

Local, Federal & Veterans Affairs Subcommittee

January 24, 2018
8:30 PM – 11:00 PM
12 HOB

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Local, Federal & Veterans Affairs Subcommittee

Start Date and Time: Wednesday, January 24, 2018 08:30 am
End Date and Time: Wednesday, January 24, 2018 11:00 am
Location: 12 HOB
Duration: 2.50 hrs



Consideration of the following bill(s):

HM 381 Venezuela by Stark
HB 449 Children's Initiatives by Stafford
HB 901 Acme Improvement District and Pine Tree Water Control District, Palm Beach County by Willhite
HB 1013 Daylight Saving Time by Nuñez, Fitzenhagen
HB 1019 Financial Reporting by La Rosa
HB 1071 City of Clearwater, Pinellas County by Ahern
HB 1093 Loxahatchee Groves Water Control District, Palm Beach County by Willhite
HB 1117 Sebastian Inlet Tax District, Indian River and Brevard Counties by Grall
HB 1173 Lands Used for Governmental Purposes by Raschein
HB 1237 Alachua County by Clemons
HB 1287 Temporary Tags for Fleet Vehicles by Drake
HB 1383 Tax Deed Sales by Latvala
HB 1395 City of Marco Island, Collier County by Rommel
HB 1397 Hardee County Economic Development Authority, Hardee County by Albritton
HB 1423 Tohopekaliga Water Authority, Osceola County by La Rosa
HB 1447 City of Orlando, Orange County by Miller, M.

NOTICE FINALIZED on 01/22/2018 4:05PM by Herndon.Angela

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 381 Venezuela
SPONSOR(S): Stark and others
TIED BILLS: IDEN./SIM. BILLS: SM 1382

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

SUMMARY ANALYSIS

After becoming president of Venezuela in 2013, Nicolás Maduro continues to suppress opposition protests and restricts freedom of speech and assembly. President Maduro imprisoned hundreds of political opponents. Many of those detained have been subject to torture and other human rights abuses.

Venezuela is also in the midst of a crippling economic crisis, resulting in massive food and medicine shortages which has led to a humanitarian crisis. Despite the crisis, President Maduro has refused international aide. Consequently, the United States has criticized President Maduro and imposed numerous sanctions on Venezuela.

The memorial requests Congress to urge President Nicolás Maduro to allow the delivery of humanitarian assistance, to continue to intensify financial sanctions against President Nicolás Maduro and the Government of Venezuela, and to instruct appropriate Federal agencies to hold President Nicolás Maduro and officials of the Government of Venezuela accountable for violations of law and abuses of internationally recognized human rights.

Legislative memorial are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2013, after President Hugo Chavez died, Venezuela held presidential elections and acting President Nicolás Maduro defeated Henrique Capriles by only 1.5 percent. Despite the thin margin of victory and rise of opposition, Maduro consolidated his authority, resulting in security forces and allied civilian groups violently suppressing protests and restricting freedom of speech and assembly. Consequently, many Venezuelan protestors died or were injured in the following years due to clashes with pro-government forces. Additionally, political opponents and opposition figures were imprisoned.¹

In 2016, opposition efforts tried to recall President Maduro in a national referendum. However, the government delayed the process and Venezuela's National Electoral Council indefinitely suspended the recall effort after five state-level courts issued rulings alleging fraud in a signature collection drive that garnered millions of signatures.²

President Maduro's government has continued to harass and detain opponents. In addition, President Maduro has surrounded himself with hard-line political allies, including appointing a vice president who was sanctioned by the United States as a drug kingpin in 2017. Among many of the powers under the vice president's vast authority is control over an "anti-coup" command.³

Economic Crisis

Venezuela's economy relies significantly on the extraction and export of oil and other petroleum products, which accounts for more than 90 percent of the country's exports. Under President Chavez, the government used the oil reserves to spend money on domestic social programs instead of building up fiscal reserves. The decline in oil prices over the years and the lack of reserves has led to an economic crisis for Venezuela. This has resulted in a shortage of consumer goods, including food, and has also led to hyperinflation of Venezuela's currency. President Maduro continues to refuse any international assistance, including from the Vatican.⁴

Humanitarian Crisis

As of May 2017, the Venezuela human rights group *Foro Penal Venezolano* listed more than 140 political prisoners in Venezuela. The group reported more than 6,800 political arrests made from 2014-2016.⁵ According to the United States Department of State, many of those detained have been subject to torture and other human rights abuses.⁶

Additionally, due to the lack of basic consumer goods, riots, protests and looting have broken out across the country resulting in many deaths. Venezuela's hospitals also have been affected by shortages of medicines and basic supplies. Many hospitals "face critical shortages of antibiotics,

¹ Congressional Research Service Report, *Venezuela: Background and U.S. Policy*, May 10, 2017, pg. 5, available at https://www.everycrsreport.com/files/20170510_R44841_fa3ec514ed07bb711220465fb833d0432061f98a.pdf (last accessed 1/21/2018).

² *Id.*

³ *Id.* at pg. 6.

⁴ *Id.* at pg. 10

⁵ *Id.* at pg. 6

⁶ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2016-2017*, available at <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dld=#wrapper> (last accessed 1/21/2018).

intravenous solutions, and even food, and 50 percent of operating rooms in public hospitals are not in use.”⁷

Federal Venezuela Sanctions

In recent years, the federal government has imposed various sanctions on the government of Venezuela. In July 2014, President Obama imposed visa restrictions on some Venezuelan officials responsible for human rights violations. Also in 2014, Congress enacted the Venezuela Defense of Human Rights and Civil Society Act of 2014.⁸ Among other matters, the law required the President to impose sanctions against those whom the President determined were responsible for significant acts of violence or serious human rights abuses associated with the 2014 protests.⁹

President Trump has favored multilateral approaches to resolving the crisis. Both the President and the State Department have called for the release of opposition leader Leopoldo Lopez and the rest of Venezuela’s political prisoners.¹⁰ Additionally, on August 24, 2017, President Trump signed Executive Order 13808 to restrict the Venezuelan government’s access to the U.S. financial system by prohibiting U.S. persons and entities from engaging in transactions involving the following:

- New debt with a maturity of greater than 90 days of Petroleos de Venezuela, S.A. (PdVSA), Venezuela’s state-owned oil company;
- New debt with a maturity of greater than 30 days, or new equity, of the government of Venezuela, other than debt of PdVSA as defined above;
- Bonds issued by the government of Venezuela prior to August 25, 2017;
- Dividend payments or other distributions of profits to the government of Venezuela from any entity owned or controlled, directly or indirectly, by the government of Venezuela; and
- The purchase, directly or indirectly, of securities from the government of Venezuela, other than security qualifying as new debt with a maturity of less than or equal to 90 days (for PdVSA) or 30 days (for the government of Venezuela).¹¹

The executive order defined the term “government of Venezuela” to mean the government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and PdVSA, and any person or entity owned or controlled by, or acting for or on behalf of, the government of Venezuela.¹²

Effect of the Memorial

The memorial requests Congress to urge President Nicolás Maduro to allow the delivery of humanitarian assistance, to continue to intensify financial sanctions against President Nicolás Maduro and the Government of Venezuela, and to instruct appropriate Federal agencies to hold President Nicolás Maduro and officials of the Government of Venezuela accountable for violations of law and abuses of internationally recognized human rights.

Copies of the memorial will be sent to the President of the United States, the President of the United States Senate, Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

⁷ *Supra* note 1 at pg. 12

⁸ Venezuela Defense of Human Rights and Civil Society Act of 2014, Pub. L. No. 113-278, S. 2142, 113th Cong. (Dec. 18, 2014). Available at <https://www.congress.gov/bill/113th-congress/senate-bill/2142> (last accessed 1/21/2018).

⁹ *Supra* note 1 at pg. 18

¹⁰ *Id.* at pg. 17

¹¹ Exec. Order No. 13808, 3 C.F.R. 41155 (2017).

¹² *Id.* at 41156.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The memorial neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HM 381

2018

House Memorial

A memorial to the Congress of the United States, requesting Congress to urge President Nicolás Maduro to allow the delivery of humanitarian assistance, to continue and intensify financial sanctions against President Nicolás Maduro and the Government of Venezuela, and to instruct appropriate Federal agencies to hold President Nicolás Maduro and officials of the Government of Venezuela accountable for violations of law and abuses of internationally recognized human rights.

WHEREAS, the hallmark of democracy is the free and peaceful exercise of rights guaranteed under the constitution of a democratically elected government, and

WHEREAS, in an effort to secure his personal rule and oppress Venezuelan freedoms, President Nicolás Maduro manipulated elections, established a congress under his control, nationalized private industry, abandoned private property rights, and generally assumed control over Venezuela's government and its institutions, and

WHEREAS, the deterioration of basic governance and the economic crisis in Venezuela have led to an unprecedented humanitarian situation in which people are suffering from severe shortages of basic food products and essential medicines, and

HM 381

2018

26 WHEREAS, despite the massive shortages of basic food
 27 products and essential medicines, President Maduro has rejected
 28 repeated requests from civil society organizations to bring
 29 humanitarian aid into the country, and

30 WHEREAS, over 8 million Venezuelans voted symbolically for
 31 a free and democratic government, and

32 WHEREAS, President Nicolás Maduro has sought to silence
 33 peaceful opposition to his government by killing innocent
 34 citizens of Venezuela for their political views, and

35 WHEREAS, those who cherish democratic principles condemn
 36 the perpetration of oppression and intimidation against the
 37 Venezuelan people, and

38 WHEREAS, to ensure the demise of such oppression and
 39 intimidation, it is imperative that the United States Government
 40 remains committed to continuing and intensifying financial
 41 sanctions against President Nicolás Maduro and the Government of
 42 Venezuela, and

43 WHEREAS, the people of Florida stand proudly with the
 44 people of Venezuela in the face of tyranny, NOW, THEREFORE,

45

46 Be It Resolved by the Legislature of the State of Florida:

47

48 That the Congress of the United States is requested to urge
 49 President Nicolás Maduro to allow the delivery of humanitarian
 50 assistance, to continue and intensify financial sanctions

HM 381

2018

51 against President Nicolás Maduro and the Government of
52 Venezuela, and to instruct appropriate Federal agencies to hold
53 President Nicolás Maduro and officials of the Government of
54 Venezuela accountable for violations of law and abuses of
55 internationally recognized human rights.

56 BE IT FURTHER RESOLVED that copies of this memorial be
57 dispatched to the President of the United States, to the
58 President of the United States Senate, to the Speaker of the
59 United States House of Representatives, and to each member of
60 the Florida delegation to the United States Congress.



Amendment No.

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, Federal & Veterans
 2 Affairs Subcommittee
 3 Representative Stark offered the following:

Amendment (with title amendment)

6 Remove lines 17-18 and insert:

7 oppress Venezuelan freedoms, the regime of Nicolás Maduro
 8 manipulated elections, established an illegitimate Constituent
 9 Assembly to undermine the will of the Venezuelan people,

10 Remove line 27 and insert:

11 products and essential medicines, the regime of Nicolás Maduro
 12 has rejected

13 Remove line 32 and insert:

14 WHEREAS, the regime of Nicolás Maduro has sought to silence

15 Remove line 41 and insert:



Amendment No.

16 | sanctions against the regime of Nicolás Maduro and the
17 | Government of

18 | Remove line 49 and insert:

19 | the regime of Nicolás Maduro to allow the delivery of
20 | humanitarian

21 | Remove line 51 and insert:

22 | against the regime of Nicolás Maduro and the Government of

23 | Remove line 53 and insert:

24 | the regime of Nicolás Maduro and officials of the Government of

25 |

26 | -----

27 | **T I T L E A M E N D M E N T**

28 | Remove line 6 and insert:

29 | the regime of Nicolás Maduro and the Government of

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 449 Children's Initiatives
SPONSOR(S): Stafford
TIED BILLS: IDEN./SIM. BILLS: SB 720

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	13 Y, 0 N	Gilani	Brazzell
2) Local, Federal & Veterans Affairs Subcommittee		Renner <i>JR</i>	Miller <i>E Miller</i>
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Florida children's initiatives, previously called Florida Children's Zones, "assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible healthcare, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within [their] boundaries."

Section 409.147, F.S., outlines the process for a county or municipality (or designated area) to receive the designation as a children's initiative. The statute grants the Ounce of Prevention Fund of Florida, Inc., a nonprofit organization, the exclusive authority to designate an area as a children's initiative.

There are currently five designated Florida children's initiatives. Three of these children's initiatives are codified in statute.

The bill codifies in statute the remaining two existing Florida children's initiatives, one in Tampa (Tampa Sulphur Springs Neighborhood of Promise Success Zone) and one in Miami (Overtown Children and Youth Coalition).

The bill specifies that the initiatives are subject to Florida public records laws, Florida public meeting laws, and Florida procurement laws.

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

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

History of Children's Initiatives

Founded in 1970, Harlem Children's Zone, Inc. (HCZ) is an innovative, nonprofit, community-based organization that works to enhance the quality of life for children and families in some of New York City's most desolate neighborhoods. In the 1990s, HCZ launched a pilot project to address the poor living conditions, drug problems, failing schools, violent crime, and chronic health problems that were affecting the children and families of an impoverished community.¹ The project began with a single block and has grown to 97 blocks, serving 12,509 youth and 12,498 adults each year through collaboration between the local community, nonprofit organizations, and institutions.² HCZ provides comprehensive and individualized support for children from birth through college to promote successful self-sustaining adults.³ The initiative also helps families by providing assistance with housing and safety concerns, tax preparation, legal issues, and childrearing education.⁴ Since 2010, 1,204 families have stayed stable and avoided foster care with the help of HCZ services.⁵ In 2017, HCZ has served 13,447 youth age 0 to 24, 100 percent of pre-kindergarten children tested ready for school, and 97 percent of high-school graduates were accepted into college across all HCZ programs.⁶

Authorization of Children's Initiatives in Florida

In 2008, using the Harlem Children's Zone as a model, the Legislature created s. 409.147, F.S., which established children's zones, currently referred to as children's initiatives. Florida children's initiatives "assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides equality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within [their] boundaries."

Section 409.147, F.S., outlines the process for a county or municipality (or designated area) to apply to a nonprofit agency designated in statute, the Ounce of Prevention Fund of Florida, Inc. (Ounce), to designate an area as a children's initiative. The governing body must first adopt a resolution finding the area has issues related to poverty, that changes are necessary for the area to improve, and that resources are necessary for revitalization of the area.⁷ The county or municipality must then establish a children's initiative planning team and develop and adopt a strategic community plan.⁸ Once a county or municipality has completed these steps, they must create a not-for-profit corporation to facilitate fundraising and secure broad community ownership of the children's initiative.⁹

¹ HARLEM CHILDREN'S ZONE, *History*, <https://hcz.org/about-us/history/> (last visited Nov. 30, 2017).

² *Id.*

³ HARLEM CHILDREN'S ZONE, *About Us*, <https://hcz.org/about-us/> (last visited Nov. 30, 2017).

⁴ HARLEM CHILDREN'S ZONE, *Our Programs*, <https://hcz.org/our-programs/> (last visited Nov. 30, 2017).

⁵ HARLEM CHILDREN'S ZONE, *Our Results*, <https://hcz.org/results/> (last visited Nov. 30, 2017).

⁶ *Id.* This was the first graduating class that included children who began with HCZ from kindergarten, see <https://hcz.org/news/100-college-acceptance-hcz-promise-academy/> (last visited Nov. 30, 2017).

⁷ S. 409.147(4)(a), F.S.

⁸ S. 409.147(5), 409.147(6), F.S.

⁹ S. 409.147(7), F.S.

Florida's Codified Children's Initiatives

In authorizing the establishment of children's zones in 2008, the Legislature also created the Magic City Children's Zone, Inc. as a 10-year pilot project zone and provided it \$3.6 million non-recurring general revenue funds.¹⁰ The Legislature designated the Ounce in proviso as the agent to oversee the pilot program and directed the funds to be used as a grant over a three-year period to carry out the activities in the zone.¹¹ In 2009, the Legislature amended s. 409.147(8)(a), F.S., to change the 10-year pilot zone to a 10-year project and changed the name of the Magic City Children's Zone to the Miami Children's Initiative. Additionally, it instructed the Department of Children and Families (DCF) to work in collaboration with a contracted not-for-profit corporation to implement the initiative and made the not-for-profit corporation responsible for the development, evaluation, fiscal management, and oversight of the Miami Children's Initiative.

The 2013 Legislature codified in statute two additional existing Florida children's initiatives, New Town Success Zone in Jacksonville and Parramore Kidz Zone in Orlando, and exempted them from the existing statutory language regarding evaluation, fiscal management, and oversight by the not-for-profit corporation.

These three initiatives are not subject to control, supervision, or direction by any department of the state.¹² They are, however, subject to the requirements of chapter 119, F.S., relating to public records, chapter 286, F.S., relating to public meetings and records, and chapter 287, F.S., relating to procurement of commodities or contractual services.

The Ounce of Prevention Fund of Florida

The Ounce is a private, nonprofit corporation dedicated to shaping prevention policy and investing in innovative prevention programs that provide measurable benefits to Florida's children, families, and communities.¹³ The Ounce identifies, funds, supports, and tests innovative programs to improve the life outcomes of children, preserve and strengthen families, and promote healthy behavior and functioning in society.¹⁴ The Legislature identifies the Ounce as the only organization able to designate areas as Florida's children initiatives.¹⁵ DCF is required to contract with a not-for-profit corporation for implementation and oversight of the Miami Children's Initiative.¹⁶ While s. 409.147, F.S., does not specify the Ounce as that nonprofit corporation, proviso language in the initial appropriation did designate the Ounce to receive the initial three-year contract in 2008, which expired in 2011.

Tampa Sulphur Springs Neighborhood of Promise (SSNOP) Success Zone

The Tampa Sulphur Springs Neighborhood of Promise (SSNOP) Success Zone was founded in 2009 by the Tampa Metropolitan Area YMCA in partnership with local organizations like United Way Suncoast and the Children's Board of Hillsborough County.¹⁷ The Ounce designated the Tampa SSNOP Success Zone as a Florida children's initiative in 2016.¹⁸

¹⁰ S. 3, General Appropriations Act of 2008, 2008-152 L.O.F.

¹¹ In August 2008, DCF developed a three-year non-renewable contract with the Ounce (LJ829), paying \$300,000 a month, which expired in 2011. DCF has not contracted with the Ounce or any other nonprofit to oversee the Miami Children's initiative since 2011.

¹² S. 409.147(8)(a), 409.147(9)(a), 409.147(10)(a), F.S.

¹³ THE OUNCE OF PREVENTION FUND OF FLORIDA, <https://www.ounce.org/> (last visited Nov. 30, 2017).

¹⁴ Id.

¹⁵ S. 409.147(4), F.S.

¹⁶ S. 409.147(11)(b), F.S.

¹⁷ Alexis Quinn Chamberlain, *Sulphur Springs: Nonprofits Lead Neighborhood Transformation*, 83 DEGREES MEDIA (Apr. 10, 2012), <http://www.83degreesmedia.com/features/orgs041012.aspx> (last visited Nov. 30, 2017).

¹⁸ THE OUNCE OF PREVENTION FUND OF FLORIDA, *Florida Children's Initiative Newsletter June 2016*, https://www.ounce.org/children/FCI_Newsletter_0616.html# (last visited Nov. 30, 2017).

The Tampa initiative is a collaboration between residents, educators, service providers, governmental agencies, business leaders, and funding partners to provide a child-focused educational delivery system that promotes the caring, nurturing, and successful education of children and to offer support services for the family and community.¹⁹ The initiative emphasizes education as a path to success, aiming to have children enter school prepared to succeed, function at grade level, and graduate from high school prepared for college, technical school, or a career.²⁰ Offered programs include early childhood learning centers for parents and children, afterschool social and educational support systems, and youth recreational programs.²¹ Program partners also provide the neighborhood with a health center, a community garden, and fresh produce to promote wellness in the community.²²

Additionally, the initiative promotes family stability by providing family support services to improve family functioning, employment assistance programs, and housing programs to provide safe and affordable housing to families.²³ In the 2016-2017 fiscal year, the initiative provided family support services to 90 percent of families; 100 percent reported lower stress, 97 percent reported increased social supports, and 96 percent reported improved wellbeing.²⁴ Ninety-four residents sought out employment assistance and 40 were placed in jobs.²⁵ Since 2009, the initiative has rehabilitated 88 existing homes,²⁶ created 11 new homes,²⁷ and recently received a grant to build 18 new homes.²⁸

Overtown Children and Youth Coalition

In 2012, with the help of the then-city commissioner,²⁹ community-based nonprofit organizations in the Overtown community formed the Overtown Children and Youth Coalition (OCYC).³⁰ The OCYC serves Miami's Overtown neighborhood, an area where children and families face extreme levels of poverty, low academic achievement, and health disparities.³¹ The OCYC is a group of professionals, institutions, government officials, residents, and youths whose mission is to provide community-wide action to promote excellence, empowerment, economic growth, and success for all Overtown children and youth from birth through college.³² The Ounce designated OCYC as a Florida children's initiative in 2016.³³

¹⁹ SULPHUR SPRINGS NEIGHBORHOOD OF PROMISE, *About Us*, <http://www.ssnop.org/about-us-1/> (last visited Nov. 30, 2017).

²⁰ *Id.*

²¹ SULPHUR SPRINGS NEIGHBORHOOD OF PROMISE, *2017-2018 Community Programs*, https://static1.squarespace.com/static/53bb4b12e4b0c9db7aa5f6b0/t/598091984c0dbf091b929db0/1501598105522/SSNOP_Community_2017+e.pdf (last visited Nov. 30, 2017).

²² *Id.*

²³ *Id.*

²⁴ SULPHUR SPRINGS NEIGHBORHOOD OF PROMISE, *2016-2017 Sulphur Springs Year End Community Report* <https://static1.squarespace.com/static/53bb4b12e4b0c9db7aa5f6b0/t/59a55d85e5dd5bce81614c49/1504009613516/Final+SSNOP+16-17+EOY+Presentation+with+2+updates+.pdf> (last visited Nov. 30, 2017).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Ashley Reams Mistretta, *2nd phase of Sulphur Springs revitalization project begins*, 83 DEGREES MEDIA (Sep. 20, 2016), <http://www.83degreesmedia.com/devnews/nehemiah-project-sulphur-springs-tampa-revitalization-092016.aspx> (last visited Nov. 30, 2017). *See also*, SULPHUR SPRINGS NEIGHBORHOOD OF PROMISE, *2014-2015 Sulphur Springs Year End Community Report*, <https://static1.squarespace.com/static/53bb4b12e4b0c9db7aa5f6b0/t/55e8984ce4b0ea52fcc1e72b/1441306700450/Revised+14-15+SSNOP+End+of+Year+Report.pdf> (last visited Nov. 30, 2017).

²⁸ Ashley Reams Mistretta, *2nd phase of Sulphur Springs revitalization project begins*, 83 DEGREES MEDIA (Sep. 20, 2016), <http://www.83degreesmedia.com/devnews/nehemiah-project-sulphur-springs-tampa-revitalization-092016.aspx> (last visited Nov. 30, 2017).

²⁹ Michelle Spence-Jones, City of Miami District 5 City Commissioner in 2012.

³⁰ OVERTOWN CHILDREN & YOUTH COALITION, *History*, <http://www.overtowncyc.org/history> (last visited Nov. 4, 2017).

³¹ THE OUNCE OF PREVENTION FUND OF FLORIDA, *Children's Initiative Communities in Florida*, https://www.ounce.org/fci_communities.html (last visited Nov. 30, 2017).

³² OVERTOWN CHILDREN & YOUTH COALITION, *Master Plan 2015-2025 Executive Summary*, p. 3, available at: http://docs.wixstatic.com/ugd/e38ba6_4c5d82c43a3f4882b8b041e64b0815c3.pdf (last visited Nov. 30, 2017).

³³ THE OUNCE OF PREVENTION FUND OF FLORIDA, *Florida Children's Initiative Newsletter June 2016*, https://www.ounce.org/children/FCI_Newsletter_0616.html# (last visited Nov. 30, 2017).

In 2015, OCYC created a 10-year master plan³⁴ outlining the framework and timeline for implementation of the initiative goals. The plan is still in its early stages of implementation, but through its partner members,³⁵ OCYC provides health and safety services, educational, recreational, and mentorship programs, youth leadership training programs, college preparation programs, and job training and placement services.

Both the Tampa SSNOP Success Zone and OCYC projects are currently operating and have been designated by Ounce as Florida children's initiatives.³⁶

Effect of Proposed Changes

The bill codifies the Tampa Sulphur Springs Neighborhood of Promise Success Zone and Overtown Children and Youth Coalition as children's initiatives.

The bill requires a 10-year project in each location, which must be managed by a not-for-profit corporation operating in accordance with chapter 617, F.S. Both initiatives are designed to encompass an area that is large enough to include all of the necessary components of community life, including but not limited to, schools, places of worship, recreational facilities, commercial areas, and common space, yet small enough to allow programs and services to reach every member of the neighborhood who is willing to participate in the project.

The bill finds that public policy requires each corporation to operate in the most open and accessible manner consistent with its public purpose. Each corporation is subject to chapter 119, F.S., relating to public records, chapter 286, F.S., relating to public meetings and records, and chapter 287, F.S., relating to procurement of commodities or contractual services.

Upon designation as a Florida children's initiative, the bill requires Tampa SSNOP Success Zone and OCYC to assist the state in creating a community-based service network and creating programming that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within their boundaries. The network and programming must be consistent with the legislative intent and purpose of s. 409.147, F.S., the current statute governing Florida children's initiatives.

The bill specifies that the Tampa SSNOP Success Zone and OCYC are not subject to control, supervision, or direction by any department of the state in any manner.

These requirements are consistent with existing law for the children's initiatives codified in statute.

B. SECTION DIRECTORY:

Section 1: Amends s. 409.147, F.S., relating to children's initiatives.

Section 2: Provides for an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

³⁴ OVERTOWN CHILDREN & YOUTH COALITION, *Master Plan 2015-2025 Executive Summary*, available at: http://docs.wixstatic.com/ugd/e38ba6_4c5d82c43a3f4882b8b041e64b0815c3.pdf (last visited Nov. 30, 2017).

³⁵ OVERTOWN CHILDREN & YOUTH COALITION, *Members*, <http://www.overtowncyc.org/members> (last visited Nov. 30, 2017).

³⁶ *Supra* fn. 31.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to children's initiatives; amending s.
 3 409.147, F.S.; creating the Tampa Sulphur Springs
 4 Neighborhood of Promise Success Zone within the City
 5 of Tampa in Hillsborough County and the Overtown
 6 Children and Youth Coalition within the City of Miami
 7 in Miami-Dade County; providing for the projects to be
 8 managed by corporations not for profit that are not
 9 subject to control, supervision, or direction by any
 10 department of the state; providing legislative intent;
 11 requiring the corporations to be subject to public
 12 records and public meeting requirements and to
 13 requirements for the procurement of commodities and
 14 contractual services; providing that the success zone
 15 and the coalition are designed to encompass areas
 16 large enough to include certain components but small
 17 enough to allow programs and services to reach
 18 participants; providing implementation of the
 19 coalition and the success zone; providing an effective
 20 date.

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

23
 24 Section 1. Present subsection (11) of section 409.147,
 25 Florida Statutes, is redesignated as subsection (13) and

26 amended, a new subsection (11) and subsection (12) are added to
 27 that section, to read:

28 409.147 Children's initiatives.—

29 (11) CREATION OF THE TAMPA SULPHUR SPRINGS NEIGHBORHOOD OF
 30 PROMISE (SSNOP) SUCCESS ZONE.—

31 (a) There is created within the City of Tampa in
 32 Hillsborough County a 10-year project that shall be managed by
 33 an entity organized as a corporation not for profit that is
 34 registered, incorporated, organized, and operated in compliance
 35 with chapter 617. The Tampa SSNOP Success Zone is not subject to
 36 control, supervision, or direction by any department of the
 37 state in any manner. The Legislature determines, however, that
 38 public policy dictates that the corporation operate in the most
 39 open and accessible manner consistent with its public purpose.
 40 Therefore, the Legislature declares that the corporation is
 41 subject to chapter 119, relating to public records, chapter 286,
 42 relating to public meetings and records, and chapter 287,
 43 relating to procurement of commodities or contractual services.

44 (b) This initiative is designed to encompass an area that
 45 is large enough to include all of the necessary components of
 46 community life, including, but not limited to, schools, places
 47 of worship, recreational facilities, commercial areas, and
 48 common space, yet small enough to allow programs and services to
 49 reach every member of the neighborhood who is willing to
 50 participate in the project.

51 (12) CREATION OF THE OVERTOWN CHILDREN AND YOUTH
 52 COALITION.-

53 (a) There is created within the City of Miami in Miami-
 54 Dade County a 10-year project that shall be managed by an entity
 55 organized as a corporation not for profit that is registered,
 56 incorporated, organized, and operated in compliance with chapter
 57 617. The Overtown Children and Youth Coalition is not subject to
 58 control, supervision, or direction by any department of the
 59 state in any manner. The Legislature determines, however, that
 60 public policy dictates that the corporation operate in the most
 61 open and accessible manner consistent with its public purpose.
 62 Therefore, the Legislature declares that the corporation is
 63 subject to chapter 119, relating to public records, chapter 286,
 64 relating to public meetings and records, and chapter 287,
 65 relating to procurement of commodities or contractual services.

66 (b) This initiative is designed to encompass an area that
 67 is large enough to include all of the necessary components of
 68 community life, including, but not limited to, schools, places
 69 of worship, recreational facilities, commercial areas, and
 70 common space, yet small enough to allow programs and services to
 71 reach every member of the neighborhood who is willing to
 72 participate in the project.

73 (13)~~(11)~~ IMPLEMENTATION.-

74 (a) The Miami Children's Initiative, Inc., the New Town
 75 Success Zone, ~~and~~ the Parramore Kidz Zone, the Tampa SSNOP

76 Success Zone, and the Overtown Children and Youth Coalition have
77 been designated as Florida Children's Initiatives consistent
78 with the legislative intent and purpose of s. 16, chapter 2009-
79 43, Laws of Florida, and as such shall each assist the
80 disadvantaged areas of the state in creating a community-based
81 service network and programming that develops, coordinates, and
82 provides quality education, accessible health care, youth
83 development programs, opportunities for employment, and safe and
84 affordable housing for children and families living within their
85 boundaries.

86 (b) In order to implement this section for the Miami
87 Children's Initiative, Inc., the Department of Children and
88 Families shall contract with a not-for-profit corporation, to
89 work in collaboration with the governing body to adopt the
90 resolution described in subsection (4), to establish the
91 planning team as provided in subsection (5), and to develop and
92 adopt the strategic community plan as provided in subsection
93 (6). The not-for-profit corporation is also responsible for the
94 development of a business plan and for the evaluation, fiscal
95 management, and oversight of the Miami Children's Initiative,
96 Inc.

97 Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 901 Acme Improvement District and Pine Tree Water Control District, Palm Beach County
SPONSOR(S): Willhite
TIED BILLS: IDEN./SIM. **BILLS:** SB 322

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Renner <i>JK</i>	Miller <i>E.H.M.</i>
2) Natural Resources & Public Lands Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Acme Improvement District (Acme) was created in 1953 as an independent special district with the responsibility of building and maintaining the drainage infrastructure within the district's boundaries. In 1995, the Florida Legislature incorporated the Village of Wellington. Acme was subsequently designated as a dependent special district of the village. In addition to providing and maintaining the district's drainage infrastructure, Acme is authorized to construct and maintain roads and parks and provide utilities within its boundaries.

The Pine Tree Water Control District (PTWCD) is an independent special district comprised of approximately 4,022 acres in Palm Beach County, Florida. The PTWCD was created by a circuit court decree on May 17, 1971, and the PTWCD charter was codified by Chapter 2009-270, Laws of Florida. The PTWCD was created to construct, improve, pave and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, agricultural, settlement, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the PTWCD.

The Flying Cow Ranch is currently undeveloped property under single ownership with no residents on the property. Fifty acres lies within the Acme Improvement District and 150 acres lies within the PTWCD.

The bill transfers that portion of the Flying Cow Ranch property within Acme and places it in the jurisdiction of the PTWCD to facilitate the development of the Flying Cow Ranch property.

According to the Economic Impact Statement, the bill is projected to result in no net new expenditures or revenues. The loss of assessments by the Acme Improvement District would appear to be offset by district's reduced area of service responsibility. The concurrent increase in assessments to the Pine Tree Water Control District would appear to be offset by that district's increased area of service responsibility.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special Districts

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

A “dependent special district” is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality.⁶

An “independent special district” is characterized by having a governing board comprised of members which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality.⁷ Additionally, a district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

Chapter 298, F.S., governs the creation and operation of a water control district (WCD).⁸ 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.⁹ 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.¹⁰ 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.¹¹

¹ Section 189.031(3), F.S.

² *Id.*

³ Section 189.02(1), F.S.

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

⁵ *2017-2018 Local Gov’t Formation Manual* at pg. 64, available at

<http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 12/13/2017).

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ All special districts operating under ch. 298, F.S., and formerly known as “drainage districts” or “water management districts” are now officially called water control districts. Section 298.001, F.S.

⁹ Section 298.22, F.S.

¹⁰ Section 298.22(3), F.S.

¹¹ Section 298.76(5), F.S.

Acme Improvement District

The Acme Improvement District (Acme) was created in 1953 as an independent special district with the responsibility of building and maintaining the drainage infrastructure within the district's boundaries.¹² In 1995, the Florida Legislature incorporated the Village of Wellington.¹³ Acme was subsequently designated as a dependent special district of the village.¹⁴ In addition to providing and maintaining the district's drainage infrastructure, Acme is authorized to construct and maintain roads and parks and provide utilities within its boundaries.¹⁵

Pine Tree Water Control District

The Pine Tree Water Control District (PTWCD) is an independent special district comprised of approximately 4,022 acres of land in Palm Beach County, Florida. The PTWCD was created by a circuit court decree on May 17, 1971, and the PTWCD charter was codified by Chapter 2009-270, Laws of Florida. The PTWCD was created to construct, improve, pave and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, agricultural, settlement, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the PTWCD.

Flying Cow Ranch

The Flying Cow Ranch is currently undeveloped property under single ownership with no residents on the property. Fifty acres lies within the Acme Improvement District and 150 acres lies within the PTWCD.

Effect of Proposed Changes

The bill transfers that portion of the Flying Cow Ranch property within Acme and places it in the jurisdiction of the PTWCD to facilitate the development of the Flying Cow Ranch property.

B. SECTION DIRECTORY:

Section 1 Transferring the Flying Cow Ranch property from the Acme Improvement District to the Pine Tree Water Control District.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 3, 2017

WHERE? *Palm Beach Post*, Palm Beach County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

¹² Ch. 28557 (1953), Laws of Fla.

¹³ Ch. 95-496, Laws of Fla.

¹⁴ Ch. 2003-330, s. 3, Laws of Fla.

¹⁵ Ch. 2003-330, s. 3 of s. 3, Laws of Fla.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

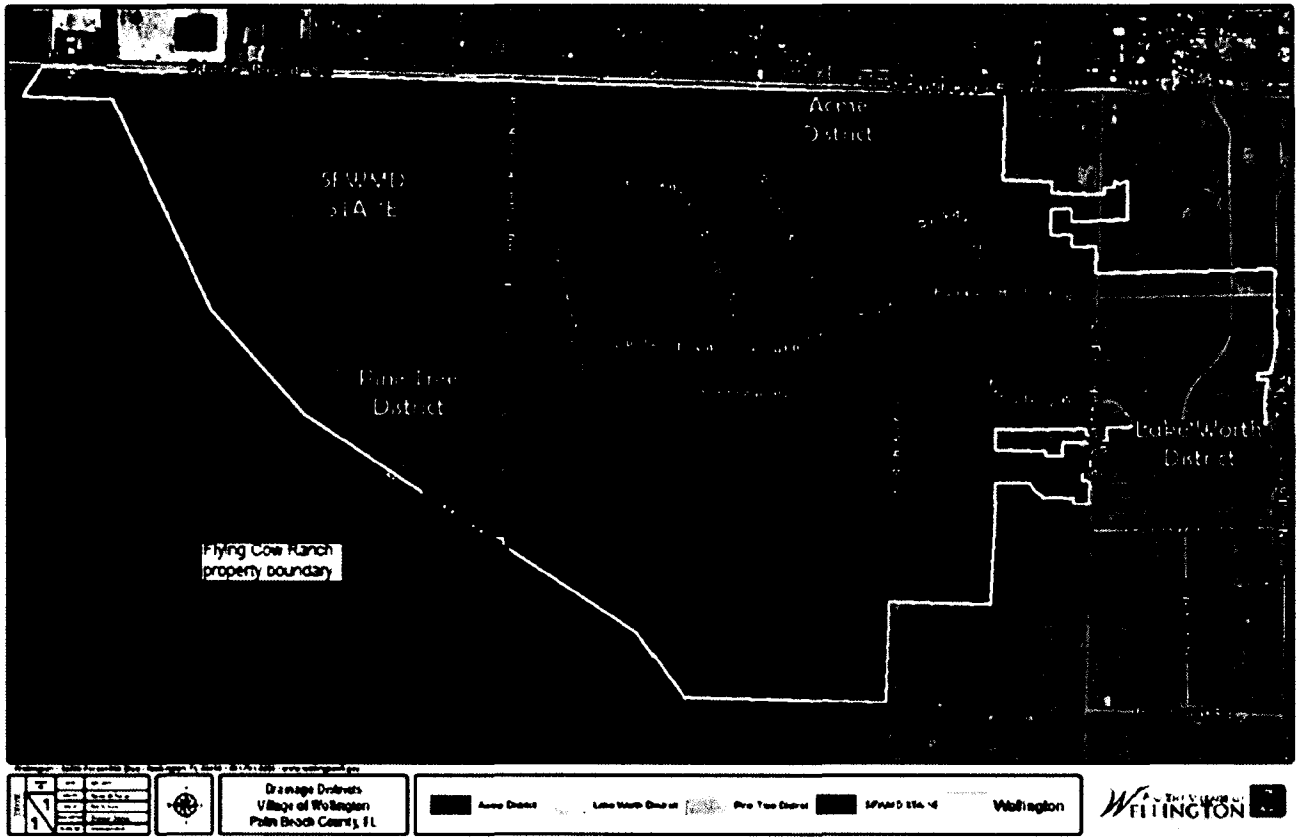
C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill transfers the Flying Cow Ranch property from the Acme Improvement District to the Pine Tree Water Control District. However, the bill does not provide an updated boundary description for each district.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

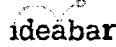
Attachment A



Rep. Willhite LB
HB 901

The Palm Beach Post

Palm Beach Daily News



PROOF OF PUBLICATION STATE OF FLORIDA

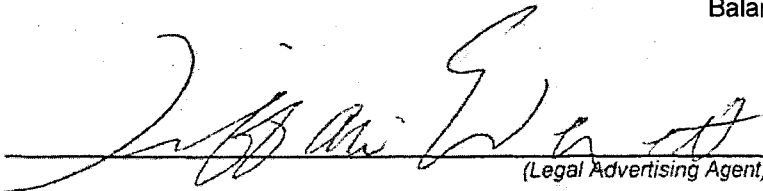
PUBLIC NOTICE

Before the undersigned authority, personally appeared Tiffani Everett, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - Notice was published in said newspaper on: first date of Publication 11/02/2017 and last date of Publication 11/02/2017. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

LEWIS LONGMAN & WALKER PA
515 N FLAGLER DR
STE 1500
WEST PALM BEACH, FL 33401-4327

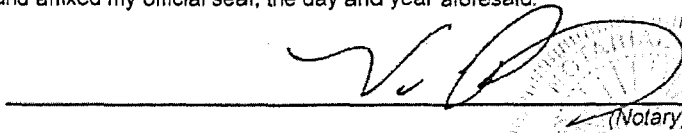
Invoice/Order Number:	0000248657
Ad Cost:	\$55.04
Paid:	\$0.00
Balance Due:	\$55.04

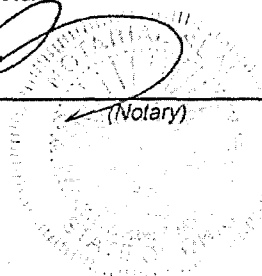
Signed


(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 3rd day of November, 2017 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed


(Notary)



VICKY LEE FLANNERY
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
03-16-2022

Please see Ad on following page(s).

LEWIS LONGMAN & WALKER PA
515 N FLAGLER DR
STE 1500
WEST PALM BEACH, FL 33401-4327

Invoice/Order Number: 0000248657
Ad Cost: \$55.04
Paid: \$0.00
Balance Due: \$55.04

**NOTICE OF INTENT
TO SEEK LOCAL LEGISLATION**

Pursuant to Article III, Section 10 of the Florida Constitution and Section 11.02, Florida Statutes, Flying Cow Ranch HC, LLC, hereby gives notice of its intent to seek local legislation before the Florida Legislature at its regularly scheduled Legislative Session beginning in January 2018. The substance of the proposed law is to move certain lands from the boundaries of the Acme Improvement District into the boundaries of the Pine Tree Water Control District.
11-2/2017

0000248657-01

HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: 401
SPONSOR(S): Representative Matt Willhite
RELATING TO: Palm Beach County - Acme Improvement District/Pine Tree Water Control District
NAME OF DELEGATION: Palm Beach County
CONTACT PERSON: Christine Shaw
PHONE NO.: (561) 818-8833 E-Mail: CShaw1@pbcgov.org

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:
(1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
(2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
(3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
(4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local, Federal & Veterans 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 []

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: The bill seeks to reduce the boundaries of the Acme Improvement District while simultaneously enlarge the boundaries of the Pine Tree Water Control District. Both districts were created by the Florida Legislature.

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

YES [checked] NO []

Date hearing held: October 17, 2017

Location: Solid Waste Authority Administration Building - 7501 North Jog Road, West Palm Beach

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

YES [] NO [] UNANIMOUSLY APPROVED [checked]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 DATE November 3, 2017

Where? Palm Beach Post County Palm Beach

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

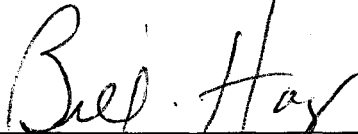
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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, Federal & Veterans Affairs Subcommittee.



Delegation Chair (Original Signature)

December 1, 2017

Date

Representative Bill Hager

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES

2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: HB 901

SPONSOR(S): Rep. Willhite

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

I. REVENUES:

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

	<u>FY 18-19</u>	<u>FY 19-20</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 18-19</u>	<u>FY 19-20</u>
	\$ <u>0</u>	\$ <u>0</u>

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

The proposed deannexation of property from the Pine Tree Water Control District will have a neutral economic impact. The loss of assessments by Pine Tree Water Control District will be offset by the concurrent increase in assessments to Acme Improvement District. There are no identified administrative costs association with the implementation, administration and enforcement of the bill.

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 17-18</u>	<u>FY 18-19</u>
Local:	\$ <u>n/a</u>	\$ <u>n/a</u>
State:	\$ <u>n/a</u>	\$ <u>n/a</u>
Federal:	\$ <u>n/a</u>	\$ <u>n/a</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

1. Advantages to Individuals: n/a

2. Advantages to Businesses: n/a

3. Advantages to Government: n/a

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: n/a

2. Disadvantages to Businesses: n/a

3. Disadvantages to Government: n/a

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

~~Government services provided to the property will not be altered by the enactment of the bill contracting municipal boundary; they will simply be provided by Acme rather than Pine Tree.~~

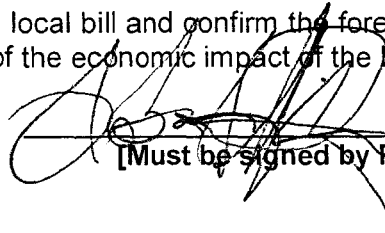
VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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.

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:

Robert P. Diffenderfer

September 26, 2017

Date

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

Shareholder

REPRESENTING:

Flying Cow Ranch HC, LLC

PHONE:

561-640-0820

E-MAIL ADDRESS:

rdiffenderfer@llw-law.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled
 An act relating to the Acme Improvement District and
 the Pine Tree Water Control District, Palm Beach
 County; transferring certain land from the Acme
 Improvement District to the Pine Tree Water Control
 District; providing purpose; providing an effective
 date.

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

Section 1. Extension of Pine Tree Water Control District
boundaries.—The lands commonly known as the Flying Cow Ranch
property, more particularly described below, shall be added to
the territorial limits of the Pine Tree Water Control District
in Palm Beach County as codified under chapter 2009-270, Laws of
Florida, and shall be removed from the territorial limits of the
Acme Improvement District, a local governmental body, corporate
and politic under the drainage laws of the state, existing in
Palm Beach County, as codified under chapter 2003-330, Laws of
Florida, as amended by chapters 2012-256 and 2014-242, Laws of
Florida. The purpose of the transfer of property from the Acme
Improvement District to Pine Tree Water Control District is to
facilitate the development of the Flying Cow Ranch property. The
Flying Cow Ranch property is more particularly described as
follows:

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Parcel 2:

All that part of the North one half (N 1/2) of the North one half (N 1/2) of Section 25, Township 44 South, Range 40 East, said Section being unsurveyed, lying North and East of the Northeasterly right-of-way line of Levee L-40 which Levee is one of the works of the plan of flood control for Central and Southern Florida extending through said Section 25, said Northeasterly right-of-way line being more particularly described as follows:

Beginning at a concrete monument designated as FCE-642 on the Northeasterly right-of-way line of Levee L-40 in Section 23, Township 44 South, Range 40 East, the coordinates of which are X-722,202.10 and Y-833,959.35; thence running South 56°55'11" East to the North line of said Section 25, Township 44 South, Range 40 East; thence continuing South 56°55'11" East to a concrete monument designated as FCE-641 in said Section 25; thence running South 57°08'22" East, to the East line of said Section 25.

50 LESS and EXCEPTING therefrom the following: A parcel
 51 of land lying in the Northeast one-quarter of Section
 52 25, Township 44 South, Range 40 East, being the East
 53 30 feet of those certain lands described as Parcel "A"
 54 in the instrument recorded in Official Records Book
 55 15060, Page 293 of the Public Records of Palm Beach
 56 County, Florida, being more particularly described as
 57 follows:

58
 59 Commencing at the Northeast corner of said Section 25;
 60 thence South 01°17'01" West (Basis of Bearings) along
 61 the East line of said Section 25, 50.01 feet to the
 62 Point of Beginning; thence continue South 01°17' 01"
 63 West along said East line, 1271.88 feet to the South
 64 line of the North one-half of the North one-half of
 65 said Section 25; thence South 89°43'08" West along
 66 said South line of the North one-half of the North
 67 one-half of said Section 25, 30.01 feet to a line
 68 30.00 feet West of as measured at right angles and
 69 parallel with the East line of said Section 25; thence
 70 North 01°17'01" East along said parallel line 1271.88
 71 feet to the South line of those certain lands as
 72 conveyed to Acme Drainage District in Official Records
 73 Book 206, Page 279 of the Public Records of Palm Beach
 74 County, Florida; thence North 89" 43' 08" East along

75 said line 30.01 feet to the Point of Beginning. Said
 76 lands situate, lying and being in Palm Beach County,
 77 Florida.

78 Said lands situate in Palm Beach County, Florida and
 79 contain 49.149 ac. more or less.

80

81 Parcel 3:

82

83 All that portion of the South half of the North half
 84 of Section 25, Township 44 South, Range 40 East, Palm
 85 Beach County, Florida, and lying easterly of the
 86 Easterly Right-of-Way line of South Florida Water
 87 Management District's Levee L-40.

88

89 Also known as:

90

91 A portion of Section 25, Township 44 South, Range 40
 92 East, described as follows: Beginning at the Southeast
 93 corner of those certain lands as conveyed in Official
 94 Records Book 15060, Page 293 of the Official Records
 95 of Palm Beach County, Florida: thence, South 01°17'01"
 96 West, (basis of bearings, a grid azimuth) along the
 97 East line of said Section 25, 398.46 feet more or less
 98 to an intersection with the Easterly Right-of-Way line
 99 of the Central and Southern Florida Flood Control

100 District Canal L-40; thence, North 57°08'22" West
 101 along said Easterly Right-of-Way line, 729.21 feet,
 102 more or less, to the Southwest corner of those certain
 103 lands as conveyed in said Official Records Book 15060,
 104 Page 293; thence North 89°43'08" East, 621.49 feet,
 105 more or less, along the South line of the North half
 106 of the North half of said Section 25 to the Point of
 107 Beginning.

108
 109 Said lands situate in Palm Beach County, Florida and
 110 contain 2.804 ac. more or less.

111
 112 Section 2. This act shall take effect upon becoming a law.



Amendment No.

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, Federal & Veterans
 2 Affairs Subcommittee
 3 Representative Willhite offered the following:

Amendment (with title amendment)

Between lines 111 and 112, insert:

Section 3. Section 1 of section 3 of chapter 2009-270, Laws of Florida, is amended to read:

Section 1. District created and boundaries thereof;
 validating creation of district under chapter 298, Florida Statutes.—That for the purpose of reclaiming and draining the lands hereinafter described and protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within the district available and habitable for



Amendment No.

17 settlement and agriculture, and for the public convenience,
18 welfare, utility, and benefit, and for the other purposes stated
19 in this act, an independent drainage district is hereby created
20 and established in Palm Beach County, to be known as the Pine
21 Tree Water Control District, the territorial boundaries of which
22 shall be as follows, ~~to wit:~~

23 Beginning at the Southeast corner of Section 24, Township 44
24 South, Range 40 East, run South 89° 43' 08" West, along the
25 South line of said Section 24 a distance of 2,674.64 feet to the
26 Northerly right of way of Canal L-40; thence North 56° 54' 19"
27 West along said right of way of Canal L-40, a distance of
28 9,479.62 feet; thence North 42° 15' 14" West and continuing
29 along said Canal right of way 7,363.27 feet to the West line of
30 Section 10, Township 44 South, Range 40 East; thence South 01°
31 16' 05" West, along said West line of said Section 10, a
32 distance of 57.57 feet; thence North 25° 11' 01" West along the
33 aforementioned Northerly right of way of Canal L-40, a distance
34 of 12,185.26 feet to the West line of Hiatus Lot 4; thence North
35 01° 14' 08" East along the West line of Hiatus Lot 4, a distance
36 of 113.66 feet to the Southwest corner of Section 33, Township
37 43 South, Range 40 East; thence North 01° 14' 08" East along the
38 West line of said Section 33, a distance of 1,532.34 feet to the
39 South right-of-way line of the West Palm Beach Canal; thence
40 South 88° 23' 22" East along said Canal right of way 4,981.18
41 feet; thence South 01° 04' 07" West, 1,541 feet to the South

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

42 line of Section 33, Township 43 South, Range 40 East; thence
43 South $42^{\circ} 09' 30''$ East, 643.43 feet to the Northeast corner of
44 Section 4, Township 44 South, Range 40 East; thence South 01°
45 $16' 05''$ West along the East line of said Section 4, a distance
46 of 5,314.41 feet to the Southeast corner of said Section 4;
47 thence North $89^{\circ} 44' 30''$ East along the North line of Section
48 10, Township 44 South, Range 40 East, 4,875.18 feet; thence run
49 North $01^{\circ} 15' 49''$ East, 5,304.15 feet to a point on the South
50 line of Hiatus Lot 3; thence North $01^{\circ} 25' 51''$ East, 515.41
51 feet; thence North $87^{\circ} 27' 20''$ West, 106.75 feet; thence North
52 $00^{\circ} 51' 10''$ East, 1,336.85 feet to the South right-of-way line
53 of West Palm Beach Canal; thence South $88^{\circ} 21' 18''$ East along
54 the South right of way of said Canal 363,94 feet; thence
55 continue along the South line of said Canal right of way South
56 $88^{\circ} 28' 22''$ East, 200.02 feet; thence South $00^{\circ} 56' 00''$ West,
57 1,544.21 feet to the South line of Section 35, Township 43,
58 South, Range 40 East; thence South $24^{\circ} 36' 48''$ East, 325 feet to
59 the North line of Section 2, Township 44 South, Range 40 East,
60 said line also being the South line of Hiatus Lot 2; thence
61 South $01^{\circ} 15' 44''$ West, 5,302.88 feet to the South line of said
62 Section 2; thence South $89^{\circ} 44' 30''$ West along the South line of
63 said Section 2, a distance of 200.07 feet to the Southwest
64 corner of said Section 2; thence South $01^{\circ} 15' 44''$ West, along
65 the West line of Section 11, Township 44 South, Range 40 East,
66 5,278.18 feet to the Southwest corner of said Section 11; thence

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

67 North 89° 43' 57" East; along the North lines of Sections 14 and
68 13, Township 44 South, Range 40 East, 10,536.48 feet to the
69 Northeast corner of said Section 13; thence South 01° 17' 26"
70 West along the East line of said Section 13, a distance of
71 5,276.29 feet to the Southeast corner of said Section 13; thence
72 South 01° 20' 00" West along the East line of Section 24,
73 Township 44 South, Range 40 East, 5,279.90 feet to the Southeast
74 corner of said Section 24 and the Point of Beginning.

75 Containing 4,022 acres, more or less.

76 Which said boundary line embraces and includes those certain
77 tracts or parcels of land situate in Palm Beach County, Florida,
78 described as follows:

79 All of that part of the East Quarter of the Southeast Quarter of
80 Section 34, Township 43 South, Range 40 East, lying South of the
81 South right-of-way line of West Palm Beach Canal, the West
82 boundary of which parcel being established by that certain
83 Boundary Line Agreement dated November 1, 1956, recorded in Deed
84 Book 1161, page 371, of the Public Records of Palm Beach County,
85 Florida; all that part of the West 200 feet of Section 35,
86 Township 43 South, Range 40 East, lying South of the South
87 right-of-way line of West Palm Beach Canal; the West 200 feet of
88 Hiatus Lot 2, between Townships 43 and 44 South, Range 40 East;
89 all of that part of Hiatus Lot 3, between Townships 43 and 44
90 South, Range 40 East, which lies East of that certain lines
91 established as a boundary line by Boundary Line Agreement dated

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

92 November 1, 1956, recorded in Deed Book 1161, page 371, Public
93 Records of Palm Beach County, Florida; all of that part of
94 Hiatus Lot 4, between Townships 43 and 44 South, Range 40 East,
95 lying Easterly of the East right-of-way line of Levee L-40,
96 excepting therefrom the East triangular portion lying East of a
97 line running from the Southeast corner to a point 293 feet West
98 of the Northeast corner thereof; the West 200 feet of Section 2,
99 the East 400 feet of Section 3, all that part of Sections 4, 9,
100 15, 16, 22, 23 and 24, lying North and East of the Northeasterly
101 boundary of the right-of-way of Levee L-40, and all of Section
102 10, 13 and 14, all in Township 44 South, Range 40 East, in Palm
103 Beach County, Florida.

104 All of Section 33 lying South of West Palm Beach Canal in
105 Township 43 South, Range 40 East, less the East 293 feet.

106 Together with:

107 All that part of the north one half (n ½) of the north one half
108 (n ½) of Section 25, Township 44 South, Range 40 East, said
109 Section being unsurveyed, lying north and East of the
110 Northeasterly right-of-way line of Levee L-40 which Levee is one
111 of the works of the plan of flood control for central and
112 Southern Florida extending through said Section 25, said
113 Northeasterly right-of-way line being more particularly
114 described as follows:

115 Beginning at a concrete monument designated as fce-642 on the
116 Northeasterly right-of-way line of Levee L-40 in Section 23,

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

117 Township 44 South, Range 40 East, the coordinates of which are
118 x-722,202.10 and y-833,959.35; thence running South 56° 55' 11"
119 East to the north line of said Section 25, Township 44 South,
120 Range 40 East; thence continuing South 56° 55' 11" East to a
121 concrete monument designated as fce-641 in said Section 25;
122 thence running South 57° 8' 22" East, to the East line of said
123 Section 25.

124 Less and except:

125 A parcel of land lying in the Northeast one-Quarter of Section
126 25, Township 44 South, Range 40 East, being the East 30 feet of
127 those certain lands described as parcel "a" in the instrument
128 recorded in official Records book 15060, page 293 of the Public
129 Records of Palm Beach county, Florida, being more particularly
130 described as follows:

131 Commencing at the Northeast corner of said Section 25; thence
132 South 01° 17' 01" West (basis of bearings) along the East line
133 of said Section 25, 50.01 feet to the point of beginning; thence
134 continue South 01° 17' 01" West along said East line, 1271.88
135 feet to the South line of the north one-half of the north one-
136 half of said Section 25; thence South 89° 43' 08" West along
137 said South line of the north one-half of the north one-half of
138 said Section 25, 30.01 feet to a line 30.00 feet West of as
139 measured at right angles and parallel with the East line of said
140 Section 25; thence north 01° 17' 01" East along said parallel
141 line 1271.88 feet to the South line of those certain lands as

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

142 conveyed to acme drainage district in official Records book 206,
143 page 279 of the Public Records of Palm Beach county, Florida;
144 thence north 89° 43' 08" East along said line 30.01 feet to the
145 point of beginning.

146 Together with:

147 All that portion of the South half of the north half of Section
148 25, Township 44 South, Range 40 East, Palm Beach county,
149 Florida, and lying Easterly of the Easterly right-of-way line of
150 South Florida water management district's Levee L-40.

151 Also known as:

152 A portion of Section 25, Township 44 South, Range 40 East,
153 described as follows: beginning at the Southeast corner of those
154 certain lands as conveyed in official Records book 15060, page
155 293 of the official Records of Palm Beach county, Florida:
156 thence, South 01°17'01" West, (basis of bearings, a grid
157 azimuth) along the East line of said Section 25, 398.46 feet
158 more or less to an intersection with the Easterly right-of-way
159 line of the central and Southern Florida flood control district
160 Canal L-40; thence, north 57°08'22" West along said Easterly
161 right-of-way line, 729.21 feet, more or less, to the Southwest
162 corner of those certain lands as conveyed in said official
163 Records book 15060, page 293; thence north 89°43'08" East,
164 621.49 feet, more or less, along the South line of the north
165 half of the north half of said Section 25 to the point of
166 beginning.

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

167 Said lands situate in Palm Beach county, Florida and contain
168 51.953 ac. More or less.

169 Section 4. Section 1 of section 3 of chapter 2003-330, Laws
170 of Florida, as amended by section 1 of chapter 2012-256, Laws of
171 Florida, as amended by section 1 of chapter 2014-242, Laws of
172 Florida, is amended to read:

173 Section 1. District Created and Boundaries thereof;
174 Validating Creation of District under chapter 298, Florida
175 Statutes.—That for the purpose of reclaiming and draining the
176 lands hereinafter described and protecting said lands from the
177 effects of water by means of the construction and maintenance of
178 canals, ditches, levees, dikes, pumping plants, and other
179 drainage works and improvements, and for the purpose of making
180 the lands within said District available and habitable for
181 settlement and agriculture, and for the public convenience,
182 welfare, utility, and benefit, and for the other purposes stated
183 in this Act, a drainage District is hereby created and
184 established in Palm Beach County, to be known as the Acme
185 Improvement District, the territorial boundaries of which shall
186 be as follows, ~~to-wit~~:

187 All and singular a certain parcel of land, lying and
188 situate in Range 41 East, Township 44 South and part of Range 41
189 East, Township 43 South, and part of Range 40 East, Township 44
190 South, part of Township 43 South, Range 40 East, part of



Amendment No.

191 Township 45 South, Range 41 East, and part of Hiatus, Palm Beach
192 county, Florida.

193 All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17,
194 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 33, 34 and that part of
195 sections 30, 31 and 32 lying north right of way limit of the
196 central and Southern flood control district's Levee 40 and that
197 portions of sections 12, 13, 24 and 25 Township 44 South, Range
198 41 East. Portion of section 25 Township 44 South, Range 40 East,
199 north right of way limit of the central and Southern flood
200 control district's Levee 40. Portion of sections 31, 32, 33, 34,
201 and 35 lying South of the right of way line of the West Palm
202 Beach Canal, Township 43 South, Range 41 East, section 39,
203 Township 44 South, Range 41 East and portions of section 40
204 north of said north right of way limit of the central and
205 Southern flood control district's Levee, and section 3 and 4 of
206 Township 45 South, Range 41 East lying north of said north right
207 of way limit of the central and Southern flood control
208 district's Levee, Palm Beach county, Florida:

209 More particularly described:

210 Commencing at the intersection of the East line of section 35,
211 Township 43 South, Range 41 East, and the South right of way
212 line of the West Palm Beach Canal;

213 Thence Southerly following the East line of aforesaid section
214 35, to the Northeast corner section 2, Township 44 South, Range
215 41 East.

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

216 Thence following Southerly along the East limit of aforesaid
217 section 2 to the Northeast corner section 11, Township 44 East,
218 Range 41 East,
219 Thence following Southerly along the aforesaid Easterly limit of
220 section 11 to a point on the Easterly limit of aforesaid section
221 11 to the Northwest corner of the Southwest Quarter of section
222 12, Township 44 South, Range 41 East.
223 Thence Easterly along the north line of the aforesaid Southwest
224 Quarter of section 12 to an intersection of a line drawn 40 feet
225 West and parallel to the East limit of aforesaid Southwest
226 Quarter of section 12,
227 Thence Southerly along the 40 foot parallel line the aforesaid
228 section 12, a distance of 1592.15 feet to a point,
229 Thence Easterly and parallel to the Southerly limit of aforesaid
230 section 12 a distance of 1572.99 feet to a point.
231 Thence Southerly and parallel to the Easterly limits of
232 aforesaid section 12 a distance of 1031.44 feet more or less to
233 the Northerly limit of forest hill boulevard right-of-way,
234 Thence Westerly along the Northerly limit of forest hill
235 boulevard on an arc to the left and with an arc length of 488.34
236 feet having a delta angle of 4 degrees 49 minutes 59 seconds and
237 a radius of 5789.27 feet with a radial bearing of north 9
238 degrees 6 minutes 10 seconds East to a point of compound
239 curvature.



Amendment No.

240 Thence continuing Westerly along an arc to the left with a
241 radius of 5789.27 feet an arc length of 203.52 feet having a
242 delta angle of 2 degrees 0 minutes 51 seconds and a center
243 bearing of north 3 degrees 46 minutes 29 seconds East, to a
244 point.

245 Thence Southerly a distance 173 feet more or less to the
246 intersection of the Northerly limit of section 13, Township 44
247 South, Range 41 East.

248 Thence Southerly along a line 27.00 feet on a bearing of South 2
249 degrees 15 minutes 17 seconds West to a point of non-tangential
250 curvature.

251 Thence following a curve to the right with an arc length of
252 741.42 feet having a radius of 4443.66 feet and a delta angle of
253 9 degrees 33 minutes 35 seconds and radial bearing of north 2
254 degrees 15 minutes 17 seconds East, to a point of tangency,
255 Thence following a line 186.37 feet on a bearing of South 86
256 degrees 25 minutes 5 seconds East to a point,

257 Thence continuing along a line 70.31 feet on a bearing north 89
258 degrees 2 minutes 7 seconds East to the intersection with the
259 Westerly right of way line of state road 7 (us 441) as shown on
260 plat wellington green, a mupd.pud, of the Public Records of Palm
261 Beach county, Florida in plat book 87 pages 81 thru 90,
262 Thence following a line a distance of 503.00 feet on a bearing
263 of South 0 degrees 22 minutes 3 seconds East to a point,



Amendment No.

264 Thence continuing along a line a distance of 1312.60 feet on a
265 bearing of South 1 degrees 53 minutes 53 seconds West to a
266 point,
267 Thence following a line a distance of 827.17 feet on a bearing
268 of South 1 degrees 53 minutes 57 seconds West to a point of
269 intersection with the South line of the north half of the South
270 half of aforesaid section 13.
271 Thence Easterly following the aforesaid Southerly line of the
272 north half of the South half of said section 13, a distance of
273 5044.51 feet more or less to the West limit of said section 13,
274 Thence Southerly along the Westerly limit of aforesaid section
275 13 to the Northwest corner of section 24, Township 44 South,
276 Range 41 East.
277 Thence Southerly along the Westerly limit of aforesaid section
278 24 to the Northwest corner of the Southwest Quarter of aforesaid
279 section 24.
280 Thence Easterly along the Northerly limit of said Southwest
281 Quarter of said section 24 to the Northeast corner of the
282 Southwest Quarter of aforesaid section 24.
283 Thence Southerly along the Easterly limit of the said Southwest
284 Quarter of aforesaid section 24 a distance of 306.42 feet to a
285 point.
286 Thence Easterly along a line a distance of 606.10 feet on a
287 bearing of north 88 degrees 52 minutes 2 seconds East to a
288 point,

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

289 Thence following a line a distance of 1.68 feet on a bearing of
290 north 1 degree 11 minutes 59 seconds West to a point,
291 Thence following a line a distance of 652.54 feet on a bearing
292 of north 88 degrees 52 minutes 2 seconds East to a point,
293 Thence following a line a distance of 624.36 feet on a bearing
294 of South 1 degree 12 minutes 58 seconds East to a point,
295 Thence following a line a distance of 1087.73 feet on a bearing
296 of north 88 degrees 52 minutes 2 seconds East to a point in the
297 Westerly limit of state road 7 (us 441) as shown on plat of
298 versailles p.u.d. of the Public Records of Palm Beach county,
299 Florida in plat book 93 pages 17 thru 39.
300 Thence Southerly following the Westerly limit of state road 7
301 (us 441) 165 foot right of way as per o.r.b. 9508 page 1202 and
302 o.r.b. 9488 page 1661 of the Public Records of Palm Beach
303 county, Florida.
304 Thence Easterly along the Northerly limit of aforesaid section
305 25 to a point measured 180.92 feet from the Northeasterly corner
306 of said section 25 said point being the Westerly limit of state
307 road 7 (us 441) as per o.r.b. 5642 page 1160.
308 Thence Southerly along the Westerly limit of state road 7 (us
309 441) as shown on plat shoppes at wycliffe of the Public Records
310 of Palm Beach county, Florida in plat book 83 pages 41 thru 43
311 to a point of intersection with the north East corner of tract
312 'p' of plat wycliffe plat one of the Public Records of Palm
313 Beach county, Florida in plat book 62 pages 8 thru 13.

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

314 Thence Southerly along the Westerly limit of state road 7 (us
315 441) right of way as per O.R.B. 5642 page 1610 to the
316 intersection of the Southerly limit of aforesaid section 25.
317 Thence Westerly following the Southerly limit of aforesaid
318 section 25 to the SouthEasterly corner of section 26 Township 44
319 South, Range 41 East.

320 Thence Westerly following the Southerly limit of aforesaid
321 section 26 to the Northeasterly corner of section 34 Township 44
322 South, Range 41 East.

323 Thence Southerly along the Easterly limit of aforesaid section
324 34 to the SouthEasterly corner of aforesaid section 34 to the
325 Northeasterly corner of section 39, Township 44 South, Range 41
326 East.

327 Thence Southerly along the Easterly limit of aforesaid section
328 39 to the Northeasterly corner of section 3, Township 45 South,
329 Range 41 East.

330 Thence following the Easterly limit of aforesaid section 3 to
331 the Southeast corner of section 3.

332 Thence Westerly along the Southerly limit of said section 3 to
333 the intersection of the north right of way limit of the central
334 and Southern flood control district's Levee 40.

335 Thence Northerly following the Northerly limit of said Levee 40
336 to the intersection of the Easterly limit of section 4, Township
337 45 South, Range 41 East.



Amendment No.

338 Thence Northerly along the Northerly limit of said Levee 40 to
339 the Southerly limit of section 40, Township 44 South, Range 41
340 East.

341 Thence Northerly along the Northerly limit of said Levee 40 to
342 the Southerly limit of section 33, Township 44 South, Range 41
343 East.

344 Thence Northerly along aforesaid Northerly limit of said Levee
345 40 to the intersection with the East limit of section 31
346 Township 44 South, Range 41 East.

347 Thence Northerly along aforesaid Northerly limit of said Levee
348 40 to the intersection with the South limit of section 30
349 Township 44 South, Range 41 East.

350 Thence Northerly along aforesaid Northerly limit of said Levee
351 40 to the intersection of the Easterly limit of section 25
352 Township 44 South, Range 40 East.

353 Thence Northerly along aforesaid Northerly limit of said Levee
354 40 to the intersection of the Northerly limit of aforesaid
355 section 25 Township 44 South, Range 40 East.

356 Thence Easterly along aforesaid Northerly limit of said section
357 25 to the Westerly limit of section 30 Township 44 South, Range
358 41 East.

359 Thence Northerly along the Easterly limit of section 24,
360 Township 44 South, Range 40 East to the Southwesterly corner of
361 section 13, Township 44 South, Range 40 East.

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

362 Thence Northerly along aforesaid Easterly limit of said section
363 13 to the Southwesterly corner of section 12, Township 44 South,
364 Range 40 East.

365 Thence Westerly along the said Southerly limit of section 12 to
366 the Southwest corner of said section.

367 Thence Northerly along the Westerly limit of said section 12 to
368 the Southwest corner of section 1, Township 44 South, Range 40
369 East.

370 Thence Northerly along the Westerly limit of section 1 to the
371 Southeast corner of section 1 Hiatus.

372 Thence Northerly along the Westerly limit of section 1 Hiatus to
373 the Southeast corner of section 36, Township 43 South, Range 40
374 East.

375 Thence along the Westerly limit of said section 36 to the
376 intersection of the South right of way line of the West Palm
377 Beach Canal.

378 Thence following the aforesaid Southerly limit of said West Palm
379 Beach Canal to the intersection of the Westerly limit of section
380 31 Township 43 South, Range 41 East.

381 Thence following the aforesaid Southerly limit of said West Palm
382 Beach Canal to the intersection of the Westerly limit of section
383 32 Township 43 South, Range 41 East.

384 Thence following the aforesaid Southerly limit of said West Palm
385 Beach Canal to the intersection of the Westerly limit of section
386 33 Township 43 South, Range 41 East.

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

387 Thence following the aforesaid Southerly limit of said West Palm
388 Beach Canal to the intersection of the Westerly limit of section
389 34 Township 43 South, Range 41 East.

390 Thence following the aforesaid Southerly limit of said West Palm
391 Beach Canal to the intersection of the Westerly limit of section
392 35 Township 43 South, Range 41 East.

393 Thence following the aforesaid Southerly limit of said West Palm
394 Beach Canal to the point of commencement.

395 Together with:

396 A parcel of land being a portion of block 18, the Palm Beach
397 farms company plat no. 3 as recorded in plat book 2, pages 45
398 through 54, all of venra development, llc, as recorded in plat
399 book 97, pages 179 and 180, all of wellington mupd, as recorded
400 in plat book 101, pages 132 and 133, and all of wellington
401 reserve office park, as recorded in plat book 103, pages 178
402 through 180, all according to the plats thereof as recorded in
403 the Public Records of Palm Beach county, Florida, lying within
404 section 12, Township 44 South, Range 41 East, being more
405 particularly described as follows:

406 Parcel 1

407 Commencing at the Northeast corner of said section 12, thence
408 north 87° 53' 57" West along the north line of section 12, a
409 distance of 235.27 feet; thence South 01° 38' 27" West along a
410 line lying 240.00 feet West of (as measured at right angles to)
411 and parallel with the baseline of survey for state road 7 (us

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

412 441) according to the Florida department of transportation
413 right-of-way map section 93210-2519, said parallel line being the
414 West right-of-way line of said state road 7, and the East line
415 of black diamond phase 1, according to the plat thereof, as
416 recorded in plat book 94, pages 83 through 91, Public Records of
417 Palm Beach county, Florida, a distance of 329.79 feet; thence
418 continuing along said West right-of-way line South 01° 38' 26"
419 West, a distance of 7.18 feet to the point of beginning; said
420 point being the Southeast corner of tract c-1, of said black
421 diamond - phase 1; thence continuing along said West right-of-
422 way line of state road 7 for the following five courses, South
423 01° 38' 26" West, a distance of 1992.65 feet; thence South 01°
424 38' 18" West, a distance of 1015.08 feet; thence north 89° 01'
425 51" East along the north line of tract 20, block 18, of said
426 Palm Beach farms co. Plat no. 3; a distance of 2.66 feet to a
427 point on a line lying 240.00 feet West of (as measured at right
428 angles to) and parallel with the East line of said section 12;
429 thence South 01° 30' 47" West along said parallel line, a
430 distance of 1026.20 feet; thence South 03° 48' 15" West, a
431 distance of 896.51 feet to a point of intersection with the
432 Northerly right-of-way line of forest hill boulevard, said point
433 being on a curve concave to the north, having a radial bearing
434 of north 03° 41' 07" East, a radius of 5665.58 feet; thence
435 Westerly along the arc of said curve through a central angle of
436 03°02'00", an arc distance of 299.95 feet to a point of

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

437 tangency; thence continuing along said Northerly right-of-way
438 line of forest hill boulevard for the next two courses north 82°
439 08' 55" West, a distance of 400.07 feet; thence north 80° 52'
440 41" West, a distance of 4.48 feet to the East right-of-way line
441 of lake worth drainage district b-5 Canal as recorded in
442 official record book 6813 at page 1513 of said Public Records,
443 said East right-ofway line lying 255.91 feet West of (as
444 measured at right angles to) and parallel with the East line of
445 tracts 27 and 22, block 18; thence north 01° 19' 04" West along
446 said East right-of-way line, a distance of 1129.11 feet to a
447 point lying on the north line of said tract 22, block 18; thence
448 South 89° 04' 17" West along the north line of tracts 22, 23 and
449 24, block 18, said north line also being the north right-of-way
450 line of lake worth drainage district s-5 Canal as recorded in
451 official record book 6813 at page 1513 of said Public Records, a
452 distance of 1561.60 feet to a point on a line lying 26.36 feet
453 East of (as measured at right angles to) and parallel with the
454 West line of tracts 17 and 16, block 18; thence along said
455 parallel line and East right-of-way line of said s-5 Canal for
456 the following seven courses, north 01° 27' 57" East, a distance
457 of 1344.77 feet to the north line of said tract 16, block 18;
458 thence South 88° 59' 24" West along said north line and Westerly
459 extension thereof, a distance of 53.29 feet to the West line of
460 said block 18; thence north 01° 25' 21" East along said West
461 line of block 18, a distance of 684.83 feet; thence north 88°

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

462 56' 58" East along the Westerly extension of the South line of
463 tract 9 and the South line of tract 9, block 18, distance of
464 42.44 feet; thence north 01° 27' 57" East along a line lying
465 15.00 feet East of (as measured at right angles to) and parallel
466 with the West line of said tract 9, block 18, a distance of
467 672.37 feet to the centerline of the platted 25 foot road, dyke
468 and ditch reservation lying between tracts 4 and 9, of said
469 block 18; thence north 88° 54' 32" East along said centerline, a
470 distance of 11.37 feet; thence north 01° 27' 57" East along a
471 line lying 26.36 feet East of (as measured at right angles to)
472 and parallel with the West line of tract 4, block 18, a distance
473 of 672.38 feet to the north line of said tract 4, block 18, said
474 north line also being the South line of tract c-1, of said black
475 diamond - phase 1; thence north 88° 52' 06" East along the South
476 line of tracts c-1 and p-2 of said black diamond - phase 1, a
477 distance of 1653.68 feet to the Southeast corner said tract p-2;
478 thence north 01° 19' 04" West along the East line of tracts p-2
479 and c-1, a distance of 345.30 feet to the South line of said
480 tract c-1; thence South 89° 10' 35" East along the South line of
481 tract c-2, a distance of 725.10 feet to the point of beginning.
482 Containing 209.53 acres, more or less
483 Bearings shown hereon are referenced to grid bearings based on
484 Florida state plane East zone, north american datum of 1927, as
485 determined and according to the Florida department of
486 transportation rightof-way map for state road 7, (us 441)

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

487 section 93210-2519, the East line of section 12 bears north 01°
488 30' 47" East and all other bearing are relative thereto.

489 Together with:

490 Parcel 2

491 Being all of tract c-1, tract l-1, tract p-2 and tract c-13,
492 black diamond - phase 1, according to the plat thereof, as
493 recorded in plat book 94, pages 83 through 91, of the Public
494 Records of Palm Beach county, Florida.

495 Containing 5.82 acres, more or less.

496 Total service area of parcel 1 and parcel 2 contain 215.35
497 acres, more or less.

498 Less and except the following 51.953 acres, more or less, known
499 as the flying cow ranch property:

500 All that part of the north one half (n ½) of the north one half
501 (n ½) of section 25, Township 44 South, Range 40 East, said
502 section being unsurveyed, lying north and East of the
503 Northeasterly right-of-way line of Levee L-40 which Levee is one
504 of the works of the plan of flood control for central and
505 Southern Florida extending through said section 25, said
506 Northeasterly right-of-way line being more particularly
507 described as follows:

508 Beginning at a concrete monument designated as fce-642 on the
509 Northeasterly right-of-way line of Levee L-40 in section 23,
510 Township 44 South, Range 40 East, the coordinates of which are
511 x-722,202.10 and y-833,959.35; thence running South 56° 55' 11"

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

512 East to the north line of said section 25, Township 44 South,
513 Range 40 East; thence continuing South 56° 55' 11" East to a
514 concrete monument designated as fce-641 in said section 25;
515 thence running South 57° 8' 22" East, to the East line of said
516 section 25.

517 Less and except therefrom the following:

518 A parcel of land lying in the Northeast one-Quarter of section
519 25, Township 44 South, Range 40 East, being the East 30 feet of
520 those certain lands described as parcel "a" in the instrument
521 recorded in official Records book 15060, page 293 of the Public
522 Records of Palm Beach county, Florida, being more particularly
523 described as follows:

524 Commencing at the Northeast corner of said section 25; thence
525 South 01° 17' 01" West (basis of bearings) along the East line
526 of said section 25, 50.01 feet to the point of beginning; thence
527 continue South 01° 17' 01" West along said East line, 1271.88
528 feet to the South line of the north one-half of the north one-
529 half of said section 25; thence South 89° 43' 08" West along
530 said South line of the north one-half of the north one-half of
531 said section 25, 30.01 feet to a line 30.00 feet West of as
532 measured at right angles and parallel with the East line of said
533 section 25; thence north 01° 17' 01" East along said parallel
534 line 1271.88 feet to the South line of those certain lands as
535 conveyed to acme drainage district in official Records book 206,
536 page 279 of the Public Records of Palm Beach county, Florida;

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

537 thence north 89° 43' 08" East along said line 30.01 feet to the
538 point of beginning.
539 Containing 49.149 acres, more or less.
540 Also less and except:
541 All that portion of the South half of the north half of section
542 25, Township 44 South, Range 40 East, Palm Beach county,
543 Florida, and lying Easterly of the Easterly right-of-way line of
544 South Florida water management district's Levee L-40.
545 Also known as:
546 A portion of section 25, Township 44 South, Range 40 East,
547 described as follows: beginning at the Southeast corner of those
548 certain lands as conveyed in official Records book 15060, page
549 293 of the official Records of Palm Beach county, Florida:
550 thence, South 01°17'01" West, (basis of bearings, a grid
551 azimuth) along the East line of said section 25, 398.46 feet
552 more or less to an intersection with the Easterly right-of-way
553 line of the central and Southern Florida flood control district
554 Canal L-40; thence, north 57°08'22" West along said Easterly
555 right-of-way line, 729.21 feet, more or less, to the Southwest
556 corner of those certain lands as conveyed in said official
557 Records book 15060, page 293; thence north 89°43'08" East,
558 621.49 feet, more or less, along the South line of the north
559 half of the north half of said section 25 to the point of
560 beginning.
561 Containing 2.804 acres, more or less.

057957 - HB 901 amendment.docx

Published On: 1/23/2018 6:21:47 PM



Amendment No.

562 Said lands situate in Palm Beach county, Florida and contain
563 51.953 ac. More or less.

564

565 -----

566

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

567

Remove line 6 and insert:

568

District; amending the respective charters of the Pine Tree

569

Water Control District and the Acme Improvement District to

570

state the new boundaries of each district; providing purpose;

571

providing an effective

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1013 Daylight Saving Time

SPONSOR(S): Nuñez and others

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Rivera <i>gr</i>	Miller <i>E. Miller</i>
2) Government Accountability Committee			

SUMMARY ANALYSIS

The United States Congress established a uniform standard of time, created standard time zones across the U.S., and adopted a national standard for Daylight Saving Time (DST) under the Uniform Time Act of 1966 (Act). The Act creates nine time zones and defines DST as the advancement of time by one hour from the Second Sunday in March to the First Sunday in November. Congress preempted state law in this area, and states are only permitted to exempt themselves from observing DST. The exemption must apply across an entire state or the entire part of a state that rests in a particular standard time zone.

The bill declares this Legislature's intent to observe Daylight Saving Time year-round throughout the entire state if federal law is amended to allow the state to do so.

The bill provides the act to take effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Standard Time Act of 1918

In 1918, the U.S. enacted the Standard Time Act which nationally adopted a standard measure of time, created five standard time zones across the continental U.S., and instituted Daylight Saving Time (DST) nationwide as a war effort during World War I.¹ DST advanced standard time by one hour from the last Sunday in March to the last Sunday in October.² DST was repealed after the war but the standard time provisions remained in place.³ During World War II, a national DST standard was revived and extended year-round from 1942 to 1945.⁴

Uniform Time Act of 1966

Following World War II and the end of the national observance of DST, state and local governments individually determined whether and how to observe DST which caused confusion in business and industry.⁵ The Uniform Time Act of 1966 (Act) revised the measure of standard time established by the Standard Time Act of 1918, created additional time zones, and adopted a uniform DST standard nationwide.⁶ The Secretary of Transportation is given the authority to adopt rules and regulate standard time and DST, and is directed to foster and promote widespread and uniform adoption and observance of the same standard of time in each standard time zone.⁷

The Act creates nine standard time zones⁸ and defines DST as the advancement of time by one hour from the second Sunday of March to the first Sunday of November.⁹ The Act preempts state and local law regulating the observance of DST in any manner inconsistent with federal law.¹⁰ States are only permitted to exempt themselves from observing DST, and may do so in two ways:

- When the entire state lies within one time zone, it may exempt itself entirely, including all political subdivisions, or

¹ 40 Stat. 450 (1918). Germany was the first country to implement DST in 1916 to conserve fuel, take advantage of more usable daylight hours, and win the war. See Abigail Abrams, *Daylight Saving Time Is This Weekend. Here's What You Need to Know*, Time, Nov. 3, 2017, available at <http://time.com/5007531/when-is-daylight-saving-time-2017/> (accessed 1/19/18).

² 40 Stat. 451 (1918).

³ See 56 Stat. 9 (1942).

⁴ See Stephen Fidler, *Daylight-Saving Time*, Wall Street Journal, available at <http://online.wsj.com/ww1/daylight-saving-time> (accessed 1/19/18).

⁵ Id.

⁶ 15 U.S.C. ss. 260-267 (2017).

⁷ 15 U.S.C. s.260 (2017).

⁸ 15 U.S.C. s. 263 (2017). The nine time zones are: Atlantic standard time (zone 1); eastern standard time (zone 2); central standard time (zone 3); mountain standard time (zone 4); Pacific standard time (zone 5); Alaska standard time (zone 6); Hawaii-Aleutian standard time (zone 7); Samoa standard time (zone 8); and Chamorro standard time (zone 9). Time in the zones is offset by a certain number of hours from Coordinated Universal Time (UTC) which is calculated by the number of zones it takes to reach UTC. UTC, formerly Greenwich Mean Time, is the time at the 0° longitude meridian in Greenwich, England. See 15 U.S.C. 261 and the National Oceanic and Atmospheric Administration (NOAA), *What is UTC or GMT?*, <https://www.nhc.noaa.gov/about utc.shtml> (accessed 1/20/18). Some places that lie exactly on a meridian offset their standard time to the half-hour, such that St. John's, Newfoundland and Labrador, Canada, is 3 and 1/2 hours behind UTC. Time and Date AS, <https://www.timeanddate.com/information/> (accessed 1/20/18). The U.S. treats areas laying on meridians as if they rested within a time zone and does not observe half-hour offsets. See 49 C.F.R. s. 71.5 (2017).

⁹ 15 U.S.C. s. 260a(a) (2017). DST begins and ends at 2a.m. on each respective Sunday.

¹⁰ 15 U.S.C. 260a(b) (2017).

- When the state lies in more than one time zone, it may exempt the entire state in the same manner as if it were entirely within one time zone or the entire area within one time zone.¹¹

Effect of Proposed Change

The bill states the intent of this Legislature to extend the observance of DST year-round throughout the entire state and its counties if the United States Congress amends the Uniform Time Act of 1966, as amended, to permit States to take such action.

The bill provides the act to take effect July 1, 2018.

B. SECTION DIRECTORY:

- Section 1. Creates the "Sunshine Protection Act" and establishes Legislative intent to enact year-round observance of Daylight Saving Time if 15 U.S.C. s. 260a is amended to permit year-round observance of Daylight Saving Time.
- Section 2. Provides the act will take effect July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

¹¹ 15 U.S.C. s. 260a(a). The Act originally only allowed for the exemption of the entire state but the partial exemption was added in 1972. See 86 Stat. 116 (1972).

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A bill to be entitled
An act relating to daylight saving time; providing a short title; providing legislative intent regarding the State of Florida and its political subdivisions observing daylight saving time year-round under certain conditions; providing an effective date.

WHEREAS, the State of Florida is known as the "Sunshine State," and

WHEREAS, as the "Sunshine State," Florida should be kept sunny year-round, NOW, THEREFORE,

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



Section 1. (1) This section may be cited as the "Sunshine Protection Act."

(2) If the United States Congress amends 15 U.S.C. s. 260a to authorize states to observe daylight saving time year-round, it is the intent of the Legislature that daylight saving time shall be the year-round standard time of the entire state and all of its political subdivisions.

Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1019 Financial Reporting
SPONSOR(S): La Rosa
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

Counties, municipalities, water management districts, and school districts are required to post their annual budget to their websites, but current law does not set a required amount of time for which the information must be available.

Local government entities are required to file annual financial reports within nine months of the conclusion of the fiscal year. Counties, school districts, municipalities with revenues or expenditures of more than \$250,000 per year, and special districts with revenues or expenditures of more than \$100,000 per year are required to conduct an annual audit. Municipalities with revenues or expenditures between \$100,000 and \$250,000 and special districts with revenues or expenditures between \$50,000 and \$100,000 are required to conduct audits on a triennial basis.

The Legislative Auditing Committee may conduct a hearing upon notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration that a local government entity has failed to file required financial and audit reports.

The bill requires counties, municipalities, special districts, water management districts, and school districts to:

- Post annual budgets to the website for 5 years;
- Provide an electronic copy of their budgets to EDR on specified forms;
- Provide a copy of their budget and a certification of timely filing to the clerk of the court;
- File annual financial reports and audit reports within six months of the end of the fiscal year.

The bill provides that the recipient of these reports may extend reporting deadlines by up to 90 days in the event the Governor declares a state of emergency. The bill provides that if a local government entity or school district fails to file required reports with the clerk of the court, the clerk shall notify the appropriate fiscal officer to withhold salary payments from the head of the local government entity or the superintendent of the school district until the reports are filed.

The bill requires all municipalities and special districts to conduct an annual audit.

The bill requires the Legislative Auditing Committee to conduct a hearing upon receiving notification from the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration that a local government entity has failed to file required reports.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Legislative Auditing Committee

The Legislative Auditing Committee may conduct an investigation into any matter within the scope of audit, review, or examination by the Auditor General or the Office of Program Policy Analysis and Government Accountability.¹ Following notification by the Auditor General, the Department of Financial Services (DFS), or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with applicable auditing and financial requirements, the Legislative Auditing Committee may schedule a hearing to determine whether the entity should be subject to further state action.²

Local Government Budgets

Counties, municipalities, special districts, water management districts, and school districts are required to post their tentative and final budgets on their websites.³ Local government entities must post their tentative budget to their website at least two days before the budget meeting, the final budget within thirty days of adoption, and amendments to the budget within five days of adoption.⁴ Special districts are required to maintain the tentative budget on their website for at least 45 days and the final adopted budget as well as any amendment on their website for at least two years.⁵ No other type of local government entity has a minimum period for which their tentative budget, final budget, and budget amendments must remain available on their website.⁶

Annual Financial Reports

Local government entities that are required to provide an audit under s. 218.39, F.S., must submit an audit report and annual financial report to DFS within 45 days of the completion of the audit report, but no later than nine months after the end of the fiscal year.⁷ Local government entities that are not required to submit an audit report must submit an annual financial report to DFS no later than nine months after the end of the fiscal year.⁸ The annual financial report must be signed by the chair of the local governing body and the chief financial officer for the entity.⁹ The local government's website must contain a link to the DFS website to view the entity's annual financial report.¹⁰

¹ Section 11.40(1), F.S.

² Section 11.40(2), F.S. Auditing and reporting requirements under this subsection include audits conducted by the Auditor General pursuant to s. 11.45, F.S., the filing of annual financial reports by local government entities pursuant to s. 218.32(1), F.S., providing notice of bond issuance and verification requirements pursuant to s. 218.38., F.S., and provisions requiring the disclosure of a financial emergency under s. 218.503(3), F.S. For purposes of s. 11.45, F.S., the term "local governmental entity" means a county agency, municipality, or special district, but does not include any housing authority established under ch. 421, F.S.

³ Sections 129.03(3)(c), 166.241(3), 189.016(4), 373.536(5)-(6), 1011.03(4)-(5), F.S. (requirements for counties, municipalities, special districts, water management districts, and school districts, respectively).

⁴ *Id.*, but see 373.536(6), F.S. (no requirement for water management districts to post budget amendments to their website).

⁵ Section 189.016, F.S.

⁶ See ss. 129.03(3)(c), 166.241(3), 373.536(5)-(6), 1011.03(4)-(5), F.S.

⁷ Section 218.32(1)(d), F.S. A "local government entity" includes any county, municipality, or special district. S. 218.31(1), F.S.

⁸ Section 218.32(1)(e), F.S.

⁹ Section 218.32(1)(a), F.S.

¹⁰ Section 218.32(1)(g), F.S.

If DFS does not receive an annual financial report from a local government entity before the deadline, DFS must notify the Legislative Auditing Committee and the Special District Accountability Program of the Department of Economic Opportunity of the entity's failure to comply with reporting requirements.¹¹

Annual Audit Reports

Counties, school districts, municipalities with revenues or expenditures of more than \$250,000 per year, special districts with revenues or expenditures of more than \$100,000 per year, school districts, charter schools, and charter technical career centers are required to conduct an annual audit, unless informed by the first day of the fiscal year that a financial audit by the Auditor General will be performed for that fiscal year.¹² Municipalities with revenues or expenditures between \$100,000 and \$250,000 and special districts with revenues or expenditures between \$50,000 and \$100,000 are required to conduct audits on a triennial basis.¹³

The auditor meets with the chair of the entity to discuss comments that will be included in the report and informs the entity's governing body if deteriorating financial conditions exist that may cause a financial emergency in the absence of corrective actions being taken or a deficit exists for which there are insufficient funds to cover.¹⁴ The officer's explanation or rebuttal of the auditor's findings, including corrective actions to be taken, must be filed with entity's governing body within thirty days after the delivery of the auditor's findings.¹⁵

The audit report must be filed with the Auditor General within 45 days of delivery to the governing body of the audited entity, but no later than nine months after the end of the audited entity's fiscal year.¹⁶ The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the report. If an audited entity fails to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports, the Auditor General shall notify the Legislative Auditing Committee.¹⁷

Effect of Proposed Changes

The bill requires each county, municipality, special district, water management district, and school district to post their final budgets on their respective websites and that the budget must remain on the website for five years.

The bill also requires the government entity to submit an electronic copy of the budget to the Office of Economic and Demographic Research (EDR) within 30 days after the budget is adopted. The bill allows for an extension of the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline. The bill requires EDR to develop forms by July 15, 2018 for the purpose of submitting budget data. The forms must provide "broad, but meaningful" categories for organizing expenditures. By December 1, 2018, EDR is required to submit a report to the President of the Senate and Speaker of the House of Representatives that:

- identifies a structure to allow the public to make simple, direct comparisons between governmental entities of the same type,
- enables the public to rank entities of the same type based on submitted budget information, and
- provides recommendations to provide this information in a cost-effective manner.

¹¹ Section 218.32(1)(f), F.S.

¹² Section 218.39(1), F.S.

¹³ Section 218.39(1)(g)-(h), F.S.

¹⁴ Section 218.39(5), F.S.

¹⁵ Section 218.39(6), F.S.

¹⁶ Section 218.39(7), F.S.

¹⁷ Section 218.39(8), F.S.

The government entity must also submit to the clerk of the court a copy of the information that was submitted to EDR, a copy of the final budget that was posted on the county's website, and a statement certifying both of these items were submitted and posted in a timely manner.

The bill requires each school district required to file an annual financial report to submit an electronic copy to the Department of Education certifying the report was timely filed to maintain eligibility for the Florida Education Finance Program.

The bill requires each local government entity to submit a copy of the audit report and annual financial report to DFS no later than six months after the end of the fiscal year. The bill allows DFS to extend the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline. Each local government entity must submit an electronic copy of the annual financial report and a statement certifying the document was timely filed with DFS to the clerk of the court. The bill requires DFS to notify the Legislative Auditing Committee and the Special District Accountability Program of a local government entity's failure to submit financial reports by April 30.

Starting in fiscal year 2018-2019, the bill provides that if a local government entity or school district fails to submit information to the clerk of the court, the clerk shall notify the appropriate fiscal officer of the local government or school district to suspend salary payments to the head of the local government entity or superintendent of the school district until such time as the information is provided to the clerk.

The bill requires DFS to post a copy of each local government entity's annual financial report to its website within 12 months of the conclusion of the fiscal year for which the report was compiled.

The bill requires all municipalities and special districts to complete an annual financial audit starting in fiscal year 2018-2019. The audit report must be filed with the Auditor General no later than six months after the end of the fiscal year. The Auditor General may extend the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the deadline.

The bill requires the Legislative Auditing Committee, upon notification by the Auditor General, DFS, or the Division of Bond Finance of the State Board of Administration, to schedule a hearing to determine if a local government entity or school district should be subject to further state action.

B. SECTION DIRECTORY:

- Section 1: Amends s. 11.40, F.S., requiring the Legislative Auditing Committee to hold hearings following notification a local government entity has failed to file required reports.
- Section 2: Amends s. 129.03, F.S., requiring each county to post final budgets to their website for 5 years and report financial data to EDR.
- Section 3: Amends s. 165.0615, F.S., conforming cross-references.
- Section 4: Amends s. 166.241, F.S., requiring each municipality to post final budgets to their website for 5 years and report financial data to EDR.
- Section 5: Amends s. 189.016, F.S., requiring each special district to post final budgets to their website for 5 years and report financial data to EDR.
- Section 6: Amends s. 189.066, F.S., conforming cross-references.
- Section 7: Amends s. 189.074, F.S., conforming cross-references.
- Section 8: Amends s. 218.32, F.S., concerning the reporting of annual financial reports by local government entities.

- Section 9: Amends s. 218.39, F.S., requiring all local government entities to file an annual financial audit report.
- Section 10: Amends s. 373.536, F.S., requiring each water management district to post final budgets to its website for 5 years and report financial data to EDR.
- Section 11: Amends s. 1011.03, F.S., requiring each school district to post final budgets to its website for 5 years and report financial data to EDR.
- Section 12: Amends s. 1011.60, F.S., requiring school districts to submit to the clerk of court a certification that the district's annual financial report was timely filed.
- Section 13: Requires EDR to prepare forms for use by counties, municipalities, special districts, water management districts, and school districts when submitting information regarding their final budgets to the office.
- Section 14: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will have an indeterminate but likely insignificant negative fiscal impact for the cost for EDR developing systems for processing submitting budget data.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or

municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires amendments to a municipal budget to be posted on the municipality's website for five years, but not include this requirement for school districts or any other local government entity.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to financial reporting; amending s.
3 11.40, F.S.; requiring, rather than authorizing, the
4 Legislative Auditing Committee to schedule hearings
5 concerning certain governmental entities for failure
6 to comply with certain financial audit requirements;
7 amending ss. 129.03, 166.241, and 189.016, F.S.;
8 requiring county, municipality, and special district
9 budget officers to submit certain budget information
10 to specified entities within a specified timeframe;
11 providing an exception; requiring adopted budget
12 amendments and final budgets to remain posted on each
13 entity's official website for a specified period of
14 time; conforming cross-references; amending ss.
15 165.0615, 189.066, and 189.074, F.S.; conforming
16 cross-references; amending s. 218.32, F.S.; revising
17 certain reporting deadlines; providing an exception;
18 providing a notification deadline; providing penalties
19 for failure to submit certain financial information;
20 requiring the department to post annual financial
21 reports for certain governmental entities on its
22 website within a specified timeframe; amending s.
23 218.39, F.S.; requiring municipalities and special
24 districts to have a certain audit performed beginning
25 in a specified fiscal year; providing an exception;

26 amending ss. 373.536 and 1011.03, F.S.; requiring
 27 adopted final budgets to remain posted on a water
 28 management district's or district school board's
 29 official website for a specified period of time;
 30 requiring water management district and district
 31 school board budget officers to submit certain budget
 32 information to the Office of Economic and Demographic
 33 Research and specified entities within a specified
 34 timeframe; requiring use of a specified form;
 35 providing an exception; providing penalties for
 36 failure to submit certain budget information; amending
 37 s. 1011.60, F.S.; requiring district school boards to
 38 submit certain financial information to specified
 39 entities within a specified timeframe; requiring the
 40 office to develop specified forms for use by local
 41 governmental entities in reporting certain budget
 42 information; requiring a report to the Legislature by
 43 a specified date; providing an effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Subsection (2) of section 11.40, Florida
 48 Statutes, is amended to read:

49 11.40 Legislative Auditing Committee.—

50 (2) Following notification by the Auditor General, the

51 Department of Financial Services, or the Division of Bond
 52 Finance of the State Board of Administration of the failure of a
 53 local governmental entity, district school board, charter
 54 school, or charter technical career center to comply with the
 55 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s.
 56 218.38, or s. 218.503(3), the Legislative Auditing Committee
 57 shall ~~may~~ schedule a hearing to determine if the entity should
 58 be subject to further state action. If the committee determines
 59 that the entity should be subject to further state action, the
 60 committee shall:

61 (a) In the case of a local governmental entity or district
 62 school board, direct the Department of Revenue and the
 63 Department of Financial Services to withhold any funds not
 64 pledged for bond debt service satisfaction which are payable to
 65 such entity until the entity complies with the law. The
 66 committee shall specify the date such action shall begin, and
 67 the directive must be received by the Department of Revenue and
 68 the Department of Financial Services 30 days before the date of
 69 the distribution mandated by law. The Department of Revenue and
 70 the Department of Financial Services shall ~~may~~ implement the
 71 provisions of this paragraph.

72 (b) In the case of a special district created by:
 73 1. A special act, notify the President of the Senate, the
 74 Speaker of the House of Representatives, the standing committees
 75 of the Senate and the House of Representatives charged with

76 special district oversight as determined by the presiding
 77 officers of each respective chamber, the legislators who
 78 represent a portion of the geographical jurisdiction of the
 79 special district, and the Department of Economic Opportunity
 80 that the special district has failed to comply with the law.
 81 Upon receipt of notification, the Department of Economic
 82 Opportunity shall proceed pursuant to s. 189.062 or s. 189.067.
 83 If the special district remains in noncompliance after the
 84 process set forth in s. 189.0651, or if a public hearing is not
 85 held, the Legislative Auditing Committee may request the
 86 department to proceed pursuant to s. 189.067(3).

87 2. A local ordinance, notify the chair or equivalent of
 88 the local general-purpose government pursuant to s. 189.0652 and
 89 the Department of Economic Opportunity that the special district
 90 has failed to comply with the law. Upon receipt of notification,
 91 the department shall proceed pursuant to s. 189.062 or s.
 92 189.067. If the special district remains in noncompliance after
 93 the process set forth in s. 189.0652, or if a public hearing is
 94 not held, the Legislative Auditing Committee may request the
 95 department to proceed pursuant to s. 189.067(3).

96 3. Any manner other than a special act or local ordinance,
 97 notify the Department of Economic Opportunity that the special
 98 district has failed to comply with the law. Upon receipt of
 99 notification, the department shall proceed pursuant to s.
 100 189.062 or s. 189.067(3).

101 (c) In the case of a charter school or charter technical
 102 career center, notify the appropriate sponsoring entity, which
 103 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

104 Section 2. Paragraph (c) of subsection (3) of section
 105 129.03, Florida Statutes, is amended, and paragraph (d) is added
 106 to that subsection, to read:

107 129.03 Preparation and adoption of budget.—

108 (3) The county budget officer, after tentatively
 109 ascertaining the proposed fiscal policies of the board for the
 110 next fiscal year, shall prepare and present to the board a
 111 tentative budget for the next fiscal year for each of the funds
 112 provided in this chapter, including all estimated receipts,
 113 taxes to be levied, and balances expected to be brought forward
 114 and all estimated expenditures, reserves, and balances to be
 115 carried over at the end of the year.

116 (c) The board shall hold public hearings to adopt
 117 tentative and final budgets pursuant to s. 200.065. The hearings
 118 shall be primarily for the purpose of hearing requests and
 119 complaints from the public regarding the budgets and the
 120 proposed tax levies and for explaining the budget and any
 121 proposed or adopted amendments. The tentative budget must be
 122 posted on the county's official website at least 2 days before
 123 the public hearing to consider such budget. The final budget
 124 must be posted on the website within 30 days after adoption and
 125 must remain on the website for 5 years. The tentative budgets,

126 adopted tentative budgets, and final budgets shall be filed in
 127 the office of the county auditor as a public record. Sufficient
 128 reference in words and figures to identify the particular
 129 transactions shall be made in the minutes of the board to record
 130 its actions with reference to the budgets.

131 (d) Beginning in the 2018-2019 fiscal year, the county
 132 budget officer shall electronically submit information regarding
 133 the final budget to the Office of Economic and Demographic
 134 Research within 30 days after adoption of the final budget in
 135 the format specified by the office. If the Governor declares a
 136 state of emergency pursuant to s. 252.36(2) within 30 days after
 137 the submission deadline, the department may extend the deadline
 138 up to an additional 90 days. The county budget officer shall
 139 also electronically submit to the clerk of the court:

140 1. A copy of the information that was submitted to the
 141 office.

142 2. A copy of the final budget that was posted on the
 143 county's website.

144 3. A statement certifying that the items in subparagraphs
 145 1. and 2. were timely submitted and posted.

146 Section 3. Subsection (16) of section 165.0615, Florida
 147 Statutes, is amended to read:

148 165.0615 Municipal conversion of independent special
 149 districts upon elector-initiated and approved referendum.—

150 (16) If the incorporation plan is approved by a majority

151 of the votes cast in the independent special district, the
 152 district shall notify the Special District Accountability
 153 Program pursuant to s. 189.016(2) and the local general-purpose
 154 governments in which any part of the independent special
 155 district is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

156 Section 4. Subsections (4) and (5) of section 166.241,
 157 Florida Statutes, are renumbered as subsections (5) and (6),
 158 respectively, subsection (3) and present subsection (5) are
 159 amended, and a new subsection (4) is added to that section, to
 160 read:

161 166.241 Fiscal years, budgets, and budget amendments.—

162 (3) The tentative budget must be posted on the
 163 municipality's official website at least 2 days before the
 164 budget hearing, held pursuant to s. 200.065 or other law, to
 165 consider such budget. The final adopted budget must be posted on
 166 the municipality's official website within 30 days after
 167 adoption and must remain on the website for 5 years. If the
 168 municipality does not operate an official website, the
 169 municipality must, within a reasonable period of time as
 170 established by the county or counties in which the municipality
 171 is located, transmit the tentative budget and final budget to
 172 the manager or administrator of such county or counties who
 173 shall post the budgets on the county's website.

174 (4) Beginning in the 2018-2019 fiscal year, the
 175 municipality budget officer shall electronically submit

176 information regarding the final budget to the Office of Economic
 177 and Demographic Research within 30 days after adoption of the
 178 final budget in the format specified by the office. If the
 179 Governor declares a state of emergency pursuant to s. 252.36(2)
 180 within 30 days after the submission deadline, the department may
 181 extend the deadline up to an additional 90 days. The
 182 municipality budget officer shall also electronically submit to
 183 the clerk of the court:

184 (a) A copy of the information that was submitted to the
 185 office.

186 (b) A copy of the final budget that was posted on the
 187 municipality's website.

188 (c) A statement certifying that the items in paragraphs
 189 (a) and (b) were timely submitted and posted.

190 (6)~~(5)~~ If the governing body of a municipality amends the
 191 budget pursuant to paragraph (5)(c) ~~paragraph (4)(e)~~, the
 192 adopted amendment must be posted on the official website of the
 193 municipality within 5 days after adoption and must remain on the
 194 website for 5 years. If the municipality does not operate an
 195 official website, the municipality must, within a reasonable
 196 period of time as established by the county or counties in which
 197 the municipality is located, transmit the adopted amendment to
 198 the manager or administrator of such county or counties who
 199 shall post the adopted amendment on the county's website.

200 Section 5. Subsections (5) through (10) of section

201 189.016, Florida Statutes, are renumbered as subsections (6)
 202 through (11), respectively, subsection (4) and present
 203 subsections (7) and (10) are amended, and a new subsection (5)
 204 is added to that section, to read:

205 189.016 Reports; budgets; audits.—

206 (4) The tentative budget must be posted on the special
 207 district's official website at least 2 days before the budget
 208 hearing, held pursuant to s. 200.065 or other law, to consider
 209 such budget and must remain on the website for at least 45 days.
 210 The final adopted budget must be posted on the special
 211 district's official website within 30 days after adoption and
 212 must remain on the website for 5 ~~at least 2~~ years. This
 213 subsection and subsection (3) do not apply to water management
 214 districts as defined in s. 373.019.

215 (5) Beginning in the 2018-2019 fiscal year, the special
 216 district budget officer shall electronically submit information
 217 regarding the final budget to the Office of Economic and
 218 Demographic Research within 30 days after adoption of the final
 219 budget in the reporting format specified by the office. If the
 220 Governor declares a state of emergency under s. 252.36(2) within
 221 30 days after the submission deadline for the final budget, the
 222 department may extend the deadline up to an additional 90 days.
 223 The special district budget officer shall also electronically
 224 submit to the clerk of the court:

225 (a) A copy of the information that was submitted to the

226 | office.

227 | (b) A copy of the final budget that was posted on the
 228 | special district's website.

229 | (c) A statement certifying that the items in paragraphs
 230 | (a) and (b) were timely submitted and posted.

231 | ~~(8)(7)~~ If the governing body of a special district amends
 232 | the budget pursuant to paragraph (7)(c) ~~paragraph (6)(c)~~, the
 233 | adopted amendment must be posted on the official website of the
 234 | special district within 5 days after adoption and must remain on
 235 | the website for 5 ~~at least 2~~ years.

236 | (10) All reports or information required to be filed with
 237 | a local general-purpose government or governing authority under
 238 | ss. 189.014, 189.015, and 189.08 and subsection (9) ~~subsection~~
 239 | ~~(8)~~ must:

240 | (a) If the local general-purpose government or governing
 241 | authority is a county, be filed with the clerk of the board of
 242 | county commissioners.

243 | (b) If the district is a multicounty district, be filed
 244 | with the clerk of the county commission in each county.

245 | (c) If the local general-purpose government or governing
 246 | authority is a municipality, be filed at the place designated by
 247 | the municipal governing body.

248 | Section 6. Subsections (1) and (2) of section 189.066,
 249 | Florida Statutes, are amended to read:

250 | 189.066 Effect of failure to file certain reports or

251 information.-

252 (1) If an independent special district fails to file the
 253 reports or information required under s. 189.014, s. 189.015, s.
 254 189.016(10) ~~s. 189.016(9)~~, or s. 189.08 with the local general-
 255 purpose government or governments in which it is located, the
 256 person authorized to receive and read the reports or information
 257 or the local general-purpose government shall notify the
 258 district's registered agent. If requested by the district, the
 259 local general-purpose government shall grant an extension of up
 260 to 30 days for filing the required reports or information. If
 261 the governing body of the local general-purpose government or
 262 governments determines that there has been an unjustified
 263 failure to file these reports or information, it shall notify
 264 the department, and the department may proceed pursuant to s.
 265 189.067(1).

266 (2) If a dependent special district fails to file the
 267 reports or information required under s. 189.014, s. 189.015, or
 268 s. 189.016(10) ~~s. 189.016(9)~~ with the local governing authority
 269 to which it is dependent, the local governing authority shall
 270 take whatever steps it deems necessary to enforce the special
 271 district's accountability. Such steps may include, as
 272 authorized, withholding funds, removing governing body members
 273 at will, vetoing the special district's budget, conducting the
 274 oversight review process set forth in s. 189.068, or amending,
 275 merging, or dissolving the special district in accordance with

276 the provisions contained in the ordinance that created the
 277 dependent special district.

278 Section 7. Paragraph (e) of subsection (2) and paragraph
 279 (g) of subsection (3) of section 189.074, Florida Statutes, are
 280 amended to read:

281 189.074 Voluntary merger of independent special
 282 districts.—Two or more contiguous independent special districts
 283 created by special act which have similar functions and elected
 284 governing bodies may elect to merge into a single independent
 285 district through the act of merging the component independent
 286 special districts.

287 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
 288 of two or more contiguous independent special districts may, by
 289 joint resolution, endorse a proposed joint merger plan to
 290 commence proceedings to merge the districts pursuant to this
 291 section.

292 (e) After the final public hearing, the governing bodies
 293 shall notify the supervisors of elections of the applicable
 294 counties in which district lands are located of the adoption of
 295 the resolution by each governing body. The supervisors of
 296 elections shall schedule a separate referendum for each
 297 component independent special district. The referenda may be
 298 held in each district on the same day, or on different days, but
 299 no more than 20 days apart.

300 1. Notice of a referendum on the merger of independent

301 special districts must be provided pursuant to the notice
 302 requirements in s. 100.342. At a minimum, the notice must
 303 include:

- 304 a. A brief summary of the resolution and joint merger
 305 plan;
- 306 b. A statement as to where a copy of the resolution and
 307 joint merger plan may be examined;
- 308 c. The names of the component independent special
 309 districts to be merged and a description of their territory;
- 310 d. The times and places at which the referendum will be
 311 held; and
- 312 e. Such other matters as may be necessary to call, provide
 313 for, and give notice of the referendum and to provide for the
 314 conduct thereof and the canvass of the returns.

315 2. The referenda must be held in accordance with the
 316 Florida Election Code and may be held pursuant to ss. 101.6101-
 317 101.6107. All costs associated with the referenda shall be borne
 318 by the respective component independent special district.

319 3. The ballot question in such referendum placed before
 320 the qualified electors of each component independent special
 321 district to be merged must be in substantially the following
 322 form:

323 "Shall ... (name of component independent special
 324 district) ... and ... (name of component independent special
 325 district or districts) ... be merged into ... (name of newly

326 merged independent district)...?

327YES

328NO"

329 4. If the component independent special districts
 330 proposing to merge have disparate millage rates, the ballot
 331 question in the referendum placed before the qualified electors
 332 of each component independent special district must be in
 333 substantially the following form:

334 "Shall ...(name of component independent special
 335 district)... and ...(name of component independent special
 336 district or districts)... be merged into ...(name of newly
 337 merged independent district)... if the voter-approved maximum
 338 millage rate within each independent special district will not
 339 increase absent a subsequent referendum?

340YES

341NO"

342 5. In any referendum held pursuant to this section, the
 343 ballots shall be counted, returns made and canvassed, and
 344 results certified in the same manner as other elections or
 345 referenda for the component independent special districts.

346 6. The merger may not take effect unless a majority of the
 347 votes cast in each component independent special district are in
 348 favor of the merger. If one of the component districts does not
 349 obtain a majority vote, the referendum fails, and merger does
 350 not take effect.

351 7. If the merger is approved by a majority of the votes
 352 cast in each component independent special district, the merged
 353 independent district is created. Upon approval, the merged
 354 independent district shall notify the Special District
 355 Accountability Program pursuant to s. 189.016(2) and the local
 356 general-purpose governments in which any part of the component
 357 independent special districts is situated pursuant to s.
 358 189.016(8) ~~s. 189.016(7)~~.

359 8. If the referendum fails, the merger process under this
 360 subsection may not be initiated for the same purpose within 2
 361 years after the date of the referendum.

362 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
 363 electors of two or more contiguous independent special districts
 364 may commence a merger proceeding by each filing a petition with
 365 the governing body of their respective independent special
 366 district proposing to be merged. The petition must contain the
 367 signatures of at least 40 percent of the qualified electors of
 368 each component independent special district and must be
 369 submitted to the appropriate component independent special
 370 district governing body no later than 1 year after the start of
 371 the qualified elector-initiated merger process.

372 (g) After the final public hearing, the governing bodies
 373 shall notify the supervisors of elections of the applicable
 374 counties in which district lands are located of the adoption of
 375 the resolution by each governing body. The supervisors of

376 elections shall schedule a date for the separate referenda for
 377 each district. The referenda may be held in each district on the
 378 same day, or on different days, but no more than 20 days apart.

379 1. Notice of a referendum on the merger of the component
 380 independent special districts must be provided pursuant to the
 381 notice requirements in s. 100.342. At a minimum, the notice must
 382 include:

383 a. A brief summary of the resolution and elector-initiated
 384 merger plan;

385 b. A statement as to where a copy of the resolution and
 386 petition for merger may be examined;

387 c. The names of the component independent special
 388 districts to be merged and a description of their territory;

389 d. The times and places at which the referendum will be
 390 held; and

391 e. Such other matters as may be necessary to call, provide
 392 for, and give notice of the referendum and to provide for the
 393 conduct thereof and the canvass of the returns.

394 2. The referenda must be held in accordance with the
 395 Florida Election Code and may be held pursuant to ss. 101.6101-
 396 101.6107. All costs associated with the referenda shall be borne
 397 by the respective component independent special district.

398 3. The ballot question in such referendum placed before
 399 the qualified electors of each component independent special
 400 district to be merged must be in substantially the following

401 form:

402 "Shall ...(name of component independent special
 403 district)... and ...(name of component independent special
 404 district or districts)... be merged into ...(name of newly
 405 merged independent district)...?

406YES

407NO"

408 4. If the component independent special districts
 409 proposing to merge have disparate millage rates, the ballot
 410 question in the referendum placed before the qualified electors
 411 of each component independent special district must be in
 412 substantially the following form:

413 "Shall ...(name of component independent special
 414 district)... and ...(name of component independent special
 415 district or districts)... be merged into ...(name of newly
 416 merged independent district)... if the voter-approved maximum
 417 millage rate within each independent special district will not
 418 increase absent a subsequent referendum?

419YES

420NO"

421 5. In any referendum held pursuant to this section, the
 422 ballots shall be counted, returns made and canvassed, and
 423 results certified in the same manner as other elections or
 424 referenda for the component independent special districts.

425 6. The merger may not take effect unless a majority of the

426 votes cast in each component independent special district are in
 427 favor of the merger. If one of the component independent special
 428 districts does not obtain a majority vote, the referendum fails,
 429 and merger does not take effect.

430 7. If the merger is approved by a majority of the votes
 431 cast in each component independent special district, the merged
 432 district shall notify the Special District Accountability
 433 Program pursuant to s. 189.016(2) and the local general-purpose
 434 governments in which any part of the component independent
 435 special districts is situated pursuant to s. 189.016(8) ~~s.~~
 436 ~~189.016(7)~~.

437 8. If the referendum fails, the merger process under this
 438 subsection may not be initiated for the same purpose within 2
 439 years after the date of the referendum.

440 Section 8. Subsection (3) of section 218.32, Florida
 441 Statutes, is renumbered as subsection (4), paragraphs (d), (e),
 442 and (f) of subsection (1) are amended, paragraph (h) is added to
 443 that subsection, and a new subsection (3) is added to that
 444 section, to read:

445 218.32 Annual financial reports; local governmental
 446 entities.—

447 (1)

448 (d) Each local governmental entity that is required to
 449 provide for an audit under s. 218.39(1) must submit a copy of
 450 the audit report and annual financial report to the department

451 within 45 days after the completion of the audit report but no
452 later than 6 9 months after the end of the fiscal year. If the
453 Governor declares a state of emergency under s. 252.36(2) within
454 30 days after the submission deadline for the audit report and
455 annual financial report, the department may extend the deadline
456 up to an additional 90 days. The local governmental entity must
457 electronically submit to the clerk of the court a copy of its
458 annual financial report and a statement certifying that the
459 report was timely filed with the department.

460 (e) Each local governmental entity that is not required to
461 provide for an audit under s. 218.39 must submit the annual
462 financial report to the department no later than 6 9 months
463 after the end of the fiscal year. The department shall consult
464 with the Auditor General in the development of the format of
465 annual financial reports submitted pursuant to this paragraph.
466 The format must include balance sheet information used by the
467 Auditor General pursuant to s. 11.45(7)(f). The department must
468 forward the financial information contained within the annual
469 financial reports to the Auditor General in electronic form.
470 This paragraph does not apply to housing authorities created
471 under chapter 421. If the Governor declares a state of emergency
472 under s. 252.36(2) within 30 days after the submission deadline,
473 the department may extend the deadline up to an additional 90
474 days.

475 (f) If the department does not receive a completed annual

476 financial report from a local governmental entity within the
 477 required period, it shall notify the Legislative Auditing
 478 Committee and the Special District Accountability Program of the
 479 Department of Economic Opportunity by April 30 of the entity's
 480 failure to comply with the reporting requirements.

481 (h) Beginning in the 2018-2019 fiscal year and
 482 notwithstanding any other penalty or remedy provided by law, if
 483 a local governmental entity fails to submit information to the
 484 clerk of the court as required under paragraph (d), s.
 485 129.03(3)(d), s. 166.241(4), or s. 189.016(5), as applicable,
 486 the clerk of the court shall notify the appropriate local fiscal
 487 officer to suspend future salary payments for the head of that
 488 local governmental entity. The clerk shall notify the
 489 appropriate local fiscal officer to resume payments when the
 490 clerk receives the information.

491 (3) No later than 12 months after the end of the most
 492 recently completed fiscal year, the department shall post on its
 493 website the annual financial report for each local governmental
 494 entity and independent special district that is required to
 495 submit an annual financial report pursuant to subsection (1).

496 Section 9. Paragraphs (b), (c), (g), and (h) of subsection
 497 (1) and subsection (7) of section 218.39, Florida Statutes, are
 498 amended to read:

499 218.39 Annual financial audit reports.—

500 (1) If, by the first day in any fiscal year, a local

501 governmental entity, district school board, charter school, or
 502 charter technical career center has not been notified that a
 503 financial audit for that fiscal year will be performed by the
 504 Auditor General, each of the following entities shall have an
 505 annual financial audit of its accounts and records completed
 506 within 9 months after the end of its fiscal year by an
 507 independent certified public accountant retained by it and paid
 508 from its public funds:

509 (b) Any municipality with revenues or the total of
 510 expenditures and expenses in excess of \$250,000, as reported on
 511 the fund financial statements, and each municipality beginning
 512 in the 2018-2019 fiscal year.

513 (c) Any special district with revenues or the total of
 514 expenditures and expenses in excess of \$100,000, as reported on
 515 the fund financial statements, and each special district
 516 beginning in the 2018-2019 fiscal year.

517 ~~(g) Each municipality with revenues or the total of~~
 518 ~~expenditures and expenses between \$100,000 and \$250,000, as~~
 519 ~~reported on the fund financial statements, which has not been~~
 520 ~~subject to a financial audit pursuant to this subsection for the~~
 521 ~~2 preceding fiscal years.~~

522 ~~(h) Each special district with revenues or the total of~~
 523 ~~expenditures and expenses between \$50,000 and \$100,000, as~~
 524 ~~reported on the fund financial statement, which has not been~~
 525 ~~subject to a financial audit pursuant to this subsection for the~~

526 ~~2 preceding fiscal years.~~

527 (7) All audits conducted pursuant to this section must be
 528 conducted in accordance with the rules of the Auditor General
 529 adopted pursuant to s. 11.45. Upon completion of the audit, the
 530 auditor shall prepare an audit report in accordance with the
 531 rules of the Auditor General. The audit report shall be filed
 532 with the Auditor General within 45 days after delivery of the
 533 audit report to the governing body of the audited entity, but no
 534 later than 6 9 months after the end of the audited entity's
 535 fiscal year. The audit report must include a written statement
 536 describing corrective actions to be taken in response to each of
 537 the auditor's recommendations included in the audit report. If
 538 the Governor declares a state of emergency under s. 252.36(2)
 539 within 30 days after the submission deadline for the audit
 540 report, the Auditor General may extend the deadline up to an
 541 additional 90 days.

542 Section 10. Paragraph (d) of subsection (6) of section
 543 373.536, Florida Statutes, is amended, and paragraphs (e) and
 544 (f) are added to that subsection, to read:

545 373.536 District budget and hearing thereon.—

546 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 547 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

548 (d) The final adopted budget must be posted on the water
 549 management district's official website within 30 days after
 550 adoption and must remain on the website for 5 years.

551 (e) Beginning in the 2018-2019 fiscal year, the water
 552 management district budget officer shall electronically submit
 553 information regarding the final budget to the Office of Economic
 554 and Demographic Research within 30 days after adoption of the
 555 final budget in the format specified by the office. If the
 556 Governor declares a state of emergency under s. 252.36(2) within
 557 30 days after the submission deadline, the department may extend
 558 the deadline up to an additional 90 days. The water management
 559 district budget officer shall also electronically submit to the
 560 clerk of the court in each county in which the district
 561 operates:

- 562 1. A copy of the information that was submitted to the
 563 office.
- 564 2. A copy of the final budget that was posted on the water
 565 management district's website.
- 566 3. A statement certifying that the items in subparagraphs
 567 1. and 2. were timely submitted and posted.

568 (f) Beginning in the 2018-2019 fiscal year and
 569 notwithstanding any other penalty or remedy that may be
 570 authorized by law, if a water management district budget officer
 571 fails to submit information to the clerk of the court as
 572 required in paragraph (e), the clerk of the court shall notify
 573 the appropriate fiscal officer to suspend future salary payments
 574 for the executive director of that district. The clerk shall
 575 notify the fiscal officer to resume payments when the clerk

576 receives the information.

577 Section 11. Subsection (5) of section 1011.03, Florida
 578 Statutes, is renumbered as subsection (6), subsection (4) is
 579 amended, and a new subsection (5) is added to that section, to
 580 read:

581 1011.03 Public hearings; budget submissions; penalties ~~to~~
 582 ~~be submitted to Department of Education.~~

583 (4) The board shall hold public hearings to adopt
 584 tentative and final budgets pursuant to s. 200.065. The hearings
 585 shall be primarily for the purpose of hearing requests and
 586 complaints from the public regarding the budgets and the
 587 proposed tax levies and for explaining the budget and proposed
 588 or adopted amendments thereto, if any. The tentative budget must
 589 be posted on the district's official website at least 2 days
 590 before the budget hearing held pursuant to s. 200.065 or other
 591 law. The final adopted budget must be posted on the district's
 592 official website within 30 days after adoption and must remain
 593 on the website for 5 years. The board shall require the
 594 superintendent to transmit two copies of the adopted budget to
 595 the Department of Education as prescribed by law and rules of
 596 the State Board of Education.

597 (5) (a) Beginning in the 2018-2019 fiscal year, the
 598 district school board budget officer shall electronically submit
 599 information regarding the final budget to the Office of Economic
 600 and Demographic Research within 30 days after adoption of the

601 final budget in the format specified by the office. If the
 602 Governor declares a state of emergency under s. 252.36(2) within
 603 30 days after the submission deadline for the final budget, the
 604 department may extend the deadline up to an additional 90 days.
 605 The district school board budget officer shall also
 606 electronically submit to the clerk of the court:

607 1. A copy of the information that was submitted to the
 608 office.

609 2. A copy of the final budget that was posted on the
 610 district school board's website.

611 3. A statement certifying that the items in subparagraphs
 612 1. and 2. were timely submitted and posted.

613 (b) Beginning in the 2018-2019 fiscal year and
 614 notwithstanding any other penalty or remedy that may be
 615 authorized by law, if the district school board budget officer
 616 fails to submit information to the clerk of the court as
 617 required in paragraph (a) or s. 1011.60, the clerk of the court
 618 shall notify the appropriate fiscal officer to suspend future
 619 salary payments for the superintendent of that district school
 620 board. The clerk shall notify the appropriate fiscal officer to
 621 resume payments when the clerk receives the information.

622 Section 12. Subsection (1) of section 1011.60, Florida
 623 Statutes, is amended to read:

624 1011.60 Minimum requirements of the Florida Education
 625 Finance Program.—Each district which participates in the state

626 appropriations for the Florida Education Finance Program shall
 627 provide evidence of its effort to maintain an adequate school
 628 program throughout the district and shall meet at least the
 629 following requirements:

630 (1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate
 631 records, including a system of internal accounts for individual
 632 schools, and file with the Department of Education, in correct
 633 and proper form on or before the date due as fixed by law or
 634 rule, each annual or periodic report that is required by rules
 635 of the State Board of Education. A district school board that
 636 submits an annual financial report to the department must also
 637 electronically submit to the clerk of the court a copy of the
 638 report with a statement certifying that the report was timely
 639 filed with the department.

640 Section 13. (1) By July 15, 2018, the Office of Economic
 641 and Demographic Research shall prepare forms for use by
 642 counties, municipalities, special districts, water management
 643 districts, and school districts when submitting information
 644 regarding their final budgets to the office. The forms must
 645 group existing fiscal information in broad, yet meaningful,
 646 categories, but should not create new reporting requirements.

647 (2) By December 1, 2018, the office shall submit a report
 648 to the President of the Senate and the Speaker of the House of
 649 Representatives that:

650 (a) Identifies a structure to create unique area profiles

651 for the counties, municipalities, special districts, water
 652 management districts, and school districts which would assist
 653 the public in making simple direct comparisons between the
 654 distinct entities.

655 (b) Provides recommendations for metrics for ranking the
 656 reporting entities based on the final budget information
 657 submitted to the office. The metrics must allow the public to
 658 make direct comparisons between the different local governments.

659 (c) Provides recommendations for mechanisms to submit the
 660 information in this subsection to the public in a cost-effective
 661 manner.

662 Section 14. This act shall take effect July 1, 2018.



Amendment No.

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, Federal & Veterans
 2 Affairs Subcommittee

3 Representative La Rosa offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (2) of section 11.40, Florida

8 Statutes, is amended to read:

9 11.40 Legislative Auditing Committee.—

10 (2) Following notification by the Auditor General, the
 11 Department of Financial Services, ~~or~~ the Division of Bond
 12 Finance of the State Board of Administration, the Governor or
 13 his or her designee, or the Commissioner of Education or his or
 14 her designee of the failure of a local governmental entity,
 15 district school board, charter school, or charter technical
 16 career center to comply with the applicable provisions within s.



Amendment No.

17 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
18 Legislative Auditing Committee shall ~~may~~ schedule a hearing to
19 determine if the entity should be subject to further state
20 action. If the committee determines that the entity should be
21 subject to further state action, the committee shall:

22 (a) In the case of a local governmental entity or district
23 school board, direct the Department of Revenue and the
24 Department of Financial Services to withhold any funds not
25 pledged for bond debt service satisfaction which are payable to
26 such entity until the entity complies with the law. The
27 committee shall specify the date that such action must ~~shall~~
28 begin, and the directive must be received by the Department of
29 Revenue and the Department of Financial Services 30 days before
30 the date of the distribution mandated by law. The Department of
31 Revenue and the Department of Financial Services may implement
32 ~~the provisions of~~ this paragraph.

33 (b) In the case of a special district created by:

34 1. A special act, notify the President of the Senate, the
35 Speaker of the House of Representatives, the standing committees
36 of the Senate and the House of Representatives charged with
37 special district oversight as determined by the presiding
38 officers of each respective chamber, the legislators who
39 represent a portion of the geographical jurisdiction of the
40 special district, and the Department of Economic Opportunity
41 that the special district has failed to comply with the law.



Amendment No.

42 Upon receipt of notification, the Department of Economic
43 Opportunity shall proceed pursuant to s. 189.062 or s. 189.067.
44 If the special district remains in noncompliance after the
45 process set forth in s. 189.0651, or if a public hearing is not
46 held, the Legislative Auditing Committee may request the
47 department to proceed pursuant to s. 189.067(3).

48 2. A local ordinance, notify the chair or equivalent of
49 the local general-purpose government pursuant to s. 189.0652 and
50 the Department of Economic Opportunity that the special district
51 has failed to comply with the law. Upon receipt of notification,
52 the department shall proceed pursuant to s. 189.062 or s.
53 189.067. If the special district remains in noncompliance after
54 the process set forth in s. 189.0652, or if a public hearing is
55 not held, the Legislative Auditing Committee may request the
56 department to proceed pursuant to s. 189.067(3).

57 3. Any manner other than a special act or local ordinance,
58 notify the Department of Economic Opportunity that the special
59 district has failed to comply with the law. Upon receipt of
60 notification, the department shall proceed pursuant to s.
61 189.062 or s. 189.067(3).

62 (c) In the case of a charter school or charter technical
63 career center, notify the appropriate sponsoring entity, which
64 may terminate the charter pursuant to ss. 1002.33 and 1002.34.
65



Amendment No.

66 Section 2. Paragraph (c) of subsection (3) of section
67 129.03, Florida Statutes, is amended, and paragraph (d) is added
68 to that subsection, to read:

69 129.03 Preparation and adoption of budget.—

70 (3) The county budget officer, after tentatively
71 ascertaining the proposed fiscal policies of the board for the
72 next fiscal year, shall prepare and present to the board a
73 tentative budget for the next fiscal year for each of the funds
74 provided in this chapter, including all estimated receipts,
75 taxes to be levied, and balances expected to be brought forward
76 and all estimated expenditures, reserves, and balances to be
77 carried over at the end of the year.

78 (c) The board shall hold public hearings to adopt
79 tentative and final budgets pursuant to s. 200.065. The hearings
80 shall be primarily for the purpose of hearing requests and
81 complaints from the public regarding the budgets and the
82 proposed tax levies and for explaining the budget and any
83 proposed or adopted amendments. The tentative budget must be
84 posted on the county's official website at least 2 days before
85 the public hearing to consider such budget. The final budget
86 must be posted on the website within 30 days after adoption and
87 must remain on the website for 5 years. The tentative budgets,
88 adopted tentative budgets, and final budgets shall be filed in
89 the office of the county auditor as a public record. Sufficient
90 reference in words and figures to identify the particular

900761 - 1019 FLV Amendment.docx

Published On: 1/23/2018 6:26:28 PM



Amendment No.

91 transactions must shall be made in the minutes of the board to
92 record its actions with reference to the budgets.

93 (d) Beginning in the 2018-2019 fiscal year, the county
94 budget officer shall electronically submit information regarding
95 the final budget to the Office of Economic and Demographic
96 Research within 30 days after adoption of the final budget in
97 the format specified by the office. If the Governor declares a
98 state of emergency pursuant to s. 252.36(2) within 30 days after
99 the submission deadline, the department may extend the deadline
100 up to an additional 90 days. The county budget officer shall
101 also electronically submit to the clerk of the court:

102 1. A copy of the information that was submitted to the
103 office.

104 2. A copy of the final budget that was posted on the
105 county's website.

106 3. A statement certifying that the items in subparagraphs
107 1. and 2. were timely submitted and posted.

108
109 Section 3. Subsection (16) of section 165.0615, Florida
110 Statutes, is amended to read:

111 165.0615 Municipal conversion of independent special
112 districts upon elector-initiated and approved referendum.—

113 (16) If the incorporation plan is approved by a majority
114 of the votes cast in the independent special district, the
115 district shall notify the Special District Accountability



Amendment No.

116 Program pursuant to s. 189.016(2) and the local general-purpose
117 governments in which any part of the independent special
118 district is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

119 Section 4. Subsections (4) and (5) of section 166.241,
120 Florida Statutes, are renumbered as subsections (5) and (6),
121 respectively, subsection (3) and present subsection (5) are
122 amended, and a new subsection (4) is added to that section, to
123 read:

124 166.241 Fiscal years, budgets, and budget amendments.—

125 (3) The tentative budget must be posted on the
126 municipality's official website at least 2 days before the
127 budget hearing, held pursuant to s. 200.065 or other law, to
128 consider such budget. The final adopted budget must be posted on
129 the municipality's official website within 30 days after
130 adoption and must remain on the website for 5 years. If the
131 municipality does not operate an official website, the
132 municipality must, within a reasonable period of time as
133 established by the county or counties in which the municipality
134 is located, transmit the tentative budget and final budget to
135 the manager or administrator of such county or counties who
136 shall post the budgets on the county's website.

137 (4) Beginning in the 2018-2019 fiscal year, the
138 municipality budget officer shall electronically submit
139 information regarding the final budget to the Office of Economic
140 and Demographic Research within 30 days after adoption of the



Amendment No.

141 final budget in the format specified by the office. If the
142 Governor declares a state of emergency pursuant to s. 252.36(2)
143 within 30 days after the submission deadline, the department may
144 extend the deadline up to an additional 90 days. The
145 municipality budget officer shall also electronically submit to
146 the clerk of the court:

147 (a) A copy of the information that was submitted to the
148 office.

149 (b) A copy of the final budget that was posted on the
150 municipality's website.

151 (c) A statement certifying that the items in paragraphs
152 (a) and (b) were timely submitted and posted.

153 (6)-(5) If the governing body of a municipality amends the
154 budget pursuant to paragraph (5)(c) ~~paragraph (4)(e)~~, the
155 adopted amendment must be posted on the official website of the
156 municipality within 5 days after adoption and must remain on the
157 website for 5 years. If the municipality does not operate an
158 official website, the municipality must, within a reasonable
159 period of time as established by the county or counties in which
160 the municipality is located, transmit the adopted amendment to
161 the manager or administrator of such county or counties who
162 shall post the adopted amendment on the county's website.

163 Section 5. Subsections (5) through (10) of section
164 189.016, Florida Statutes, are renumbered as subsections (6)
165 through (11), respectively, subsection (4) and present



Amendment No.

166 subsections (7) and (10) are amended, and a new subsection (5)
167 is added to that section, to read:

168 189.016 Reports; budgets; audits.—

169 (4) The tentative budget must be posted on the special
170 district's official website at least 2 days before the budget
171 hearing, held pursuant to s. 200.065 or other law, to consider
172 such budget and must remain on the website for at least 45 days.
173 The final adopted budget must be posted on the special
174 district's official website within 30 days after adoption and
175 must remain on the website for 5 ~~at least 2~~ years. This
176 subsection and subsection (3) do not apply to water management
177 districts as defined in s. 373.019.

178 (5) Beginning in the 2018-2019 fiscal year, the special
179 district budget officer shall electronically submit information
180 regarding the final budget to the Office of Economic and
181 Demographic Research within 30 days after adoption of the final
182 budget in the reporting format specified by the office. If the
183 Governor declares a state of emergency under s. 252.36(2) within
184 30 days after the submission deadline for the final budget, the
185 department may extend the deadline up to an additional 90 days.
186 The special district budget officer shall also electronically
187 submit to the clerk of the court:

188 (a) A copy of the information that was submitted to the
189 office.



Amendment No.

190 (b) A copy of the final budget that was posted on the
191 special district's website.

192 (c) A statement certifying that the items in paragraphs
193 (a) and (b) were timely submitted and posted.

194 (8)(7) If the governing body of a special district amends
195 the budget pursuant to paragraph (7)(c) ~~paragraph (6)(e)~~, the
196 adopted amendment must be posted on the official website of the
197 special district within 5 days after adoption and must remain on
198 the website for at least 2 years.

199 (11)(10) All reports or information required to be filed
200 with a local general-purpose government or governing authority
201 under ss. 189.014, 189.015, and 189.08 and subsection (9)
202 ~~subsection (8)~~ must:

203 (a) If the local general-purpose government or governing
204 authority is a county, be filed with the clerk of the board of
205 county commissioners.

206 (b) If the district is a multicounty district, be filed
207 with the clerk of the county commission in each county.

208 (c) If the local general-purpose government or governing
209 authority is a municipality, be filed at the place designated by
210 the municipal governing body.

211
212 Section 6. Subsections (1) and (2) of section 189.066,
213 Florida Statutes, are amended to read:



Amendment No.

214 189.066 Effect of failure to file certain reports or
215 information.-

216 (1) If an independent special district fails to file the
217 reports or information required under s. 189.014, s. 189.015, s.
218 189.016(10) ~~s. 189.016(9)~~, or s. 189.08 with the local general-
219 purpose government or governments in which it is located, the
220 person authorized to receive and read the reports or information
221 or the local general-purpose government shall notify the
222 district's registered agent. If requested by the district, the
223 local general-purpose government shall grant an extension of up
224 to 30 days for filing the required reports or information. If
225 the governing body of the local general-purpose government or
226 governments determines that there has been an unjustified
227 failure to file these reports or information, it shall notify
228 the department, and the department may proceed pursuant to s.
229 189.067(1).

230 (2) If a dependent special district fails to file the
231 reports or information required under s. 189.014, s. 189.015, or
232 s.189.016(10) ~~s. 189.016(9)~~ with the local governing authority
233 to which it is dependent, the local governing authority shall
234 take whatever steps it deems necessary to enforce the special
235 district's accountability. Such steps may include, as
236 authorized, withholding funds, removing governing body members
237 at will, vetoing the special district's budget, conducting the
238 oversight review process set forth in s. 189.068, or amending,



Amendment No.

239 merging, or dissolving the special district in accordance with
240 the provisions contained in the ordinance that created the
241 dependent special district.

242 Section 7. Paragraph (e) of subsection (2) and paragraph
243 (g) of subsection (3) of section 189.074, Florida Statutes, are
244 amended to read:

245 189.074 Voluntary merger of independent special
246 districts.—Two or more contiguous independent special districts
247 created by special act which have similar functions and elected
248 governing bodies may elect to merge into a single independent
249 district through the act of merging the component independent
250 special districts.

251 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
252 of two or more contiguous independent special districts may, by
253 joint resolution, endorse a proposed joint merger plan to
254 commence proceedings to merge the districts pursuant to this
255 section.

256 (e) After the final public hearing, the governing bodies
257 shall notify the supervisors of elections of the applicable
258 counties in which district lands are located of the adoption of
259 the resolution by each governing body. The supervisors of
260 elections shall schedule a separate referendum for each
261 component independent special district. The referenda may be
262 held in each district on the same day, or on different days, but
263 no more than 20 days apart.



Amendment No.

- 264 1. Notice of a referendum on the merger of independent
265 special districts must be provided pursuant to the notice
266 requirements in s. 100.342. At a minimum, the notice must
267 include:
- 268 a. A brief summary of the resolution and joint merger
269 plan;
 - 270 b. A statement as to where a copy of the resolution and
271 joint merger plan may be examined;
 - 272 c. The names of the component independent special
273 districts to be merged and a description of their territory;
 - 274 d. The times and places at which the referendum will be
275 held; and
 - 276 e. Such other matters as may be necessary to call, provide
277 for, and give notice of the referendum and to provide for the
278 conduct thereof and the canvass of the returns.
- 279 2. The referenda must be held in accordance with the
280 Florida Election Code and may be held pursuant to ss. 101.6101-
281 101.6107. All costs associated with the referenda shall be borne
282 by the respective component independent special district.
- 283 3. The ballot question in such referendum placed before
284 the qualified electors of each component independent special
285 district to be merged must be in substantially the following
286 form:



Amendment No.

287 "Shall ...(name of component independent special
288 district)... and ...(name of component independent special
289 district or districts)... be merged into ...(name of newly
290 merged independent district)...?

291YES

292NO"

293 4. If the component independent special districts
294 proposing to merge have disparate millage rates, the ballot
295 question in the referendum placed before the qualified electors
296 of each component independent special district must be in
297 substantially the following form:

298 "Shall ...(name of component independent special
299 district)... and ...(name of component independent special
300 district or districts)... be merged into ...(name of newly
301 merged independent district)... if the voter-approved maximum
302 millage rate within each independent special district will not
303 increase absent a subsequent referendum?

304YES

305NO"

306 5. In any referendum held pursuant to this section, the
307 ballots shall be counted, returns made and canvassed, and



Amendment No.

308 results certified in the same manner as other elections or
309 referenda for the component independent special districts.

310 6. The merger may not take effect unless a majority of the
311 votes cast in each component independent special district are in
312 favor of the merger. If one of the component districts does not
313 obtain a majority vote, the referendum fails, and merger does
314 not take effect.

315 7. If the merger is approved by a majority of the votes
316 cast in each component independent special district, the merged
317 independent district is created. Upon approval, the merged
318 independent district shall notify the Special District
319 Accountability Program pursuant to s. 189.016(2) and the local
320 general-purpose governments in which any part of the component
321 independent special districts is situated pursuant to s.
322 189.016(8) ~~s. 189.016(7)~~.

323 8. If the referendum fails, the merger process under this
324 subsection may not be initiated for the same purpose within 2
325 years after the date of the referendum.

326 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
327 electors of two or more contiguous independent special districts
328 may commence a merger proceeding by each filing a petition with
329 the governing body of their respective independent special
330 district proposing to be merged. The petition must contain the
331 signatures of at least 40 percent of the qualified electors of
332 each component independent special district and must be



Amendment No.

333 submitted to the appropriate component independent special
334 district governing body no later than 1 year after the start of
335 the qualified elector-initiated merger process.

336 (g) After the final public hearing, the governing bodies
337 shall notify the supervisors of elections of the applicable
338 counties in which district lands are located of the adoption of
339 the resolution by each governing body. The supervisors of
340 elections shall schedule a date for the separate referenda for
341 each district. The referenda may be held in each district on the
342 same day, or on different days, but no more than 20 days apart.

343 1. Notice of a referendum on the merger of the component
344 independent special districts must be provided pursuant to the
345 notice requirements in s. 100.342. At a minimum, the notice must
346 include:

347 a. A brief summary of the resolution and elector-initiated
348 merger plan;

349 b. A statement as to where a copy of the resolution and
350 petition for merger may be examined;

351 c. The names of the component independent special
352 districts to be merged and a description of their territory;

353 d. The times and places at which the referendum will be
354 held; and

355 e. Such other matters as may be necessary to call, provide
356 for, and give notice of the referendum and to provide for the
357 conduct thereof and the canvass of the returns.



Amendment No.

358 2. The referenda must be held in accordance with the
359 Florida Election Code and may be held pursuant to ss. 101.6101-
360 101.6107. All costs associated with the referenda shall be borne
361 by the respective component independent special district.

362 3. The ballot question in such referendum placed before
363 the qualified electors of each component independent special
364 district to be merged must be in substantially the following
365 form:

366 "Shall ...(name of component independent special
367 district)... and ...(name of component independent special
368 district or districts)... be merged into ...(name of newly
369 merged independent district)...?"

370 YES

371 NO"

372 4. If the component independent special districts
373 proposing to merge have disparate millage rates, the ballot
374 question in the referendum placed before the qualified electors
375 of each component independent special district must be in
376 substantially the following form:

377 "Shall ...(name of component independent special
378 district)... and ...(name of component independent special
379 district or districts)... be merged into ...(name of newly
380 merged independent district)... if the voter-approved maximum



Amendment No.

381 millage rate within each independent special district will not
382 increase absent a subsequent referendum?

383 YES

384 NO"

385 5. In any referendum held pursuant to this section, the
386 ballots shall be counted, returns made and canvassed, and
387 results certified in the same manner as other elections or
388 referenda for the component independent special districts.

389 6. The merger may not take effect unless a majority of the
390 votes cast in each component independent special district are in
391 favor of the merger. If one of the component independent special
392 districts does not obtain a majority vote, the referendum fails,
393 and merger does not take effect.

394 7. If the merger is approved by a majority of the votes
395 cast in each component independent special district, the merged
396 district shall notify the Special District Accountability
397 Program pursuant to s. 189.016(2) and the local general-purpose
398 governments in which any part of the component independent
399 special districts is situated pursuant to s. 189.016(8) ~~s.~~
400 ~~189.016(7)~~.

401 8. If the referendum fails, the merger process under this
402 subsection may not be initiated for the same purpose within 2
403 years after the date of the referendum.



Amendment No.

404 Section 8. Subsection (3) of section 218.32, Florida
405 Statutes, is renumbered as subsection (4), paragraphs (d), (e),
406 and (f) of subsection (1) are amended, paragraph (h) is added to
407 that subsection, and a new subsection (3) is added to that
408 section, to read:

409 218.32 Annual financial reports; local governmental
410 entities.—

411 (1)

412 (d) Each local governmental entity that is required to
413 provide for an audit under s. 218.39(1) must submit a copy of
414 the audit report and annual financial report to the department
415 within 45 days after the completion of the audit report but no
416 later than 6 9 months after the end of the fiscal year. If the
417 Governor declares a state of emergency under s. 252.36(2) within
418 30 days after the submission deadline for the audit report and
419 annual financial report, the department may extend the deadline
420 up to an additional 90 days. The local governmental entity must
421 electronically submit to the clerk of the court a copy of its
422 annual financial report and a statement certifying that the
423 report was timely filed with the department.

424 (e) Each local governmental entity that is not required to
425 provide for an audit under s. 218.39 must submit the annual
426 financial report to the department no later than 9 months after
427 the end of the fiscal year. The department shall consult with
428 the Auditor General in the development of the format of annual



Amendment No.

429 financial reports submitted pursuant to this paragraph. The
430 format must include balance sheet information used by the
431 Auditor General pursuant to s. 11.45(7)(f). The department must
432 forward the financial information contained within the annual
433 financial reports to the Auditor General in electronic form.
434 This paragraph does not apply to housing authorities created
435 under chapter 421. If the Governor declares a state of emergency
436 under s. 252.36(2) within 30 days after the submission deadline,
437 the department may extend the deadline up to an additional 90
438 days.

439 (f) If the department does not receive a completed annual
440 financial report from a local governmental entity within the
441 required period, it shall notify the Legislative Auditing
442 Committee and the Special District Accountability Program of the
443 Department of Economic Opportunity by April 30 of the entity's
444 failure to comply with the reporting requirements.

445 (h) Beginning in the 2018-2019 fiscal year and
446 notwithstanding any other penalty or remedy provided by law, if
447 a local governmental entity fails to submit information to the
448 clerk of the court as required under paragraph (d), s.
449 129.03(3)(d), s. 166.241(4), or s. 189.016(5), as applicable,
450 the clerk of the court shall notify the appropriate local fiscal
451 officer to suspend future salary payments for the head of that
452 local governmental entity. The clerk shall notify the



Amendment No.

453 appropriate local fiscal officer to resume payments when the
454 clerk receives the information.

455 (3) No later than 12 months after the end of the most
456 recently completed fiscal year, the department shall post on its
457 website the annual financial report for each local governmental
458 entity and independent special district that is required to
459 submit an annual financial report pursuant to subsection (1).

460

461 Section 9. Paragraphs (b), (c), (g), and (h) of subsection
462 (1) and subsection (7) of section 218.39, Florida Statutes, are
463 amended to read:

464 218.39 Annual financial audit reports.-

465 (1) If, by the first day in any fiscal year, a local
466 governmental entity, district school board, charter school, or
467 charter technical career center has not been notified that a
468 financial audit for that fiscal year will be performed by the
469 Auditor General, each of the following entities shall have an
470 annual financial audit of its accounts and records completed
471 within 9 months after the end of its fiscal year by an
472 independent certified public accountant retained by it and paid
473 from its public funds:

474 (b) Any municipality with revenues or the total of
475 expenditures and expenses in excess of \$250,000, as reported on
476 the fund financial statements, and each municipality beginning
477 in the 2018-2019 fiscal year.



Amendment No.

478 (c) Any special district with revenues or the total of
479 expenditures and expenses in excess of \$100,000, as reported on
480 the fund financial statements, and each special district
481 beginning in the 2018-2019 fiscal year.

482 ~~(g) Each municipality with revenues or the total of~~
483 ~~expenditures and expenses between \$100,000 and \$250,000, as~~
484 ~~reported on the fund financial statements, which has not been~~
485 ~~subject to a financial audit pursuant to this subsection for the~~
486 ~~2 preceding fiscal years.~~

487 ~~(h) Each special district with revenues or the total of~~
488 ~~expenditures and expenses between \$50,000 and \$100,000, as~~
489 ~~reported on the fund financial statement, which has not been~~
490 ~~subject to a financial audit pursuant to this subsection for the~~
491 ~~2 preceding fiscal years.~~

492 (7) All audits conducted pursuant to this section must be
493 conducted in accordance with the rules of the Auditor General
494 adopted pursuant to s. 11.45. Upon completion of the audit, the
495 auditor shall prepare an audit report in accordance with the
496 rules of the Auditor General. The audit report shall be filed
497 with the Auditor General within 45 days after delivery of the
498 audit report to the governing body of the audited entity, but no
499 later than 6 9 months after the end of the audited entity's
500 fiscal year. The audit report must include a written statement
501 describing corrective actions to be taken in response to each of
502 the auditor's recommendations included in the audit report. If



Amendment No.

503 the Governor declares a state of emergency under s. 252.36(2)
504 within 30 days after the submission deadline for the audit
505 report, the Auditor General may extend the deadline up to an
506 additional 90 days.

507 Section 10. Paragraph (d) of subsection (6) of section
508 373.536, Florida Statutes, is amended, and paragraphs (e) and
509 (f) are added to that subsection, to read:

510 373.536 District budget and hearing thereon.—

511 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
512 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

513 (d) The final adopted budget must be posted on the water
514 management district's official website within 30 days after
515 adoption and must remain on the website for 5 years.

516 (e) Beginning in the 2018-2019 fiscal year, the water
517 management district budget officer shall electronically submit
518 information regarding the final budget to the Office of Economic
519 and Demographic Research within 30 days after adoption of the
520 final budget in the format specified by the office. If the
521 Governor declares a state of emergency under s. 252.36(2) within
522 30 days after the submission deadline, the department may extend
523 the deadline up to an additional 90 days. The water management
524 district budget officer shall also electronically submit to the
525 clerk of the court in each county in which the district
526 operates:



Amendment No.

527 1. A copy of the information that was submitted to the
528 office.

529 2. A copy of the final budget that was posted on the water
530 management district's website.

531 3. A statement certifying that the items in subparagraphs
532 1. and 2. were timely submitted and posted.

533 (f) Beginning in the 2018-2019 fiscal year and
534 notwithstanding any other penalty or remedy that may be
535 authorized by law, if a water management district budget officer
536 fails to submit information to the clerk of the court as
537 required in paragraph (e), the clerk of the court shall notify
538 the appropriate fiscal officer to suspend future salary payments
539 for the executive director of that district. The clerk shall
540 notify the fiscal officer to resume payments when the clerk
541 receives the information.

542 Section 11. Subsection (5) of section 1011.03, Florida
543 Statutes, is renumbered as subsection (6), subsection (4) is
544 amended, and a new subsection (5) is added to that section, to
545 read:

546 1011.03 Public hearings; budget submissions; penalties ~~to~~
547 ~~be submitted to Department of Education.~~

548 (4) The board shall hold public hearings to adopt
549 tentative and final budgets pursuant to s. 200.065. The hearings
550 shall be primarily for the purpose of hearing requests and
551 complaints from the public regarding the budgets and the



Amendment No.

552 proposed tax levies and for explaining the budget and proposed
553 or adopted amendments thereto, if any. The tentative budget must
554 be posted on the district's official website at least 2 days
555 before the budget hearing held pursuant to s. 200.065 or other
556 law. The final adopted budget must be posted on the district's
557 official website within 30 days after adoption and must remain
558 on the website for 5 years. The board shall require the
559 superintendent to transmit two copies of the adopted budget to
560 the Department of Education as prescribed by law and rules of
561 the State Board of Education.

562 (5) (a) Beginning in the 2018-2019 fiscal year, the
563 district school board budget officer shall electronically submit
564 information regarding the final budget to the Office of Economic
565 and Demographic Research within 30 days after adoption of the
566 final budget in the format specified by the office. If the
567 Governor declares a state of emergency under s. 252.36(2) within
568 30 days after the submission deadline for the final budget, the
569 department may extend the deadline up to an additional 90 days.
570 The district school board budget officer shall also
571 electronically submit to the clerk of the court:

572 1. A copy of the information that was submitted to the
573 office.

574 2. A copy of the final budget that was posted on the
575 district school board's website.



Amendment No.

576 3. A statement certifying that the items in subparagraphs
577 1. and 2. were timely submitted and posted.

578 (b) Beginning in the 2018-2019 fiscal year and
579 notwithstanding any other penalty or remedy that may be
580 authorized by law, if the district school board budget officer
581 fails to submit information to the clerk of the court as
582 required in paragraph (a) or s. 1011.60, the clerk of the court
583 shall notify the appropriate fiscal officer to suspend future
584 salary payments for the superintendent of that district school
585 board. The clerk shall notify the appropriate fiscal officer to
586 resume payments when the clerk receives the information.

587 Section 12. Subsection (1) of section 1011.60, Florida
588 Statutes, is amended to read:

589 1011.60 Minimum requirements of the Florida Education
590 Finance Program.—Each district which participates in the state
591 appropriations for the Florida Education Finance Program shall
592 provide evidence of its effort to maintain an adequate school
593 program throughout the district and shall meet at least the
594 following requirements:

595 (1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate
596 records, including a system of internal accounts for individual
597 schools, and file with the Department of Education, in correct
598 and proper form on or before the date due as fixed by law or
599 rule, each annual or periodic report that is required by rules
600 of the State Board of Education. A district school board that



Amendment No.

601 submits an annual financial report to the department must also
602 electronically submit to the clerk of the court a copy of the
603 report with a statement certifying that the report was timely
604 filed with the department.

605 Section 13. (1) By July 15, 2018, the Office of Economic
606 and Demographic Research shall prepare forms for use by
607 counties, municipalities, special districts, water management
608 districts, and school districts when submitting information
609 regarding their final budgets to the office. The forms must
610 group existing fiscal information in broad, yet meaningful,
611 categories, but should not create new reporting requirements.

612 (2) By December 1, 2018, the office shall submit a report
613 to the President of the Senate and the Speaker of the House of
614 Representatives that:

615 (a) Identifies a structure to create unique area profiles
616 for the counties, municipalities, special districts, water
617 management districts, and school districts which would assist
618 the public in making simple direct comparisons between the
619 distinct entities.

620 (b) Provides recommendations for metrics for ranking the
621 reporting entities based on the final budget information
622 submitted to the office. The metrics must allow the public to
623 make direct comparisons between the different local governments.



Amendment No.

624 (c) Provides recommendations for mechanisms to submit the
625 information in this subsection to the public in a cost-effective
626 manner.

627 Section 14. This act shall take effect July 1, 2018.
628
629

630 -----

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

632 Remove everything before the enacting clause and insert:
633 An act relating to financial reporting; amending s. 11.40, F.S.;
634 requiring, rather than authorizing, the Legislative Auditing
635 Committee to schedule hearings concerning certain governmental
636 entities for failure to comply with certain financial audit
637 requirements; amending ss. 129.03, 166.241, and 189.016, F.S.;
638 requiring county, municipality, and special district budget
639 officers to submit certain budget information to specified
640 entities within a specified timeframe; providing an exception;
641 requiring adopted budget amendments and final budgets to remain
642 posted on each entity's official website for a specified period
643 of time; conforming cross-references; amending ss. 165.0615,
644 189.066, and 189.074, F.S.; conforming cross-references;
645 amending s. 218.32, F.S.; revising certain reporting deadlines;
646 providing an exception; providing a notification deadline;
647 providing penalties for failure to submit certain financial
648 information; requiring the department to post annual financial



Amendment No.

649 reports for certain governmental entities on its website within
650 a specified timeframe; amending s. 218.39, F.S.; requiring
651 municipalities and special districts to have a certain audit
652 performed beginning in a specified fiscal year; providing an
653 exception; amending ss. 373.536 and 1011.03, F.S.; requiring
654 adopted final budgets to remain posted on a water management
655 district's or district school board's official website for a
656 specified period of time; requiring water management district
657 and district school board budget officers to submit certain
658 budget information to the Office of Economic and Demographic
659 Research and specified entities within a specified timeframe;
660 requiring use of a specified form; providing an exception;
661 providing penalties for failure to submit certain budget
662 information; amending s. 1011.60, F.S.; requiring district
663 school boards to submit certain financial information to
664 specified entities within a specified timeframe; requiring the
665 office to develop specified forms for use by local governmental
666 entities in reporting certain budget information; requiring a
667 report to the Legislature by a specified date; providing an
668 effective date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1071 City of Clearwater, Pinellas County
SPONSOR(S): Ahern
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Darden <i>[Signature]</i>	Miller <i>[Signature]</i>
2) Natural Resources & Public Lands Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

In 1925, the State conveyed sovereign submerged lands to Pinellas County for the purpose of building the Memorial Causeway, running from downtown Clearwater to Clearwater Beach. The special act conveying the property provided that the land was to be used exclusively for public purposes and would revert to the state if used for any other purpose. The act provided that the land to the north of the centerline of the causeway was to be used for public parks and recreation, but prohibited carnivals and shows on the land. The act also provided Pinellas County by resolution could transfer the land to the City.

The bill removes the prohibition on the conveyed land being used to host carnivals and shows. The bill provides that the land shall be used "consistent with state policies for revitalization of waterfront areas, protecting environmental and cultural resources, and providing public access." The bill provides that the land will continue to be used for purpose of public parks and recreation. The bill specifies that it does not modify or supersede any provision of the charter of the City of Clearwater requiring a referendum for the use of waterfront property owned by the city. The bill removes a reverter clause returning title in the land to the state if it ever ceases to be used for public parks and recreation.

The bill provides the act takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Clearwater Harbor—Memorial Causeway Submerged Lands

In 1925, the state conveyed sovereign submerged lands to Pinellas County to be surrendered to the City of Clearwater for the purpose of building the Memorial Causeway.¹ The conveyed lands could be transferred to the City of Clearwater (City) by resolution adopted by the County. The act provided that the property was to be used exclusively for public purposes and that it would revert to the state if it was ever used for any other purpose. The act also provided that:

The city of Clearwater or the County of Pinellas shall have the right to fill said land lying north of said line to be used for public parks and places of recreation only, the same to be maintained by the said city or county, or both. Provided that no carnivals or shows of any character shall be placed or allowed upon the land lying north of said line; and provided further that should said property ever cease to be used for public parks and places of recreation only, same shall revert to the State.²

The City adopted an ordinance in 1985 declaring a portion of the submerged lands as surplus and sold the property to the Clearwater Marine Science Center, subject to a referendum.³ A 1986 special act releasing a portion of the property granted by the 1925 act from the right of reverter retained by the state in order to permit the development and maintenance of the non-profit marine science center to go forward.⁴ The act conditioned the conveyance of the property from the City to the Clearwater Marine Science Center on the condition that the property was to be used for the center's facility.⁵ The city retains a right of reverter in the property.

Chapter 2007-312, Laws of Florida

Chapter 2007-312, Laws of Fla., ratified any use of the property described in the 1925 special act and authorized by the City on or before the effective date of the act, whether or not the use was for a public purpose. The act also declared that any use of the property described in ch. 86-345, Laws of Fla., was consistent with the grant made in the earlier act for the purpose of developing and maintaining a marine science center. This provision pertained to uses undertaken on or before the effective date of ch. 2007-312, Laws of Fla. This ratification preserved the property to the ownership of the Clearwater Marine Science Center.

Additionally, ch. 2007-312, Laws of Fla., provided that the City may authorize private uses of the submerged property⁶ for which it had received an application no later than December 31, 2006, if such uses were consistent with the laws and rules governing the management of state sovereignty submerged lands by the Board of Trustees of the Internal Improvement Trust Fund (BOT). The act provided that a dock or mooring facility for a multi-family dwelling or a dock for a single-family dwelling which is consistent with such laws and rules does not violate the act. The alteration of any existing

¹ Ch. 11050, Laws of Fla. (1925). These lands include 500 feet to the north and 700 feet to the south of a centerline, east to west, following the course of the former Memorial Causeway.

² Ch. 11050, s. 1, Laws of Fla. (1925).

³ City of Clearwater Ordinance 4028-85.

⁴ Ch. 86-345, ss. 1, 2, Laws of Fla.

⁵ Ch. 86-345, s. 3, Laws of Fla.

⁶ As described in Chapter 11050, Laws of Fla. (1925).

public land use designation of this property must first be approved by the voters of the City in a “site-specific” referendum. The City was required to use any revenue generated by authorizing private use of the subject submerged land to fund water-related activities for the benefit of the public.

Finally, ch. 2007-312, Laws of Fla., provided for reversion of the submerged lands granted under the 1925 special act to the state if the BOT finds that any use, which is authorized by the City and not ratified by the act, is inconsistent with the laws and rules governing the BOT's management of such lands. This language governs future actions by the city with regard to the submerged land.

The act did not modify or supersede any provision of the City's charter concerning the requirement of a referendum for use of waterfront property that is owned by the City.⁷

Chapter 2010-250, Laws of Florida

In 2012 the legislature authorized the City to use the filled upland portion of the property described in the original 1925 act for recreational purposes and commercial working waterfronts as defined in s. 342.07, F.S., with the intent of providing greater access for the public to the navigable waters of the state, and providing access to water-dependent commercial activities.⁸ The 2010 act provided that the submerged portions of the property granted to the City under the original 1925 act would continue to be used as provided for in that act, as well as ch. 2007-312, Laws of Fla., and that the City could use any revenue generated by public or private use of the submerged land to fund water-related activities for public benefit.

The 2010 act also provided that any filled portion of the lands granted the original 1925 act, which then existed as uplands to the west of the east abutment of the west bridge, be used and developed in accordance with the Florida Coastal Management Program, the Waterfronts Florida Program, the City of Clearwater Comprehensive Plan, the City of Clearwater Code of Ordinances, and other applicable law. The 2010 act released these lands from the right of reverter to the extent that the use and development of the property are consistent with the above mentioned programs and regulations.

Similar to the 2007 act, separate section of the 2010 act expressly stated the law did not modify or supersede any provision of the City Charter concerning the requirement of a referendum for the use of waterfront property that is owned by the City.⁹

Effect of Proposed Changes

The bill removes the prohibition in the original 1925 act against the conveyed land being used for carnivals and shows. This change would enable the City to relocate its concert band shell to the area.¹⁰ The bill provides that the land shall be used “consistent with state policies for revitalization of waterfront areas, protecting environmental and cultural resources, and providing public access.” The bill provides that the land will be used for purpose of public parks and recreation. The bill specifies that it does not modify or supersede any provision of the charter of the City of Clearwater requiring a referendum for the use of waterfront property owned by the city. The bill removes a reverter clause returning title in the land to the state if it ever ceases to be used for public parks and recreation.

B. SECTION DIRECTORY:

Section 1: Amends Ch. 11050, Laws of Fla. (1925), removing a restriction concerning carnivals and shows and a reverter clause.

⁷ Ch. 2007-312, s. 4, Laws of Fla.

⁸ Ch. 2010-250, Laws of Fla.

⁹ Ch. 2010-250, s. 4, Laws of Fla.

¹⁰ Tracey McManus, *Clearwater voters easily pass referendum allowing waterfront redevelopment*, Tampa Bay Times, Nov. 6, 2017, available at http://www.tampabay.com/news/politics/Clearwater-voters-easily-pass-referendum-allowing-waterfront-redevelopment_162391093 (last visited Jan. 18, 2018).

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 20, 2017

WHERE? The *Tampa Bay Times*, a daily newspaper of general circulation published in Pinellas 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:

The bill is unclear as to whether the intent is to amend chapter 11050, Laws of Florida (1925), as amended by chapters 86-345, 2007-312, and 2010-250, Laws of Florida. Complete deletion of the entire clause providing for reversion to the state if the lands are not used as provided in the act appears inconsistent with ch. 2007-312, s. 3, and ch. 2010-250, s. 3, Laws of Florida. The inclusion directly in the text of the original 1925 act of a provision that the act does not affect the requirements for referendum in the City's charter appears inconsistent with the use of such provisions in the 2007 and 2010 acts. For these reasons, the impact of the bill on the administration, management, and preservation of state sovereign submerged lands, or on the procedures of the Board of Trustees of the Internal Improvement Trust Fund to grant releases of similar reversion clauses in other limited grants to local governments, cannot be determined.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Rep. Ahern LB
HB 1071

AFFIDAVIT

STATE OF FLORIDA,
COUNTY OF PINELLAS }

BEFORE ME, the undersigned authority, personally
appeared Rosemarie Call
_____, who,

on due solemn oath or affirmation, attests that a notice
stating the substance of a contemplated law or proposed bill
relating to

the City of Clearwater, Pinellas County; amending chapter 11050, Laws of Florida,
1925; removing a restriction against carnivals and shows on certain lands conveyed
from the state to the city; providing that the use and development of the city-owned lands
be consistent with state policies for revitalization of waterfront areas, protecting environmental
and cultural resources, and providing public access; specifying that the act does not modify or
supersede the city's charter relating to waterfront property owned by the city; providing an
effective date.

was published in the issue of (date) November 20,
2017 of the Tampa Bay Times

_____, a
newspaper published in Pinellas County
County, Florida, where the matter or thing to be affected by
the contemplated law is situated, and that a copy of the
published notice is attached and made a part of this
affidavit.

(Signed) Rosemarie Call

(Title) City Clerk

Sworn to or affirmed and subscribed before me this 30th
day of November, 2017.

(SEAL) Nicole Sprague
Notary Public State of Florida at Large

My commission expires 6-18-2020

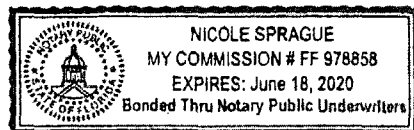
LEGAL NOTICE

NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2018 Florida Legislature, in the 2018 regular or any special or extended legislative sessions, for passage of an act relating to the City of Clearwater, Pinellas County; amending chapter 11050, Laws of Florida, 1925; removing a restriction against carnivals and shows on certain lands conveyed from the state to the city; providing that the use and development of the city-owned lands be consistent with state policies for revitalization of waterfront areas, protecting environmental and cultural resources, and providing public access; specifying that the act does not modify or supersede the city's charter relating to waterfront property owned by the city; providing an effective date.

11/20/17

558981-1



HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: 1071

SPONSOR(S): Representative Larry Ahern

RELATING TO: City of Clearwater

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

NAME OF DELEGATION: Pinellas County

CONTACT PERSON: Eired Eddy

PHONE NO.: (813)-714-9324 E-Mail: eired.eddy@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, Federal & Veterans 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 []

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: This local bill will amend a special act of the legislature, which will allow the City of Clearwater to allow shows and events to be held on land that currently doesn't allow this use.

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

YES [checked] NO []

Date hearing held: November 1, 2017

Location: St Petersburg College, Tarpon Springs Campus

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

YES [checked] NO [] UNANIMOUSLY APPROVED [checked]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 DATE November 20, 2017

Where? Tampa Bay Times County Pinellas

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO

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

YES NO

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

YES NO

Please submit this completed, original form to the Local, Federal & Veterans Affairs Subcommittee.



Delegation Chair (Original Signature)

12/6/17
Date

Senator Darryl Rouson

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: 1071
SPONSOR(S): Representative Larry Ahern (District 66)
RELATING TO: Clearwater, Pinellas County - Allowing certain uses/development on city-owned waterfront
[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 18-19</u>	<u>FY 19-20</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 18-19</u>	<u>FY 19-20</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 18-19</u>	<u>FY 19-20</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:

Draw residents and visitors. Better connect the Waterfront to Downtown.

2. Advantages to Businesses:

Attract investment that will catalyze greater Downtown activity.

3. Advantages to Government:

Bill removes State restriction to the extent that the property is used and developed in accordance with the Florida Legislature's mandates for revitalizing waterfront areas, the City Comprehensive Plan and the City Charter.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals:

None.

2. Disadvantages to Businesses: None.

3. Disadvantages to Government: None.

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

None.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

None.

VII. CERTIFICATION BY PREPARER

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

PREPARED BY: Rosemarie Call
[Must be signed by Preparer]

Print preparer's name: Rosemarie Call
November 7, 2017
Date

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

REPRESENTING: City of Clearwater

PHONE: (727)562-4092

E-MAIL ADDRESS: rosemarie.call@myclearwater.com

HOUSE OF REPRESENTATIVES
2017 - 2018 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, Federal & Veterans Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 1071

SPONSOR(S): Representative Ahern

RELATING TO: City of Clearwater

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

SPONSOR OF AMENDMENT: Representative Ahern

AMENDMENT FOR: **Committee:** Local, Federal & Veterans Affairs Subcommittee
(Check One) (Name of Committee or Subcommittee)

Floor

CONTACT PERSON: Eired Eddy

PHONE NO: 8137149324 **E-MAIL:** eired.eddy@myfloridahouse.gov

Reviewed by staff of the Local, Federal & Veterans Affairs Subcommittee

Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:

(Attach additional page(s) if necessary)

Restores a reverter clause providing that if the property ever ceases to be used for public parks + places of recreation only, same shall revert to the state. Corrects/adds citation to both Chapter laws addressing this special act.

II. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Resolves a potential issue regarding ownership of the property by restoring current law; provides correct citation to two Chapter laws

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, was a revised notice published in the area affected by the bill at least 30 days prior to the bill being amended?

YES NO NOT APPLICABLE

C. 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, Federal and Veterans 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, Federal and Veterans Affairs Subcommittee.

YES NO

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

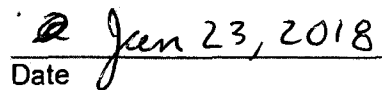
YES NO UNANIMOUSLY APPROVED

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)


Date

DARRYL E. ROUSON
Print Name of Delegation Chair

1 A bill to be entitled
 2 An act relating to the City of Clearwater, Pinellas
 3 County; amending ch. 11050, Laws of Florida (1925);
 4 removing a restriction against carnivals and shows on
 5 certain lands conveyed from the state to the city;
 6 providing that the use and development of the city-
 7 owned lands be consistent with state policies for
 8 revitalization of waterfront areas, protecting
 9 environmental and cultural resources, and providing
 10 public access; specifying that the act does not modify
 11 or supersede the city's charter relating to waterfront
 12 property owned by the city; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 1 of chapter 11050, Laws of Florida
 18 (1925), is amended to read:

19 Section 1. That in order to secure, encourage and promote
 20 the erection and maintenance of said free bridge and causeway by
 21 the County of Pinellas across Clearwater Bay, in the City of
 22 Clearwater, and County of Pinellas, a strip of the submerged
 23 land belonging to the State of Florida, five hundred feet in
 24 width, lying and being on the north side of the following line,
 25 to wit:

26 Commencing at a point 601.65 feet west from the
 27 intersection of the center line of Cleveland Street and Osceola
 28 Avenue, according to the map of the City of Clearwater, Florida,
 29 as of May 1st, 1925; thence west 149.5 feet; thence following
 30 the arc of an eight degree curve to the right 312.5 feet; thence
 31 north 65 degrees and no minutes west 994.6 feet to the point of
 32 a curve thence follow the arc of a one degree curve to the right
 33 1400 feet; thence north 51 degrees no minutes west 4240.6 feet
 34 to the point of a curve; thence follow the arc of a 5 degree and
 35 30 minute curve to the left 808.49 feet; thence south 84 degrees
 36 and 32 minutes west 1538.6 feet to high tide on Sand Key, said
 37 land being in Township 28 South Range 15 East;

38 And also a strip of land seven hundred feet in width lying
 39 and being on the south side of said line, be and the same is
 40 hereby granted unto the County of Pinellas for the purpose of
 41 erecting, building and maintaining said free bridge and
 42 causeway. The said county is hereby authorized to enter upon
 43 said lands to excavate, dredge, fill or otherwise improve the
 44 same in such manner as may be necessary for the purpose of
 45 building and maintaining said bridge and causeway; provided that
 46 all dredging for said causeway shall be made and done on and
 47 from the said land on the south side of said line; and provided
 48 further, that this grant shall not affect the riparian rights of
 49 the property owners on the eastern and western termini of said
 50 strip of land; and provided further, that parties purchasing or

51 otherwise acquiring the state owned land abutting said land on
 52 the north and on the south, shall have access to said bridge and
 53 causeway, and to this end shall have the right, under the
 54 direction and control of the governing body having jurisdiction
 55 of said land, to build the necessary streets, roads, bridges,
 56 fills and approaches upon and over said land; and the owners
 57 (present and future) of the land abutting said land on the
 58 north, the City of Clearwater or the County of Pinellas shall
 59 have the right to fill said land lying north of said line to be
 60 used for public parks and places of recreation only, the same to
 61 be maintained by the said city or county, or both. Provided that
 62 focus on no carnivals or shows of any character shall be placed
 63 ~~or allowed upon~~ the land lying north of said line shall be
 64 consistent with state policies for revitalization of waterfront
 65 areas, protecting environmental and cultural resources, and
 66 providing public access; and provided further that ~~should~~ said
 67 property shall ever cease to be used for public parks and places
 68 of recreation only, and this act shall not modify or supersede
 69 any provision of the Charter of the City of Clearwater
 70 concerning the requirement of a referendum for the use of
 71 waterfront property owned by the City of Clearwater ~~same shall~~
 72 ~~revert to the State.~~

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



Amendment No.

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, Federal & Veterans
2 Affairs Subcommittee
3 Representative Ahern offered the following:

Amendment (with directory and title amendments)

6 Remove lines 62-72 and insert:
7 ~~no carnivals or shows of any character shall be placed or~~
8 ~~allowed upon~~ should the land lying north of said line; ~~and~~
9 ~~provided further that should said property~~ ever cease to be used
10 for public parks and places of recreation only, same shall
11 revert to the State.

12 -----
13
14 **D I R E C T O R Y A M E N D M E N T**

15 Remove lines 17-18 and insert:



Amendment No.

16 Section 1. Section 1 of chapter 11050, Laws of Florida (1925),
17 as amended by chapters 86-345, 2007-312, and 2010-250, Laws of
18 Florida, is amended to read:

19 -----
20 -----

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

22 Remove everything before the enacting clause and insert:
23 An act relating to the City of Clearwater, Pinellas County;
24 amending ch. 11050, Laws of Florida (1925), as amended; removing
25 a restriction against carnivals and shows on certain lands
26 conveyed from the state to the city; providing an effective
27 date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1093 Loxahatchee Groves Water Control District, Palm Beach County
SPONSOR(S): Willhite
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Renner <i>DR</i>	Miller <i>E. Miller</i>
2) Natural Resources & Public Lands Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Loxahatchee Groves Water Control District (District) is an independent special district that provides surface water management, road maintenance, and related services for the Loxahatchee Groves community and a portion of Royal Palm Beach. Its area covers 12.5 square miles with 29 miles of unpaved roads and 30 miles of canals in Northern Palm Beach County. The District was founded in 1917 and all of its prior special acts have been codified into one special act pursuant to ch. 99-425, L.O.F., as amended by: ch. 2004-410, L.O.F.; ch. 2011-257, L.O.F.; ch. 2012-262, L.O.F., ch. 2014-246, L.O.F., and ch. 2014-247, L.O.F.

The bill dissolves the District as an independent special district and transfers it to the Town of Loxahatchee Groves (Town) as a dependent special district. The bill repeals all special acts of the District. The District's provisions will become ordinances of the Town.

All assets, liabilities, financial allocations and written contracts of the District, including all rights, obligations, duties and relationships now existing by law, easement, permit, or agreement, are unaffected and remain in full force and effect and will be those of a dependent district of the Town. Additionally, all rights, claims, actions, orders, and all contracts of the District and all legal or administrative proceedings involving the District will continue in full force and effect under the jurisdiction of the District as a dependent district.

The terms of office for the current members of the District Board of Supervisors will continue until the members of the Town Council or the Town assume the offices of the District Board of Supervisors.

All resolutions and policies of the District will remain in effect until amended, revised, or repealed by the board of supervisors to the extent they are not inconsistent with town ordinances. Any other provisions necessary to effect the transition and to provide for the operation of the District as a dependent district must be adopted by ordinance.

The bill takes effect only upon its approval by a majority of those landowners of the District voting in the same manner by which the District's governing body is elected. The referendum must occur no later than October 1, 2018. Sections 3 and 4 of the bill take effect upon becoming law.

The Economic Impact Statement submitted with the bill states that it is projected to have no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Independent Special Districts

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

A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.⁶ An "independent special district" is any district that is not a dependent special district.⁷

Loxahatchee Groves Water Control District

The Loxahatchee Groves Water Control District (District) is an independent special district that provides surface water management, road maintenance, and related services for the Loxahatchee Groves community⁸ and a portion of Royal Palm Beach. Its area covers 12.5 square miles with 29 miles of unpaved roads and 30 miles of canals in Northern Palm Beach County.⁹ The District was founded in 1917¹⁰ and all of its prior special acts have been codified into one special act pursuant to ch. 99-425, L.O.F., as amended by: ch. 2004-410, L.O.F.; ch. 2011-257, L.O.F.; ch. 2012-262, L.O.F, ch. 2014-246, L.O.F., and ch. 2014-247, L.O.F.

As a water control district,¹¹ the drainage and water control provisions of state law¹² govern its enabling special acts and authority.¹³ The District 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 the District.¹⁴ The District may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the District. The

¹ Section 189.031(3), F.S.

² *Id.*

³ Section 189.02(1), F.S.

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

⁵ *2017 – 2018 Local Gov't Formation Manual*, p. 60, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 1/3/2018).

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ There are more than 1,200 homes in the District with an estimated population of 3,500. Loxahatchee Groves Water Control District, About Us, available at http://www.lgwcd.org/Pages/LoxahatcheeWCD_About/index (last accessed 1/20/2018).

⁹ *Id.*

¹⁰ *Id.*

¹¹ All special districts operating under ch. 298, F.S., and formerly known as "drainage districts" or "water management districts" are now officially called water control districts. Section 298.001, F.S.

¹² Chapter 298, F.S.

¹³ *See* ch. 298, F.S., and chapters 99-425, 2004-410, 2011-257, 2012-262, 2014-246, and 2014-247, Laws of Fla.

¹⁴ Section 298.22, F.S.

District 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.¹⁵

The District is governed by a board of supervisors, the five members of which are elected by a system incorporating a popular election and elections by the district land owners.¹⁶ Seat 1 is a nonpartisan office, candidates for which must qualify with the Palm Beach County Supervisor of Elections. Seat 1 is elected by qualified voters of the District and serves a three-year term. Seats 2, 3, 4, and 5 are elected by the landowners of the district at the annual landowner's meeting. The terms of office for these seats are for three years each.¹⁷

Town of Loxahatchee Groves

The Town of Loxahatchee Groves (Town) was created and established by ch. 2006-328, Laws of Florida. Its boundaries are established within the District¹⁸ and the Town comprises approximately 8,148 acres. The Town has a council-manager form of government consisting of a five-member town council elected at large who are vested with all legislative and charter powers of the town, unless otherwise provided by the charter.¹⁹ Each council member serves three-year terms.²⁰

Effect of Proposed Changes

The bill dissolves the District as an independent special district and transfers it to the Town as a dependent special district. The bill repeals all special acts of the District. The District's provisions will become ordinances of the Town. The drainage and water control provisions of ch. 298, F.S. will continue to be applicable to the District, so long as they are not inconsistent with this act.

All assets, liabilities, financial allocations and written contracts of the District, including all rights, obligations, duties and relationships now existing by law, easement, permit, or agreement, are unaffected and remain in full force and effect and will be those of a dependent district of the Town. Additionally, all rights, claims, actions, orders, and all contracts of the District and all legal or administrative proceedings involving the District will continue in full force and effect under the jurisdiction of the District as a dependent district.

The terms of office for the current members of the District Board of Supervisors will continue until the members of the Town Council or the Town assume the offices of the District Board of Supervisors.

All resolutions and policies of the District will remain in effect until amended, revised, or repealed by the board of supervisors to the extent they are not inconsistent with town ordinances. Any other provisions necessary to effect the transition and to provide for the operation of the District as a dependent district must be adopted by ordinance.

The bill provides the legal description of the boundaries of the District.

B. SECTION DIRECTORY:

Section 1 Provides that the Loxahatchee Groves Water Control District, an independent special district, will become a dependent special district of the Town of Loxahatchee Groves;

¹⁵ Section 298.22(3), F.S.

¹⁶ See s. 189.04, F.S. The District held a referendum on June 27, 2011 to change from a one-acre/one-vote to a popularly-elected system. The resulting popular election/land owner election was enacted in ch. 2012-262, Laws of Fla.

¹⁷ Ch. 2012-262, s. 1, Laws of Fla.

¹⁸ Ch. 20006-328, s. 1, Laws of Fla.

¹⁹ Ch. 2006-328, s. 2, Laws of Fla.

²⁰ Ch. 2006-328, s. 3, Laws of Fla.

provides for boundaries; provides that members of the town council will assume the offices of the board of supervisors of the district.

- Section 2 Provides for the dissolution of the Loxahatchee Groves Water Control District as an independent special district.
- Section 3 Requires a referendum on or before October 1, 2018.
- Section 4 Provides the act takes effect upon approval by a majority of qualified electors voting in a referendum. Provides section 3 and 4 take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 26, 2017

WHERE? *Palm Beach Post*

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? October 1, 2018

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides rulemaking authority nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

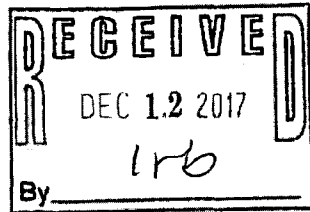
None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Rep. Willhite LB1
HB 1093

The Palm Beach Post

Palm Beach Daily News | ideabar



PROOF OF PUBLICATION STATE OF FLORIDA

PUBLIC NOTICE

Before the undersigned authority, personally appeared Rosemary Hindmarch, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - Notice was published in said newspaper on: first date of Publication 10/26/2017 and last date of Publication 10/26/2017. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

LOXAHATCHEE GROVES WATER
CONTROL DIST
PO BOX 407
LOXAHATCHEE, FL 33470-0407

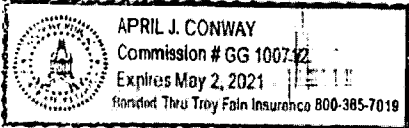
Invoice/Order Number: 0000243931
Ad Cost: \$123.84
Paid: \$0.00
Balance Due: \$123.84

Signed Rosemary Hindmarch
(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 4th day of December, 2017 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed April J. Conway
(Notary)

Please see Ad on following page(s).



LOXAHATCHEE GROVES WATER CONTROL
DIST
PO BOX 407
LOXAHATCHEE, FL 33470-0407

Invoice/Order Number:	0000243931
Ad Cost:	\$123.84
Paid:	\$0.00
Balance Due:	\$123.84

**LOXAHATCHEE GROVES
WATER CONTROL DISTRICT**

**NOTICE OF
INTENTION TO APPLY FOR PASSAGE OF
LOCAL LEGISLATION**

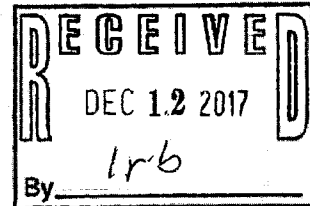
Notice is hereby given of the Loxahatchee Groves Water Control District's intent to apply to the 2018 Session(s) of the Florida Legislature for passage of:

An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; providing that the Loxahatchee Groves Water Control District, an independent special district, shall be dissolved and become a dependent district of the Town of Loxahatchee Groves; providing the boundaries of the district shall be coterminous with the boundaries of the town; providing that members of the town council shall assume the offices of the board of supervisors of said district; requiring a referendum; providing an effective date.

DATED this 24th day of October, 2017.

LOXAHATCHEE GROVES
WATER CONTROL DISTRICT
Post Office Box 407
Loxahatchee, Florida 33470
10-26/2017

0000243931-01



HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: 1093
SPONSOR(S): Representative Matt Willhite
RELATING TO: Town of Loxahatchee Groves - Loxahatchee Groves Water Control District
NAME OF DELEGATION: Palm Beach County
CONTACT PERSON: Christine Shaw
PHONE NO.: (561) 818-8833 E-Mail: CShaw1@pbcgov.org

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:
(1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
(2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
(3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
(4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local, Federal & Veterans 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 []

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: The bill dissolves an independent special district created by the Florida Legislature and makes it a dependent district of the Town of Loxahatchee Groves.

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

YES [checked] NO []

Date hearing held: October 17, 2017

Location: Solid Waste Authority Administration Building - 7501 North Jog Road, West Palm Beach

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

YES [] NO [] UNANIMOUSLY APPROVED [checked]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 DATE _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum On or before October 1, 2018

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

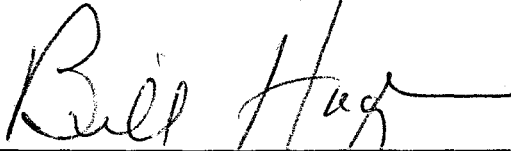
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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, Federal & Veterans Affairs Subcommittee.



Delegation Chair (Original Signature)

December 1, 2017

Date

Representative Bill Hager

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: 1093
SPONSOR(S): W. White
RELATING TO: Loxahatchee Groves Water Control District-Becoming Dependent District of Town of Loxahatchee Groves
[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 18-19</u>	<u>FY 19-20</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 18-19</u>	<u>FY 19-20</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 17-18</u>	<u>FY 18-19</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: Dissolve the Independent Special District to create a Dependent Special District

2. Advantages to Businesses: Dissolve the Independent Special District to create a Dependent Special District

3. Advantages to Government: Dissolve the Independent Special District to create a Dependent Special District

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 economic impact beyond any costs associated with implementation and provision of services via interlocal agreement or otherwise.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

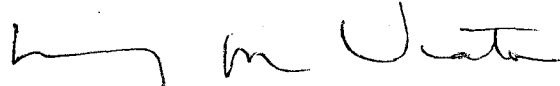
Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

N/A

VII. CERTIFICATION BY PREPARER

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

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name:

Mary M. Viator

September 25, 2017
Date

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

District Attorney

REPRESENTING:

Loxahatchee Groves Water Control District

PHONE:

(561) 655-0620

E-MAIL ADDRESS:

viator@caldwellpacetti.com

1 A bill to be entitled

2 An act relating to the Loxahatchee Groves Water
 3 Control District, Palm Beach County; providing that
 4 the Loxahatchee Groves Water Control District, an
 5 independent special district, shall become a dependent
 6 district of the Town of Loxahatchee Groves; providing
 7 boundaries; providing that members of the town council
 8 shall assume the offices of the board of supervisors
 9 of said district; providing for dissolution of the
 10 Loxahatchee Groves Water Control District as an
 11 independent special district; requiring a referendum;
 12 providing an effective date.

13
 14 WHEREAS, the governing bodies of the Town of Loxahatchee
 15 Groves and the Loxahatchee Groves Water Control District have
 16 mutually agreed that the Loxahatchee Groves Water Control
 17 District, an independent special district, should be dissolved
 18 and become a dependent district of the town to eliminate
 19 duplicate services and provide more efficient use of public
 20 funds; and

21 WHEREAS, most of the property comprising the Loxahatchee
 22 Groves Water Control District is included in the jurisdictional
 23 boundaries of the Town of Loxahatchee Groves; and

24 WHEREAS, the jurisdictional boundaries of the district will
 25 be amended as necessary to address additional parcels located

26 within Palm Beach County and neighboring municipalities
 27 accordingly; and

28 WHEREAS, the governing body of the Loxahatchee Groves Water
 29 Control District has agreed that services to the residents would
 30 be more efficiently administered if the district is dissolved
 31 and becomes a dependent district of the town, NOW, THEREFORE,

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Loxahatchee Groves Water Control District
 36 continuation and transfer.—The Loxahatchee Groves Water Control
 37 District, an independent special district created by a special
 38 act of the Legislature, shall become a dependent district of the
 39 Town of Loxahatchee Groves on the effective date of this act.

40 (1) All special acts of the Loxahatchee Groves Water
 41 Control District, chapters 99-425, 2004-410, 2011-257, 2012-262,
 42 2014-246, and 2014-247, Laws of Florida, are repealed and their
 43 provisions shall become ordinances of the Town of Loxahatchee
 44 Groves on the effective date of this act. The provisions of
 45 chapter 298, Florida Statutes, so far as not inconsistent with
 46 this act, are applicable to the district.

47 (2) The assets, liabilities, financial allocations, and
 48 written contracts of the Loxahatchee Groves Water Control
 49 District, including all rights, obligations, duties, and
 50 relationships now existing by law, easement, permit, or

51 agreement, shall be unaffected and remain in full force and
 52 effect and shall be those of the district as a dependent
 53 district of the Town of Loxahatchee Groves. All rights, claims,
 54 actions, orders, and all contracts of the special district and
 55 all legal or administrative proceedings involving the district
 56 shall continue in full force and effect under the jurisdiction
 57 of the district as a dependent district of the Town of
 58 Loxahatchee Groves.

59 (3) The terms of office of the current members of the
 60 Board of Supervisors of the Loxahatchee Groves Water Control
 61 District shall continue until the members of the Town Council of
 62 the Town of Loxahatchee Groves assume the offices of the Board
 63 of Supervisors of the Loxahatchee Groves Water Control District.

64 (4) The jurisdictional boundaries of the district are as
 65 follows:

66
 67 Being out of Sections 12, 13, 24, 25, and 36 in
 68 Township 43 South, Range 40 East and out of Sections
 69 7, 8, 17 - 22, and 27 - 34 in Township 43 South, Range
 70 41 East, Palm Beach County, Florida being more
 71 particularly described as follows:

72
 73 Beginning at the Northwest corner of the East half of
 74 the Southeast quarter of said Section 12 in Township
 75 43 South, Range 40 East;

76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Thence East along the North line of the Southeast quarter of said Section 12 to the East line of said Section 12 in Township 43 South, Range 40 East and the West line of said Section 7 in Township 43 South, Range 41 East;

Thence South along said East line of Section 12 in Township 43 South, Range 40 East and said West line of Section 7 in Township 43 South, Range 41 East to the Northwest corner of the South half of said Section 7 in Township 43 South, Range 41 East;

Thence East along the South half of said Sections 7 & 8 in Township 43 South, Range 41 East to the Northeast corner of said South half of Section 8;

Thence South along the East line of said Sections 8 & 17 to the Southeast corner of said Section 17 and the Northwest corner of said Section 21;

Thence East along the North line of said Sections 21 & 22 to the Northeast corner of the Northwest quarter of said Section 22;

101 Thence South along the East line of said Northwest
 102 quarter of Section 22 to the Southeast corner of said
 103 Northwest quarter of Section 22;
 104
 105 Thence West along the South line of the Southeast
 106 quarter of Northwest quarter of said Section 22 to the
 107 Southwest corner of said Southeast quarter of the
 108 Northwest quarter of said Section 22;
 109
 110 Thence South along the East line of the West half of
 111 the West half of sections 22, 27, and 34 to the South
 112 line of the North 1100 feet of Lot 1, Block K,
 113 Loxahatchee Groves as recorded in Plat Book 12, Page
 114 29 of the Palm Beach County Records;
 115
 116 Thence West along said South line of the North 1100
 117 feet of Lot 1, Block K, Loxahatchee Groves to the West
 118 line of the East 360 feet of said Lot 1, Block K,
 119 Loxahatchee Groves;
 120
 121 Thence North along said West line of the East 360 feet
 122 of Lot 1, Block K, Loxahatchee Groves to the South
 123 Right-of-Way line of Collecting Canal Road of said
 124 Loxahatchee Groves;
 125

126 Thence West along said South Right-of-Way line of
 127 Collecting Canal Road to the Northeast corner of Lot
 128 4, Block K in said Loxahatchee Groves and being the
 129 Northwest corner of Palms West Medical Center - Replat
 130 No. 1 as recorded in Plat Book 117, Page 41 of the
 131 Palm Beach County Records;

132
 133 Thence South along the East line of said Lot 4, Block
 134 K, Loxahatchee Groves to the South line of the North
 135 834 feet of said Lot 4, Block K, Loxahatchee Groves;

136
 137 Thence West along said South line of the North 834
 138 feet of Lot 4, Block K, Loxahatchee Groves to the West
 139 line of said Lot 4, Block K, Loxahatchee Groves;

140
 141 Thence South along said West line of Lot 4, Block K,
 142 Loxahatchee Groves to the Northwest corner of a tract
 143 of land as described in the Official Record Book
 144 11390, Page 1934 of the Palm Beach County Records
 145 being approximately the Northwest corner of the South
 146 line of the North 1640 feet of said Lot 4, Block K,
 147 Loxahatchee Groves;

148

149 Thence East, 275.01 feet as described for a tract of
 150 land in the Official Record Book 19231, Page 919 of
 151 the Palm Beach County Records;

152
 153 Thence South, 321.11 feet as described for said tract
 154 of land in the Official Record Book 19231, Page 919 of
 155 the Palm Beach County Records;

156
 157 Thence East, 248.59 feet as described for said tract
 158 of land in the Official Record Book 19231, Page 919 of
 159 the Palm Beach County Records;

160
 161 Thence South, 80.00 feet as described for said tract
 162 of land in the Official Record Book 19231, Page 919 of
 163 the Palm Beach County Records to the North Right-of-
 164 Way line of State Route 80 (Southern Boulevard);

165
 166 Thence West along said North Right-of-Way line of
 167 State Route 80 (Southern Boulevard) to the West line
 168 of the East 435.6 feet of said Section 36 in Township
 169 43 South, Range 40 East;

170
 171 Thence North along the West line of the East half of
 172 the East half of said sections 36, 25, 24, 13, and 12
 173 in Township 43 South, Range 40 East to the point of

174 beginning containing approximately 7,966 acres more or
 175 less.

177 (5) To the extent not inconsistent with town ordinances,
 178 all resolutions and policies of the Loxahatchee Groves Water
 179 Control District shall remain in effect until amended, revised,
 180 or repealed by the board of supervisors.

181 (6) Additional provisions which are necessary to effect
 182 this transition and to provide for the operation of the
 183 Loxahatchee Groves Water Control District as a dependent
 184 district of the town shall be adopted by ordinance.

185 Section 2. Dissolution.—Loxahatchee Groves Water Control
 186 District, an independent special district, is dissolved.



187 Section 3. Referendum.—On or before October 1, 2018, the
 188 Loxahatchee Groves Water Control District shall call and conduct
 189 a referendum, in accordance with the provisions of law relating
 190 to elections currently in force, on the question of whether the
 191 Loxahatchee Groves Water Control District, an independent
 192 special district, shall be dissolved and become a dependent
 193 district of the Town of Loxahatchee Groves.

194 Section 4. This act shall take effect only if a majority
 195 of those landowners of the Loxahatchee Groves Water Control
 196 District voting in the same manner by which the district's
 197 governing body is elected in a referendum held pursuant to this
 198 act approve the referendum question in section 3, except that

199 | this section and section 3 shall take effect upon becoming a
200 | law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1117 Sebastian Inlet Tax District, Indian River and Brevard Counties
SPONSOR(S): Grall
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

The Sebastian Inlet Tax District (District) is an independent special district created in 1919 operating in Brevard and Indian River Counties. The District was created to construct, improve, widen, deepen, and maintain the inlet between the Indian River and the Atlantic Ocean, including the north and south jetties protecting the mouth of the inlet.

The bill authorizes the District to install and maintain security and safety devices, including fences, gates, and other barriers, to control or prevent public access to the jetties. The bill also authorizes the District to establish and enforce hours of access for its facilities, install monitoring devices, and coordinate surveillance with local law enforcement, the Department of Environmental Protection, and the Fish and Wildfire Conservation Commission.

The bill provides the act takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Independent Special Districts

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

A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.⁶ An "independent special district" is any district that is not a dependent special district.⁷

Sebastian Inlet Tax District

The Sebastian Inlet Tax District (District) is an independent special district in Brevard and Indian River Counties.⁸ The District was created in 1919 to aid in the construction of a passageway through a barrier island.⁹ There had been six previous attempts to dig an inlet through the island between 1901 and 1915. The Sebastian Inlet was opened and small jetties were completed in 1924. The inlet closed due a nor'easter in 1941 and remained closed during the Second World War. The inlet was permanently reopened in 1947. The purpose of the District is to construct, improve, widen, deepen, and maintain the inlet between the Indian River and the Atlantic Ocean.¹⁰ The inlet is used primarily for shipping and transportation. The District may levy annual ad valorem taxes at a rate of up to 1.5 mills.¹¹

The District is governed by a five-member board.¹² The board has the power to conduct business on behalf of the District, including employing a chief engineer, a consulting engineer, and other employees as required. Members of the board serve four-year terms.¹³ All members of the board must be a qualified elector of the district. Three members of the board must be residents of the county with the district with greater population, while two members of the board must be residents of the county with a

¹ Section 189.031(3), F.S.

² Id.

³ Section 189.02(1), F.S.

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

⁵ 2017 – 2018 *Local Gov't Formation Manual* at p. 64, available at

<http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last visited Jan. 18, 2018).

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ *See* s. 1 of the Sebastian Inlet Tax District Charter, as codified in s. 3 of ch. 2003-373, s. 3, Laws of Fla. (herein Sebastian Inlet Tax District Charter). *See also* Area Map of District attached as Appendix A.

⁹ Sebastian Inlet District, *The History of the Sebastian Inlet*, <http://www.sitd.us/history/> (last visited Jan. 18, 2018).

¹⁰ Section 6, Sebastian Inlet Tax District Charter.

¹¹ Section 9, Sebastian Inlet Tax District Charter.

¹² Section 2, Sebastian Inlet Tax District Charter.

¹³ Section 3, Sebastian Inlet Tax District Charter.

smaller population.¹⁴ Board members receive an annual salary of \$3,600 and are eligible for reimbursement for travel expenses outside of the district.¹⁵ Members of the board may vote to increase their own compensation, but by no more than the increase in the percentage increase in inflation over the same period.

The District is responsible for the construction, maintenance, and continued operation of the north and south jetties¹⁶ protecting the mouth of Sebastian Inlet. Both jetties extend from land that is part of Sebastian Inlet State Park.¹⁷ Over the northern jetty an extensive pier was built, providing access to a popular fishing area for pedestrians over walkways in the State Park.¹⁸

Public safety has increasingly become a concern at the pier, with individuals fishing from the pier flinging weights, lures, and other objects at boaters in the area.¹⁹ Conflicts also resulted from members of the public taking aggressive steps to prevent other fisherman from coming too close to them on the pier.

A 1988 memorandum of understanding between the District and the Department of Environmental Protection (DEP) provided that DEP would have the responsibility for maintaining public order and safety over the jetties, fishing walkways, and park areas after the jetties were incorporated into the park by appropriate instrument.²⁰ A restated and amended memorandum of understanding between the District and DEP was executed in 2000, providing that the jetties had been incorporated into the park and that DEP was responsible for ensuring public order and safety.²¹ Both documents required the District and DEP to coordinate in carrying out duties related to boating safety and navigation in the inlet. District officials have stated security concerns have increased following a 2012 change in the law enforcement powers of park rangers.²²

Effect of Proposed Changes

The bill states that the District holds title from third parties and easements from the Trustees of the Internal Improvement Trust Fund over the areas where the north jetty, the south jetty, and revetments have been constructed and a spoil disposal area is maintained. The bill authorizes the District to install and maintain security and safety devices, including fences, gates, and other barriers, to control or prevent public access to the jetties. The bill also authorizes the District to establish and enforce hours of access for its facilities, install monitoring devices, and coordinate surveillance with local law enforcement, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission.

B. SECTION DIRECTORY:

Section 1: Amending ch. 2003-373, Laws of Fla., to authorize the Sebastian Inlet Tax District to install security and safety devices to control public access to district jetties and establish hours for access to district facilities.

¹⁴ As of April 1, 2017, Brevard County has 575,211 residents, while Indian River County has 148,962. Office of Demographic Research, Population and Demographic Data – Florida Products, <http://edr.state.fl.us/Content/population-demographics/data/index-floridaproducts.cfm> (last visited Jan. 19, 2018).

¹⁵ Section 5, Sebastian Inlet Tax District Charter.

¹⁶ A “jetty” is a structure extended into a sea, lake, or river to influence the current or tide or to protect a harbor.

¹⁷ See map of Sebastian Inlet State Park, attached as Appendix B.

¹⁸ See aerial photograph of pier attached as Appendix C.

¹⁹ Jim Waymer, “Sebastian Inlet District hopes to crack down on angry anglers,” Florida Today, Feb. 20, 2017 (last visited Jan. 21, 2018).

²⁰ 1988 Memorandum of Understanding between Sebastian Inlet Tax District and the Department of Environmental Protection, signed Nov. 7, 1988. A copy of this document is on file with the Local, Federal & Veterans Affairs Subcommittee.

²¹ 2000 Memorandum of Understanding between Sebastian Inlet Tax District and the Department of Environmental Protection, signed Dec. 21, 2000. A copy of this document is on file with the Local, Federal & Veterans Affairs Subcommittee.

²² Jim Waymer, “Sebastian Inlet District hopes to crack down on angry anglers,” Florida Today, Feb. 20, 2017 (last visited Jan. 21, 2018).

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 3, 2017

WHERE? *Florida Today*, a daily newspaper of general circulation in Brevard 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:

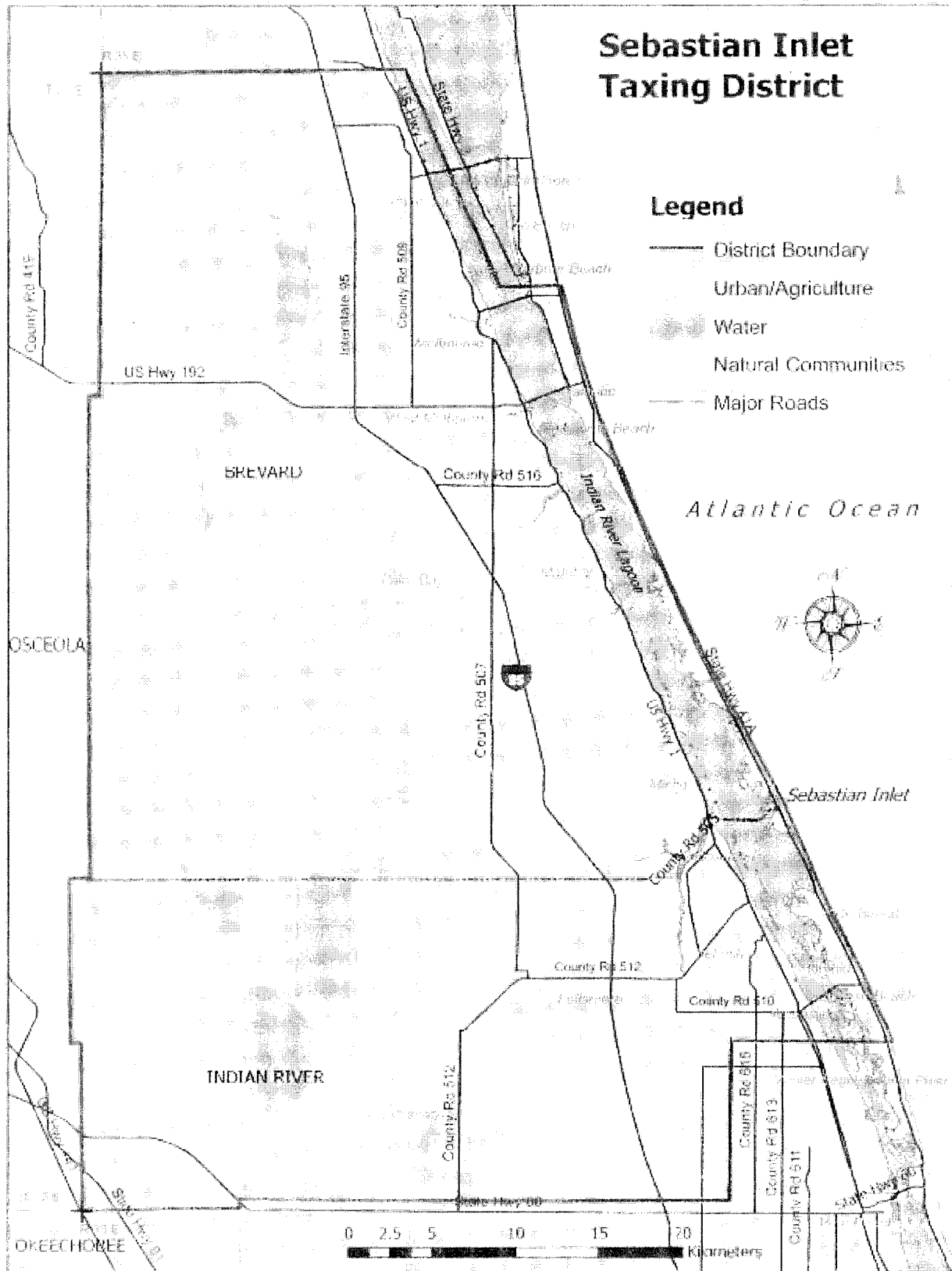
The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

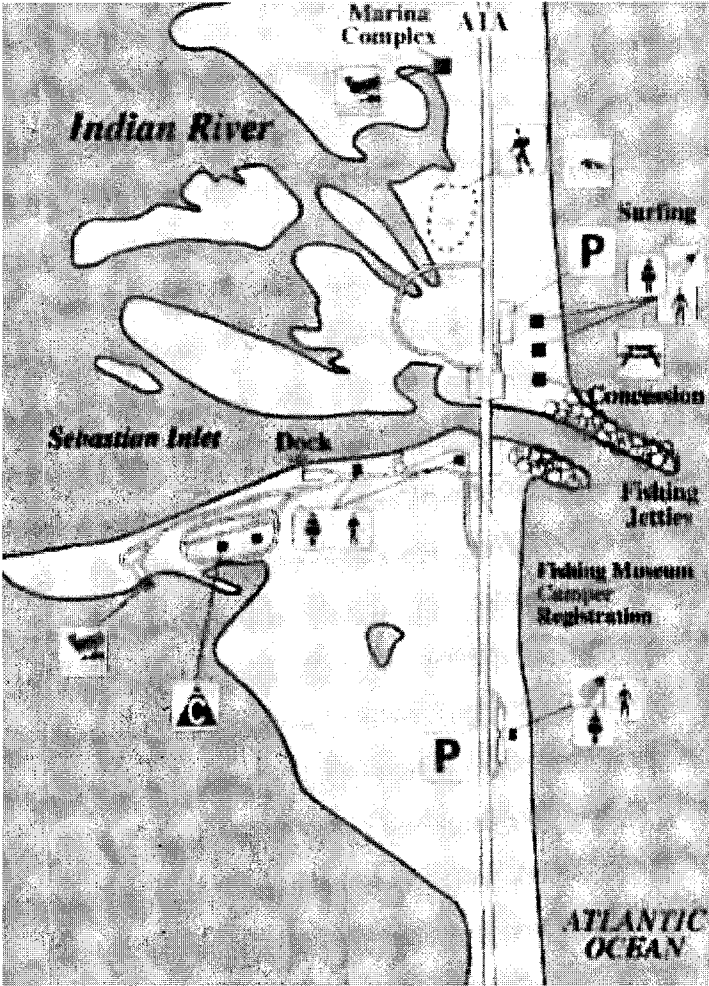
None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

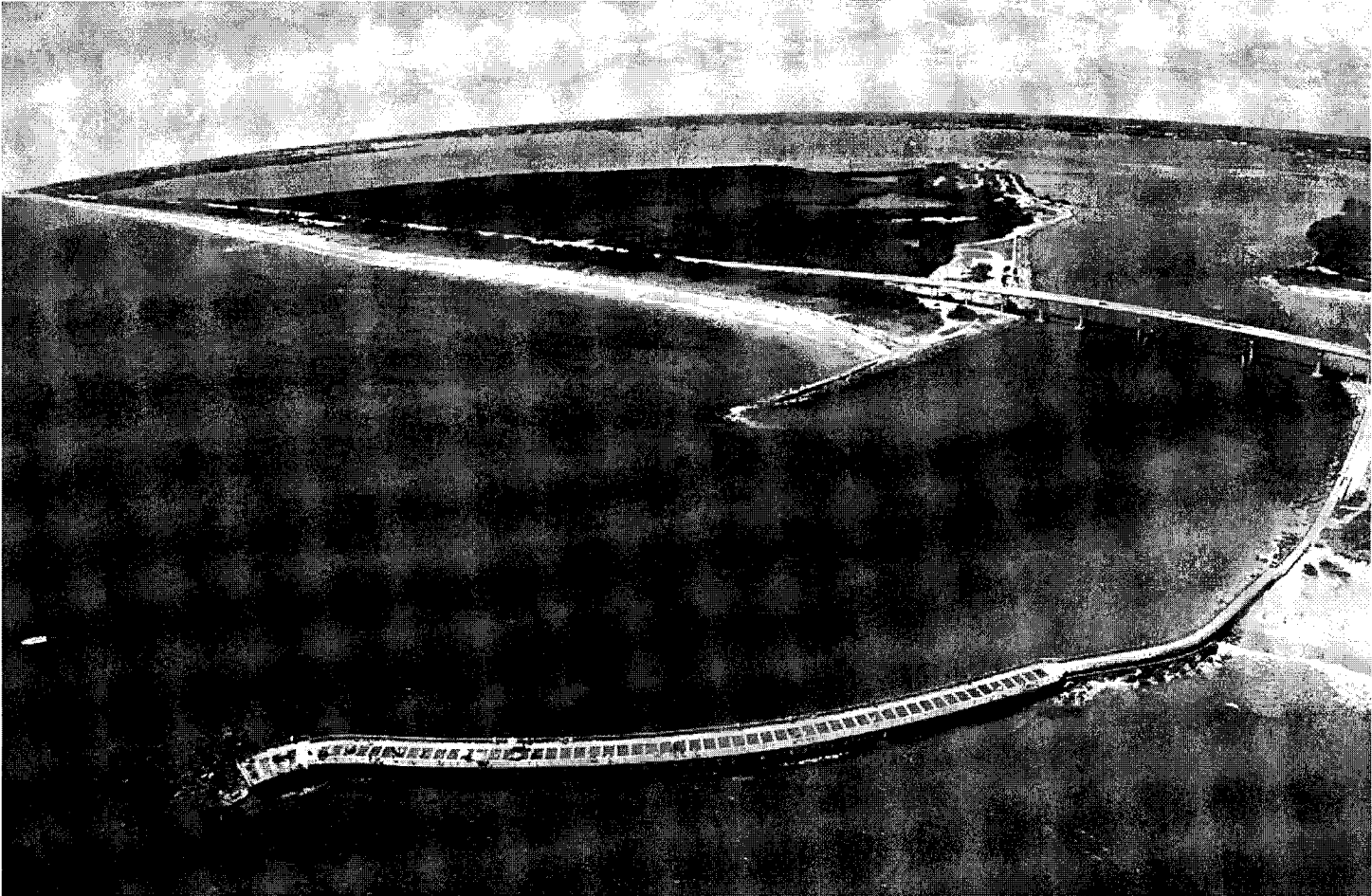
**APPENDIX A
MAP OF SEBASTIAN INLET TAX DISTRICT**



**APPENDIX B
MAP OF SEBASTIAN INLET STATE PARK**



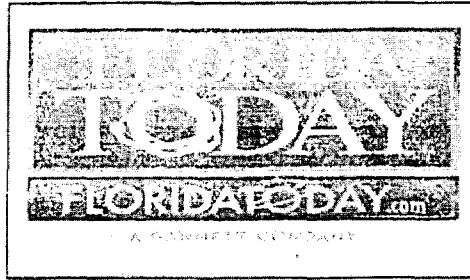
**APPENDIX C
AERIAL PHOTOGRAPH OF PIER**



Rep. Mall LB

HB 1117

A Daily Publication By:



OCT - 6 2017

SEBASTIAN INLET TAX DISTRICT
114 6TH AVE STE 1

INDIALANTIC, FL 32903

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared
Becky Holland, who on oath says that he or she is a
Legal Advertising Representative of the FLORIDA TODAY
, a daily newspaper published in Brevard County, Florida
that the attached copy of advertisement, being a Legal
Ad in the matter of

Ad #2443308 10/3/2017
NOTICE OF INTENT TO SEEK
LOCAL LEGISLATION
Pursuant to Section 11.02, Florida Statutes, the Sebastian Inlet Tax District Board of Commissioners hereby gives notice of its intention to seek approval of local legislation by the legislative delegations of Brevard and Indian River Counties and the 2018 Florida Legislature. Pursuant to Section 10, Article III, of the Florida Constitution, the general substance of the local legislation would authorize the District to install and maintain security and safety devices to protect district facilities and the general public, to control public access to district facilities and cooperate with local and state law enforcement authorities to provide for public safety for the general public.
(SEAL)
Jenny Lawton Seal
Chairperson
Sebastian Inlet Tax District

Legal Notices

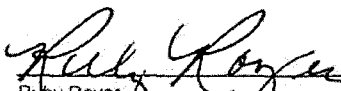
as published in FLORIDA TODAY in the issue(s) of:

10/03/17

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

Ad #2443308 10/3/2017
NOTICE OF INTENT TO SEEK
LOCAL LEGISLATION
Pursuant to Section 11.02, Florida Statutes, the Sebastian Inlet Tax District Board of Commissioners hereby gives notice of its intention to seek approval of local legislation by the legislative delegations of Brevard and Indian River Counties and the 2018 Florida Legislature. Pursuant to Section 10, Article III, of the Florida Constitution, the general substance of the local legislation would authorize the District to install and maintain security and safety devices to protect district facilities and the general public, to control public access to district facilities and cooperate with local and state law enforcement authorities to provide for public safety for the general public.
(SEAL)
Jenny Lawton Seal
Chairperson
Sebastian Inlet Tax District

Sworn to and Subscribed before me this 3th of October 2017, by Becky Holland who is personally known to me


Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$84.57
Ad No: 0002443308
Customer No: BRE-6SE205



RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2018

Rep Hall LB
HB 1117

Treasure Coast Newspapers | TCPALM

Indian River Press Journal
1801 U.S. 1, Vero Beach, FL 32960
AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the Indian River Press Journal, a daily newspaper published at Vero Beach in Indian River County, Florida; that the attached copy of advertisement was published in the Indian River Press Journal in the following issues below. Affiant further says that the said Indian River Press Journal is a newspaper published in Vero Beach in said Indian River County, Florida, and that said newspaper has heretofore been continuously published in said Indian River County, Florida, daily and distributed in Indian River 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 or 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. The Indian River Press Journal has been entered as Periodical Matter at the Post Offices in Vero Beach, Indian River County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Customer	Ad Number	Copyline	PQ #
437057 - SEBASTIAN INLET DISTRICT COMM	1777672	NOTICE OF INTENT TO SEEK LOCAL LEGIS	

Pub Dates
October 5, 2017

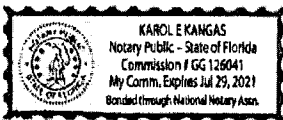
Sworn to and subscribed before me this day of, October 05, 2017, by

Natalie Zollar

_____ who is
Natalie Zollar
 personally known to me or
 who has produced _____ as identification.

Karol E Kangas

Karol Kangas Notary Public



Treasure Coast Newspapers | TcPALM

Sales Rep: Karol Kangas (N7103)

Phone: (239) 263-4710

Email: karol.kangas@naplesnews.com

> Account Information

Date: 10/03/17
Account Number: 437057 (T15603053)
Name: SEBASTIAN INLET DISTRICT COMM
Contact:
Email: Nedra Maxwell <nmaxwell@sitd.us>
Address: 114 SIXTH AVE, INDIALANTIC, FL, 32903
Phone: (321) 724-5175 Fax: (321) 951-8182

> Insertion Information

This is a proof of your ad scheduled to run on the dates indicated below.
Please confirm placement prior to deadline by contacting your account rep at (239) 263-4710 .
Ad Id: 1777672 P.O. No.: Total Cost: \$51.15
Tag Line: NOTICE OF INTENT TO SEEK LOCAL LEGIS
Start Date: 10/05/17 Stop Date: 10/05/17
Number of Times: 1 Class: 16250 - Public Notices
Publications: TC-TC News-Press-Tribune, TC-Internet tcpalm.com

> Ad Proof

I agree this ad is accurate and as ordered.

NOTICE OF INTENT TO SEEK LOCAL LEGISLATION

Pursuant to Section 11.02, Florida Statutes, the Sebastian Inlet Tax District Board of Commissioners hereby gives notice of its intention to seek approval of local legislation by the legislative delegations of Brevard and Indian River Counties and the 2018 Florida Legislature. Pursuant to Section 10, Article III, of the Florida Constitution, the general substance of the local legislation would authorize the District to install and maintain security and safety devices to protect district facilities and the general public, to control public access to district facilities and cooperate with local and state law enforcement authorities to provide for public safety for the general public.

Removed

(SEAL)
Jenny Lawton Seal
Chairperson
Sebastian Inlet Tax District
Pub: October 5, 2017
TCN 1777672

Thank you for your business. Our commitment to a quality product includes the advertising in our publications. As such, Gannett reserves the right to categorize, edit and refuse certain classified ads. Your satisfaction is important. If you notice errors in your ad, please notify the classified department immediately so that we can make corrections before the second print date. The number to call is 877-247-2407. Allowance may not be made for errors reported past the second print date. The Treasure Coast Newspapers may not issue refunds for classified advertising purchased in a package rate; ads purchased on the open rate may be pro-rated for the remaining full days for which the ad did not run.

HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: 1117
SPONSOR(S): Grall
RELATING TO: Sebastian Inlet Tax District
NAME OF DELEGATION: Indian River County
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, Federal & Veterans 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 []

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: The district's charter can only be amended by the Legislature.

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

YES [checked] NO []

Date hearing held: November 29, 2017

Location: County Chambers, Indian River County Administration Building

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

YES [checked] NO [] UNANIMOUSLY APPROVED [checked]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 DATE October 5, 2017

Where? TC Palm County Indian River 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, Federal & Veterans Affairs Subcommittee.



Delegation Chair (Original Signature)

1/10/18

Date

Representative Erin Grall

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: 1117
SPONSOR(S): Grall
RELATING TO: Sebastian Inlet Tax District (Brevard and Indian River 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 18-19</u>	<u>FY 19-20</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 18-19</u>	<u>FY 19-20</u>
	\$ <u>Indeterminate</u>	\$ <u>Indeterminate</u>

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

If the district is required to provide security for the fishing pier, there would be an associated expense. However, it is not certain that the district will have to provide security to the area.

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 18-19</u>	<u>FY 19-20</u>
Local:	\$ <u>Indeterminate</u>	\$ <u>Indeterminate</u>
State:	\$ <u>0</u>	\$ <u>0</u>
Federal:	\$ <u>0</u>	\$ <u>0</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

1. Advantages to Individuals: The safety of individuals on or around the pier will be increased.
2. Advantages to Businesses: None.
3. Advantages to Government: Decrease in liability associated with potential injuries on the pier.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: None.

2. Disadvantages to Businesses: None.

3. Disadvantages to Government: None.

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

None.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

Prior experience working for the district.

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: Marty S. Smithson
[Must be signed by Preparer]

Print preparer's name: Marty Smithson
01 - 08 - 2018
Date

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

REPRESENTING: Sebastian Inlet Tax District

PHONE: 321-724-5175

E-MAIL ADDRESS: msmithson@sitd.us

HOUSE OF REPRESENTATIVES
2017 – 2018 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, Federal & Veterans Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 1117

SPONSOR(S): Grall

RELATING TO: Sebastian Inlet Tax District (Brevard and Indian River Counties)

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

SPONSOR OF AMENDMENT: Grall

AMENDMENT FOR: **Committee:** Local, Federal and Veterans Affairs Subcommittee
(Check One) (Name of Committee or Subcommittee)

Floor

CONTACT PERSON: Chris Lyon

PHONE NO: 850-222-5702 **E-MAIL:** clyon@llw-law.com

Reviewed by staff of the Local, Federal & Veterans Affairs Subcommittee

Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:

(Attach additional page(s) if necessary)

The amendment narrows the scope of the bill to deal only with the district's ability to provide security.

II. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Concerns from FDEP over other portions of the bill as filed.

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, was a revised notice published in the area affected by the bill at least 30 days prior to the bill being amended?

YES NO NOT APPLICABLE

C. 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, Federal and Veterans 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, Federal and Veterans Affairs Subcommittee.

YES NO

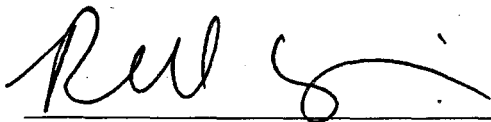
V. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

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)

Randy Fine

Print Name of Delegation Chair

1/23/18

Date

HOUSE OF REPRESENTATIVES

2017 - 2018 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, Federal & Veterans Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 1117

SPONSOR(S): Grall

RELATING TO: Sebastian Inlet Tax District (Brevard and Indian River Counties)

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

SPONSOR OF AMENDMENT: Grall

AMENDMENT FOR: [X] Committee: Local, Federal and Veterans Affairs Subcommittee (Check One) (Name of Committee or Subcommittee)

[] Floor

CONTACT PERSON: Chris Lyon

PHONE NO: 850-222-5702 E-MAIL: clyon@llw-law.com

Reviewed by staff of the Local, Federal & Veterans Affairs Subcommittee



Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:

(Attach additional page(s) if necessary)

The amendment narrows the scope of the bill to deal only with the district's ability to provide security.

II. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Concerns from FDEP over other portions of the bill as filed.

III. NOTICE REQUIREMENTS

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

YES [X] NO [] NOT APPLICABLE []

B. If the amendment is not consistent with the published notice, was a revised notice published in the area affected by the bill at least 30 days prior to the bill being amended?

YES [] NO [] NOT APPLICABLE [X]

C. 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 [X]

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, Federal and Veterans 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, Federal and Veterans Affairs Subcommittee.

YES NO

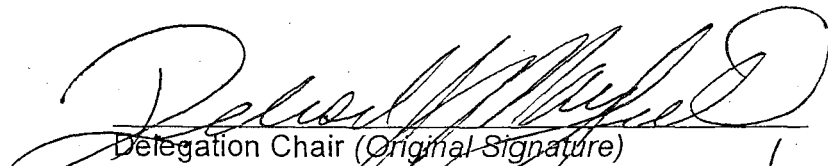
V. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

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)

1/23/18
Date


Print Name of Delegation Chair

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled
 An act relating to the Sebastian Inlet Tax District,
 Indian River and Brevard Counties; amending ch. 2003-
 373, Laws of Florida, as amended; authorizing the
 district to install and maintain security and safety
 devices to maintain district facilities, control
 public access to district facilities, and cooperate
 with local and state law enforcement authorities;
 providing an effective date.

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

Section 1. Section 17 of section 3 of chapter 2003-373, as
 amended by chapter 2012-238, Laws of Florida, is amended to
 read:

Section 17. (a) The Board is authorized to vacate any
 easement or transfer fee simple interest in any real property
 which it holds to any unit of local, state, or federal
 government. Prior to such vacation or transfer, the Board shall
 conduct a public hearing and determine if it is in the public
 interest to authorize the vacation or transfer. At such hearing,
 the Board shall consider what effect, if any, the vacation or
 transfer shall have on public access to the inlet for fishing
 and recreation purposes and what action best serves the public
 health, safety, and welfare.

26 (b) The District holds both fee simple title from third
 27 parties and easements from the Trustees of the Internal
 28 Improvement Trust Fund over those areas of the Sebastian Inlet
 29 Tax District where the north jetty, south jetty, and revetments
 30 have been constructed and a spoil disposal area is maintained.
 31 The primary purpose of the north and south jetties is to serve
 32 as navigation devices. Fishing from the decks of these
 33 navigation devices is a secondary activity. Maintenance of all
 34 navigation structures on pilings or rock ribs, including, but
 35 not limited to, decking, grates, vents, railings, lights,
 36 monitoring devices, or other appurtenances, are the sole
 37 responsibility of the District. The fishing walkways and
 38 sidewalks west of these devices are maintained by the State
 39 Park. In order to protect and maintain District facilities and
 40 ensure the peaceful, recreational use of District facilities by
 41 patrons of the adjacent State Park, the District is empowered to
 42 install and maintain security and safety devices, including, but
 43 not limited to, fences, gates, or similar barriers or devices
 44 that control or prevent public access to all or portions of the
 45 District jetties. The District is also empowered to establish
 46 and enforce hours of access to its facilities, install
 47 monitoring devices, and integrate its surveillance activities
 48 with local law enforcement agencies, the Florida Department of
 49 Environmental Protection, and the Florida Fish and Wildlife
 50 Conservation Commission.

HB 1117

2018

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



Amendment No.

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, Federal & Veterans
2 Affairs Subcommittee
3 Representative Grall offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 6 of section 3 of chapter 2003-373, as
8 amended by chapter 2012-238, Laws of Florida, is amended to
9 read:

10 Section 6. (a) It shall be the duty of said Board of
11 Commissioners of Sebastian Inlet Tax District to construct,
12 improve, widen or deepen, and maintain the inlet between the
13 Indian River and the Atlantic Ocean. With character, manner of
14 construction of said inlet shall be determined by said Board of
15 Commissioners with the approval and recommendation of the Chief
16 Engineer, and said Board is further authorized to do all acts



Amendment No.

17 and things proper, necessary, or convenient for the aforesaid
18 purposes. The opening and maintenance of such inlet or waterway
19 connecting the waters of the Atlantic Ocean with the waters of
20 the Indian River within the Sebastian Inlet Tax District are
21 hereby found and declared to be for public purposes and to be
22 necessary for the use of shipping and for transportation and for
23 the extension of commerce of the State of Florida and of said
24 District, and also to be necessary for the maintenance of the
25 health of the inhabitants of the territory embraced in the said
26 District and for the convenience, comfort, and welfare of the
27 said District and the inhabitants thereof. The District is
28 authorized to conduct such programs and projects as it finds
29 necessary or convenient for beach renourishment, erosion
30 control, environmental protection, navigation, boating,
31 recreation, and public safety for the operation and maintenance
32 of the inlet and the waters of the Atlantic Ocean and Indian
33 River Lagoon adjacent thereto.

34 (b) In order to protect, maintain, and ensure peaceful,
35 recreational use of District facilities, the District may enter
36 into such interlocal agreements, memoranda of understanding, or
37 other agreements with local law enforcement agencies, the Board
38 of Trustees of the Internal Improvement Trust Fund, the Florida
39 Department of Environmental Protection, or the Florida Fish and
40 Wildlife Conservation Commission necessary to provide and



Amendment No.

41 facilitate security services on properties owned, controlled, or
42 operated by the District.

43 Section 2. This act shall take effect upon becoming a law.
44
45

46 -----

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


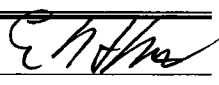
48 Remove everything before the enacting clause and insert:
49 An act relating to the Sebastian Inlet Tax District, Indian
50 River and Brevard Counties; amending ch. 2003-373, Laws of
51 Florida, as amended; authorizing the district to enter
52 interlocal agreements, memorandums of understanding, or other
53 agreements with local and state authorities to provide security
54 for district facilities; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1173 Lands Used for Governmental Purposes

SPONSOR(S): Raschein

TIED BILLS: IDEN./SIM. BILLS: SB 1622

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Gregory 	Miller 
2) Ways & Means Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Purchasing Nonconservation Land Buffering a Military Installation

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida. The Board of Trustees may acquire nonconservation land through the Military Base Protection Program (MBPP) from the annual list submitted by the Department of Economic Opportunity (DEO) to buffer a military installation against encroachment.

The bill adds additional procedures for the selection of lands under the MBPP by requiring:

- DEO annually to request military installations in Florida to submit a list of base buffering encroachment lands for acquisitions;
- The Florida Defense Support Task Force to analyze the resulting list and provide ranking recommendations to DEO;
- DEO to submit its final list to the Board of Trustees for acquisition; and
- The Board of Trustees to use federal appraisal standards and to disclose its appraisal to the seller when federal partnership funds are available.

The bill authorizes the Board of Trustees to lease or convey the acquired military buffer land at less than appraised value to the military installation, provided the conveyance states the land will revert to the Board of Trustees if the military installation does not use the land as a buffer or if the military installation closes.

Purchasing Land in an Area of Critical State Concern

The Governor and Cabinet may designate certain areas within the state containing resources of statewide significance as areas of critical state concern. Currently designated areas of critical state concern are the Big Cypress Area, the Green Swamp Area, the Florida Keys Area, the City of Key West Area, and the Apalachicola Bay Area. Under present law, based on recommendations from DEO, the Department of Environmental Protection (DEP) proposes to the Board of Trustees purchasing lands within or outside an area of critical state concern that directly impact the area. The bill authorizes the Board of Trustees to purchase lands within areas of critical state concern to prevent or satisfy private property rights claims resulting from limitations imposed by inclusion within the area without following its normal acquisition procedures. DEP, when purchasing lands under this authority, could use alternative valuation methods if the parcel is estimated to be worth \$500,000 or less, the cost of an outside appraisal is not justified, and the public's interest is reasonably protected.

Finally, each county where one or more areas of critical state concern are located may create a land authority. The land authority may contribute tourist impact tax revenues to its most populous municipality or the housing authority of such municipality, for the construction, redevelopment, or preservation of affordable housing. The bill authorizes each land authority to contribute tourist impact tax revenues to the county or the county's housing authority to purchase land in the county, not just the most populous municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern.

The bill provides the act is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Purchasing Nonconservation Land Buffering a Military Installation

Present Situation

The State of Florida owns lands for many purposes including preservation, conservation, recreation, water management, historic preservation, and administration of government. These lands include:

- All swamp and overflowed lands held by the state or which may inure to the state;
- All lands owned by the state by right of its sovereignty;
- All internal improvement lands proper;
- All tidal lands;
- All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water;
- All parks, reservations, or lands or bottoms set aside in the name of the state, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way; and
- All lands which have accrued, or which may accrue, to the state.¹

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.² The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. This body may acquire, sell, transfer, and administer state lands in the manner consistent with chapters 253 and 259, F.S.³ The Department of Environmental Protection (DEP), through its Division of State Lands (DSL), performs all staff duties and functions related to the acquisition, administration, and disposition of state lands.⁴

“Conservation lands” are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation (“nonconservation lands”) are not designated conservation lands. Nonconservation lands include the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, State University or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources.⁵

Military Base Protection Program

The Board of Trustees may acquire, through the Military Base Protection Program (MBPP), nonconservation lands from the annual list submitted by the Department of Economic Opportunity (DEO) to buffer a military installation against encroachment.⁶ The MBPP secures nonconservation lands to serve as a buffer to protect military installations against encroachment and supports local community efforts to engage in service partnerships with military installations.⁷ DEO annually may submit a list of nonconservation lands recommended for Board of Trustees acquisition through fee simple purchase or through perpetual, less-than-fee interest purchase, to buffer a military installation against encroachment. The Board of Trustees also must consider the recommendations of the Florida Defense Support Task Force (FDSTF) when selecting nonconservation lands to purchase for buffering

¹ Section 253.03(1), F.S.

² Section 253.001, F.S.

³ Section 253.02(1), F.S.

⁴ Section 253.002(1), F.S.

⁵ Section 253.034(2)(c), F.S.

⁶ Section 253.025(21), F.S.

⁷ Section 288.980(2)(a), F.S.

military installations.⁸ For the purpose of this program, “nonconservation lands” are lands not subject to acquisition by the Florida Forever Program.⁹ Funds appropriated to the MBPP may be used to address emergent needs relating to mission sustainment, encroachment reduction or prevention, and base retention.¹⁰

Board of Trustees Appraisals

The Board of Trustees must obtain at least one appraisal when acquiring land. Two appraisals are required when the estimated value of the parcel exceeds \$1 million. If both appraisals exceed \$1 million and differ significantly, the Board of Trustees may obtain a third appraisal. The Director of DSL may use a comparable sales analysis, an appraisal prepared by DSL, or other reasonably prudent procedures to estimate the value of a parcel if the estimated worth is \$100,000 or less, the cost of an outside appraisal is not justified, and the public’s interest is reasonably protected. The state need not appraise the value of lands and appurtenances received from donations.¹¹

Effect of the Proposed Changes

The bill amends 253.025(21), F.S., to add additional procedures for the selection of lands under the MBPP. The bill:

- Specifies that the Board of Trustees use DSL when acquiring nonconservation land to buffer a military installation based on a list submitted by DEO. This is consistent with current law;
- Requires DEO annually to request military installations in Florida to submit a list of base buffering encroachment lands for fee simple or less-than-fee simple acquisitions by October 1;
- Requires FDSTF to analyze the list and provide ranking recommendations to DEO;
- Requires DEO to submit its final list of base buffering encroachment lands to DSL for acquisition. The list must include at a minimum a legal description of the land and the property identification number, a detailed map of the land, and a management and monitoring agreement to ensure the land serves a base buffering purpose;
- Requires applying the Uniform Appraisal Standards for Federal Land Acquisitions,¹² commonly known as the Yellow Book appraisal standards, when federal partnership funds are available for the acquisition. These standards are broadly consistent with USPAP, which is used by the Board of Trustees;¹³ and
- Requires the Board of Trustees to disclose the appraisal to the seller if federal partnership funds are available.

The bill authorizes the Board of Trustees to lease or convey the acquired military buffer land to the military installation at less than appraised value in accordance with the installation’s procedures and state law. The military installation or another governmental entity must provide for the management and monitoring of the land. If the Board of Trustees conveys the land at less than appraised value, then the conveyance must state the land will revert to the Board of Trustees if the military installation does not use the land as a military installation buffer or if the military installation closes.

⁸ Section 288.980(2)(b), F.S.

⁹ Section 288.980(2)(c), F.S.

¹⁰ Section 288.980(2)(d), F.S.

¹¹ Section 253.025(8)(b), F.S. The Board of Trustee’s appraisal procedures follow the Uniform Standards of Professional Appraisal Practice (USPAP) standards when developing an appraisal. *See* Rule 18-1.006(1), F.A.C.

¹² U.S. Department of Justice, *Uniform Appraisal Standards for Federal Land Acquisitions*, 2016, <https://www.justice.gov/file/408306/download> (last visited January 10, 2018).

¹³ *Id.* at 6. *See* Rule 18-1.006(1), F.A.C.

Purchasing Land in an Area of Critical State Concern

Present Situation

Areas of Critical State Concern

The Governor and Cabinet, sitting as the Administration Commission,¹⁴ may designate by rule certain areas within the state that contain resources of statewide significance as areas of critical state concern based on the recommendations of DEO.¹⁵ To be designated as an area of critical state concern, the area must:

- Contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance, including state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources;¹⁶
- Contain, or have a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts;¹⁷ or
- Have a significant impact upon, or is being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, highways, ports, airports, energy facilities, and water management projects.¹⁸

The current designated areas of critical state concern are the Big Cypress Area,¹⁹ the Green Swamp Area,²⁰ the Florida Keys Area, the City of Key West Area,²¹ and the Apalachicola Bay Area.²²

One hundred and eighty days after an area of critical state concern is established, the local government having jurisdiction may submit to DEO its existing land development regulations and local comprehensive plan for the area. The local government must prepare, adopt, and submit new or modified regulations and comprehensive plan that take into consideration the principles set forth in the rule designating the area of critical state concern.²³

Board of Trustees Buying Land within an Area of Critical State Concern

Within 45 days of designation of an area of critical state concern, and annually thereafter, DEP must consider the recommendations of DEO for the purchase of lands within an area of critical state concern or lands outside the area that directly impact it. These lands may include lands used to preserve and protect water supply. DEP must make recommendations to the Board of Trustees to purchase:

- Environmentally endangered lands;
- Outdoor recreation lands;
- Lands that conserve sensitive habitat;
- Lands that protect, restore, or enhance nearshore water quality and fisheries;
- Lands used to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems; or
- Lands used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern if the acquisition of such lands fulfill a

¹⁴ See ss. 14.202 and 380.031(1), F.S.

¹⁵ Section 380.05, F.S.

¹⁶ Section 380.05(2)(a), F.S.

¹⁷ Section 380.05(2)(b), F.S.

¹⁸ Section 380.05(2)(c), F.S.

¹⁹ Section 380.055, F.S.

²⁰ Section 380.0551, F.S.

²¹ Section 380.0552, F.S.

²² Section 380.0555, F.S.

²³ Section 380.05(5), F.S.

public purpose the Board of Trustees may use when acquiring conservation and recreation lands.²⁴

Board of Trustees Purchasing Land Immediately

The Board of Trustees may direct DEP to purchase conservation lands immediately when the lands:

- Are listed or placed at auction by the federal government as part of the Resolution Trust Corporation sale of lands from failed savings and loan associations;
- Are listed or placed at auction by the federal government as part of the Federal Deposit Insurance Corporation sale of lands from failed banks; or
- Will be developed or otherwise lost to potential public ownership, or for which federal matching funds will be lost, by the time the land can be purchased under the program where the land is listed for acquisition.²⁵

Three of the members of the Board of Trustees must vote to acquire the land immediately. The Board of Trustees may waive or modify all acquisition procedures to acquire these lands. Lands acquired immediately must, at the time of purchase, be on one of the acquisition lists or be essential for water resource development, protection, or restoration, or a significant portion of the lands must contain natural communities or plant or animal species listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities.²⁶

Board of Trustees Appraisals

The Board of Trustees must obtain at least one appraisal when acquiring land. Two appraisals are required when the estimated value of the parcel exceeds \$1 million. If both appraisals exceed \$1 million and differ significantly, the Board of Trustees may obtain a third appraisal. The director of DSL may use a comparable sales analysis, an appraisal prepared by DSL, or other reasonably prudent procedures to estimate the value of a parcel if estimated to be worth \$100,000 or less, the cost of an outside appraisal is not justified, and the public's interest is reasonably protected. The state is not required to appraise the value of lands and appurtenances received from donations.²⁷

Local Authority Buying Land within an Area of Critical State Concern

Each county in which one or more areas of critical state concern are located may create, by ordinance, a public body corporate and politic, known as a land authority.²⁸ To carry out the purposes of the areas of critical state concern program, the land authority may:

- Acquire and dispose of real and personal property or any interest therein when the acquisition is necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide affordable housing to families whose incomes do not exceed 160 percent of the median family income for the area, prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern, or provide access to management of acquired lands;
- Acquire interests in land by means of land exchanges;
- Contribute tourist impact tax revenues it receives to its most populous municipality or the housing authority of such municipality, at the request of the commission or council of such municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern within such municipality;
- Contribute funds to DEP for the purchase of lands by the department; and

²⁴ Section 259.045, F.S.

²⁵ Section 253.025(22), F.S.

²⁶ *Id.*

²⁷ Section 253.025(8)(b), F.S.

²⁸ Section 380.0663, F.S.

- Enter into all alternatives to the acquisition of fee interests in land, including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback arrangements.²⁹

Tourist Impact Tax

Any county creating a land authority is authorized to levy by ordinance, in the area or areas designated as an area of critical state concern, a tourist impact tax on every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of six months or less, unless such establishment is exempt. If the area or areas of critical state concern are greater than fifty percent of the land area of the county, the tax may be levied throughout the entire county. The county levies the tourist impact tax at the rate of one percent of each dollar and major fraction thereof of the total consideration charged for such taxable privilege.³⁰

Effect of the Proposed Changes

Board of Trustees Purchasing Land Immediately within an Area of Critical State Concern

The bill amends s. 253.025(22), F.S., to change the qualifications and methods for the Board of Trustees to purchase land immediately. Specifically the bill:

- Authorizes the Board of Trustees to use “other appropriate funding sources” to purchase lands immediately;
- Adds lands to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern to the types of lands the Board of Trustees may purchase immediately. This will allow the Board of Trustees to circumvent its usual acquisition procedures when quickly purchasing such property;
- Adds lands within an area of critical state concern to the list of areas where lands purchased immediately must be located at the time of purchase; and
- Authorizes the director of DSL, when purchasing lands immediately, to use a comparable sales analysis, an appraisal prepared by DSL, or other reasonably prudent procedures to estimate the value of such parcels if the parcel is estimated to be worth \$500,000 or less, the cost of an outside appraisal is not justified, and the public’s interest is reasonably protected. This raises the threshold estimated value of the land for which DSL may use alternative land valuation techniques when purchasing land immediately.

Use of the Tourist Impact Tax to Purchase Land for Affordable Housing

The bill authorizes each land authority to contribute tourist impact tax revenues to the county or the county’s housing authority to purchase land in the county, not just the most populous municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern.

B. SECTION DIRECTORY:

Section 1. Amends s. 253.025, F.S., relating to acquisition of state lands.

Section 2. Amends s. 380.006, F.S., relating to powers of the land authority.

Section 3. Provides and effective date on becoming law.

²⁹ Section 380.0666(3), F.S.

³⁰ Section 125.0108(1), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a negative fiscal impact on DEO by requiring the agency follow additional procedures to create a list of lands to purchase to buffer military installations.

The bill may have a negative fiscal impact on the Board of Trustees because it requires the Board of Trustees to disclose the appraisal of military buffer land to the seller if federal partnership funds are available. This may put the Board of Trustees at a negotiating disadvantage.

The bill may have a negative fiscal impact on the Board of Trustees because it authorizes the Board of Trustees to lease or convey the acquired military buffer land to the military installation at less than appraised value. This may cause a negative fiscal impact if the Board of Trustees bought the land at appraised value.

The bill may have a positive fiscal impact on DEP by authorizing the department to use alternative valuation methods to ascertain the value of land bought immediately if the parcel is estimated to be worth \$500,000 or less, the cost of an outside appraisal is not justified, and the public's interest is reasonably protected.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have a negative fiscal impact on municipalities or municipal housing authorities within areas of critical state concern who receive tourist impact tax revenues for affordable housing because the bill authorizes the land authority to also distribute those funds to counties or county housing authorities within the area of critical state concern.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive fiscal impact on landowners who intend to sell their land to the Board of Trustees by requiring the Board of Trustees to disclose the appraisal of lands to the seller if federal partnership funds are available. The seller will be aware of the Board of Trustee's appraisal and estimated land value without purchasing its own appraisal. This may create a negotiation advantage for the seller.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have

to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

The definitions of "nonconservation lands" in chapters 253 and 288, F.S., are different. The definition in chapter 288, F.S., appears to allow the Board of Trustees to acquire lands under the Military Base Protection Program that may be considered conservation lands under chapter 253, F.S. Conforming these definitions to each other would improve clarity.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled

An act relating to lands used for governmental purposes; amending s. 253.025, F.S.; specifying the authority of the Division of State Lands within the Department of Environmental Protection to acquire lands from an annual list provided by the Department of Economic Opportunity and the Florida Defense Support Task Force for the purpose of buffering military installations against encroachment; providing requirements for the annual list; providing conditions under which specified appraisal standards are required for such lands; authorizing such lands to be leased or conveyed for less than appraised value to military installations; providing requirements for such leasing and conveyance; authorizing the use of certain funding sources for the immediate acquisition of lands that prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 380.0666, F.S.; authorizing land authorities to contribute tourist impact tax revenues to counties for the construction, redevelopment, and preservation of certain affordable housing; providing an effective date.

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

27

28 Section 1. Subsections (21) and (22) of section 253.025,
29 Florida Statutes, are amended to read:

30 253.025 Acquisition of state lands.—

31 (21) (a) The board of trustees, through its agent, the
32 Division of State Lands within the Department of Environmental
33 Protection, may acquire, pursuant to s. 288.980(2)(b),
34 nonconservation lands from the annual list submitted by the
35 Department of Economic Opportunity for the purpose of buffering
36 a military installation against encroachment.

37 (b) The Department of Economic Opportunity shall annually
38 by October 1 request military installations in the state to
39 provide the department with a list of base buffering
40 encroachment lands for fee simple or less-than-fee simple
41 acquisitions.

42 (c) The Florida Defense Support Task Force shall analyze
43 the list of base buffering encroachment lands submitted by the
44 military installations and provide its recommendations for
45 ranking the lands to the Department of Economic Opportunity.

46 (d) The Department of Economic Opportunity shall submit
47 the final list of base buffering encroachment lands to the
48 Division of State Lands, which may acquire the lands pursuant to
49 this section. At a minimum, the annual list must contain for
50 each land:

- 51 1. A legal description of the land and its property
 52 identification number;
 53 2. A detailed map of the land; and
 54 3. A management and monitoring agreement to ensure the
 55 land serves a base buffering purpose.

56 (e) If federal partnership funds are available before the
 57 land is acquired, yellow book appraisal standards must be
 58 applied and the appraised value must be disclosed to the seller.

59 (f) As authorized by the Division of State Lands on behalf
 60 of the board of trustees, and in agreement with the benefitting
 61 military installation, the land may be leased or conveyed at
 62 less than appraised value to the installation after its
 63 acquisition in accordance with the installation's procedures and
 64 the laws of this state. The management and monitoring of the
 65 land must be provided by the installation or another
 66 governmental entity.

67 (g) A conveyance at less than appraised value must state
 68 that the land will revert to the board of trustees if the land
 69 is not used for its intended purposes as a military installation
 70 buffer or if the military installation closes.

71 (22) (a) The board of trustees, by an affirmative vote of
 72 at least three members, may direct the department to purchase
 73 lands on an immediate basis using up to 15 percent of the funds
 74 allocated to the department pursuant to s. 259.105 or using
 75 other appropriate funding sources for the acquisition of lands

76 that:

77 1. (a) Are listed or placed at auction by the Federal
 78 Government as part of the Resolution Trust Corporation sale of
 79 lands from failed savings and loan associations;

80 2. (b) Are listed or placed at auction by the Federal
 81 Government as part of the Federal Deposit Insurance Corporation
 82 sale of lands from failed banks; ~~or~~

83 3. (c) Will be developed or otherwise lost to potential
 84 public ownership, or for which federal matching funds will be
 85 lost, by the time the land can be purchased under the program
 86 within which the land is listed for acquisition; or

87 4. Will prevent or satisfy private property rights claims
 88 resulting from limitations imposed by the designation of an area
 89 of critical state concern pursuant to chapter 380.

90

91 For such acquisitions, the board of trustees may waive or modify
 92 all procedures required for land acquisition pursuant to this
 93 chapter and all competitive bid procedures required pursuant to
 94 chapters 255 and 287. Lands acquired pursuant to this subsection
 95 must, at the time of purchase, be within an area of critical
 96 state concern designated pursuant to chapter 380, be on one of
 97 the acquisition lists established pursuant to chapter 259, or be
 98 essential for water resource development, protection, or
 99 restoration, or a significant portion of the lands must contain
 100 natural communities or plant or animal species that are listed

101 by the Florida Natural Areas Inventory as critically imperiled,
 102 imperiled, or rare, or as excellent quality occurrences of
 103 natural communities.

104 (b) For the purposes of this subsection, if a parcel is
 105 estimated to be worth \$500,000 or less and the director of the
 106 Division of State Lands finds that the cost of an outside
 107 appraisal is not justified, a comparable sales analysis, an
 108 appraisal prepared by the division, or other reasonably prudent
 109 procedure may be used by the division to estimate the value of
 110 the land, provided the public interest is reasonably protected.

111 Section 2. Subsection (3) of section 380.0666, Florida
 112 Statutes, is amended to read:

113 380.0666 Powers of land authority.--The land authority
 114 shall have all the powers necessary or convenient to carry out
 115 and effectuate the purposes and provisions of this act,
 116 including the following powers, which are in addition to all
 117 other powers granted by other provisions of this act:

118 (3) To acquire and dispose of real and personal property
 119 or any interest therein when such acquisition is necessary or
 120 appropriate to protect the natural environment, provide public
 121 access or public recreational facilities, preserve wildlife
 122 habitat areas, provide affordable housing to families whose
 123 income does not exceed 160 percent of the median family income
 124 for the area, prevent or satisfy private property rights claims
 125 resulting from limitations imposed by the designation of an area

126 of critical state concern, or provide access to management of
 127 acquired lands; to acquire interests in land by means of land
 128 exchanges; to contribute tourist impact tax revenues received
 129 pursuant to s. 125.0108 to the county in which it is located and
 130 its most populous municipality or the housing authority of such
 131 county or municipality, at the request of the county commission
 132 or the commission or council of such municipality, for the
 133 construction, redevelopment, or preservation of affordable
 134 housing in an area of critical state concern within such
 135 municipality or any other area of the county; to contribute
 136 funds to the Department of Environmental Protection for the
 137 purchase of lands by the department; and to enter into all
 138 alternatives to the acquisition of fee interests in land,
 139 including, but not limited to, the acquisition of easements,
 140 development rights, life estates, leases, and leaseback
 141 arrangements. However, the land authority shall make an
 142 acquisition or contribution only if:

143 (a) Such acquisition or contribution is consistent with
 144 land development regulations and local comprehensive plans
 145 adopted and approved pursuant to this chapter;

146 (b) The property acquired is within an area designated as
 147 an area of critical state concern at the time of acquisition or
 148 is within an area that was designated as an area of critical
 149 state concern for at least 20 consecutive years before ~~prior to~~
 150 removal of the designation;

151 (c) The property to be acquired has not been selected for
 152 purchase through another local, regional, state, or federal
 153 public land acquisition program. Such restriction does ~~shall~~ not
 154 apply if the land authority cooperates with the other public
 155 land acquisition programs which listed the lands for
 156 acquisition, to coordinate the acquisition and disposition of
 157 such lands. In such cases, the land authority may enter into
 158 contractual or other agreements to acquire lands jointly or for
 159 eventual resale to other public land acquisition programs; and

160 (d) The acquisition or contribution is not used to improve
 161 public transportation facilities or otherwise increase road
 162 capacity to reduce hurricane evacuation clearance times.

163 Section 3. 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, Federal & Veterans
 2 Affairs Subcommittee

3 Representative Raschein offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 71-110 and insert:

7 (22) The board of trustees, by an affirmative vote of at
 8 least three members, may direct the department to purchase lands
 9 on an immediate basis using any available funding source:

10 (a) Or up to 15 percent of the funds allocated to the
 11 department pursuant to s. 259.105 for the acquisition of lands
 12 that:

13 1. ~~(a)~~ Are listed or placed at auction by the Federal
 14 Government as part of the Resolution Trust Corporation sale of
 15 lands from failed savings and loan associations;



Amendment No. 1

16 2. ~~(b)~~ Are listed or placed at auction by the Federal
17 Government as part of the Federal Deposit Insurance Corporation
18 sale of lands from failed banks; ~~or~~

19 3. ~~(e)~~ Will be developed or otherwise lost to potential
20 public ownership, or for which federal matching funds will be
21 lost, by the time the land can be purchased under the program
22 within which the land is listed for acquisition; or

23 4. Are used to prevent or satisfy private property rights
24 claims resulting from limitations imposed by the designation of
25 an area of critical state concern if such acquisition fulfills a
26 public purpose listed in s. 259.032(2).

27 (b) For the acquisition of lands that are used to prevent
28 or satisfy private property rights claims resulting from
29 limitations imposed by the designation of an area of critical
30 state concern.

31
32 For such acquisitions, the board of trustees may waive or modify
33 all procedures required for land acquisition pursuant to this
34 chapter and all competitive bid procedures required pursuant to
35 chapters 255 and 287. Lands acquired pursuant to this subsection
36 must, at the time of purchase, be within an area of critical
37 state concern designated pursuant to chapter 380, be on one of
38 the acquisition lists established pursuant to chapter 259, or be
39 essential for water resource development, protection, or
40 restoration, or a significant portion of the lands must contain



Amendment No. 1

41 natural communities or plant or animal species that are listed
42 by the Florida Natural Areas Inventory as critically imperiled,
43 imperiled, or rare, or as excellent quality occurrences of
44 natural communities. For the purposes of this subsection, if a
45 parcel is estimated to be worth \$500,000 or less and the
46 director of the Division of State Lands finds that the cost of
47 an outside appraisal is not justified, a comparable sales
48 analysis, an appraisal prepared by the division, or other
49 reasonably prudent procedure may be used by the division to
50 estimate the value of the land, provided the public interest is
51 reasonably protected.

52 Section 2. Subsection (6) of section 259.045, Florida
53 Statutes, is amended to read:

54 259.045 Purchase of lands in areas of critical state
55 concern; recommendations by department and land authorities.-
56 Within 45 days after the Administration Commission designates an
57 area as an area of critical state concern under s. 380.05, and
58 annually thereafter, the department ~~Department of Environmental~~
59 ~~Protection~~ shall consider the recommendations of the state land
60 planning agency pursuant to s. 380.05(1)(a) relating to purchase
61 of lands within an area of critical state concern or lands
62 outside an area of critical state concern that directly impact
63 an area of critical state concern, which may include lands used
64 to preserve and protect water supply, and shall make



Amendment No. 1

65 recommendations to the board with respect to the purchase of the
66 fee or any lesser interest in any such lands that are:

67 (6) Lands used to prevent or satisfy private property
68 rights claims resulting from limitations imposed by the
69 designation of an area of critical state concern if:

70 (a) The acquisition of such lands fulfills a public purpose
71 listed in s. 259.032(2); or-

72 (b) The parcel is wholly or partially, at the time of
73 acquisition, on one of the board of trustee's approved
74 acquisition lists established pursuant to this chapter.

75
76 For the purposes of subsection (6), if a parcel is estimated to
77 be worth \$500,000 or less and the director of the Division of
78 State Lands finds that the cost of an outside appraisal is not
79 justified, a comparable sales analysis, an appraisal prepared by
80 the division, or other reasonably prudent procedures may be used
81 by the division to estimate the value of the parcel, provided
82 the public's interest is reasonably protected. The department, a
83 local government, a special district, or a land authority within
84 an area of critical state concern may make recommendations with
85 respect to additional purchases which were not included in the
86 state land planning agency recommendations.

87 Section 3. Paragraph (c) of subsection (2) of section
88 288.980, Florida Statutes, is amended to read:



Amendment No. 1

89 288.980 Military base retention; legislative intent;
90 grants program.-

91 (2)

92 (c) As used in this subsection, the term "nonconservation
93 lands" means lands acquired for uses other than conservation,
94 outdoor resource-based recreation, or archaeological or historic
95 preservation. ~~lands not subject to acquisition by the Florida~~
96 ~~Forever Program.~~

97

98 -----

99

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

100

Remove line 20 and insert:

101

under certain conditions; amending s. 259.045, F.S.; authorizing

102

the Department of Environmental Protection to acquire

103

conservation and recreation lands to prevent or satisfy private

104

property rights claims within areas of critical state concern;

105

providing procedures for estimating the value of such lands

106

under certain conditions; amending s. 288.980, F.S.; revising

107



the definition of nonconservation lands; amending s. 380.0666,

108

F.S.;

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1237 Alachua County
SPONSOR(S): Clemons, Sr.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Darden 	Miller 
2) Ways & Means Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Community Redevelopment Act authorizes counties and municipalities to create community redevelopment agencies (CRAs) as a means of redeveloping slums and blighted areas. CRAs are controlled by a governing board that either is composed of members of the local governing body creating the CRA or commissioners appointed by the local governing body. CRAs operate under a community redevelopment plan that is approved by the local governing body. CRAs are primarily funded by tax increment financing, calculated based on the increase of property values inside the boundaries of the CRA.

Four municipalities in Alachua County (Alachua, Gainesville, Hawthorne, and High Springs) are currently operating CRAs.

The bill provides that each taxing authority which provides at least 20 percent of the total budget of a CRA located in Alachua County must have at least one member of the taxing authority's governing board also serving as a member of the CRA's governing board. A taxing authority may choose not have a member serve on the CRA's governing board. The bill provides that a taxing authority shall have a number of seats on the governing board of the CRA in proportion to the percentage of tax increment financing provided by the taxing authority. The bill provides an exemption for a CRA in a municipality with a population of less than 20,000.

The bill provides the act takes effect upon becoming law.

Pursuant 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) appear to apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Community Redevelopment Act

The Community Redevelopment Act of 1969 (Act)¹ authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas. The Act defines a "blighted area" as an area in which there are a substantial number of deteriorated structures causing economic distress or endangerment to life or property and two or more of the following factors are present:

- Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the five years prior to the finding of such conditions;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary or unsafe conditions;
- Deterioration of site or other improvements;
- Inadequate and outdated building density patterns;
- Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- Tax or special assessment delinquency exceeding the fair value of the land;
- Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- Incidence of crime in the area higher than in the remainder of the county or municipality;
- Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area;
- Governmentally owned property with adverse environmental conditions caused by a public or private entity; or
- A substantial number or percentage of properties damaged by sinkhole activity that have not been adequately repaired or stabilized.²

An area also may be classified as blighted if one of the above factors is present and all taxing authorities with jurisdiction over the area have agreed that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.³

The Act defines a "slum area" as "an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements" in poor states of repair with one of the following factors present:

- Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- High density of population, compared to the population density of adjacent areas within the county or municipality, and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or

¹ Chapter 163, part III, F.S.

² Section 163.340(8), F.S.

³ *Id.*

- The existence of conditions that endanger life or property by fire or other causes.⁴

Community Redevelopment Agency Boards

The Act allows the local governing body creating a CRA to choose between two structures when establishing the agency's governing board.

One option is to appoint a board of commissioners consisting of five to nine members serving four-year terms.⁵ The local governing body may appoint any person as a commissioner who lives in or is engaged in business in the agency's area of operation.⁶ The local governing body making the appointment selects the chair and vice chair of the commission.⁷ Commissioners are not entitled to compensation for their services, but may receive reimbursement for expenses incurred in the discharge of their official duties.⁸ Commissioners and employees of an agency are subject to the code of ethics for public officers and employees under ch. 112, F.S.⁹

The other option is for the local governing body to appoint itself as the agency board of commissioners.¹⁰ If the local governing body consists of five members, the local governing body may appoint two additional members to four-year terms.¹¹ The additional members either must meet the selection criteria for appointed board members under s. 163.356, F.S., or may be representatives of another taxing authority within the agency's area of operation, subject to an interlocal agreement between the local governing body creating the CRA and the other taxing authority.¹² A local governing body that serves as the governing body of the CRA does not have the power to otherwise adjust the composition of the CRA board once the district is created.¹³

Community Redevelopment Agencies in Alachua County

There are currently four CRAs operating in Alachua County:¹⁴

- Alachua Community Redevelopment Agency,
- Gainesville Community Redevelopment Agency,
- Hawthorne Community Redevelopment Agency, and
- High Springs Community Redevelopment Agency.

Effect of Proposed Changes

The bill creates an exception to general law. The bill provides that each taxing authority which provides at least 20 percent of the total budget of a CRA located in Alachua County must have at least one member of the taxing authority's governing board also serving as a member of the CRA's governing board. A taxing authority may choose not have a member serve on the CRA's governing board. The bill provides that a taxing authority shall have a number of seats on the governing board of the CRA in proportion to the percentage of tax increment financing provided by the taxing authority. The bill provides an exemption for a CRA in a municipality with a population of less than 20,000.

⁴ Section 163.340(7), F.S.

⁵ Section 163.356(2), F.S.

⁶ Section 163.356(3)(b), F.S. A person is "engaged in business" if he or she owns a business, performs services for compensation, or serves as an officer or director of a business that owns property or performs services in the agency's area of operation.

⁷ Section 163.356(3)(c), F.S.

⁸ Section 163.356(3)(a), F.S.

⁹ Section 163.367(1), F.S, *but cf.* s. 112.3142, F.S. (requiring ethics training for specific constitutional officers and elected municipal officers).

¹⁰ Section 163.357(1)(a), F.S.

¹¹ Section 163.357(1)(c), F.S.

¹² Section 163.357(1)(c)-(d), F.S.

¹³ Op. Att'y Gen. Fla. 84-74 (July 30, 1984).

¹⁴ See Special District Accountability Program, *Official List of Special Districts Online*, Dept. of Economic Opportunity, <http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx> (last accessed Jan. 10, 2018).

B. SECTION DIRECTORY:

Section 1: Provides that each taxing authority which provides at least 20 percent of the budget of a CRA in Alachua County shall be represented on the board of that CRA at the option of said taxing authority. Provides an exception for CRAs in a municipality with a population under 20,000.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 4, 2017

WHERE? The *Gainesville Sun*, a daily newspaper of general circulation published in Alachua 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:

Pursuant 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) appear to apply to this bill.

The bill is unclear on who selects the member of the taxing authority's governing body that serves on the CRA board. It is also unclear if the members of the CRA's governing board representing the taxing authority serve in addition to or in the place of current CRA governing board members.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

AFFIDAVIT OF PUBLICATION

The Gainesville Sun
Published - Daily
Gainesville, Alachua County, Florida

STATE OF FLORIDA
COUNTY OF ALACHUA

Before the undersigned, a Notary Public of Said County and State, Ernest Blake, III, who on oath says that he is Legal Advertising Coordinator of THE GAINESVILLE SUN, a daily newspaper published at Gainesville, in Alachua County, Florida; that the attached copy of advertisement, being a notice in the matter of

NOTICE OF INTENT TO SEEK LEGISLATION TO WHOM IT MAY CONCERN:
Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of intent to apply to the 2018 Legislature fo

NOTICE OF INTENT TO SEEK LEGISLATION
TO WHOM IT MAY CONCERN: Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of intent to apply to the 2018 Legislature for passage of an act relating to Alachua County amending chapter 163, Laws of Florida; providing an exception to general law; requiring specified taxing authorities to have proportional representation on community redevelopment agency boards; providing exceptions; and providing an effective date, December 4, 2017
#A000922798

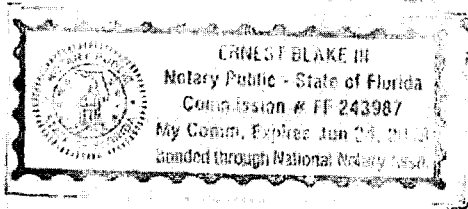
was published in said newspaper in the issues of:

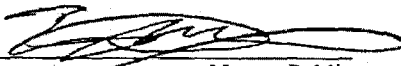
12/4 1x

Affiant further says that the said THE GAINESVILLE SUN is a daily newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, Florida, daily, and has been entered as second class mail matter at the post office in Gainesville in said Alachua 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 person of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this 4th day of December, A.D., 2017




Notary Public
Ernest Blake III
(Print, Type or Stamp Name of Notary Public)

My commission expires 4th day of June, 2019

HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1237
SPONSOR(S): Representative Clemons
RELATING TO: Taxing Authority Representation on Community Redevelopment Agencies (CRA)
NAME OF DELEGATION: Alachua County
CONTACT PERSON: Ellen Boukari
PHONE NO.: (850) 717-5021 E-Mail: ellen.boukari@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, Federal & Veterans 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 []

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: An Attorney Generals opinion stated that the make up of a CRA, which mirrors the governing board, can not be changed once established.

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

YES [checked] NO []

Date hearing held: November 29, 2017

Location: Santa Fe College Fine Arts Hall, Gainesville, Florida

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

YES [] NO [] UNANIMOUSLY APPROVED [checked]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 DATE December 4, 2017

Where? The Gainesville Sun County Alachua

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, Federal & Veterans Affairs Subcommittee.

W. Keith Perry
Delegation Chair (Original Signature)

1-5-2018
Date

W. KEITH PERRY
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: HB 1237
SPONSOR(S): Representative Clemons
RELATING TO: Taxing Authority Representation on Community Redevelopment Agencies (CRA)
[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 18-19</u>	<u>FY 19-20</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 18-19</u>	<u>FY 19-20</u>
	\$ <u>-0-</u>	\$ <u>-0-</u>

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

This Bill does not have an immediate economic impact.

As CRA missions are accomplished, CRA's may be sun-setted or tax increment contributions may be reduced, thereby freeing dollars to return to the County General fund for county-wide projects.

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 18-19</u>	<u>FY 19-20</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: Enhanced oversight of taxpayer dollars.

2. Advantages to Businesses: The opportunity to work directly with Alachua County's Economic Development Division staff.

3. Advantages to Government: County oversight and input in CRA decisions.
As the largest contributor to the CRAs, it is
important for the County to have this input.

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: No disadvantages

2. Disadvantages to Businesses: There will be greater scrutiny on CRA dollars spent on business incentives.

3. Disadvantages to Government: City government will no longer be the sole CRA governing body. They will share governance with the County.

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

There will simply be additional input from the entity responsible to the taxpayers for the expenditure of their dollars. Potentially, project emphasis could change or evolve.

Sunset dates could change. Contributions could be adjusted.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

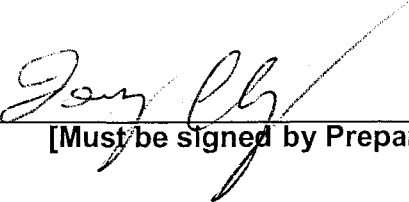
Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

The FY18 Alachua County Budget shows contribution of over \$5 million annually to City/County CRAs. The purpose of this bill is to give County Commissioners a say in CRA decisions. Alachua County contributes 2/3 of the CRA total budget.

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:

Tommy Crosby

12-12-2017

Date

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

Assistant County Manager for Budget and Fiscal Services

REPRESENTING:

Alachua County Commission

PHONE:

352-374-5262

E-MAIL ADDRESS:

tcrosby@alachuacounty.us

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

A bill to be entitled
An act relating to Alachua County; providing an
exception to general law; requiring specified taxing
authorities to have proportional representation on
community redevelopment agency boards; providing
exceptions; providing an effective date.



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

Section 1. Notwithstanding any other law the contrary,
each taxing authority in Alachua County which provides at least
20 percent of the total budget of a community redevelopment
agency ("CRA") must have at least one member on both the
governing body of such taxing authority and the CRA board,
except that a taxing authority may choose not to serve on the
CRA board. The representation on the CRA board shall be
proportional to the percentage of tax increment each taxing
authority contributes to the CRA. A CRA involving a municipality
with a population of less than 20,000 is exempt from the
proportional representation requirement.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1287 Temporary Tags for Fleet Vehicles
SPONSOR(S): Drake
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Darden 	Miller 
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to design, issue, and regulate the use of temporary tags. Temporary tags can be used while waiting for a permanent license plate or where a permanent plate may not be issued.

A fleet vehicle is a non-apportioned motor vehicle owned or leased by a company and used for business purposes (other than short-term rental). DHSMV sets minimum size requirements for fleets and fleets are registered as a group.

The bill authorizes DHSMV to partner with county tax collectors to issue temporary tags to fleet companies awaiting permanent registration and title. A fleet company must have a minimum of 3,500 fleet vehicles registered in the state as fleet vehicles and enter into a memorandum of understanding with DHSMV to receive temporary tags. DHSMV may issue up to 50 temporary tags to an eligible fleet company. Each temporary tag is assigned to one vehicle and becomes invalid upon receipt of the vehicle's permanent license plate and registration. DHSMV may terminate the memorandum of understanding upon a finding that a fleet company has misused a temporary tag.

The bill provides an effective date of October 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Temporary Tags

The Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to design, issue, and regulate the use of temporary tags.¹ A temporary tag may be issued where:

- a dealer license plate may not be lawfully used;
- a casual or private sale has occurred;²
- a certified common carrier or driveway company transports a motor vehicle, mobile home, or recreational vehicle from one place to another for persons other than themselves;
- a bank, credit union, or other financial institution is not required to license a vehicle, but needs temporary tags for the purpose of demonstrating repossessions for sale;
- a motor vehicle is sold to a resident of another state for registration in that state and the motor vehicle is not required to be registered under s. 320.38, F.S.;
- a motor vehicle must have a vehicle identification number verified or must be weighed or have an emissions test performed prior to registration;³
- an out-of-state resident must secure documentation of ownership from his or her home state for a vehicle subject to registration in Florida;
- a motor vehicle is made available for lease by a rental car company, in accordance with rules established by DHSMV;⁴
- a personalized prestige or specialty license plate is being manufactured for use on the motor vehicle;⁵
- a licensed dealer is transporting motor vehicles and recreational vehicles from the dealer's licensed location to an off-premise sales location and return; and
- DHSMV has determined an applicant has demonstrated a need for a temporary tag, but does not otherwise qualify.

The unlawful issuance or use of a temporary tag is a non-criminal infraction punishable as a moving violation under ch. 318, F.S., as well as subject to administrative action by DHSMV.⁶ The use of a temporary tag that has been expired for seven days or less is a non-criminal infraction punishable as a non-moving violation under ch. 318, F.S. Knowing and willful use of the temporary tag issuance process to avoid registering a vehicle is a first-degree misdemeanor.⁷ If a person knowingly and willfully issues a temporary tag or causes another to issue a temporary tag to a fictitious person or entity to avoid disclosure of the true owner, that person has committed a third-degree felony.⁸ If DHSMV has determined a licensed dealer, common carrier, or financial institution has abused the temporary tag issuing process, the department may prohibit the party from purchasing temporary tags.⁹

¹ Section 320.131(1), F.S.

² A "casual or private sale" is any sale other than by a licensed dealer. S. 320.0131(1)(b), F.S.

³ A temporary tag issued for this purpose is valid for ten days. S. 320.131(1)(f), F.S.

⁴ If a motor vehicle receives a temporary tag under this sub-section, the license plate fee shall be calculated from the original issuance date of the temporary tag.

⁵ A temporary tag issued for this purpose is valid for 90 days. S. 320.131(1)(j), F.S.

⁶ Section 320.131(3), F.S.

⁷ Section 320.131(5), F.S.

⁸ Section 320.131(6), F.S.

⁹ Section 320.131(1), F.S.

DHSMV may also sell temporary tags to their agents where need is demonstrated by a consumer complainant.¹⁰ A \$2 fee is charged, which is divided between the Brain and Spinal Cord Injury Program Trust Fund and the Highway Safety Operating Trust Fund. DHSMV may also levy a service charge per transaction. Purchase requests made by DHSMV or its agents must be made on letterhead stationary and notarized, where applicable. A temporary tag issued under this sub-section is valid for 30 days and no more than two shall be issued to the same person for the same vehicle.

Temporary tags must be displayed in the rear license plate bracket.¹¹ If a vehicle also requires the front display of a license plate, the temporary tag must be displayed on the front of the vehicle in the location where a metal license plate would normally be displayed. The tag must be made of materials, designated by DMSHV, that are either non-permeable or subject to weatherproofing.¹²

The issuers of temporary tags must keep records as required by ch. 320, F.S., as well as DHSMV rules.¹³ These records must be open to inspection by DHSMV or its agents during reasonable business hours. Knowingly and willfully failing to comply with record-keeping requirements is a second-degree misdemeanor.

DHSMV maintains an electronic system for licensed motor vehicle dealers to issue temporary tags.¹⁴ DHSMV may deny, suspend, or revoke the license of a dealer who fails to comply with departmental requirements for issuing temporary tags. The system allows DHSMV to issue a temporary tag number in response to a request from the issuer using a secure transmission and then enable the issuer to print the tag containing all required information.¹⁵ If a system outage occurs, the issuer may use a backup manual issuance method which requires recordkeeping of information by DHSMV and timely electronic reporting of information to the department.¹⁶ DHSMV may adopt rules to administer the system, including exemptions as feasibly required to administer the program and for issuers who do not require a dealer license due to the type or size of vehicle being sold.¹⁷

Fleet Vehicles

A fleet vehicle is a non-apportioned motor vehicle owned or leased by a company and used for business purposes.¹⁸ DHSMV is authorized to determine the minimum number of vehicles which constitute a fleet. Short-term rental vehicles are excluded from the definition of fleet vehicles.

The owner or lessee of a fleet vehicle may receive permanent fleet license plates by filing an application with DHSMV and paying a license tax.¹⁹ The owner or lessee of a fleet vehicle must also pay an annual fleet management fee of \$2 and a one-time license plate manufacturing fee.²⁰ An issuance fee of \$10 per vehicle is charged when the size of a fleet is increased. The license plate manufacturing fee is included in the issuance fee. If a recipient of fleet vehicle plates fails to renew or initially register vehicles in the fleet with 30 days, DHSMV may impose a penalty equal to the greater of \$50 or 10 percent of the delinquent taxes due.²¹ If the delinquent taxes are more than 30 days past due, DHSMV may levy an additional penalty of the greater of \$50 or 10 percent of the delinquent taxes due up to the total amount of taxes due.

¹⁰ Section 320.131(2), F.S.

¹¹ Section 320.131(4)(a), F.S.

¹² Section 320.131(4)(b), F.S.

¹³ Section 320.131(7), F.S.

¹⁴ Section 320.131(8), F.S.

¹⁵ Section 320.131(9)(a), F.S.

¹⁶ Section 320.131(9)(b), F.S.

¹⁷ Section 320.131(9)(c), F.S.

¹⁸ Section 320.0657(1), F.S.

¹⁹ Section 320.0657(2)(a), F.S.

²⁰ Section 320.0657(2)(c), F.S. The license plate manufacturing fee is the greater of \$1.50 or the actual cost of producing the plate.

²¹ Section 320.0657(3), F.S.

Fleet license plates must have a distinctive color and have the word "Fleet" printed at the bottom.²² The operators of fleet vehicles are not required to maintain a copy of the certificate of registration in the vehicle and fleet vehicle plates do not require an annual validation sticker.²³ Recipients of fleet license plates must provide an annual reconciliation with DHSMV and must surrender all unassigned plates.²⁴

Effect of Proposed Changes

The bill authorizes DHSMV to partner with county tax collectors to issue temporary tags to fleet companies awaiting permanent registration and title. A fleet company must have a minimum of 3,500 fleet vehicles registered in the state as fleet vehicles and enter into a memorandum of understanding with DHSMV to receive temporary tags. DHSMV may issue up to 50 temporary tags to an eligible fleet company. Each temporary tag is assigned to one vehicle and becomes invalid upon receipt of the vehicle's permanent license plate and registration. DHSMV may terminate the memorandum of understanding upon a finding that a fleet company has misused a temporary tag.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.131, F.S. authorizing the DHSMV to issue temporary tags for fleet vehicles.

Section 2: Provides that the bill shall take effect October 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

DHSMV will collect fees associated with the issuance of temporary tags.

2. Expenditures:

DHSMV will incur costs associated with the issuance of temporary tags.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²² Section 320.0657(2)(b), F.S.

²³ Section 320.0657(2)(c), F.S.

²⁴ Section 320.0657(4), F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to temporary tags for fleet vehicles;
 3 amending s. 320.131, F.S.; authorizing the Department
 4 of Highway Safety and Motor vehicles to partner with
 5 county tax collectors to issue temporary tags to fleet
 6 vehicles; requiring the department to establish a
 7 memorandum of understanding with a fleet company;
 8 providing company eligibility requirements; providing
 9 requirements for tag issuance, use, and invalidation;
 10 providing for disciplinary action under certain
 11 circumstances; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (10) is added to section 320.131,
 16 Florida Statutes, to read:

17 320.131 Temporary tags.—

18 (10) The department may partner with a county tax
 19 collector to issue temporary tags to fleet companies to allow
 20 them to operate fleet vehicles awaiting a permanent registration
 21 and title.

22 (a) The department shall establish a memorandum of
 23 understanding that allows a fleet company to receive multiple
 24 temporary tags for company fleet vehicles.

25 (b) To receive temporary tags under this subsection, a

26 fleet company must have a minimum of 3,500 fleet vehicles
 27 registered in this state that qualify to be registered as fleet
 28 vehicles pursuant to s. 320.0657.

29 (c) The department may issue up to 50 temporary tags at a
 30 time to an eligible fleet company if requested by such company.

31 (d) A temporary tag issued under this subsection is for
 32 exclusive use for a vehicle purchased for the company's fleet
 33 and may not be used on any other vehicle. Each temporary tag may
 34 be used by only one vehicle, and each vehicle may use only one
 35 temporary tag.

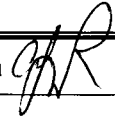

36 (e) Upon issuance of the vehicle's permanent license plate
 37 and registration, the temporary tag is invalid and must be
 38 removed from the vehicle and destroyed.

39 (f) Upon a finding by the department that a temporary tag
 40 has been misused by a fleet company under this subsection, the
 41 department may terminate the memorandum of understanding with
 42 the company, invalidate all temporary tags issued to the company
 43 under this subsection, and require such company to return any
 44 unused temporary tags.

45 Section 2. This act shall take effect October 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1383 Tax Deed Sales
SPONSOR(S): Latvala
TIED BILLS: IDEN./SIM. BILLS: SB 1504

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Rivera 	Miller 
2) Ways & Means Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Local ad valorem taxes are due on November 1 or as soon as the certified tax roll is received by the tax collector. Taxes become delinquent on April 1 of the following year or immediately upon the expiration of 60 days from the date the original tax notice was mailed, whichever is later. If ad valorem taxes are not paid by June 1 or the sixtieth day after the tax becomes delinquent, whichever is later, the tax collector advertises and sells tax certificates to pay the delinquency.

Two years after April 1 of the year in which the tax certificated was issued, and before the certificate expires, a certificateholder may apply for a tax deed with the tax collector. Certificateholders other than the county must pay all costs required by statute before the sale may occur, including the costs of any title search or abstract. The tax collector is responsible for arranging for notice to all necessary parties.

The bill clarifies the responsibilities of the certificateholder applying for a tax deed, including specific costs to pay. The bill requires all tax collectors to contract with title companies to provide a property information report, and deletes references to title searches and abstracts. Fees for property information reports and updates will be added to the costs of sale. The bill defines "title company" and revises certain provisions on notice, distribution of surplus funds, and makes certain technical changes.

The bill provides an effective date of July 1, 2018

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Property Taxation

Ad valorem taxes are levied annually by counties, school districts, municipalities, and, if authorized, special districts,¹ based on the value of real and tangible personal property as of January 1 of each year.² The state cannot levy ad valorem taxes on real or tangible personal property but has preempted all other forms of taxation except as provided by general law.³ All property must be assessed at a just value for ad valorem tax purposes, and the property appraiser determines an assessed value of property based on statutory factors including the present cash value of the property, its highest and best use assessment limitation or use classification affecting the just value of a property.⁴ Property's taxable base is the fair market value of locally assessed real estate, tangible personal property and state assessed railroad property, less certain exclusions, differentials, exemptions, and credits.⁵

Tax Collection and Tax Certificate Sales

All taxes are due on November 1 of each year or as soon as the certified tax roll is received by the tax collector.⁶ Taxes become delinquent on April 1 of the following year or immediately upon the expiration of 60 days from the date the original tax notice was mailed, whichever is later.⁷ After receiving the tax roll, the tax collector publishes notice in the local newspaper stating the tax roll is open for collection and within 20 working days of receipt of the tax roll sends each taxpayer, whose address is known, a tax notice with the current taxes due and any delinquent taxes due.⁸

¹ Art. VII, s. 9, Fla. Const. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value, not including the vehicular items under art. VII, s. 1(b), Fla. Const. and elsewhere, capable of manual possession and whose chief value is intrinsic to the article itself.

² Office of Economic & Demographic Research (OER), *2017 Florida Tax Handbook*, p.199, available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2017.pdf> (accessed 1/21/18)(hereinafter 2017 Tax Handbook). Section 192.001(1)and(2), F.S., define Ad valorem, or property, tax as a tax based upon the assessed value of property as determined annually by:

1. The just or fair market value of an item or property;
2. The value of property as limited by art. VII of the State Constitution; or
3. The value of property in a classified use or at a fractional value if the property is assessed solely on the basis of character or use or at a specified percentage of its value under art. VII of the State Constitution.

³ Art. VII, s. 1, Fla. Const. All ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations. Art. VII, s.2, Fla. Const.

⁴ Art. VII, s. 4, Fla. Const. and s. 193.011, F.S.

⁵ 2017 Tax Handbook, at 206. Exclusions are specific types of property constitutionally or statutorily removed from ad valorem taxation such as transportation vehicles which are alternatively subject to a license tax. The Homestead exemption under art. VII, s. 6, Fla. Const., provides that every person who owns real estate with legal and equitable title and permanently resides, or has a dependent who permanently resides upon such real estate, is eligible for a \$25,000 homestead tax exemption applicable to all ad valorem tax levies including school district levies. An additional \$25,000 homestead exemption applies to homesteads that have an assessed value greater than \$50,000 and up to \$75,000, excluding school district levies.

⁶ Section 197.333, F.S.

⁷ Section 197.333, F.S. If the delinquency date for ad valorem taxes is later than April 1st of the year following the year in which taxes are assessed, all dates or time periods relative to the collection of, or administrative procedures regarding, delinquent taxes are extended a like number of days.

⁸ Section 197.322(2), F.S. If payment has not been received, the tax collector must send out an additional notice by April 30. Section 197.343, F.S.

If ad valorem taxes are not paid by June 1 or the sixtieth day after the tax becomes delinquent, whichever is later, the tax collector advertises and sells tax certificates to pay the delinquency.⁹ A tax certificate is a legal document that represents unpaid delinquent ad valorem taxes, non-ad valorem assessments, interest, and related costs and charges issued against a specific parcel of real property.¹⁰ Once sold, the tax certificate becomes a first lien on the property, superior to all other liens, except as provided by law,¹¹ but can be enforced only through the remedies provided under ch. 197, F.S.¹²

The tax certificate expires after 7 years from the date the sale was advertised.¹³ If a tax deed has not been applied for, and no other administrative or legal proceeding, including a bankruptcy, has been initiated, the tax certificate is null and void and shall be canceled.¹⁴

Before a tax certificate is awarded¹⁵ to a buyer or struck to the county (an unsold tax certificate issued to the county¹⁶), the taxpayer may pay the delinquent taxes and all interest, costs, and charges to avoid issuance of the tax certificate.¹⁷ Otherwise, a tax certificate can be redeemed by paying the face value amount of the tax certificate plus all interest, costs, and charges to the tax collector any time before a tax deed is issued unless full payment for the tax deed is made to the clerk of the court.¹⁸ The tax collector pays the tax certificateholder the amount received to redeem the certificate less a redemption fee.¹⁹ If the certificateholder cannot be found for payment, the money is remitted to the state as unclaimed money.²⁰

Tax Deed Applications

Two years after April 1 of the year in which the tax certificated was issued, and before the certificate expires, a certificateholder may apply for a tax deed with the tax collector.²¹ The tax collector may charge a \$75 application fee and reimbursement of costs for use of an online application process if offered. If the total fee is more than \$75, the applicant must have the option to apply online.²²

A certificateholder, other than the county, must buy or redeem all other outstanding tax certificates plus interest, any omitted taxes²³ plus interest, any delinquent taxes plus interest, and any current taxes due

⁹ Sections 197.402(3) and 197.432(1), F.S. The tax collector must advertise the sale once a week for 3 weeks. A public sale is not authorized if a tax certificate is valued under \$250 and applies to property that has been granted a homestead exemption for the relevant tax year. *See s. 197.432(4)*, F.S. Instead, the tax certificate is issued to the county at the maximum rate of interest allowed and cannot be sold or used for a tax deed application unless the tax certificate and accrued interest are valued at \$250 or more. *See ss. 197.432(4), 197.4725 and 197.502(3)*, F.S.

¹⁰ Section 197.102(1)(f), F.S.

¹¹ *Id.*

¹² Section 197.432(2), F.S. A tax certificate can be transferred to another at any time before it is redeemed or a tax deed is executed. Section 197.462(1), F.S.

¹³ Section 197.482, F.S.

¹⁴ *Id.* A deferred payment tax certificate is not subject to this provision.

¹⁵ "Awarded" means the time when the tax collector or a designee determines and announces verbally or through the closing of the bid process in a live or an electronic auction that a buyer has placed the winning bid on a tax certificate at a tax certificate sale. Section 197.102(1)(a), F.S.

¹⁶ Section 197.432(6), F.S.

¹⁷ Section 197.432(3), F.S.

¹⁸ Section 197.472(1), F.S. A portion of a certificate may be redeemed only if such portion can be ascertained by legal description and the portion to be redeemed is evidenced by a contract for sale or recorded deed. *See Section 197.472(4)*, F.S.

¹⁹ Section 197.472(5), F.S.

²⁰ Section 197.473, F.S.

²¹ Section 197.502(1), F.S.

²² *Id.*

²³ "Omitted taxes" means those taxes which have not been extended on the tax roll against a parcel of property after the property has been placed upon the list of lands available for taxes pursuant to s. 197.502, F.S. Section 197.102, F.S.

on the property and, if applicable, pay the costs of resale.²⁴ If the certificateholder is the county, the application fee and reimbursement costs charged by the tax collector must be deposited with the tax collector but the county may not deposit any money for redemption or purchase of other tax certificates covering the property.²⁵ Certificateholders with more than one tax certificate may consolidate them into one application, but the tax collector is required to issue separate statements to the clerk of the circuit court to identify appropriate parties for notice requirements and the clerk must issue a separate tax deed for each listed parcel of real property.²⁶

After the certificateholder provides the required funds, the tax collector must send a signed statement to the clerk of the circuit court confirming receipt and directing the clerk to notify the following persons prior to the sale of the property, if their addresses are documented:

- Any legal titleholder of record;
- Any lienholder of record who has recorded a lien against the property described in the tax certificate;
- Any mortgagee of record;
- Any vendee of a recorded contract for deed or any vendee who has applied to receive notice pursuant to s. 197.344(1)(c), F.S.;
- Any other lienholder who has applied to the tax collector to receive notice;
- Any person to whom the property was assessed on the tax roll for the year in which the property was last assessed;
- Any lienholder of record who has recorded a lien against a mobile home located on the property described in the tax certificate if the lien is recorded with the clerk of the circuit court in the county where the mobile home is located; and
- Any legal titleholder of record of property that is contiguous²⁷ to the property described in the tax certificate, if the property described is submerged land or common elements of a subdivision and if the address of the titleholder of contiguous property appears on the record of conveyance of the property to the legal titleholder.²⁸

The tax collector may purchase a reasonable bond for errors and omissions made in preparing this statement,²⁹ and may contract with a title or abstract company to provide the minimum information to identify the persons requiring notice from the clerk.³⁰ If additional information is required, the tax collector must make a written request to the title or abstract company stating the additional requirements.³¹ The law does not specify what report the tax collector must obtain but does reference the requirements for a property information report and title search or abstract.³²

²⁴ Section 197.502(2), F.S. Failure to pay the costs of resale within 30 days after notice from the clerk shall result in the clerk's entering the land on a list entitled "lands available for taxes."

²⁵ Section 197.502(3), F.S. The county must apply for a tax deed if the property has been most recently assessed at a value over \$5,000 by the property appraiser and may apply for a tax deed on property most recent assessment below \$5,000. The county must apply on or reasonably soon after two years after the April 1 of the year the tax certificate was issued.

²⁶ Section 197.502(9), F.S.

²⁷ "Contiguous" means touching, meeting, or joining at the surface or border, other than at a corner or a single point, and not separated by submerged lands. Submerged lands lying below the ordinary high-water mark which are sovereignty lands are not part of the upland contiguous property for purposes of notification. Section 197.502(4)(h), F.S.

²⁸ Sections 197.502(4)(a)-(h), F.S. If any legal titleholder is identified as the most recent taxpayer of the property covered by the tax certificate, the clerk is permitted to mail notice to the address on the latest tax assessment roll.

²⁹ Section 197.502(4), F.S. A search of the official records must be made by a direct and inverse search. "Direct" means the index in straight and continuous alphabetic order by grantor, and "inverse" means the index in straight and continuous alphabetic order by grantee.

³⁰ Section 197.502(5)(a), F.S. The contractual relationship must be consistent with rules adopted by the Department of Revenue.

³¹ Section 197.502(5)(a), F.S. The tax collector may advertise and accept bids from the title or abstract company, if deemed appropriate, and may select any title or abstract company authorized to do business in this state, regardless of its location, as long as the fee is reasonable and the minimum information is submitted.

³² Section 197.502(5)(a)-(b), F.S. The tax collector may not accept or pay for any title search or abstract if financial responsibility is not assumed for the search, but may set reasonable restrictions as to the liability or responsibility of the title or abstract company.

A property information report is any report that discloses documents or information about a parcel of real property appearing in:

- The Official Records in the possession of the clerk of the circuit court as county recorder;³³
- The records of a county tax collector pertaining to ad valorem real property taxes and special assessments imposed by a governmental authority; or
- The Secretary of State filing office or another governmental filing office pertaining to real or personal property.³⁴

A property information report may not include or imply, either directly or indirectly, any opinion, warranty, guarantee, insurance, or other similar assurance,³⁵ and liability for any errors or omissions in the report is limited to the contractual remedies available only to the party expressly identified as the recipient of the report not exceeding the amount paid for the report.³⁶ The report must contain the liability disclaimer worded in the statute.³⁷ Before a tax collector becomes liable for payment of a property information report, the report, whether in paper or electronic format, must include the letterhead of the person, firm, or company making the search and signature of the making the search or an officer of the firm.³⁸

A title search is the compiling of title information from official or public records.³⁹ An abstract is a summary of the record evidence of title.⁴⁰ An abstract must include:

- A description of the property,
- The names of the grantors and grantees, mortgagors and mortgagees,
- The nature of the instrument, consideration, date, release of dower, number of witnesses, number of book and page of record, and
- Such other information arranged in such order as the said board of commissioners may deem advisable.⁴¹

If a title search or abstract of title is produced, the fee paid for the title search or abstract must be collected from the certificateholder at the time the application is made, and the amount of the fee must be added to the opening bid of the tax deed sale.⁴² The tax collector may not accept or pay for any title search or abstract if financial responsibility is not assumed for the search.⁴³

In order to establish uniform prices for property information reports within the county, the tax collector must ensure that the contract for such reports include all requests for title searches or abstracts for a given period of time.⁴⁴

³³ Pursuant to s. 28.222, F.S.

³⁴ Section 627.7843(1), F.S. A property information report may be issued by any person, including a Florida-licensed title insurer, title agent, or title agency.

³⁵ Section 627.7843(2), F.S. A property information report is not title insurance pursuant to s. 624.608, F.S.

³⁶ Section 627.7843(3), F.S.

³⁷ s. 627.7843(3), F.S. Under the tax deed application scheme, tax collectors may contract for higher maximum liability limits despite the statutory limitation on liability. Section 197.502(5)(a)2., F.S..

³⁸ Section 197.502(2)(a)1., F.S.

³⁹ Section 627.7711(4), F.S.

⁴⁰ *Adams v. Whittle*, 101 Fla. 705, 135 So.152 (Fla. 1931). The decision actually uses “epitome,” as in a summary of a written work.

⁴¹ Section 703.03, F.S. An abstract of tax sales relating to real estate must include number of the tax certificate, date of sale, the year for which taxes were unpaid, number and page of book where it was recorded, date of redemption or cancellation, date of the tax sales deed, number and page of book where recorded, and such other information and in such order as may be deemed advisable by the clerk. Section 703.04, F.S.

⁴² Section 197.502(5)(a)2., F.S.

⁴³ Section 197.502(5)(b), F.S. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.

⁴⁴ Section 197.502(5)(a)3., F.S.

Tax Deed Sale

The clerk of the circuit clerk must advertise⁴⁵ and administer a sale and receive fees pursuant to a statutory fee schedule.⁴⁶ The clerk of the circuit court must notify the persons listed in the tax collector's statement of the tax deed application.⁴⁷ The notice must be mailed at least 20 days before the date of the sale. No notice is required if no addresses are listed in the tax collector's statement.⁴⁸ The clerk must certify the names and addresses of those persons notified and the date the notice was mailed or certify no address was listed on the tax collector's certification⁴⁹ The failure of anyone to receive notice as provided by statute does not affect the validity of the tax deed issued pursuant to the notice.⁵⁰

The opening bid for county-held tax certificates against non-homestead property must include:

- All outstanding tax certificates against the property plus taxes for any omitted years;
- Delinquent taxes;
- Interest at the rate of 1.5 per month for the period running from the month after the date of application for the deed through the month of sale;⁵¹
- Costs incurred for the service of notice to the required parties by the clerk.⁵²
- All costs and fees paid by the county;⁵³ and

The opening bid for individual tax certificates must include:

- The amount of money paid to the tax collector by the certificateholder at the time of application;
- The amount required to redeem the applicant's tax certificate and all other costs and fees paid by the applicant;
- All tax certificates that were sold subsequent to the filing of the tax deed application;
- Omitted taxes, if any exist;⁵⁴
- Interest at the rate of 1.5 per month for the period running from the month after the date of application for the deed through the month of sale; and
- Costs incurred for the service of notice to the required parties by the clerk.⁵⁵

⁴⁵ Upon the receipt of the tax deed application and payment of proper charges, the clerk shall publish a form notice once each week for 4 consecutive weeks at weekly intervals in a newspaper selected as provided in s. 197.402, or as required if there is no available newspaper. No tax deed sale can be held until 30 days after the first publication of the notice. Section 197.512(1)-(2), F.S.

⁴⁶ Sections 197.502(5)(c) and 28.24(21)-(22), F.S. Currently, the clerk's fee is \$60.00 for processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds and \$10 for distribution of the excess proceeds for the first \$100, or fraction thereof.

⁴⁷ Section 197.522(1)(a), F.S. Notice must be made by certified mail with return receipt requested or, if the notice is to be sent outside the continental United States, by registered mail. The notice must include the warning language listed in the statute.

⁴⁸ Id. The certificateholder may also request the clerk mail notice to names and addresses provided by the certificateholder. The charges are paid by the certificateholder and added to the amount required to redeem the land for sale. Section 197.532, F.S.

⁴⁹ Sections 197.522(1)(c) and (2)(b), F.S.

⁵⁰ Section 197.522(1)(c), F.S. In addition to the mailed notice, the sheriff of the county in which the legal titleholder resides must notify the legal titleholder of record of the property on which the tax certificate is outstanding at least 20 days prior to the date of sale. If the sheriff is unable to make service, he or she must post a copy of the notice in a conspicuous place at the legal titleholder's last known address. The inability of the sheriff to serve notice on the legal titleholder shall not affect the validity of the tax deed issued pursuant to the notice. A legal titleholder of record who resides outside the state may be notified by mail as required. However, no posting of notice shall be required if the property to be sold is classified for assessment purposes, according to use classifications established by the department, as nonagricultural acreage or vacant land. See Section 197.522(2)(a), F.S.

⁵¹ Section 197.542(1), F.S.

⁵² Section 197.542(1), F.S. A clerk may conduct electronic tax deed sales in lieu of public outcry. See s. 197.542, F.S.

⁵³ Section 197.502(6)(a), F.S.

⁵⁴ Section 197.502(6)(b), F.S.

⁵⁵ Section 197.542(1), F.S. A clerk may conduct electronic tax deed sales in lieu of public outcry. See s. 197.542, F.S.

Opening bids for any property assessed as homestead property on the latest tax roll must include one-half of the latest assessed value of the homestead in addition to the amounts for an opening bid on non-homestead property.⁵⁶

The property is sold at public auction by the clerk of the circuit court, or the clerk's deputy, during regular office hours and pursuant to the published notice.⁵⁷ The opening bid is the bid of the certificateholder.⁵⁸ If there are no higher bids, the property is sold to the certificateholder, who must pay the clerk any amounts included in the minimum bid not already paid, including, but not limited to, documentary stamp taxes, recording fees, and, if the property is homestead property, the moneys to cover the one-half value of the homestead within 30 days after the sale.⁵⁹ If the certificateholder fails to make full payment when due, the clerk enters the land on a list entitled "lands available for taxes."⁶⁰

The property shall be struck off and sold to the highest bidder who must post with the clerk a nonrefundable deposit of 5 percent of the bid or \$200, whichever is greater, at the time of the sale, to be applied to the sale price at the time of full payment.⁶¹ If the sale is canceled for any reason or the buyer fails to make full payment within the time required, the clerk must re-advertise the sale within 30 days after the buyer's nonpayment or, if canceled, within 30 days after the clerk receives the costs of resale.⁶² Any person, firm, corporation, or county that is the grantee of any tax deed is entitled to the immediate possession of the lands described in the deed.⁶³

Tax Sale Proceeds Distribution

If the property is not purchased by the certificateholder, the clerk must reimburse the certificateholder all of the sums paid, including the amount required to redeem the certificate or certificates together with any and all subsequent unpaid taxes plus the costs and expenses of the application for deed, with interest.⁶⁴ The clerk distributes the proceeds of sale in the same manner as money received for the redemption of tax certificates owned by the county.⁶⁵

Any proceeds exceeding the certificateholder's statutory bid must be paid over to and disbursed by the clerk.⁶⁶ If the property purchased is homestead property and the statutory bid included the required homestead deposit,⁶⁷ that amount must be treated as excess and distributed in the same manner.⁶⁸

The clerk must distribute the excess proceeds to governmental units to pay any lien of record held by the governmental unit against the property.⁶⁹ If there is a balance after all governmental units are paid

⁵⁶ Section 197.502(6)(c), F.S.

⁵⁷ Section 197.542(1), F.S.

⁵⁸ Section 197.542(1), F.S.

⁵⁹ *Id.* Upon payment, a tax deed shall be issued and recorded by the clerk. Under s. 197.573, F.S., the usual restrictions and covenants limiting the use of property; the type, character and location of building; covenants against nuisances and what the former parties deemed to be undesirable conditions, in, upon, and about the property; and other similar restrictions and covenants; survive the tax deed sale. *See* s. 197.573, F.S.

⁶⁰ Section 197.542(1), F.S.

⁶¹ Section 197.542(2), F.S.

⁶² Section 197.542(3), F.S.

⁶³ Section 197.562, F.S. If a demand for possession is refused, the purchaser may apply to the circuit court for a writ of assistance upon 5 days' notice directed to the person refusing to deliver possession. Upon service of the responsive pleadings, if any, the matter shall proceed as in chancery cases. If the court finds for the applicant, an order shall be issued by the court directing the sheriff to put the grantee in possession of the lands.

⁶⁴ Section 197.582(1), F.S. Interest is 1.5% per month on the total of such sums for the period running from the month after the date of application for the deed through the month of sale.

⁶⁵ Section 197.582(1), F.S.

⁶⁶ Section 197.582(2), F.S.

⁶⁷ The homestead deposit is an amount equal to at least one-half of the assessed value of the homestead. Section 197.502(6)(c), F.S.

⁶⁸ Section 197.582(2), F.S.

⁶⁹ Section 197.582(2), F.S. Any tax certificates not incorporated in the tax deed application and omitted taxes, if any, are included. If the excess is not sufficient to pay all of such liens in full, the excess shall be paid to each governmental unit pro rata.

in full, the clerk retains the excess proceeds for the benefit of persons who were entitled to notice of the tax deed sale as identified by the tax collector, including any legal titleholder of record of property contiguous to tax deed property that is submerged land or common elements of a subdivision.⁷⁰ The clerk must notify these persons by mail that the funds are being held for their benefit.⁷¹ If the money is not claimed the clerk may report the money as unclaimed and remit it to the state.⁷² The clerk may take money from the excess proceeds to cover any service charges, at the rate prescribed under the clerk's fee schedule,⁷³ and the costs of mailing notice.⁷⁴ Excess proceeds shall be held and disbursed in the same manner as unclaimed redemption moneys.⁷⁵ If excess proceeds are not sufficient to cover the service charges and mailing costs, the clerk shall receive the total amount of excess proceeds as a service charge.⁷⁶

If unresolved claims against the property exist on the date the property is purchased, the clerk must ensure that the excess funds are paid according to the priorities of the claims.⁷⁷ Junior lienholders cannot be paid if a higher priority lienholder has not made a claim.⁷⁸ The clerk may initiate an interpleader action against the lienholders to resolve any potential conflicts in claim and seek reasonable fees and costs.⁷⁹

Effect of Proposed Changes

Section 197.502(1) and (2), F.S.

The bill makes technical changes revising the wording of the statutes.

Section 197.502(2), F.S.

The bill adds language requiring the certificateholder applying for a tax deed to pay the costs to bring the property to sale for mailing additional notices at the request of the certificateholder and sale at public auction.

Section 197.502(5)(a)-(b), F.S.

The bill requires each tax collector to contract with a title company to provide a property information report, defined in s. 627.7843(1), F.S., and replaces references to title searches and abstracts with reference to a property information report only. The fees for the property information report and a 60-day update are added to the costs required from the certificateholder at the time an application for a tax deed is submitted and the cost must be added to the opening bid for the tax deed. The bill defines "title company" as a title insurer defined in s. 627.7711(3), F.S., and any licensed title insurance agencies and attorneys who are authorized agents for a Florida title insurer.

Section 197.502(5)(c), F.S.

The bill adds language requiring the clerk to record the Notice of Tax Deed Application in the official records as notice of the pending tax deed application after the tax collector submits the application to the clerk. The notice remains effective for 1 year after the recording date and is deemed to provide notice to any person who acquires an interest in the described property after the date of recording

⁷⁰ Sections 197.502(4)(h) and 197.582(2), F.S.

⁷¹ Section 197.582(2), F.S.

⁷² Sections 197.582(2) and 717.117(4), F.S.

⁷³ See s. 28.24(10), F.S.

⁷⁴ Sections 197.582(2) and 197.473, F.S.

⁷⁵ Sections 197.582(2) and 197.473, F.S.

⁷⁶ Section 197.582(2), F.S.

⁷⁷ Section 197.582(3), F.S.

⁷⁸ Id.

⁷⁹ Section 197.582(3), F.S.

without any requirement that the clerk give additional notice. The notice will be released automatically upon the sale or, if the property is redeemed, released upon payment of the required clerk's fees. The notice must have the same information required for the notice that must be published by a newspaper or posted publicly. The costs of the notice must be paid by the certificateholder at the time of the application for a tax deed and included in the opening bid for the property in the tax deed sale.

Section 197.502(5)(d), F.S.

The bill adds a subsection for language that is currently under subsection 197.502(5)(c), F.S., and adds the specific statutory references for the advertisement and administration of a tax deed sale.

Section 197.502(5)(d), F.S.

The bill adds a subsection and provides that sending the notice of the application for tax deed as required under ss. 197.512 and 197.522, F.S., to the persons entitled to receive notice under s. 197.502(4), F.S., is conclusively deemed sufficient adequate notice of the application and sale at public auction.

Section 197.502(6)(a) and (b), F.S.

The bill adds current taxes to the list of costs required to be added to the opening bid for the tax deed on both county-held and individually purchased tax certificates, and adds "additional fees or costs incurred by the clerk" to the opening bid for individually purchased certificates.

Section 197.522(3), F.S.

The bill inserts a new subsection (3) providing the clerk may rely on the addresses submitted by the tax collector and is not required to seek additional information to verify the addresses. The bill provides the clerk assumes no liability for incorrect addresses. The bill renumbers current subsection (3) as new subsection (4).

Section 197.582(2)-(9), F.S.

The bills revises references and adds new subsections ss. 197.582(4) – (9). The bill provides that the clerk must send notice to the persons entitled to the excess proceeds from a tax deed sale to the addresses provided by the tax collector. The bill removes the rate limitation on the service charges charged by the clerk and removes the provision allowing the notice to satisfy the requirements to treat any unclaimed proceeds as unclaimed money under ch. 717, F.S. The bill provides a form Notice of Surplus Funds for the clerk to use to notify claimants. Service charges and mailing costs are taken out of the surplus. If the surplus is not enough to cover the service charges and mailing costs, the clerk received the total surplus after certifying the deficiency.

The bill adds subsections (4) through (9) which add provisions regarding claims of surplus or excess proceeds. Claimants have 120 days from the date of the notice to file a claim for the excess proceeds. The bill adds a claim form that can be used or a form that is substantially similar may be submitted. The bill provides the claims may be submitted by mail, commercial delivery service, in person, or by fax or e-mail. If submitted by mail the postmark date is the date of filing the claim. Otherwise, the date of delivery or receipt is recognized as the date of filing. Claims not filed by the close of business on the 120th day are barred and constitute a waiver of interest in the excess proceeds, unless they are claims by the property owner.

The bill adds a review period of 90 days during which the clerk may file an interpleader action to determine the proper disbursement of the proceeds or pay the surplus according to the clerk's own determination of priority based on the submitted claims. No declaratory action may be filed until after the claim and review periods have expired.

The bill requires holders of governmental liens, other than federal government liens and ad valorem tax liens, to file a request for disbursement of surplus funds within 120 days from the mailing of the notice. The clerk must disburse funds to governmental units holding any lien of record against the property, including any tax certificate not incorporated in the tax deed application and any omitted tax, before non-governmental claimants. The tax deed recipient may directly pay off the liens to governmental units then file a timely claim with proof of payment and receive the same amount of funds, in the same priority, as the original lienholder.

The bill provides the legal titleholder of record of the tax-deeded property, defined in s. 197.592(4)(a), F.S., is entitled to any unclaimed surplus funds. If the legal titleholder of record does not claim the surplus proceeds the clerk processes the surplus proceeds as unclaimed money under s. 116.21, F.S. instead of ch. 717, F.S.

B. SECTION DIRECTORY:

- Section 1. Amends s. 190.502, F.S. requiring tax certificateholder to pay delinquent liens on title before transfer of title can be executed; requiring the tax collector to contract with a title company to determine who must receive notice and to prepare property information reports; defining the term "title company" for purposes of this requirement; revising provisions to require property information reports, excluding title searches or abstracts.
- Section 2. Amends s. 197.522, F.S.; authorizing a clerk to rely on addresses provided by the tax collector for specified purposes.
- Section 3. Amends s. 197.582, F.S.; revising procedures for the disbursement of surplus funds by clerks; providing forms for use in noticing and claiming surplus funds; specifying methods for delivering claims to the clerk's office; providing deadlines for filing claims; providing procedures to be used by clerks in determining disbursement of surplus funds; authorizing a tax deed recipient to pay specified liens; specifying procedures to be used by the tax clerk if surplus funds are not claimed;
- Section 4. Provides the act will take effect on July 1, 2018.

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 unclaimed excess proceeds that would have gone to the State as unclaimed funds would be placed in the Fines and Forfeiture Fund for the county for use by the clerk of the circuit court, creating an indeterminate increase in revenue to the county.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill differs from a similar senate bill, SB 1504, in the use of clerk rather than "clerk or comptroller" Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia counties have separated the clerk of the circuit court position from the *ex officio* custodian of county funds.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled

An act relating to tax deed sales; amending s. 197.502, F.S.; requiring a tax certificateholder to pay specified costs required to bring the property on which taxes are delinquent to sale; requiring the tax collector to contract with title company to determine who must be noticed and provided property information reports; defining the term "title company" for purposes of this requirement; revising provisions to require property information reports, excluding title searches or abstracts; amending s. 197.522, F.S.; authorizing a clerk to rely on addresses provided by the tax collector for specified purposes; amending s. 197.582, F.S.; revising procedures for the disbursement of surplus funds by clerks; providing forms for use in noticing and claiming surplus funds; specifying methods for delivering claims to the clerk's office; providing deadlines for filing claims; providing procedures to be used by clerks in determining disbursement of surplus funds; authorizing a tax deed recipient to pay specified liens; specifying procedures to be used by the tax clerk if surplus funds are not claimed; providing an effective date.

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

27

28 Section 1. Subsections (1), (2), (5), and (6) of section
29 197.502, Florida Statutes, are amended to read:

30 197.502 Application for obtaining tax deed by holder of
31 tax sale certificate; fees.—

32 (1) The holder of a tax certificate at any time after 2
33 years have elapsed since April 1 of the year of issuance of the
34 tax certificate and before the cancellation of the certificate,
35 may file the certificate and an application for a tax deed with
36 the tax collector of the county where the property described in
37 the certificate is located. The tax collector may charge a tax
38 deed application fee of \$75 and for reimbursement of the costs
39 for providing online tax deed application services. If the tax
40 collector charges a combined fee in excess of \$75, applicants
41 may use ~~shall have the option of using the online electronic~~ tax
42 deed application process or may file applications without using
43 such service.

44 (2) A certificateholder, other than the county, who
45 applies ~~makes application~~ for a tax deed shall pay the tax
46 collector at the time of application all amounts required for
47 redemption or purchase of all other outstanding tax
48 certificates, plus interest, any omitted taxes, plus interest,
49 any delinquent taxes, plus interest, and current taxes, if due,
50 covering the property. In addition, the certificateholder shall

51 pay the costs required to bring the property to sale as provided
 52 in ss. 197.532 and 197.542, including the costs for property
 53 information searches, mailing, and the costs of resale, if
 54 applicable, and failure to pay such costs within 30 days after
 55 notice from the clerk shall result in the clerk's entering the
 56 land on a list entitled "lands available for taxes."

57 (5) (a) For purposes of determining who must be noticed and
 58 provided the information required in subsection (4), the tax
 59 collector must ~~may~~ contract with a title company ~~or an abstract~~
 60 ~~company~~ to provide a property information report as defined in
 61 s. 627.7843(1) ~~the minimum information required in subsection~~
 62 ~~(4), consistent with rules adopted by the department.~~ If
 63 additional information is required, the tax collector must make
 64 a written request to the title ~~or abstract~~ company stating the
 65 additional requirements. The tax collector may select any title
 66 ~~or abstract~~ company, regardless of its location, as long as the
 67 fee is reasonable, the ~~minimum~~ information is submitted, and the
 68 title ~~or abstract~~ company is authorized to do business in this
 69 state. The tax collector may advertise and accept bids for the
 70 title ~~or abstract~~ company if he or she considers it appropriate
 71 to do so. For purpose of this section, the term "title company"
 72 includes a title insurer, as defined in s. 627.7711(3), and any
 73 licensed title insurance agencies and attorneys who are
 74 authorized agents for a Florida licensed title insurer.

75 1. The property information report must include the

76 letterhead of the person, firm, or company that makes the
 77 search, and the signature of the individual who makes the search
 78 or of an officer of the firm. The tax collector is not liable
 79 for payment to the firm unless these requirements are met. The
 80 report may be submitted to the tax collector in an electronic
 81 format.

82 2. The tax collector may not accept or pay for a property
 83 information report ~~any title search or abstract~~ if financial
 84 responsibility is not assumed for the search. However,
 85 reasonable restrictions as to the liability or responsibility of
 86 the title ~~or abstract~~ company are acceptable. Notwithstanding s.
 87 627.7843(3), the tax collector may contract for higher maximum
 88 liability limits.

89 3. In order to establish uniform prices for property
 90 information reports within the county, the tax collector must
 91 ensure that the contract for property information reports
 92 includes ~~include~~ all requests for property information reports
 93 ~~title searches or abstracts~~ for a given period of time.

94 (b) Any fee paid to obtain an initial property information
 95 report and any fee paid for a 60-day update ~~for a title search~~
 96 ~~or abstract~~ must be collected at the time of application under
 97 subsection (1), and the amount of the fee must be added to the
 98 opening bid.

99 (c) The clerk shall record a Notice of Tax Deed
 100 Application in the official records to provide notice of the

101 pendency of a tax deed application after the tax collector
 102 submits a tax deed application to the clerk. The tax deed
 103 application notice remains effective for 1 year from the date of
 104 recording. A person acquiring an interest in the property after
 105 the tax deed application notice has been recorded is deemed to
 106 be on notice of the pending tax deed sale and the clerk is not
 107 required to provide additional notice. The sale of the property
 108 automatically releases any recorded tax deed application notices
 109 for that property. If the property is redeemed, the clerk must
 110 record a release of the tax deed application notice upon payment
 111 of the fees as required in ss. 28.24(8) and 28.24(12). The
 112 contents of the notice shall be the same as the contents which
 113 are required for a notice of publication as set forth in s.
 114 197.512. The cost of recording the notice must be collected at
 115 the time of application under subsection (1), and must be
 116 included in the opening bid.

117 (d) The clerk ~~must shall~~ advertise ~~and administer~~ the sale
 118 as set forth in s. 197.512 and must administer the sale as set
 119 forth in s. 197.542 and receive such fees for the issuance of
 120 the deed and sale of the property as provided in s. 28.24.

121 (e) The notice of the application of the tax deed in
 122 accordance with ss. 197.512 and 197.522 sent to the addresses
 123 shown on the statement described in subsection (4) is
 124 conclusively deemed sufficient to provide adequate notice of the
 125 tax deed application and the sale at public auction.

126 (6) The opening bid:

127 (a) On county-held certificates on nonhomestead property
 128 shall be the sum of the value of all outstanding certificates
 129 against the property, plus omitted years' taxes, delinquent
 130 taxes, current taxes, if due, interest, and all costs and fees
 131 paid by the county.

132 (b) On an individual certificate must include, in addition
 133 to the amount of money paid to the tax collector by the
 134 certificateholder at the time of application, the amount
 135 required to redeem the applicant's tax certificate and all other
 136 costs, ~~and~~ fees paid by the applicant, and additional fees or
 137 costs incurred by the clerk, plus all tax certificates that were
 138 sold subsequent to the filing of the tax deed application,
 139 current taxes, if due, and omitted taxes, if any.

140 (c) On property assessed on the latest tax roll as
 141 homestead property shall include, in addition to the amount of
 142 money required for an opening bid on nonhomestead property, an
 143 amount equal to one-half of the latest assessed value of the
 144 homestead.

145 Section 2. Subsection (3) of section 197.522, Florida
 146 Statutes, is renumbered as subsection (4), and a new subsection
 147 (3) is added to that section to read:

148 197.522 Notice to owner when application for tax deed is
 149 made.-

150 (3) The clerk of the circuit court when sending or serving

151 a notice under this section may rely on the addresses provided
 152 by the tax collector and is not required to seek additional
 153 information to verify an address, and assumes no liability if
 154 the address provided is incorrect.

155 Section 3. Subsections (2) and (3) of section 197.582,
 156 Florida Statutes, are amended, and subsections (4) through (9)
 157 are added to that section, to read:

158 197.582 Disbursement of proceeds of sale.—

159 (2) (a) If the property is purchased for an amount in
 160 excess of the statutory bid of the certificateholder, the
 161 surplus excess must be paid over and disbursed by the clerk as
 162 set forth in subsections (3), (5), and (6). If the opening bid
 163 included the homestead assessment pursuant to s. 197.502(6)(c)—
 164 ~~If the property purchased is homestead property and the~~
 165 ~~statutory bid includes an amount equal to at least one-half of~~
 166 ~~the assessed value of the homestead, that amount must be treated~~
 167 as surplus excess and distributed in the same manner. The clerk
 168 shall distribute the excess to the governmental units for the
 169 payment of any lien of record held by a governmental unit
 170 against the property, including any tax certificates not
 171 incorporated in the tax deed application and omitted taxes, if
 172 any. If the surplus excess is not sufficient to pay all of such
 173 liens in full, the excess shall be paid to each governmental
 174 unit pro rata. If, after all liens of governmental units are
 175 paid in full, there remains a balance of undistributed funds,

176 the balance shall be retained by the clerk for the benefit of
 177 persons described in s. 197.522(1)(a), except those persons
 178 described in s. 197.502(4)(h), as their interests may appear.
 179 The clerk shall mail notices to such persons notifying them of
 180 the funds held for their benefit at the addresses provided in s.
 181 197.502(4). ~~Such notice constitutes compliance with the~~
 182 ~~requirements of s. 717.117(4).~~ Any service charges, ~~at the rate~~
 183 ~~prescribed in s. 28.24(10),~~ and costs of mailing notices shall
 184 be paid out of the excess balance held by the clerk. Notice must
 185 be provided in substantially the following form:

186 Notice of Surplus Funds

187 CLERK OF COURT

188 STATE OF FLORIDA

189 COUNTY OF

190 Tax Deed #.....

191 Certificate #.....

192 Property description:

193 Pursuant to chapter 197, Florida Statutes, the above
 194 property was sold at public sale on, and a surplus of \$
 195 (subject to change) will be held by this office for 120
 196 days beginning on the date of this notice to benefit the persons
 197 having an interest in this property as described in section
 198 197.502(4), Florida Statutes, as their interests may appear
 199 (except for those persons described in section 197.502(4)(h),
 200 Florida Statutes).

201 To the extent possible, these funds will be used to satisfy
 202 in full, each claimant with a senior mortgage or lien in the
 203 property before distribution of any funds to a junior mortgage
 204 or lien claimant or to the former property owner. To be
 205 considered when funds are distributed, you must file a notarized
 206 statement of claim with this office within 120 days of this
 207 notice. If you are a lienholder, your claim must describe the
 208 particulars of your lien and the amounts currently due. A
 209 lienholder claim that is not filed within the 120-day deadline
 210 is barred.

211 A copy of this notice must be attached to your statement of
 212 claim. After the office examine the filed claim statements, it
 213 will notify you if you are entitled to any payment.

214 Dated:

215 Clerk of Court

216 (b) The mailed notice must include a form for making a
 217 claim under subsection (3). Service charges at the rate set
 218 forth in s. 28.24(10), and the costs of mailing must be paid out
 219 of the surplus funds held by the clerk. If the clerk certifies
 220 that the surplus funds are not sufficient to cover the service
 221 charges and mailing costs, the clerk shall receive the total
 222 amount of surplus funds as a service charge.

223 ~~Excess proceeds shall be held and disbursed in the same manner~~
 224 ~~as unclaimed redemption moneys in s. 197.473. For purposes of~~
 225 ~~identifying unclaimed property pursuant to s. 717.113, excess~~

226 ~~proceeds shall be presumed payable or distributable on the date~~
 227 ~~the notice is sent. If excess proceeds are not sufficient to~~
 228 ~~cover the service charges and mailing costs, the clerk shall~~
 229 ~~receive the total amount of excess proceeds as a service charge.~~

230 (3) Persons receiving the notice of surplus funds have 120
 231 days from the date of the notice to file a written claim with
 232 the clerk for such funds. A claim in substantially the following
 233 form is sufficient:

234 Claim to Receive Surplus Proceeds of a Tax Deed Sale

235 Complete and return to:

236 By mail:

237 By e-mail:

238 Note: The clerk must pay all valid liens before
 239 distributing surplus funds to a titleholder.

240 Claimant's name:

241 Contact name, if different:

242 Address:

243 Telephone Number:

244 Tax Deed #:

245 Date of Sale (if known):

246 I am not making a claim and waive any claim I might have to
 247 the surplus funds on this tax deed sale.

248 I claim surplus proceeds resulting from the above tax deed
 249 sale.

250 I am aLienholder;Titleholder.

251 1. LIENHOLDER INFORMATION (complete if claim is based on a
 252 lien against the sold property).
 253 A. Type of Lien:Mortgage;Court Judgment;
 254Other
 255 Describe in detail:
 256 If your lien is recorded in the county's Official Records,
 257 list the following, if known:
 258 Recording Date:; Instrument #....; Book #....; Page
 259 #.....
 260 B. Original Amount of Lien: \$.....
 261 C. Amount due: \$.....
 262 (1) Principal remaining: \$.....
 263 (2) Interest due: \$.....
 264 (3) Fees and costs due, including late fees: \$.....
 265 (describe costs in detail, include additional sheet if needed);
 266 (4) Attorney fees: \$.....(provide agreement to show
 267 entitlement to attorney fees)
 268 D. Total Amount Claimed: \$.....
 269 2. TITLEHOLDER INFORMATION (Complete if claim is based on
 270 title formerly held on sold property.)
 271 A. Nature of title:Deed;Court Judgment;
 272Other.
 273 B. Amount of surplus tax deed sale proceeds claimed:
 274 \$.....
 275 C. Does the titleholder claim the subject property was

276 homestead property?YesNo.

277 3. I hereby swear or affirm that all of the above
278 information is true and correct.

279 Date:

280 Signature:

281 STATE OF FLORIDA

282 COUNTY OF

283 Sworn to or affirmed and signed before me onby

284 ...(Signature of Notary Public - State of Florida)...

285 ...(Print, Type, or Stamp Commissioned Name of Notary
286 Public or deputy clerk)...

287 Personally Known OR Produced Identification
288

289 Type of Identification Produced:

290 ~~If unresolved claims against the property exist on the date the~~
291 ~~property is purchased, the clerk shall ensure that the excess~~
292 ~~funds are paid according to the priorities of the claims. If a~~
293 ~~lien appears to be entitled to priority and the lienholder has~~
294 ~~not made a claim against the excess funds, payment may not be~~
295 ~~made on any lien that is junior in priority. If potentially~~
296 ~~conflicting claims to the funds exist, the clerk may initiate an~~
297 ~~interpleader action against the lienholders involved, and the~~
298 ~~court shall determine the proper distribution of the~~
299 ~~interpleaded funds. The clerk may move the court for an award of~~
300 ~~reasonable fees and costs from the interpleaded funds.~~

301 (4) Claims may be:
 302 (a) Mailed using the United States Postal Service. The
 303 filing date is the postmark on the mailed claim;
 304 (b) Delivered using either a commercial delivery service
 305 or in person. The filing date is the day of delivery; or
 306 (c) Sent by fax or e-mail, as authorized by the clerk. The
 307 filing date is the date the clerk receives the fax or e-mail.
 308 (5) Except for claims by property owners, claims that are
 309 not filed on or before close of business on the 120th day after
 310 the date of the mailed notice as required by s. 197.582(2), are
 311 barred. A person, other than the property owner, who fails to
 312 file a proper and timely claim may not receive disbursement of
 313 the surplus funds. The failure of any person described in s.
 314 197.502(4), other than the property owner, to file a claim for
 315 excess funds within the 120 days constitutes a waiver of
 316 interest in the excess funds and all claims thereto are forever
 317 barred.
 318 (6) Within 90 days after the claim period expires, the
 319 clerk may file an interpleader action in circuit court to
 320 determine the proper disbursement or pay the surplus funds
 321 according to the clerk's determination of the priority of claims
 322 using the information provided by the claimants under subsection
 323 (3). A declaratory action to require payment of surplus funds
 324 may not be filed until the claim and review periods have
 325 expired.

326 (7) Holders of recorded governmental liens, other than
 327 federal government liens and ad valorem tax liens, must file a
 328 request for disbursement of surplus funds within 120 days of the
 329 mailing of the notice of surplus funds. The clerk must disburse
 330 payments to each governmental unit to pay any lien of record
 331 held by it against the property, including any tax certificate
 332 not incorporated in the tax deed application and any omitted
 333 tax, before disbursing the surplus funds to nongovernmental
 334 claimants.


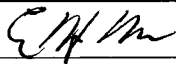
335 (8) The tax deed recipient may directly pay off liens to
 336 governmental units that could otherwise have been requested to
 337 be paid by the holder of the governmental lien, and, upon filing
 338 a timely claim and proof of payment, the tax deed recipient may
 339 receive the same amount of funds from the surplus funds that was
 340 paid to each governmental unit, in the same priority as the
 341 original lienholder.

342 (9) If the clerk does not receive claims for surplus funds
 343 within the 120 day claim period, the legal titleholder of record
 344 described in s. 197.502(4)(a) shall be entitled to the surplus
 345 funds. Funds that are not claimed by the titleholder of record
 346 become unclaimed moneys and the clerk must process them in the
 347 manner provided in s. 116.21.

348 Section 4. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1395 City of Marco Island, Collier County
SPONSOR(S): Rommel
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Darden 	Miller 
2) Health & Human Services Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Providers of basic and advanced life support services operate under a license issued by the Department of Health (DOH). DOH must issue the license if the provider pays required fees, has equipment that meets departmental standards, maintains insurance providing coverage for injury, death, and property damage, and possess a certificate of public convenience and necessity (COPCN) issued by county in which the provider is providing services.

The bill provides that the Department of Health may issue the City of Marco Island a license to provide basic and advanced life support services without the city obtaining a COPCN from Collier County, as long as the city meets the other statutory requirements for the issuance of a license.

The bill takes effect upon approval by the electors of the City of Marco Island voting in a referendum held in conjunction with a general, special, or other election held by August 28, 2018.

Pursuant 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) appear to apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Licensure of Basic and Advanced Life Support Services

Providers of basic and advanced life support services must be licensed before providing services to the public.¹

Basic life support is assessment or treatment provided by a qualified person using techniques described in the EMT-Basic National Standard Curriculum or the National EMS Education Standards of the Department of Transportation.² Basic life support services also includes the administration of oxygen and other techniques approved and performed under conditions specified by Department of Health rules. A basic life support ambulance transporting a patient must be occupied by a patient attendant who is a certified emergency medical technician, certified paramedic, or licensed physician and an ambulance driver who meets the requirements of s. 401.281, F.S.³

Advanced life support is assessment or treatment provided by a qualified person using techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation, and other techniques described in the EMT-Paramedic National Standard Curriculum or the National EMS Education Standard.⁴ An advanced life support ambulance transporting a patient must be occupied by a certified paramedic or licensed physician, as well as a certified emergency medical technician, certified paramedic, or licensed physician who also meets the ambulance driver requirements of s. 401.281, F.S.⁵ Patient care is supervised by the person with the highest medical certifications.

The Department of Health (DOH) is required to issue a license to any provider who meets the following criteria:⁶

- The provider has paid the licensing fee required by s. 401.34, F.S.;⁷
- The provider's ambulances, equipment, vehicles, personnel, communications systems, staffing patterns, and services meet the requirements of ch. 401, F.S., including DOH rules for providing basic or advanced life support service;
- The provider has adequate insurance coverage for claims related to injury or death of persons or damage to the property of others for which the provider would be liable or provide a certificate of self-insurance showing the provider has established an adequate self-insurance plan to cover risks (the self-insurance plan must be approved by the Office of Insurance Regulation of the Financial Services Commission); and
- The provider has obtained a certificate of public convenience and necessity (COPCN) from each county in which the provider will operate.

¹ Section 401.25(1), F.S.

² Section 401.23(7), F.S.

³ Section 401.25(7)(a), F.S. This requirement does not apply to interfacility transfers governed by s. 401.252(1), F.S.

⁴ Section 401.23(1), F.S.

⁵ Section 401.25(7)(b), F.S. This requirement does not apply to interfacility transfers governed by s. 401.252(1), F.S.

⁶ Section 401.25(2), F.S.

⁷ The fees for basic and advanced life support are \$660 and \$1,375, respectively.

DOH may suspend or revoke a license if a provider fails to maintain compliance with the requirements.⁸ A license is valid for two years and may be renewed subject to the requirements for initial licensure in effect at the time of renewal.⁹

The governing body of each county may adopt ordinances providing reasonable standards for the issuance of a COPCN for basic or advanced life support services and air ambulance services.¹⁰ The standards must consider state guidelines, the recommendations of the local or regional trauma agency created under ch. 395, F.S., and the recommendations of municipalities in the county.

Advanced Life Support Services in the City of Marco Island

The City of Marco Island Fire-Rescue Department currently provides advanced life support services under the guidance of Collier County Emergency Medical Services.¹¹ Collier County Emergency Medical Services provides all transport of patients.

Collier County held a non-binding referendum in March 2016 to consolidate all emergency response in the unincorporated areas of the county into a single district.¹² Marco Island officials have expressed concern the new district would transfer assets from the city to the county by placing the city in a position where consolidation is the only alternative, resulting in lower levels of service.¹³ Collier County is currently engaged in litigation with the North Collier Fire Control and Rescue District concerning the provisions of advanced life support services by that district.¹⁴ This litigation resulted from Collier County not renewing the COPCN of the North Collier Fire Control and Rescue District.

Effect of Proposed Changes

The bill creates an exception to general law. The bill provides that the Department of Health may issue the City of Marco Island a license to provide basic and advanced life support services without the city obtaining a certificate of public convenience and necessity from Collier County, as long as the city meets the other statutory requirements for the issuance of a license.

B. SECTION DIRECTORY:

- Section 1: Provides the Department of Health may issue a license to provide basic and advanced life support services to the City of Marco Island without a certificate of public convenience and necessity being issued by Collier County.
- Section 2: Provides that the bill does not limit the ability of the Department of Health to enforce any other provision of ch. 401, F.S. in connection with the application or grant of a license to the City of Marco Island to provide emergency medical transportation services.
- Section 3: Provides that the bill shall take effect upon approval by the electors of the City of Marco Island voting in a referendum held no later than August 28, 2018.

⁸ Section 401.25(3), F.S.

⁹ Section 401.25(4), (5), F.S.

¹⁰ Section 401.25(6), F.S.

¹¹ Lisa Conley, *Collier County, Marco Island officials meet for first time in a few years*, Naples Daily News, May 11, 2017, available at <http://www.naplesnews.com/story/news/local/2017/05/11/collier-county-marco-island-officials-meet-first-time-few-years/101560012/> (last accessed Jan. 15, 2018).

¹² *Id.* See also *2016 Presidential Preference Primary*, Collier County Supervisor of Elections, <https://www.colliervotes.com/Election-Results/Past-Results> (last accessed Jan. 15, 2018).

¹³ *Id.*

¹⁴ Brett Batten, *Marco sets ambulance process in motion*, Naples Daily News, Feb. 17, 2016, available at <http://www.naplesnews.com/story/news/columnists/brent-batten/2016/02/17/brent-batten-marco-sets-ambulance-process-in-motion/85592198/> (last accessed Jan. 15, 2018).

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? During a general, special, or other election to be held in the City of Marco Island no later than August 28, 2018.

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:

Pursuant 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) appear to apply to this bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: 1395

SPONSOR(S): Bob Rommel

RELATING TO: City of Marco Island

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

NAME OF DELEGATION: Collier County

CONTACT PERSON: Jared Grifoni

PHONE NO.: (239) 315 2089 E-Mail: JGrifoni@marcocitycouncil.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, Federal & Veterans 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 []

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: The statute must be changed, which can not be done at a local level.

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

YES [checked] NO []

Date hearing held: 10/19/2017

Location: Exhibit Hall of the North Collier Regional Park 15000 Livingston Road Naples, Florida 34109

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

YES [] NO [] UNANIMOUSLY APPROVED [checked]

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 DATE _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum no later than 8/28/18

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

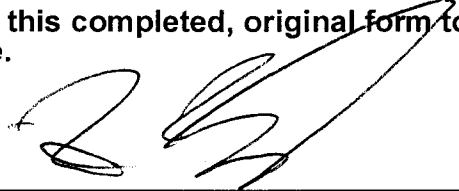
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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, Federal & Veterans Affairs Subcommittee.



Delegation Chair (Original Signature)

1/23/18
Date

Rep. Bob Rommel for Senator Kathleen Passidomo
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: HB 1395
SPONSOR(S): Representative Bob Rommel
RELATING TO: City of Marco Island
[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 18-19</u>	<u>FY 19-20</u>
Revenue decrease due to bill:	\$ _____	\$ _____
Revenue increase due to bill:	\$ <u>2,892,526</u>	\$ <u>2,892,526</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 18-19</u>	<u>FY 19-20</u>
	\$ <u>1,770,907</u>	\$ <u>1,595,666</u>

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

Detailed explanations and calculations regarding how each dollar figure was determined in reaching total cost is included on the consultant's report linked below:

<http://www.cityofmarcoisland.com/modules/showdocument.aspx?documentid=18853>

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 18-19</u>	<u>FY 19-20</u>
Local:	\$ <u>2,892,526</u>	\$ <u>2,892,526</u>
State:	\$ _____	\$ _____
Federal:	\$ _____	\$ _____

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

1. Advantages to Individuals: Increased level of Emergency Medical Services through additional full-time ALS transport services.

2. Advantages to Businesses: The increased capacity would have a direct positive effect on the City's health care facilities and an indirect positive effect on local businesses.

3. Advantages to Government: The City and County would increase its number of qualified personnel thereby having a positive effect on employment and its human resources.

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: Increased ad-valorem property tax levy if voter approved.

2. Disadvantages to Businesses:

Increased ad-valorem property tax levy if voter approved.

3. Disadvantages to Government:

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

By the City becoming fully responsible for all aspects of EMS delivery - including transportation, billing, medical direction, etc. services will be improved due to greater local control through home rule in a time of uncertainty regarding the County's vision.

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.

A detailed description of the types and sources of data used is included in the consultant's report contained in the link below:

<http://www.cityofmarcoisland.com/modules/showdocument.aspx?documentid=18853>

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:



Digitally signed by Guillermo A. Polanco
DN: cn=Guillermo A. Polanco, o=City of Marco Island,
ou=Finance, email=gpolanco@cityofmarcoisland.com, c=US
Date: 2018.01.23 14:50:20 -0500

[Must be signed by Preparer]

Print preparer's name:

Guillermo Polanco

1/23/18

Date

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

Finance Director

REPRESENTING:

City of Marco Island

PHONE:

239-389-5016

E-MAIL ADDRESS:

gpolanco@cityofmarcoisland.com

1 A bill to be entitled

2 An act relating to the City of Marco Island, Collier
 3 County; providing an exception to general law;
 4 authorizing the Department of Health to grant a
 5 license to the City of Marco Island to provide certain
 6 emergency medical transportation services; requiring a
 7 referendum; providing an effective date.

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


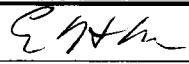
10
 11 Section 1. Notwithstanding s. 401.25(2)(d), Florida
 12 Statutes, the City of Marco Island is exempt from the
 13 requirement to obtain a certificate of public convenience and
 14 necessity from Collier County. If all criteria set forth in s.
 15 401.25(2)(a), (b), and (c), Florida Statutes, are met, the
 16 Department of Health may issue a license to the City of Marco
 17 Island to enable the city's Fire Rescue Department to provide
 18 prehospital or interfacility advanced life support services or
 19 basic life support transportation services.

20 Section 2. This act does not prevent the Department of
 21 Health from enforcing any other provision of chapter 401,
 22 Florida Statutes, in connection with the application or grant of
 23 a license to the City of Marco Island to provide emergency
 24 medical transportation services as described in section 1.

25 Section 3. This act shall take effect upon its approval by
26 a majority vote of those qualified electors residing within the
27 City of Marco Island voting in a referendum to be held in
28 conjunction with a general, special, or other election to be
29 held in the City of Marco Island no later than August 28, 2018,
30 except that this section shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1397 Hardee County Economic Development Authority, Hardee County
SPONSOR(S): Albritton
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Rivera 	Miller 
2) Oversight, Transparency & Administration Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The state levies an excise tax on the severance of phosphate rock from Florida soil, a portion of which is distributed to the counties from which the phosphate is severed to be used for phosphate-related expenses. Counties designated as a rural area of opportunity receive a portion without the limitation to use it for phosphate-related expenses. Payment is made to the county or a legislatively-created local authority to promote and direct the economic development of the county.

The Hardee County Economic Development Authority (Authority) is an independent special district created in 2004 to solicit, rank, and fund projects that provide economic development opportunities or infrastructure and maximize the use of federal, local, and private resources within Hardee County. The Authority can appropriate the phosphate tax revenue received from the state but has no taxing authority.

The Authority is governed by a nine member panel serving staggered terms composed of the director of the Agency for Workforce Innovation, the chair of Enterprise Florida, the president of the Hardee County Farm Bureau, the president of the Hardee County Chamber of Commerce, and the chair of the Phosphate Council, or their designees, and four members appointed by the Hardee County Board of Commissioners. The County Commissioners appoint two members at-large and two from a pool of candidates nominated by the municipalities within Hardee County. Appointed members serve 3-year terms and receive no compensation but may be reimbursed for travel and per diem expenses if they reside outside of the county. An appointed member serves as interim chair to call the Authority’s first meeting and the panel must elect a chair to serve a 2-year term. The members may elect other officers as provided by the Authority’s bylaws.

The bill replaces the five specified entity representatives with the Hardee County Board of Commissioners, and revises how the remaining four members are appointed. The Board of Commissioners appoints one member and the municipalities of Bowling Green, Wauchula, and Zolfo Springs, each appoint one member. The bill increases appointed member terms to 4 years and sets the county commissioner members’ terms to run concurrent with their commission seat terms.

The bill designates the chair of the Board of County Commissioners as interim chair to call the Authority’s first meeting. The members may elect any sitting member to be the chair. The bill removes the provision that the members may elect other officers as provided by the Authority’s bylaws.

The bill removes the provision allowing the authority to reimburse members for their travel or per diem expenses when the members reside outside of the county and the provision requiring the appointed members to reside within Hardee County.

The bill provides the act takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent and Dependent Special Districts

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

A "dependent special district" is 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 district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.⁵ The county or municipality upon which the district will be dependent must adopt its charter by local ordinance.⁶ The Legislature may create a dependent special district by special act at the request or with the consent of the local government upon which the special district will be dependent.⁷

An "independent special district" is any district that is not a dependent special district or one that includes more than one county unless the district lies wholly within a single municipality.⁸ Independent special districts are created by the Legislature unless otherwise authorized by general law.⁹ The charter of a newly-created district must meet minimum statutory requirements which includes a statement that it is an independent special district.¹⁰

¹ Section 189.012(6), F.S. The Legislature adopted ch. 189, F.S., in 1989, to provide uniform statutes for the definition, creation, and operation of special districts. *See* s. 189.011(1), F.S.

² Section 189.012(6), F.S.

³ *See* ss. 189.02(4)-(5) and 189.031(3), F.S. Counties and municipalities have "home rule" powers allowing them to enact ordinances not inconsistent with general or special law for governmental, corporate, or proprietary purposes. Special districts do not possess home rule powers and are permitted to impose only those taxes, assessments, or fees authorized by special or general law. *See* art. VIII, ss. 1(f) and (g), 2(b), s. 6(e), Fla. Const. and ss. 166.021 and 125.01, F.S. *See also* 2017 – 2018 Local Gov't Formation Manual, p. 70, at <http://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2018&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf> (accessed 1/18/2018)(hereinafter Local Government Manual).

⁴ Local Government Manual, p. 64.

⁵ Section 189.012(2), F.S.

⁶ Sections 189.011(1) and 189.02(1), F.S. A county can create dependent special districts within the boundary lines of the county, subject to the approval of the governing body of the incorporated area affected. Section 189.02(2), F.S.

⁷ Section 189.02(5), F.S. Despite the statutory limitations, the Legislature is permitted under the state Constitution to create a dependent special district without the authorization of the local governing body upon which the district will depend. *See* art. VIII, s. 6(b), Fla. Const.

⁸ Section 189.012(3), F.S.

⁹ Section 189.031(4), F.S.

¹⁰ Sections 189.031(2)(3) & (5), F.S. and s. 189.02, F.S.

Rural Economic Development Initiative

The Legislature created the Rural Economic Development Initiative (REDI) to encourage and facilitate the location and expansion of major economic development projects in rural communities and regions.¹¹ A “rural area of opportunity” is a rural community¹², or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that presents a unique economic development opportunity of regional impact.¹³ The Governor may designate up to three rural areas of opportunity by executive order making these areas priority assignments for REDI and allowing the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive.¹⁴

Phosphate Rock Severance Tax

The state levies an excise tax on those severing phosphate rock from Florida soils or waters for commercial use, which tax is collected, administered, and enforced by the Department of Revenue (DOR).¹⁵ Under the current tax scheme, counties designated as rural areas of opportunity that have phosphate mining within the county receive 8.9% of the tax revenue created by the county.¹⁶ DOR distributes the tax revenue to the county or the local authority designated to promote and direct the economic development of the county, if the Legislature has established one.¹⁷

Hardee County Economic Development Authority

Hardee County has been designated a rural area of opportunity.¹⁸ The Hardee Economic Development Authority (Authority) is an independent special district created by special act in 2004 to solicit, rank, and fund projects that provide economic development opportunities or infrastructure and maximize the use of federal, local, and private resources within Hardee County.¹⁹ The Authority must adopt administrative rules and hold public meetings pursuant to general law, establish procedures for soliciting and

¹¹ Section 288.0656(1)(a)-(b), F.S. REDI is within the Department of Economic Opportunity and state and regional agencies are authorized to participate. REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida’s economically distressed rural communities to find ways to balance environmental and growth management issues with local needs. Section 288.0656(3), F.S.

¹² Section 288.0656(2)(e), F.S. A “rural community” is:

1. A county, or a municipality within a county, with a population of 75,000 or fewer;
2. A county, or a municipality within a county, with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer;
3. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified and verified by the department.

“Economic distress” means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities. Section 288.0656(2)(c), F.S.

¹³ Section 288.0656(2)(d), F.S.

¹⁴ Section 288.0656(7)(a), F.S. REDI may recommend up to three rural areas of opportunity to the Governor. Designation as a rural area of opportunity under this subsection shall be contingent upon the execution of a memorandum of agreement among the department; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of opportunity. Section 288.0656(7)(b), F.S.

¹⁵ Section 211.3103(1), F.S. The tax is in addition to any ad valorem taxes levied upon the separately assessed mineral interest in land the rock was located, or any other tax, permit, or license fee imposed by the state or counties. Section 211.3103(4), F.S.

¹⁶ Section 211.3103(6)(b), F.S. After December 31, 2022, the percentage will increase to 10%. Section 211.3103(6)(a), F.S.

¹⁷ Section 211.3103(6)(a)4., F.S.

¹⁸ Fla. Exec. Order No. 16-150 (June 27, 2016), at https://www.flgov.com/wp-content/uploads/orders/2016/EO_16-150.pdf. (accessed 1/18/18).

¹⁹ Ch. 2004-394, Laws of Fla., as amended by chs. 2006-349 and 2010-271, Laws of Fla., and ss. 211.3103(6)(a)4. and (5), F.S. (2017).

awarding grants, direct the county clerk to expend funds upon proper authorization, and create a standardized application form for the award of grants by the Authority. The Authority's discretionary power includes the power to appropriate funds paid to the clerk by the state's chief financial officer in distributing county's portion of the state's excise tax on the severance of phosphate rock, conduct business and receive funds on behalf of the Authority, approve or amend time and cost sheets submitted county employees appointed to work for the Authority, and any other acts reasonable and necessary to implement and enforce the charter and rules adopted in accordance with the charter. The Authority may appropriate funds paid to the clerk by the state's chief financial officer in distributing county's portion of the state's excise tax on the severance of phosphate rock, but cannot levy taxes or impose fees within the county.²⁰

The Authority has a governing body composed of nine members serving staggered terms.²¹ Four members are appointed and five members are designated from the following entities:

1. The President of the Hardee County Farm Bureau, or designee;
2. The director of the Agency for Workforce Innovation, or designee;
3. The chair of Enterprise Florida, or designee;
4. The chair of the Florida Phosphate Council, or designee; and
5. The president of the Hardee County Chamber of Commerce, or designee.²²

The appointed members are selected by the Hardee County Board of Commissioners (County Commission) in the following manner:

- Two members are designated at-large; and
- The remaining two members are selected from a pool of nominees consisting of two persons designated by the governing bodies of each municipality within county.²³

Appointed members serve 3-year terms and vacancies are filled by the appointing authority.²⁴ Members are not compensated but can be reimbursed for travel and per diem expenses if they reside outside of the county pursuant to the charter and general law.²⁵ Members may serve successive terms.²⁶ Members, other than members who are the heads of state agencies, must reside in the county.²⁷

An appointed member serves as interim chair to call the first meeting of the Authority.²⁸ The members must elect a chair to serve a 2-year term and may elect other officers as the Authority's bylaws permit.²⁹ A majority of the members constitutes a quorum and each member is entitled to one vote.³⁰

Effect of Proposed Changes

The bill changes the composition of the nine members of the Authority. The five entity representatives are replaced with the commissioners of the County Commission. The County Commission and the governing bodies of the three municipalities within the county (the City of Bowling Green, City of Wauchula, and Town of Zolfo Springs) each will appoint one of the remaining four members.

²⁰ See Ch. 2004-394, s. 4(1), Laws of Fla.

²¹ Ch. 2004-394, s. 3(1), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

²² *Id.*

²³ *Id.* The municipalities within Hardee County are the City of Bowling Green, City of Wauchula, and Town of Zolfo Springs. See Local Government Manual, *supra*, n. 3, at page 99.

²⁴ Ch. 2004-394, s. 3(2), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

²⁵ Ch. 2004-394, s. 3(4), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

²⁶ Ch. 2004-394, s. 3(2), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

²⁷ Ch. 2004-394, s.3(1)(f), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

²⁸ Ch. 2004-394, s. 3(3), Laws of Fla., as amended by ch. 2006-349, Laws of Fla. The member at-large designated to be the interim chair is the member that would serve an initial terms of 3 years whereas the other at-large member served an initial term of 2 years.

²⁹ Ch. 2004-394, s. 3(3), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

³⁰ Ch. 2004-394, s. 3(3), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

The bill increases the terms of the appointed members to 4 years and sets the terms of the County Commission members to run concurrent with their commission terms. The bill replaces the appointed member designated to serve as interim chair with the chair of the County Commission to call the first meeting. The bill provides the members may elect any sitting member to be chair.

The bill removes the clause providing that members may elect other officers as designated by the Authority's bylaws and the clause requiring that members must reside in the county. The bill removes the provision allowing the Authority to reimburse members who reside out of the county for their travel and per diem expenses.

The bill provides the act takes effect upon becoming law.

B. SECTION DIRECTORY:

Section 1. Amends ch. 2004-394, as amended by ch. 2006-349, replacing the five named members of the Authority with the Hardee County Board of Commissioners, re-defining how the remaining four members will be appointed to the Authority, and disallowing members residing outside of the county to be reimbursed for travel and per diem expenses.

Section 2. Providing the act will take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 9 and December 10, 2017

WHERE? *The Ledger*, Lakeland, Polk 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 neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

**AFFIDAVIT OF PUBLICATION
THE LEDGER
Lakeland, Polk County, Florida**

**STATE OF FLORIDA)
COUNTY OF POLK)**

Before the undersigned authority personally appeared Leslie Colon, who on oath says that she is an Account Executive for Advertising at The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

LEGAL NOTICE

in the matter of **LEGISLATION**

Concerning **HARDEE COUNTY ECONOMIC DEV.**

was published in said newspaper in the issues of

12-9, 12-10: 2017

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed Leslie Colon

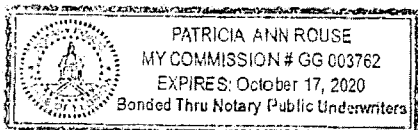
Leslie Colon
Advertising Account Executive
Who is personally known to me.

Sworn to and subscribed before me this 10th day of December, A.D. 2017

Patricia Ann Rouse
Notary Public

NOTICE OF LEGISLATION
TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2018 Florida Legislature, in the 2018 regular or any special or extended legislative sessions, for passage of an act relating to Hardee County, amending Chapter 2004-394, Laws of Florida, relating to the Hardee County Economic Development Authority, revising the membership. L4001 12-9, 12-10: 2017

(Seal)



HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1397
 SPONSOR(S): Rep. Albriston
 RELATING TO: Hardee County, Hardee County Economic Development Authority
[Indicate Area Affected (City, County, or Special District) and Subject]
 NAME OF DELEGATION: Hardee County
 CONTACT PERSON: Bill Lambert
 PHONE NO.: (863) 781-3196 E-Mail: bill.Lambert@Hardeemail.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, Federal & Veterans 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

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: The Hardee County Economic Development Authority was created by Florida Law

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

YES NO

Date hearing held: 10-20-2017
 Location: 412 W. Orange St. Room 103, Wauchula, FL

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

YES NO UNANIMOUSLY APPROVED

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 12-09-2017

Where? The Ledger County Polk

Referendum in lieu of publication: YES NO

Date of Referendum N/A

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

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

YES NO

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

YES NO

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

YES NO

Please submit this completed, original form to the Local, Federal & Veterans Affairs Subcommittee.


Delegation Chair (Original Signature)

1/11/18
Date

Ben Albrighton Jr.
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2018 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: HB 1397: Hardee County Economic Development Authority, Hardee County
SPONSOR(S): Senator Denise Grimsley & Representative Ben Albritton
RELATING TO: Hardee 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 18-19</u>	<u>FY 19-20</u>
Revenue decrease due to bill:	\$ <u>None</u>	\$ <u>None</u>
Revenue increase due to bill:	\$ <u>None</u>	\$ <u>None</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 18-19</u>	<u>FY 19-20</u>
	\$ <u>None</u>	\$ <u>None</u>

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

The bill implements a change in the board membership. There will be no financial impact.

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 18-19</u>	<u>FY 19-20</u>
Local:	\$ <u>None</u>	\$ <u>None</u>
State:	\$ <u>2,200,000.00</u>	\$ <u>2,200,000.00</u>
Federal:	\$ <u>None</u>	\$ <u>None</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: None

- 2. Advantages to Businesses: None

- 3. Advantages to Government: Increased oversight by local elected officials.

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.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:


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

N/A

VII. CERTIFICATION BY PREPARER

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

PREPARED BY:


[Must be signed by Preparer]

Print preparer's name:

Lexton H. Albritton, Jr.

01/10/2018

Date

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

County Manager

REPRESENTING:

Economic Development Authority

PHONE:

863-773-9430

E-MAIL ADDRESS:

lex.albritton@hardeecounty.net

HOUSE OF REPRESENTATIVES
2017 – 2018 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, Federal & Veterans Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: 1397

SPONSOR(S): Ben Albritton

RELATING TO: Hardee County Economic Development Authority
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Ben Albritton

AMENDMENT FOR: **Committee:** Local, Federal & Veterans Affairs Subcommittee
(Check One) (Name of Committee or Subcommittee)

Floor

CONTACT PERSON: Bill Lambert

PHONE NO: 863-781-3196 **E-MAIL:** bill.lambert@hardeemail.com

Reviewed by staff of the Local, Federal & Veterans Affairs Subcommittee
Must Be Checked

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

Specifies the board membership of the President/CEO of Heartland Workforce Investment Board, Inc.

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

To include the expertise of the local workforce development organization

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, was a revised notice published in the area affected by the bill at least 30 days prior to the bill being amended?

YES NO NOT APPLICABLE

C. 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, Federal and Veterans 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, Federal and Veterans 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)

Ben Albritton

Print Name of Delegation Chair

01/23/2018

Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A bill to be entitled
An act relating to the Hardee County Economic
Development Authority, Hardee County; amending chapter
2004-394, Laws of Florida, as amended; revising
membership of the authority; providing that members
shall not be reimbursed for travel and per diem
expenses; providing an effective date.

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

Section 1. Section 3 of chapter 2004-394, Laws of Florida,
as amended by chapter 2006-349, Laws of Florida, is amended to
read:

Section 3. Authority composition; procedures.—

(1) The authority shall consist of the five members of the
commission ~~nine members serving staggered terms~~ and four members
appointed ~~selected~~ in the following manner:

(a) One at-large member appointed by the commission ~~The
President of the Hardee County Farm Bureau or the president's
designee for an initial term of 3 years;~~

(b) One member appointed by the governing body of Wauchula
~~The director of the Agency for Workforce Innovation or its
successor agency or the director's designee for an initial term
of 2 years;~~

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

25 (c) One member appointed by the governing body of Bowling
 26 Green ~~The chairman of Enterprise Florida or its successor agency~~
 27 ~~or the chairman's designee for an initial term of 2 years; and~~

28 (d) One member appointed by the governing body of Zolfo
 29 Springs. ~~The chairman of the Florida Phosphate Council or the~~
 30 ~~chairman's designee for an initial term of 3 years;~~

31 ~~(e) The president of the Hardee County Chamber of Commerce~~
 32 ~~or the president's designee for an initial term of 3 years; and~~

33 ~~(f) Four members appointed by the commission. Two of these~~
 34 ~~shall be designated at large, and of these one shall serve an~~
 35 ~~initial term of 3 years and one shall serve an initial term of 2~~
 36 ~~years. One of the remaining commission appointments shall be~~
 37 ~~designated Seat 8 and the appointee shall be appointed for an~~
 38 ~~initial term of 2 years; the last commission appointment shall~~
 39 ~~be designated Seat 9 and the appointee shall be appointed for an~~
 40 ~~initial term of 3 years. Persons appointed to Seat 8 and Seat 9~~
 41 ~~shall be selected from a pool of nominees consisting of two~~
 42 ~~persons designated by the governing body of each municipality in~~
 43 ~~the county. All members except the members designated under~~
 44 ~~paragraphs (b) and (c) must be residents of the county. Initial~~
 45 ~~terms of office begin January 1, 2005.~~

46 (2) The five commissioner members shall serve terms
 47 concurrent with their commissioner terms. The four appointed
 48 members shall serve 4-year terms and may be reappointed. After
 49 completion of the initial term, each appointed member shall

50 ~~serve a term of 3 years. If a vacancy occurs during the term of~~
 51 ~~an appointed member, the appointing authority shall fill the~~
 52 ~~appointment for the remainder of the term. A member may serve~~
 53 ~~successive terms.~~

54 (3) The chair of the commission shall serve as the interim
 55 chair for the purpose of calling the first meeting. The members
 56 may elect any sitting member of the authority as chair. The
 57 ~~members shall elect a chair from their number for a period of 2~~
 58 ~~years and may elect such other officers as they designate in the~~
 59 ~~written bylaws of the authority. The at-large member designated~~
 60 ~~by the commission for an initial 3-year term shall serve as~~
 61 ~~interim chair for the purpose of calling the first meeting of~~
 62 ~~the authority. A majority of the members constitute a quorum.~~
 63 Each member is entitled to one vote. An action of the authority
 64 is not binding unless it is taken at a meeting at which a
 65 majority of the members cast their votes in favor. The fiscal
 66 year of the authority begins October 1.

67 (4) Each member of the authority shall serve without
 68 compensation, ~~except that a member who resides outside the~~
 69 ~~county may be reimbursed for travel and per diem expenses as~~
 70 ~~provided by general law and as further provided by this act.~~

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



Amendment No.

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, Federal & Veterans
 2 Affairs Subcommittee
 3 Representative Albritton offered the following:


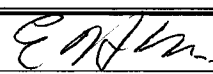
Amendment

Remove line 18 and insert:

7 (a) The President/CEO of the Heartland Workforce Investment
 8 Board, Inc., in Hardee County ~~The~~

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1423 Tohopekaliga Water Authority, Osceola County
SPONSOR(S): La Rosa
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Renner 	Miller 
2) Natural Resources & Public Lands Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Tohopekaliga Water Authority (Authority) is an independent special district created by ch. 2003-368, Laws of Florida, as amended. The Authority was established to provide water, wastewater and reclaimed water services in Osceola County. The Authority has jurisdiction over the acquisition, development, operation and management of these systems. The Authority currently serves approximately 97,000 water, 91,000 wastewater and 14,500 reclaimed water customers in Kissimmee, Poinciana, and unincorporated areas of Osceola County.

The bill makes numerous changes to the Authority. Specifically, the bill:

- Revises the Authority's legislative findings;
- Provides a definition for "partial term" and amends the definition of "pledged funds;"
- Provides for the Polk County Board of County Commissioners to appoint one member of the Board of Supervisors (Board) under an interlocal agreement and provides for additional members of the Board under certain circumstances;
- Provides Board members cannot be appointed to serve more than three consecutive 3-year terms, not including any partial term which may be held or is served for fewer than 548 days;
- Requires Board members to elect a Chairperson;
- Increases Board member's compensation to a \$150 stipend for every duly called meeting attended and increases compensation by \$10 annually;
- Provides the Authority with the additional power to contract by interlocal agreement with the state or local governments relating to stormwater;
- Revises the Authority's power to increase rates and acquire water or wastewater facilities or systems in certain circumstances;
- Requires the Board to adopt or update a master plan at least once every four years after 2018; and
- Makes stylistic changes and updates cross references.

The Economic Impact Statement submitted with the bill states that it is projected to have no fiscal impact.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Independent Special Districts

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

A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.⁶ An "independent special district" is any district that is not a dependent special district.⁷

Tohopekaliga Water Authority

The Tohopekaliga Water Authority (Authority) is an independent special district created by ch. 2003-368, Laws of Florida, as amended. The Authority was established to provide water, wastewater and reclaimed water services in Osceola County. The Authority has jurisdiction over the acquisition, development, operation, and management of these systems.⁸ The Authority currently serves approximately 97,000 water, 91,000 wastewater and 14,500 reclaimed water customers in Kissimmee, Poinciana, and unincorporated areas of Osceola County.⁹

The Authority is governed by a six-member Board of Supervisors (Board), including a chairperson. The Osceola Board of County Commissioners appoints supervisors for positions one and three. The City Commission of the City of Kissimmee appoints positions two and four. Both entities collectively appoint by joint resolution position five, who also serves as the chairperson. One additional supervisor may be appointed by each general purpose local government that has adopted a resolution authorizing the Authority to provide services within its boundary and has entered into an interlocal agreement with the Authority.¹⁰

Board members serve no more than three consecutive 3-year terms, not including any initial term as provided for herein.¹¹ The Board of Supervisors must elect a Vice Chair, Secretary, and other officers of the Authority as may be designated and authorized by the Board. Each must serve for one year commencing as soon as practicable after October 1 and until his or her successor is chosen.¹²

¹ Section 189.031(3), F.S.

² Id.

³ Section 189.02(1), F.S.

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

⁵ *2017 – 2018 Local Gov't Formation Manual*, p. 60, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 1/11/2018).

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ Chapter 2003-368, s. 4(5), Laws of Fla..

⁹ Toho Water Authority website, available at <https://www.tohowater.com/AboutUs/Pages/about.aspx> (last accessed 1/11/2018).

¹⁰ Chapter 2007-287, s. 6, Laws of Fla.

¹¹ Chapter 2013-266, s. 6, Laws. of Fla.

¹² Chapter 2003-368, s. 6(5), Laws of Fla.

Board members are compensated for their services by receiving \$100 per meeting, not to exceed three meetings per month. Additionally, supervisors are reimbursed for expenses as provided in s. 112.061, F.S., or otherwise approved by the board for travel on Authority business outside of the boundaries and service area of the District. The board generally meets twice a month, but may hold a special meeting if needed.¹³

The Authority has all powers, functions, and duties necessary to perform its duties and responsibilities, including the power to contract with private or public entities or persons to obtain, provide, treat, distribute, or receive potable and nonpotable water or to provide or receive wastewater disposal, collection, or treatment.¹⁴

Supervisors must adopt by resolution a schedule of rates, fees, or other charges for the use of the services, facilities, and products of the Authority, to be paid by each customer who is provided service by the Authority facilities. The Authority may establish separate rates, fees and charges for different portions of the Authority facilities, including separate rates, fees and charges for each utility system. Supervisors may establish different rates, fees and charges for services, facilities and products provided by a portion of a utility system provided that such rates, fees and charges are consistent with applicable law.¹⁵

The Authority was required to adopt a master plan within three years after its creation in 2003.¹⁶

Effect of the Bill

The bill reduces the governing board from six to five members and provides for staggered 3-year terms and each three years thereafter. The Polk County Board of County Commissioners will appoint the number five supervisor for so long as an interlocal agreement between Polk County and the Authority, authorizing the Authority to provide its potable or nonpotable water or wastewater management or deliver services or programs to retail customers within Polk County, remains in place and is effective.

The bill provides that, by resolution, additional members of the Board may be appointed by Polk County or an additional general-purpose local government that has entered into an agreement with the Authority. The final year of any term must be determined such that successive terms are staggered so no more than a minimum of members of the Board are ever due to be appointed in any year.

The bill clarifies that Board members cannot be appointed to serve more than three consecutive 3-year terms, not including any partial term which may be held or is served for fewer than 548 days. The bill provides that a Chairperson must be elected annually. The bill also provides that in addition to the Chairperson and Vice Chairperson, any other duly appointed person has the power to sign all documents on behalf of the Authority at a duly called meeting.

The bill increases the compensation for Board members by providing a stipend of \$150 per duly called meeting attended, not to exceed three meetings per month. The amount must be adjusted and increased annually by \$10, unless the increase is deferred in any year by unanimous vote of the Board.

The bill provides the Authority with the additional power to enjoy all powers necessary to contract by interlocal agreement with the state or any general or special purpose local government to manage, treat, store, or provide for surface run-off or stormwater management, detention, retention, recovery, protection, use, or any similar activity which makes available, protects, conserves, or otherwise uses nonpotable water, including, but not limited to:

¹³ Chapter 2003-368, s. 6(7), Laws of Fla.

¹⁴ Chapter 2003-368, s. 10(1)(m), Laws of Fla.

¹⁵ Chapter 2003-368, s. 12(1), Laws of Fla.

¹⁶ Section 2003-368, s. 18, Laws of Fla.

- The establishment or assistance in operation of any reservoir or stormwater utility program;
- Special or non-ad valorem assessment program; or
- The imposition, levy, billing, collection, and enforcement of payment for such projects or services for any associated rates, fees, or charges thereof.

The bill revises the Authority's power to increase rates. In the event the Authority acquires, purchases, assumes, or accepts ownership of any publicly or privately owned water or wastewater facilities or systems, the Authority is authorized to agree to set, freeze, and not increase any rates, fees, or charges to any affected class or customers of the acquired facilities for up to four full calendar years following the acquisition, in exchange for such value and concessions as the Board deems reasonable and appropriate. However, the Board cannot set and freeze the rates, fees, and charges for amounts less than similar rates, fees, and charges then charged or imposed upon other Authority customers.

The bill requires the Board to adopt or update a master plan at least once every four years after 2018.

The bill revises its legislative findings, makes stylistic changes and updates cross-references.

The bill creates the following definition:

- "Partial term" means, in relation to the designated 3-year term of a member on the Board of Supervisors, any term in which a person appointed to the Board of Supervisors serves or takes office as a result of resignation, removal, or vacancy, and serves or fulfills less than the 3-year term of office. For the purposes of determining term limitations, however, service of 548 days or more of any partial term shall be construed as service of a full term.

The bill amends the definition of "pledged funds" to provide that pledged funds cannot include any ad valorem tax revenues or general fund account of the Authority unless first approved by a vote of the electors within the service area of the Authority.

B. SECTION DIRECTORY:

Section 1 Amends ch. 2003-368, Laws of Florida, relating to the Tohopekaliga Water Authority.

Section 2 Provides that the act takes effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 10, 2017

WHERE? *The Ledger*, a daily newspaper published in Lakeland, Florida

The Orlando Sentinel, Orlando, 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 neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The revisions to the terms of supervisors nos. 1, 2, 3, 4 are stated with reference to dates in 2005 and 2006, creating apparent uncertainty as to exactly when each revised term begins.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to Tohopekaliga Water Authority,
 3 Osceola County; amending ch. 2003-368, Laws of
 4 Florida, as amended; revising legislative findings;
 5 providing a definition; providing for the Polk County
 6 Board of County Commissioners to appoint one member of
 7 the board under an interlocal agreement; providing for
 8 additional members of the board in certain
 9 circumstances; providing for term limits; requiring
 10 board members to elect a chairperson; increasing and
 11 providing for annual increase in compensation for
 12 board members; updating cross references; providing
 13 additional powers of the authority; revising authority
 14 power to increase rates and acquire water or
 15 wastewater facilities or systems; requiring the board
 16 to adopt or update a master plan every 4 years;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsections (2), (3), and (4) of section 2,
 22 subsections (6) through (9) of section 3, subsection (2) of
 23 section 4, subsections (1), (2), (3), (5), and (7) of section 6,
 24 section 8, section 9, paragraph (m) of subsection (1) of section
 25 10, subsection (4) of section 12, subsection (6) of section 13,

26 subsections (1) and (5) of section 18, subsection (1) of section
 27 19, and section 20 of chapter 2003-368, Laws of Florida, as
 28 amended by chapters 2013-266 and 2007-287, Laws of Florida, are
 29 amended, and a new subsection (6) is added to section 3 of that
 30 chapter, to read:

31 Section 2. Legislative Findings.

32 (2) It is declared as a matter of legislative
 33 determination that the extensive growth of population and
 34 attendant commerce throughout Osceola County and surrounding
 35 counties has caused affected general purpose local governments
 36 within Osceola County to recognize the need to consider,
 37 advance, and develop a regional approach to the governmental
 38 delivery and provision of potable water, wastewater, nonpotable
 39 water, and reclaimed water facilities and services, the
 40 protection of the environment, and the use of valuable water
 41 resources.

42 (3) Each of the affected general purpose local governments
 43 within Osceola County and surrounding counties must meet the
 44 comprehensive planning requirements of chapter 163, Florida
 45 Statutes, which mandate that local governments coordinate their
 46 plans for future growth with available resources of funding and
 47 availability of infrastructure. The provision of potable and
 48 nonpotable water and wastewater services and facilities is a
 49 major factor in such infrastructure coordination. A focused
 50 regional approach to local governmental ownership and provision

51 of potable and nonpotable water and wastewater utility
 52 facilities is desirable and will readily allow Osceola County
 53 and the City of Kissimmee, and certain adjacent areas upon
 54 approval of any affected general purpose local government, to
 55 more effectively meet their statutory mandate with respect to
 56 the utilities element of their respective comprehensive plans.

57 (4) The Authority was created and established by the
 58 Legislature in 2003. It was, and continues to be, ~~is~~ the intent
 59 of the Legislature to create and foster an independent special
 60 district in Osceola County that, with the concurrence and
 61 approval of affected general purpose local governments, can
 62 address and carry out the provision of potable and nonpotable
 63 water and wastewater services and facilities in certain areas of
 64 Osceola County and certain adjacent areas upon the approval of
 65 any affected general purpose local government, as hereinafter
 66 provided, to provide economies of scale; eliminate duplicative
 67 functions and expenditures; protect the local and regional
 68 environment; more efficiently use, preserve, address, protect,
 69 and have standing in all respects to use, preserve, address, and
 70 protect, valuable local and regional water resources; and
 71 advance regional and comprehensive planning.

72 Section 3. Definitions. When used in this act, unless a
 73 different meaning appears clearly from the context:

74 (6) "Partial term" means, in relation to the designated 3-
 75 year term of a member on the Board of Supervisors, any term in

76 which a person appointed to the Board of Supervisors serves or
 77 takes office as a result of resignation, removal, or vacancy,
 78 and serves or fulfills less than the 3-year term of office. For
 79 the purposes of determining term limitations, however, service
 80 of 548 days or more of any partial term shall be construed as
 81 service of a full term.

82 ~~(7)~~(6) "Pledged funds" means:

83 (a) The revenues, fees, charges, special assessments, and
 84 other moneys received by the Authority or its designee relating
 85 to its ownership or operation of the Authority facilities, or
 86 some portion thereof.

87 (b) Until applied in accordance with the terms of the
 88 financing documents, all moneys in the funds, accounts, and sub-
 89 accounts established thereby, including investments therein.

90 (c) Such other property, assets, and moneys of the
 91 Authority as shall be pledged pursuant to the financing
 92 documents, in each case to the extent provided by the Board of
 93 Supervisors pursuant to the financing documents. The funds
 94 pledged to one series of obligations may be different than the
 95 funds pledged to other series of obligations. Pledged funds
 96 shall not include any ad valorem tax revenues or general fund
 97 account of the Authority unless first approved by a vote of the
 98 electors within the service area of the Authority.

99 ~~(8)~~(7) "Project" means any structure, property, or
 100 facility which the Authority, from time to time, may determine

101 to construct or acquire as part of its Authority facilities,
 102 together with all improvements, equipment, structures, and other
 103 facilities necessary or appropriate in connection therewith.
 104 This term is to be broadly construed so as to include the lawful
 105 undertaking which will accrue, or is reasonably expected to
 106 accrue, to the benefit of the Authority facilities, including
 107 joint ventures and acquisitions of partial interests or
 108 contractual rights. "Project" shall include, but not be limited
 109 to, acquisition or transfer of any water or wastewater utility
 110 system, water or wastewater utility assets, or securing the
 111 right to provide any water or wastewater utility service as
 112 provided for in one or more interlocal agreements between the
 113 Osceola County Board of County Commissioners and the City
 114 Commission of the City of Kissimmee or any other governmental
 115 body. "Project" may also include working capital, as well as any
 116 costs or judgments associated with litigation.

117 (9)~~(8)~~ "Ratepayer" means any natural person who pays
 118 rates, fees, or charges on a recurring basis to the Authority,
 119 or who is an official, officer, member, or employee of any
 120 entity, public or private, that pays rates, fees, or charges on
 121 a recurring basis to the Authority.

122 (10)~~(9)~~ "Service area" means the geographic boundaries
 123 within which the Authority provides, or is otherwise authorized
 124 pursuant to the provisions of this act to provide, water or
 125 wastewater services or facilities.

126 Section 4. District Establishment and Creation.

127 (2) The District boundary shall embrace and include:

128 (a) The territory within Osceola County consisting of the
 129 incorporated area of the City of Kissimmee and including those
 130 areas served or provided with water and wastewater service by
 131 the City of Kissimmee on June 26, 2003 ~~the effective date~~
 132 ~~hereof~~.

133 (b) All unincorporated areas within Osceola County, less
 134 and except any areas included within the Reedy Creek Improvement
 135 District, on June 26, 2003, ~~the effective date hereof~~, and less
 136 and except the territory within Osceola County consisting of the
 137 incorporated area of the City of St. Cloud, and including those
 138 unincorporated areas authorized by law to be served or provided
 139 with water and wastewater service by the City of St. Cloud on
 140 June 26, 2003 ~~the effective date hereof~~. This act shall not be
 141 construed to prohibit or inhibit the City of St. Cloud from
 142 lawfully extending, expanding, or providing authorized municipal
 143 services and facilities as provided for in section 180.02(3),
 144 Florida Statutes. The Authority shall be estopped in any future
 145 proceeding conducted pursuant to section 180.03 or section
 146 180.04, Florida Statutes, by the City of St. Cloud, or any
 147 action arising therefrom, from asserting or claiming the
 148 willingness and ability to provide potable water or wastewater
 149 service to:

150 1. All lands in Osceola County, Florida, lying in Section
 151 8, Township 25 South, Range 31 East.

152 2. All lands in Osceola County, Florida, lying in Section
 153 5, Township 25 South, Range 31 East lying easterly of the
 154 eastern boundary of Fells Cove Subdivision, according to the
 155 plat recorded in the Public Records of Osceola County, Florida,
 156 (including specifically the Floridian R.V. Park).

157 3. All lands in Osceola County, Florida lying within
 158 Florida Turnpike right-of-way in the Northwest quarter (NW1/4)
 159 Section 36, Township 27 South, Range 30 East (Canoe Creek DOT
 160 facility).

161
 162 The District boundary may be expanded to include any service
 163 area within the boundaries of an affected general purpose local
 164 government upon the adoption of a resolution by the governing
 165 body of the affected general purpose local government
 166 authorizing the Authority to provide its service and facilities
 167 therein.

168 Section 6. Governing Body.

169 (1) The governing body of the Authority shall consist of
 170 voting five permanent members, appointed as provided herein, and
 171 ~~one or more interlocal members, as may be appointed,~~ acting as
 172 the Board of Supervisors, each of whom shall serve a term of 3
 173 years commencing on October 1, provided the procedure for
 174 appointment of the voting members of the Board of Supervisors

175 and their respective ~~initial~~ terms of office shall be as
 176 follows:

177 (a) Board Supervisor No. 1 and Board Supervisor No. 2
 178 shall serve purposefully staggered 3-year ~~for initial~~ terms of
 179 ~~approximately 2 years,~~ ending on September 30, 2005, and each 3
 180 years thereafter. Board Supervisor No. 1 shall be appointed by
 181 the Osceola County Board of County Commissioners. Board
 182 Supervisor No. 2 shall be appointed by the City Commission of
 183 the City of Kissimmee.

184 (b) Board Supervisor No. 3 and Board Supervisor No. 4
 185 shall serve purposefully staggered 3-year ~~initial~~ terms of
 186 ~~approximately 3 years,~~ ending on September 30, 2006, and each 3
 187 years thereafter. Board Supervisor No. 3 shall be appointed by
 188 the Osceola Board of County Commissioners. Board Supervisor No.
 189 4 shall be appointed by the City Commission of the City of
 190 Kissimmee.

191 (c) Board Supervisor No. 5 shall serve a purposefully
 192 staggered 3-year ~~an initial~~ term of ~~approximately 4 years,~~
 193 ending September 30, 2018 ~~2007~~. Board Supervisor No. 5 shall be
 194 ~~collectively~~ appointed by ~~joint resolution of the~~ Polk Osceola
 195 County Board of County Commissioners for so long as an
 196 interlocal agreement between Polk County and the Authority
 197 authorizing the Authority to provide its potable or nonpotable
 198 water or wastewater management or delivery services or programs
 199 to retail customers within Polk County remains in place and is

200 ~~effective and the City Commission of the City of Kissimmee and~~
 201 ~~shall serve as the Chairperson of the Board of Supervisors.~~

202 (d) By resolution, ~~one~~ additional members of the Board of
 203 Supervisors ~~Supervisor~~ may be appointed by Polk County or an
 204 ~~each~~ additional general-purpose local government that has
 205 adopted a resolution authorizing the Authority to provide
 206 services and facilities within a service area within its
 207 boundaries and that has entered into an interlocal agreement
 208 with the Authority authorizing the Authority to provide its
 209 potable or nonpotable water or wastewater management or delivery
 210 services or programs to retail customers within such service
 211 area, provided such interlocal agreement expressly provides for
 212 the appointment of such interlocal voting member of the Board of
 213 Supervisors. Such appointment shall be effective only for so
 214 long as the interlocal agreement is effective. Any interlocal
 215 voting member appointed to the Board of Supervisors shall serve
 216 an initial term of not more than 3 years, ending on September 30
 217 of the final year of the term. The final year of any such term
 218 shall be determined such that successive terms are staggered so
 219 no more than a minimum of members of the Board of Supervisors
 220 are ever due to be appointed in any year.

221 (2) All members of the Board of Supervisors shall be
 222 ratepayers and qualified electors of Osceola County or of the
 223 service area ~~adjacent to Osceola County~~ in which the District
 224 has been authorized to operate. Each of the general purpose

225 local governments responsible for appointing members shall
 226 consider but is not required to appoint members with business,
 227 real estate development, engineering, accounting, financial,
 228 scientific, utility, governmental, or public service
 229 backgrounds.

230 (3) Board members shall not be appointed to or serve ~~no~~
 231 more than three ~~3~~ consecutive 3-year terms, not including any
 232 partial initial term which may be held or is served for fewer
 233 than 548 days as provided for herein.

234 (5) The Board of Supervisors shall annually elect a
 235 Chairperson, Vice Chairperson, Secretary, and such other
 236 officers of the Authority as may be hereafter designated and
 237 authorized by the Board of Supervisors, each of whom shall serve
 238 for 1 year commencing as soon as practicable after October 1 and
 239 until his or her successor is chosen. The Chairperson, Vice
 240 Chairperson, and Secretary shall conduct the meetings of the
 241 Authority and perform such other functions as herein provided.
 242 The Chairperson, and Vice Chairperson, and any other duly
 243 appointed person shall take such actions and have all such
 244 powers and sign all documents on behalf of the Authority in
 245 furtherance of this act or as may be approved by resolution of
 246 the Board of Supervisors adopted at a duly called meeting. The
 247 Vice Chairperson, in the Chairperson's absence, shall preside at
 248 all meetings. The Secretary, or his or her designee, shall keep
 249 minutes of all meetings, proceedings, and acts of the Board of

250 Supervisors, but such minutes need not be verbatim. Copies of
 251 all minutes of the meetings of the Authority shall promptly be
 252 sent by the Secretary, or his or her designee, to all members of
 253 the Board of Supervisors and to each general purpose local
 254 government located within the District or the service area. The
 255 Secretary may also attest to the execution of documents. The
 256 Secretary shall have such other powers as may be approved by
 257 resolution of the Board of Supervisors adopted at a duly called
 258 meeting.

259 (7) The members of the Board of Supervisors shall receive
 260 as compensation for their services a stipend fee of \$150 ~~\$100~~
 261 per duly called meeting attended, not to exceed 3 meetings per
 262 month. Such ~~The amount of compensation~~ shall be adjusted and
 263 increased annually by \$10, unless such increase is deferred in
 264 any year by unanimous vote of the Board of Supervisors based
 265 upon the index provided in section 287.017(2), Florida Statutes,
 266 ~~or its successor in function.~~ In addition, each member of the
 267 Board of Supervisors shall be reimbursed for expenses as
 268 provided in section 112.061, Florida Statutes, or otherwise
 269 approved by the Board of Supervisors for travel on Authority
 270 business outside of the boundaries of the District or service
 271 area of the District.

272 Section 8. Meetings; Notice. The Board of Supervisors
 273 shall hold meetings pursuant to section 189.015, ~~sections~~
 274 ~~189.416 and 189.417~~, Florida Statutes.

275 Section 9. Reports; Budgets; Audits. The District shall
 276 prepare and submit reports, budgets, and audits as provided in
 277 section 189.016, ~~sections 189.415 and 189.418,~~ Florida Statutes.

278 Section 10. District Powers, Functions, and Duties.

279 (1) The Authority shall have all powers to carry out the
 280 purposes of this act and the functions and duties provided for
 281 herein, including the following powers which shall be in
 282 addition to and supplementing any other privileges, benefits,
 283 and powers granted by this act or general law:

284 (m) To contract with private or public entities or persons
 285 to obtain, provide, treat, distribute, or receive potable and
 286 nonpotable water or to provide or receive wastewater disposal,
 287 collection, or treatment; and, to additionally enjoy all powers
 288 necessary to contract by interlocal agreement with the state or
 289 any general or special purpose local government to manage,
 290 treat, store, or provide for surface run-off or stormwater
 291 management, detention, retention, recovery, protection, use, or
 292 any similar activity which makes available, protects, conserves,
 293 or otherwise uses nonpotable water, including, but not limited
 294 to, the establishment or assistance in the operation of any
 295 reservoir or stormwater utility program, special or non-ad
 296 valorem assessment program, or the imposition, levy, billing,
 297 collection, and enforcement of payment for such projects or
 298 services for any associated rates, fees, or charges therefor.

299 Section 12. Adoption of Rates, Fees, and Charges.

300 (4) In the event the Authority acquires, purchases,
 301 assumes, or accepts ownership of any publicly or privately owned
 302 water or wastewater facilities or systems, the Authority may
 303 agree to set, freeze, and not increase any rates, fees, or
 304 charges to any affected class or customers of the acquired
 305 facilities for up to 4 full calendar years following such
 306 acquisition, and in exchange for such value and concessions as
 307 the Board deems reasonable and appropriate. Provided, however,
 308 the Board shall not set and freeze such rates, fees, and charges
 309 for amounts less than similar rates, fees, and charges for
 310 amounts less than similar rates, fees, and charges then charged
 311 or imposed upon other Authority customers. ~~Except as required by~~
 312 ~~any covenant to timely meet, perform, or repay any obligations~~
 313 ~~under any financing documents or as described in subsections (7)~~
 314 ~~and (8), no rates, fees, or charges shall be increased or~~
 315 ~~adopted for 2 years after the effective date of this act, unless~~
 316 ~~the Authority causes a rate consultant to review its rates,~~
 317 ~~fees, charges, gross revenue, operating expenses, and methods of~~
 318 ~~operation and determines that such increase is either predicated~~
 319 ~~upon implementing an identified capital improvement plan or~~
 320 ~~meeting state or federal conservation or water demand management~~
 321 ~~requirements.~~

322 Section 13. System Development Charges; Impact Fees.

323 (6) Nothing in this act shall be construed to invalidate
 324 any system development charges, impact fees, or other capital

325 contribution charges previously levied or collected by Osceola
 326 County, ~~or~~ the City of Kissimmee, or any other local government
 327 or under any implied authority to levy and collect such charges;
 328 such charges being in the nature of impact fees are hereby
 329 ratified and confirmed.

330 Section 18. Planning Requirements.

331 (1) At least once every 4 years after 2018, ~~Within 3 years~~
 332 ~~after the effective date of this act,~~ the Board of Supervisors
 333 shall adopt or update a master plan which, among other things:

334 (a) Identifies current customers, projects, and future
 335 customers.

336 (b) Profiles customers (residential and non-residential,
 337 e.g. commercial, industrial).

338 (c) Reviews and generally inventories all existing
 339 infrastructure and treatment facilities within the boundaries of
 340 or served by the District.

341 (d) Identifies a capital improvement program for the
 342 Authority.

343 (e) Reviews all current permits and existing regulations
 344 to projected regulations.

345 (f) Identifies and evaluates potential acquisitions or
 346 service expansions.

347 (g) Evaluates Authority staffing.

348 (h) Provides for detailed mapping of Authority facilities.

349 (i) Provides for hydraulic analysis of Authority
 350 facilities, both existing and proposed.

351 (j) Evaluates present and future sources of raw water and
 352 treatment requirements for those sources in terms of capacity,
 353 reliability, and economy.

354 (k) Provides for an analysis of all available wastewater
 355 alternatives, including surface water discharge, wetlands
 356 discharge, percolation facilities, spray irrigation, and deep
 357 well injection.

358 (l) Identifies reclaimed water storage alternatives and
 359 wet weather backup alternatives.

360 (m) Identifies current and potential high volume users of
 361 reclaimed water.

362

363 ~~Thereafter,~~ The Board of Supervisors shall review and, if
 364 necessary, amend the master plan periodically, but no less often
 365 than every 4 years.

366 (5) The Authority shall comply with the provisions of part
 367 VI of chapter 189, sections 189.415 and 189.4155, Florida
 368 Statutes.

369 Section 19. Merger; Dissolution.

370 (1) In no event shall a merger involving the Authority be
 371 permitted unless otherwise approved by resolution of all
 372 affected general purpose local governments. ~~Upon the effective~~
 373 ~~date of this act, any governmental utility authority created by~~

374 ~~interlocal agreement between Osceola County and the City of~~
 375 ~~Kissimmee as a separate legal authority pursuant to section~~
 376 ~~163.01(7)(g), Florida Statutes, may be merged into the Authority~~
 377 ~~and this act shall be the surviving charter for the Authority in~~
 378 ~~all respects.~~

379 Section 20. Effect of Incorporation or Presence of Another
 380 Special District. To the maximum extent permitted by law, the
 381 subsequent incorporation or annexation of any area included
 382 within the boundaries of the District or service area after June
 383 26, 2003, or the presence or creation of any special district
 384 within the boundaries of the District or service area, shall not
 385 impair or alter the authority, power, obligations, or purpose of
 386 the Authority or its successor in providing water and wastewater
 387 services and facilities within any portion of the District's
 388 boundaries or authorized service area ~~now~~ included within
 389 Osceola County, any municipality, or special district or
 390 subsequently included within any county, municipality, or
 391 special district. Nothing herein shall be construed to limit or
 392 affect the powers of any municipal services benefit unit or
 393 dependent special district established by any charter county.

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



Amendment No.

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, Federal & Veterans
2 Affairs Subcommittee
3 Representative La Rosa offered the following:

Amendment

6 Remove line 59 and insert:
7 of the Legislature to create an independent special

8 Remove line 98 and insert:
9 qualified electors within the service area of the Authority.

10 Remove lines 178-180 and insert:
11 shall serve initial terms ending on September 3, 2020, and
12 staggered 3 year terms each 3 years thereafter. Board Supervisor
13 No. 1 shall be appointed by

14 Remove lines 185-187 and insert:



Amendment No.

15 shall serve initial terms ending on September 30, 2018, and
16 staggered 3 year terms each 3 years thereafter. Board Supervisor
17 No. 3 shall be appointed by

18 Remove lines 191-202 and insert:

19 (c) Board Supervisor No. 5 shall serve an initial term ~~of~~
20 ~~approximately 4 years~~ ending on September 30, ~~2018-2007,~~ and
21 staggered 3 year terms each 3 years thereafter. Board Supervisor
22 No. 5 shall be ~~collectively~~ appointed by ~~joint resolution of the~~
23 Polk Osceola County Board of County Commissioners and the City
24 Commission of the City of Kissimmee and shall serve as the
25 Chairperson of the Board of Supervisors. At the expiration or
26 termination without replacement of an interlocal agreement
27 between Polk County and the Authority authorizing the Authority
28 to provide its potable or nonpotable water or wastewater
29 management or delivery services or programs to retail customers
30 within Polk County, the term of Board member No. 5 shall
31 terminate immediately, creating a vacancy. At the conclusion of
32 the term in which a vacancy is created by operation of this
33 paragraph, Board Supervisor No. 5 shall be appointed by the
34 Osceola Board of County Commissioners.

35 Remove lines 231-233 and insert:

36 more than three consecutive 3-year terms, ~~not~~ including any
37 partial initial term which may be held or is served for fewer
38 than 548 days as provided for herein. No board member shall
39 serve more than nine consecutive years, regardless of whether



Amendment No.

40 the service results from full terms or a combination of partial
41 or full terms. If a member would complete less than nine years
42 at the time the member's current term would end, and appointment
43 to another term would result in service exceeding nine
44 consecutive years, then such member may not be reappointed to
45 the consecutive term.

46 Remove lines 259-271 and insert:

47 ~~(7) The members of the Board of Supervisors shall receive~~
48 ~~as compensation for their services a fee of \$100 per meeting,~~
49 ~~not to exceed 3 meetings per month. The amount of compensation~~
50 ~~shall be adjusted annually based upon the index provided in~~
51 ~~section 287.017(2), Florida Statutes, or its successor in~~
52 ~~function. In addition, each member of the Board of Supervisors~~
53 ~~shall be reimbursed for expenses as provided in section 112.061,~~
54 ~~Florida Statutes, or otherwise approved by the Board of~~
55 ~~Supervisors for travel on Authority business outside of the~~
56 ~~boundaries of the District or service area of the District.~~

57

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1447 City of Orlando, Orange County
SPONSOR(S): Miller
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Renner <i>JR</i>	Miller <i>EMM</i>
2) Careers & Competition Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Florida’s Beverage Law places a limit on the number of “quota licenses” that the Department of Business and Professional Regulation (DBPR) may issue per county. A quota license allows a business to serve any alcoholic beverage regardless of alcoholic content, including liquor, for both on and off premises consumption. DBPR is not limited by the Beverage Law on the number of licenses it may issue for businesses who wish to serve only malt beverages and wine.

In excess of the quota limitation, DBPR is authorized to issue an SRX license, which allows a restaurant to sell any alcoholic beverage, including liquor, under certain circumstances. Under general law, a restaurant may be issued an SRX license if it has at least 2,500 square feet of service area, is equipped to serve meals to 150 customers simultaneously, and derives at least 51 percent of its gross revenue from the sale of food and non-alcoholic beverages.

The bill would create an exception to general law by requiring DBPR to issue an SRX license to a bona fide restaurant in the Downtown Restaurant Area that is licensed by DBPR and meets the following requirements: occupies at least 1,800 square feet of contiguous space, is equipped to serve meals to at least 80 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 60-day operating period and each 12-month operating period thereafter.

The bill provides that failure of a licensee who is issued an SRX license to meet the 51 percentage of food and nonalcoholic beverage gross revenue during the covered operating period will result in the revocation of the license or denial of the pending application for a permanent license of a licensee operating with a temporary license. If a license is revoked or a pending application for permanent license is denied, or any person required to qualify on the SRX license application, a subsequent license application cannot be filed for a period of 120 days after the date of the final denial or revocation.

According to the Economic Impact Statement, the bill is revenue positive due to the increase in sales tax revenue and licensing revenue.

The bill takes effect upon becoming law.

Pursuant to House Rules 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

Alcoholic Beverage Licensing

The Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation (DBPR) is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale within the state of alcoholic beverages. Chapters 561-565 and 567-568, F.S., comprise Florida's Beverage Law.

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to businesses who wish to sell malt beverages or wine; however s. 561.20, F.S., limits the number of licenses that may be issued under s. 565.02(1)(a)-(f), F.S., to one license per 7,500 residents per county with a minimum of three (3) licenses per county that has approved the sale of intoxicating liquors.¹ This license, often referred to as a "quota license," allows a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.²

There are several exceptions to the quota license limitation. Businesses that meet the requirements set out in one of the exceptions pursuant to s. 561.20(2), F.S., may be issued a special license by DBPR that allows the business to serve any alcoholic beverages regardless of alcoholic content.

One such license is the Special Restaurant Beverage (SRX) license, which may be issued to a "restaurant having 2,500 square feet of service area and equipped to serve meals to 150 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages so long as any alcoholic beverages sold under such license is for on premises consumption only."³ Some older restaurants may qualify at a lower total gross revenue threshold.⁴ A restaurant must offer full course meal service at any time alcoholic beverages are being served to qualify for a license.⁵ A full course meal must contain a salad or vegetable, entrée, beverage, and bread.⁶

Effect of the Bill

The bill would create an exception to s. 561.20(1), F.S., by requiring DBPR to issue SRX licenses to bona fide restaurants in the Downtown Restaurant Area that is licensed by DBPR and occupies at least 1,800 square feet of contiguous space, is equipped to serve meals to at least 80 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 60-day operating period and each 12-month operating period thereafter. The bill includes a complete legal description of the area in which the exemption will apply.

The bill provides that failure of a licensee who is issued an SRX license to meet the 51 percentage of food and nonalcoholic beverage gross revenue during the covered operating period will result in the

¹ Section 561.20(1), F.S.

² Section 565.02, F.S.

³ Section 561.20(2)(a)4., F.S. Current law requires the gross food and beverage revenue to be based on the first 60-day operating period and each 12-month operating period thereafter.

⁴ Rule 61A-3.0141, F.A.C. This provision applies to all licenses issued after April 18, 1972. For licenses issued between September 1, 1969 and April 18, 1972, at least 30 percent of the restaurant's total gross revenue must be derived from the sale of food and non-alcoholic beverages; for licenses issued prior to September 1, 1969, there is no minimum gross revenue threshold, but the restaurant must be "bona fide" and meet the other requirements of the rule.

⁵ *Id.*

⁶ *Id.*

revocation of the license or denial of the pending application for a permanent license of a licensee operating with a temporary license. If a license is revoked or a pending application for permanent license is denied, or any person required to qualify on the SRX license application, a subsequent license application cannot be filed for a period of 120 days after the date of the final denial or revocation.

B. SECTION DIRECTORY:

- Section 1 Creates the "Downtown Restaurant Area" in the City of Orlando.
- Section 2 Creates an exception to general law, providing space, seating and minimum gross revenues requirements for special alcoholic beverage licenses for restaurants in the Downtown Restaurant Area.
- Section 3 Provides that the bill takes effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 25, 2017

WHERE? *Orlando Sentinel*, a daily newspaper published in Orange 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 neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Pursuant to House Rules 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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Orlando Sentinel

Rep. Miller LR
HB 1447

Published Daily
ORANGE County, Florida

STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared Cheryl Alli / Aracelis Crespo, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice, 2018 Florida Legislature was published in said newspaper in the issues of Oct 25, 2017.

Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE 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.

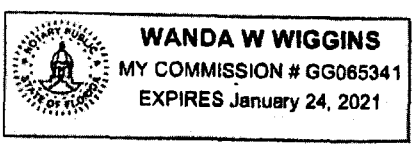
NOTICE OF INTENT TO SEEK LEGISLATION
To whom it may concern: Notice is hereby given of intent to apply to the 2018 Florida Legislature, in the 2018 regular or any special or extended legislative session, for passage of an act relating to the City of Orlando, providing space and service requirements for special alcoholic beverage licenses for food service establishments in the Downtown Restaurant Area.
OS5265750 10/25/2017

Cheryl Alli
Signature of Affiant

CHERYL ALLI
Printed Name of Affiant

Sworn to and subscribed before me on this 25 day of October, 2017,
by above Affiant, who is personally known to me (X) or who has produced identification ().

Wanda Wiggins
Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

HOUSE OF REPRESENTATIVES

2017 - 2018 LOCAL BILL CERTIFICATION FORM

BILL #: 1447
 SPONSOR(S): MILLER
 RELATING TO: CITY OF ORLANDO, ORANGE COUNTY
(Indicate Area Affected (City, County, or Special District) and Subject)
 NAME OF DELEGATION: ORANGE COUNTY
 CONTACT PERSON: OSCAR ANDERSON
 PHONE NO.: (407) 247-3000 E-Mail: ANDERSON@SOSTRATEGY.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, Federal & Veterans 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

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level: REQUIRES ~~AN~~ AN EXEMPTION TO F.S. 561.20(1) TO AMEND SQUARE FOOTAGE AND MEAL SERVICE IN A DOWNTOWN RESTAURANT AREA.

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

Date hearing held: OCTOBER 16, 2017
 Location: ORANGE COUNTY ADMINISTRATION BUILDING

(3) Was this bill formally approved by a majority of the delegation members?
 YES NO UNANIMOUSLY APPROVED

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local, Federal & Veterans 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 25, 2017

Where? ORLANDO SENTINEL County ORANGE 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

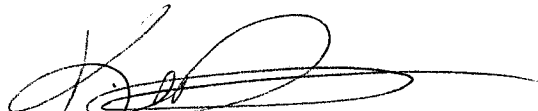
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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, Federal & Veterans Affairs Subcommittee.



Delegation Chair (Original Signature)

1-17-2018

Date

Kamia Brown

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2017 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 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, Federal & Veterans Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #:

1447

SPONSOR(S):

Representative Mike Miller

RELATING TO:

Special area for restaurant licensing in downtown Orlando.

[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 17-18</u>	<u>FY 18-19</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>100+</u>	\$ <u>100+</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 17-18</u>	<u>FY 18-19</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.

Like similar bills that have been approved, this bill is revenue positive with an increase in sales tax revenue and licensing revenue, which is not possible to quantify. However, easing restrictions for a bona fide restaurant to serve all alcohol increases the opportunity for profit, thus creating 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 17-18</u>	<u>FY 18-19</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: The bill facilitates more diverse dining options and creation of jobs.
2. Advantages to Businesses: The bill increases the likelihood of success for small independently-owned restaurants in a highly competitive field.
3. Advantages to Government: The bill enables more sales tax revenue without increasing services or staff.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: None

2. Disadvantages to Businesses: None

3. Disadvantages to Government: None

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

There is already staff in place to support this bill. As similar bills have shown, the only change would be issuing more 4COP/SFS (formally known as 4COP/SRX) licenses and fewer 2COP licenses resulting in more license revenue for the state as well as sales tax revenue from businesses.

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 derives from real world application of business operation with a 2COP and 4COP license.

Additionally, this process has provided a direct positive benefit to other areas in the state that similar bills have been approved for.

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:

Michelle Mc

[Must be signed by Preparer]

Print preparer's name:

Michelle McCrimmon

9/29/2017

Date

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

Deputy Chief Financial Officer

REPRESENTING:

City of Orlando, FL

PHONE:

407-246-2142

E-MAIL ADDRESS:

michelle.mccrimmon@cityoforlando.net

1 A bill to be entitled
2 An act relating to the City of Orlando, Orange County;
3 providing an exception to general law; providing
4 space, seating, and minimum gross revenues
5 requirements for special alcoholic beverage licenses
6 for restaurants in a described area; providing an
7 effective date.

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

10
11 Section 1. There is created a special zone in the City of
12 Orlando to be known as the "Downtown Restaurant Area," more
13 particularly described as follows:

14
15 A PORTION OF LAND LYING IN SECTIONS 23, 24, 25, 26, 35
16 AND 36, TOWNSHIP 22 SOUTH, RANGE 29 EAST, IN THE CITY
17 OF ORLANDO AND ORANGE COUNTY, FLORIDA; SAID PORTION OF
18 LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

19
20 BEGIN AT THE INTERSECTION OF THE CENTERLINE OF W GORE
21 STREET AND THE CENTERLINE OF S WESTMORELAND DRIVE,
22 THENCE RUN NORTHERLY ALONG THE CENTERLINE OF SAID S
23 WESTMORELAND DRIVE AND THE WEST LINE OF SAID SECTIONS
24 35 AND 26 TO THE INTERSECTION OF THE CENTERLINE OF N
25 WESTMORELAND DRIVE AND THE CENTERLINE OF W COLONIAL

26 DRIVE; THENCE DEPARTING THE SAID CENTERLINE OF N
 27 WESTMORELAND DRIVE, RUN EASTERLY ALONG THE CENTERLINE
 28 OF W COLONIAL DRIVE AND THE NORTH LINE OF AFORESAID
 29 SECTION 26 TO THE INTERSECTION OF THE CENTERLINE OF
 30 INTERSTATE 4, STATE ROAD 400; THENCE DEPARTING THE
 31 SAID CENTERLINE OF W COLONIAL DRIVE, RUN NORTHERLY
 32 ALONG THE CENTERLINE OF SAID STATE ROAD 400 TO THE
 33 INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST
 34 QUARTER OF SAID SECTION 23; THENCE DEPARTING THE
 35 CENTERLINE OF SAID STATE ROAD 400, RUN EASTERLY ALONG
 36 SAID NORTH LINE TO THE EAST LINE OF SAID SECTION 23;
 37 THENCE DEPARTING THE NORTH LINE OF THE SAID SOUTHEAST
 38 QUARTER OF SECTION 23 RUN SOUTHERLY ALONG SAID EAST
 39 LINE OF SECTION 23 TO THE INTERSECTION OF THE
 40 CENTERLINE OF S IVANHOE BOULEVARD; THENCE DEPARTING
 41 THE SAID EAST LINE OF SECTION 23 RUN EASTERLY ALONG
 42 THE CENTERLINE OF SAID S IVANHOE BOULEVARD TO THE
 43 INTERSECTION OF THE CENTERLINE OF N ORANGE AVENUE;
 44 THENCE DEPARTING THE CENTERLINE OF SAID S IVANHOE
 45 BOULEVARD RUN EASTERLY ALONG THE CENTERLINE OF N
 46 ORANGE AVENUE TO THE INTERSECTION OF THE CENTERLINE OF
 47 HIGHLAND AVENUE; THENCE DEPARTING THE SAID CENTERLINE
 48 OF N ORANGE AVENUE RUN SOUTHERLY ALONG THE CENTERLINE
 49 OF HIGHLAND AVENUE TO THE INTERSECTION OF THE
 50 CENTERLINE OF E COLONIAL DRIVE AND THE NORTH LINE OF

51 SECTION 25; THENCE DEPARTING THE SAID CENTERLINE OF
 52 HIGHLAND AVENUE RUN EASTERLY ALONG THE CENTERLINE OF
 53 SAID E COLONIAL DRIVE AND THE NORTH LINE OF SAID
 54 SECTION 25 TO THE NORTHEAST CORNER OF SECTION 25,
 55 TOWNSHIP 22 SOUTH, RANGE 29 EAST, ALSO BEING THE
 56 INTERSECTION OF THE CENTERLINE OF N FERN CREEK AVENUE;
 57 THENCE DEPARTING THE CENTERLINE OF E COLONIAL AND THE
 58 NORTH LINE OF SAID SECTION 25 RUN SOUTHERLY ALONG THE
 59 CENTERLINE OF SAID N FERN CREEK AVENUE AND THE EAST
 60 LINE OF SECTION 25 TO THE INTERSECTION OF THE
 61 CENTERLINE OF E CENTRAL BOULEVARD; THENCE DEPARTING
 62 THE CENTERLINE OF SAID N FERN CREEK AND SAID EAST LINE
 63 OF SECTION 25, RUN WESTERLY ALONG THE CENTERLINE OF
 64 SAID E CENTRAL BOULEVARD TO THE INTERSECTION OF THE
 65 CENTERLINE OF S LAWSONA BOULEVARD; THENCE DEPARTING
 66 THE CENTERLINE OF SAID E CENTRAL BOULEVARD RUN
 67 SOUTHERLY ALONG THE CENTERLINE OF SAID S LAWSONA
 68 BOULEVARD TO THE INTERSECTION OF THE CENTERLINE OF E
 69 SOUTH STREET, ALSO BEING THE SOUTH LINE OF AFORESAID
 70 SECTION 25; THENCE DEPARTING THE CENTERLINE OF SAID S
 71 LAWSONA BOULEVARD RUN WESTERLY ALONG THE CENTERLINE OF
 72 SAID E SOUTH STREET AND THE SOUTH LINE OF SECTION 25
 73 TO THE INTERSECTION OF THE CENTERLINE OF S MILLS
 74 AVENUE; THENCE DEPARTING THE CENTERLINE OF SAID E
 75 SOUTH STREET AND THE SAID SOUTH LINE OF SECTION 25,

76 RUN SOUTHERLY ALONG THE CENTERLINE OF SAID S MILLS
 77 AVENUE TO THE INTERSECTION OF THE CENTERLINE OF E GORE
 78 STREET; THENCE DEPARTING THE CENTERLINE OF SAID S
 79 MILLS AVENUE RUN WESTERLY ALONG THE CENTERLINE OF SAID
 80 E GORE STREET TO THE INTERSECTION OF THE CENTERLINE OF
 81 LAKE DAVIS DRIVE; THENCE DEPARTING THE CENTERLINE OF
 82 SAID E GORE STREET RUN NORTHERLY AND WESTERLY ALONG
 83 SAID LAKE DAVIS DRIVE TO THE INTERSECTION OF THE
 84 CENTERLINE OF WOODLAWN BOULEVARD; THENCE DEPARTING THE
 85 CENTERLINE OF SAID LAKE DAVIS DRIVE RUN WESTERLY ALONG
 86 THE CENTERLINE OF SAID WOODLAWN BOULEVARD TO THE
 87 INTERSECTION OF THE CENTERLINE OF S SUMMERLIN AVENUE;
 88 THENCE DEPARTING THE CENTERLINE OF SAID WOODLAWN
 89 BOULEVARD, RUN SOUTHERLY ALONG THE CENTERLINE OF SAID
 90 S SUMMERLIN AVENUE TO THE INTERSECTION OF THE
 91 CENTERLINE OF CHEROKEE DRIVE; THENCE DEPARTING THE
 92 CENTERLINE OF SAID S SUMMERLIN AVENUE RUN WESTERLY
 93 ALONG THE CENTERLINE OF SAID CHEROKEE DRIVE TO THE
 94 INTERSECTION OF THE CENTERLINE OF DELANEY AVENUE;
 95 THENCE DEPARTING THE CENTERLINE OF SAID CHEROKEE DRIVE
 96 RUN SOUTHERLY ALONG THE CENTERLINE OF SAID DELANEY
 97 AVENUE TO THE INTERSECTION OF E GORE STREET; THENCE
 98 DEPARTING THE CENTERLINE OF SAID DELANEY AVENUE RUN
 99 WESTERLY ALONG THE CENTERLINE OF E AND W GORE STREET

100 TO THE INTERSECTION OF N WESTMORELAND DRIVE AND THE
 101 POINT OF BEGINNING.

103 Section 2. Notwithstanding s. 561.20(1), Florida Statutes,
 104 the Division of Alcoholic Beverages and Tobacco of the
 105 Department of Business and Professional Regulation shall issue a
 106 special alcoholic beverage license to a bona fide restaurant in
 107 the Downtown Restaurant Area described in section 1 that is
 108 licensed by the division, occupies at least 1,800 square feet of
 109 contiguous space, is equipped to serve meals to at least 80
 110 persons at one time, and derives at least 51 percent of its
 111 gross food and beverage revenue from the sale of food and
 112 nonalcoholic beverages during the first 60-day operating period
 113 and each 12-month operating period thereafter. Failure of any
 114 licensee issued a special license to meet the required
 115 percentage of food and nonalcoholic beverage gross revenue
 116 during the covered operating period shall result in the
 117 revocation of the license or denial of the pending application
 118 for a permanent license of a licensee operating with a temporary
 119 license. A licensee whose license is revoked, or an applicant
 120 whose pending application for a permanent license is denied, or
 121 any person required to qualify on the special alcoholic beverage
 122 license application, is ineligible to have any interest in a
 123 subsequent license application for such license for a period of
 124 120 days after the date of the final denial or revocation.

125

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