. 1

626 perform such duties appropriate to his or her office as may be
627 imposed upon him or her by the law, the ordinances of the city,
628 the direction of the city manager or the city council. He or she
629 is the head of the police department and responsible for seeing
630 that the laws and ordinances of city and state are enforced.

631 (4) The chief of police and all officers must be certified
632 as required by general law.

633 (5) The chief of police shall assume such other duties as
634 directed by the city council or city manager.

635 Section 17. Department of public works.-

636 (1) The department of public works is established as an
637 administrative branch or division of the city and is responsible
638 for stormwater control, water and wastewater services,
639 maintenance and repair of city signage, curbs, rights-of-way,
640 public parking, streetlights, and such other services as
641 designated by the city council or the city manager.

642 (2) The position of director of public works shall be
643 appointed by the city manager. The director of public works
644 shall serve under the direction of the city manager and assist
645 in carrying out the policies and programs of the city council.
646 He or she shall coordinate the work and activities of the
647 department of public works. He or she shall make periodical
648 inspections of streets, public buildings, public works, public
649 machinery, and all public property, and make report thereof to
650 the city manager. He or she shall perform such other duties as
651 may be delegated to him or her.



Amendment No. 1

652 Section 18. Limit of employment of city council members;
653 conflict.-

654 (1) Neither the mayor nor city council members shall be in
655 the employment of the city while in office, nor shall a former
656 mayor or city council member be employed by the city until after
657 the expiration of 1 year from the time of leaving office.

658 (2) Any elected official, city officer, or employee who has
659 a substantial financial interest, direct or indirect or by
660 reason of ownership of stock in any corporation in any contract
661 with the city or in the sale of any land, material, supplies or
662 services to the city or to a contractor supplying the city,
663 shall make known, either in writing or at a public meeting, that
664 interest and shall refrain from voting upon or otherwise
665 participating in his capacity as an elected official, city
666 officer, or employee in the making of such sale or in the making
667 or performance of such contract. Any elected officer, city
668 officer, or employee who willfully conceals such a substantial
669 financial interest or willfully violates the requirements of
670 this section shall be guilty of malfeasance in office or
671 position and shall forfeit his office or position. Violation of
672 this section with knowledge, express or implied, of the person
673 or corporation contracting with or making sale to the city shall
674 render the contract or sale voidable by the city council.

675 Section 19. Budget and appropriations.-

676 (1) The city council shall adopt a budget and set tax
677 rates in accordance with general law.



Amendment No. 1

678 (2) The city council has all powers of local government
679 vested in it by general law relative to fiscal processes and
680 procedures.

681 (3) The city council shall adopt a financial policy, at
682 such times as it deems appropriate, to provide for financial
683 management policies of the city.

684 (4) The city council shall enact a purchasing code to
685 regulate the procurement of goods and services in accordance
686 with sound and generally accepted public management practice and
687 principles.

688 Section 20. City records.-

689 (1) All city public records shall be maintained by the
690 city clerk in accordance with general law.

691 (2) All ordinances or resolutions of the city council
692 shall be executed by the mayor or, in the mayor's absence, by
693 the mayor pro tempore, or in the absence of both, by the acting
694 mayor, and attested to by the city clerk with approval, as to
695 form and legality, by the city attorney.

696 Section 21. Charter amendment.-

697 (1) This charter may be amended in accordance with the
698 provisions of the Municipal Home Rule Powers Act, chapter 166,
699 Florida Statutes, or as may otherwise be provided by general
700 law. The form, content, and certification of any petition to
701 amend shall be established by ordinance.

702 (2) A charter review committee may be appointed at any
703 time by the city council. The committee shall complete its work



Amendment No. 1

704 and present any recommendations for change within the time
705 period as prescribed by the city council. The city council may
706 act on the proposed changes to the charter and place the
707 proposed changes on the next scheduled general election ballot
708 if it concurs with the proposals.

709 Section 22. Standards of conduct.-All elected officials,
710 appointed officials, and employees of the city are subject to
711 the standards of conduct for the public officers and employees
712 established in general law. In addition, the city council may,
713 by ordinance, establish a supplemental code of ethics for the
714 city, which may in no case diminish the provisions of general
715 law.

716 Section 23. Ordinances preserved.-All ordinances in effect
717 upon the adoption of this charter, to the extent not
718 inconsistent with it, remain in force until repealed or changed
719 as provided in this charter.

720 Section 24. Rights of officers and employees.-

721 (1) Except as otherwise expressly provided in this
722 charter, this charter does not affect or impair the rights or
723 privileges of persons who are officers or employees of the City
724 of Webster at the time of adoption.

725 (2) All officers heretofore elected or appointed and
726 holding office in the City of Webster continue to hold their
727 respective offices and discharge the duties thereof until their
728 successors are elected and qualified.

729 Section 25. Pending matters.-



Amendment No. 1

730 (1) All rights, title, claims, actions, orders, contracts,
731 ownership of property, uncollected taxes, dues, judgments,
732 decrees, and legal or administrative proceedings involving the
733 City of Webster, and all property and property rights of every
734 nature whatever held or owned by the city, shall continue,
735 except as modified pursuant to this charter.

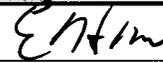
736 (2) No obligation or contract of the said municipality of
737 any nature whatever, including outstanding indebtedness and
738 bonds heretofore issued, may be impaired or avoided by this act,
739 but all debts and obligations of the City of Webster shall pass
740 to and be binding upon the City of Webster hereby organized and
741 created.

742 Section 3. Chapter 57-1944, Laws of Florida, is repealed.

743 Section 4. This bill shall take effect upon becoming law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1355 Gainesville Regional Utilities, Alachua County
SPONSOR(S): Perry
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

HB 1355 is a local bill amending the charter for the City of Gainesville to establish the Gainesville Regional Utilities Authority (Authority). Currently, Gainesville Regional Utilities (GRU) is a municipal utility under the authority of the Gainesville City Commission. GRU provides electric, natural gas, water, wastewater, and telecommunications services. The bill transfers authority over the GRU system from the city commission to the Authority, a board to be appointed by the city commission. The bill details Authority's governance and leadership structure, as well as duties and powers. In summary of its main components, the bill:

- Repeals Section 3.06 of the current City of Gainesville charter relating to the general manager for utilities.
- Establishes the Authority as a regional utilities authority.
- Provides that the Authority is a unit of city government, but free from the direction and control of the city commission and city charter officers.
- Provides that the Authority will consist of 5 members appointed by the city commission.
- Sets qualification requirements for Authority members.
- Provides that the monthly salary for members of the Authority will be \$18,000, adjusted by the consumer price index.
- Staggers the term time period for initial Authority members and provides for four year terms thereafter.
- Provides for removal of members from the Authority for cause, and sets forth grounds for removal from office.
- Gives the Authority the power of eminent domain.
- Gives the Authority exclusive power and authority to bill and collect fees or charges for all utilities.
- Provides that a Chief Executive Officer/General Manager (CEO/GM) will direct and administer utilities functions under the Authority's policies and authority.

The bill takes effect upon its approval by a majority vote of the qualified electors of the City of Gainesville voting in a referendum to be held in March 2017, in conjunction the City of Gainesville's municipal elections, except that sections 4 and 5 shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Municipal Utilities

Pursuant to Art. VIII, s. 2(b), of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act, with certain exceptions.¹

Under their home rule power and as otherwise provided or limited by law or agreement, municipalities may provide utilities to citizens and entities within the municipality's corporate boundaries, in unincorporated areas, and even other municipalities. Current law provides that municipalities or an agency of a municipality may be a "joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction, and operation of electrical energy generating or transmission facilities with any corporation, association, partnership or person."² Additionally, municipalities are expressly authorized by general law to provide water and sewer utility services.³ With respect to public works projects, including water and sewer utility services,⁴ municipalities may extend and execute their corporate powers outside of their corporate limits as "desirable or necessary for the promotion of the public health, safety and welfare" to accomplish the purposes of ch. 180, F.S.⁵ Current law requires municipalities providing telecommunication services to abide by certain requirements.⁶ Municipal utilities are subject to limited oversight by the Public Service Commission (PSC).⁷ PSC regulation of municipal electric utilities is limited to oversight of safety, reliability, territorial, and rate structure issues.⁸ PSC regulation of municipal natural gas utilities is limited to territorial issues.⁹ Municipal utilities that provide water and/or wastewater service are exempt from PSC regulation.¹⁰

¹ Pursuant to s. 166.021(3)(a)-(d), F.S., a municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution.

² Art. VII, s. 10(d), Fla. Const. See ss. 361.10-361.18, F.S.

³ Pursuant to s. 180.06, F.S., a municipality may "provide water and alternative water supplies;" "provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes;" and "construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works" to accomplish these purposes.

⁴ S. 180.06, F.S., authorizes other public works projects, including alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes.

⁵ S. 180.02(2), F.S. However, a municipality may permit any other municipality and the owners of lands outside its corporate limits or within the limits of another municipality to connect with its water and sewer utility facilities and use its services upon agreed terms and conditions. S. 180.19, F.S.

⁶ See s. 166.047, F.S. (setting forth certain requirements for municipal telecommunication services); s. 350.81, F.S. (providing conditions under which local governments may provide telecommunications services).

⁷ See s. 366.011(1), F.S. (exemption for municipal utilities); s. 367.022(2), F.S. (exempting governmental entities that provide water and/or wastewater service from PSC regulation).

⁸ Sections 366.04(2), (5), and (6), F.S. As of December 2014, there are 34 municipal electric utilities currently subject to this limited jurisdiction. PSC, *Facts and Figures*, published April 8, 2015, available at

http://www.floridapsc.com/Files/PDF/Publications/Consumer/Brochure/Facts_Figures.pdf (last visited Jan. 17, 2016).

⁹ S. 366.04(3), F.S. As of December 2014, there are 27 municipal electric utilities and 4 special gas districts currently subject to this limited jurisdiction. PSC, *Facts and Figures*, published April 8, 2015, available at

http://www.floridapsc.com/Files/PDF/Publications/Consumer/Brochure/Facts_Figures.pdf (last visited Jan. 17, 2016).

¹⁰ S. 367.022(2), F.S.

Gainesville Regional Utilities

Gainesville Regional Utilities (GRU) was established in 1912 as a city-run electric utility.¹¹ It is the fifth largest municipal electric utility in Florida, serving approximately 93,000 retail and wholesale customers in Gainesville and surrounding areas.¹² GRU offers electric, natural gas, water, wastewater, and telecommunications services. An audit for 2012-2013 states that GRU in September 2013 had \$1.2 billion in capital assets, and budgets of \$77.2 million and \$95.2 million in 2014 and 2013, respectively.¹³ An audit for 2013-2014 states that GRU's capital assets as of September 2014 increased to \$2.2 billion, noting that the 82% increase in net capital assets was primarily due to a capital lease related to a biomass plant.¹⁴ According to the audit, GRU's net financial position increased by \$16.8 million in 2012 but decreased by \$1.7 million and \$14.1 million in 2014 and 2013, respectively.¹⁵

There are 34 municipal electric utilities in Florida.¹⁶ GRU's residential electric utility rates in November 2015 were the highest in the state among municipal utility providers.¹⁷

The City of Gainesville's charter provides that the city commission appoints an at-will general manager for utilities who is responsible to the city commission and who is responsible for the efficient administration of the utility system.¹⁸ The city commission is comprised of seven members: four elected from single member districts, two elected at-large, and one who is elected as mayor.¹⁹

The charter sets forth the general manager's powers and duties, which provide that the general manager is:²⁰

- Responsible for and has exclusive management jurisdiction and control over operating and financial affairs of the utility system including, but not limited to, the planning, development, production, purchase, sale, exchange, interchange, transmission and distribution of all electricity; the planning, development, purchase, sale, exchange, interchange, transmission and distribution of all natural gas; the planning, development, supply, treatment, transmission, distribution and sale of all potable water; and the planning, development, collection, treatment, disposal and billing of all wastewater now or hereafter provided by the city;
- Required to submit to the city commission for its consideration a yearly budget for the operation of the utility system;
- The purchasing agent for all equipment, materials, supplies and services necessary for operating and maintaining the utility system subject to policies promulgated by the commission;
- Required to propose ordinances to designate the job titles of subordinates that are to be considered directors of department;

¹¹ Gainesville Area Chamber of Commerce, *A Gainesville Solution: Energy Competitiveness Report* (November 2013), at 41.

¹² About GRU, available at <https://www.gru.com/AboutGRU.aspx> (last visited Jan. 17, 2016).

¹³ Gainesville Regional Utilities, September 30, 2013 and 2012, Report of Independent Certified Public Accountant, Ernst & Young LLP, available at <https://www.gru.com/Portals/0/Legacy/Pdf/AboutGRU/2012-2013AuditedFinancialStatement.pdf> (last visited Jan. 17, 2016).

¹⁴ Gainesville Regional Utilities, September 30, 2014 and 2013, Financial Statement and Independent Auditors' Report, Purvis Gray & Company, available at <https://gainesville.legistar.com/LegislationDetail.aspx?ID=2211585&GUID=55D68315-98BC-43E9-AB20-F8988B4C98E3&Options=&Search> (last visited Jan. 17, 2016), at p. 8.

¹⁵ *Id.* at p. 5.

¹⁶ Florida Municipal Electric Association, Florida Municipal Utility Map, available at <http://publicpower.com/florida-municipal-utility-map/> (last visited Jan. 17, 2016).

¹⁷ Florida Municipal Electric Association, Florida Electric Bill Comparisons, available at <http://publicpower.com/electric-rate-comparisons/> (last visited Jan. 17, 2016).

¹⁸ City of Gainesville Charter, Art. III, s. 3.06.

¹⁹ City of Gainesville, *City Commission*, available at <http://www.cityofgainesville.org/CityCommission.aspx> (last visited Jan. 17, 2016).

²⁰ *Id.* at s. 3.06(2)(a)-(h).

- Required to appoint and, except as otherwise provided in this charter, remove all directors of departments at will;
- Required to recommend to the city commission all measures necessary and expedient for the proper governance and management of the utility system;
- Required to keep the city commission fully advised as to the management, governance and needs of the utility system; and
- Required to perform all other duties prescribed by law, this charter, ordinance, or direction of the city commission.

The charter also prohibits the city commission from disposing of, or agreeing to dispose of, in whole or part, the city's electrical or water production or distribution facilities so as to materially reduce the City's capacity to produce or distribute electrical energy or water, except by ordinance with the prior approval of a majority vote of the qualified electors of the city.²¹

The Code of Ordinances for the City of Gainesville provides for an Energy Advisory Committee comprised of 9 members appointed by the city commission.²² The committee has the following duties, functions, powers, and responsibilities:

- Serve as a communications channel between the city commission, utility staff, and the citizens of the city, in order to understand and solve the many complex problems relating to energy;
- Promote public access to information on the city facilities, services, policies, and programs concerning energy, and consider the future energy needs of the community with respect to the utilities as well as general government;
- Assist utility staff by suggesting and reviewing policies affecting programs and services that affect acquisition, delivery, or utilization of energy resources within the community; and
- Perform any other duties which may be within the purview of the committee which may be assigned by the city commission.

There also is a Regional Utilities Committee, containing three city commissioners and an ex-officio member representing the Alachua County.²³

Chapter 27 of the Code of Ordinances for the City of Gainesville sets forth regulations pertaining to each municipal utility system.²⁴

In November 2013, the Gainesville Area Chamber of Commerce and Council for Economic Outreach submitted a report to the City of Gainesville.²⁵ The study, conducted by a 12-member Energy Study Group, led by Representative N. David Flagg, who is a former Mayor of Gainesville, and Dr. David A. Denslow, Jr., a retired University of Florida economist.²⁶ According to the report, Gainesville is a unique city with about 58% of property off the tax rolls.²⁷ The City Commission has directly governed GRU for over 100 years.²⁸ According to the report, GRU's combined municipal utility system operation is composed of five Enterprise Funds (Electric System, Water System, Wastewater System, Gas System, and Telecommunications/GRUCom).²⁹

The report provides four policy recommendations for the City of Gainesville "to help Gainesville remain a competitively advantaged community for sustainable economic development as it relates to overall

²¹ *Id.* at s. 5.04.

²² City of Gainesville Code of Ordinances, ch. 2, art. III, div. 7.

²³ Navigant Consulting LLC, *Re: Independent Investigative Review of the Gainesville Regional Utilities (GRU)*, April 15, 2015, at 171. Available at <http://www.cityofgainesville.org/CityCommission/NavigantReviewofGRU.aspx> (last visited Jan. 17, 2016).

²⁴ City of Gainesville Code of Ordinances, ch. 27, art. I-VI.

²⁵ *A Gainesville Solution: Energy Competitiveness Report*, *supra* note 11.

²⁶ *Id.* at p. 6.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 43.

energy costs.”³⁰ The fourth recommendation provides that the method of governance be changed to an appointed utility authority.³¹ The report notes that JEA (formerly known as Jacksonville Electric Authority), is the largest municipal utility in Florida.³² It has a governance structure under which the board is appointed by the Mayor of Jacksonville, subject to confirmation by the Council.³³ The report also notes that the Orlando Utilities Commission board appoints its own members from a pool of candidates identified by a city nominating committee,³⁴ and that Lakeland Electric has a Commission/Customer Committee Hybrid.³⁵ The report states that the City of Tallahassee has a City Commission governance model.³⁶ According to the report, Florida cities with an appointed utility authority “are more competitive than Gainesville in commercial and industrial customer class electricity costs,” noting that Jacksonville, Orlando, Kissimmee, Fort Pierce, and New Smyrna Beach each have an appointed utility authority and that “[c]ommercial and industrial customer class electricity costs in those cities are significantly lower than in Gainesville.”³⁷

Effect of Proposed Changes

The bill repeals Section 3.06 of Article III of the City of Gainesville’s charter.³⁸ The section authorized the city commission to appoint a general manager for utilities. Since the bill makes the selection of the general manager for GRU a power of the Gainesville Regional Utilities Authority (Authority), this provision would be obsolete. Article 7.07(3) of the charter, however, provides that the current general manager appointed by the city shall be retained as the CEO/GM absent action by the Authority.

The bill amends the City of Gainesville charter by adding an article establishing the Gainesville Regional Utilities Authority. The following chart summarizes the provisions included in the charter amendment.

ARTICLE VII GAINESVILLE REGIONAL UTILITIES AUTHORITY	
7.01 Establishment	
	<ul style="list-style-type: none"> • Creates a regional utilities commission, named the “Gainesville Regional Utilities Authority (Authority)” • Provides that GRU will be governed by the Authority after the effective date of Article VII • Authority operates as a unit of city government, but is “free from direction and control of the city commission and city charter officers” • List of express purposes for the Authority, including “otherwise having broad authority with respect to utilities” • Authority has power to make rules, policies, and regulations consistent with charter and applicable law to govern its internal operations
7.02 Definitions	
	<ul style="list-style-type: none"> • Definitions for the purpose of Article VII <ul style="list-style-type: none"> ◦ “authority,” “city,” “city commission,” “county,” “GRU,” “member,” “utilities.”
7.03 Authority members	
7.03(1)	<ul style="list-style-type: none"> • Five members, appointed by a majority vote of the city commission <ul style="list-style-type: none"> ◦ One member must be a residential customer with “substantial knowledge of GRU, its operations, and its history ◦ One member must be the owner or representative of a private, non-

³⁰ *Id.* at 7.

³¹ *Id.*

³² *Id.* at 51.

³³ *Id.* at 50.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at 7.

³⁸ Ch. 12760 (1927), Laws of Fla., as amended by ch. 90-394, s. 1, Laws of Fla.

	<p>governmental customer consuming at least 10,000 kilowatt hours per month of electricity during the previous twelve months.</p> <ul style="list-style-type: none"> o Three members shall be “competent and knowledgeable in specific fields including, but not limited to, law, economics, accounting, engineering, finance, and energy” • Must be persons of recognized ability and good business judgment, as identified by the city commission
7.03(2)	<ul style="list-style-type: none"> • All members of the Authority must: <ul style="list-style-type: none"> o Reside year-round within the Authority’s electric service territory o Receive GRU electric utility system service at all times o Not have been convicted of a felony as defined by general law. o Be qualified electors of the City of Gainesville, except that at least one voting member must be a resident of the unincorporated area of Alachua County or a municipality in the county other than the City of Gainesville
7.03(3)	<ul style="list-style-type: none"> • Composition of the Authority must be adjusted at the expiration of each member’s term to reflect the ratio of electric meters serving customers in the unincorporated area to electric meters serving all customers • E.g., if 40% of GRU electric meters are serving customers in the unincorporated area of Alachua County, two members of the Authority must be appointed from the unincorporated area or from a municipality other than the City of Gainesville
7.03(4)	<ul style="list-style-type: none"> • Prohibits, until January 1, 2022, any current or previous city or county employee or any elected or appointed city or county officer or official, who was an employee or elected or appointed officer or official after January 1, 2000, from being a member
7.03(5)	<ul style="list-style-type: none"> • Voting members are prohibited from serving more than three full consecutive four year terms
7.04 Member terms	
7.04(1)	<ul style="list-style-type: none"> • Requires city commission to make initial Authority member appointments within 120 days from voter approval in the required referendum • Initial member term starts at midnight on October 1, 2017 • Staggered initial terms: one member each for a 1, 2, and 3 year term, two members with four year terms • Four year terms for subsequent appointments, taking effect at midnight on October 1 of the year in question
7.04(2)	<ul style="list-style-type: none"> • City commission is required to expeditiously schedule an appointment session and fill any voting member vacancy within 60 days after a permanent vacancy occurs or becomes known, if more than three months remains in the term
7.05 Member compensation	
	<ul style="list-style-type: none"> • Annual salary of \$18,000 starting October 1, 2017, indexed to the Consumer Price Index for All Urban Consumers • Necessary expenses are reimbursed in accordance with Authority policy and procedures, subject to approval by a majority of the members of the Authority • No supplemental benefits
7.06 Authority, oath, organization, and meeting	
7.06(1)	<ul style="list-style-type: none"> • Schedules initial meeting for October 4, 2017 at 6 p.m. at chambers of the city commission
7.06(2)	<ul style="list-style-type: none"> • Requires each member to take an oath or affirmation, given by the mayor or his/her designee, similar to the oath or affirmation required of a member of the city commission
7.06(3)	<ul style="list-style-type: none"> • First official act of the Authority is electing a chair and a vice chair from among its voting membership
7.06(4)	<ul style="list-style-type: none"> • Authority to meet at least once a month • Meetings to be noticed and open to the public • Minutes of each meeting kept in accordance with public records act, except that

	meetings related to settlement of pending litigation may be held in accordance with law.
7.06(5)	• GRU's "sitting general manager" is responsible for providing adequate notice and office space for initial meeting
7.07 Appointment and removal of chief executive officer/general manager	
7.07(1)	• CEO/GM responsible for direction and administration of utility functions
7.07(2)	• Authority can appoint or remove GEO/GM by majority vote
7.07(3)	• Sitting GM of GRU, absent further action by the Authority, shall be retained in office as CEO/GM ³⁹
7.07(4)	• Sitting member of the Authority may not be selected as CEO/GM
7.08 Removal and suspension of members	
7.08(1)	• A member may be removed or suspended in accordance with chapter 112, F.S.
7.08(2)	• A member may be removed for failure to maintain all voting qualification specified in section 7.03
7.08(3)	• A member who is the subject of a suspension or removal proceeding may not deliberate, debate, or vote on the matter
7.08(4)	• Suspension requires the votes of at least three members of the Authority
7.08(5)	• Removal or reinstatement requires the votes of at least three members of the Authority
7.09 General provisions	
7.09(1)	• City commission is required to create instruments necessary for the Authority to function in accordance with this article
7.09(2)	• Utilities-related ordinances, policies, rates, fees, rules, regulations, budgets, and other provisions previously adopted by the city commission are deemed adopted, reenacted, or assumed by the Authority • This provision does not affect the right of the Authority to make future changes • Repeals City of Gainesville and Alachua County charter provisions, ordinances, resolutions, decrees, and parts thereof, to the extent of conflict with this article
7.09(3)	• City of Gainesville and Alachua County are prohibited from charging a franchise, right-of-way, license, permit, tax, or usage fee to the Authority or GRU, unless allowed to do so by general law
7.09(4)	• Rights and privileges of any GRU employee, including the GM, as of the effective date of the article, are not impaired
7.09(5)	• Existing utility advisory boards created by the city commission may continue advising the commission, but may not have an advisory role as to the Authority, GRU, and the employees of the Authority and GRU
7.10 Powers and duties	
7.10(1)	• Authority's powers and duties are "no less extensive than those exercised by the city commission with respect to GRU as existed on January 1, 2016"
7.10(2)	• Authority may not enact rules disposing or selling GRU property that are more expansive than the rules applicable to the city commission as of January 1, 2016
7.10(3)	• Authority is authorized to exercise the power of eminent domain for utilities purposes
7.10(4)	• Authority inherits all powers directly or indirectly affecting and controlling GRU as of the effective date of the Article • Authority retains rights, claims, actions, orders, and legal or administrative proceedings involving Authority assets and property
7.10(5)	• No Authority member is individually responsible for Authority debts
7.10(6)	• Authority must develop an ethics policy and code of business conduct policy,

³⁹ This language provides continuity in the period from March 2017 to Oct. 4, 2017, where the current GM position appointed by the city has been eliminated, but the governing board of the Authority has not yet taken office.

	aiming to achieve best practices for municipal utilities, and review those polices at least biennially
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The bill provides that the chair of the Authority or his/her designee is authorized to execute documents required for the transition from the current management structure to the one implemented by the charter changes of the bill.

B. SECTION DIRECTORY:

- Section 1: Repeals section 3.06 of Article III of section 1 of chapter 90-394, Laws of Fla., authorizing the Gainesville City Commission to appoint a General Manager for Utilities.
- Section 2: Amends the charter of the City of Gainesville to establish the Gainesville Regional Utilities Authority to oversee and manage the city’s municipal utility systems, which include the electric utility system, water utility system, wastewater utility system, re-use water utility system, natural gas utility system, communications utility system.
- Section 3: Provides that the chair of the authority or his/her designee is authorized to execute documents during the transition period.
- Section 4: Provides the form of the ballot question to be presented to the qualified electors of the City of Gainesville in the referendum provided for by Section 5.
- Section 5: Provides that the bill shall only take effect upon its approval by a majority vote of the qualified electors of the City of Gainesville voting in a referendum to be held in March 2017, except that Sections 4 and 5 shall 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? March 2017, in conjunction with the City of Gainesville’s municipal elections.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not clearly specify ownership of the utility systems after creation of the Authority. Article 7.01 states that the Authority is a “unit of city government,” but that it also has the power to acquire, construct, operate, finance, and provide utility-related products and services. Article 7.10 also contains language relating to the disposal or sale of GRU property by the Authority. The bill does not contain language regarding the transfer of GRU funds to the City of Gainesville. Between fiscal years 1990 and 2012, transfers from GRU to the city budget averaged 11.4 percent of city operating revenue per year.⁴⁰ These provisions could be clarified to ensure the bill is implemented as intended.

The bill states that the Authority is a “unit of city government,” but “free from direction and control of the city commission and the city charter officers.” If the bill is not intended or construed to allow the Authority to own utilities systems in its own right, it appears to authorize the Authority to finance, acquire, and construct such systems in the name of the City of Gainesville without consultation with or approval by the city commission. Because the bill does not specify any limits on the Authority’s financing authority, it may be construed to authorize the Authority to issue general obligation bonds in the name of the City. Further, because the bill defines “utilities” to include utility systems that are acquired in the future, beyond those systems currently operated by GRU, it may be construed to authorize the Authority to enter new lines of utility business in the name of the City.

The bill refers to “voting member[s]” of the Authority in multiple instances, but does not contain any language creating non-voting members.

Article 7.03(1)(c) requires the appointment of three members who are “competent and knowledgeable in specific fields,” but does not provide any criteria (such as a degree) for determining competence or knowledge.

Article 7.05 states that the necessary expenses of members shall be “paid in accordance with authority policy and procedures, subject to the approval of a majority of the members of the authority.” It is unclear if only the policy and procedures concerning payments are subject to a majority vote, or if each individual expense payment requires board approval.

Article 7.10(1) states the Authority’s powers and duties are “no less extensive” than those exercised by the city commission as of January 1, 2016. It is unclear who makes this determination. Article 7.10(2) is similarly ambiguous.

Article 7.10(4) appears to use the word “authority” in the dictionary sense. As the bill defines “authority” for the purpose of the article, this appears to create ambiguity.

Article 7.10(4) grants the Authority “all rights, claims, ... involving the authority immediately before the effective date of this article.” Since the Authority did not exist before the effective date of the article, it is unclear what rights, claims, etc. the Authority would inherit.

Section 3 of the bill states that the chair of the authority or his/her designee is authorized to execute documents required for the transition. It is unclear who can or shall exercise these duties between the date of the referendum (March 2017) and the election of a chair on October 4, 2017.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴⁰ *A Gainesville Solution: Energy Competitiveness Report*, *supra* note 11, at 11.

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB1355
SPONSOR(S): Representative Keith Perry
RELATING TO: Alachua County
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Alachua County Delegation
CONTACT PERSON: Kayla-Ann Lott
PHONE NO.: (352) 264-4040 **E-Mail:** Kayla-Ann.Lott@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: September 10th 2015

Location: Auditorium of the Santa Fe College Institute of Public Safety / Kirkpatrick 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 N/A

Where? N/A County N/A

Referendum in lieu of publication: YES NO

Date of Referendum March of 2017

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

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

YES NO

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

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

1/19/16
Date

Rob Badley

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 #: HB1355
SPONSOR(S): Representative Keith Perry
RELATING TO: Alachua County
[Indicate Area Affected (City, County or Special District) and Subject]

I. REVENUES:

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

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

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>0</u>	\$ <u>160,000</u>

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

Projects \$160,000 in costs to pay five new commissioners, plus related expenses and travel. Increased or reduced costs associated with the creation of, or transfer of powers and responsibilities to, or staffing or operation of the new authority are not known.

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>160,000</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: More professional Gainesville Regional Utilities governance may result in lower utility rates for individuals.
- 2. Advantages to Businesses: More professional Gainesville Regional Utility governance may result in lower utility rates for businesses.
- 3. Advantages to Government: More professional Gainesville Regional Utilities governance may result in more net revenue available to transfer to City.

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: Vendors may face greater scrutiny in

contracting with Gainesville Regional Utilities.

2. Disadvantages to Businesses: Vendors may face greater scrutiny in contracting with Gainesville Regional Utilities.

3. Disadvantages to Government: The City of Gainesville may face greater governing board scrutiny of requests for higher utility revenue transfers to City.

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

A more business-oriented professional governance of Gainesville Regional Utilities may limit or increase the transfer of utility revenues for non-utility-related City services. Lower or higher revenue transfers to City General Fund may reduce or increase City 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. \$14,000 in estimated annual per member expenses and travel is based on estimates for members of Jacksonville Electric Authority and members of the Gainesville City Commission related to utility governance.

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:

Ray Washington

1/15/2016

Date

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

Attorney at Law

REPRESENTING:

Self/GRU customers

PHONE:

(352) 284-2222

E-MAIL ADDRESS:

raywashingtonlaw@gmail.com

27 Authority" ("authority"). After the effective date of this
 28 article, Gainesville Regional Utilities ("GRU") shall be
 29 governed by the authority. The authority shall operate as a unit
 30 of city government and, except as otherwise provided in this
 31 article, the authority shall be free from direction and control
 32 of the city commission and the city charter officers. The
 33 authority is created for the express purpose of acquiring,
 34 constructing, operating, providing utility-related products and
 35 services, financing, and otherwise having broad authority with
 36 respect to utilities. The authority has the power to make and
 37 adopt rules, policies, and regulations consistent with this act
 38 and applicable law for the management, administration,
 39 operation, and regulation of the fiduciary, business, and other
 40 affairs of the authority.

41 7.02 Definitions.—For the purposes of this article, unless
 42 otherwise designated, or the context otherwise requires, the
 43 following terms have the following meanings:

44 (1) "Authority" means the Gainesville Regional Utilities
 45 Authority of the City of Gainesville.

46 (2) "City" means the City of Gainesville.

47 (3) "City commission" means the Gainesville City
 48 Commission.

49 (4) "County" means Alachua County.

50 (5) "GRU" means Gainesville Regional Utilities, a
 51 subdivision of the authority.

52 (6) "Member" means a member of the authority.

53 (7) "Utilities" means the electric utility system, water
 54 utility system, wastewater utility system, reuse water utility
 55 system, natural gas utility system, communications utility
 56 system, and such other utility systems as may be acquired by GRU
 57 in the future.

58 7.03 Authority members.-

59 (1) There shall be five members of the authority appointed
 60 by a simple majority vote of the city commission. Each member
 61 shall be a person of recognized ability and good business
 62 judgment identified by the commission who can and will perform
 63 his or her official duties in the best interests of the
 64 citizens. Appointments shall be made as follows:

65 (a) One member shall be a residential customer with
 66 substantial knowledge of GRU, its operations, and its history.

67 (b) One member shall be a private, nongovernment customer
 68 consuming at least 10,000 kilowatt hours per month of electric
 69 usage during the previous 12 months. This member may be the
 70 owner or representative of the user.

71 (c) Three members shall be competent and knowledgeable in
 72 specific fields, including, but not limited to, law, economics,
 73 accounting, engineering, finance, or energy.

74 (2) All members of the authority shall:

75 (a) Reside year-round within the electric service
 76 territory of GRU's electric utility system.

77 (b) Receive GRU electric utility system service at all
 78 times.

79 (c) Not have been convicted of a felony as defined by
 80 general law.

81 (d) Be a qualified elector of the city, except that a
 82 minimum of one voting member must be a resident of the
 83 unincorporated area of Alachua County or a municipality in the
 84 county other than the City of Gainesville.

85 (3) The composition of the authority shall be adjusted
 86 upon expiration of any member's term, and upon any authority
 87 vacancy, to reflect the ratio of total electric meters serving
 88 customers in the unincorporated area of Alachua County to total
 89 electric meters serving all electric customers. For example, at
 90 such time as the ratio of total electric meters serving
 91 customers in the unincorporated area of Alachua County to total
 92 electric meters serving all electric customers reaches 40
 93 percent, the city commission, upon expiration of a member's
 94 term, or upon an authority vacancy, must appoint a second voting
 95 member from a municipality in the county other than the city, or
 96 from the unincorporated area of the county to serve the next
 97 term that would otherwise be served by a qualified elector of
 98 the city. For example, if the ratio subsequently falls below 40
 99 percent, the city commission upon expiration of any member's
 100 term, or upon any authority vacancy, must appoint a qualified
 101 elector of the city to serve the next term that otherwise would
 102 be served by a qualified elector from the unincorporated area of
 103 the county or from a municipality in the county other than the
 104 city.

105 (4) Until January 1, 2022, no current or previous elected
 106 or appointed officer or official of the city or county having
 107 held office after January 1, 2000, may become a member, except
 108 that a member initially appointed to the authority may be
 109 considered for subsequent reappointment if such individual
 110 remains otherwise qualified and chooses to be considered for
 111 reappointment.

112 (5) A voting member who is appointed for three full
 113 consecutive 4-year terms may not succeed herself or himself.

114 7.04 Member terms.-

115 (1) The city commission shall make initial authority
 116 member appointments within 120 calendar days after the approval
 117 at referendum of the creation of this article. The initial terms
 118 of office for the five members shall commence at 12 a.m. on
 119 October 1, 2017. The initial appointments shall be as follows:
 120 one member shall be designated to serve until 12 a.m. October 1,
 121 2018; one member shall be designated to serve until 12 a.m.
 122 October 1, 2019; one member shall be designated to serve until
 123 12 a.m. October 1, 2020; and two members shall be designated to
 124 serve until 12 a.m. October 1, 2021. Members subsequently
 125 appointed shall be appointed for 4-year terms commencing at 12
 126 a.m. on October 1 of the year in which they are appointed, or
 127 until their successors in office are appointed, or as may
 128 otherwise be provided in this article.

129 (2) The city commission shall expeditiously schedule an
 130 appointment session and fill any authority voting member vacancy

131 within 60 days after a permanent vacancy occurs or becomes known
132 if such remaining term exceeds three months.

133 7.05 Member compensation.—Beginning October 1, 2017, each
134 member shall be paid an annual salary of \$18,000, adjusted
135 annually to the Consumer Price Index for All Urban Consumers as
136 defined by the United States Department of Labor, Bureau of
137 Labor Statistics. Necessary expenses of members incurred in
138 carrying out and conducting the business of the authority shall
139 be paid in accordance with authority policy and procedures,
140 subject to the approval of a majority of the members of the
141 authority. No supplemental benefits shall be provided for a
142 member position.

143 7.06 Authority; oath; organization; and meeting.—

144 (1) The first appointed authority shall initially meet at
145 the chambers of the city commission at 6 p.m. on Wednesday,
146 October 4, 2017.

147 (2) Before taking office for any term, each member shall
148 be given an oath or affirmation by the Mayor or his or her
149 designee similar to the oath or affirmation required of a member
150 of the city commission.

151 (3) The first official action of the authority shall be
152 election of a chairperson and a vice chairperson from among its
153 voting membership.

154 (4) The authority shall meet at least once each month,
155 except in case of emergency. All meetings of the authority shall
156 be noticed and open to the public, and minutes shall be kept of

157 all meetings as required by law, except that meetings related to
 158 settlement of then existing litigation may be held in accordance
 159 with law.

160 (5) The Gainesville Regional Utilities' sitting general
 161 manager shall be responsible for providing adequate notice and
 162 office space for the initial meeting.

163 7.07 Appointment and removal of chief executive
 164 officer/general manager.-

165 (1) A chief executive officer/general manager ("CEO/GM")
 166 shall direct and administer utility functions.

167 (2) The authority, by a majority vote, shall appoint or
 168 remove the CEO/GM.

169 (3) The sitting general manager of GRU, absent action by
 170 the authority, shall be retained in office as CEO/GM of the
 171 authority.

172 (4) A sitting member of the authority may not be selected
 173 as the CEO/GM.

174 7.08 Removal and suspension of members.-

175 (1) Members may be removed or suspended from office in
 176 accordance with chapter 112, Florida Statutes.

177 (2) A member may be removed for failure to maintain all
 178 voting member qualifications as specified in section 7.03 or for
 179 violation of a provision of this article, or for violation of
 180 rules or policies adopted by the authority.

181 (3) A member who is the subject of a proceeding to request
 182 suspension or to remove under this section may not participate

183 in the authority's deliberations, debate, or vote on the matter.

184 (4) Request for suspension shall be by vote of at least
 185 three members of the authority.

186 (5) Removal or reinstatement shall be by vote of at least
 187 three members of the authority.

188 7.09 General provisions.-

189 (1) The city commission is required to create such
 190 instruments as are necessary for the authority to function in
 191 accordance with this article.

192 (2) Consistent with the provisions and effective date of
 193 this article, such previous applicable utilities-related
 194 ordinances, policies, rates, fees, rules, regulations, budgets,
 195 and other provisions previously adopted under the city charter
 196 are deemed adopted, reenacted, or assumed by the authority for
 197 transition purposes until such time that the authority shall
 198 make changes. However, to the extent of conflict with this act,
 199 the city and the county charter provisions, ordinances,
 200 resolutions, decrees, or parts thereof, are hereby repealed.
 201 This subsection is not intended to interfere with existing
 202 contractual arrangements between the city and the county,
 203 regardless of whether those arrangements are charter provisions,
 204 ordinances, resolutions, decrees, or parts thereof.

205 (3) No franchise, right-of-way, license, permit, tax, or
 206 usage fee may be levied upon the authority or its utilities by
 207 the city or by the county unless allowed by general law. No
 208 franchise, right-of-way, license, permit, tax, or usage fee may

209 be levied upon the authority or its utilities that impose an
 210 unreasonable burden. Any additional allowable but not required
 211 franchise, right-of-way, license, permit, tax or usage fee
 212 assessed by the city as to the authority or any of the utilities
 213 under the authority's jurisdiction after April 30, 2016, shall
 214 be totaled for each fiscal year and a like amount subtracted
 215 from each subsequent fiscal year's transfer to the city's
 216 general fund, unless such subtraction is waived by a vote of
 217 four members of the authority three months before the start of
 218 each subsequent fiscal year.

219 (4) The rights or privileges, if any, of persons who were
 220 GRU employees, including the general manager, immediately before
 221 the effective date of this article are not impaired.

222 (5) Any utility advisory boards created by the commission
 223 may continue to advise the city commission. However, such boards
 224 shall have no advisory role as to the authority, the utilities
 225 under its jurisdiction, or their employees.

226 7.10 Powers and duties.-

227 (1) The authority's powers and duties shall be no less
 228 extensive than those exercised by the city commission with
 229 respect to GRU as existed on January 1, 2016.

230 (2) The authority may not enact rules relating to the
 231 disposal or sale of any GRU property which are more expansive
 232 than the rules applicable to the city commission as were in
 233 effect on January 1, 2016.

234 (3) The authority is authorized to exercise the power of
 235 eminent domain for utilities purposes.

236 (4) Upon the effective date of this article, all existing
 237 City of Gainesville authority, laws, ordinances, resolutions,
 238 and administrative regulations, interpretations, franchises, and
 239 controls directly or indirectly affecting and controlling said
 240 utilities are exclusively vested in said authority. All rights,
 241 claims, actions, orders, and legal or administrative proceedings
 242 involving the authority immediately before the effective date of
 243 this article shall continue, except as modified by the authority
 244 pursuant to the provisions of and authority granted by this
 245 article.

246 (5) No member of the authority shall be individually
 247 responsible for authority debts.

248 (6) The authority shall ensure the development of an
 249 ethics policy and a code of business conduct policy which aim to
 250 achieve best practices for municipal utilities, which shall be
 251 reviewed at least biennially.

252 Section 3. In order to provide for the transitional
 253 administrative needs and orderly compliance with the provisions
 254 in this act, the chairperson or designee of the authority is
 255 authorized to execute documents required for the transition.

256 Section 4. The ballot statement shall read as follows:

257
 258 "Shall the Charter of the City of Gainesville be amended by
 259 creating the Gainesville Regional Authority, to be the governing

HB 1355

2016

260 board of Gainesville Regional Utilities and appointed by the
 261 City Commission of the City of Gainesville?"

262 Yes

263 No

264 Section 5. This act shall take effect only upon its
 265 approval by a majority vote of those qualified electors of the
 266 City of Gainesville voting in a referendum to be held in March
 267 2017, in conjunction with the citywide election to be held in
 268 the City of Gainesville, except that this section and section 4
 269 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 Perry offered the following:
 4

Amendment

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 3.06 of Article III of section 1 of
 8 chapter 90-394, Laws of Florida, is repealed.

9 Section 2. Article VII is added to chapter 12760, Laws of
 10 Florida (1927), as amended by chapter 90-394, Laws of Florida,
 11 to read:
 12

ARTICLE VII GAINESVILLE REGIONAL UTILITIES AUTHORITY

15 7.01 Establishment.—There is created a regional utilities
 16 authority to be known as the "Gainesville Regional Utilities
 17 Authority" ("authority"). Gainesville Regional Utilities ("GRU")



Amendment No. 1

18 shall be governed by the authority upon installation of the
19 authority's governing members pursuant to this article. The
20 authority shall operate as a unit of city government and, except
21 as otherwise provided in this article, the authority shall be
22 free from direction and control of the city commission and the
23 city charter officers. The authority is created for the express
24 purpose of acquiring, constructing, operating, providing
25 utility-related products and services, financing, and otherwise
26 having broad authority with respect to utilities.

27 7.02 Definitions.-For the purposes of this article, unless
28 otherwise designated, or the context otherwise requires, the
29 following terms have the following meanings:

30 (1) "Authority" means the Gainesville Regional Utilities
31 Authority of the City of Gainesville.

32 (2) "City" means the City of Gainesville.

33 (3) "City commission" means the Gainesville City
34 Commission.

35 (4) "County" means Alachua County.

36 (5) "GRU" means Gainesville Regional Utilities, a
37 subdivision of the authority.

38 (6) "Member" means a member of the authority.

39 (7) "Utilities" means the electric utility system, water
40 utility system, wastewater utility system, reuse water utility
41 system, natural gas utility system, communications utility
42 system, and such other utility systems as may be acquired by GRU
43 in the future.



Amendment No. 1

7.03 Authority members.-

(1) There shall be five members of the authority appointed by a simple majority vote of the city commission. Each member shall be a person of recognized ability and good business judgment identified by the commission who can and will perform his or her official duties in the best interests of the citizens. Appointments shall be made as follows:

(a) One member shall be a residential customer with substantial knowledge of GRU, its operations, and its history.

(b) One member shall be a private, nongovernment customer consuming at least 10,000 kilowatt hours per month of electric usage during the previous 12 months. This member may be the owner or representative of the user.

(c) Three members shall be competent and knowledgeable in one or more specific fields substantially related to the duties and functions of the authority, including, but not limited to, law, economics, accounting, engineering, finance, or energy.

(2) All members of the authority shall:

(a) Maintain primary residence within the electric service territory of GRU's electric utility system.

(b) Receive GRU electric utility system service at all times during the term of appointment.

(c) Not have been convicted of a felony as defined by general law.

(d) Be a qualified elector of the city, except that a minimum of one member must be a resident of the unincorporated



Amendment No. 1

70 | area of Alachua County or a municipality in the county other
71 | than the City of Gainesville.

72 | (3) The composition of the authority shall be adjusted
73 | upon expiration of any member's term or upon any authority
74 | vacancy, to reflect the ratio of total electric meters serving
75 | GRU electric customers outside the city boundaries to total
76 | electric meters serving all GRU electric customers. For example,
77 | upon expiration of a member's term or upon an authority vacancy,
78 | if the ratio of total electric meters serving customers outside
79 | the city boundaries to total electric meters serving all
80 | electric customers reaches 40 percent, the city commission must
81 | appoint a second member from outside the city boundaries to
82 | serve the next term that would otherwise be served by a
83 | qualified elector of the city. Conversely, upon expiration of
84 | any member's term or upon any authority vacancy, if the ratio
85 | subsequently falls below 40 percent, the city commission must
86 | appoint a qualified elector of the city to serve the next term
87 | that otherwise would be served by a resident from outside the
88 | city boundaries.

89 | (4) Until January 1, 2022, no current or previous elected
90 | or appointed officer or official of the city or county having
91 | held office after January 1, 2000, may become a member, except
92 | that a member initially appointed to the authority may be
93 | considered for subsequent reappointment if such individual
94 | remains otherwise qualified and chooses to be considered for
95 | reappointment.



Amendment No. 1

196 (5) A member who is appointed for three full consecutive
197 4-year terms may not succeed herself or himself.

198 7.04 Member terms.-

199 (1) The city commission shall make initial authority
200 member appointments within 120 calendar days after the approval
201 at referendum of the creation of this article. The initial terms
202 of office for the five members shall commence at 12 a.m. on
203 October 1, 2017. The initial appointments shall be as follows:
204 one member shall be designated to serve until 12 a.m. October 1,
205 2018; one member shall be designated to serve until 12 a.m.
206 October 1, 2019; one member shall be designated to serve until
207 12 a.m. October 1, 2020; and two members shall be designated to
208 serve until 12 a.m. October 1, 2021. Members subsequently
209 appointed shall be appointed for 4-year terms commencing at 12
210 a.m. on October 1 of the year in which they are appointed. If a
211 member is appointed to complete an unexpired term, the member's
212 term shall commence at the time of appointment and shall
213 continue through the remainder of the unexpired term.

214 (2) The city commission shall expeditiously schedule an
215 appointment session to fill any vacancy for the unexpired
216 portion of a term within 60 days after the vacancy occurs or
217 becomes known if the remainder of the term exceeds three months.

218 7.05 Member compensation.-Beginning October 1, 2017, each
219 member shall be paid an annual salary of \$18,000, adjusted
220 annually to the Consumer Price Index for All Urban Consumers as
221 defined by the United States Department of Labor, Bureau of



Amendment No. 1

122 Labor Statistics. Necessary expenses of members incurred in
123 carrying out and conducting the business of the authority shall
124 be paid in accordance with authority policy and procedures,
125 subject to the approval of a majority of the members of the
126 authority. No supplemental benefits shall be provided for a
127 member position.

128 7.06 Authority; oath; organization; and meeting.-

129 (1) The first appointed authority shall initially meet at
130 the chambers of the city commission at 6 p.m. on Wednesday,
131 October 4, 2017.

132 (2) Before taking office for any term, each member shall
133 be given an oath or affirmation by the Mayor or his or her
134 designee similar to the oath or affirmation required of a member
135 of the city commission.

136 (3) The first official action of the authority shall be
137 election of a chairperson and a vice chairperson from among its
138 membership.

139 (4) The authority shall meet at least once each month,
140 except in case of emergency. All meetings of the authority shall
141 be noticed and open to the public, and minutes shall be kept of
142 all meetings as required by law, except that meetings related to
143 settlement of then existing litigation may be held in accordance
144 with law.

145 (5) The Gainesville Regional Utilities' sitting general
146 manager shall be responsible for providing adequate notice and
147 office space for the initial meeting.



Amendment No. 1

148 7.07 Appointment and removal of chief executive
149 officer/general manager.-

150 (1) A chief executive officer/general manager ("CEO/GM")
151 shall direct and administer utility functions.

152 (2) The authority, by a majority vote, shall appoint or
153 remove the CEO/GM.

154 (3) The sitting general manager of GRU, absent action by
155 the authority, shall be retained in office as CEO/GM of the
156 authority.

157 (4) A sitting member of the authority may not be selected
158 as the CEO/GM.

159 7.08 Removal and suspension of members.-

160 (1) Members may be removed or suspended from office in
161 accordance with chapter 112, Florida Statutes.

162 (2) A member may be removed for failure to maintain all
163 member qualifications as specified in section 7.03 or for
164 violation of a provision of this article, or for violation of
165 rules or policies adopted by the authority.

166 (3) A member who is the subject of a proceeding to request
167 suspension or to remove under this section may not participate
168 in the authority's deliberations, debate, or vote on the matter.

169 (4) Request for suspension shall be by vote of at least
170 three members of the authority.

171 (5) Removal or reinstatement shall be by vote of at least
172 three members of the authority.

173 7.09 General provisions.-



Amendment No. 1

174 (1) The city commission is required to create such
175 instruments as are necessary for the authority to function in
176 accordance with this article.

177 (2) Consistent with the provisions and effective date of
178 this article, such previous applicable utilities-related
179 ordinances, policies, rates, fees, rules, regulations, budgets,
180 and other provisions previously adopted under the city charter
181 and in effect as of the effective date of this article are
182 deemed adopted, reenacted, or assumed by the authority for
183 transition purposes until such time that the authority, pursuant
184 to the powers granted by this article, shall make changes.
185 However, to the extent of conflict with this act, the city and
186 the county charter provisions, ordinances, resolutions, decrees,
187 or parts thereof, are hereby repealed. This subsection is not
188 intended to interfere with existing contractual arrangements
189 between the city and the county, regardless of whether those
190 arrangements are charter provisions, ordinances, resolutions,
191 decrees, or parts thereof.

192 (3) No franchise, right-of-way, license, permit, or usage
193 fee or tax may be levied upon the authority or its utilities by
194 the city or by the county unless allowed by general law. No
195 franchise, right-of-way, license, permit, or usage fee or tax
196 may be levied upon the authority or its utilities that impose an
197 unreasonable burden. Any additional allowable but not required
198 franchise, right-of-way, license, permit, tax or usage fee
199 assessed by the city as to the authority or any of the utilities



Amendment No. 1

200 under the authority's jurisdiction after April 30, 2016, shall
201 be totaled for each fiscal year and a like amount subtracted
202 from the subsequent fiscal year's transfer to the city's general
203 fund, unless such subtraction is waived by a vote of four
204 members of the authority three months before the start of each
205 subsequent fiscal year.

206 (4) The rights or privileges, if any, of persons who were
207 GRU employees, including the general manager, immediately before
208 the effective date of this article are not impaired.

209 (5) Any utility advisory boards created by the commission
210 may continue to advise the city commission. However, such boards
211 shall have no advisory role as to the authority, the utilities
212 under its jurisdiction, or their employees.

213 7.10 Powers and duties.-

214 (1) The authority's powers and duties shall be no less
215 extensive than those exercised by the city commission with
216 respect to GRU as existed on January 1, 2016, including the
217 powers and duties associated with the management, operation, and
218 control of the utilities; the acquisition, construction, and
219 financing of utility projects; and the provision of utility-
220 related products and services.

221 (2) The authority has the power to make and adopt rules,
222 policies, and regulations consistent with this act and
223 applicable law for the management, administration, operation,
224 and regulation of the fiduciary, business, and other affairs of
225 the authority.



Amendment No. 1

226 (3) The authority may not enact rules relating to the
227 disposal or sale of any GRU property which are more expansive
228 than the rules applicable to the city commission as were in
229 effect on January 1, 2016.

230 (4) The authority is authorized to exercise the power of
231 eminent domain for utilities purposes.

232 (5) Upon the effective date of this article, all existing
233 City of Gainesville laws, ordinances, resolutions, and
234 administrative regulations, interpretations, franchises, and
235 controls directly or indirectly affecting and controlling said
236 utilities are exclusively vested in said authority. All rights,
237 claims, actions, orders, and legal or administrative proceedings
238 involving GRU immediately before the effective date of this
239 article shall continue, except as modified by the authority
240 pursuant to the provisions of and authority granted by this
241 article.

242 (6) No member of the authority shall be individually
243 responsible for authority debts.

244 (7) The authority shall ensure the development of an
245 ethics policy and a code of business conduct policy which aim to
246 achieve best practices for municipal utilities, which shall be
247 reviewed at least biennially.

248 Section 3. In order to provide for the transitional
249 administrative needs and orderly compliance with the provisions
250 in this act, the chairperson or designee of the authority is
251 authorized to execute documents required for the transition.



Amendment No. 1

252 Section 4. The ballot statement shall read as follows:

253
254 "Shall the Charter of the City of Gainesville be amended by
255 creating the Gainesville Regional Authority, to be the governing
256 board of Gainesville Regional Utilities and appointed by the
257 City Commission of the City of Gainesville?"

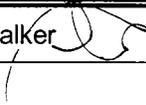
258 Yes

259 No

260 Section 5. This act shall take effect only upon its
261 approval by a majority vote of those qualified electors of the
262 City of Gainesville voting in a referendum to be held in March
263 2017, in conjunction with the citywide election to be held in
264 the City of Gainesville, except that this section and section 4
265 shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1371 St. Augustine-St. Johns County Airport Authority
SPONSOR(S): Stevenson
TIED BILLS: None **IDEN./SIM. BILLS:** None

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

SUMMARY ANALYSIS

The bill amends sections ch. 2002-347, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. John's County Airport Authority (Authority). The bill also specifies that the Authority may conduct airport operations under the name "Northeast Florida Regional Airport."

The bill provides that the Authority shall compensate the members of its Board for their services up to, but not exceeding, \$7,500 per year only if the Authority levies ad valorem taxes of 0.00 mills. If the Authority imposes ad valorem taxes at a rate greater than 0.00 mills, the Board members may not receive compensation. Board members currently receive only reimbursements for verified travel and other expenses.

The fiscal impact of this bill at the local level is indeterminate. The maximum increase in annual financial obligations of the district for the compensation of Board members is \$37,500. However, this compensation is tied to an ad valorem assessment of 0.00 mills and, therefore, may incentivize the Board members to decrease costs to receive compensation.

The bill shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The St. Augustine-St. Johns County Airport Authority (Authority), originally known as the St. Augustine Airport Authority, is an independent special district created in 1963¹ and its enabling law has been amended several times.² In 2002, the Legislature enacted ch. 2002-347, Laws of Fla., codifying all prior special acts relating to the Authority into a single charter.³

The Authority is governed by the St. Augustine-St. Johns County Airport Authority Board (Board), which is comprised of five elected members residing within St. Johns County. Board members serve staggered four year terms with vacancies appointed by the Governor and confirmed by the Senate.⁴

The Board has the power to hire employees, acquire property, maintain and operate airport facilities, enter into contracts, own aviation vehicles and equipment, conduct aviation related research and development, and to issue revenue and general obligation bonds.⁵ The Board may levy ad valorem taxes in order to pay for interest and principle of issued bonds, and for general purposes, at a rate not to exceed 0.5 mills.⁶

The Board members currently are uncompensated but are authorized to be reimbursed for verified travel and other expenses, which are to be paid from the Authority funds.⁷ This provision in the charter prevents the Authority from providing the Board members with benefits otherwise authorized in general law, such as insurance⁸ or retirement benefits.⁹

The financial statements filed with the Department of Financial Services show the Authority currently derives most of its revenue from federal grants, service charges, and rents and royalties, with a small amount of revenue coming from ad valorem taxes (in 2014, this amounted to \$2,497.00 out of \$6,279,472 total revenues). In 2010 the Authority collected \$ 3,150,143 in ad valorem taxes but since then reduced such collections to less than \$10,000 annually.¹⁰

Effect of Proposed Changes

The bill amends ch. 2002-347, ss. 1 – 3 of s. 3, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. John's County Airport Authority (Authority). The bill also specifies that the Authority is authorized to conduct airport operations under the name "Northeast Florida Regional Airport."

The bill also requires that Board members receive compensation for their services as set by the Authority up to, but not exceeding, \$7,500 per year so long as the Authority levies ad valorem taxes of

¹ Ch. 63-1853, Laws of Fla.

² See generally, chs. 65-2169, 65-2172, 65-2175, 67-1983, 69-1535, 69-1541, 82-374, 83-507, 83-508, and 89-496, Laws of Fla.

³ Ch. 2002-347, Laws of Fla.

⁴ Ch. 2002-347, s. 3(3) of s. 3, Laws of Fla.

⁵ Ch. 2002-347, s. 3(4)-(10) of s. 3, Laws of Fla.

⁶ Ch. 2002-347, s. 3(11) of s. 3, Laws of Fla.

⁷ Ch. 2002-347, s. 3(3) of s. 3, Laws of Fla.

⁸ Section 112.08, F.S.

⁹ Section 112.048, F.S.

¹⁰ Department of Financial Services, LOCAL GOVERNMENT GENERAL AD HOC REPORT 2010-2015, *available at*

<http://www.myfloridacfo.com/Division/AA/LocalGovernments/default.htm> (last accessed Jan. 19, 2016). Ad valorem tax receipts reported since 2010 include \$6,399 (2011), \$7,528 (2012), \$602 (2013), and \$2,497 (2014).

0.00 mills. This compensation is in addition to the currently authorized reimbursements for verified travel and other expenses.

The fiscal impact of this bill at the local level is indeterminate. The maximum increase in financial obligations of the district for the compensation of Board members is \$37,500.¹¹ However, the compensation provided is tied to an ad valorem assessment of 0.00 mills and therefore, may incentivize the Board members to decrease costs to receive compensation.

B. SECTION DIRECTORY:

Section 1 Amends ch. 2002-347, ss. 1 – 3 of s. 3,, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. Johns County Airport Authority and to provide for compensation of board members.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 10, 2015

WHERE? *St. Augustine Record*, a daily newspaper published in St. Johns County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹¹ Based on five Board members receiving the maximum compensation level provided by the bill, \$7,500/per year.
STORAGE NAME: h1371.LGAS.DOCX
DATE: 1/20/2016

Rep. Stephenson
HB 1371 LB

THE ST. AUGUSTINE RECORD

COP

NOTICE OF INTENT TO SEEK LEGISLATION

T

STATE REP CYNDI STEVENSON
PO Box 600726
SAINT JOHNS FL 32260

TO WHOM IT MAY CONCERN:
Notice is hereby given of intent to apply to the 2016 Legislature for passage of an act relating to the St. Augustine-St. Johns County Airport Authority, amending chapter 2002-347, Laws of Florida, renaming the St. Augustine-St. Johns County Airport Authority, allowing the Airport to conduct operations under the name Northeast Florida Regional Airport, and providing for the compensation of board members.

L3480-15 Dec 10, 2015

Ref.#: L3480-15
P.O.#: AIRPORT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **NICOLE CORRIVEAU**

who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF INTENT**

In the matter of **TO SEEK LEGISLATION - RE: SJC/ST AUGUSTINE AIRPORT**

was published in said newspaper on **12/10/2015**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this _____ day of DEC 10 2015

by Nicole Corriveau who is personally known to me
or who has produced as identification _____

(Signature of Notary Public)



(Seal)

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

BILL #: HB 1371
SPONSOR(S): Steverson
RELATING TO: St. Augustine - St. Johns County Airport Authority
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: St. Johns County Legislative Delegation
CONTACT PERSON: Colin Kirkland
PHONE NO.: (850) 717-5017 E-Mail: Colin.Kirkland@myfloridahouse.gov

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

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

(2) Did the delegation conduct a public hearing on the subject of the bill?
YES NO
Date hearing held: 12/17/2015
Location: St. Augustine, FL

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

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

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

Has this constitutional notice requirement been met?
Notice published: YES NO DATE 12/10/2015
Where? St. Augustine, FL County St. Johns County

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.

Cyndi Stevenson
Delegation Chair (Original Signature)

1/12/15
Date

CYNDI STEVENSON
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 #: 1371
SPONSOR(S): Stevenson
RELATING TO: St. Augustine - St. Johns County Airport Authority
[Indicate Area Affected (City, County or Special District) and Subject]

I. REVENUES:

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

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

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

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

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

III. FUNDING SOURCE(S):

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

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

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

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: None Expected

- 2. Advantages to Businesses: None Expected

- 3. Advantages to Government: None Expected

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 Expected

2. Disadvantages to Businesses: None Expected

3. Disadvantages to Government: None Expected

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

No Change Expected

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.

Existing Adopted Budget & Previous Year's Audited Financial Statements

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: Edward R. Wuellner, AAE

January 6, 2016 _____
Date

TITLE: Executive Director

REPRESENTING: St. Augustine – St. Johns County Airport Authority

PHONE: (904) 209-0090

E-MAIL ADDRESS: ERW@SGJ-AIRPORT.COM

27 (1) There is hereby created an authority to be known as
 28 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 29 with the power to sue and be sued and with the additional powers
 30 specified herein.

31 (2) There is also created a special taxing district in St.
 32 Johns County, which district shall be a body politic and
 33 corporate and political subdivision of the state under the name
 34 of "St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 35 District." The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 36 Authority shall be the governing body and shall exercise its
 37 powers and jurisdiction within the territory of said district,
 38 which shall comprise all of St. Johns County.

39 (3) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 40 Authority shall be governed by a board of five members known as
 41 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 42 board. The expiration of each 4-year term for each seat is
 43 staggered, such that two or three of the five seats are elected
 44 every 2 years. At the general election held prior to the
 45 expiration of each of said terms, successors shall be elected by
 46 the qualified electors residing within the boundaries of the St.
 47 Johns ~~St. Augustine-St. Johns~~ County Airport Authority District
 48 for a term of 4 years, to expire the first Tuesday after the
 49 first Monday in January following the election. Vacancies in
 50 office shall be filled by appointment of the Governor and
 51 confirmed by the Senate for the remainder of the unexpired
 52 terms. No member of the St. Johns ~~St. Augustine-St. Johns~~ County

53 Airport Authority board shall be an officer or employee of the
 54 City of St. Augustine, St. Johns County, or the State of
 55 Florida, except members of the militia or notaries public. Not
 56 more than two of the members shall be persons who are primarily
 57 engaged in the aviation business, and no person shall be
 58 eligible for appointment or election as a board member except
 59 persons residing within the boundaries of the St. Johns St.
 60 ~~Augustine St. Johns~~ County Airport Authority District. The
 61 members constituting the St. Johns St. Augustine St. Johns
 62 County Airport Authority board shall select one of their number
 63 as chair, and the term of office of the chair shall be 1 year.
 64 The members shall receive no compensation for their services so
 65 long as the St. Johns County Airport Authority levies ad valorem
 66 taxes greater than 0.00 mills, but they are authorized to be
 67 reimbursed for verified travel and other expenses, which shall
 68 be paid from the funds of the Authority. The members shall
 69 receive compensation for their services as set by the Authority
 70 up to but not exceeding \$7,500 per year so long as the St. Johns
 71 County Airport Authority levies ad valorem taxes of 0.00 mills,
 72 and they are authorized to be reimbursed for verified travel and
 73 other expenses, which shall be paid from the funds of the
 74 Authority. Three members shall constitute a quorum for the
 75 purpose of conducting business, exercising powers, and all other
 76 purposes. Notices of election shall be given through the Office
 77 of the Secretary of State, as provided by the general laws of
 78 the state. Members of the St. Johns St. Augustine St. Johns

79 County Airport Authority board shall be identified on such board
 80 by numbered groups, and candidates for election to such board
 81 shall qualify in particular groups, and otherwise as provided by
 82 the laws of the state.

83 (4) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport
 84 Authority is empowered to employ an executive director, a legal
 85 counsel, and other such permanent or temporary employees,
 86 including, but not limited to, technical experts, secretaries,
 87 and clerical help, as may be needed to operate the Authority.
 88 The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority
 89 board is empowered to determine the qualifications, duties, and
 90 compensation of said employees, the compensation to be fixed by
 91 resolution of the members of the board and to be paid from the
 92 income of the Authority.

93 (5) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport
 94 Authority as hereby created is authorized and empowered to own
 95 and acquire property by purchase, lease, lease-purchase, eminent
 96 domain, gift, or transfer from the City of St. Augustine, the
 97 United States of America, the State of Florida, or any agencies
 98 thereof, and other entities or individuals, and to acquire,
 99 construct, maintain, and operate airport facilities, warehouses,
 100 hangars, repair facilities, seaplane bases, and all other
 101 facilities incident to the operation of airport facilities for
 102 both foreign and domestic air transportation, either by land
 103 planes or seaplanes, including multimodal transportation
 104 facilities which interconnect with the airport facility. The

105 Authority is authorized and empowered to own, acquire, and
 106 operate airplanes, seaplanes, and lighter-than-air craft, and to
 107 engage in instruction in aviation, research in aeronautical
 108 fields, and promotion of aeronautical development. Property of
 109 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 110 may be utilized for purposes which are not related to aviation.

111 (6) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 112 Authority is authorized and empowered to conduct activities
 113 necessary to create and support a multimodal transportation
 114 system to interconnect with and support the airport activities
 115 and to serve the district and the region.

116 (7) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 117 Authority shall have the right and power of eminent domain over
 118 real and personal property and to maintain eminent domain
 119 proceedings in the form and in the manner as prescribed by the
 120 general laws of the state, provided that the power of eminent
 121 domain shall be exercised to carry out the purposes of this act.

122 (8) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 123 Authority is authorized and empowered to enter into contracts
 124 with any individual, corporation, or political subdivision or
 125 agency of the state, and the United States of America, and to
 126 enter into operating contracts or leases for facilities owned by
 127 the Authority and any and all other contracts for furthering the
 128 business, operation, and maintenance of the facilities as herein
 129 provided, including the right to lease any or all airport
 130 facilities and appurtenances to individuals, corporations, or

131 government entities. The Authority is further authorized to fix
 132 and revise from time to time rates, fees, and other charges for
 133 the use of and for the services furnished or to be furnished by
 134 any airport facility owned or operated by the Authority. Such
 135 rates, fees, and charges shall be fixed and revised so that the
 136 revenues of the Authority, together with any other available
 137 funds, will be sufficient at all times:

138 (a) To pay the costs, including salaries, for maintaining,
 139 operating, and repairing the airport facilities owned or
 140 operated by the Authority, including reserves for such purposes.

141 (b) To pay the principal of and interest on all bonds or
 142 revenue certificates issued by the Authority under the
 143 provisions of this act as the same become due and payable and to
 144 provide reserves therefor.

145

146 Notwithstanding any of the foregoing provisions of this section,
 147 the Authority may enter into contracts relating to the use of or
 148 for the services furnished or to be furnished by any airport
 149 facility, which contracts shall not be subject to revision
 150 except in accordance with the terms of such contracts.

151 (9) Within the limits of its budget, the St. Johns St.
 152 ~~Augustine St. Johns~~ Airport Authority is authorized to borrow
 153 money and give its notes as evidence of indebtedness therefor in
 154 order to carry out the purposes and authorizations of this act.

155 (10) To carry out the purposes of this act, the authority
 156 is authorized, for the purpose of construction, acquiring,

157 paying for, and improving its properties and facilities, to
 158 raise moneys by the issuance and sale of revenue bonds or
 159 certificates or general obligation bonds or combined revenue and
 160 general obligation bonds.

161 (a) Revenue bonds or certificates issued pursuant to this
 162 act shall be payable from and secured by a pledge of all or any
 163 part of the income, rents, and revenues derived by the Authority
 164 from any of its properties or facilities now or hereafter owned
 165 or operated by the Authority. The Authority may further pledge
 166 its full faith and credit and taxing power for the payment of
 167 such revenue bonds or certificates to the full extent that the
 168 revenues derived from the operation of the properties and
 169 facilities of the Authority are insufficient for the payment of
 170 the principal of and interest on and reserves for such revenue
 171 bonds or certificates, provided that the issuance of such
 172 revenue bonds or certificates, if the full faith and credit of
 173 the Authority are pledged therefor, have been first approved by
 174 the qualified electors residing in the district in the manner
 175 provided in Section 12 of Article VII of the State Constitution.

176 (b) The Authority may also issue its general obligation
 177 bonds for the purposes aforesaid and may pledge its full faith
 178 and credit and taxing power for the payment of the principal of
 179 and interest on said bonds and reserves therefor as the same
 180 become due, provided that the issuance of such general
 181 obligation bonds has been first approved by the qualified

182 electors residing in the district in the manner provided in
 183 Section 12 of Article VII of the State Constitution.

184 (c) Any bond election of the qualified electors residing
 185 in the district shall be called and held in the manner provided
 186 in the applicable Florida Statutes for the holding of bond
 187 elections.

188 (d) After the issuance of any revenue bonds, which are
 189 additionally secured by the full faith and credit of the
 190 Authority as provided above, or of any general obligation bonds,
 191 the Authority shall have the power and shall be irrevocably
 192 obligated to levy ad valorem taxes on all taxable property
 193 within the district to the full extent necessary to pay the
 194 principal of and interest on and reserves for any general
 195 obligation bonds issued, as the same mature and become due, and
 196 to pay the principal of and interest on and reserves therefor
 197 due on any revenue bonds or certificates to the full extent that
 198 the revenues derived from the operation of the Authority's
 199 properties and facilities are insufficient for the payment
 200 thereof.

201 (e) Any of said revenue bonds or certificates or general
 202 obligation bonds may be authorized by resolution or resolutions
 203 adopted by the Authority, which may be adopted at the same
 204 meeting at which they are introduced, by a majority of all the
 205 members of the Authority then in office and need not be
 206 published or posted. The bonds shall bear interests at the rate
 207 or rates allowable by general law, may be in one or more series,

208 | may bear such date or dates, may mature at such time or times
 209 | not exceeding 40 years from their respective dates, may be
 210 | payable in such medium of payment, at such place or places
 211 | within or without the state, may carry such registration
 212 | privileges, may be subject to such terms or prior redemption,
 213 | with or without premium, may be executed in such manner, may
 214 | contain such terms, covenants, and conditions, and may be in
 215 | such form, all as such resolution or subsequent resolutions
 216 | shall provide. The bonds may be sold or exchanged for refunding
 217 | bonds or delivered to contractors in payment for any part of the
 218 | works or improvements financed by such bonds, or delivered in
 219 | exchange for any properties, either real, personal, or mixed,
 220 | including franchises, to be acquired for such works or
 221 | improvements, all at one time or in blocks from time to time, in
 222 | such manner and at such price or prices, as the board of the
 223 | Authority in its discretion shall determine and in accordance
 224 | with Florida Statutes.

225 | (f) Pending the preparation of the definitive bonds,
 226 | interim certificates or receipts or temporary bonds in such form
 227 | and with such provisions as the Authority board may determine
 228 | may be issued to the purchaser or purchasers of the bonds issued
 229 | hereunder. The bonds and such interim certificates or receipts
 230 | or temporary bonds shall be fully negotiable and shall be and
 231 | constitute negotiable instruments within the meaning of and for
 232 | all purposes of the law merchant and the negotiable-instruments
 233 | law of the state.

234 (g) Said bonds may be issued to refund any obligations
 235 therefor issued pursuant to this act or any other law to finance
 236 the construction or acquisition of properties or facilities of
 237 the Authority at or before the maturity of such outstanding
 238 obligations, or for the combined purposes of refunding such
 239 outstanding obligations and the construction or acquisition of
 240 properties or facilities of the Authority.

241 (h) In the event the Authority issues revenue bonds or
 242 certificates, whether payable from the revenues of the
 243 properties and facilities of the Authority or secured by a
 244 pledge of the full faith and credit of the Authority as provided
 245 above, the Authority may make valid and legally binding
 246 covenants with the holders of said revenue bonds or certificates
 247 as to the purposes for which the proceeds of the revenue bonds
 248 or certificates may be applied and the securing, use, and
 249 disposition thereof; the creation and maintenance of reserve
 250 funds, the fixing, establishing, collection, and maintenance of
 251 fees, rentals, or other charges for the use of the services and
 252 facilities of the Authority; limitations or restrictions on the
 253 issuance of additional revenue bonds or other certificates
 254 payable from the revenues derived from the properties and
 255 facilities of the Authority; the appointment of a trustee to
 256 hold and apply any funds of the Authority; the appointment of a
 257 receiver upon default of the Authority in the payment of the
 258 principal of or interest on any such revenue bonds or
 259 certificates or in the performance of any covenants relating

260 thereto; and such other and additional covenants as is deemed
 261 necessary and desirable for the security of the holders of such
 262 revenue bonds or certificates issued pursuant to this act.

263 (i) All revenue bonds or certificates and general
 264 obligation bonds issued hereunder shall be and constitute legal
 265 investments for saving banks, banks, trust companies, executors,
 266 administrators, trustees, guardians, and other fiduciaries and
 267 for any board, body, agency, or instrumentality of the state, or
 268 of any county, municipality, or other political subdivision of
 269 the state, and shall be and constitute securities which may be
 270 deposited by any bank or trust company as security for the
 271 deposit of state, county, municipal, and other public funds.

272 (j) All property of and all revenues derived from the
 273 properties and facilities of the Authority shall be exempt from
 274 all taxation by the state or by any county, municipality, or
 275 other political subdivision thereof. Revenue bonds or
 276 certificates and general obligation bonds issued pursuant to
 277 this act, shall, together with the income therefrom, be exempt
 278 from all taxation by the state, or by any county, municipality,
 279 or other political subdivision thereof.

280 (k) Whenever any debt has been incurred or bonds have been
 281 issued by the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport
 282 Authority, the board shall determine annually by resolution the
 283 amount necessary to be raised by taxation for the payment of
 284 principal of and interest on any indebtedness or bonds maturing
 285 in such year for such purposes. A certified copy of the

286 resolution shall be filed annually with the Board of County
 287 Commissioners of St. Johns County and the board of county
 288 commissioners shall order annually the property appraiser to
 289 assess property in the district sufficient to pay the principal
 290 of and interest on any indebtedness in said year, together with
 291 any delinquency for prior years. The board of county
 292 commissioners shall order annually the property appraiser to
 293 assess and the tax collector to collect such other taxes as may
 294 be certified to the board of county commissioners by the board
 295 of the Authority, as authorized by provisions of this act for
 296 other purposes.

297 (11) In addition to the powers enumerated above, the
 298 Authority shall for general purposes have the authority to levy
 299 an ad valorem tax on all taxable property situated within the
 300 district, said ad valorem tax not to exceed .5 mill.

301 (12) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 302 Authority shall have no power or authority to bind or commit the
 303 City of St. Augustine, a municipal corporation, in any manner
 304 directly or indirectly and the City of St. Augustine shall not
 305 be liable or responsible in any manner for any of the debts,
 306 liabilities, obligations, acts, or omissions of the St. Johns
 307 ~~St. Augustine-St. Johns~~ County Airport Authority, or any of its
 308 officers or employees. All persons dealing with the Authority
 309 are hereby charged with full notice of this limitation of its
 310 powers.

311 (13) The fiscal year of the St. Johns ~~St. Augustine St.~~
 312 ~~Johns~~ County Airport Authority shall be the same as that of St.
 313 Johns County, being October 1 to September 30 of each year. The
 314 St. Johns ~~St. Augustine St. Johns~~ County Airport Authority shall
 315 maintain acceptable books of account reflecting all income and
 316 expenditures and said books shall be open to reasonable public
 317 inspection.

318 (a) In addition, the St. Johns ~~St. Augustine St. Johns~~
 319 County Airport Authority shall prepare a budget on or before the
 320 first day of each fiscal year, and no money shall be spent or
 321 obligations incurred by the board or Authority except in
 322 accordance with the terms of the budget.

323 (b) An audit of the affairs of the Authority shall be
 324 conducted annually by a certified public accountant and shall be
 325 submitted to the state auditor for review in accordance with the
 326 general laws of Florida.

327 (14) St. Johns County and the City of St. Augustine are
 328 empowered to appropriate and contribute to the St. Johns ~~St.~~
 329 ~~Augustine St. Johns~~ County Airport Authority such sums of money
 330 for the operating expenses of the Authority as the commission of
 331 the city or the county may from year to year determine
 332 necessary. Such sums of money so appropriated and contributed by
 333 the city or the county shall be paid to the St. Johns ~~St.~~
 334 ~~Augustine St. Johns~~ County Airport Authority upon its
 335 requisition. The City of St. Augustine and St. Johns County are
 336 further authorized to convey by sale, lease, or gift any city-

337 | owned or county-owned properties that the city or county deems
 338 | appropriate to convey to the Authority.

339 | (15) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport
 340 | Authority shall, with the consent of the City Commission of St.
 341 | Augustine, evidenced by resolution of the commission, exercise
 342 | any powers relating to aviation conferred upon municipalities by
 343 | general law, including the provisions of chapter 332, Florida
 344 | Statutes, known as the Airport Act of 1945.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1417 Hillsborough County
SPONSOR(S): Young
TIED BILLS: None **IDEN./SIM. BILLS:** None

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

SUMMARY ANALYSIS

In 1970, the Legislature enacted ch. 70-718, Laws of Florida, to provide specific requirements regarding the issuance of Special Restaurant Beverage (SRX) licenses for restaurants in Hillsborough County. The chapter law specifies that restaurants have a seating capacity of no less than 100 seats, an overall floor capacity of 4,000 square feet, and derive no less than 51 percent of gross income from the sale of food that is prepared, served, and consumed on the premises. Additionally, the Department of Business and Profession Regulation (DBPR) is authorized to regulate and supervise the SRX licenses issued to restaurants and to revoke or suspend SRX licenses for violations of the Beverage Law.

The bill amends ch. 70-718, Laws of Florida, by revising the space requirements for the issuance of SRX licenses in certain restaurants in Hillsborough County. Specifically, the bill reduces the overall floor capacity from 4,000 square feet to no less than 2,500 square feet for a restaurant. Additionally, the bill includes the sale of nonalcoholic beverages as part of the 51 percent or more of gross income required in order for a restaurant to receive the SRX license. Lastly, the bill specifies that the Division of Alcoholic Beverages and Tobacco (DABT) within the DBPR is authorized to issue rules, supervise SRX licenses issued, and revoke or suspend the SRX licenses for violations of the Beverage Law.

The Economic Impact Statement projects an increase in sales tax and licensing revenue for DBPR.

The bill takes effect upon becoming law.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Alcoholic Beverages and Tobacco (DABT) of the Department of Business and Profession Regulation (DBPR) is responsible for the enforcement of Florida's Beverage Laws.¹

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county, known as the "quota."² Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations in s. 561.20(1), F.S., and are regulated under Rule 61A-3.0141, F.A.C. To qualify for the SRX license, a restaurant must have a service area of at least 2,500 square feet, be equipped to serve at least 150 persons full meals at one time, and derive at least 51% of its revenue from the sale of food and nonalcoholic beverages.³

In 1970, the Legislature enacted ch. 70-718, Laws of Florida, to provide specific requirements regarding the issuance of SRX licenses for restaurants in Hillsborough County. The law specifies that restaurants have a seating capacity of no less than 100 seats, an overall floor capacity of 4,000 square feet, and derive no less than 51 percent of gross income from the sale of food that is prepared, served, and consumed on the premises in order to qualify for the license. Additionally, DBPR is authorized to regulate and supervise the SRX licenses issued to restaurants and to revoke or suspend SRX licenses for violations of the Beverage Law.

Effect of Proposed Changes

The bill amends ch. 70-718, Laws of Florida, by revising the space requirements for the issuance of SRX licenses to certain restaurants in Hillsborough County. Specifically, the bill reduces the overall required floor capacity from 4,000 square feet to no less than 2,500 square feet for a restaurant. Additionally, the bill includes the sale of nonalcoholic beverages as part of the 51 percent or more of gross income required in order for a restaurant to receive the SRX license. Lastly, the bill specifies that the Division is authorized to issue rules, supervise SRX licenses issued, and revoke or suspend the SRX licenses for violations of the Beverage Law.

B. SECTION DIRECTORY:

Section 1 Amends ch. 70-718, Laws of Florida, by revising space and income requirements for the issuance of alcoholic beverage licenses to certain restaurants in Hillsborough County.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 12, 2015

WHERE? *The Tampa Tribune*, a daily newspaper located in Hillsborough County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

¹ Chs. 561-568, F.S.

² Section 561.20(1), F.S.

³ Section 561.20(2)(a)4., F.S.

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

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

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Rep. Young
HB 1417 CB

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

NOTICE OF INTENT TO SEEK LEGISLATION

TO WHOM IT MAY CONCERN:

Notice is hereby provided pursuant to Section 11.02, Fla. Stat. and Section 10, Art. III, Fla. Const. that the undersigned has requested the Florida Legislature enact legislation at its regular session held in the year 2016, or at a subsequent special session, amending Chapter 70-718, Laws of Florida. The title of the proposed legislation reads substantially as follows:

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published in Hillsborough County and distributed to Pinellas, Pasco, Polk, Hernando & Highlands Counties, Florida; that the attached copy of the advertising being a

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

An act relating to Hillsborough County; amending chapter 70-718, Laws of Florida; revising an exception for space and seating requirements for liquor licenses for restaurants in the county; providing an effective date.

was published in said newspaper in the issues of

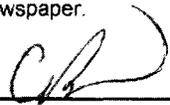
12/12/2015

Dated at Tampa, Florida, the 12th day of December, 2015.

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Representative Dana Young/Senator Jeff Brandes
Hillsborough County Legislative Delegation
2909 W. Bay to Bay Blvd., Suite 202
Tampa, FL 33629-8175

5276 12/12/2015



Sworn to and subscribed by me, this 11 day
of Dec, A.D. 2015

Personally Known or Produced Identification
Type of Identification Produced _____

Kelly A. Cashman



HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: Local Bill 6 HB 1417
SPONSOR(S): Rep. Young
RELATING TO: Hillsborough County
NAME OF DELEGATION: Hillsborough County
CONTACT PERSON: Sydney Ridley
PHONE NO.: (813) 407-0691 E-Mail: sydney.ridley@myfloridahouse.gov

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

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

YES [checked] NO []

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

YES [checked] NO []

Date hearing held: December 8th, 2015

Location: Amalie Arena

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

YES [checked] NO []

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

YES [checked] NO []

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

Has this constitutional notice requirement been met?

Notice published: YES [checked] NO [] DATE 12/12/15

Where? Tampa Tribune County Hillsborough

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO

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

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

1/4/16

Date

Rep. Ross Spano

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 #: J-1 HB 1417
SPONSOR(S): Representative Dana Young
RELATING TO: Hillsborough County Requirements for SRX restaurant liquor licenses.
[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>positive</u>	\$ <u>positive</u>

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

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

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

This bill, and previous ones like it, have proven to be revenue positive from an increase in sales tax revenue perspective and licensing revenue, but impossible to quantify. Easing the restrictions on bona fide restaurant's ability to serve a full bar increases the opportunity to make a profit which in turn creates more jobs and sales tax revenue.

III. FUNDING SOURCE(S):

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

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

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

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: More diverse dining options.

- 2. Advantages to Businesses: Increased likelihood of success in a very competitive field. Levels the playing field for smaller, independently owned businesses.

- 3. Advantages to Government: More sales tax revenue with no increase in services or staff. Higher license fee revenue: 2COP returns \$392 per year to state while a

Potential Disadvantages: 4COP/SRX returns \$1820 per year in Hillsborough County.

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:

There is already staff in place to support this bill. The only change would be issuing more 4COP/SRX licenses and fewer 2COP licenses resulting in more license revenue for the state plus more sales tax revenue from the business.

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.

Data from Department of Business and Professional Regulation website.

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A bill to be entitled
An act relating to Hillsborough County; amending
chapter 70-718, Laws of Florida; revising space and
seating requirements for the issuance of alcoholic
beverage licenses to certain restaurants; providing an
effective date.

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

Section 1. Section 1 of chapter 70-718, Laws of Florida,
is amended to read:

Section 1. The Division of Alcoholic Beverages and Tobacco
of the Department of Business and Professional Regulation may
~~director of the beverage department of the State of Florida is~~
~~hereby authorized to~~ issue special restaurant licenses under the
~~general provisions of~~ section 561.20, Florida Statutes, to such
restaurants in Hillsborough County which have a seating capacity
of no fewer less than 100 ~~one hundred (100)~~ seats and, an
overall floor capacity of no less than 2,500 ~~four thousand~~
~~(4,000)~~ square feet and which derive no less than 51 ~~fifty-one~~
percent ~~(51%)~~ of gross income from the sale of food and
nonalcoholic beverages that are ~~which is~~ prepared, served, and
consumed on such premises. The Division of Alcoholic Beverages
and Tobacco of the Department of Business and Professional
Regulation may ~~director of the beverage department of the State~~
~~of Florida is authorized to~~ regulate and supervise restaurants

HB 1417

2016

27 | to which such licenses have been issued under the rules
28 | ~~regulations~~ of the division ~~beverage department~~ and the general
29 | law not inconsistent herewith. The Division of Alcoholic
30 | Beverages and Tobacco of the Department of Business and
31 | Professional Regulation may ~~director of the beverage department~~
32 | ~~shall have the authority to~~ revoke or suspend any such license
33 | for violations of the Beverage Law and regulations of this state
34 | not inconsistent herewith.

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