



---

# **State Affairs Committee**

**January 23, 2024  
10:00 AM – 12:00 PM  
Webster Hall (212 Knott)**

## **Meeting Packet**

**Paul Renner  
Speaker**

**Lawrence McClure  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### State Affairs Committee

**Start Date and Time:** Tuesday, January 23, 2024 10:00 am

**End Date and Time:** Tuesday, January 23, 2024 12:00 pm

**Location:** Webster Hall (212 Knott)

**Duration:** 2.00 hrs

#### Consideration of the following bill(s):

CS/HB 793 Coral Springs Improvement District, Broward County by Constitutional Rights, Rule of Law & Government Operations Subcommittee, Daley

HB 867 North River Ranch Improvement Stewardship District, Manatee County by Robinson, W.

HR 1209 Disassociation from Council on American-Islamic Relations by Fine

HB 7001 OGSR/Reporter of Child Abuse, Abandonment, or Neglect by Ethics, Elections & Open Government Subcommittee, Tramont

HB 7007 OGSR/Campus Emergency Response by Ethics, Elections & Open Government Subcommittee, Griffiths

HB 7009 OGSR/Mental Health Treatment and Services by Ethics, Elections & Open Government Subcommittee, Griffiths

CS/HB 7013 Special Districts by Ways & Means Committee, Local Administration, Federal Affairs & Special Districts Subcommittee, Persons-Mulicka

HJR 7017 Annual Adjustment to Homestead Exemption Value by Ways & Means Committee, Buchanan

HB 7019 Exemption of Homesteads by Ways & Means Committee, Buchanan

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

**NOTICE FINALIZED on 01/19/2024 4:00PM by Rando.Lexi**



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 793 Coral Springs Improvement District, Broward County  
**SPONSOR(S):** Constitutional Rights, Rule of Law & Government Operations Subcommittee, Daley  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	16 Y, 0 N	Roy	Darden
2) Constitutional Rights, Rule of Law & Government Operations Subcommittee	14 Y, 0 N, As CS	Poreda	Miller
3) State Affairs Committee		Roy	Williamson

### SUMMARY ANALYSIS

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, special act, local ordinance, or rule of the Governor and Cabinet. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.

The Coral Springs Improvement District (CSID) is an independent special district providing drainage, water, and sewer services to portions of the City of Coral Springs in Broward County. The CSID was created by a circuit court order in 1966, with a charter codified by a special act in 1970, and re-codified in 2004. As originally enacted, the charter provided the CSID with an expanded scope of powers, including all powers under ch. 298, F.S., as well as authority to develop and operate water and sewer systems.

The bill revises the purchasing and contracting requirements of the CSID by:

- Increasing the threshold at which competitive bidding is required for goods, supplies, or materials to the Category Two threshold;
- Requiring the district to publish notice of bids once a week in a newspaper of general circulation in Broward County and in the district;
- Requiring the district to comply with the procedures in s. 255.20, F.S., and other applicable general law, when seeking to construct or improve a public building, structure, or other public works projects;
- Clarifying the district must accept the bid of the lowest responsive and responsible bidder, unless the board determines it is in the best interest of the district to reject all of the bids;
- Providing that the provisions of the Consultants’ Competitive Negotiation Act apply to district contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services;
- Requiring the district to undergo a competitive bidding procedure for contracts for maintenance services that exceed the Category Two threshold and to adopt rules, policies, and procedures for bids for maintenance services;
- Providing that other services are not subject to competitive bidding requirements unless the board adopts a rule, policy, or procedure; and
- Authorizes the district to apply to the Department of Management Services to purchase commodities and contractual services from purchasing agreements established and state term contracts procured by the department.

According to the Economic Impact Statement, the bill is likely to result in cost savings to the district due to the modernization of procurement procedures.

# 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.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.<sup>6</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>7</sup>

##### Competitive Solicitation for Commodities or Contractual Services

Current law provides the following purchasing categories for purposes of state agency procurements of commodities or contractual services:

- CATEGORY ONE: \$20,000.
- CATEGORY TWO: \$35,000.
- CATEGORY THREE: \$65,000.
- CATEGORY FOUR: \$195,000.
- CATEGORY FIVE: \$325,000.<sup>8</sup>

---

<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See *generally* s. 189.012(6), F.S.

<sup>3</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Jan. 8, 2024).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), and 388.221, F.S. (mosquito control), and ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S.

<sup>7</sup> See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>8</sup> S. 287.017, F.S.

State agencies that wish to procure commodities or contractual services in excess of the CATEGORY TWO threshold, which is \$35,000, must use a competitive solicitation process.<sup>9</sup> A “competitive solicitation” is the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of procurement method.<sup>10</sup> Depending on the type of contract and scope of work or goods sought, an agency may use one of three procurement methods: invitation to bid,<sup>11</sup> request for proposals,<sup>12</sup> or invitation to negotiate.<sup>13</sup>

### Procurement of Construction Services

Chapter 255, F.S., specifies the procedures to follow for the procurement of construction services for public property and publicly owned buildings. The Department of Management Services (DMS) is responsible for establishing the following by rule:

- Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts;
- Procedures for awarding each state agency construction project to the lowest qualified bidder;
- Procedures to govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state; and
- Procedures for entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.<sup>14</sup>

Counties, municipalities, special districts, and other political subdivisions seeking to construct or improve a public building, structure, or other public construction works must competitively award the project if the projected cost is in excess of \$300,000.<sup>15</sup> For electrical work, local governments must competitively award<sup>16</sup> projects estimated to cost more than \$75,000.<sup>17</sup> These threshold amounts are adjusted by the percentage change in the Engineering News-Record's Building Cost Index<sup>18</sup> from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.<sup>19</sup>

### State Term Contracts

A “state term contract” is a contract for commodities or contractual services that is competitively procured by DMS and that is used by agencies and other eligible users.<sup>20</sup> Agencies must purchase commodities or contractual services from a state term contract if one has been competitively procured by DMS.<sup>21</sup>

---

<sup>9</sup> S. 287.057(1), F.S.

<sup>10</sup> S. 287.012(6), F.S.

<sup>11</sup> When an agency is capable of defining the scope of work or specific commodities sought, then an agency must use an invitation to bid. S. 287.057(1)(a), F.S.

<sup>12</sup> An agency must use a request for proposals when the purposes and uses for the contractual service or commodity sought can be specifically defined and the agency is capable of identifying necessary deliverables. S. 287.057(1)(b), F.S.

<sup>13</sup> An invitation to negotiate is a solicitation used by an agency that is intended to determine the best method for achieving a specific goal or solving a particular problem. It identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value. S. 287.057(1)(c), F.S.

<sup>14</sup> S. 255.29, F.S.

<sup>15</sup> S. 255.20(1), F.S.

<sup>16</sup> The term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. *Id.*

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

<sup>18</sup> The Engineering News-Record is a weekly private-sector publication that publishes, monthly, a Building Cost index (BCI). *Construction Economics*, ENGINEERING NEWS-RECORD, <https://www.enr.com/economics> (last visited Jan. 8, 2024).

The BCI serves to inform those in the engineering profession and construction industry about general construction costs across the United States. *Id.* The BCI has a material component that incorporates the actual cost of construction materials and a labor component incorporating the actual cost of labor. *Using ENR Indexes*, ENGINEERING NEWS-RECORD, <https://www.enr.com/economics/faq> (last visited Jan. 7, 2024).

<sup>19</sup> S. 255.20(2), F.S.

<sup>20</sup> S. 287.012(28), F.S.; *see also* S. 287.042(2)(a), F.S.

<sup>21</sup> S. 287.056(1), F.S.

## Consultants' Competitive Negotiation Act

In 1972, Congress passed the Brooks Act,<sup>22</sup> which requires federal agencies to use a qualifications-based selection process for architectural, engineering, and associated services, such as mapping and surveying. Qualifications-based selection is a process whereby service providers are retained on the basis of competency, qualifications, and experience, rather than price. In 1973, the Florida Legislature enacted the Consultants' Competitive Negotiation Act (CCNA),<sup>23</sup> which is modeled after the Brooks Act.<sup>24</sup> The CCNA requires state and local government agencies to procure the professional services of an architect, professional engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process.<sup>25</sup>

The CCNA establishes a three-phase process for procuring professional services:

- Phase 1 – Public announcement and qualification.
- Phase 2 – Competitive selection.
- Phase 3 – Competitive negotiation.

During Phase 1, the public announcement and qualification phase, state and local agencies must publicly announce each occasion when professional services will be purchased for one of the following:

- A project, when the basic construction cost is estimated by the agency to exceed \$325,000; or
- A planning or study activity, when the fee for professional services exceeds \$35,000.<sup>26</sup>

During Phase 2 of the competitive selection phase, an agency must evaluate the qualifications and past performance of interested consultants and select at least three consultants, ranked in order of preference, that it considers the most highly qualified to perform the required services. During this phase, the CCNA prohibits the agency from requesting, accepting, or considering proposals for the compensation to be paid.

During Phase 3 of the competitive negotiation phase, an agency must first negotiate compensation with the highest ranked consultant. If the agency is unable to negotiate a satisfactory contract with that consultant at a price the agency determines to be fair, competitive, and reasonable, negotiations with the consultant must be formally terminated. The agency must then negotiate with the remaining ranked consultants, in order of rank, and follow the same process until an agreement is reached. If the agency is unable to negotiate a satisfactory contract with any of the ranked consultants, the agency must select additional consultants, ranked in the order of competence and qualification without regard to price, and continue negotiations until an agreement is reached.<sup>27</sup>

The CCNA explicitly states it does not prohibit a continuing contract<sup>28</sup> between a firm and an agency.<sup>29</sup> A "continuing contract" is a contract for professional services entered into in accordance with the CCNA between an agency and a firm whereby the firm provides professional services to the agency for projects.<sup>30</sup> The CCNA prohibits firms that are parties to a continuing contract from being required to bid against one another.<sup>31</sup>

Current law authorizes the use of a continuing contract for construction projects in which the estimated construction cost of each project does not exceed \$4 million, for study activities if the fee for professional services for each study does not exceed \$500,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except the contract must include a termination clause.<sup>32</sup>

---

<sup>22</sup> Public Law 92-582, 86 Stat. 1278 (1972).

<sup>23</sup> Ch. 73-19, Laws of Fla., codified as s. 287.055, F.S.

<sup>24</sup> Codified as s. 287.055, F.S.

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

<sup>26</sup> S. 287.055(3)(a)1., F.S.

<sup>27</sup> S. 287.055(5), F.S.

<sup>28</sup> S. 287.055(2)(g), F.S.

<sup>29</sup> S. 287.055(4)(d), F.S.

<sup>30</sup> S. 287.055(2)(g), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> S. 287.055(2)(g), F.S.

## Coral Springs Improvement District

The Coral Springs Improvement District (CSID) is an independent special district providing drainage, water, and sewer services to portions of the City of Coral Springs in Broward County.<sup>33</sup> The CSID was created by a circuit court order in 1966, with a charter codified by special act in 1970,<sup>34</sup> and re-codified in 2004.<sup>35</sup> As originally enacted, the charter provided the district with an expanded scope of powers, including all powers under ch. 298, F.S., as well as authority to develop and operate water and sewer systems.<sup>36</sup>

The CSID is currently governed by a three-member board elected by the landowners of the district on a one-acre, one-vote basis for a four-year term.<sup>37</sup> A majority of board members must be residents of Broward County and all must own land within the district. Beginning with the 2024 general election, the CSID must be governed by a five-member board elected by, and consisting of, qualified electors of the district.<sup>38</sup>

### **Effects of Proposed Changes**

The bill amends the charter of the CSID to revise purchasing and contracting requirements.

The bill provides that contracts for goods, supplies, or materials must be put up for bid if the amount exceeds the threshold of Category Two, which is \$35,000. The bill revises the notice requirement for bids from once a week for two consecutive weeks in a newspaper published in Broward County, to once in a newspaper in general circulation in the county and district.

The bill requires the board, when seeking to construct or improve a public building, structure, or other public works project, to comply with the bidding procedures in s. 255.20, F.S., and other applicable general law.

The bill requires the district to accept the bid of the lowest responsive and responsible bidder, unless the board determines it is in the best interest of the district to reject all bids.

The bill provides that the requirements of the Consultants' Competitive Negotiation Act apply to the district's contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services.

The bill provides that contracts for maintenance services for any district facility or project are subject to competitive bidding requirements when the amount to be paid by the district exceeds the threshold amount of Category Two.<sup>39</sup> The bill also requires the district to adopt rules, policies, and procedures establishing competitive bidding procedures for maintenance services. Unless otherwise required by district rule or policy, the bill provides that contracts for other services are not subject to competitive bidding requirements.

Lastly, the bill authorizes the district to apply to DMS to purchase commodities and contractual services from purchasing agreements established and state term contracts procured by the department.

According to the Economic Impact Statement, the bill is likely to result in cost savings to the district due to the modernization of procurement procedures.

---

<sup>33</sup> See ch. 2004-469, s. 7, Laws of Fla. See also City of Coral Springs, *Water Billing*, <https://www.coral springs.org/Government/Departments/Water-Billing> (last visited Jan. 8, 2024) (maps of water districts providing services to the residents of Coral Springs).

<sup>34</sup> Ch. 70-617, Laws of Fla.

<sup>35</sup> Ch. 2004-469, s. 2, 3(1), Laws of Fla.

<sup>36</sup> Ch. 70-617, s. 9(21), Laws of Fla., now ch. 2004-469, s. 9(21) of s. 3, Laws of Fla.

<sup>37</sup> Ch. 2004-469, ss. 3(5)(1) and 3(5)(3), Laws of Fla.

<sup>38</sup> Ch. 2004-469 ss. 3(5)(1) and 3(5)(3), Laws of Fla., as amended by ch. 2021-253, Laws of Fla.

<sup>39</sup> *Id.*



**B. SECTION DIRECTORY:**

Section 1: Amends ch. 2004-469, Laws of Fla., revising district purchasing and contracting requirements for the Coral Springs Improvement District.

Section 2: Provides an effective date of upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 5, 2023.

WHERE? *Sun-Sentinel*, a daily newspaper published in Broward, Palm Beach, and Miami-Dade County

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 17, 2024, the Constitutional Rights, Rule of Law & Government Operations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment differed from the bill in that it changed the thresholds from Category Four to Category Two when contracts for goods, supplies, or materials to be purchased, or contracts for maintenance services for any district facility or project, must be obtained by competitive bidding.

This analysis is drafted to the committee substitute as approved by the Constitutional Rights, Rule of Law & Government Operations Subcommittee.

A bill to be entitled  
 An act relating to the Coral Springs Improvement  
 District, Broward County; amending chapter 2004-469,  
 Laws of Florida; prohibiting the board of supervisors  
 of the district from receiving bids on certain  
 contracts; providing an exception; requiring the board  
 to comply with certain statutory bidding procedures;  
 authorizing the board to reject all bids if such  
 rejection is in the best interests of the district;  
 providing that competitive bidding for certain  
 contracts is subject to certain statutory provisions;  
 requiring the district to adopt rules; authorizing the  
 district to apply to the Department of Management  
 Services to purchase certain commodities and  
 contractual services; providing an effective date.

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

Section 1. Section 47 of section 3 of chapter 2004-469,  
 Laws of Florida, is amended to read:

Section 47. Bids required.—

(1) No contract shall be let by the board for ~~the~~  
~~construction or maintenance of any project authorized by this~~  
~~act, nor shall~~ any goods, supplies, or materials to be purchased  
 when the amount thereof to be paid by the ~~said~~ district exceeds

26 | the amount provided in section 287.017, Florida Statutes, for  
 27 | category two shall exceed \$4,000, unless notice of bids is shall  
 28 | be advertised once a week for 2 consecutive weeks in a newspaper  
 29 | in published in Broward County and of general circulation in the  
 30 | county and in the district. The board, if seeking to construct  
 31 | or improve a public building, structure, or other public works,  
 32 | shall comply with the bidding procedures of section 255.20,  
 33 | Florida Statutes, and other applicable general law.~~7~~ and In each  
 34 | case, the bid of the lowest responsive and responsible bidder  
 35 | shall be accepted~~7~~ unless all bids are rejected because the bids  
 36 | are too high or the board determines it is in the best interests  
 37 | of the district to reject all bids. The board may require the  
 38 | bidders to furnish bonds ~~and~~ with a responsible surety to be  
 39 | approved by the board. Nothing in this section shall prevent the  
 40 | board from undertaking and performing the construction,  
 41 | operation, and maintenance of any project or facility authorized  
 42 | by this act~~7~~ by the employment of labor, material, and  
 43 | machinery.

44 | (2) The provisions of the Consultants' Competitive  
 45 | Negotiation Act, section 287.055, Florida Statutes, apply to  
 46 | contracts for engineering, architecture, landscape architecture,  
 47 | or registered surveying and mapping services let by the board.

48 | (3) Contracts for maintenance services for any district  
 49 | facility or project shall be subject to competitive bidding  
 50 | requirements when the amount thereof to be paid by the district

51 exceeds the amount provided in section 287.017, Florida  
52 Statutes, for category two. The district shall adopt rules,  
53 policies, or procedures establishing competitive bidding  
54 procedures for maintenance services. Contracts for other  
55 services shall not be subject to competitive bidding unless the  
56 district adopts a rule, policy, or procedure applying  
57 competitive bidding procedures to such contracts.

58 (4) The district may apply to the Department of Management  
59 Services, or the entity succeeding to the duties of such  
60 department, to purchase commodities and contractual services  
61 from purchasing agreements established and state term contracts  
62 procured pursuant to section 287.057, Florida Statutes, by such  
63 department, as provided in section 287.056, Florida Statutes.

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



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 867 North River Ranch Improvement Stewardship District, Manatee County

**SPONSOR(S):** Robinson, W.

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	16 Y, 0 N	Roy	Darden
2) State Affairs Committee		Roy	Williamson

### SUMMARY ANALYSIS

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, special act, local ordinance, or rule of the Governor and Cabinet. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.

The North River Ranch Improvement Stewardship District (NRRISD or district) is an independent special district in Manatee County created in 2020. The NRRISD provides infrastructure using a comprehensive community development approach that facilitates an integral relationship among regional transportation, land use, and urban design, creating a diverse mix of housing and regional employment and economic development opportunities, rather than fragmented development with underutilized infrastructure which is generally associated with urban sprawl. The district is governed by a five-member board of supervisors elected on a one vote per acre basis for four-year terms.

The district is authorized to impose ad valorem taxes but only after all members of the board are elected on a popular vote basis and the levy of ad valorem taxes is approved by the district voters in a subsequent referendum. In addition, the NRRISD may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments.

The bill revises the boundaries of the NRRISD to add additional parcels and remove land purchased by Manatee County for the construction of a school and public roadway. The net change in the total size of the district is approximately 111.27 acres, bringing the district to a total of 2,113.21 acres.

The Economic Impact Statement indicates the bill will raise an expected \$500,000 in additional revenue, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

# 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.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.<sup>6</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>7</sup>

##### North River Ranch Improvement Stewardship District

North River Ranch Improvement Stewardship District (NRRISD or district) is an independent special district created in 2020.<sup>8</sup> The NRRISD covers land in Manatee County and its purpose is to provide infrastructure for a comprehensive community development approach that facilitates an integral relationship among regional transportation, land use, and urban design, creating a diverse mix of housing and regional employment and economic development opportunities, rather than fragmented development with underutilized infrastructure which is generally associated with urban sprawl.<sup>9</sup> The NRRISD is authorized to provide district services extraterritorially upon execution of an interlocal agreement.<sup>10</sup>

<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally ss. 189.012(6), F.S.

<sup>3</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Jan. 16, 2024).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), and 388.221, F.S. (mosquito control), and ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S.

<sup>7</sup> See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>8</sup> Ch. 2020-191, Laws of Fla.

<sup>9</sup> Ch. 2020-191, s. 1(2)(1)(b), Laws of Fla.

<sup>10</sup> Ch. 2020-191, s. 1(3)(4), Laws of Fla.

The district is governed by a five-member board of supervisors (board) elected by the landowners on a one-acre, one-vote basis to serve four-year terms.<sup>11</sup> As qualified electors move into the district, members will be chosen in an election of the qualified electorate rather than at a landowners' meeting, and once 15,000 qualified electors reside within the district, all five members will be elected by the qualified electorate.<sup>12</sup>

The NRRISD is authorized to levy ad valorem taxes but only after all members of the board are elected on a popular vote basis and the levy of ad valorem taxes is approved by the district voters in a subsequent referendum.<sup>13</sup> In addition, the NRRISD may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments.<sup>14</sup>

The district's charter provides that the charter may only be amended by special act of the Legislature. However, the board may not ask the Legislature to amend its charter without first obtaining a resolution or official statement from Manatee County stating the amendment is consistent with approved local government plans of the county and that the county has no objection to the amendment.<sup>15</sup> The district received this consent.<sup>16</sup>

### Effect of Proposed Changes

The bill amends the charter of the NRRISD by revising the boundary description to add additional parcels to the district and remove land purchased by Manatee County for the construction of a school and public roadway. The net change in the total size of the district is approximately 111.27 acres, bringing the district to a total of 2,113.21 acres.

The Economic Impact Statement indicates the bill will raise an expected \$500,000 in additional revenue, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

#### B. SECTION DIRECTORY:

Section 1: Amends ch. 2020-191, Laws of Fla., as amended by ch. 2022-244, Laws of Fla., revising the boundaries of the NRRISD.

Section 2: Provides an effective date of upon becoming a law.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 12, 2023

WHERE? *The Bradenton Herald*, a daily newspaper of general circulation published in Manatee County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

<sup>11</sup> Ch. 2020-191, s. 1(5), Laws of Fla.

<sup>12</sup> Ch. 2020-191, s.1(5)(3)(a)2.a(IV), Laws of Fla.

<sup>13</sup> Ch. 2020-191, ss. 1(5)(3)(a)1. and 1(6)(12)(a), Laws of Fla. The district currently does not levy ad valorem taxes.

<sup>14</sup> Ch. 2020-191, ss. 1(6)(6)(j) and 1(6)(12), Laws of Fla.

<sup>15</sup> Ch. 2020-191, s. 1(2)(3)(f), Laws of Fla. See also s. 189.031(2)(e)4., F.S.

<sup>16</sup> See Manatee Cnty., Board of Cnty. Commissioners, Meeting Minutes for Sept. 26, 2023, available at [https://www.mymanatee.org/government/board\\_of\\_county\\_commissioners/bcc\\_meetings\\_and\\_agendas](https://www.mymanatee.org/government/board_of_county_commissioners/bcc_meetings_and_agendas) (last visited Jan. 16, 2024).



C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

1                                   A bill to be entitled  
 2           An act relating to the North River Ranch Improvement  
 3           Stewardship District, Manatee County; amending chapter  
 4           2020-191, Laws of Florida, as amended; revising the  
 5           boundaries of the district; providing an effective  
 6           date.

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

9  
 10           Section 1. Section 4 of section 1 of chapter 2020-191,  
 11   Laws of Florida, as amended by chapter 2022-244, Laws of  
 12   Florida, is amended to read:

13           Section 4. Formation; boundaries.—The North River Ranch  
 14   Improvement Stewardship District, an independent special  
 15   district, is created and incorporated in Manatee County and  
 16   shall embrace and include the territory described as:

17  
 18           MORGAN'S GLEN PARCEL:  
 19  
 20           BEGIN AT THE COMMON CORNER OF SECTIONS 19, 20, 29 AND  
 21           30, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY,  
 22           FLORIDA; THENCE, ALONG THE EAST LINE OF SAID SECTION  
 23           30, S.00°06'50"W., FOR 540.98 FEET TO A LINE BEING 50  
 24           FEET NORTH OF AND PARALLEL TO THE CENTERLINE OF A SCL  
 25           RAILROAD RIGHT OF WAY, SAID LINE ALSO BEING THE SOUTH

26 | LINE OF LOT 1, BLOCK 1, MANATEE RIVER FARMS AS  
 27 | RECORDED IN PLAT BOOK 6, PAGE 45 OF THE PUBLIC RECORDS  
 28 | OF MANATEE COUNTY, FLORIDA; THENCE, ALONG SAID LINE,  
 29 | S.73°37'59"W., 670.12 FEET; THENCE N.00°06'17"E., FOR  
 30 | 412.91 FEET; THENCE N.01°49'12"W., FOR 315.39 FEET TO  
 31 | THE SOUTH LINE OF SAID SECTION 19; THENCE, LEAVING  
 32 | SAID SOUTH LINE, N.00°34'28"W., FOR 441.76 FEET;  
 33 | THENCE N.01°53'22"E., FOR 220.56 FEET; THENCE  
 34 | S.89°53'31"W., FOR 858.88 FEET; THENCE S.84°33'13"W.,  
 35 | FOR 104.29 FEET; THENCE S.76°54'28"W., FOR 377.88  
 36 | FEET; THENCE N.00°07'22"W., FOR 1,708.90 FEET TO THE  
 37 | SOUTH RIGHT OF WAY LINE OF MOCCASIN WALLOW ROAD;  
 38 | THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE,  
 39 | S.89°15'16"E., FOR 1,980.23 FEET TO THE EAST LINE OF  
 40 | SAID SECTION 19, SAID LINE ALSO BEING THE WEST LINE OF  
 41 | SAID SECTION 20; THENCE, CONTINUE ALONG SAID SOUTH  
 42 | RIGHT OF WAY LINE, S.88°55'05"E., 666.19 FEET; THENCE,  
 43 | LEAVING SAID SOUTH RIGHT OF WAY LINE, S00°06'09"E.,  
 44 | FOR 397.02 FEET; THENCE S.89°16'25"E., FOR 135.94  
 45 | FEET; THENCE S.88°59'12"E., FOR 121.89 FEET; THENCE  
 46 | S.81°46'46"E., FOR 200.24 FEET; THENCE S.89°10'18"E.,  
 47 | FOR 210.00 FEET TO THE EAST LINE OF THE NORTHWEST 1/4  
 48 | OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE, ALONG  
 49 | SAID EAST LINE, S.00°04'54"E., FOR 673.99 FEET TO THE  
 50 | SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4,

51 SAID LINE ALSO BEING THE NORTH LINE OF THE SOUTHWEST  
 52 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE,  
 53 ALONG SAID LINE, N.89°31'56"W., FOR 665.68 FEET;  
 54 THENCE, LEAVING SAID LINE, S.00°06'09"E., FOR 467.45  
 55 FEET; THENCE N.89°51'11"E., FOR 59.49 FEET; THENCE  
 56 S.00°06'09"E., FOR 663.67 FEET TO THE SOUTH LINE OF  
 57 SECTION 20, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE  
 58 COUNTY, FLORIDA; THENCE, ALONG SAID SOUTH LINE,  
 59 S.89°51'11"W., FOR 724.73 FEET TO THE POINT OF  
 60 BEGINNING.

61  
 62 LESS AND EXCEPT THAT CERTAIN RIGHT-OF-WAY BEING MORE  
 63 PARTICULARLY DESCRIBED AS FOLLOWS:

64  
 65 A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD  
 66 BOOK 2066, PAGE 3027, PUBLIC RECORDS OF MANATEE  
 67 COUNTY, FLORIDA, LYING IN SECTIONS 19 AND 30, TOWNSHIP  
 68 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA,  
 69 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

70  
 71 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19;  
 72 THENCE SOUTH 86°58'46" WEST, ALONG THE SOUTH LINE OF  
 73 THE SOUTHEAST 1/4 OF SAID SECTION 19, A DISTANCE OF  
 74 537.04 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  
 75 00°13'25" WEST, A DISTANCE OF 2.00 FEET TO A POINT ON

76 | A CURVE TO THE RIGHT; THENCE SOUTHERLY 171.21 FEET  
 77 | ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 860.00  
 78 | FEET, A CENTRAL ANGLE OF 11°24'23", AND A CHORD  
 79 | BEARING AND DISTANCE OF SOUTH 05°55'36" WEST 170.93  
 80 | FEET TO A POINT OF REVERSE CURVE TO THE LEFT; THENCE  
 81 | SOUTHERLY 148.63 FEET ALONG THE ARC OF SAID CURVE,  
 82 | HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF  
 83 | 11°30'27", AND A CHORD BEARING AND DISTANCE OF SOUTH  
 84 | 05°52'34" WEST 148.38 FEET; THENCE SOUTH 00°07'20"  
 85 | WEST, A DISTANCE OF 359.62 FEET TO THE NORTH RIGHT OF  
 86 | WAY LINE OF FP & L RAILROAD; THENCE ALONG SAID NORTH  
 87 | RIGHT OF WAY LINE, SOUTH 73°37'35" WEST, A DISTANCE OF  
 88 | 77.06 FEET; THENCE NORTH 01°01'42" WEST, A DISTANCE OF  
 89 | 694.96 FEET; THENCE NORTH 00°13'25" EAST, A DISTANCE  
 90 | OF 724.64 FEET TO A POINT ON A CURVE TO THE LEFT;  
 91 | THENCE NORTHERLY 205.25 FEET ALONG THE ARC OF SAID  
 92 | CURVE, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE  
 93 | OF 21°00'00", AND A CHORD BEARING AND DISTANCE OF  
 94 | NORTH 10°16'36" WEST 204.10 FEET; THENCE NORTH  
 95 | 20°46'36" WEST, A DISTANCE OF 207.01 FEET TO A POINT  
 96 | ON A CURVE TO THE LEFT; THENCE NORTHWESTERLY 211.09  
 97 | FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF  
 98 | 940.00 FEET, A CENTRAL ANGLE OF 12°52'00", AND A CHORD  
 99 | BEARING AND DISTANCE OF NORTH 27°12'36" WEST 210.65  
 100 | FEET TO A POINT OF REVERSE CURVE TO THE RIGHT; THENCE

101 NORTHERLY 622.42 FEET ALONG THE ARC OF SAID CURVE,  
 102 HAVING A RADIUS OF 1,060.00 FEET, A CENTRAL ANGLE OF  
 103 33°38'35", AND A CHORD BEARING AND DISTANCE OF NORTH  
 104 16°49'18" WEST 613.51 FEET; THENCE NORTH 00°00'00"  
 105 WEST, A DISTANCE OF 296.18 FEET; THENCE NORTH  
 106 44°34'29" WEST, A DISTANCE OF 70.18 FEET; THENCE NORTH  
 107 00°48'08" EAST, A DISTANCE OF 46.61 FEET TO THE SOUTH  
 108 MAINTAINED RIGHT OF WAY LINE OF MOCCASIN WALLOW ROAD;  
 109 THENCE ALONG SAID SOUTH MAINTAINED RIGHT OF WAY LINE,  
 110 SOUTH 89°11'52" EAST, A DISTANCE OF 230.02 FEET;  
 111 THENCE, LEAVING SAID SOUTH MAINTAINED RIGHT OF WAY  
 112 LINE, SOUTH 00°48'08" WEST, A DISTANCE OF 46.66 FEET;  
 113 THENCE SOUTH 45°25'31" WEST, A DISTANCE OF 71.23 FEET;  
 114 THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 236.20  
 115 FEET; THENCE SOUTH 04°08'24" WEST, A DISTANCE OF  
 116 114.31 FEET TO A POINT ON A NON-TANGENT CURVE TO THE  
 117 LEFT; THENCE SOUTHERLY 494.62 FEET ALONG THE ARC OF  
 118 SAID CURVE, HAVING A RADIUS OF 940.00 FEET, A CENTRAL  
 119 ANGLE OF 30°08'55", AND A CHORD BEARING AND DISTANCE  
 120 OF SOUTH 18°34'08" EAST 488.93 FEET TO A POINT OF  
 121 REVERSE CURVE TO THE RIGHT; THENCE SOUTHEASTERLY  
 122 238.04 FEET ALONG THE ARC OF SAID CURVE, HAVING A  
 123 RADIUS OF 1,060.00 FEET, A CENTRAL ANGLE OF 12°52'00",  
 124 AND A CHORD BEARING AND DISTANCE OF SOUTH 27°12'36"  
 125 EAST 237.54 FEET; THENCE SOUTH 20°46'36" EAST, A

126 DISTANCE OF 207.01 FEET TO A POINT ON A CURVE TO THE  
 127 RIGHT; THENCE SOUTHERLY 249.23 FEET ALONG THE ARC OF  
 128 SAID CURVE, HAVING A RADIUS OF 680.00 FEET, A CENTRAL  
 129 ANGLE OF 21°00'00", AND A CHORD BEARING AND DISTANCE  
 130 OF SOUTH 10°16'36" EAST 247.84 FEET; THENCE SOUTH  
 131 00°13'25" WEST, A DISTANCE OF 718.08 FEET TO THE POINT  
 132 OF BEGINNING.

133  
 134 CONTAINING 129.475 ACRES, MORE OR LESS.

135  
 136 TOGETHER WITH NORTH RIVER RANCH - HAVAL FARMS:

137  
 138 A TRACT OF LAND, BEING A PORTION OF MANATEE RIVER  
 139 FARMS, UNIT 1, RECORDED IN PLAT BOOK 6, PAGE 45 OF THE  
 140 PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING IN  
 141 SECTIONS 7, 8, 9, 16, 17, 18, 19 AND 20, TOWNSHIP 33  
 142 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING  
 143 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

144  
 145 BEGIN AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED  
 146 SECTION 7; THENCE N.00°13'29"E., ALONG THE WEST LINE  
 147 OF SECTION 7, A DISTANCE OF 1,809.08 FEET; THENCE  
 148 N.90°00'00"E., A DISTANCE OF 272.18 FEET TO THE POINT  
 149 OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS  
 150 1,000.00 FEET AND A CENTRAL ANGLE OF 48°54'32"; THENCE

151 NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE  
 152 OF 853.62 FEET TO THE POINT OF REVERSE CURVATURE OF A  
 153 CURVE TO THE RIGHT HAVING A RADIUS OF 1,962.46 FEET  
 154 AND A CENTRAL ANGLE OF 97°43'17"; THENCE EASTERLY  
 155 ALONG THE ARC OF SAID CURVE, A DISTANCE OF 3,347.09  
 156 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO  
 157 THE LEFT HAVING A RADIUS OF 1,500.00 FEET AND A  
 158 CENTRAL ANGLE OF 48°48'45"; THENCE SOUTHEASTERLY ALONG  
 159 THE ARC OF SAID CURVE, A DISTANCE OF 1,277.91 FEET TO  
 160 THE POINT OF TANGENCY OF SAID CURVE; THENCE  
 161 N.90°00'00"E., A DISTANCE OF 1,220.57 FEET TO THE  
 162 POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A  
 163 RADIUS OF 1,100.00 FEET AND A CENTRAL ANGLE OF  
 164 49°18'03"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID  
 165 CURVE, A DISTANCE OF 946.51 FEET TO THE POINT OF  
 166 REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A  
 167 RADIUS OF 1,990.00 FEET AND A CENTRAL ANGLE OF  
 168 108°30'13"; THENCE EASTERLY ALONG THE ARC OF SAID  
 169 CURVE, A DISTANCE OF 3,768.56 FEET TO THE POINT OF  
 170 REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A  
 171 RADIUS OF 1,400.00 FEET AND A CENTRAL ANGLE OF  
 172 67°34'16"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID  
 173 CURVE, A DISTANCE OF 1,651.07 FEET TO THE POINT OF  
 174 REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A  
 175 RADIUS OF 1,000.00 FEET AND A CENTRAL ANGLE OF



176 44°28'10"; THENCE EASTERLY ALONG THE ARC OF SAID  
 177 CURVE, A DISTANCE OF 776.14 FEET TO THE POINT OF  
 178 TANGENCY OF SAID CURVE; THENCE S.53°53'56"E., A  
 179 DISTANCE OF 509.73 FEET TO A POINT ON THE WESTERLY  
 180 RIGHT-OF-WAY LINE OF U.S. 301; THENCE S.36°06'04"W., A  
 181 DISTANCE OF 1,512.28 FEET; THENCE N.89°59'54"W., A  
 182 DISTANCE OF 4,022.59 FEET; THENCE S.27°47'24"W., A  
 183 DISTANCE OF 1,049.93 FEET; THENCE N.68°30'43"W., A  
 184 DISTANCE OF 1,332.96 FEET; THENCE N.00°11'16"E., A  
 185 DISTANCE OF 383.27 FEET; THENCE N.89°43'15"W., A  
 186 DISTANCE OF 719.63 FEET; THENCE S.00°35'38" W., A  
 187 DISTANCE OF 2,551.98 FEET TO THE POINT OF CURVATURE OF  
 188 A CURVE TO THE RIGHT HAVING A RADIUS 795.00 FEET AND A  
 189 CENTRAL ANGLE OF 48°08'26"; THENCE SOUTHWESTERLY ALONG  
 190 THE ARC OF SAID CURVE, A DISTANCE OF 667.97 FEET TO  
 191 THE POINT OF TANGENCY OF SAID CURVE; THENCE  
 192 S.48°44'04" W., A DISTANCE OF 213.94 FEET TO THE POINT  
 193 OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS  
 194 1,355.00 FEET AND A CENTRAL ANGLE OF 33°22'52"; THENCE  
 195 SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE  
 196 OF 789.44 FEET; THE FOLLOWING FIVE (5) CALLS ARE ALONG  
 197 THE NORTHERLY LINE OF A SPECIFIC PURPOSE SURVEY FOR  
 198 TRACT 300FL-MA-010.000, PREPARED BY WILLBROS  
 199 ENGINEERS, INC., AND DATED OCTOBER 12, 2015: 1)  
 200 S.89°39'18"E., A DISTANCE OF 85.64 FEET; 2)

201 S.89°10'25"E., A DISTANCE OF 187.79 FEET; 3)  
 202 S.89°53'48"E., A DISTANCE OF 1,364.36 FEET; 4)  
 203 S.89°38'04"E., A DISTANCE OF 1,529.39 FEET; 5) THENCE  
 204 N.89°48'54"E., A DISTANCE OF 969.28 FEET TO A POINT ON  
 205 THE WEST LINE OF PARCEL DEEDED TO PEOPLES GAS SYSTEM;  
 206 THENCE S.00°02'24"W., ALONG THE WESTERLY LINE OF SAID  
 207 PARCEL, A DISTANCE OF 35.27 FEET TO THE SOUTH WEST  
 208 CORNER OF SAID PARCEL; THENCE S.89°57'36"E., ALONG THE  
 209 SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 60.00  
 210 FEET TO A POINT ON A PARCEL AS DESCRIBED IN OFFICIAL  
 211 RECORDS BOOK 2207, PAGE 6256, SAID PUBLIC RECORDS;  
 212 THENCE ALONG SAID PARCEL FOR THE FOLLOWING TWO (2)  
 213 CALLS; 1) S.00°02'21"W., A DISTANCE OF 24.79 FEET; 2)  
 214 THENCE N.89°52'24"E., A DISTANCE OF 178.91 FEET TO THE  
 215 NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301; THENCE  
 216 SOUTHERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING  
 217 THREE (3) COURSES: 1) S.36°06'04"W., A DISTANCE OF  
 218 472.43 FEET; 2) S.36°04'53"W., A DISTANCE OF 916.03  
 219 FEET TO THE P.C. OF A CURVE TO THE LEFT WHOSE RADIUS  
 220 POINT LIES SOUTH 53°53'38"EAST, A DISTANCE OF 1977.86  
 221 FEET; 3) SOUTHERLY ALONG THE ARC OF SAID CURVE ALSO  
 222 BEING SAID RIGHT OF WAY LINE, A DISTANCE OF 971.94  
 223 FEET THROUGH A CENTRAL ANGLE OF 28°09'21"; THENCE  
 224 N.89°26'34"W., A DISTANCE OF 1,282.99 FEET; THENCE  
 225 S.00°06'08"E., A DISTANCE OF 1,300.10 FEET; TO THE

226 NORTHERLY RIGHT OF WAY LINE OF MOCCASIN WALLOW RD;  
 227 THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE  
 228 THE FOLLOWING FIVE (5) COURSES: 1) N.88°54'18"W., A  
 229 DISTANCE OF 1,334.91 FEET; 2) N.89°08'58"W., A  
 230 DISTANCE OF 2,271.84 FEET; 3) N.89°07'49"W., A  
 231 DISTANCE OF 328.34 FEET; 4) N.89°07'50"W., A DISTANCE  
 232 OF 2,693.55 FEET; 5) N.88°01'42"W., A DISTANCE OF  
 233 16.92 FEET TO THE WEST LINE OF ABOVE-MENTIONED SECTION  
 234 19; THENCE N.00°08'36"E. ALONG SAID WEST LINE, A  
 235 DISTANCE OF 2,578.91 FEET; THENCE N.00°08'15"E. THE  
 236 WEST LINE OF ABOVE-MENTIONED SECTION 18., A DISTANCE  
 237 OF 1,944.35 FEET; THENCE N.00°07'17"E. CONTINUE ALONG  
 238 SAID WEST LINE, A DISTANCE OF 3,366.32 FEET TO THE  
 239 POINT OF BEGINNING.

240  
 241 CONTAINING 1,883.092 ACRES, MORE OR LESS.

242  
 243 TOGETHER WITH CSPR LTD PROPERTY:

244  
 245 A tract of land lying in the Southeast 1/4 of the  
 246 Northwest 1/4 of Section 20, Township 33 South, Range  
 247 19 East, Manatee County, Florida, being more  
 248 particularly described as follows:

249  
 250 COMMENCE at the northwest corner of said Section 20;

251 thence N.89°17'06"E., along the north line of the  
252 Northwest 1/4 of said Section 20, a distance of  
253 2,668.97 feet to the northeast corner of the Northwest  
254 1/4 of said Section 20; thence N.89°51'05"E., along  
255 the north line of the Northeast 1/4 of said Section  
256 20, a distance of 648.05 feet to the intersection of  
257 the north line of the Northeast 1/4 of said Section 20  
258 and the westerly right-of-way line of U.S.301 (State  
259 Road 43, Section 1302-203, 200 foot wide public right-  
260 of-way); thence along said westerly right-of-way line  
261 for the following two (2) calls: (1) thence  
262 S.36°04'54"W., a distance of 571.88 feet to the point  
263 of curvature of a non-tangent curve to the left,  
264 having a radius of 1,977.86 feet and a central angle  
265 of 28°06'24"; (2) thence southerly along the arc of  
266 said curve, a distance of 970.25 feet, said curve  
267 having a chord bearing and distance of S.22°00'13"W.,  
268 960.55 feet to the POINT OF BEGINNING, said point  
269 being the intersection of the north line of the  
270 Southeast 1/4 of the Northwest 1/4 of said Section 20  
271 and the west right-of-way line of said State Road 43  
272 (Tamiami Trail), also being the point of curvature of  
273 a non-tangent curve to the left, having a radius of  
274 1,977.86 feet and a central angle of 07°58'33"; thence  
275 along said west right-of-way line for the following

276 two (2) calls: (1) thence southerly along the arc of  
277 said curve, a distance of 275.33 feet, said curve  
278 having a chord bearing and distance of S.03°57'45"W.,  
279 275.11 feet; (2) thence S.00°00'32"W., a distance of  
280 885.97 feet to the point of curvature of a non-tangent  
281 curve to the right having a radius of 50.00 feet and a  
282 central angle of 45°46'25", said point being on the  
283 north right-of-way line of Moccasin Wallow Road  
284 (variable width public right-of-way) as recorded in  
285 Official Records Instrument Number 202141163832 in the  
286 Public Records of Manatee County, Florida; thence  
287 along said north right-of-way line for the following  
288 four (4) calls: (1) thence southwesterly along the  
289 arc of said curve, a distance of 39.94 feet, said  
290 curve having a chord bearing and distance of  
291 S.22°51'40"W. 38.89 feet to the point of tangency of  
292 said curve; (2) thence S.45°44'53"W., a distance of  
293 27.20 feet to the point of curvature of a curve to the  
294 right having a radius of 50.00 feet and a central  
295 angle of 45°17'58"; (3) thence westerly along the arc  
296 of said curve, a distance of 39.53 feet to the point  
297 of tangency of said curve; (4) thence N.88°57'09"W., a  
298 distance of 1,191.41 feet to a point on the west line  
299 of the abovementioned Southeast 1/4 of the Northwest  
300 1/4 of Section 20; thence N.00°06'08"W., along said

301 west line, a distance of 1,220.12 feet to the  
 302 northwest corner of said Southeast 1/4 of the  
 303 Northwest 1/4; thence S.89°26'34"E., along the north  
 304 line of said Southeast 1/4 of the Northwest 1/4, a  
 305 distance of 1,282.99 feet to the POINT OF BEGINNING.

306  
 307 TOGETHER WITH DEER PARK:

308  
 309 FROM THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 33  
 310 SOUTH, RANGE 19 EAST, RUN S89°51'34"W ALONG THE NORTH  
 311 LINE OF SAID SECTION 4, A DISTANCE OF 1332.62 FEET;  
 312 THENCE S00°51'34"W ALONG THE WEST LINE OF THE  
 313 NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4,  
 314 A DISTANCE OF 1606.91 FEET; THENCE S88°29'32"E ALONG  
 315 THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST  
 316 1/4, A DISTANCE OF 1343.76 FEET; THENCE S00°30'38"W  
 317 ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF  
 318 1419.51 FEET; THENCE N89°40'11"E ALONG THE NORTH LINE  
 319 OF LOTS 1 THROUGH 4, BLOCK 3, SECTION 3 OF MANATEE  
 320 RIVER FARMS, UNIT 1 RECORDED IN PLAT BOOK 6, PAGE 45,  
 321 A DISTANCE OF 1281.86 FEET; THENCE S00°10'07"W ALONG  
 322 THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF GETTIS  
 323 LEE ROAD, A DISTANCE OF 1240.19 FEET; THENCE  
 324 S34°32'25"W ALONG THE NORTH WESTERLY RIGHT OF WAY OF  
 325 U.S. 301, A DISTANCE OF 131.31 FEET TO THE P.C. OF A

326 CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N55°23'26"W  
 327 A DISTANCE OF 22850.32 FEET; THENCE SOUTHWESTERLY  
 328 ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING  
 329 SAID NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301, A  
 330 DISTANCE OF 598.22 FEET THROUGH A CENTRAL ANGLE OF  
 331 01°30'00" TO THE POINT OF TANGENCY OF SAID CURVE;  
 332 THENCE S36°06'34"W ALONG SAID NORTHWESTERLY RIGHT OF  
 333 WAY LINE OF U.S. 301 A DISTANCE OF 308.86 FEET; THENCE  
 334 N53°53'26"W A DISTANCE OF 800.00 FEET; THENCE  
 335 S36°06'34"W A DISTANCE OF 660.00 FEET; THENCE  
 336 N81°25'13"W A DISTANCE OF 11.45 FEET; THENCE  
 337 S00°17'15"W A DISTANCE OF 470.00 FEET; THENCE  
 338 N89°42'45"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF  
 339 BUCKEYE ROAD, A DISTANCE OF 2974.88 FEET FOR A POINT  
 340 OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHERLY  
 341 RIGHT-OF- WAY N89°42'45"W A DISTANCE OF 1630.57 FEET;  
 342 THENCE N00°17'14"E A DISTANCE OF 1287.99 FEET; THENCE  
 343 S89°42'48"E ALONG THE SOUTH LINE OF TRACT 7, BLOCK 3,  
 344 SECTION 4, MANATEE RIVER FARMS, UNIT 1, AS RECORDED IN  
 345 PLAT BOOK 6, PAGE 45, A DISTANCE OF 328.11 FEET;  
 346 THENCE N00°30'24"E ALONG THE EAST LINE OF SAID TRACT  
 347 7, A DISTANCE OF 1300.85 FEET; THENCE S89°36'36"E  
 348 ALONG THE SOUTH RIGHT OF WAY LINE OF A 60 FOOT PLATTED  
 349 RIGHT OF WAY SHOWN ON SAID PLAT OF MANATEE RIVER  
 350 FARMS, A DISTANCE OF 1297.48 FEET; THENCE S00°17'14"W

351 A DISTANCE OF 2586.52 FEET TO THE POINT OF BEGINNING.  
 352  
 353 LYING AND BEING IN SECTION 4, TOWNSHIP 33 SOUTH, RANGE  
 354 19 EAST, MANATEE COUNTY, FLORIDA.  
 355  
 356 CONTAINING 87.00 ACRES MORE OR LESS  
 357  
 358 TOGETHER WITH A FORT HAMER ROAD NORTH-1A  
 359  
 360 A parcel of land in Section 8, Township 33 South,  
 361 Range 19 East, Manatee County, Florida; being more  
 362 particularly described as follows:  
 363  
 364 Commencing at the NW corner of said Section 8; thence  
 365 S01°16'14"W, along the West line of said Section 8,  
 366 3,644.49 feet; thence S88°43'46"E, perpendicular to  
 367 said West line, 506.99 feet to the POINT OF BEGINNING;  
 368 thence N00°00'00"E, 473.47 feet to the point of  
 369 curvature of a curve to the right having a radius of  
 370 1,560.00 feet and a central angle of 53°10'08"; thence  
 371 Northeasterly along the arc of said curve 1,447.64  
 372 feet; thence N53°10'08"E, 709.91 feet to the point of  
 373 curvature of a curve to the right having a radius of  
 374 1,560.00 feet and a central angle of 16°56'54"; thence  
 375 Northeasterly along the arc of said curve 461.46 feet;



376 thence N70°07'03"E, 157.59 feet; thence S19°52'57"E,  
 377 120.00 feet; thence S70°07'03"W, 157 .59 feet to the  
 378 point of curvature of a curve to the left having a  
 379 radius of 1,440.00 feet and a central angle of  
 380 16°56'54": thence Southwesterly along the arc of said  
 381 curve 425.96 feet; thence S53°10'08"W, 709.91 feet to  
 382 the point of curvature of a curve to the left having a  
 383 radius of 1,440.00 feet and a central angle of  
 384 53°10'08": thence Southwesterly along the arc of said  
 385 curve 1,336.28 feet; thence S00°00'00"E, 473.47 feet;  
 386 thence S90°00'00"W, 120.00 feet to the POINT OF  
 387 BEGINNING.

388  
 389 Containing 381,196 square feet or 8.75 acres, more or  
 390 less.

391  
 392 TOGETHER WITH A PORTION OF FORT HAMER ROAD CONTAINED  
 393 IN THE PLAT OF "PROSPERITY LAKES, PHASE 1, SUBPHASE  
 394 1A", RECORDED IN PLAT BOOK 75, PAGE 90, CONNECTING THE  
 395 NORTHERLY END OF FORT HAMER ROAD NORTH-1A, DESCRIBED  
 396 HEREIN, TO THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE  
 397 OF BUCKEYE ROAD.

398  
 399 TOGETHER WITH THAT PORTION OF THE MAINTAINED RIGHT-OF-  
 400 WAY LINE OF BUCKEYE ROAD, A PUBLIC MAINTAINED RIGHT-

401 OF-WAY, LYING BETWEEN THE WESTERLY LINE OF FORT HAMER  
 402 ROAD AS SHOWN ON THE PLAT OF PROSPERITY LAKES, PHASE  
 403 1, SUBPHASE 1A, DESCRIBED ABOVE AND THE EASTERLY LINE  
 404 OF DEER PARK AS DESCRIBED HEREIN.

405  
 406 LESS AND EXCEPT THE FOLLOWING PROPERTY DESCRIBED AS  
 407 FOLLOWS:

408  
 409 A tract of land lying in Section 19, Township 33  
 410 South, Range 19 East, Manatee County, Florida, being a  
 411 portion of Lots 4, 5, and 6, Block 4, Plat Book 6,  
 412 Page 45 of the Public Records of Manatee County,  
 413 Florida, being more particularly described as follows:

414  
 415 BEGIN at the southeast corner of Tract 304 as shown on  
 416 the plat of Morgan's Glen Townhomes, Phases IIIA &  
 417 IIIB, in Plat Book 69, Page 90 of the Public Records  
 418 of Manatee County, Florida, said point also being on  
 419 the south right-of-way line of Moccasin Wallow Road  
 420 (variable width public right-of-way) as recorded in  
 421 Official Instrument Number 202140157633, in said  
 422 Public Records; thence S.89°08'58"E., along said south  
 423 right-of-way line of Moccasin Wallow Road, a distance  
 424 of 861.89 feet to the point of curvature of a curve to  
 425 the right having a radius of 50.00 feet and a central

426 | angle of  $89^{\circ}08'58''$ ; thence southeasterly along the arc  
 427 | of said curve, a distance of 77.80 feet to the point  
 428 | of tangency of said curve, said point being on the  
 429 | west right-of-way line of Fort Hamer Road (variable  
 430 | width public right-of-way) as recorded in Official  
 431 | Records Instrument Number 202141023579 in said Public  
 432 | Records; thence along said west & westerly right-of-  
 433 | way line of Fort Hamer Road for the following four (4)  
 434 | calls: (1) thence  $S.00^{\circ}00'00''E.$ , a distance of 307.60  
 435 | feet to the point of curvature of a curve to the left  
 436 | having a radius of 1,060.00 feet and a central angle  
 437 | of  $01^{\circ}05'53''$ ; (2) thence southerly along the arc of  
 438 | said curve, a distance of 20.31 feet to the end of  
 439 | said curve; (3) thence  $S.88^{\circ}54'07''W.$ , radial to the  
 440 | last stated curve, a distance of 4.00 feet to the  
 441 | point of curvature of a non-tangent curve to the left,  
 442 | having a radius of 1,064.00 feet and a central angle  
 443 | of  $14^{\circ}19'51''$ ; (4) thence southerly along the arc of  
 444 | said curve, a distance of 266.13 feet, said curve  
 445 | having a chord bearing and distance of  $S.08^{\circ}15'49''E.$ ,  
 446 | 265.44 feet, to the end of said curve; thence  
 447 |  $S.74^{\circ}34'15''W.$ , radial to the last stated curve, a  
 448 | distance of 41.60 feet to the point of curvature of a  
 449 | non-tangent curve to the right, having a radius of  
 450 | 325.00 feet and a central angle of  $26^{\circ}27'04''$ , said

451 point being a corner on the north line of the  
452 abovementioned Morgan's Glen Townhomes, Phases IIIA &  
453 IIIB; thence along said north, northerly and east  
454 line of Morgan's Glen Townhomes for the following  
455 sixteen (16) calls: (1) thence westerly along the arc  
456 of said curve, a distance of 150.04 feet, said curve  
457 having a chord bearing and distance of N.89°01'47"W.,  
458 148.71 feet, to the point of tangency of said curve;  
459 (2) thence N.75°48'14"W., a distance of 215.79 feet;  
460 (3) thence N.89°03'11"W., a distance of 268.51 feet;  
461 (4) thence S.85°25'13"W., a distance of 21.32 feet to  
462 the point of curvature of a non-tangent curve to the  
463 left, having a radius of 325.00 feet and a central  
464 angle of 07°17'27"; (5) thence northerly along the arc  
465 of said curve, a distance of 41.36 feet, said curve  
466 having a chord bearing and distance of N.03°28'24"E.,  
467 41.33 feet, to the point of tangency of said curve;  
468 (6) thence N.00°10'19"W., a distance of 87.86 feet to  
469 the point of curvature of a curve to the left having a  
470 radius of 175.00 feet and a central angle of  
471 22°03'13"; (7) thence northerly along the arc of said  
472 curve, a distance of 67.36 feet to the point of  
473 tangency of said curve; (8) thence N.22°13'32"W., a  
474 distance of 130.77 feet to the point of curvature of a  
475 non-tangent curve to the left, having a radius of

476 | 175.00 feet and a central angle of 04°23'01"; (9)  
 477 | thence southwesterly along the arc of said curve, a  
 478 | distance of 13.39 feet, said curve having a chord  
 479 | bearing and distance of S.66°09'33"W., 13.39 feet, to  
 480 | the point of reverse curvature of a curve to the right  
 481 | having a radius of 175.00 feet and a central angle of  
 482 | 25°51'38"; (10) thence westerly along the arc of said  
 483 | curve, a distance of 78.99 feet to the point of  
 484 | tangency of said curve; (11) thence S.89°49'41"W., a  
 485 | distance of 62.29 feet to the point of curvature of a  
 486 | curve to the right having a radius of 50.00 feet and a  
 487 | central angle of 46°11'00"; (12) thence northwesterly  
 488 | along the arc of said curve, a distance of 40.30 feet  
 489 | to the point of tangency of said curve; (13) thence  
 490 | N.43°59'19"W., a distance of 45.26 feet to the point  
 491 | of curvature of a curve to the right having a radius  
 492 | of 50.00 feet and a central angle of 43°49'00"; (14)  
 493 | thence northerly along the arc of said curve, a  
 494 | distance of 38.24 feet to the point of tangency of  
 495 | said curve; (15) thence N.00°10'19"W., a distance of  
 496 | 196.36 feet to the point of curvature of a curve to  
 497 | the right, having a radius of 35.00 feet and a central  
 498 | angle of 91°01'19"; (16) thence northeasterly along  
 499 | the arc of said curve, a distance of 55.60 feet to the  
 500 | POINT OF BEGINNING.

501  
 502 CONTAINING 11.473 ACRES, MORE OR LESS.

503  
 504 LESS AND EXCEPT: (SCHOOL SITE)

505  
 506 DESCRIPTION (as prepared by the certifying Surveyor  
 507 and Mapper):

508  
 509 DESCRIPTION: A parcel of land being,  
 510  
 511 A portion of Lots 10, 11, 12, 13, 14 & 15, Block 4 and  
 512 the 30 foot half right-of-way lying South of and  
 513 adjacent to said Lots 10 through 15 Block 4, according  
 514 to the plat of MANATEE RIVER FARMS UNIT NO. 1, as  
 515 recorded in Plat Book 6, Page 45, of the Public  
 516 Records of Manatee County, Florida, lying in Section  
 517 7, Township 33 South, Range 19 East, Manatee County  
 518 Florida;

519  
 520 A portion of Lots 3, 4, 5, 6 & 7, Block 1 and the 30-  
 521 foot half right-of-way lying North of and adjacent to  
 522 said Lots 3 through 7, Block 1, according to said plat  
 523 of MANATEE RIVER FARMS UNIT NO. 1, lying in Section  
 524 18, Township 33 South, Range 19 East, Manatee County,  
 525 Florida;

526  
 527 ALL of the above said right-of-way now being vacated  
 528 by Book 286, Page 27, of the Public Records of Manatee  
 529 County, Florida;

530  
 531 And said parcel being more particularly described as  
 532 follows:

533  
 534 COMMENCE at the Southwest corner of said Section 7,  
 535 run thence along the South boundary of said Section 7,  
 536 S.89°43'08"E., 3266.50 feet to the POINT OF BEGINNING;  
 537 thence N.19°10'00"E., 402.84 feet; thence  
 538 N.89°08'18"E., 3.71 feet to a point of curvature;  
 539 thence Northeasterly, 33.19 feet along the arc of a  
 540 curve to the left having a radius of 30.00 feet and a  
 541 central angle of 63°23'08" (chord bearing  
 542 N.57°26'44"E., 31.52 feet) to a point of tangency;  
 543 thence N.25°45'10"E., 20.31 feet; thence  
 544 N.50°46'08"E., 75.16 feet to a point of curvature;  
 545 thence Northeasterly, 21.84 feet along the arc of a  
 546 curve to the left having a radius of 30.00 feet and a  
 547 central angle of 41°42'15" (chord bearing  
 548 N.29°55'01"E., 21.36 feet) to a point of tangency;  
 549 thence N.09°03'54"E., 35.46 feet; thence  
 550 N.11°20'49"E., 64.54 feet; thence N.35°15'05"E., 24.52

551 feet; thence N.50°06'46"E., 53.93 feet; thence  
 552 N.64°39'09"E., 11.57 feet; thence N.79°16'07"E., 78.67  
 553 feet; thence N.63°44'04"E., 35.70 feet; thence  
 554 S.88°35'46"E., 19.06 feet; thence S.26°26'07"E., 41.61  
 555 feet to a point of curvature; thence Southeasterly,  
 556 27.15 feet along the arc of a curve to the left having  
 557 a radius of 30.00 feet and a central angle of  
 558 51°51'30" (chord bearing S.52°21'52"E., 26.24 feet) to  
 559 a point of tangency; thence S.78°17'37"E., 85.17 feet;  
 560 thence S.80°41'49"E., 44.15 feet to a point of  
 561 curvature; thence Easterly, 10.53 feet along the arc  
 562 of a curve to the left having a radius of 30.00 feet  
 563 and a central angle of 20°06'41" (chord bearing  
 564 N.89°14'50"E., 10.48 feet) to a point of tangency;  
 565 thence N.79°11'30"E., 52.90 feet to a point of  
 566 curvature; thence Northeasterly, 34.88 feet along the  
 567 arc of a curve to the left having a radius of 30.00  
 568 feet and a central angle of 66°36'34" (chord bearing  
 569 N.45°53'13"E., 32.95 feet) to a point of tangency;  
 570 thence N.12°34'56"E., 97.11 feet to a point of  
 571 curvature; thence Northerly, 34.15 feet along the arc  
 572 of a curve to the left having a radius of 30.00 feet  
 573 and a central angle of 65°13'07" (chord bearing  
 574 N.20°01'38"W., 32.33 feet) to a point of tangency;  
 575 thence N.52°38'11"W., 46.37 feet; thence



576 N.15°41'16"W., 27.91 feet; thence S.66°00'00"E.,  
 577 630.66 feet; thence S.12°30'00"W., 17.57 feet; thence  
 578 S.77°30'00"E., 50.00 feet to a point on a curve;  
 579 thence Northeasterly, 39.71 feet along the arc of a  
 580 curve to the right having a radius of 25.00 feet and a  
 581 central angle of 91°00'11" (chord bearing  
 582 N.58°00'06"E., 35.66 feet) to a point of compound  
 583 curvature; thence Southeasterly, 132.20 feet along the  
 584 arc of a curve to the right having a radius of 325.00  
 585 feet and a central angle of 23°18'24" (chord bearing  
 586 S.64°50'37"E., 131.29 feet); thence S.12°30'00"W.,  
 587 537.17 feet; thence N.72°54'10"W., 22.06 feet; thence  
 588 N.63°24'34"W., 37.89 feet; thence N.78°21'04"W., 49.00  
 589 feet; thence N.50°50'22"W., 28.47 feet to a point of  
 590 curvature; thence Westerly, 18.77 feet along the arc  
 591 of a curve to the left having a radius of 30.00 feet  
 592 and a central angle of 35°51'27" (chord bearing  
 593 N.68°46'06"W., 18.47 feet) to a point of tangency;  
 594 thence N.86°41'49"W., 58.05 feet to a point of  
 595 curvature; thence Westerly, 19.43 feet along the arc  
 596 of a curve to the left having a radius of 30.00 feet  
 597 and a central angle of 37°06'12" (chord bearing  
 598 S.74°45'05"W., 19.09 feet) to a point of tangency;  
 599 thence S.56°11'59"W., 46.70 feet; thence  
 600 S.49°18'22"W., 72.17 feet; thence S.48°23'46"W., 59.60

601 feet to a point of curvature; thence Southerly, 27.35  
602 feet along the arc of a curve to the left having a  
603 radius of 30.00 feet and a central angle of 52°13'35"  
604 (chord bearing S.22°16'58"W., 26.41 feet) to a point  
605 of tangency; thence S.03°49'49"E., 38.63 feet; thence  
606 S.19°41'18"E., 56.06 feet; thence S.15°01'02"W., 14.21  
607 feet; thence S.16°08'17"E., 65.79 feet to a point of  
608 curvature; thence Southeasterly, 27.33 feet along the  
609 arc of a curve to the left having a radius of 30.00  
610 feet and a central angle of 52°11'35" (chord bearing  
611 S.42°14'05"E., 26.39 feet) to a point of tangency;  
612 thence S.68°19'52"E., 29.67 feet; thence  
613 S.54°10'07"E., 36.26 feet; thence S.47°41'06"E., 15.13  
614 feet; thence S.00°27'42"W., 94.40 feet to a point on a  
615 curve; thence Westerly, 185.23 feet along the arc of a  
616 curve to the left having a radius of 1242.00 feet and  
617 a central angle of 08°32'43" (chord bearing  
618 S.82°16'21"W., 185.06 feet) to a point of tangency;  
619 thence S.78°00'00"W., 351.41 feet; thence  
620 N.88°30'15"W., 34.28 feet; thence S.78°00'00"W.,  
621 211.90 feet; thence S.12°00'00"E., 8.00 feet; thence  
622 S.78°00'00"W., 58.00 feet to a point of curvature;  
623 thence Westerly, 142.83 feet along the arc of a curve  
624 to the right having a radius of 958.00 feet and a  
625 central angle of 08°32'33" (chord bearing

626 S.82°16'17"W., 142.70 feet); thence N.03°27'27"W.,  
 627 37.62 feet; thence N.27°26'28"E., 76.25 feet; thence  
 628 N.08°18'51"W., 73.08 feet; thence N.61°17'30"W., 43.38  
 629 feet; thence N.00°53'48"W., 24.43 feet; thence  
 630 N.10°56'36"E., 51.19 feet; thence N.18°43'00"W., 65.69  
 631 feet; thence N.31°25'11"W., 63.53 feet; thence  
 632 S.87°32'38"W., 46.18 feet; thence N.70°48'09"W., 23.45  
 633 feet; thence N.70°13'37"E., 23.07 feet; thence  
 634 N.40°29'00"E., 27.73 feet; thence N.20°11'23"E., 52.12  
 635 feet; thence N.20°50'42"W., 51.06 feet; thence  
 636 N.36°27'14"W., 70.41 feet; thence N.19°10'00"E., 51.61  
 637 feet to the POINT OF BEGINNING.

638  
 639 Containing 30.000 acres, more or less.

640  
 641 CONTAINING A TOTAL AREA OF 2,113.21 ~~2,001.094~~ ACRES,  
 642 MORE OR LESS.

643  
 644 Being subject to any rights-of-way, restrictions, and  
 645 easements of record.

646  
 647 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: State Affairs Committee  
2 Representative Robinson, W. offered the following:

**Amendment**

Remove lines 306-405 and insert:

CONTAINING 35.5353 ACRES, MORE OR LESS.

TOGETHER WITH DEER PARK:

FROM THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 33 SOUTH, RANGE  
19 EAST, RUN S89°51'34"W ALONG THE NORTH LINE OF SAID SECTION 4,  
A DISTANCE OF 1332.62 FEET; THENCE S00°51'34"W ALONG THE WEST  
LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION  
4, A DISTANCE OF 1606.91 FEET; THENCE S88°29'32"E ALONG THE  
SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, A  
DISTANCE OF 1343.76 FEET; THENCE S00°30'38"W ALONG THE EAST LINE

Amendment No.

17 OF SAID SECTION 4, A DISTANCE OF 1419.51 FEET; THENCE  
18 N89°40'11"E ALONG THE NORTH LINE OF LOTS 1 THROUGH 4, BLOCK 3,  
19 SECTION 3 OF MANATEE RIVER FARMS, UNIT 1 RECORDED IN PLAT BOOK  
20 6, PAGE 45, A DISTANCE OF 1281.86 FEET; THENCE S00°10'07"W ALONG  
21 THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF GETTIS LEE ROAD, A  
22 DISTANCE OF 1240.19 FEET; THENCE S34°32'25"W ALONG THE NORTH  
23 WESTERLY RIGHT OF WAY OF U.S. 301, A DISTANCE OF 131.31 FEET TO  
24 THE P.C. OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES  
25 N55°23'26"W A DISTANCE OF 22850.32 FEET; THENCE SOUTHWESTERLY  
26 ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID  
27 NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301, A DISTANCE OF  
28 598.22 FEET THROUGH A CENTRAL ANGLE OF 01°30'00" TO THE POINT OF  
29 TANGENCY OF SAID CURVE; THENCE S36°06'34"W ALONG SAID  
30 NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301 A DISTANCE OF 308.86  
31 FEET; THENCE N53°53'26"W A DISTANCE OF 800.00 FEET; THENCE  
32 S36°06'34"W A DISTANCE OF 660.00 FEET; THENCE N81°25'13"W A  
33 DISTANCE OF 11.45 FEET; THENCE S00°17'15"W A DISTANCE OF 470.00  
34 FEET; THENCE N89°42'45"W ALONG THE NORTHERLY RIGHT OF WAY LINE  
35 OF BUCKEYE ROAD, A DISTANCE OF 2974.88 FEET FOR A POINT OF  
36 BEGINNING; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF- WAY  
37 N89°42'45"W A DISTANCE OF 1630.57 FEET; THENCE N00°17'14"E A  
38 DISTANCE OF 1287.99 FEET; THENCE S89°42'48"E ALONG THE SOUTH  
39 LINE OF TRACT 7, BLOCK 3, SECTION 4, MANATEE RIVER FARMS, UNIT  
40 1, AS RECORDED IN PLAT BOOK 6, PAGE 45, A DISTANCE OF 328.11  
41 FEET; THENCE N00°30'24"E ALONG THE EAST LINE OF SAID TRACT 7, A

173923 - H0867-line306.docx

Published On: 1/22/2024 12:46:07 PM

Amendment No.

42 DISTANCE OF 1300.85 FEET; THENCE S89°36'36"E ALONG THE SOUTH  
43 RIGHT OF WAY LINE OF A 60 FOOT PLATTED RIGHT OF WAY SHOWN ON  
44 SAID PLAT OF MANATEE RIVER FARMS, A DISTANCE OF 1297.48 FEET;  
45 THENCE S00°17'14"W A DISTANCE OF 2586.52 FEET TO THE POINT OF  
46 BEGINNING.

47  
48 LYING AND BEING IN SECTION 4, TOWNSHIP 33 SOUTH, RANGE 19 EAST,  
49 MANATEE COUNTY, FLORIDA.

50  
51 CONTAINING 87.00 ACRES MORE OR LESS.

52  
53 TOGETHER WITH A FORT HAMER ROAD NORTH-1A

54  
55 A parcel of land in Section 8, Township 33 South, Range 19 East,  
56 Manatee County, Florida; being more particularly described as  
57 follows:

58  
59 Commencing at the NW corner of said Section 8; thence  
60 S01°16'14"W, along the West line of said Section 8, 3,644.49  
61 feet; thence S88°43'46"E, perpendicular to said West line,  
62 506.99 feet to the POINT OF BEGINNING; thence N00°00'00"E,  
63 473.47 feet to the point of curvature of a curve to the right  
64 having a radius of 1,560.00 feet and a central angle of  
65 53°10'08"; thence Northeasterly along the arc of said curve  
66 1,447.64 feet; thence N53°10'08"E, 709.91 feet to the point of

Amendment No.

67 curvature of a curve to the right having a radius of 1,560.00  
68 feet and a central angle of 16°56'54"; thence Northeasterly  
69 along the arc of said curve 461.46 feet; thence N70°07'03"E,  
70 157.59 feet; thence S19°52'57"E, 120.00 feet; thence  
71 S70°07'03"W, 157.59 feet to the point of curvature of a curve  
72 to the left having a radius of 1,440.00 feet and a central angle  
73 of 16°56'54": thence Southwesterly along the arc of said curve  
74 425.96 feet; thence S53°10'08"W, 709.91 feet to the point of  
75 curvature of a curve to the left having a radius of 1,440.00  
76 feet and a central angle of 53°10'08": thence Southwesterly  
77 along the arc of said curve 1,336.28 feet; thence S00°00'00"E,  
78 473.47 feet; thence S90°00'00"W, 120.00 feet to the POINT OF  
79 BEGINNING.

80  
81 Containing 381,196 square feet or 8.75 acres, more or less.

82  
83 TOGETHER WITH A PORTION OF FORT HAMER ROAD CONTAINED IN THE PLAT  
84 OF "PROSPERITY LAKES, PHASE 1, SUBPHASE 1A", RECORDED IN PLAT  
85 BOOK 75, PAGE 90, CONNECTING THE NORTHERLY END OF FORT HAMER  
86 ROAD NORTH-1A, DESCRIBED HEREIN, TO THE SOUTHERLY MAINTAINED  
87 RIGHT-OF-WAY LINE OF BUCKEYE ROAD.

88  
89 CONTAINING 4.9852 ACRES, MORE OR LESS.

90

Amendment No.

91 TOGETHER WITH THAT PORTION OF THE MAINTAINED RIGHT-OF-WAY LINE  
92 OF BUCKEYE ROAD, A PUBLIC MAINTAINED RIGHT-OF-WAY, LYING BETWEEN  
93 THE WESTERLY LINE OF FORT HAMER ROAD AS SHOWN ON THE PLAT OF  
94 PROSPERITY LAKES, PHASE 1, SUBPHASE 1A, DESCRIBED ABOVE AND THE  
95 EASTERLY LINE OF DEER PARK AS DESCRIBED HEREIN.  
96  
97 CONTAINING 5.8483 ACRES, MORE OR LESS.  
98





**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HR 1209 Disassociation from Council on American-Islamic Relations

**SPONSOR(S):** Fine and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) State Affairs Committee		Robinson	Williamson

**SUMMARY ANALYSIS**

Hamas is an Islamic militant group based in the Palestinian region. The United States placed sanctions on Hamas and designated the group a Foreign Terrorist Organization. On October 7, 2023, Hamas attacked Israel, killing over 1,400 Israeli and other citizens, and injuring and kidnapping many more. Following this attack, Israel has declared war on Hamas and launched a large-scale offensive to remove Hamas from the region.

In 2008, the Federal Bureau of Investigation brought suit against the Holy Land Foundation and several of its leaders for funding Hamas, and the foundation and five of its leaders were convicted of materially supporting Hamas. Evidence throughout the trial seemingly linked the Holy Land Foundation and its financial support of Hamas to the Council of American-Islamic Relations (CAIR) both through organizational activity and individual connections. Following the trial, the FBI severed its liaison relationship and suspended formal contacts with CAIR.

The United Arab Emirates, a formal diplomatic ally of the U.S., placed CAIR on the country's terrorism list in 2014. Further, President Biden's administration has "disavowed" CAIR over comments made by its executive director at an event following the October 7 attack.

Many states have introduced memorials or resolutions in recent years, encouraging their respective state to likewise suspend contact with CAIR. These states include Arizona (2017), South Carolina (2018), Mississippi (2018), and Arkansas (2019).

This resolution strongly encourages every executive agency, law enforcement agency, and local government in the state of Florida to suspend contact and outreach activities with CAIR.

Resolutions are not subject to action by the Governor and do not have the effect of law.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Hamis and the Palestine Committee

Hamis is an Islamic militant group formed in 1987 and based in the Palestinian region.<sup>1</sup> The United States placed sanctions on Hamis starting in 1995 and, in 1997, designated the group a Foreign Terrorist Organization due to its “armed resistance against Israel.”<sup>2</sup> Hamis’ stated goal, according to its 1998 manifesto, is the destruction of Israel and the Jewish people.<sup>3</sup>

Hamis has taken several hostile actions towards Israel in recent years, including firing rockets into Israeli territory.<sup>4</sup> Hamis’ primary sponsor is Iran, who “has armed, trained and funded Hamis since the late 1980s.”<sup>5</sup> On October 7, 2023, Hamis launched a terrorist attack on Israel. Over 1,400 Israeli and other citizens were killed in that attack, and many more were injured; Hamis also took an estimated 200 hostages.<sup>6</sup> After the October attack, Israel declared war on Hamis and is currently trying to remove Hamis from the region.

After Hamis’ formation, global branches of the Muslim Brotherhood (MB) began to help Hamis, including a 1988 visit from the head of the Palestinian branch of the MB to Muslim Brothers in the U.S.<sup>7</sup> The Palestine Committee — a group with highly antisemitic views of the region’s conflict and a specifically militant solution — was formed following that meeting.<sup>8</sup> The Palestine Committee was comprised of leadership from three U.S.-based groups “that had been set up to aid Hamis in Palestine” and included the Occupied Land Fund, which evolved into the public-facing Holy Land Foundation for Relief and Development (Holy Land Foundation), which was the financial portion of Hamis’ support.<sup>9</sup>

After the signing of the Oslo Accords in 1993, several members of the Palestine Committee met to discuss support for Hamis within the U.S., which came to be called the Philadelphia Meeting and was wiretapped by the Federal Bureau of Investigation (FBI).<sup>10</sup> Attendees agreed fundraising was essential and concluded that the Holy Land Foundation would be the guise of charitable donations.<sup>11</sup> Further, the group discussed the need for an activist U.S.-based organization that would represent Muslims and

---

<sup>1</sup> National Counterterrorism Center, *Hamis*, Counterterrorism Guide (last updated Jan. 2014), <https://www.dni.gov/nctc/groups/hamis.html> (last visited Jan. 19, 2024).

<sup>2</sup> *Hamis: Timeline of US Sanctions 1995-2023*, Wilson Center (Oct. 27, 2023), <https://www.wilsoncenter.org/article/hamis-timeline-us-sanctions-1995-2023> (last visited Jan. 19, 2024). Kali Robinson, *What is Hamis?*, Council on Foreign Relations (last updated Oct. 31, 2023), <https://www.cfr.org/backgrounder/what-hamis> (last visited Jan. 19, 2024).

<sup>3</sup> *Hamis Covenant 1988*, Yale Law School Lillian Goldman Law Library – Avalon Project (Aug. 18, 1988), [https://avalon.law.yale.edu/20th\\_century/hamis.asp](https://avalon.law.yale.edu/20th_century/hamis.asp) (last visited Jan. 19, 2024).

<sup>4</sup> Kali Robinson, *What is Hamis?*, Council on Foreign Relations (last updated Oct. 31, 2023), <https://www.cfr.org/backgrounder/what-hamis> (last visited Jan. 19, 2024).

<sup>5</sup> *Doctrine of Hamis*, Wilson Center (Oct. 20, 2023), <https://www.wilsoncenter.org/article/doctrine-hamis> (last visited Jan. 19, 2024).

<sup>6</sup> Kali Robinson, *What is Hamis?*, Council on Foreign Relations (last updated Oct. 31, 2023), <https://www.cfr.org/backgrounder/what-hamis> (last visited Jan. 19, 2024). *Hamis hostages: what we know so far*, Reuters (Oct. 20, 2023), <https://www.reuters.com/world/middle-east/what-do-we-now-about-hamis-hostages-2023-10-19/> (last visited Jan. 19, 2024).

<sup>7</sup> Lorenzo Vidino, *The Hamis Networks in America: A Short History*, George Washington University Program on Extremism (Oct. 13, 2023), <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-10/hamis-networks-final.pdf> (last visited Jan. 22, 2024).

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

<sup>9</sup> *Id.*; see also *Federal Jury in Dallas Convicts Holy Land Foundation and Its Leaders for Providing Material Support to Hamis Terrorist Organization*, Department of Justice Press Release (Nov. 24, 2008), <https://www.justice.gov/archive/opa/pr/2008/November/08-nsd-1046.html#:~:text=According%20to%20a%20wiretap%20of,representative%2C%20referring%20to%20a%20suicide> (last visited Jan. 22, 2024).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

educate the public outwardly, while more specifically defending and supporting Hamas.<sup>12</sup> Following the evidence presented in *U.S. v. Holy Land Foundation*, government officials believe the Council on American-Islamic Relations (CAIR) to be that organization.<sup>13</sup>

#### 2008 Terrorism Financing Trial: *United States v. Holy Land Foundation et al*

The Philadelphia Meeting, along with other evidence, was presented during the 2008 trial *U.S. v. Holy Land Foundation*. In this case, the FBI brought suit against the Holy Land Foundation and several of its leaders for funding Hamas.<sup>14</sup> The Holy Land Foundation and five of the organization's leaders were convicted of materially supporting Hamas.<sup>15</sup> Evidence throughout the trial seemingly linked the Holy Land Foundation and its financial support of Hamas to CAIR both through organizational activity and individual connections.

#### Council on American-Islamic Relations

CAIR was founded in 1994 and has the stated goal of representing Muslims in U.S. politics and “empower[ing] American Muslims and encouraging their participation in political and social activism.”<sup>16</sup> As of January 18, 2024, the CAIR website lists over 20 chapters across the country, including one in Tampa.

Evidence presented during *U.S. v. Holy Land Foundation* demonstrated that the Holy Land Foundation had given money to CAIR, and a 1994 Palestine Committee memorandum acknowledged CAIR and three other organizations as making up the committee.<sup>17</sup> Following the trial, the FBI “severed its liaison relationship” and “suspend[ed] formal contacts” with CAIR.<sup>18</sup> In an April 2009 letter sent to a U.S. Senator, an FBI Assistant Director described CAIR as an “unindicted co-conspirator” in the trial.<sup>19</sup>

The United Arab Emirates, a formal diplomatic ally of the U.S. since 1972,<sup>20</sup> placed CAIR on the country's terrorism list in 2014.<sup>21</sup> Further, President Biden's administration has “disavowed” CAIR over Executive Director Nihad Awad's comments at an event following the October 7 attack.<sup>22</sup> Many states have introduced memorials or resolutions in recent years, encouraging their respective state to likewise suspend contact with CAIR. These states include Arizona (2017), South Carolina (2018), Mississippi (2018), and Arkansas (2019).

---

<sup>12</sup> Lorenzo Vidino, *The Hamas Networks in America: A Short History*, George Washington University Program on Extremism (Oct. 13, 2023), <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-10/hamas-networks-final.pdf> (last visited Jan. 22, 2024).

<sup>13</sup> *Id.*; see also FBI Asst. Director Richard Powers' letter to U.S. Sen. Jon Kyl, April 28, 2009, discussing the FBI's decision to “suspend formal contacts” with CAIR, <https://www.govinfo.gov/content/pkg/CRECB-2009-pt11/html/CRECB-2009-pt11-Pg14950-2.htm> (last visited Jan. 21, 2024).

<sup>14</sup> *No Cash for Terror: Convictions Returned in Holy Land Case*, Federal Bureau of Investigation (Nov. 25, 2008), <https://archives.fbi.gov/archives/news/stories/2008/november/hlf112508> (last visited Jan. 19, 2024).

<sup>15</sup> *Federal Judge Hands Downs [sic] Sentences in Holy Land Foundation Case*, U.S. Department of Justice Office of Public Affairs (May 27, 2009), <https://www.justice.gov/opa/pr/federal-judge-hands-downs-sentences-holy-land-foundation-case> (last visited Jan. 19, 2024).

<sup>16</sup> *CAIR at a Glance*, Council on American-Islamic Relations, [https://www.cair.com/about\\_cair/cair-at-a-glance/](https://www.cair.com/about_cair/cair-at-a-glance/) (last visited Jan. 19, 2024).

<sup>17</sup> Lorenzo Vidino, *The Hamas Networks in America: A Short History*, George Washington University Program on Extremism (Oct. 13, 2023), <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-10/hamas-networks-final.pdf> (last visited Jan. 22, 2024).

<sup>18</sup> FBI Asst. Director Richard Powers' letter to U.S. Sen. Jon Kyl, April 28, 2009, discussing the FBI's decision to “suspend formal contacts” with CAIR, <https://www.govinfo.gov/content/pkg/CRECB-2009-pt11/html/CRECB-2009-pt11-Pg14950-2.htm> (last visited Jan. 21, 2024).

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

<sup>20</sup> *United Arab Emirates – U.S. Relationship*, U.S. Department of State, <https://www.state.gov/countries-areas/united-arab-emirates/#:~:text=U.S.%20Relationship&text=U.A.E.%20enjoy%20strong,The%20United%20States%20has%20had%20friendly%20relations%20with%20the%20United,formal%20diplomatic%20relations%20in%201972> (last visited Jan. 19, 2024).

<sup>21</sup> *UAE official says groups may appeal against inclusion on terror list*, Reuters (Nov. 20, 2014), <https://www.reuters.com/article/idUSKCN0J41O4/> (last visited Jan. 19, 2024).

<sup>22</sup> Peter Baker, *White House Disavows U.S. Islamic Group After Leader's Oct. 7 Remarks*, New York Times (Dec. 8, 2023), <https://www.nytimes.com/2023/12/08/us/politics/white-house-cair-nihad-awad.html> (last visited Jan. 19, 2024).

### *Individuals Related to CAIR*

Ghassan Elashi served as treasurer for the Holy Land Foundation and was later a founding member of CAIR's Texas office. In 2009, following the *U.S. v. Holy Land Foundation* trial, Elashi was sentenced to 65 years in prison based on 24 convictions related to financing and otherwise supporting Hamas, as well as tax fraud.<sup>23</sup>

In October 2004, Abdurahman Alamoudi was sentenced to 23 years in another terrorism financing trial.<sup>24</sup> He was convicted of three federal offenses that included "prohibited financial transactions to Libya" and meeting with Libyan government officials, where plans to finance a plot to assassinate the Saudi Crown Prince were discussed.<sup>25</sup> In October 2000, Alamoudi was present at a rally in Washington D.C. and delivered a speech supporting Hamas and Hezbollah.<sup>26</sup>

Randall Todd Royer, also known as Ismail Royer, worked for CAIR in a communications role.<sup>27</sup> Royer was convicted in federal court on two charges of aiding and abetting related to weaponry and explosives. Specifically, he was indicted in relation to his dealings with and assistance of Lashkar-e-Taiba (LeT), which the U.S. designated as a Foreign Terrorist Organization in December 2001.<sup>28</sup> Royer also admitted to helping five named co-defendants get into an LeT terrorist training camp, after which each defendant was trained to use weaponry.<sup>29</sup> Royer further admitted he had helped others get into the camp after a meeting on September 16, 2001, where it was discussed that the 9/11 attacks would be "used as an excuse to trigger a global war against Islam."<sup>30</sup> Royer's indictments also charged him with distributing propaganda newsletters for LeT and conspiracy to assist Al-Qaeda in war against the U.S.<sup>31</sup> Royer was sentenced to 20 years in federal prison in April 2004, receiving 10 years for each of the aiding and abetting convictions.<sup>32</sup>

Muthanna al-Hanooti served within Michigan's CAIR office.<sup>33</sup> Al-Hanooti was convicted of contracting to buy Iraqi oil in violation of the International Emergency Economic Powers Act and sentenced in March 2011 to one year in federal prison.<sup>34</sup> This crime also violated U.S. sanctions against Iraq under Saddam Hussein.

---

<sup>23</sup> *Federal Judge Hands Downs [sic] Sentences in Holy Land Foundation Case*, U.S. Department of Justice Office of Public Affairs (May 27, 2009), <https://www.justice.gov/opa/pr/federal-judge-hands-downs-sentences-holy-land-foundation-case> (last visited Jan. 19, 2024).

<sup>24</sup> *Abdurahman Alamoudi Sentenced To Jail In Terrorism Financing Case*, U.S. Department of Justice press release (Oct. 15, 2004), [https://www.justice.gov/archive/opa/pr/2004/October/04\\_crm\\_698.htm](https://www.justice.gov/archive/opa/pr/2004/October/04_crm_698.htm) (last visited Jan. 19, 2024).

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

<sup>26</sup> *The al-Amoudi terror charges*, The Washington Times (Oct. 5, 2003), <https://www.washingtontimes.com/news/2003/oct/5/20031005-111130-4622r/> (last visited Jan. 21, 2024).

<sup>27</sup> Jon Sawyer, *Randall "Ismail" Royer's letters from prison*, Pulitzer Center [from St. Louis Post-Dispatch] (Dec. 6, 2005), <https://pulitzercenter.org/stories/randall-ismail-royers-letters-prison#:~:text=Prior%20to%20his%20arrest%20in,months%20in%20the%20Bosnian%20army> (last visited Jan. 19, 2024).

<sup>28</sup> *Randall Todd Royer And Ibrahim Ahmed Al-Hamdi Sentenced For Participation In Virginia Jihad Network*, U.S. Department of Justice press release (Apr. 9, 2004), [https://www.justice.gov/archive/opa/pr/2004/April/04\\_crm\\_225.htm](https://www.justice.gov/archive/opa/pr/2004/April/04_crm_225.htm) (last visited Jan. 19, 2024). See also *Foreign Terrorist Organizations*, U.S. Department of State, <https://www.state.gov/foreign-terrorist-organizations/> (last visited Jan. 19, 2024).

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

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

<sup>31</sup> *Protecting the Homeland Against Mumbai-style Attacks and the Threat from Lashkar-e-Taiba*, hearing before the Subcommittee on Counterterrorism and Intelligence of the Committee on Homeland Security, House of Representatives, One Hundred Thirteenth Congress (June 12, 2013), <https://www.govinfo.gov/content/pkg/CHRG-113hhrg85686/html/CHRG-113hhrg85686.htm> (last visited Jan. 21, 2024).

<sup>32</sup> *Randall Todd Royer And Ibrahim Ahmed Al-Hamdi Sentenced For Participation In Virginia Jihad Network*, U.S. Department of Justice press release (Apr. 9, 2004), [https://www.justice.gov/archive/opa/pr/2004/April/04\\_crm\\_225.htm](https://www.justice.gov/archive/opa/pr/2004/April/04_crm_225.htm) (last visited Jan. 19, 2024).

<sup>33</sup> *Iraqi-American charged with Saddam-era violations*, Reuters (Mar. 26, 2008), <https://www.reuters.com/article/us-iraq-usa-charges-idUSN2627725720080326/> (last visited Jan. 19, 2024); Natasha Dado, *Muthanna Al-Hanooti named new regional director of MLFA*, the Arab American News (Dec. 8, 2012), <https://arabamericannews.com/2012/12/08/Muthanna-Al-Hanooti-named-new-regional-director-of-MLFA/> (last visited Jan. 19, 2024).

<sup>34</sup> *Big Break for Mich. Man Convicted of Ties to Iraq*, CBS News Detroit (Mar. 18, 2011), <https://www.cbsnews.com/detroit/news/big-break-for-mich-man-convicted-of-ties-to-iraq/> (last visited Jan. 21, 2024).

Sami Al-Arian was arrested in 2003 in Tampa, where he had, until 2001, been a professor at the University of South Florida. Al-Arian was charged with 17 counts relating to helping the Palestinian Islamic Jihad (PIJ), a group the U.S. has designated a Foreign Terrorist Organization since 1997.<sup>35</sup> At the conclusion of the 2005 trial, the jury “failed to reach a verdict ... on nine counts and acquitted him of eight counts.”<sup>36</sup> Al-Arian then pleaded guilty on one related charge, after which the government dropped other charges.<sup>37</sup> Al-Arian admitted to having helped PIJ and knowing of its designation and terrorist actions; he was thereafter sentenced to 57 months in prison.<sup>38</sup> Al-Arian was deported to Turkey in 2015.<sup>39</sup> In 2020, CAIR-Florida featured Al-Arian in a livestream.<sup>40</sup>

Zainab Chaudry is the Director of CAIR’s Maryland chapter and a member of the Maryland Commission on Hate Crimes Response and Prevention (commission), which was established in 2023 and required to have a representative from multiple organizations, including CAIR.<sup>41</sup> In November 2023, the Maryland Attorney General suspended Chaudry from the commission for some of her personal social media posts.<sup>42</sup> She likened Israel’s actions to those of Nazi Germany.<sup>43</sup> The Attorney General said such conduct made it difficult for the commission to do its work effectively.<sup>44</sup> Two weeks later, Chaudry was reinstated to the commission because it was determined the new law did not give the Attorney General the ability to remove commissioners that have not served their full four-year term.<sup>45</sup>

Nihad Awad, who currently serves as CAIR’s Executive Director, stated at a convention of American Muslims for Palestine in November 2023, “[t]he people of Gaza only decided to break the siege ... on October 7 ... the people of Gaza have the right to self-defense, have the right to defend themselves ... Israel as an occupying power does not have that right to self-defense.”<sup>46</sup> After this speech, President Biden’s administration both publicly condemned Awad’s comments and disassociated from CAIR.<sup>47</sup>

## Effect of the Resolution

This resolution strongly encourages every executive agency, law enforcement agency, and local government in the state of Florida to suspend contact and outreach activities with CAIR.

Resolutions are not subject to action by the Governor and do not have the effect of law.

---

<sup>35</sup> *Sami Al-Arian Sentenced To 57 Months In Prison For Assisting Terrorist Group*, U.S. Department of Justice press release (May 1, 2006), [https://www.justice.gov/archive/opa/pr/2006/May/06\\_crm\\_260.html](https://www.justice.gov/archive/opa/pr/2006/May/06_crm_260.html) (last visited Jan. 19, 2024).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Letitia Stein, *Former Florida professor deported from U.S. over Palestinian terrorist ties*, Reuters (Feb. 6, 2015), <https://www.reuters.com/article/idUSKBN0LA2K9/> (last visited Jan. 19, 2024).

<sup>40</sup> *Exposed 1: Dr Sami Al Arian Full Episode* [video], CAIR Florida (Sept. 24, 2020), [https://www.youtube.com/watch?v=4EE0t8Z4\\_GI](https://www.youtube.com/watch?v=4EE0t8Z4_GI) (last visited Jan. 19, 2024).

<sup>41</sup> *Department Directors*, Council on American-Islamic Relations, [https://www.cair.com/about\\_cair/department-directors/](https://www.cair.com/about_cair/department-directors/) (last visited Jan. 19, 2024). *Maryland hate crime commission member suspended for anti-Israel social media posts*, Baltimore Associated Press News (last updated Nov. 22, 2023), <https://apnews.com/article/maryland-hate-crime-commission-member-suspended-d0894c2fef238c370403516db5802862> (last visited Jan. 19, 2024).

<sup>42</sup> *Maryland hate crime commission member suspended for anti-Israel social media posts*, Baltimore Associated Press News (last updated Nov. 22, 2023), <https://apnews.com/article/maryland-hate-crime-commission-member-suspended-d0894c2fef238c370403516db5802862> (last visited Jan. 19, 2024).

<sup>43</sup> Jack Hogan, *AG reinstates Chaudry to hate crimes commission following suspension for anti-Israel posts*, Maryland Daily Record (Dec. 6, 2023), <https://thedailyrecord.com/2023/12/06/ag-reinstates-chaudry-to-hate-crimes-commission-following-suspension-for-anti-israel-posts/> (last visited Jan. 19, 2024).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Peter Baker, *White House Disavows U.S. Islamic Group After Leader’s Oct. 7 Remarks*, New York Times (Dec. 8, 2023), <https://www.nytimes.com/2023/12/08/us/politics/white-house-cair-nihad-awad.html> (last visited Jan. 19, 2024).

<sup>47</sup> *Id.*

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:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

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

House Resolution

A resolution to strongly encourage all executive agencies of the State of Florida, all law enforcement agencies, and all local governments in this state to suspend contact and outreach activities with the Council on American-Islamic Relations.

WHEREAS, the Federal Bureau of Investigation has suspended all formal contacts with the Council on American-Islamic Relations (CAIR) due to evidence demonstrating a relationship between CAIR and Hamas, designated as a foreign terrorist organization by the United States Department of State and the monsters behind the brutal attack on the State of Israel on October 7, 2023, indiscriminately raping, torturing, and killing over 1,200 innocent persons, including Israelis, Americans, and other nationals, among whom were babies and Holocaust survivors, and taking 240 Israelis, Americans, and other civilians as hostages, and

WHEREAS, since October 7, 2023, Hamas terrorists and their allies have launched over 11,500 rockets into southern and central Israel, the sole goal of which was to kill Israeli civilians and

WHEREAS, Hamas and Iranian leadership have called for the extermination of Israelis, Americans, Jews, and Christians



HR 1209

2024

25 | around the world and the establishment of a global Islamic  
26 | caliphate, and

27 |       WHEREAS, the stated goal of Hamas and its allies is the  
28 | complete and total destruction of the State of Israel and the  
29 | Jewish people, and

30 |       WHEREAS, in the federal criminal prosecutions of persons  
31 | involved with the Holy Land Foundation for Relief and  
32 | Development, the largest successful prosecution of terrorism  
33 | financing in our country's history, CAIR was identified as an  
34 | associate of the Muslim Brotherhood and was named an unindicted  
35 | co-conspirator in the trial, and

36 |       WHEREAS, CAIR, soon after opening its first office in  
37 | Washington, D.C., received a grant from the Holy Land Foundation  
38 | for Relief and Development, a charitable organization that was  
39 | closed and was designated a Specially Designated Global  
40 | Terrorist by the United States Department of the Treasury for  
41 | funding jihadist terrorist organizations, and

42 |       WHEREAS, in 2009, Ghassan Elashi, who was a member of the  
43 | founding board of directors of the Texas branch of CAIR and a  
44 | leader of the Holy Land Foundation for Relief and Development,  
45 | was sentenced to a total of 65 years in prison after being  
46 | convicted of 10 counts of conspiracy to provide, and the  
47 | provision of, material support to a designated foreign terrorist  
48 | organization; 11 counts of conspiracy to provide, and the  
49 | provision of, funds, goods, and services to a Specially

HR 1209

2024

50 Designated Terrorist as determined by the United States  
51 Secretary of the Treasury; 10 counts of conspiracy to commit,  
52 and the commission of, money laundering; 1 count of conspiracy  
53 to impede and impair the Internal Revenue Service; and 2 counts  
54 of filing a false tax return, and

55 WHEREAS, in October, 2000, at a large CAIR rally in  
56 Washington DC, featured speaker Abdurahman Alamoudi, later a  
57 convicted terrorist and Al Qaeda financier, publicly expressed  
58 support for both Hamas and Hezbollah as the crowd cheered him  
59 on, and

60 WHEREAS, Randall Todd Royer, also known as Ismail Royer,  
61 who served as a communications specialist and civil rights  
62 coordinator for CAIR and trained with and set up an Internet-  
63 based newsletter for Lashkar-e-Taiba, an al Qaeda-tied Kashmir  
64 organization that is listed on the United States Department of  
65 State's international terror list, was also indicted on charges  
66 of conspiring to help al Qaeda and the Taliban battle American  
67 troops fighting in Afghanistan and was sentenced to 20 years in  
68 prison on April 9, 2004, and

69 WHEREAS, in September 2003, CAIR's former community affairs  
70 director, Bassem Khafagi, pleaded guilty to 3 federal counts of  
71 bank and visa fraud, and agreed to be deported to Egypt after he  
72 had funneled money to activities supporting terrorism and had  
73 published material advocating suicide attacks against the United

HR 1209

2024

74 States, illegal activities that took place while he was employed  
75 by CAIR, and

76 WHEREAS, Rabih Haddad, the Ann Arbor, Michigan-based CAIR  
77 fundraiser, was arrested on terrorism-related charges and was  
78 deported from the United States due to his work as Executive  
79 Director of the Global Relief Foundation, which in October 2002  
80 was closed by the United States Department of the Treasury for  
81 financing al Qaeda and other terrorist organizations, and,

82 WHEREAS, in March 2011, Muthanna al-Hanooti, a director  
83 within CAIR, was sentenced to a year in federal prison for  
84 violating United States sanctions against Iraq under Saddam  
85 Hussein, and

86 WHEREAS, United States ally, the United Arab Emirates,  
87 officially designated CAIR as a terrorist organization in 2014,  
88 and

89 WHEREAS, in 2014, CAIR honored convicted terrorist and  
90 Palestinian Islamic Jihad financier Sami Al Arian and in 2020  
91 CAIR-Florida featured Al Arian in its livestream interview  
92 series. A former professor at the University of South Florida,  
93 Al Arian was convicted in 2006 of providing material support for  
94 a designated terrorist organization, Palestinian Islamic Jihad,  
95 and was deported after serving his prison sentence, and

96 WHEREAS, Zainab Chaudry, Executive Director of the Council  
97 on American-Islamic Relations - Maryland Office, was suspended  
98 from the Maryland Commission on Hate Crimes Response and

HR 1209

2024

99 | Prevention by Maryland's Attorney General on November 21, 2023,  
100 | following multiple social media posts, including one comparing  
101 | Israel to Nazi Germany with the comment, "That moment when you  
102 | become what you hated most," and

103 |       WHEREAS, On November 24, 2023, Speaking at the American  
104 | Muslims for Palestine convention in Chicago, CAIR Executive  
105 | Director Nihad Awad proclaimed: "The people of Gaza only decided  
106 | to break the siege, the walls of the concentration camp, on  
107 | October 7. And yes, I was happy to see people breaking the siege  
108 | and throwing down the shackles of their own land, and walk free  
109 | into their land, which they were not allowed to walk in. And  
110 | yes, the people of Gaza have the right to self-defense, have the  
111 | right to defend themselves, and yes, Israel, as an occupying  
112 | power, does not have that right to self-defense," NOW,  
113 | THEREFORE,

114 |  
115 | Be It Resolved by the House of Representatives of the State of  
116 | Florida:

117 |  
118 |       That all executive agencies of the State of Florida, all  
119 | law enforcement agencies, and all local governments in this  
120 | state are strongly encouraged to suspend contact and outreach  
121 | activities with the Council on American-Islamic Relations.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7001      PCB EEG 24-02      OGSR/Reporter of Child Abuse, Abandonment, or Neglect  
**SPONSOR(S):** Ethics, Elections & Open Government Subcommittee, Tramont  
**TIED BILLS:**            **IDEN./SIM. BILLS:** SB 7036

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
Orig. Comm.: Ethics, Elections & Open Government Subcommittee	12 Y, 0 N	Skinner	Toliver
1) Children, Families & Seniors Subcommittee	18 Y, 0 N	DesRochers	Brazzell
2) State Affairs Committee		Skinner	Williamson

**SUMMARY ANALYSIS**

The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2<sup>nd</sup> of the fifth year after enactment.

The Department of Children and Families (DCF) operates a Florida central abuse hotline (hotline), which accepts reports of child abuse, abandonment, or neglect 24 hours a day, seven days a week. Any person who knows or suspects that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare must report such information or suspicion to the hotline.

Current law provides a public record exemption for the name of any person reporting child abuse, abandonment, or neglect, as well as other identifying information of such reporter.

The bill saves from repeal the public record exemption concerning all identifying information of a person — other than a person’s name, which is already protected by law — reporting child abuse, abandonment, or neglect, which will repeal on October 2, 2024, if the bill does not become law.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2<sup>nd</sup> of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>4</sup> If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote for passage are not required.

##### Florida Central Abuse Hotline

The Department of Children and Families (DCF) operates the Florida central abuse hotline (hotline), which accepts reports 24 hours a day, seven days a week of known or suspected child abuse, abandonment, or neglect.<sup>5</sup> Reports may be made to the hotline in writing, through a call to the statewide toll-free number, or through electronic reporting.<sup>6</sup>

Current law requires any person to immediately report to the hotline if the person knows or suspects that a child:<sup>7</sup>

- Has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare;
- Is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care;
- Has been abused by an adult other than a parent, legal custodian, caregiver or other person responsible for the child's welfare; or
- Is the victim of sexual abuse or juvenile sexual abuse.<sup>8</sup>

---

<sup>1</sup> Section 119.15, F.S.

<sup>2</sup> Section 119.15(3), F.S.

<sup>3</sup> Section 119.15(6)(b), F.S.

<sup>4</sup> Article I, s. 24(c), FLA. CONST.

<sup>5</sup> Section 39.101(1)(a), F.S.

<sup>6</sup> Sections 39.201(1)(a) and 39.101(1)(a), F.S.

<sup>7</sup> Sections 39.201(1)(a)1. and 39.201(1)(a)2., F.S.

<sup>8</sup> "Juvenile sexual abuse" means any sexual behavior by a child which occurs without consent, without equality, or as a result of coercion. Section 39.01(38), F.S. For definitions of "coercion," "consent," and "equality," see s. 39.01(38), F.S.

Generally, reports from the general public to the hotline may be made anonymously;<sup>9</sup> however, certain reporters must provide their names to the hotline because of their occupation.<sup>10</sup> These occupational categories include:

- Physicians, osteopathic physicians, medical examiners, chiropractic physicians, nurses, hospital personnel engaged in the admission, examination, care, or treatment of persons or any other health care or mental health professional.
- Practitioners who rely solely on spiritual means for healing.
- School teachers or other school officials or personnel.
- Social workers, day care center workers, or other professional child care, foster care, residential, or institutional workers.
- Law enforcement officers.
- Judges.
- Animal control officers.<sup>11</sup>

If a reporter provides his or her name, the name is entered into the record of the report but is confidential and exempt from public record requirements and may not be disclosed except as specifically authorized by law.<sup>12</sup>

DCF uses electronic equipment that automatically provides the telephone number or the Internet protocol address from which the report is received.<sup>13</sup> This information becomes part of the report, but is confidential and exempt from public record requirements.<sup>14</sup>

Failure to report known or suspected child abuse, abandonment, or neglect is a crime.<sup>15</sup> A person who knowingly and willfully fails to make a report of abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from making a report, is guilty of a third-degree felony.<sup>16</sup> Any person who makes a child abuse, abandonment, or neglect report in good faith is immune from criminal or civil liability that might otherwise result from reporting.<sup>17</sup>

#### Child Protective Investigations

Once the hotline receives a report, if the allegations of the report meet the statutory criteria for child abuse, abandonment, or neglect, the report must be accepted as a child protective investigation.<sup>18</sup> If the allegations meet such criteria, an investigation must be commenced either immediately or within 24 hours after the report is received, depending on the nature of the allegation.<sup>19</sup> Such investigations must be performed by DCF or its agent.<sup>20</sup>

The child protective investigation assesses the safety and perceived needs of the child and family.<sup>21</sup> It includes a face-to-face interview with the child, other siblings, parents, and other adults in the household, as well as an onsite assessment of the child's residence.<sup>22</sup> Based upon the information received by the hotline, interviews with each family member, and a review of the family's history, the investigator must determine which collateral sources, including neighbors, teachers, friends, and

---

<sup>9</sup> Section 39.201(1)(b)1., F.S.

<sup>10</sup> Section 39.201(1)(b)2., F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Sections 39.201(1)(c) and 39.202(1), F.S.

<sup>13</sup> Section 39.101(3)(b)1. and 2., F.S.

<sup>14</sup> Section 39.101(3)(b)3., F.S.

<sup>15</sup> Section 39.205(1), F.S.

<sup>16</sup> A third-degree felony is punishable by up to five years in prison, or a fine of up to \$5,000. See ss. 775.082(3)(e) and 775.083(1)(c), F.S.

<sup>17</sup> Section 39.203(1)(a), F.S.

<sup>18</sup> Section 39.201(4)(a), F.S.

<sup>19</sup> Section 39.101(2), F.S.

<sup>20</sup> Section 39.301(8), F.S.

<sup>21</sup> Section 39.301(7), F.S.

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



professional sources, are likely to have relevant and reliable information about the child's situation.<sup>23</sup> The investigator interviews the collateral sources and, under DCF operating procedure, must protect their identities to the extent possible when discussing information shared by collateral sources with the child's family.<sup>24</sup>

### Confidentiality of Records

Current law provides that all records concerning child abuse, abandonment, or neglect, including hotline reports and all records generated as a result of such reports, are confidential and exempt<sup>25</sup> from public record requirements.<sup>26</sup> Access to records concerning child abuse, abandonment, or neglect — *excluding the name, or other identifying information of the reporter* — is granted to:

- Certain employees, authorized agents, or contract providers of DCF, the Department of Juvenile Justice, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, the Department of Education, and county agencies responsible for carrying out specific duties related to these agencies, and agencies with comparable jurisdictions in other states.
- Criminal justice agencies and the state attorney of the judicial circuit where the child resides or the alleged abuse or neglect occurred.
- The parent or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the child and their attorneys.
- Any person alleged to have caused the abuse, abandonment, or neglect of a child. If that person is not a parent, the record will be limited to information about the protective investigation and will not include any information about the subsequent dependency proceedings.
- A court, if access to such records is necessary for the determination of an issue before it, and a grand jury, if access is necessary for its official business.
- Any appropriate official of DCF, the Agency for Health Care Administration, or the Agency for Persons with Disabilities who is responsible for administering or supervising the agency's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect; for taking administrative action concerning agency employees who are alleged to have committed such acts; or for employing and continuing employment of agency personnel.
- Any person authorized by DCF who uses information of child abuse, abandonment, or neglect for research, statistical, or audit purposes. Information identifying the subjects of such records or information must be treated as confidential by the researcher and may not be released in any form.
- The Division of Administrative Hearings for purposes of any administrative challenge.
- An official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect.
- An official of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the purpose of conducting audits or examinations pursuant to law.
- The Guardian ad Litem for the child.
- The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed under s. 447.207, F.S.
- Employees or agents of the Department of Revenue responsible for child support enforcement activities.

---

<sup>23</sup> Department of Children and Families Operating Procedure CFOP 170-5, Interviewing Collateral Contacts, (Sept. 20, 2023), [https://www.myflfamilies.com/sites/default/files/2023-09/CFOP% 20170-05% 20Child% 20Protective% 20Investigations.pdf](https://www.myflfamilies.com/sites/default/files/2023-09/CFOP%20170-05%20Child%20Protective%20Investigations.pdf) (last visited Nov. 7, 2023).

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

<sup>25</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See Op. Att'y Gen. Fla. 04- 09* (2004).

<sup>26</sup> Section 39.202(1), F.S.

- Any person in the event that the death of a child is the result of abuse, abandonment, or neglect.
- An employee of a local school district who is the designated liaison between the school district and DCF and the principal of a public school, private school, or charter school where the child is a student.
- An employee or agent of the Department of Education who is responsible for the investigation or prosecution of misconduct by a certified educator.
- Staff of a children’s advocacy center that is established and operated under s. 39.3035, F.S.
- A physician, psychologist, or mental health professional licensed in Florida and engaged in the care or treatment of the child.
- Persons with whom DCF is seeking to place the child or to whom placement has been granted, including foster parents, the designee of a licensed child-caring agency as defined in s. 39.523, F.S., an approved relative or nonrelative with whom a child is placed, preadoptive parents, adoptive parents, or an adoptive entity acting on behalf of preadoptive or adoptive parents.<sup>27</sup>

A reporter may, however, provide written consent to release his or her name, or other identifying information, to these entities.<sup>28</sup> A reporter’s name or other identifying information may be released without that person’s written consent to DCF employees responsible for child protective services, the hotline, law enforcement, child protection teams,<sup>29</sup> or the appropriate state attorney.<sup>30</sup>

An individual who knowingly or willfully discloses any confidential information contained in the hotline or in the records of any child abuse, abandonment, or neglect case to anyone other than an authorized person commits a second-degree misdemeanor.<sup>31</sup>

#### Public Record Exemption under Review

In 2019, the Legislature created the public record exemption for other identifying information, as the name was already protected, with respect to any person reporting child abuse, abandonment, or neglect.<sup>32</sup> Such information is confidential and exempt<sup>33</sup> from public record requirements.<sup>34</sup>

The 2019 public necessity statement<sup>35</sup> noted that prior to the existence of the public record exemption under review, the statute only protected the name of the reporter.<sup>36</sup> The public necessity statement asserted that:

By protecting only the name of the reporter of child abuse, abandonment, or neglect, the identity of the individual may be discerned by other identifying information, thus rendering the protection ineffective. Providing robust protections to reporters of child abuse, abandonment, or neglect improves the mandatory reporting scheme by ensuring that instances of suspected child abuse, abandonment, or neglect are reported to the Department of Children and Families.

---

<sup>27</sup> Section 39.202(2), F.S.

<sup>28</sup> Section 39.202(5), F.S.

<sup>29</sup> ‘Child Protection Team’ means a team of professionals established by the Department of Health to receive referrals from the protective investigators and protective supervision staff of DCF and to provide specialized and supportive services to the program in processing child abuse, abandonment, or neglect cases. Child protection teams must provide consultation to other programs of DCF and other persons regarding child abuse, abandonment, or neglect cases. Section 39.01(12), F.S.

<sup>30</sup> Section 39.202(5), F.S.

<sup>31</sup> Section 39.205(6), F.S. A second-degree misdemeanor is punishable by up to 60 days imprisonment, or a fine of up to \$500. *See ss. 775.082(4)(b) and 775.083(1)(e), F.S.*

<sup>32</sup> Chapter 2019-49, L.O.F., codified as s. 39.202(2) and (5), F.S.

<sup>33</sup> *Supra* note 25.

<sup>34</sup> Section 39.202(1), F.S.

<sup>35</sup> Article I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the public necessity justifying the exemption.”

<sup>36</sup> Chapter 2019-49, L.O.F.

Therefore, it is necessary that individuals who are considered reporters under the current statutory scheme have their identifying information protected.<sup>37</sup>

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2024, unless reenacted by the Legislature.<sup>38</sup> If the expansion of the exemption to include other identifying information with respect to any person reporting child abuse, abandonment, or neglect is not reenacted by the Legislature, the public record exemption will revert back to protecting only the name of such reporter.<sup>39</sup>

During the 2023 interim, House and Senate staff met with staff from DCF. DCF stated that the department has not had any issues interpreting or applying the exemption and has not been a party to any litigation regarding its interpretation of the exemption. DCF recommended the exemption be reenacted as is.

### **Effect of the Bill**

The bill removes the scheduled repeal of the exemption, thereby maintaining the public record exemption for certain identifying information of a reporter to the hotline held by DCF.

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

Section 1 amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect; exception.

Section 2 provides an effective date of October 1, 2024.

## **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.

---

<sup>37</sup> Chapter 2019-49, s. 2, L.O.F.

<sup>38</sup> Section 39.202(10), F.S.

<sup>39</sup> Chapter 2019-49, s. 9, L.O.F., codified as s. 39.202(10), F.S.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require rulemaking nor confer or alter an agency's rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.



HB 7001

2024

26 | ~~made to this section, other than by this act, are preserved and~~  
27 | ~~continue to operate to the extent that such amendments are not~~  
28 | ~~dependent upon the portions of text that expire under this~~  
29 | ~~subsection.~~

30 |       Section 2. This act shall take effect October 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7007 PCB EEG 24-05 OGSR/Campus Emergency Response

**SPONSOR(S):** Ethics, Elections & Open Government Subcommittee, Griffiths

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 7022

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Ethics, Elections & Open Government Subcommittee	12 Y, 0 N	Rando	Toliver
1) Postsecondary Education & Workforce Subcommittee	15 Y, 0 N	Collins	Kiner
2) State Affairs Committee		Rando	Williamson

### SUMMARY ANALYSIS

The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2<sup>nd</sup> of the fifth year after enactment.

Public postsecondary educational institutions, such as state universities and state colleges, must develop campus emergency response plans for responding to an act of terrorism or other public safety crisis or emergency. A campus emergency response includes evacuation plans, shelter arrangements, vulnerability analyses, and the identification of certain students and staff.

Current law provides a public record exemption for a campus emergency response held by a public postsecondary educational institution, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management. Current law also provides a public meeting exemption for portions of a meeting where matters specifically exempt from disclosure are discussed.

The bill saves from repeal the public record and public meeting exemptions, which will repeal on October 2, 2024, if the bill does not become law. The bill also removes a superfluous provision.

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



# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2<sup>nd</sup> of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.<sup>4</sup>

##### Campus Emergency Response

Postsecondary educational institutions must develop campus emergency response plans for responding to an act of terrorism<sup>5</sup> or other public safety crisis or emergency.<sup>6</sup> A campus emergency response includes information relating to:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof.
- Threat assessments conducted by any agency or private entity.
- Threat response plans.
- Emergency evacuation plans.
- Shelter arrangements.
- Manuals for security personnel, emergency equipment, or security training.
- Security systems or plans.
- Vulnerability analyses.
- Postdisaster activities, including provisions for emergency power, communications, food, and water.
- Postdisaster transportation.
- Supplies, including drug caches.
- Identification of staff involved in emergency preparedness, response, and recovery activities.
- Emergency equipment.

---

<sup>1</sup> Section 119.15, F.S.

<sup>2</sup> Section 119.15(3), F.S.

<sup>3</sup> Section 119.15(6)(b), F.S.

<sup>4</sup> Article I, s. 24(c), Fla. Const.

<sup>5</sup> See s. 775.30(1), F.S., for the applicable definition of "terrorism."

<sup>6</sup> Section 1004.0962(1), F.S.

- Individual identification of affected or at risk-students, faculty, and staff before, during, or after an emergency; the transfer of records concerning affected or at risk students, faculty, and staff; and methods of responding to family inquiries.<sup>7</sup>

In addition, a campus emergency response often includes a public postsecondary educational institution's Comprehensive Emergency Management Plan (CEMP) and its Continuity of Operations Plan (COOP). A CEMP outlines the mitigation, preparation, response, and recovery actions of campus personnel for all hazards that could impact a college or university campus. A CEMP incorporates the use of the National Incident Management System to facilitate interagency coordination between responding agencies.<sup>8</sup> An institution's CEMP should be consistent with its county's CEMP, the State of Florida's CEMP, and the National Response Framework.<sup>9</sup> A COOP outlines the actions that must be taken to ensure essential services and activities do not cease during an emergency or disaster and identifies the individuals or agencies responsible for those actions.<sup>10</sup>

#### Public Record and Public Meeting Exemptions under Review

In 2017, the Legislature created an exemption from public record requirements for information associated with a public postsecondary institution's campus emergency response and held by a public postsecondary institution, a state or local law enforcement agency, a county or municipal emergency agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management.<sup>11</sup>

The Legislature also created a public meeting exemption for any portion of a meeting that would reveal information related to a campus emergency response.<sup>12</sup>

The 2017 public necessity statement<sup>13</sup> for the exemptions provides the following:

A campus emergency response affects the health and safety of the students, faculty, staff, and the public at large. If campus emergency responses were made publicly available for inspection or copying, they could be used to hamper or disable the response of a public postsecondary institution to an act of terrorism, or other public safety crisis or emergency. If a public postsecondary educational institution's response to these events were hampered or disabled, an increase in the number of Floridians subjected to fatal injury would occur. There is ample evidence of the capabilities of terrorists and other criminals to plot, plan, and coordinate complicated acts of terror and violence on university and college campuses all over the country. The aftermath of these events has also showed the importance of viable plans by which public postsecondary educational institutions can respond to terrorist attacks and other public safety crises or emergencies.<sup>14</sup>

Current law also authorizes custodians of such information to disclose the exempt information:

- To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; or

---

<sup>7</sup> Section 1004.0962(1), F.S.

<sup>8</sup> See Comprehensive Emergency Management Plan, *Division of Emergency Management*, available at <https://portal.floridadisaster.org/preparedness/External/CEMP/2022%20State%20CEMP%20Base%20Plan.pdf> (last visited January 16, 2024).

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

<sup>10</sup> See Continuity of Operations Implementation Guidance, *Division of Emergency Management*, available at <https://www.floridadisaster.org/globalassets/importedpdfs/coop-implementation-guidance.pdf#:~:text=The%20disaster%20preparedness%20plans%2C%20otherwise%20referred%20to%20as,of%20selected%20State%20personnel%20and%20functions%20is%20required> (January 16, 2024).

<sup>11</sup> Chapter 2017-184, L.O.F.; codified as s. 1004.0962, F.S.

<sup>12</sup> Section 1004.0962(5), F.S.

<sup>13</sup> Article I, s. 24(c), Fla. Const., requires each public record exemption to "state with specificity the public necessity justifying the exemption."

<sup>14</sup> Chapter 2017-184, L.O.F.

- Upon a showing of good cause before a court of competent jurisdiction.<sup>15</sup>

However, this authorization appears unnecessary because records designated “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>16</sup>

In 2022, the Legislature reviewed the public record and public meeting exemptions and extended the repeal date from October 2, 2022, to October 2, 2024. The public record exemption was narrowed to provide that the identification of staff involved in emergency preparedness, response, and recovery activities is exempt instead of staffing information generally.<sup>17</sup> The public record exemption was also narrowed to provide that the individual identification of students, faculty, and staff applies only to those persons affected or at risk before, during, or after an emergency. Lastly, the provision of the exemption protecting the transfer of records was narrowed to apply to only affected or at-risk students, faculty, and staff.

Pursuant to the OGSR Act, these exemptions will repeal on October 2, 2024, unless reenacted by the legislature.<sup>18</sup>

During the 2023 interim, subcommittee staff sent questionnaires to all 12 of the State University System (SUS) institutions and all 28 of the Florida College System (FCS) institutions.<sup>19</sup> Several SUS and FCS institutions indicated that a campus emergency response includes plans such as their CEMP and COOP, which outline the overall framework for responding to emergencies, as well as plans for more specific situations such as responding to dangerous weather, bomb threats, active shooters, and evacuation procedures.<sup>20</sup> Of the SUS and FCS institutions that responded to the questionnaire, all respondents — except one which declined to give a recommendation — recommended that the exemption be reenacted as is.

### **Effect of the Bill**

The bill removes the scheduled repeal of the exemptions, thereby saving the public record exemption and public meeting exemption from repeal. The bill also removes a superfluous provision authorizing entities to disclose the exempt information in specified circumstances, as records custodians have the discretion to release exempt information under certain circumstances.

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

Section 1 amends s. 1004.0962, F.S., relating to public record and public meeting exemptions for a campus emergency response of a public postsecondary educational institution.

Section 2 provides an effective date of October 1, 2024.

---

<sup>15</sup> Section 1004.0962(4), F.S.

<sup>16</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See Op. Att’y Gen. Fla. 04- 09* (2004).

<sup>17</sup> Chapter 2022-133, L.O.F.

<sup>18</sup> Section 1004.0962(6), F.S.

<sup>19</sup> Open Government Sunset Review Questionnaire, Campus Emergency Response Plans, responses on file with the Ethics, Elections & Open Government Subcommittee.

<sup>20</sup> *Id.*

## 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:

Not applicable. The 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 require rulemaking nor confer or alter an agency's rulemaking authority.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

HB 7007

2024

1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 1004.0962, F.S., which  
4           provides an exemption from public record and public  
5           meeting requirements for those portions of a campus  
6           emergency response which address the response of a  
7           public postsecondary educational institution to an act  
8           of terrorism or other public safety crisis or  
9           emergency; removing a provision allowing disclosure of  
10          certain information to certain entities; removing the  
11          scheduled repeal of the exemption; providing an  
12          effective date.

13  
14   Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Subsections (4), (5), and (6) of section  
17   1004.0962, Florida Statutes, are amended to read:

18           1004.0962 Campus emergency response of a public  
19   postsecondary educational institution; public records exemption;  
20   public meetings exemption.—

21           ~~(4) Information made exempt by this section may be~~  
22   ~~disclosed:~~

23           ~~(a) To another governmental entity if disclosure is~~  
24   ~~necessary for the receiving entity to perform its duties and~~  
25   ~~responsibilities; or~~

HB 7007

2024

26 ~~(b) Upon a showing of good cause before a court of~~  
 27 ~~competent jurisdiction.~~

28 (4)-(5) That portion of a public meeting which would reveal  
 29 information related to a campus emergency response is exempt  
 30 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

31 ~~(6) This section is subject to the Open Government Sunset~~  
 32 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
 33 ~~on October 2, 2024, unless reviewed and saved from repeal~~  
 34 ~~through reenactment by the Legislature.~~

35 Section 2. This act shall take effect October 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7009 PCB EEG 24-04 OGSR/Mental Health Treatment and Services

**SPONSOR(S):** Ethics, Elections & Open Government Subcommittee, Griffiths

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 7034

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Ethics, Elections & Open Government Subcommittee	12 Y, 0 N	Poreda	Toliver
1) Children, Families & Seniors Subcommittee	18 Y, 0 N	DesRochers	Brazzell
2) State Affairs Committee		Poreda	Williamson

### SUMMARY ANALYSIS

The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Florida Mental Health Act, otherwise known as the Baker Act, provides legal procedures for voluntary and involuntary mental health examination and treatment. A person may be admitted for mental health treatment on a voluntary or involuntary basis. Voluntary admission of persons for psychiatric care may occur when the individual is over the age of 18, deemed to be competent, expresses informed consent, and is suitable for treatment. An involuntary examination is required if there is reason to believe the person has a mental illness and, because of his or her mental illness, certain conditions are present, such as a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future.

Current law makes all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records filed with or by a court pursuant to the Baker Act confidential and exempt from public record requirements. The information contained in these court files may only be released to certain entities and individuals.

The bill saves from repeal the public record exemption, which will repeal on October 2, 2024, if this bill does not become law.

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



# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>4</sup> If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote for passage are not required.

##### Florida Mental Health Act

The Florida Mental Health Act, otherwise known as the Baker Act (Baker Act), was enacted in 1971 to revise the state's mental health commitment laws.<sup>5</sup> It provides legal procedures for mental health examination and treatment. It also protects the rights of all individuals examined or treated for mental illness in Florida.<sup>6</sup> Individuals in acute mental or behavioral health crisis may require emergency treatment to stabilize their condition. Emergency mental health examination and stabilization services may be provided on a voluntary or involuntary basis.<sup>7</sup>

##### *Voluntary Admissions*

The Baker Act allows for the voluntary admission of persons for psychiatric care, but only when the individual is over the age of 18, deemed to be competent, expresses informed consent, and is suitable for treatment.<sup>8</sup> Any person age 17 or under may be admitted voluntarily if a parent or legal guardian applies for admission and only after a clinical review to verify the minor's willingness to volunteer for treatment under the Baker Act.<sup>9</sup> If any condition for voluntary admission is not met, then that person must be extended the due process rights assured under the involuntary provisions of the Baker Act.<sup>10</sup>

---

<sup>1</sup> Section 119.15, F.S.

<sup>2</sup> Section 119.15(3), F.S.

<sup>3</sup> Section 119.15(6)(b), F.S.

<sup>4</sup> Article I, s. 24(c), FLA. CONST.

<sup>5</sup> Section 394.451, F.S.

<sup>6</sup> Section 394.459, F.S.

<sup>7</sup> Sections 394.4625 and 394.463, F.S.

<sup>8</sup> Section 394.4625(1)(a), F.S.

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

<sup>10</sup> Section 394.4625, F.S.

### *Involuntary Examinations*

An involuntary examination is required if there is reason to believe the person has a mental illness and, because of his or her mental illness, the person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination or is unable to determine for himself or herself whether examination is necessary, and either of the following determinations are made:<sup>11</sup>

- Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
- There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

The involuntary examination may be initiated in one of three ways:<sup>12</sup>

- A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, based on sworn testimony. The order of the court must be made a part of the patient's clinical record.
- A law enforcement officer must take a person who appears to meet the criteria for involuntary examination into custody and deliver the person, or have him or her delivered, to an appropriate, or the nearest, receiving facility for examination. The officer must execute a written report detailing the circumstances under which the person was taken into custody, and the report must be made a part of the patient's clinical record.
- A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. The report and certificate shall be made a part of the patient's clinical record.

Involuntary patients must be taken to either a public or private facility that has been designated by the Department of Children and Families (DCF) as a Baker Act receiving facility.<sup>13</sup> A receiving facility has up to 72 hours to examine an involuntary patient.<sup>14</sup> During that 72 hours, the patient must be examined by a physician, a clinical psychologist, or, in certain circumstances, by a psychiatric nurse to determine if the criteria for involuntary services are met.<sup>15</sup> Within that 72-hour examination period, one of the following must happen:<sup>16</sup>

- The patient must be released, unless he or she is charged with a crime, in which case law enforcement assumes custody;
- The patient must be released for voluntary outpatient treatment;
- The patient, unless charged with a crime, must give express and informed consent to be placed and admitted as a voluntary patient; or
- A petition for involuntary placement must be filed in circuit court for involuntary outpatient or inpatient treatment.

The receiving facility may not release an involuntary examination patient without the documented approval of a psychiatrist, a clinical psychologist or, in certain circumstances, a psychiatric nurse.<sup>17</sup>

### *Involuntary Inpatient Placements*

A court may order a person into involuntary inpatient treatment if it finds the person has a mental illness and, because of that mental illness, has refused voluntary inpatient treatment, is incapable of surviving alone or with the help of willing and responsible family or friends, and, without treatment, is likely to refuse to care for himself or herself to the extent such refusal threatens to cause substantial harm to his

---

<sup>11</sup> Section 394.463(1), F.S.

<sup>12</sup> Section 394.463(2)(a), F.S.

<sup>13</sup> Section 394.461, F.S.

<sup>14</sup> Section 394.463(2)(g), F.S.

<sup>15</sup> Section 394.463(2)(f), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 394.463(2)(f), F.S.

or her well-being, or will inflict serious bodily harm on himself or herself, or others, in the near future based on recent behavior.<sup>18</sup> Additionally, the court must find that all available less restrictive treatment alternatives that would offer an opportunity for improvement of the person's condition are inappropriate.<sup>19</sup>

### *Involuntary Outpatient Services*

Involuntary outpatient placement, also known as assisted outpatient treatment, is a court-ordered, community-based treatment program for individuals with severe mental illness designed to assist individuals with severe mental illness who have a history of treatment and medication noncompliance, but do not require hospitalization.<sup>20</sup> A petition for involuntary outpatient services may be filed with a court by the administrator of either a receiving facility or a treatment facility.<sup>21</sup>

### Public Record Exemption under Review

In 2019, the Legislature made all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records filed with or by a court pursuant to the Baker Act confidential and exempt<sup>22</sup> from public record requirements.<sup>23</sup> The records may only be released to:<sup>24</sup>

- The petitioner.
- The petitioner's attorney.
- The respondent.
- The respondent's attorney.
- The respondent's guardian or guardian advocate, if applicable.
- In the case of a minor respondent, the respondent's legal custodian or guardian advocate.
- The respondent's treating health care practitioner.
- The respondent's health care surrogate or proxy.
- DCF, without charge.
- The Department of Corrections, without charge, if the respondent is committed or is to be returned to the custody of the Department of Corrections from DCF.
- A person or entity authorized to view records upon a court order for good cause.<sup>25</sup>

The clerk of the court is prohibited from publishing any personal identifying information on a court docket or in a publicly accessible file. However, the clerk of the court is not prohibited from submitting the protected information to the Department of Law Enforcement for purposes of a criminal history record check relating to the sale of firearms.<sup>26</sup>

In 2019, the public necessity statement<sup>27</sup> stated that:

The mental health of a person, including a minor, is a medical condition, which should be protected from dissemination to the public. A person's mental health is also an intensely private matter. The public stigma associated with a mental health

---

<sup>18</sup> Section 394.467(1), F.S.

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

<sup>20</sup> Section 394.4655, F.S.

<sup>21</sup> Section 394.4655(4), F.S.

<sup>22</sup> There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as *exempt* from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04- 09 (2004).

<sup>23</sup> Section 394.464, F.S.

<sup>24</sup> Section 394.464(1), F.S.

<sup>25</sup> In determining if good cause exists, the court must weigh the person or entity's need for the information against the potential harm to the respondent of disclosure. Section 394.464(1)(k), F.S.

<sup>26</sup> Section 394.464(2), F.S.

<sup>27</sup> Article I, s. 24(c), FLA. CONST., requires each public record exemption to "state with specificity the public necessity justifying the exemption."

condition may cause persons in need of treatment to avoid seeking treatment and related services if the record of such condition is accessible to the public. Without treatment, a person's condition may worsen, the person may harm himself or herself or others, and the person may become a financial burden on the state. The content of such records or personal identifying information should not be made public merely because they are filed with or by a court or placed on a docket. Making such petitions, orders, records, and identifying information confidential and exempt from disclosure will protect such persons from the release of sensitive, personal information which could damage their and their families' reputations.<sup>28</sup>

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2024, unless reenacted by the Legislature.

During the 2023 interim, House and Senate staff sent a questionnaire to the clerks of court as part of their review under the OGSR Act and, in total, staff received 42 responses.<sup>29</sup> Respondents indicated they had not had any issues interpreting or applying the exemption and they were unaware of the existence of any litigation concerning the exemption. Clerk staff noted that the Florida Supreme Court had incorporated the public record exemption into Rule 2.420 of the Rules of General Practice and Judicial Administration.<sup>30</sup> All respondents recommended the exemption be reenacted as is.

### **Effect of the Bill**

The bill removes the scheduled repeal date of the public record exemption, thereby maintaining the public record exemption for all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records filed with or by a court pursuant to the Baker Act.

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

Section 1 amends s. 394.464, F.S., relating to court records; confidentiality.

Section 2 provides an effective date of October 1, 2024.

## **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:**

---

<sup>28</sup> Chapter 2019-51, L.O.F.

<sup>29</sup> Open Government Sunset Review Questionnaire, Public Records Related to The Baker Act, responses on file with the Ethics, Elections & Open Government Subcommittee.

<sup>30</sup> See Rule 2.420(d)(1)(B)(viii), Fla. R. Gen. Prac. & Jud. Admin (2021).

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act; amending s. 394.464, F.S.; removing  
 4           the scheduled repeal of an exemption from public  
 5           records requirements for petitions for voluntary and  
 6           involuntary admission for mental health treatment,  
 7           court orders, related records, and personal  
 8           identifying information regarding persons seeking  
 9           mental health treatment and services; providing an  
 10          effective date.

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

13  
 14           Section 1. Subsection (6) of section 394.464, Florida  
 15           Statutes, is amended to read:

16           394.464 Court records; confidentiality.—

17           ~~(6) This section is subject to the Open Government Sunset~~  
 18           ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
 19           ~~on October 2, 2024, unless reviewed and saved from repeal~~  
 20           ~~through reenactment by the Legislature.~~

21           Section 2. This act shall take effect October 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7013      PCB LFS 24-02      Special Districts  
**SPONSOR(S):** Ways & Means Committee, Local Administration, Federal Affairs & Special Districts  
Subcommittee, Persons-Mulicka  
**TIED BILLS:**            **IDEN./SIM. BILLS:**      SB 1058

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Local Administration, Federal Affairs & Special Districts Subcommittee	11 Y, 4 N	Mwakyanjala	Darden
1) Ways & Means Committee	21 Y, 1 N, As CS	Berg	Aldridge
2) State Affairs Committee		Mwakyanjala	Williamson

### SUMMARY ANALYSIS

Special districts are units of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.

The bill revises provisions relating to special districts by:

- Creating a 12-year term limit for elected members of governing bodies of most types of independent special districts;
- Providing that boundaries of independent special districts may only be changed by an act of the Legislature, with an exception;
- Adding additional criteria for declaring a special district inactive;
- Revising notice and procedures for proposed declaration of inactive status;
- Authorizing districts that have been declared inactive to expend funds in certain instances;
- Requiring all special districts to adopt goals and objectives, as well as performance measures and standards to determine if those goals and objectives are being achieved;
- Repealing a provision that allows a special district to convert itself into a municipality without legislative approval;
- Requiring each petition to create a community development district to contain a sworn affidavit concerning planned development;
- Requiring independent special fire control districts to report certain information to the Division of the State Fire Marshal;
- Reducing the maximum ad valorem millage rate that may be levied by a mosquito control district from 10 mills to one mill;
- Requiring mosquito control districts to meet certain conditions required to participate in state programs; and
- Prohibiting the creation of new safe neighborhood improvement districts and requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of existing safe neighborhood improvement districts.

The bill may have an insignificant fiscal impact on state government and an indeterminate fiscal impact on local governments.



# 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.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.<sup>6</sup>

The Special District Accountability Program within the Department of Commerce (department) is responsible for maintaining and electronically publishing the official list of all special districts.<sup>7</sup> This list includes all active special districts, as well as a separate list of those declared inactive.<sup>8</sup> According to the official list, as of January 18, 2024, the state had 1,980 special districts, of which 1,367 were independent special districts and 613 were dependent districts.<sup>9</sup>

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).<sup>10</sup> The USDAA centralizes provisions governing special districts and applies to the formation,<sup>11</sup>

---

<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See *generally* s. 189.012(6), F.S.

<sup>3</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited January 18, 2024).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), and 388.221, F.S. (mosquito control), and ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S.

<sup>7</sup> S. 189.061, F.S.

<sup>8</sup> Ss. 189.061, 189.062(6), F.S.

<sup>9</sup> Dept. of Commerce, Special District Accountability Program, *Official List of Special Districts*, available at <https://specialdistrictreports.floridajobs.org/OfficialList/CustomList> (last visited January 18, 2024).

<sup>10</sup> S. 189.01, F.S., but see ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

<sup>11</sup> See ss. 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).

governance,<sup>12</sup> administration,<sup>13</sup> supervision,<sup>14</sup> merger,<sup>15</sup> and dissolution<sup>16</sup> of special districts, unless otherwise expressly provided in law.<sup>17</sup> The USDAA requires notice and publication of tentative budgets and final budgets.<sup>18</sup> Certain budget amendments are allowed up to 60 days following the end of the fiscal year.<sup>19</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>20</sup>

### *Community Development Districts*

Community development districts (CDDs) are a type of independent special district intended to provide urban community services in a cost-effective manner by managing and financing the delivery of basic services and capital infrastructure to developing communities without overburdening other governments and their taxpayers.<sup>21</sup> As of January 18, 2024, there were 961 active CDDs in Florida.<sup>22</sup>

The method for establishing a CDD depends upon its size. CDDs of 2,500 acres or more, or located in multiple counties or municipalities, are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)<sup>23</sup> to adopt an administrative rule creating the district.<sup>24</sup> Each petition to establish a CDD must contain:

- A metes and bounds description of the boundaries of the district;
- Written consent to be included in the district from all landowners in the boundaries;
- A list of five persons who will serve as the interim board of supervisors of the district until elections may be called;
- The name of the proposed district;
- A map of the district showing current major trunk water mains and sewer interceptors and outfalls, if any;
- The proposed timetable for construction of the district services and the estimated cost of constructing the proposed services;
- A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act; and
- A statement of estimated regulatory costs.<sup>25</sup>

A copy of the petition must be filed with each county or municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.<sup>26</sup> The counties or municipalities may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.<sup>27</sup> Additionally, a public hearing on the petition before an administrative law judge must be held

---

<sup>12</sup> See s. 189.0311, F.S. (charter requirements for independent special districts).

<sup>13</sup> See s. 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

<sup>14</sup> See s. 189.0651, F.S. (oversight for special districts created by special act of the Legislature).

<sup>15</sup> Ss. 189.071 and 189.074, F.S.

<sup>16</sup> Ss. 189.071 and 189.072, F.S.

<sup>17</sup> See, e.g., s. 190.004, F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

<sup>18</sup> S. 189.016(4), F.S.

<sup>19</sup> S. 189.016(6), F.S.

<sup>20</sup> See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>21</sup> S. 190.002(1)(a), F.S.

<sup>22</sup> Dept. of Commerce, *supra* note 9.

<sup>23</sup> Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet.

<sup>24</sup> S. 190.005(1), F.S.

<sup>25</sup> S. 190.005(1)(a), F.S.

<sup>26</sup> S. 190.005(1)(b), F.S.

<sup>27</sup> S. 190.005(1)(c), F.S.

in the county where the CDD will be located.<sup>28</sup> Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final consideration with the petition.<sup>29</sup> If the petition is approved, the FLWAC initiates proceedings to adopt the rule creating the CDD.

The process for establishing a CDD of less than 2,500 acres follows the same procedural steps, but is approved by local ordinance as follows:

- All land that is in unincorporated areas of the county, by county ordinance.
- Land that includes unincorporated areas and portions of a municipality, by county ordinance subject to municipal approval.
- All land that is in a single municipality, by municipal ordinance.<sup>30</sup>

Each CDD is governed by a five-member board elected by the landowners of the district on a one-acre, one-vote basis.<sup>31</sup> Board members serve four-year terms, except some initial board members serve a two-year term for the purpose of creating staggered terms.<sup>32</sup> After the sixth year (for districts of up to 5,000 acres) or the 10th year (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district<sup>33</sup>) following the CDD's creation, each member of the board is subject to election by the electors of the district at the conclusion of their term. However, this transition does not occur if the district has fewer than 250 (for districts of up to 5,000 acres) or 500 (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district) qualified electors.<sup>34</sup>

### *Community Redevelopment Agencies*

The Community Redevelopment Act of 1969 authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas.<sup>35</sup> An area is "blighted" if there is 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;

---

<sup>28</sup> S. 190.005(1)(d), F.S.

<sup>29</sup> S. 190.005(1)(e), F.S.

<sup>30</sup> S. 190.005(2), F.S. The county approval process may be used for proposed CDDs of up to 7,000 acres if the CDD is located in a connected-city corridor established pursuant to s. 163.3246, F.S.

<sup>31</sup> S. 190.006(2), F.S.

<sup>32</sup> S. 190.006(1), F.S.

<sup>33</sup> S. 190.006(3)(a)2.a., F.S. A "compact, urban, mixed-use district" is a district located within a municipality and a CRA that consists of a maximum of 75 acres, and has development entitlements of at least 400,000 square feet of retail development and 500 residential units. S. 190.003(7), F.S.

<sup>34</sup> S. 190.006(3)(a)2.b., F.S.

<sup>35</sup> Ch. 163, part III, F.S.

- 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.<sup>36</sup>

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 either interlocal agreement or by passage of a resolution by the governing bodies of such taxing authorities.<sup>37</sup>

An area is considered a slum if it has physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements that are impaired by reason of dilapidation, deterioration, age, or obsolescence, 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
- The existence of conditions that endanger life or property by fire or other causes.<sup>38</sup>

CRAs may not levy or collect taxes; however, the county or municipality that created the CRA may establish a community redevelopment trust fund that is funded through tax increment financing (TIF). The amount of TIF available to the agency in a given year is equal to an amount — set by the county or municipality that created the CRA — between 50 and 95 percent of the difference between:

- The amount of ad valorem taxes levied in the current year by each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area; and
- The amount of ad valorem taxes that would have been produced by levying the current year's millage rate for each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area at the total assessed value of the taxable real property prior to the effective date of the ordinance providing for the redevelopment trust fund.<sup>39</sup>

As of January 18, 2024, there were 220 active CRAs statewide.<sup>40</sup>

### *Independent Special Fire Control Districts*

An independent special fire control district is a type of independent special district created by the Legislature to provide fire suppression and related activities within the territorial jurisdiction of the district.<sup>41</sup> As of January 18, 2024, there were 54 active independent special fire control districts.<sup>42</sup>

The Independent Special Fire Control District Act (ISFCDA)<sup>43</sup> provides standards, direction, and procedures for the uniform operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and elections.<sup>44</sup> The ISFDCA controls over more specific

<sup>36</sup> S. 163.340(8), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> S. 163.340(7), F.S.

<sup>39</sup> S. 163.387(1)(a), F.S.

<sup>40</sup> Dept. of Commerce, *supra* note 9.

<sup>41</sup> S. 191.003(5), F.S.

<sup>42</sup> Dept. of Commerce, *supra* note 9.

<sup>43</sup> Ch. 191, F.S.

<sup>44</sup> S. 191.002, F.S.

provisions in any special act or general law of local application creating a fire control district's charter,<sup>45</sup> requires every fire control district be governed by a five-member board,<sup>46</sup> and provides:

- General powers;<sup>47</sup>
- Special powers;<sup>48</sup>
- Authority and procedures for the assessment and collection of ad valorem taxes;<sup>49</sup>
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;<sup>50</sup> and
- Issuance of district bonds and evidence of debt.<sup>51</sup>

Fire control districts may levy ad valorem taxes on real property within the district of no more than 3.75 mills unless a greater amount was previously authorized.<sup>52</sup> A district also may levy non-ad valorem assessments and adopt a schedule of reasonable fees for services performed.<sup>53</sup> Additionally, the district board may impose an impact fee if authorized by law and the local general purpose government has not adopted an impact fee for fire services that is distributed to the district for the purchase of new facilities and equipment.<sup>54</sup>

The Division of State Fire Marshal (division) is responsible for establishing training courses and examinations necessary to obtain a firefighter or volunteer firefighter certification.<sup>55</sup> The division is responsible for issuing a certificate of compliance to any firefighter or volunteer firefighter who completes a minimum standards course or shows proof of equivalent training in another state, and passes an exam within one year of completing the minimum standards course.<sup>56</sup> Additionally, the applicant must be in good physical condition, as determined by a medical examination, and have good moral character, as determined by a background investigation that includes the processing of fingerprints for a national criminal background check.<sup>57</sup>

### *Mosquito Control Districts*

Mosquito control districts (MCDs) are created to protect health and safety, improve quality of life, promote economic development, and allow for the enjoyment of natural attractions of the state by reducing the number of insects that transmit disease within their boundaries.<sup>58</sup> An MCD may contain part or all of a county or municipality.<sup>59</sup> As of January 18, 2024, there were 18 mosquito control districts: 15 independent districts and three dependent districts.<sup>60</sup>

The creation of new MCDs has been prohibited since July 1, 1980.<sup>61</sup> In counties without a district, the board of county commissioners may exercise the rights, powers, and duties authorized by statute for an MCD or may direct the county health department to do so.<sup>62</sup> For MCDs formed prior to July 1, 1980, the

---

<sup>45</sup> S. 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

<sup>46</sup> S. 191.005(1)(a), F.S. (fire control district may continue to be governed by a three-member board if authorized by special act adopted on or after 1997).

<sup>47</sup> S. 191.006, F.S. (e.g. the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

<sup>48</sup> S. 191.008, F.S.

<sup>49</sup> Ss. 191.006(14) and 191.009(1), F.S.

<sup>50</sup> Ss. 191.006(11) and (15); 191.009(2), (3), and (4); and 191.011, F.S.

<sup>51</sup> S. 191.012, F.S.

<sup>52</sup> S. 191.009(1), F.S. *But see* art. VII, s. 9, Fla. Const. (special districts may not levy an ad valorem tax in excess of the millage "authorized by law approved by vote of the electors.")

<sup>53</sup> S. 191.009(2) and (3), F.S. If the district levies a non-ad valorem assessment to fund emergency medical and transport services, the district is prohibited from levying an ad valorem tax to fund those services.

<sup>54</sup> S. 191.009(4), F.S.

<sup>55</sup> S. 633.408(1), F.S.

<sup>56</sup> S. 633.408(4)(a) and (b), F.S.

<sup>57</sup> Ss. 633.408(4)(c) and 633.412, F.S.

<sup>58</sup> Ss. 388.0101 and 388.011(5), F.S.

<sup>59</sup> S. 388.021(1), F.S.

<sup>60</sup> Dept. of Commerce, *supra* note 9.

<sup>61</sup> S. 388.021(2), F.S.

<sup>62</sup> Ss. 388.241 and 388.251, F.S. The county health department must keep the books and make all reports require under ch. 388, F. S., and all purchases, whether by bid or otherwise, must be made in accordance with the procedures allowed by the board of county

district board of commissioners may request the board of county commissioners for the county in which the district lies to approve a change in the boundaries of the district.<sup>63</sup>

MCDs may levy an ad valorem tax of up to 10 mills on real and personal property within the district.<sup>64</sup>

The Department of Agriculture and Consumer Services (DACS) is responsible for coordinating the activities of MCDs receiving state funds.<sup>65</sup> To be eligible to receive state funds for arthropod control during a local government fiscal year, each MCD must submit a tentative work plan and detailed work plan budget to DACS by July 15 of the preceding fiscal year. The work plan and budget may be amended by the district with DACS approval.<sup>66</sup> Each district is also required to submit an expenditure report for the preceding month within 30 days after the end of that month.<sup>67</sup>

### *Neighborhood Improvement Districts*

A neighborhood improvement district (NID), also known as a “safe neighborhood improvement district,” is a district located in an area in which more than 75 percent of the land is used for residential purposes or for commercial, office, business, or industrial purposes, and where there is a plan to reduce crime through environmental design, environmental security, defensible space techniques, or community policing innovations.<sup>68</sup> A NID can be one of four types of districts:

- A Local Government NID;<sup>69</sup>
- A Property Owners’ Association NID;<sup>70</sup>
- A Special NID;<sup>71</sup> or
- A Community Redevelopment NID.<sup>72</sup>

A NID must be created through the adoption of a planning ordinance by the governing body of the applicable municipality or county pursuant to the applicable procedure in ss. 163.506, 163.508, 163.511, or 163.512.<sup>73</sup> Each NID must register with the Department of Commerce within 30 days of formation and provide the district’s name, location, size, type, and any other information required by the Department of Commerce.<sup>74</sup>

Unless preempted by ordinance, a NID can:

- Enter into contracts and agreements and sue and be sued as a body corporate.
- Have and use a corporate seal.
- Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- Cooperate and contract with other governmental agencies or other public bodies.

---

commissioners. The health department must also submit to the board of county commissioners itemized monthly statements of expenses incurred in carrying out the control program in the county.

<sup>63</sup> S. 388.211(1), F.S.

<sup>64</sup> S. 388.221(1), F.S.

<sup>65</sup> S. 388.271(1), F.S.

<sup>66</sup> S. 288.281, F.S.

<sup>67</sup> S. 388.341, F.S. The reports must detail activities and accomplishments as may be required by DACS.

<sup>68</sup> S. 163.503(1), F.S.

<sup>69</sup> S. 163.506, F.S.

<sup>70</sup> S. 163.508, F.S.

<sup>71</sup> S. 163.511, F.S.

<sup>72</sup> S. 163.512, F.S.

<sup>73</sup> S. 163.504, F.S.

<sup>74</sup> S. 163.5055(1), F.S.

- Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- Contract with the county or municipal government for planning assistance and increased levels of law enforcement protection and security, including additional personnel.
- Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
- Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- Improve street lighting, parks, streets, drainage, utilities, swales, and open areas, and provide safe access to mass transportation facilities in the district.
- Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- Subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635, F.S., to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an affirmative vote by a majority of the registered voters residing in the district. Such assessments may not exceed \$500 for each individual parcel of land per year. Notwithstanding the provisions of s. 101.6102, F.S., the referendum to approve the special assessment must be by mail ballot.<sup>75</sup>

If approved at a referendum, a Local Government NID or Special NID may be authorized to levy an ad valorem tax of up to 2 mills annually.<sup>76</sup> A Property Owners' Association NID may collect assessments related to common areas within the district.<sup>77</sup> A Community Redevelopment NID may use the community redevelopment trust fund created pursuant to s. 163.387, F.S., for specified purposes.<sup>78</sup>

As of January 18, 2024, there were 21 active NIDs in the state.<sup>79</sup> Eighteen of those were Local Government NIDs, two were Special NIDs, and one was a Property Owners' Association NID.<sup>80</sup>

### Inactive Special Districts

Whether dependent or independent, the department must declare a special district inactive if it meets one of the following criteria:

- The registered agent of the district, the chair of the district's governing body, or the governing body of the appropriate county or municipality:
  - Provides written notice to the department that the district has taken no action for two or more years;
  - Provides written notice to the department that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for two or more years; or
  - Fails to respond to an inquiry by the department within 21 days.<sup>81</sup>

<sup>75</sup> S. 163.514, F.S.

<sup>76</sup> Ss. 163.506(1)(c) and 163.511(1)(b), F.S.

<sup>77</sup> S. 163.508(3)(c), F.S.

<sup>78</sup> S. 163.512(1)(c), F.S.

<sup>79</sup> Dept. of Commerce, *supra* note 9.

<sup>80</sup> There is also one active Preservation and Enhancement District pursuant to s. 163.524, F.S., that appears unrelated to the substance of this bill.

<sup>81</sup> S. 189.062(1)(a)1.-3., F.S.

- The department determines the district failed to file certain specified reports,<sup>82</sup> including required financial reports.<sup>83</sup>
- The district has not had a registered office or agent on file with the department for one or more years.<sup>84</sup>
- The governing body of the district provides documentation to the department that it has unanimously adopted a resolution declaring the district inactive.<sup>85</sup>

After the department determines at least one of these criteria applies to the special district, a notice of the proposed declaration of inactive status may be published by the department, the county or municipality for the area where the district is located, or the district itself. The notice must be published in a newspaper of general circulation in the county or municipality where the special district is located, and a copy of the notice must be sent by certified mail to the registered agent or chair of the district's board.<sup>86</sup> The notice must include the name of the district, the law under which the district was organized and operating, a general description of the territory of the district, and a statement that any objections to the declaration must be filed pursuant to chapter 120, F.S.,<sup>87</sup> within 21 days after the publication date. If no objection is filed within the 21-day period, the department declares the district inactive.<sup>88</sup>

Additionally, a CRA must be declared inactive if it has reported no revenue, no expenditures, and no debt in its annual financial reports and annual financial audit reports for six consecutive fiscal years beginning on October 1, 2016.<sup>89</sup> The declaration must be delivered to the governing body or registered agent of the agency, unless the agency does not have one, in which case the declaration is delivered to the governing body of the county or municipality that created the CRA. Upon receipt of the declaration, the governing body of the CRA has 30 days to seek to invalidate the declaration by filing a petition for administrative hearing or filing for declaratory and injunctive relief in the circuit court.<sup>90</sup> A CRA that has been declared inactive may expend funds from the redevelopment trust fund only as necessary to service outstanding bond debt.<sup>91</sup>

After declaring a special district inactive, the department must send written notice of the declaration to the authorities that created the district.<sup>92</sup> This notification is intended to facilitate the process of dissolving districts that have been declared inactive.<sup>93</sup> For districts created by special act, the declaration of inactive status fulfills the constitutional notice requirement for the repeal of those special acts.<sup>94</sup> Current law also provides that the special acts creating or amending the charter of an inactive special district may be repealed by general law.<sup>95</sup>

A district declared inactive may not collect taxes, fees, or assessments until the declaration of invalid status is withdrawn, revoked by the department, or invalidated in an administrative proceeding or civil action.<sup>96</sup> Any property and assets of a special district declared inactive must first be used to pay any debts of the district,<sup>97</sup> and any remaining property or assets then escheat to the county or municipality in which the district is located. If the district's property or assets are insufficient to pay its outstanding debts, the county or municipality in which the district was located may assess and levy taxes within the territory of the inactive district as necessary to pay the remaining debt.

---

<sup>82</sup> S. 189.066, F.S.

<sup>83</sup> S. 189.062(1)(a)4., F.S. See ss. 189.016(9), 218.32, and 218.39, F.S.

<sup>84</sup> S. 189.062(1)(a)5., F.S.

<sup>85</sup> S. 189.062(1)(a)6., F.S.

<sup>86</sup> S. 189.062(1)(b), F.S.

<sup>87</sup> Chapter 120, F.S., is the Administrative Procedure Act.

<sup>88</sup> S. 189.062(1)(c), F.S.

<sup>89</sup> S. 163.3756(2)(a), F.S.

<sup>90</sup> S. 163.3756(2)(b), F.S.

<sup>91</sup> S. 163.3756(3), F.S.

<sup>92</sup> S. 189.062(3), F.S.

<sup>93</sup> See ss. 189.071(3) and 189.072(3), F.S.

<sup>94</sup> S. 189.062(3)(a), F.S.

<sup>95</sup> *Id.*

<sup>96</sup> S. 189.062(5), F.S.

<sup>97</sup> S. 189.062(2), F.S.



Declaring a special district inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature or the county or municipality that created the district.<sup>98</sup>

### Local Government Financial Reports and Audits

Florida law requires all units of local government, including special districts,<sup>99</sup> to complete annual financial reports and annual financial audit reports. Each district must submit its annual financial report to the Department of Financial Services (DFS) within nine months of the completion of its fiscal year.<sup>100</sup> If a district fails to file a completed annual financial report within the required period, DFS must notify the Legislative Auditing Committee and the Special District Accountability Program.<sup>101</sup>

Special districts with revenues or total expenditures and expenses exceeding \$100,000 must have an annual financial audit prepared by an independent certified public accountant, unless the district has been notified before the start of the fiscal year that the Auditor General will conduct a financial audit for that year.<sup>102</sup> Special districts with revenues (or a total of expenditures and expenses) between \$50,000 and \$100,000 are required to conduct a financial audit every three years.<sup>103</sup> The financial audit must be performed according to specific statutory criteria and the rules of the Auditor General.<sup>104</sup> The audit report for a dependent special district, except for a CRA with revenues (or a total of expenditures and expenses) in excess of \$100,000, may be included in the annual financial audit report of the county or municipality on which it is dependent. The audit report must be filed with the Auditor General within 45 days of its receipt by the district, but no later than nine months after the end of the fiscal year.<sup>105</sup>

The annual financial report and audit financial report for all special districts must specify separately:

- The total number of district employees compensated in the last pay period of the fiscal year being reported;
- The total number of independent contractors who received non-employee compensation during the last month of the fiscal year being reported;
- All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency;
- All compensation earned by or awarded to non-employee independent contractors, whether paid or accrued, regardless of contingency;
- Each construction project with a total cost of at least \$65,000 approved by the district to begin after October 1 of the fiscal year being reported and the total expenditures for the project; and
- A budget variance report<sup>106</sup> showing how district spending compared to the original budget for the year.<sup>107</sup>

The annual financial report and annual financial audit report of each independent special district that levies ad valorem taxes or non-ad valorem special assessments must include the rates of such levies, the total amount collected by the levies, and the total amount of all outstanding bonds issued by the district and the terms of such bonds.<sup>108</sup>

---

<sup>98</sup> S. 189.062(4), F.S.

<sup>99</sup> Section 189.016(9), F.S., requires all special districts to complete annual financial reports and annual financial audit reports.

<sup>100</sup> A district that is required to complete a financial audit report must submit both reports within 45 days of the completion of the audit report, but still no later than nine months after the completion of the fiscal year. S. 218.32(1)(d), F.S.

<sup>101</sup> S. 218.32(1)(f), F.S.

<sup>102</sup> S. 218.39(1), F.S.

<sup>103</sup> S. 218.39(1)(h), F.S.

<sup>104</sup> S. 218.39(2)-(7), F.S. See ch. 10.550, Local Governmental Entity Audits (9-30-2023), [https://flauditor.gov/pages/pdf\\_files/10\\_550.pdf](https://flauditor.gov/pages/pdf_files/10_550.pdf) (last visited Jan. 18, 2024).

<sup>105</sup> S. 218.39(7), F.S.

<sup>106</sup> A budget variance report sets out the difference between the budgeted amounts and actual expenses and revenues.

<sup>107</sup> S. 218.32(1)(e)2. and 3., F.S.

<sup>108</sup> S. 218.31(1)(e)4. and 5., F.S.

## Municipal Conversion of Independent Special Districts

Current law provides a process for an independent special district to convert to a municipality.<sup>109</sup> The electors of an independent special district can petition the governing body of the district to commence a municipal conversion if the independent special district is:

- Created by special act of the Legislature;
- Designated as an improvement district, created pursuant to ch. 298, F.S., or is designated as a stewardship district, created pursuant to s. 189.031, F.S.;
- Governed by an elected board that agrees to the conversion;
- Provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities; and
- Contains no territory located within the jurisdictional limits of an existing municipality.<sup>110</sup>

The petition must follow a statutorily-specified format and be signed by at least 40 percent of the qualified electors of the district no later than one year after the start of the qualified elector-initiated municipal conversion proceeding.<sup>111</sup> The petition must be filed with the governing body of the district and submitted to the supervisor of elections in the county where the district is located.<sup>112</sup> The supervisor of elections must certify to the governing body of the district the number of signatures by qualified electors within 30 business days of receipt.

Upon receiving a petition with a sufficient number of signatures, the governing body of the district must meet within 30 business days to prepare and adopt a proposed elector-initiated combined conversion and incorporation plan containing:

- The name of the independent special district to be converted to a municipality;
- The name of the municipality to be created;
- The conversion schedule;
- Certification by a licensed surveyor that the boundaries of the proposed municipality do not overlap with any other municipal boundary and are contained within a single county;
- The rights, duties, and obligations of the municipality, and a feasibility study that contains the requirements under the municipal incorporation statutes, except certain population thresholds usually required for municipal incorporation do not apply if the buildout of the land use allowed under the current county-approved comprehensive plan and zoning designations will meet the population and density requirements of the statute;<sup>113</sup>
- The territorial boundaries of the proposed municipality;
- The governmental organization of the proposed municipality and independent special district as the organization concerning elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;
- An accounting of the independent special district's assets, including, but not limited to, real and personal property, and the current value of the property;
- An accounting of the independent special district's liabilities and indebtedness, bonded and otherwise, and the current value of the liabilities and indebtedness;
- Terms for addressing the ownership and obligations related to existing assets, liabilities, and indebtedness of the independent special district;
- Terms for the common administration and uniform enforcement of existing laws within the proposed municipality;
- An estimated date for final payment of any bonded indebtedness of the independent special district, and if maintained by the district after incorporation, the estimated date of automatic dissolution of the independent special district;

---

<sup>109</sup> S. 165.0615, F.S.

<sup>110</sup> S. 165.0615(1), F.S.

<sup>111</sup> S. 165.0615(2), F.S.

<sup>112</sup> S. 165.0615(3), F.S.

<sup>113</sup> See s. 165.061(1)(b) and (d), F.S. [requiring an area proposed for municipal incorporation to have a population of at least 1,500 in counties with a population of 75,000 or less (at least 5,000 in counties with a population of more than 75,000), an average population density of 1.5 persons per acre, and a minimum distance of at least two miles from any existing municipality in the same county].

- The time and place for a public hearing on the proposed incorporation; and
- The effective date of the proposed incorporation.<sup>114</sup>

Within five business days after adopting the plan, the governing body of the district must:

- Provide a copy of the plan, as well as a descriptive summary, for public inspection in at least three public places within the district;
- Publish a copy of the plan, as well as a descriptive summary, to the district's website or a website maintained by the county in which the district is located; and
- Arrange for the publication of the descriptive summary and the list of locations where the plan may be reviewed in a newspaper of general circulation within the district at least once each week for four successive weeks.<sup>115</sup>

The district must conduct at least one public hearing on the plan.<sup>116</sup> All public hearings on the plan must be held on weekdays and may not occur until at least seven business days after the first advertisement about the plan is published. The district must also conduct a final public hearing and provide notice at least seven days before the hearing in a newspaper of general circulation.<sup>117</sup> The notice for the final public hearing must contain the descriptive summary of the plan and the list of locations where the plan may be reviewed.

Revisions to the plan made after the final hearing may only occur if those revisions comply with notice and public hearing requirements.<sup>118</sup> The governing body of the district must approve a final version within 60 business days after the final hearing. After the final hearing, the governing body of the district notifies the supervisor of elections, who schedules a date for the conversion referendum.<sup>119</sup> There must be at least 60 business days between the district's adoption of the plan and the referendum.<sup>120</sup>

The district must publish notice 30 days prior to the referendum.<sup>121</sup> The notice must be published at least twice, in the fifth and third weeks before the referendum. The notice must contain:

- A brief summary of the resolution and plan;
- A statement as to where the plan may be reviewed;
- The name of the district to be converted and a description of the territory included in the plan;
- The time and place where the referendum will be held; and
- Other matters necessary to call, provide for, and give notice of the referendum to provide for its conduct and the canvassing of the returns.<sup>122</sup>

If the referendum is approved, the district is governed as before until the effective date specified in the plan, at which point the new municipality is created.<sup>123</sup> If the referendum fails, the conversion process may not be re-initiated for at least two years after the date of the referendum.<sup>124</sup>

### Performance Reviews

Current law requires certain special districts to conduct performance reviews to evaluate the programs, activities, and functions of those districts, including:

- The purpose and goals as stated in the district's charter;
- The district's goals and objectives for each program and activity, the problem or need that the program or activity was designed to address, the expected benefits of each program and

---

<sup>114</sup> S. 165.0615(4), F.S.

<sup>115</sup> S. 165.0615(6), F.S.

<sup>116</sup> S. 165.0615(7), F.S.

<sup>117</sup> S. 165.0615(8), F.S.

<sup>118</sup> S. 165.0615(9), F.S.

<sup>119</sup> S. 165.0615(10), F.S.

<sup>120</sup> S. 165.0615(5), F.S.

<sup>121</sup> Ss. 100.342 and 165.0615(11), F.S.

<sup>122</sup> S. 165.0615(11), F.S.

<sup>123</sup> S. 165.0615(18), F.S.

<sup>124</sup> S. 165.0615(17), F.S.

activity, and the performance measures and standards used by the special district to determine if the program or activity achieves the district's goals and objectives;

- The delivery of services by the district, including alternative methods of providing those services that would reduce costs and improve performance;
- A comparison of similar services provided by the county and municipal governments located wholly or partially within its boundaries, including similarities and differences in services, relative costs and efficiencies, and possible service consolidations;
- The revenues and costs of programs and activities of the district, using data from the current year and the previous three fiscal years;
- The extent to which the district's goals and objectives have been achieved;
- Any performance measures and standards of the district's program and activities using data from the current year and the previous three fiscal years;
- Factors that have contributed to any failure to meet the district's performance measures and standards or achieve the district's goals and objectives; and
- Recommendations for statutory or budgetary changes to improve the district's program operations, reduce costs, or reduce duplication.<sup>125</sup>

All independent special fire control districts and each hospital governed by the governing body of a special district or the board of trustees of a public health trust must conduct a performance review every five years beginning October 1, 2022, and October 1, 2023, respectively.<sup>126</sup>

All fire control districts not located within a rural area of opportunity and all hospital districts must contract with an independent entity to conduct the performance review, while the Office of Program Policy Analysis and Government Accountability (OPPAGA) must conduct a performance review of each fire control district located within a rural area of opportunity. The completed performance review must be filed with the governing body of the district, the Auditor General, the President of the Senate, and the Speaker of the House of Representatives no later than nine months from the beginning of the fiscal year in which the report is due.

OPPAGA has also been directed to conduct performance reviews of all independent MCDs and soil and water conservation districts.<sup>127</sup> These reviews must be submitted to the President of the Senate and the Speaker of the House of Representatives by September 30, 2023, and September 30, 2024, respectively.

## **Effect of Proposed Changes**

### Term Limits

The bill establishes a term limit of 12 years for members of an elected body governing an independent special district, unless the district's charter provides for more restrictive terms of office. Any term of office that commenced before November 5, 2024, does not count toward the limitation created by the bill. This provision does not apply to the governing body of a CDD or any independent special district created by special act that provides any amendment to ch. 190, F.S., to grant additional powers constitutes a power of the district, and does not require an independent special district governed by an appointed governing body to convert to an elected body.

### Special District Boundaries

The bill provides that the boundaries of an independent special district may only be changed by general law or a special act. This provision does not apply to CDDs. The bill also makes a conforming change to provisions concerning the boundaries of MCDs.

### Inactive Special Districts

---

<sup>125</sup> S. 189.0695(1), F.S.

<sup>126</sup> S. 189.0695(2), F.S.

<sup>127</sup> S. 189.0695(3), F.S.

The bill revises the criteria for declaring a special district inactive to include:

- Any independent special district or CRA that has reported no revenue, no expenditures, and no debt pursuant to current reporting requirements<sup>128</sup> for at least five consecutive fiscal years beginning no earlier than October 1, 2018;<sup>129</sup> or
- For MCDs, any district for which the department has received notice from DACS that the district has failed to file a tentative work plan and tentative detailed work plan budget.

For a dependent special district with a governing body that is not identical to a single county or municipality, the bill requires the department to provide notice by certified mail of the proposed declaration of inactive status to the governing body of the county or municipality of which the district is dependent.

The bill extends the period to file an objection pursuant to ch. 120, F.S., to a proposed declaration from 21 days to 30 days and provides that the objection may include that the special district has outstanding debt obligations that are not included in the annual financial report or annual financial audit report.

The bill provides that a special district declared inactive may only expend funds as necessary to service outstanding debt and to meet the requirements of existing bond covenants and contractual obligations.

The bill repeals s. 163.3756, F.S., to make provisions concerning CRAs consistent with those that apply to other types of special districts.

#### Municipal Conversion of Independent Special Districts

The bill repeals s. 165.0615, F.S., which allows a special district to convert itself into a municipality without approval by the Legislature.

#### Performance Measures and Standards

The bill requires each special district to establish goals and objectives for each program and activity undertaken by the district, as well as performance measures and standards to determine if the district's goals and objectives are being achieved by October 1, 2024, or the end of the first full fiscal year after its creation, whichever is later. Each district is required to prepare an annual report by October 1 of each year thereafter describing the goals and objectives achieved by the district, as well as performance measures and standards used by the district to make this determination, and any goals or objectives the district failed to achieve.

The bill requires the Florida Coordinating Council on Mosquito Control within DACS to develop model goals, objectives, and performance measures for MCDs by August 30, 2024.

#### Community Development Districts

The bill requires any petition to create a CDD to include a sworn affidavit, signed by the petitioner, attesting that the planned development of the proposed district will contain sufficient residential units for at least 250 qualified electors within a proposed district of 5,000 acres or less, or at least 500 qualified electors within a proposed district exceeding 5,000 acres or a compact, urban, mixed-use district, which is the number of electors required to transition to a board elected by the electors of the CDD.

#### Independent Special Fire Control Districts

By October 1 of each year, the bill requires all independent special fire control districts to report to the Division of State Fire Marshal whether each district's firefighters and volunteer firefighters have completed the required training and certifications established by the division.

---

<sup>128</sup> See ss. 189.016 and 215.32, F.S.

<sup>129</sup> This provision does not apply to CDDs or any independent special district created by special act that provides any amendment to ch. 190, F.S., to grant additional powers constitutes a power of the district.

### Mosquito Control Districts

The bill reduces the maximum ad valorem millage rate that may be levied by an MCD from 10 mills to one mill.

The bill requires all MCDs to perform the prerequisites for approval for the receipt of state funds for arthropod control from DACS by filing a tentative work plan and tentative detailed work plan budget. If the district fails to submit a tentative work plan and tentative detailed work plan budget, DACS must send notice of such failure to the department within 30 days.

### Neighborhood Improvement Districts

The bill prohibits the creation of new NIDs effective July 1, 2024, and provides that NIDs created before this date may continue to operate as provided by current law.

The bill directs OPPAGA to conduct a performance review of NIDs to be completed by September 30, 2025.

## B. SECTION DIRECTORY:

Section 1: Repeals s. 163.3756, F.S., relating to inactive CRAs.

Section 2: Amends s. 163.504, F.S., relating to NIDs; formation authorized by ordinance; jurisdictional boundaries; prohibition on future creation.

Section 3: Repeals s. 165.0615, F.S., relating to municipal conversion of independent special districts upon elector-initiated and approved referendum.

Section 4: Creates s. 189.0312, F.S., relating to independent special districts; term of office.

Section 5: Creates s. 189.0313, F.S., relating to independent special districts; boundaries.

Section 6: Amends s. 189.062, F.S., relating to special procedures for inactive districts.

Section 7: Creates s. 189.0694, F.S., relating to special districts; performance measures and standards.

Section 8: Amends s. 189.0695, F.S., relating to independent special districts; performance reviews.

Section 9: Amends s. 190.005, F.S., relating to establishment of CDDs.

Section 10: Amends s. 191.013, F.S., relating to intergovernmental coordination.

Section 11: Amends s. 388.211, F.S., relating to change in district boundaries.

Section 12: Amends s. 388.221, F.S., relating to tax levy.

Section 13: Amends s. 388.271, F.S., relating to prerequisites to participation.

Section 14: Amends s. 388.46, F.S., relating to Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.

Section 15: Provides an effective date of July 1, 2024.

## 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 on the department to the extent there are costs associated with declaring additional special districts inactive under the provisions of the bill. Additionally, the bill may require expenditures by DACS to develop model goals, objectives, and performance measures and standards.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The Revenue Estimating Conference has not estimated the potential revenue impacts of the bill on local government revenues. Staff estimates that there is no impact on local government revenues because it appears none currently levy ad valorem taxes in excess of 1 mill.

2. Expenditures:

The bill may have a negative fiscal impact on special districts if expenditures are incurred to hire and train additional staff in order to comply with additional reporting requirements created by the bill.

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

None.

**D. FISCAL COMMENTS:**

OPPAGA will incur expenditures related to conducting performance reviews of NIDs.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

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

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

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 17, 2024, the Ways & Means Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Removed the requirement that voters reauthorize independent special districts that levy ad valorem taxes;
- Removed the requirement that a district be declared inactive for having unresolved audit findings for three consecutive audit reports;

- Clarified that districts declared inactive may continue to expend funds as necessary to meet the requirements of bond covenants and other contractual obligations;
- Provided that the boundaries of most types of independent special districts may only be changed by an act of the Legislature; and
- Reduced the maximum ad valorem millage rate that may be levied by a mosquito control district from 10 mills to one mill.

The analysis is drafted to the committee substitute as passed by the Ways & Means Committee.



1                   A bill to be entitled  
2           An act relating to special districts; repealing s.  
3           163.3756, F.S., relating to inactive community  
4           redevelopment agencies; amending s. 163.504, F.S.;  
5           prohibiting the creation of new neighborhood  
6           improvement districts after a date certain; repealing  
7           s. 165.0615 F.S., relating to municipal conversion of  
8           independent special districts upon elector-initiated  
9           and approved referendum; creating s. 189.0312, F.S.;  
10          providing term limits for elected members of governing  
11          bodies of independent special districts; providing an  
12          exception; providing construction; creating s.  
13          189.0313, F.S.; providing the method for changing  
14          boundaries of an independent special district;  
15          providing an exception; amending s. 189.062, F.S.;  
16          providing additional criteria for declaring a special  
17          district inactive; requiring certain special districts  
18          to provide notice of a proposed declaration of  
19          inactive status in the county or municipality under  
20          certain circumstances; revising the time period for  
21          filing an objection to a proposed declaration;  
22          authorizing a specific objection; providing that a  
23          district declared inactive may only expend funds as  
24          necessary to service outstanding debt and to comply  
25          with existing bond covenants and contractual

26 obligations; creating s. 189.0694, F.S.; requiring  
27 special districts to establish performance measures to  
28 assess performance; requiring special districts to  
29 publish an annual report concerning performance  
30 measures; amending s. 189.0695, F.S.; requiring the  
31 Office of Program Policy Analysis and Governmental  
32 Accountability to conduct performance reviews;  
33 amending s. 190.005, F.S.; requiring the petition for  
34 creation of a community development district to  
35 contain specified information; amending s. 191.013,  
36 F.S.; requiring independent special fire control  
37 districts to annually report training information to  
38 the Division of State Fire Marshal; amending s.  
39 388.211, F.S.; providing the boundaries of a mosquito  
40 control district may only be changed by special act;  
41 amending s. 388.221, F.S.; reducing the maximum  
42 millage rate for mosquito control districts; amending  
43 s. 388.271, F.S.; requiring, instead of authorizing,  
44 special districts to file tentative work plans and  
45 work plan budgets at specified intervals; requiring  
46 the Department of Agriculture and Consumer Services to  
47 report to the Department of Commerce if certain  
48 special districts fail to submit specified  
49 information; amending s. 388.46, F.S.; requiring the  
50 Florida Coordinating Council on Mosquito Control to

51 |       establish model measures to assist districts in  
 52 |       conducting performance monitoring; providing an  
 53 |       effective date.

54 |  
 55 | Be It Enacted by the Legislature of the State of Florida:

56 |  
 57 |       Section 1. Section 163.3756, Florida Statutes, is  
 58 | repealed.

59 |       Section 2. Section 163.504, Florida Statutes, is amended  
 60 | to read:

61 |       163.504 Safe neighborhood improvement districts; formation  
 62 | authorized by ordinance; jurisdictional boundaries; prohibition  
 63 | on future creation.—

64 |       (1) The governing body of any municipality or county may  
 65 | authorize the formation of safe neighborhood improvement  
 66 | districts through the adoption of a planning ordinance which  
 67 | specifies that such districts may be created by one or more of  
 68 | the methods established in ss. 163.506, 163.508, 163.511, and  
 69 | 163.512. No district may overlap the jurisdictional boundaries  
 70 | of a municipality and the unincorporated area of a county,  
 71 | except by interlocal agreement.

72 |       (2) A safe neighborhood improvement district may not be  
 73 | created on or after July 1, 2024. A safe neighborhood  
 74 | improvement district in existence before July 1, 2024, may  
 75 | continue to operate as provided in this part.

76           Section 3. Section 165.0615, Florida Statutes, is  
 77 repealed.

78           Section 4. Section 189.0312, Florida Statutes, is created  
 79 to read:

80           189.0312 Independent special districts; term of office.-

81           (1) A member of an elected governing body of an  
 82 independent special district may not serve for more than 12  
 83 consecutive years, unless the district's charter provides for  
 84 more restrictive terms of office. Service of a term of office  
 85 that commenced before November 5, 2024, does not count toward  
 86 the limitation imposed by this subsection.

87           (2) This section does not apply to a community development  
 88 district established under chapter 190, or an independent  
 89 special district created pursuant to a special act that provides  
 90 that any amendment to chapter 190 to grant additional powers  
 91 constitutes a power of the district.

92           (3) This section does not require an independent special  
 93 district governed by an appointed governing body to convert to  
 94 an elected governing body.

95           Section 5. Section 189.0313, Florida Statutes, is created  
 96 to read:

97           189.0313 Independent special districts; boundaries;  
 98 exception.-Notwithstanding any special law or general law of  
 99 local application to the contrary, the boundaries of an  
 100 independent special district shall only be changed by general

101 law or special act. This section does not apply to a community  
102 development district established pursuant to chapter 190.

103 Section 6. Subsections (1) and (2) of section 189.062,  
104 Florida Statutes, are amended to read:

105 189.062 Special procedures for inactive districts.—

106 (1) The department shall declare inactive any special  
107 district in this state by documenting that:

108 (a) The special district meets one of the following  
109 criteria:

110 1. The registered agent of the district, the chair of the  
111 governing body of the district, or the governing body of the  
112 appropriate local general-purpose government notifies the  
113 department in writing that the district has taken no action for  
114 2 or more years;

115 2. The registered agent of the district, the chair of the  
116 governing body of the district, or the governing body of the  
117 appropriate local general-purpose government notifies the  
118 department in writing that the district has not had a governing  
119 body or a sufficient number of governing body members to  
120 constitute a quorum for 2 or more years;

121 3. The registered agent of the district, the chair of the  
122 governing body of the district, or the governing body of the  
123 appropriate local general-purpose government fails to respond to  
124 an inquiry by the department within 21 days;

125 4. The department determines, pursuant to s. 189.067, that

126 | the district has failed to file any of the reports listed in s.  
 127 | 189.066;

128 |         5. The district has not had a registered office and agent  
 129 | on file with the department for 1 or more years; ~~or~~

130 |         6. The governing body of a special district provides  
 131 | documentation to the department that it has unanimously adopted  
 132 | a resolution declaring the special district inactive. The  
 133 | special district is responsible for payment of any expenses  
 134 | associated with its dissolution;~~or~~

135 |         7. The district is an independent special district or a  
 136 | community redevelopment district created under part III of  
 137 | chapter 163 that has reported no revenue, no expenditures, and  
 138 | no debt under s. 189.016(9) or s. 218.32 for at least 5  
 139 | consecutive fiscal years beginning no earlier than October 1,  
 140 | 2018. This subparagraph does not apply to a community  
 141 | development district established under chapter 190 or to any  
 142 | independent special district operating pursuant to a special act  
 143 | that provides that any amendment to chapter 190 to grant  
 144 | additional powers constitutes a power of that district; or

145 |         8. For a mosquito control district created pursuant to  
 146 | chapter 388, the department has received notice from the  
 147 | Department of Agriculture and Consumer Services that the  
 148 | district has failed to file a tentative work plan and tentative  
 149 | detailed work plan budget as required by s. 388.271.

150 |         (b) The department, special district, or local general-

151 purpose government has published a notice of proposed  
152 declaration of inactive status in a newspaper of general  
153 circulation in the county or municipality in which the territory  
154 of the special district is located and has sent a copy of such  
155 notice by certified mail to the registered agent or chair of the  
156 governing body, if any. If the special district is a dependent  
157 special district with a governing body that is not identical to  
158 the governing body of a single county or a single municipality,  
159 a copy of such notice must also be sent by certified mail to the  
160 governing body of the county or municipality on which the  
161 district is dependent. Such notice must include the name of the  
162 special district, the law under which it was organized and  
163 operating, a general description of the territory included in  
164 the special district, and a statement that any objections must  
165 be filed pursuant to chapter 120 within 30 ~~21~~ days after the  
166 publication date. The objections may include that the special  
167 district has outstanding debt obligations that are not included  
168 in reports required under s. 189.016(9) or s. 218.32.

169 (c) Thirty ~~Twenty-one~~ days have elapsed from the  
170 publication date of the notice of proposed declaration of  
171 inactive status and no administrative appeals were filed.

172 (2) If any special district is declared inactive pursuant  
173 to this section, the district may only expend funds as necessary  
174 to service outstanding debt and to comply with existing bond  
175 covenants and other contractual obligations. The property or

CS/HB 7013

2024

176 assets of the special district are subject to legal process for  
177 payment of any debts of the district. After the payment of all  
178 the debts of said inactive special district, the remainder of  
179 its property or assets shall escheat to the county or  
180 municipality wherein located. If, however, it shall be  
181 necessary, in order to pay any such debt, to levy any tax or  
182 taxes on the property in the territory or limits of the inactive  
183 special district, the same may be assessed and levied by order  
184 of the local general-purpose government wherein the same is  
185 situated and shall be assessed by the county property appraiser  
186 and collected by the county tax collector.

187 Section 7. Section 189.0694, Florida Statutes, is created  
188 to read:

189 189.0694 Special districts; performance measures and  
190 standards.-

191 (1) Beginning October 1, 2024, or by the end of the first  
192 full fiscal year after its creation, whichever is later, each  
193 special district must establish goals and objectives for each  
194 program and activity undertaken by the district, as well as  
195 performance measures and standards to determine if the  
196 district's goals and objectives are being achieved.

197 (2) By October 1 of each year thereafter, each special  
198 district must publish an annual report on the district's website  
199 describing:

200 (a) The goals and objectives achieved by the district, as



201 well as the performance measures and standards used by the  
202 district to make this determination.

203 (b) Any goals or objectives the district failed to  
204 achieve.

205 Section 8. Paragraph (c) is added to subsection (3) of  
206 section 189.0695, Florida Statutes, to read:

207 189.0695 Independent special districts; performance  
208 reviews.—

209 (3) The Office of Program Policy Analysis and Government  
210 Accountability must conduct a performance review of all  
211 independent special districts within the classifications  
212 described in paragraphs (a), ~~and~~ (b), and (c) and may contract  
213 as needed to complete the requirements of this subsection. The  
214 Office of Program Policy Analysis and Government Accountability  
215 shall submit the final report of the performance review to the  
216 President of the Senate and the Speaker of the House of  
217 Representatives as follows:

218 (c) For all safe neighborhood improvement districts as  
219 defined in s. 163.503(1), no later than September 30, 2025.

220 Section 9. Paragraph (a) of subsection (1) of section  
221 190.005, Florida Statutes, is amended to read:

222 190.005 Establishment of district.—

223 (1) The exclusive and uniform method for the establishment  
224 of a community development district with a size of 2,500 acres  
225 or more shall be pursuant to a rule, adopted under chapter 120

226 | by the Florida Land and Water Adjudicatory Commission, granting  
 227 | a petition for the establishment of a community development  
 228 | district.

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

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

241 |             2. The written consent to the establishment of the  
 242 | district by all landowners whose real property is to be included  
 243 | in the district or documentation demonstrating that the  
 244 | petitioner has control by deed, trust agreement, contract, or  
 245 | option of 100 percent of the real property to be included in the  
 246 | district, and when real property to be included in the district  
 247 | is owned by a governmental entity and subject to a ground lease  
 248 | as described in s. 190.003(14), the written consent by such  
 249 | governmental entity.

250 |             3. A designation of five persons to be the initial members

251 of the board of supervisors, who shall serve in that office  
 252 until replaced by elected members as provided in s. 190.006.

253 4. The proposed name of the district.

254 5. A map of the proposed district showing current major  
 255 trunk water mains and sewer interceptors and outfalls if in  
 256 existence.

257 6. Based upon available data, the proposed timetable for  
 258 construction of the district services and the estimated cost of  
 259 constructing the proposed services. These estimates shall be  
 260 submitted in good faith but are not binding and may be subject  
 261 to change.

262 7. A designation of the future general distribution,  
 263 location, and extent of public and private uses of land proposed  
 264 for the area within the district by the future land use plan  
 265 element of the effective local government comprehensive plan of  
 266 which all mandatory elements have been adopted by the applicable  
 267 general-purpose local government in compliance with the  
 268 Community Planning Act.

269 8. A statement of estimated regulatory costs in accordance  
 270 with the requirements of s. 120.541.

271 9. A sworn affidavit, signed by the petitioner, attesting  
 272 that the planned development of the proposed district will  
 273 contain sufficient residential units for at least 250 qualified  
 274 electors within a proposed district of 5,000 acres or less, or  
 275 at least 500 qualified electors within a proposed district

276 exceeding 5,000 acres or a compact, urban, mixed-use district.

277 Section 10. Subsection (3) is added to section 191.013,  
278 Florida Statutes, to read:

279 191.013 Intergovernmental coordination.—

280 (3) By October 1 of each year, each independent special  
281 fire control district shall report to the Division of State Fire  
282 Marshal whether each of the district's firefighters and  
283 volunteer firefighters have completed the required trainings and  
284 certifications established by the division pursuant to s.  
285 633.408.

286 Section 11. Section 388.211, Florida Statutes, is amended  
287 to read:

288 388.211 Change in district boundaries.—

289 ~~(1) The boundaries of each district may only be changed by~~  
290 ~~a special act of the Legislature The board of commissioners of~~  
291 ~~any district formed prior to July 1, 1980, may, for and on~~  
292 ~~behalf of the district or the qualified electors within or~~  
293 ~~without the district, request that the board of county~~  
294 ~~commissioners in each county having land within the district~~  
295 ~~approve a change in the boundaries of the district.~~

296 ~~(2) If the board of county commissioners approves such~~  
297 ~~change, an amendment shall be made to the order creating the~~  
298 ~~district to conform with the boundary change.~~

299 Section 12. Subsection (1) of section 388.221, Florida  
300 Statutes, is amended to read:

301           388.221 Tax levy.—  
 302           (1) The board of commissioners of such district may levy  
 303 upon all of the real and personal taxable property in said  
 304 district a special tax not exceeding 1 mill ~~10 mills~~ on the  
 305 dollar during each year as maintenance tax to be used solely for  
 306 the purposes authorized and prescribed by this chapter. Said  
 307 board shall by resolution certify to the property appraiser of  
 308 the county in which the property is situate, timely for the  
 309 preparation of the tax roll, the tax rate to be applied in  
 310 determining the amount of the district's annual maintenance tax.  
 311 Certified copies of such resolution executed in the name of said  
 312 board by its chair and secretary and under its corporate seal  
 313 shall be made and delivered to the property appraiser and the  
 314 board of county commissioners of the county in which such  
 315 district is located, and to the Department of Revenue not later  
 316 than September 30 of such year. The property appraiser of said  
 317 county shall assess and the tax collector of said county shall  
 318 collect the amount of taxes so assessed and levied by said board  
 319 of commissioners of said district upon all of the taxable real  
 320 and personal property in said district at the rate of taxation  
 321 adopted by said board for said year and included in said  
 322 resolution, and said levy shall be included in the warrants of  
 323 the property appraiser and attached to the assessment roll of  
 324 taxes for said county each year. The tax collector shall collect  
 325 such taxes so levied by said board in the same manner as other

326 taxes are collected and shall pay the same within the time and  
 327 in the manner prescribed by law to the treasurer of said board.  
 328 The Department of Revenue shall assess and levy on all the  
 329 railroad lines and railroad property and telegraph and telephone  
 330 lines and telegraph and telephone property situated in said  
 331 district in the amount of each such levy as in case of other  
 332 state and county taxes and shall collect said taxes thereon in  
 333 the same manner as it is required by law to assess and collect  
 334 taxes for state and county purposes and remit the same to the  
 335 treasurer of said board. All such taxes shall be held by said  
 336 treasurer for the credit of said board and paid out by him or  
 337 her as ordered by said board.

338 Section 13. Subsection (1) of section 388.271, Florida  
 339 Statutes, is amended and subsection (3) of that section is  
 340 added, to read:

341 388.271 Prerequisites to participation.—

342 (1) When state funds are involved, it is the duty of the  
 343 department to guide, review, approve, and coordinate the  
 344 activities of all county governments and special districts  
 345 receiving state funds in furtherance of the goal of integrated  
 346 arthropod control. Each county ~~or district~~ eligible to  
 347 participate ~~hereunder~~ may, and each district must, begin  
 348 participation on October 1 of any year by filing with the  
 349 department not later than July 15 a tentative work plan and  
 350 tentative detailed work plan budget providing for the control of

351 arthropods. Following approval of the plan and budget by the  
 352 department, two copies of the county's or district's certified  
 353 budget based on the approved work plan and detailed work plan  
 354 budget shall be submitted to the department by September 30  
 355 following. State funds, supplies, and services shall be made  
 356 available to such county or district by and through the  
 357 department immediately upon release of funds by the Executive  
 358 Office of the Governor.

359 (3) If a special district fails to submit a tentative work  
 360 plan and tentative detailed work plan budget as required by  
 361 subsection (1), the department shall send notice of such failure  
 362 to the Department of Commerce within 30 days.

363 Section 14. Paragraph (c) of subsection (2) of section  
 364 388.46, Florida Statutes, is amended to read:

365 388.46 Florida Coordinating Council on Mosquito Control;  
 366 establishment; membership; organization; responsibilities.—

367 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

368 (c) Responsibilities.—The council shall:

369 1. Develop and implement guidelines to assist the  
 370 department in resolving disputes arising over the control of  
 371 arthropods on publicly owned lands.

372 2. Develop and recommend to the department a request for  
 373 proposal process for arthropod control research.

374 3. Identify potential funding sources for research or  
 375 implementation projects and evaluate and prioritize proposals

CS/HB 7013

2024

376 upon request by the funding source.

377 4. Prepare and present reports, as needed, on arthropod  
378 control activities in the state to other governmental  
379 organizations, as appropriate.

380 5. By August 30, 2024, develop model goals, objectives,  
381 and performance measures and standards to assist mosquito  
382 control districts in conducting performance monitoring pursuant  
383 to s. 189.0694.

384 Section 15. This act shall take effect July 1, 2024.



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: State Affairs Committee  
 2 Representative Griffitts offered the following:

**Amendment (with title amendment)**

Between lines 58 and 59, insert:

Section 1. Paragraph (b) of subsection (1) of section  
163.387, Florida Statutes, is amended to read:

163.387 Redevelopment trust fund.—

(1)

(b)1. For any governing body that has not authorized by  
 June 5, 2006, a study to consider whether a finding of necessity  
 resolution pursuant to s. 163.355 should be adopted, has not  
 adopted a finding of necessity resolution pursuant to s. 163.355  
 by March 31, 2007, has not adopted a community redevelopment  
 plan by June 7, 2007, and was not authorized to exercise  
 community redevelopment powers pursuant to a delegation of

Amendment No.

17 authority under s. 163.410 by a county that has adopted a home  
18 rule charter, the amount of tax increment to be contributed by  
19 any taxing authority shall be limited as follows:

20 a. If a taxing authority imposes a millage rate that  
21 exceeds the millage rate imposed by the governing body that  
22 created the trust fund, the amount of tax increment to be  
23 contributed by the taxing authority imposing the higher millage  
24 rate shall be calculated using the millage rate imposed by the  
25 governing body that created the trust fund. Nothing shall  
26 prohibit any taxing authority from voluntarily contributing a  
27 tax increment at a higher rate for a period of time as specified  
28 by interlocal agreement between the taxing authority and the  
29 community redevelopment agency.

30 b. At any time more than 24 years after the fiscal year in  
31 which a taxing authority made its first contribution to a  
32 redevelopment trust fund, by resolution effective no sooner than  
33 the next fiscal year and adopted by majority vote of the taxing  
34 authority's governing body at a public hearing held not less  
35 than 30 or more than 45 days after written notice by registered  
36 mail to the community redevelopment agency and published in a  
37 newspaper of general circulation in the redevelopment area, the  
38 taxing authority may limit the amount of increment contributed  
39 by the taxing authority to the redevelopment trust fund to the  
40 amount of increment the taxing authority was obligated to  
41 contribute to the redevelopment trust fund in the fiscal year

276939 - h7013-line58.docx

Published On: 1/22/2024 6:05:45 PM

Amendment No.

42 immediately preceding the adoption of such resolution, plus any  
43 increase in the increment after the adoption of the resolution  
44 computed using the taxable values of any area which is subject  
45 to an area reinvestment agreement. As used in this subparagraph,  
46 the term "area reinvestment agreement" means an agreement  
47 between the community redevelopment agency and a private party,  
48 with or without additional parties, which provides that the  
49 increment computed for a specific area shall be reinvested in  
50 services or public or private projects, or both, including debt  
51 service, supporting one or more projects consistent with the  
52 community redevelopment plan that is identified in the agreement  
53 to be constructed within that area. Any such reinvestment  
54 agreement must specify the estimated total amount of public  
55 investment necessary to provide the projects or services, or  
56 both, including any applicable debt service. The contribution to  
57 the redevelopment trust fund of the increase in the increment of  
58 any area that is subject to an area reinvestment agreement  
59 following the passage of a resolution as provided in this sub-  
60 subparagraph shall cease when the amount specified in the area  
61 reinvestment agreement as necessary to provide the projects or  
62 services, or both, including any applicable debt service, has  
63 been invested.

64 c. A community redevelopment area may not receive more  
65 than 10 percent of the taxing authority's budgeted ad-valorem  
66 revenue for each fiscal year. If the taxing authority's

Amendment No.

67 contribution is insufficient to pay all bonds, notes, or other  
68 forms of indebtedness pledging increment revenues to the  
69 repayment of those bonds, notes, or other forms of indebtedness  
70 made before July 1, 2024, the taxing authority's contribution  
71 shall include such additional amounts as necessary to service  
72 all such indebtedness.

73 2. For any community redevelopment agency that was not  
74 created pursuant to a delegation of authority under s. 163.410  
75 by a county that has adopted a home rule charter and that  
76 modifies its adopted community redevelopment plan after October  
77 1, 2006, in a manner that expands the boundaries of the  
78 redevelopment area, the amount of increment to be contributed by  
79 any taxing authority with respect to the expanded area shall be  
80 limited as set forth in sub-subparagraphs 1.a. and b.

81

82

-----

83

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

84

Remove line 4 and insert:

85

redevelopment agencies; amending s. 163.387, F.S.; prohibiting a

86

community redevelopment area from receiving more than a

87

specified percentage of the taxing authority's budgeted ad-

88

valorem revenue; providing an exception; amending s. 163.504,

89

F.S.;

90

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: State Affairs Committee  
 2 Representative Persons-Mulicka offered the following:

**Amendment (with title amendment)**

Remove lines 197-276 and insert:

6 (2) By December 1 of each year thereafter, each special  
 7 district must publish an annual report on the district's website  
 8 describing:

9 (a) The goals and objectives achieved by the district, as  
 10 well as the performance measures and standards used by the  
 11 district to make this determination.

12 (b) Any goals or objectives the district failed to  
 13 achieve.

14 Section 8. Paragraph (c) is added to subsection (3) of  
 15 section 189.0695, Florida Statutes, to read:

Amendment No.

16 189.0695 Independent special districts; performance  
17 reviews.—

18 (3) The Office of Program Policy Analysis and Government  
19 Accountability must conduct a performance review of all  
20 independent special districts within the classifications  
21 described in paragraphs (a), ~~and~~ (b), and (c) and may contract  
22 as needed to complete the requirements of this subsection. The  
23 Office of Program Policy Analysis and Government Accountability  
24 shall submit the final report of the performance review to the  
25 President of the Senate and the Speaker of the House of  
26 Representatives as follows:

27 (c) For all safe neighborhood improvement districts as  
28 defined in s. 163.503(1), no later than September 30, 2025.

29 Section 9. Paragraph (a) of subsection (1) of section  
30 190.005, Florida Statutes, is amended to read:

31 190.005 Establishment of district.—

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

38 (a) A petition for the establishment of a community  
39 development district shall be filed by the petitioner with the

Amendment No.

40 Florida Land and Water Adjudicatory Commission. The petition  
41 shall contain:

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

50 2. The written consent to the establishment of the  
51 district by all landowners whose real property is to be included  
52 in the district or documentation demonstrating that the  
53 petitioner has control by deed, trust agreement, contract, or  
54 option of 100 percent of the real property to be included in the  
55 district, and when real property to be included in the district  
56 is owned by a governmental entity and subject to a ground lease  
57 as described in s. 190.003(14), the written consent by such  
58 governmental entity.

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

62 4. The proposed name of the district.

Amendment No.

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

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

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

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

80 9. A sworn affidavit, signed by the petitioner, attesting  
81 that a majority of the acreage within the district will be used  
82 for residential development.

83 Section 10. Section 190.047, Florida Statutes, is repealed.  
84

85 -----

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

87 Remove line 35 and insert:

768677 - h7013-line197.docx

Published On: 1/22/2024 5:15:30 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7013 (2024)

Amendment No.

88 | contain specified information; repealing s. 190.047, F.S.,  
89 | relating to incorporation or annexation of a district; amending  
90 | s. 191.013,



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HJR 7017      PCB WMC 24-02      Annual Adjustment to Homestead Exemption Value

**SPONSOR(S):** Ways & Means Committee, Buchanan

**TIED BILLS:** HB 7019      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Ways & Means Committee	16 Y, 8 N	Rexford	Aldridge
1) State Affairs Committee		Burgess	Williamson

**SUMMARY ANALYSIS**

The Florida Constitution requires all property to be assessed at just value (fair market value) as of January 1 of each year for purposes of ad valorem taxation. Ad valorem assessments are used to calculate property taxes that fund counties, municipalities, district school boards and special districts. The taxable value against which local governments levy tax rates each year reflects the just value as reduced by any applicable exemptions allowed by the Florida Constitution. One such exemption is on the assessed value between \$50,000 and \$75,000, which is exempt from all ad valorem taxes other than school district taxes.

This joint resolution proposes an amendment to the Florida Constitution requiring the \$25,000 of assessed value, which is exempt from all ad valorem taxes other than school district taxes, be adjusted annually for inflation. It would also apply to any future homestead exemption applying only to ad valorem taxes, other than school district taxes, if approved by the voters, and would begin on January 1, 2025.

The joint resolution, if passed by the legislature, would be considered by the electorate at the 2024 general election and, if approved by 60 percent of the electors voting on the measure, the joint resolution would take effect on January 1, 2025.

The Revenue Estimating Conference met on January 19, 2024, to discuss the potential revenue impacts of the bill; however, those results are not yet available. Staff estimates that if voters approve the proposed constitutional amendment, the impact on non-school local government property taxes in Fiscal Year (FY) 2025-26 (the first year of implementation) would be approximately -\$23 million, growing to approximately -\$173 million in FY 2030-31, assuming current tax rates.

**A joint resolution proposing an amendment or revision to the Florida Constitution requires a three-fifths vote of the membership of each house of the Legislature to appear on the next general election ballot.**

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Current Situation**

##### Ad Valorem Taxes

The Florida Constitution reserves ad valorem taxation to local governments and prohibits the state from levying ad valorem taxes on real and tangible personal property.<sup>1</sup> Ad valorem taxes are annual taxes levied by counties, municipalities, school districts, and certain special districts. These taxes are based on the just value (fair market value) of real and tangible property as determined by county property appraisers on January 1 of each year.<sup>2</sup> The just value may be subject to limitations, such as the “Save Our Homes” limitation on homestead property assessment increases.<sup>3</sup> The value arrived at after accounting for applicable limitations is known as the assessed value. Property appraisers then calculate the taxable value by reducing the assessed value in accordance with any applicable exemptions, such as the exemptions for homestead property.<sup>4</sup> Each year, local governing boards levy millage rates (i.e., tax rates) on the taxable value to generate the property tax revenue contemplated in their annual budgets.

##### Homestead Exemptions

Certain homestead exemptions are specified in Article VII, Section 6 of the Florida Constitution, which provides that every person who holds legal or equitable title to real estate and uses said real estate as a permanent residence for themselves, or a legal or natural dependent, is entitled to exemption from taxes on the first \$25,000 in assessed value.<sup>5</sup> In 2008, Florida voters amended this provision to include an additional \$25,000 exemption from all ad valorem taxes, other than school district taxes, on the assessed value greater than \$50,000.<sup>6</sup> Overall, the assessed value of \$50,000 up to \$75,000 is exempt from all taxes other than school district taxes. Currently, this assessed value amount is not adjusted annually for inflation.

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

This joint resolution proposes an amendment to Article VII, Section 6(a) of the Florida Constitution requiring the existing \$25,000 assessed value amount, which is exempt from all ad valorem taxes other than school district taxes, be adjusted annually for inflation.<sup>7</sup> This inflation adjustment provision would also apply to any future homestead exemption applying only to ad valorem taxes, other than school district taxes, if approved by the voters, and would begin on January 1, 2025.

The joint resolution, if passed by the Legislature, would place the amendment on the ballot at the 2024 general election, or an earlier special election held for the purpose of proposing the amendment to the voters,<sup>8</sup> where 60 percent of the electors voting on the measure must approve it for passage.<sup>9</sup> If approved, the amendment would take effect on January 1, 2025.

---

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

<sup>2</sup> Art. VII, s. 4., Fla. Const.

<sup>3</sup> See *generally* s. 193.155, F.S.

<sup>4</sup> S. 196.031, F.S.

<sup>5</sup> Art. VII s. 6., Fla. Const.

<sup>6</sup> *Id.*

<sup>7</sup> The annual inflation adjustment calculation uses the same Consumer Price Index metric as used for the Save Our Homes calculation in Art. VII, s. 4(a)(1)b., Fla. Const.

<sup>8</sup> Pursuant to Art. XI, s. 5(a), Fla. Const., placing the joint resolution on a special election ballot requires the legislature to pass a general law by a three-fourths vote of the membership of each house of the legislature.

<sup>9</sup> Art. XI, s. 5(e), Fla. Const.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

Article XI, Section 5(d) of the Florida Constitution requires publication of a proposed amendment in a newspaper of general circulation in each county. The Division of Elections within the Department of State must advertise the full text of the amendment twice in a newspaper of general circulation in each county where the amendment will appear on the ballot. The Division must also provide each supervisor of elections with either booklets or posters displaying the full text of each proposed amendment.<sup>10</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The Revenue Estimating Conference met on January 19, 2024, to discuss the potential revenue impacts of the bill; however, those results are not yet available. Staff estimates that if voters approve the proposed constitutional amendment, the impact on non-school local government property taxes in Fiscal Year (FY) 2025-26 (the first year of implementation) would be approximately -\$23 million, growing to approximately -\$173 million in FY 2030-31, assuming current tax rates.

#### 2. Expenditures:

None.

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

If this joint resolution is approved, homestead property owners would realize lower property taxes over time.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The mandates provision applies only to general laws, not to a joint resolution proposing to amend the state Constitution.

#### 2. Other:

A joint resolution proposing a constitutional amendment or revision to the Florida Constitution requires a three-fifths vote of the membership of each house of the Legislature to appear on the next general election ballot.<sup>11</sup>

---

<sup>10</sup> S. 101.171, F.S.

<sup>11</sup> Art. XI, s. 1, Fla. Const.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.

House Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution and the creation of a new section in Article XII of the State Constitution to require an annual adjustment to the value of certain homestead exemptions and provide an effective date.

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

That the following amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) (1) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, as follows:

a. Up to the assessed valuation of twenty-five thousand

26 | dollars; and~~r~~

27 |       b. For all levies other than school district levies, on  
 28 | the assessed valuation greater than fifty thousand dollars and  
 29 | up to seventy-five thousand dollars,

30 |  
 31 | upon establishment of right thereto in the manner prescribed by  
 32 | law. The real estate may be held by legal or equitable title, by  
 33 | the entireties, jointly, in common, as a condominium, or  
 34 | indirectly by stock ownership or membership representing the  
 35 | owner's or member's proprietary interest in a corporation owning  
 36 | a fee or a leasehold initially in excess of ninety-eight years.  
 37 | The exemption shall not apply with respect to any assessment  
 38 | roll until such roll is first determined to be in compliance  
 39 | with the provisions of section 4 by a state agency designated by  
 40 | general law. This exemption is repealed on the effective date of  
 41 | any amendment to this Article which provides for the assessment  
 42 | of homestead property at less than just value.

43 |       (2) The value of the following exemptions shall be  
 44 | adjusted for inflation using the percent change in the Consumer  
 45 | Price Index for all urban consumers, U.S. City Average, all  
 46 | items 1967=100, or successor reports for the preceding calendar  
 47 | year as initially reported by the United States Department of  
 48 | Labor, Bureau of Labor Statistics, as follows:

49 |       a. The exemption in subparagraph (a) (1)b. shall be  
 50 | adjusted on January 1 of each year.



51        b. Any exemption for which every person who has the legal  
52 or equitable title to real estate and maintains thereon the  
53 permanent residence of the owner, or another person legally or  
54 naturally dependent upon the owner, is eligible, and which  
55 applies solely to levies other than school district levies, that  
56 is added to this constitution after January 1, 2025, shall be  
57 adjusted on January 1 of each year beginning the year following  
58 the effective date of such exemption.

59        (b) Not more than one exemption shall be allowed any  
60 individual or family unit or with respect to any residential  
61 unit. No exemption shall exceed the value of the real estate  
62 assessable to the owner or, in case of ownership through stock  
63 or membership in a corporation, the value of the proportion  
64 which the interest in the corporation bears to the assessed  
65 value of the property.

66        (c) By general law and subject to conditions specified  
67 therein, the Legislature may provide to renters, who are  
68 permanent residents, ad valorem tax relief on all ad valorem tax  
69 levies. Such ad valorem tax relief shall be in the form and  
70 amount established by general law.

71        (d) The legislature may, by general law, allow counties or  
72 municipalities, for the purpose of their respective tax levies  
73 and subject to the provisions of general law, to grant either or  
74 both of the following additional homestead tax exemptions:

75        (1) An exemption not exceeding fifty thousand dollars to a

76 | person who has the legal or equitable title to real estate and  
 77 | maintains thereon the permanent residence of the owner, who has  
 78 | attained age sixty-five, and whose household income, as defined  
 79 | by general law, does not exceed twenty thousand dollars; or

80 |       (2) An exemption equal to the assessed value of the  
 81 | property to a person who has the legal or equitable title to  
 82 | real estate with a just value less than two hundred and fifty  
 83 | thousand dollars, as determined in the first tax year that the  
 84 | owner applies and is eligible for the exemption, and who has  
 85 | maintained thereon the permanent residence of the owner for not  
 86 | less than twenty-five years, who has attained age sixty-five,  
 87 | and whose household income does not exceed the income limitation  
 88 | prescribed in paragraph (1).

89 |  
 90 | The general law must allow counties and municipalities to grant  
 91 | these additional exemptions, within the limits prescribed in  
 92 | this subsection, by ordinance adopted in the manner prescribed  
 93 | by general law, and must provide for the periodic adjustment of  
 94 | the income limitation prescribed in this subsection for changes  
 95 | in the cost of living.

96 |       (e) (1) Each veteran who is age 65 or older who is  
 97 | partially or totally permanently disabled shall receive a  
 98 | discount from the amount of the ad valorem tax otherwise owed on  
 99 | homestead property the veteran owns and resides in if the  
 100 | disability was combat related and the veteran was honorably

101 discharged upon separation from military service. The discount  
102 shall be in a percentage equal to the percentage of the  
103 veteran's permanent, service-connected disability as determined  
104 by the United States Department of Veterans Affairs. To qualify  
105 for the discount granted by this paragraph, an applicant must  
106 submit to the county property appraiser, by March 1, an official  
107 letter from the United States Department of Veterans Affairs  
108 stating the percentage of the veteran's service-connected  
109 disability and such evidence that reasonably identifies the  
110 disability as combat related and a copy of the veteran's  
111 honorable discharge. If the property appraiser denies the  
112 request for a discount, the appraiser must notify the applicant  
113 in writing of the reasons for the denial, and the veteran may  
114 reapply. The Legislature may, by general law, waive the annual  
115 application requirement in subsequent years.

116 (2) If a veteran who receives the discount described in  
117 paragraph (1) predeceases his or her spouse, and if, upon the  
118 death of the veteran, the surviving spouse holds the legal or  
119 beneficial title to the homestead property and permanently  
120 resides thereon, the discount carries over to the surviving  
121 spouse until he or she remarries or sells or otherwise disposes  
122 of the homestead property. If the surviving spouse sells or  
123 otherwise disposes of the property, a discount not to exceed the  
124 dollar amount granted from the most recent ad valorem tax roll  
125 may be transferred to the surviving spouse's new homestead

126 | property, if used as his or her permanent residence and he or  
 127 | she has not remarried.

128 |         (3) This subsection is self-executing and does not require  
 129 | implementing legislation.

130 |         (f) By general law and subject to conditions and  
 131 | limitations specified therein, the Legislature may provide ad  
 132 | valorem tax relief equal to the total amount or a portion of the  
 133 | ad valorem tax otherwise owed on homestead property to:

134 |             (1) The surviving spouse of a veteran who died from  
 135 | service-connected causes while on active duty as a member of the  
 136 | United States Armed Forces.

137 |             (2) The surviving spouse of a first responder who died in  
 138 | the line of duty.

139 |             (3) A first responder who is totally and permanently  
 140 | disabled as a result of an injury or injuries sustained in the  
 141 | line of duty. Causal connection between a disability and service  
 142 | in the line of duty shall not be presumed but must be determined  
 143 | as provided by general law. For purposes of this paragraph, the  
 144 | term "disability" does not include a chronic condition or  
 145 | chronic disease, unless the injury sustained in the line of duty  
 146 | was the sole cause of the chronic condition or chronic disease.

147 |  
 148 | As used in this subsection and as further defined by general  
 149 | law, the term "first responder" means a law enforcement officer,  
 150 | a correctional officer, a firefighter, an emergency medical

151 technician, or a paramedic, and the term "in the line of duty"  
 152 means arising out of and in the actual performance of duty  
 153 required by employment as a first responder.

154 ARTICLE XII

155 SCHEDULE

156 Annual adjustment to homestead exemption value.—This  
 157 section and the amendment to Section 6 of Article VII requiring  
 158 an annual adjustment for inflation of specified homestead  
 159 exemptions shall take effect January 1, 2025.

160  
 161 BE IT FURTHER RESOLVED that the following statement be  
 162 placed on the ballot:

163 CONSTITUTIONAL AMENDMENT

164 ARTICLE VII, SECTION 6

165 ARTICLE XII

166 ANNUAL ADJUSTMENTS TO THE VALUE OF CERTAIN HOMESTEAD  
 167 EXEMPTIONS.—Proposing an amendment to the State Constitution to  
 168 require an annual adjustment for inflation to the value of  
 169 current or future homestead exemptions that apply solely to  
 170 levies other than school district levies and for which every  
 171 person who has legal or equitable title to real estate and  
 172 maintains thereon the permanent residence of the owner, or  
 173 another person legally or naturally dependent upon the owner is  
 174 eligible. This amendment takes effect January 1, 2025.

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: State Affairs Committee  
 2 Representative Buchanan offered the following:

**Amendment**

Remove lines 43-58 and insert:

6 (2) The \$25,000 amount of assessed valuation exempt from  
 7 taxation provided in subparagraph (a)(1)b. shall be adjusted  
 8 annually on January 1 of each year for inflation using the  
 9 percent change in the Consumer Price Index for all urban  
 10 consumers, U.S. City Average, all items 1967=100, or successor  
 11 reports for the preceding calendar year as initially reported by  
 12 the United States Department of Labor, Bureau of Labor  
 13 Statistics, if such percent change is positive.

14 (3) The amount of assessed valuation exempt from taxation  
 15 for which every person who has the legal or equitable title to  
 16 real estate and maintains thereon the permanent residence of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 7017 (2024)

Amendment No.

17 owner, or another person legally or naturally dependent upon the  
18 owner, is eligible, and which applies solely to levies other  
19 than school district levies, that is added to this constitution  
20 after January 1, 2025, shall be adjusted annually on January 1  
21 of each year for inflation using the percent change in the  
22 Consumer Price Index for all urban consumers, U.S. City Average,  
23 all items 1967=100, or successor reports for the preceding  
24 calendar year as initially reported by the United States  
25 Department of Labor, Bureau of Labor Statistics, if such percent  
26 change is positive, beginning the year following the effective  
27 date of such exemption.





**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7019 PCB WMC 24-03 Exemption of Homesteads

**SPONSOR(S):** Ways & Means Committee, Buchanan

**TIED BILLS:** HJR 7015, HJR 7017 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Ways & Means Committee	16 Y, 8 N	Rexford	Aldridge
1) State Affairs Committee		Burgess	Williamson

**SUMMARY ANALYSIS**

The Florida Constitution requires all property to be assessed at just value (fair market value) as of January 1 of each year for purposes of ad valorem taxation. Ad valorem assessments are used to calculate property taxes that fund counties, municipalities, district school boards, and special districts. The taxable value against which local governments levy tax rates each year reflects the just value as reduced by any applicable exemptions allowed by the Florida Constitution. One such exemption is on the assessed value between \$50,000 and \$75,000, which is exempt from all taxes other than school district taxes.

This bill implements amendments to Article VII, Section 6 of the Florida Constitution proposed in both HJR 7015 (2024) and HJR 7017 (2024) by making conforming statutory changes. The joint resolutions are interrelated if they are both approved by the voters; however, each HJR can be implemented on its own if it is approved without the approval of the other joint resolution.

This implementing bill contemplates three scenarios:

1. If only HJR 7015 is approved by the voters, the exemption on the assessed valuation greater than \$50,000 for all levies, other than school district levies, will be increased by an additional \$25,000 effective January 1, 2025.
2. If only HJR 7017 is approved by the voters, the current exemption on the assessed value for all levies, other than school district levies, will be adjusted annually for inflation beginning on January 1, 2025.
3. If both HJR 7015 and HJR 7017 are approved by the voters, the exemption on the assessed valuation greater than \$50,000 for all levies, other than school district levies, will be increased by \$25,000 effective January 1, 2025. In addition, the exemption on the assessed value amount above \$50,000 up to \$100,000 will be adjusted annually for inflation beginning on January 1, 2025.

The Revenue Estimating Conference met on January 19, 2024, to discuss the potential revenue impacts of the bill; however, those results are not yet available. Staff estimates that the impact on state and local government revenues is zero as both of the joint resolutions implemented by the bill are self-executing. Therefore, revenue impacts would result from approval of those joint resolutions, not the implementing legislation.

This bill takes effect on July 1, 2024; however, the provisions of the bill are effective on January 1, 2025, but only if the joint resolution to which the specific provision is tied is approved by the voters at the 2024 general election.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Ad Valorem Taxes

The Florida Constitution reserves ad valorem taxation to local governments and prohibits the state from levying ad valorem taxes on real and tangible personal property.<sup>1</sup> Ad valorem taxes are annual taxes levied by counties, municipalities, school districts, and certain special districts. These taxes are based on the just value (fair market value) of real and tangible property as determined by county property appraisers on January 1 of each year.<sup>2</sup> The just value may be subject to limitations, such as the “Save Our Homes” limitation on homestead property assessment increases.<sup>3</sup> The value arrived at after accounting for applicable limitations is known as the assessed value. Property appraisers then calculate the taxable value by reducing the assessed value in accordance with any applicable exemptions, such as the exemptions for homestead property.<sup>4</sup> Each year, local governing boards levy millage rates (i.e. tax rates) on the taxable value to generate the property tax revenue contemplated in their annual budgets.

##### Homestead Exemptions

Certain homestead exemptions are specified in Article VII, Section 6 of the Florida Constitution, which provides that every person who holds legal or equitable title to real estate and uses said real estate as a permanent residence for themselves, or a legal or natural dependent, is entitled to an exemption from taxes on the first \$25,000 in assessed value.<sup>5</sup> In 2008, Florida voters amended this provision to include an additional \$25,000 exemption from all taxes other than school district taxes on the assessed value greater than \$50,000.<sup>6</sup> The constitution also vests the legislature with authority to enact general law establishing the manner in which individuals qualify for an exemption. Accordingly, s. 196.031(1)(b), F.S., automatically grants the additional, non-school homestead exemption, on the assessed value greater than \$50,000 to every individual who qualifies for the initial homestead exemption on the first \$25,000 of the assessed value.

##### HJR 7015 (2024)

HJR 7015 proposes an amendment to the Florida Constitution to increase by \$25,000 the current homestead exemption from all taxes, other than school district taxes, by exempting the assessed value between \$75,000 and up to \$100,000. Overall, the assessed value between \$50,000 and up to \$100,000 would be exempt from all taxes other than school district taxes. If approved by the voters, the joint resolution would take effect January 1, 2025.

##### HJR 7017 (2024)

HJR 7017 proposes an amendment to the Florida Constitution requiring the \$25,000 of assessed value, which is exempt from all ad valorem taxes other than school district taxes, be adjusted annually for inflation. It would also apply to any future homestead exemption applying only to ad valorem taxes, other than school district taxes, if approved by the voters, and would begin on January 1, 2025.

---

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

<sup>2</sup> Art. VII, s. 4., Fla. Const.

<sup>3</sup> See *generally* s. 193.155, F.S.

<sup>4</sup> S. 196.031, F.S.

<sup>5</sup> Art. VII s. 6., Fla. Const.

<sup>6</sup> *Id.*

## Effect of Proposed Changes

This bill implements amendments to Article VII, Section 6 of the Florida Constitution proposed in both HJR 7015 and HJR 7017 by making conforming statutory changes. The joint resolutions are interrelated if they are both approved by voters; however, each HJR can be implemented on its own if either is approved without the approval of the other joint resolution.

This implementing bill contemplates three scenarios, provided in the first three sections of the bill in the following order:

1. HJR 7015 is approved, but HJR 7017 is not approved

If only HJR 7015 is approved by the voters, this bill amends s. 196.031, F.S., to give an additional \$25,000 exemption on the assessed valuation greater than \$50,000 for all levies, other than school district levies, beginning in 2025. Overall, \$50,000 up to \$100,000 of the assessed value will be exempt from all taxes except school district taxes.

2. HJR 7017 is approved, but HJR 7015 is not approved

If only HJR 7017 is approved by the voters, this bill amends s. 196.031, F.S., to add an annual inflation adjustment to the current exemption on the assessed value for all levies, other than school district levies, of \$50,000 up to \$75,000. The inflation adjustment will begin on January 1, 2025.

3. Both HJR 7015 and HJR 7017 are approved

If both HJR 7015 and HJR 7017 are approved, this bill amends s. 196.031, F.S., to increase the exemption on the assessed valuation greater than \$50,000 for all levies, other than school district levies, by \$25,000, making the exemption apply to the assessed value above \$50,000 up to \$100,000 beginning in 2025. In addition, the exemption on this new assessed value amount above \$50,000 up to \$100,000 will be adjusted annually for inflation beginning on January 1, 2025.

### B. SECTION DIRECTORY:

- Section 1: Amends s. 196.031, F.S., increasing the exemption on the assessed valuation greater than \$50,000 for all levies other than school district levies by \$25,000.
- Section 2: Amends s. 196.031, F.S., requiring an annual inflation adjustment on the assessed valuation greater than \$50,000 for all levies other than school district levies.
- Section 3: Amends s. 196.031, F.S., increasing the exemption on the assessed valuation greater than \$50,000 for all levies, other than school district levies, by \$25,000 and requiring an annual inflation adjustment on the assessed valuation greater than \$50,000.
- Section 4: Provides a contingent effective date.

## 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 Revenue Estimating Conference met on January 19, 2024, to discuss the potential revenue impacts of the bill; however, those results are not yet available. Staff estimates that the impact on state and local government revenues is zero as both of the constitutional amendments implemented by the bill are self-executing. Therefore, revenue impacts would result from approval of those constitutional amendments, not the implementing legislation.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None. The economic impact on the private sector would result from approval by the voters of the constitutional amendments proposed by HJR 7015 and/or HJR 7017, not the implementing legislation.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.



26 | purpose, paragraph (b) of subsection (1) of section 196.031,  
 27 | Florida Statutes, is amended to read:

28 |       196.031 Exemption of homesteads.—

29 |       (1)

30 |       (b) Every person who qualifies to receive the exemption  
 31 | provided in paragraph (a) is entitled to an additional exemption  
 32 | of up to \$50,000 ~~\$25,000~~ on the assessed valuation greater than  
 33 | \$50,000 for all levies other than school district levies.

34 |       Section 2. Effective upon the effective date of the  
 35 | amendment to the State Constitution proposed by HJR 7017, 2024  
 36 | Regular Session, or a similar joint resolution having  
 37 | substantially the same specific intent and purpose, if such  
 38 | amendment to the State Constitution is approved at the general  
 39 | election held in November 2024 or at an earlier special election  
 40 | specifically authorized by law for that purpose, and if the  
 41 | amendment to the State Constitution proposed by HJR 7015, 2024  
 42 | Regular Session or a similar joint resolution having  
 43 | substantially the same specific intent and purpose is not  
 44 | approved at the general election held in November 2024 or at an  
 45 | earlier special election specifically authorized by law for that  
 46 | purpose, paragraph (b) of subsection (1) of section 196.031,  
 47 | Florida Statutes, is amended to read:

48 |       196.031 Exemption of homesteads.—

49 |       (1)

50 |       (b) Every person who qualifies to receive the exemption

HB 7019

2024

51 provided in paragraph (a) is entitled to an additional exemption  
52 of up to \$25,000 on the assessed valuation greater than \$50,000  
53 for all levies other than school district levies. The value of  
54 the exemption provided in this paragraph shall be reassessed  
55 annually on January 1 using the percentage change in the  
56 Consumer Price Index for All Urban Consumers, U.S. City Average,  
57 all items 1967=100, or successor reports for the preceding  
58 calendar year as initially reported by the United States  
59 Department of Labor, Bureau of Labor Statistics.

60 Section 3. Effective upon the effective date of the  
61 amendment to the State Constitution proposed by HJR 7015, 2024  
62 Regular Session, or a similar joint resolution having  
63 substantially the same specific intent and purpose, if such  
64 amendment to the State Constitution is approved at the general  
65 election held in November 2024 or at an earlier special election  
66 specifically authorized by law for that purpose, and if the  
67 amendment to the State Constitution proposed by HJR 7017, 2024  
68 Regular Session, or a similar joint resolution having  
69 substantially the same specific intent and purpose is also  
70 approved at the general election held in November 2024 or at an  
71 earlier special election specifically authorized by law for that  
72 purpose, paragraph (b) of subsection (1) of section 196.031,  
73 Florida Statutes, is amended to read::

74 196.031 Exemption of homesteads.—

75 (1)

HB 7019

2024

76 (b) Every person who qualifies to receive the exemption  
77 provided in paragraph (a) is entitled to an additional exemption  
78 of up to \$50,000 ~~\$25,000~~ on the assessed valuation greater than  
79 \$50,000 for all levies other than school district levies. The  
80 value of the exemption provided in this paragraph shall be  
81 reassessed annually on January 1 using the percentage change in  
82 the Consumer Price Index for All Urban Consumers, U.S. City  
83 Average, all items 1967=100, or successor reports for the  
84 preceding calendar year as initially reported by the United  
85 States Department of Labor, Bureau of Labor Statistics.

86 Section 4. Except as otherwise expressly provided in this  
87 act, this act shall take effect July 1, 2024.



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: State Affairs Committee  
 2 Representative Buchanan offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(1)

(b) Every person who qualifies to receive the exemption provided in paragraph (a) is entitled to an additional exemption of up to \$25,000 on the assessed valuation greater than \$50,000 for all levies other than school district levies. The \$25,000 value of the additional exemption provided in this paragraph shall be adjusted annually on January 1 of each year for inflation using the percentage change in the Consumer Price

Amendment No.

17 Index for All Urban Consumers, U.S. City Average, all items  
18 1967=100, or successor reports for the preceding calendar year  
19 as initially reported by the United States Department of Labor,  
20 Bureau of Labor Statistics, if such percent change is positive.

21 Section 2. Section 218.136, Florida Statutes, is created  
22 to read:

23 218.136 Offset for ad valorem revenue loss affecting  
24 fiscally constrained counties.—

25 (1) Beginning in fiscal year 2025-2026, the Legislature  
26 shall appropriate moneys to offset the reductions in ad valorem  
27 tax revenue experienced by fiscally constrained counties, as  
28 defined in s. 218.67(1), which occur as a direct result of the  
29 implementation of revisions of s. 6(a) of Art. VII of the State  
30 Constitution approved in the November 2024 general election. The  
31 moneys appropriated for this purpose shall be distributed in  
32 January of each fiscal year among the fiscally constrained  
33 counties based on each county's proportion of the total  
34 reduction in ad valorem tax revenue resulting from the  
35 implementation of the revision of s. 6(a) of Art. VII of the  
36 State Constitution.

37 (2) On or before November 15 of each year, each fiscally  
38 constrained county shall apply to the Department of Revenue to  
39 participate in the distribution of the appropriation and provide  
40 documentation supporting the county's estimated reduction in ad  
41 valorem tax revenue in the form and manner prescribed by the

453791 - h7019-strike.docx

Published On: 1/22/2024 2:17:57 PM

Amendment No.

42 Department of Revenue. The documentation must include an  
43 estimate of the reduction in taxable value directly attributable  
44 to revisions of s. 6(a) of Art. VII of the State Constitution  
45 approved in the November 2024 general election for all county  
46 taxing jurisdictions within the county and shall be prepared by  
47 the property appraiser in each fiscally constrained county. The  
48 documentation must also include the county millage rates  
49 applicable in all such jurisdictions for the current year and  
50 the prior year, rolled-back rates determined as provided in s.  
51 200.065 for each county taxing jurisdiction, and maximum millage  
52 rates that could have been levied by majority vote pursuant to  
53 s. 200.065(5). For purposes of this section, each fiscally  
54 constrained county's reduction in ad valorem tax revenue shall  
55 be calculated as 95 percent of the estimated reduction in  
56 taxable value multiplied by the lesser of the 2024 applicable  
57 millage rate or the applicable millage rate for each county  
58 taxing jurisdiction in the current year. If a fiscally  
59 constrained county fails to apply for the distribution, its  
60 share shall revert to the fund from which the appropriation was  
61 made.

62 Section 3. (1) The Department of Revenue may, and all  
63 conditions are deemed met, to adopt emergency rules pursuant to  
64 s. 120.54(4), Florida Statutes, to administer this act.

65 (2) Notwithstanding any other provision of law, emergency  
66 rules adopted pursuant to this section are effective for 6

453791 - h7019-strike.docx

Published On: 1/22/2024 2:17:57 PM

Amendment No.

67 months after adoption and may be renewed during the pendency of  
68 procedures to adopt permanent rules.

69 Section 4. The amendments made by this act to s. 196.031,  
70 Florida Statutes and the creation by this act of s. 218.136,  
71 Florida Statutes, first apply to the 2025 tax roll.

72 Section 5. This act shall take effect on the effective  
73 date of the amendment to the State Constitution proposed by HJR  
74 7017 or a similar joint resolution having substantially the same  
75 specific intent and purpose, if such amendment to the State  
76 Constitution is approved at the next general election or at an  
77 earlier special election specifically authorized by law for that  
78 purpose.

79

80

81

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

82 Remove everything before the enacting clause and insert:  
83 An act relating to exemption of homesteads; amending s. 196.031,  
84 F.S.; requiring the value of certain homestead exemptions be  
85 adjusted annually; creating s. 218.136, F.S.; requiring the  
86 Legislature to appropriate funds to offset reductions in ad  
87 valorem tax revenue as a result of annual inflation adjustments  
88 to certain homestead exemptions; specifying requirements for  
89 fiscally constrained counties to apply to participate in the  
90 distribution; specifying the calculation of such reductions;  
91 providing for a reversion of a share of funds if such county

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7019 (2024)

Amendment No.

92 fails to apply; authorizing the Department of Revenue to adopt  
93 emergency rules; providing applicability; providing a contingent  
94 effective date.