



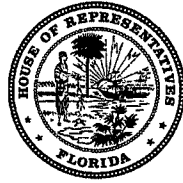
**LOCAL & FEDERAL AFFAIRS
COMMITTEE**

MEETING PACKET

**Thursday, March 14, 2013
1:30 p.m.
Webster Hall (212 Knott)**

**Will W. Weatherford
Speaker**

**Eduardo "Eddy" Gonzalez
Chair**



The Florida House of Representatives

Local & Federal Affairs Committee

Will W. Weatherford
Speaker

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Chair

AGENDA

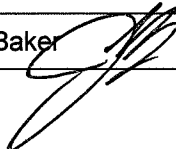
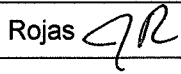
Webster Hall (212 Knott)

Thursday, March 14, 2013, 1:30 pm

- I. CALL TO ORDER AND WELCOME REMARKS
- II. CONSIDERATION OF THE FOLLOWING BILL(S):
 - CS/HB 121 Department of Economic Opportunity by Economic Development & Tourism Subcommittee, Combee
 - CS/HB 247 Paper Reduction by Government Operations Subcommittee, Nelson
 - HB 249 Pub. Rec./E-mail Addresses of Voter Registration Applicants & Voters by Nelson
 - CS/HB 537 Growth Management by Economic Development & Tourism Subcommittee, Moraitis
 - HM 763 Congressional Term Limits by Caldwell
 - HB 949 Charlotte County by Roberson, K.
 - HB 977 St. Lucie County Mosquito Control District, St. Lucie County by Harrell
 - HB 1007 Lee County Tourist Development Council, Lee County by Rodrigues, R.
 - HB 1013 Technological Research & Development Authority, Brevard County by Workman
 - HB 1027 Broward County Education, Research, and Training Authority, Broward County by Waldman
 - HB 4037 Broward County/Saltwater Fishing by Waldman
 - HB 4039 Broward County/Fishing by Waldman
- III. ADJOURNMENT

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 121 Department of Economic Opportunity
SPONSOR(S): Economic Development and Tourism Subcommittee; Combee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	11 Y, 1 N	Collins	West
2) Local & Federal Affairs Committee		Baker 	Rojas 
3) Transportation & Economic Development Appropriations Subcommittee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill directs the Department of Economic Opportunity (DEO) to create a webpage through its existing website, the sole purpose of which is, to collect and present information pertinent to creating or expanding businesses in the state. The webpage will provide a comprehensive view of the business climate of Florida's cities and counties, and will set forth specific business-related costs and charges imposed by local governments. Cities and counties must initially provide by October 1, 2013 the information which DEO requests. After October 1, 2013, local governments must notify DEO in a timely manner should there be any changes to these costs and charges.

The fiscal impact of the bill is estimated to have a negative insignificant impact on state trust funds (no more than \$10,000).

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Department of Economic Opportunity

Currently, the Department of Economic Opportunity (DEO) does not collect and disseminate information related to specific business-related costs and charges imposed by cities and counties within the State. The DEO webpage offers a link to the Florida Research and Economic Information Database Application (FREIDA)¹. FREIDA does not specifically list tax rates imposed by individual local governments. Instead, FREIDA includes labor market data, and sales and use tax revenue collected according to county or metropolitan area.

Department of Revenue

The Florida Department of Revenue (DOR) webpage lists ad valorem millage rates and percentage change thereof for 2011-2012 local governments.² The DOR webpage lists the fuel tax rates levied in 2012 and 2013 according to county³, and presents the rates imposed for communications services tax and sales tax by searching for a particular address, but not the rates for a certain locality.⁴

Office of Economic and Demographic Research

The Florida Legislature's Office of Economic and Demographic Research (EDR) publishes the *Local Government Financial Information Handbook*⁵ (Handbook) as a reference for most of the revenue sources available to local governments. This Handbook is published annually with the assistance of the Office of Tax Research within DOR. In addition to describing local revenue sources, the Handbook includes estimated distributions to counties and municipalities of state-shared revenues and local option taxes for the most recent fiscal year. This Handbook is available to the public through EDR's webpage.⁶

The Handbook does not list ad valorem millage rates for specific political subdivisions. Among other things, the Handbook includes:

- 1) Fuel tax collections and distributions.
- 2) Amounts of county revenue sharing.
- 3) Local government half-cent sales tax distributions.
- 4) Municipal revenue sharing amounts.
- 5) A forecast of communication services tax revenues and rates by city.

¹ Available at <http://freida.labormarketinfo.com> (last visited Feb. 13, 2013).

² Comparison of Taxes Levied – County and Municipal Governments, Florida Department of Revenue, available at <http://dor.myflorida.com/dor/property/taxpayers/cmdata/table1.html> (last visited Feb. 13, 2013).

³ Florida Tax and Interest Rates, Florida Department of Revenue, available at http://dor.myflorida.com/dor/taxes/tax_interest_rates.html#sales (under “Fuel Tax Rates,” click “2013” or “2012”) (last visited Feb. 13, 2013).

⁴ Address/Tax Rate Lookup Page, Florida Department of Revenue, available at <http://dor.myflorida.com/dor/eservices/addlookup.html> (last visited Feb. 13, 2013).

⁵ Florida Legislature's Office of Economic and Demographic Research, available at <http://edr.state.fl.us/Content/local-government/reports/lgfih12.pdf> (last visited Jan. 29, 2013)

⁶ See *id.*

- 6) Local discretionary sales surtax rates by county and school district.
- 7) The Ninth-Cent fuel tax rates by county.
- 8) Local Option Fuel Taxes, including a history of tourist tax levies by county, and taxable sales by transient rental facilities.
- 9) 2011 county population estimates.
- 10) 2012 federal, state and county tax rates on fuel by county.⁷

Enterprise Florida

Enterprise Florida's webpage does not readily offer information on local tax rates or degree of local regulation. Enterprise Florida offers a "Tax Advantages" webpage that expresses the nature of statewide taxes, but without regard to locality.⁸ Enterprise Florida's webpage presents community qualities throughout the state, such as industry types by geographic location, geographic concentration of educated labor, population, total business establishments in a locality, concentration of small businesses and venture capital, and locations of colleges, hospitals, enterprise zones, and Rural Areas of Critical Economic Concern (RACEC).⁹

Effect of Proposed Changes

The bill requires DEO to request from local governments business-related information, including, but not limited to, the following:

- 1) Current millage rates for all relevant taxing authorities.
- 2) The rate of any local discretionary sales surtaxes.
- 3) The rate of any local business taxes.
- 4) The rate of any local option food and beverage taxes.
- 5) The rate of any local option fuel taxes.
- 6) A complete fee schedule that includes impact fees, water and sewer connection fees, occupational license fees, stormwater fees, and other fees that impact the establishment or expansion of a business.
- 7) Existing sign ordinances.
- 8) Existing tree and landscaping ordinances.
- 9) Stormwater permitting requirements that exceed water management district requirements.
- 10) The rate of any local public service tax.

Each city and county is responsible for submitting the requested information to DEO by October 1, 2013. If any of that information changes, each local government is responsible for notifying DEO in a timely manner. In addition, each city and county has the option of submitting a summary of no more than 1500 words describing the advantages of doing business in their community, including quality of life considerations.

DEO is directed to collect all the information gathered from Florida's cities and counties and publish that on DEO's existing website on a newly-created webpage dedicated solely to providing information that is relevant to creating or expanding businesses within the state. The site will provide an inclusive view of the conditions in Florida's cities and counties that are relevant and significant to business creation and expansion in the state including specific business-related charges and costs. Each voluntarily submitted summary is to be included on this site.

⁷ *Id.*

⁸ Tax Advantages, Enterprise Florida, Department of Economic Opportunity, *available at* http://www.eflorida.com/Why_Florida.aspx?id=470 (last visited Feb. 13, 2013).

⁹ Enterprise Florida, Florida Prospector, Explore the Interactive Map, *available at* <http://www.floridaprosector.com/interactivemap.aspx> (last visited Feb. 13, 2013).

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered provision that directs the Department of Economic Opportunity (DEO) to create a webpage that is accessible through DEO's Internet web page, dedicated solely to the collection and publication of data and information that is relevant and significant to the creation of new businesses within the state or the expansion of existing businesses within the state.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact of the bill is estimated to have a negative insignificant impact on state trust funds (no more than \$10,000).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be a minor cost to local governments, the impact of which may depend on the relative size of that government.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.


D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

 The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds so as to violate the State Constitution. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 6, 2013, the House Economic Development and Tourism Subcommittee adopted one amendment. The amendment was adopted to clarify that the utility surcharges referred to in the bill should instead refer to the rate of any local public service tax.

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A bill to be entitled
 An act relating to the Department of Economic Opportunity; requiring the department to create a web page accessible through its Internet website that provides comprehensive data and information that are relevant to the creation of new businesses, or the expansion of existing businesses, within the state; providing purposes of the web page; requiring the department to contact local governmental entities and collect specified data and information; requiring cities and counties to provide notice of changes in data collected by the department; providing an effective date.

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

Section 1. (1) The Department of Economic Opportunity shall create a web page, accessible through its Internet website, dedicated solely to the collection and publication of data and information that are relevant and of significance to the creation of new businesses within the state or the expansion of existing businesses within the state. The purpose of the web page is to:

(a) Provide a comprehensive overview of conditions that exist within the various cities and counties of the state that are conducive or advantageous to the creation of new businesses or the expansion of existing businesses.

(b) Enable prospective employers both within and outside

29 the state to effectively and accurately evaluate the business
 30 climate of cities and counties within the state.

31 (c) Provide prospective business owners and operators and
 32 cities and counties within the state with immediate access to
 33 specific charges and costs related to the establishment,
 34 operation, and maintenance of a business in any city or county
 35 within the state.

36 (2) (a) The department shall contact all relevant heads of
 37 local government entities to request specific information with
 38 respect to conditions that exist within the city or county that
 39 impact the creation of new businesses or the expansion of
 40 existing businesses within the boundaries of the city or county.
 41 Local government entities must submit such information to the
 42 department by October 1, 2013. Information submitted to the
 43 department should not include quality of life considerations.
 44 Information submitted to the department must include, as
 45 applicable, but is not limited to, the following:

- 46 1. Current millage rates for all relevant taxing
 47 authorities.
- 48 2. The rate of any local discretionary sales surtaxes.
- 49 3. The rate of any local business taxes.
- 50 4. The rate of any local option food and beverage taxes.
- 51 5. The rate of any local option fuel taxes.
- 52 6. The rate of any local public service taxes.
- 53 7. A complete fee schedule that includes impact fees,
 54 water and sewer connection fees, occupational license fees,
 55 stormwater fees, and any other fees that would impact the
 56 establishment or expansion of a business.

- 57 8. Existing sign ordinances.
- 58 9. Existing tree and landscaping ordinances.
- 59 10. Stormwater permitting requirements that exceed
- 60 requirements of the water management districts.

61 (b) Local government entities must provide notice to the
 62 department of any factor, such as the elimination of, addition
 63 of, or change in any items specified in paragraph (a), in as
 64 timely a manner as practicable.

65 (c) Local government entities may provide to the
 66 department a summary of 1,500 words or less to be included on
 67 the web page, stating the advantages to business that exist
 68 within the area of the local government. The summary may include
 69 quality of life considerations or other factors that in the
 70 determination of the local government create conditions that are
 71 favorable to business creation or expansion.

72 Section 2. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Local & Federal Affairs
2 Committee

3 Representative Combee offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 36-71 and insert:

7 (2) (a) The department shall collect by January 1, 2014 all
8 relevant information from whatever sources are reasonably
9 available to the department as to the conditions in cities and
10 counties that impact the creation or expansion of businesses
11 within the boundaries of a city or county. If that information
12 is not reasonably available to the department, the department
13 shall request the otherwise unavailable information from the
14 relevant heads of local government entities.

15 (b) The department shall place all the collected
16 information on the webpage as soon as practicable.

17 (c) Business information collected by the department shall
18 not include quality of life considerations. The information the
19 department collects shall include, as applicable:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

20 1. An indication as to whether the city or county, or a
21 portion of the city or county, is designated as or contained
22 within:

23 a. A rural area of critical economic concern.

24 b. A foreign trade zone.

25 c. An enterprise zone.

26 2. Current millage rates for all relevant taxing
27 authorities, school districts, and special districts.

28 3. The rate of any local discretionary sales surtax.

29 4. The rate of any local option food and beverage tax.

30 5. The rate of any local option fuel tax.

31 6. The rate of any local public service tax.

32 7. A complete schedule for local business taxes, the
33 categories for which local business taxes are collected, any
34 cost difference or savings if more than one category of local
35 business tax is required for the same business, and the average
36 length of time for processing the application.

37 8. A complete schedule and explanation of any other fees
38 or taxes that may be imposed by the local government entity that
39 would impact the establishment or expansion of a new business or
40 new business location, and the average length of time for
41 processing an application, including the following:

42 a. Construction licensing fees.

43 b. Impact fees.

44 c. Water and sewer connection fees.

45 d. Stormwater fees and permits, specifically identifying
46 permitting requirements that exceed the requirements of the
47 water management districts.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

48 e. Sign ordinance requirements, permits, and fees.

49 f. Tree and landscape ordinances, permits, and fees.

50 g. Local licenses required to perform any construction or
51 specialty trade within the local government entity's
52 jurisdiction, including the categories of licensure, fees
53 charged, requirements for competency and testing, and the
54 average length of time for processing an application.

55 h. A schedule of local fees charged for issuance of
56 building or demolition permits, including the categories of
57 permits and fees charged for each, and the average length of
58 time for reviewing and processing each type of application.

59 i. Local fees charged for any other applications for new
60 developments and the average length of time required for review
61 and processing of each type of application.

62 9. For each of the permits or fees imposed, whether the
63 application and fee information can be obtained from the local
64 government entity's website.

65 (d) Local government entities must provide notice to the
66 department of any factor, such as the elimination of, addition
67 of, or change in any items specified in paragraph (d), as soon
68 as practicable.

69 (e) Local government entities may provide to the
70 department a summary of 1,500 words or less which shall be
71 included on the web page, stating the advantages to business
72 that exist within the area of the local government entity and
73 including a link to the city's or county's website. The summary
74 may include quality of life considerations or other factors that
75 in the determination of the local government entity create

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

76 conditions that are favorable to business creation or expansion.

77 Section 2. Section 288.112, Florida Statutes, is created
78 to read:

79 288.112 Community of Economic Profitability Certification
80 Program.-

81 (1) The Legislature finds that it is in the best interest
82 of the public welfare to encourage communities in this state to
83 become engaged in activities that will contribute to economic
84 growth and job creation. In furtherance of these goals, the
85 Community of Economic Profitability Certification Program is
86 created within the Department of Economic Opportunity to promote
87 economic development, job creation, business retention and
88 expansion, and pro-business governing policies within this
89 state.

90 (2) The department shall serve as the state agency for
91 certifying an applicant as a Community of Economic
92 Profitability. The department shall develop and adopt rules for
93 the receipt and processing of applications for certification
94 which shall include the receipt of online applications.
95 Applications shall be narrative-based and must detail the
96 applicant's demonstrated commitment to economic development, job
97 creation, business retention and expansion, and pro-business
98 governing policies.

99 (3) (a) There is created the Community of Economic
100 Profitability Advisory Council which shall be located for
101 administrative purposes within the Department of Economic
102 Opportunity. The advisory council shall serve in an advisory
103 capacity to the executive director of the department.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

104 (b) The purpose of the advisory council is to review
105 applications for certification as a Community of Economic
106 Profitability and to make recommendations to the executive
107 director based upon the council's determination that qualified
108 applicants have demonstrated exemplary commitment to economic
109 development, job creation, business retention and expansion and
110 pro-business governing policies.

111 (c)1. The advisory council shall consist of seven members.
112 Advisory council members must be residents of this state and
113 shall be recommended to the Governor, the President of the
114 Senate, and the Speaker of the House of Representatives by the
115 department on the basis of their knowledge in the areas of
116 economic development, job creation, business retention and
117 expansion, and pro-business governing policies.

118 2. Advisory council members shall serve for 2-year terms.
119 A member may be reappointed when his or her term expires. The
120 seven members of the advisory council shall be appointed as
121 follows:

122 a. The Governor shall appoint three members.
123 b. The President of the Senate shall appoint two members.
124 c. The Speaker of the House of Representatives shall
125 appoint two members.

126 3. The Governor shall designate a chair of the advisory
127 council every 2 years.

128 4. The advisory council shall meet biannually beginning in
129 January 2014. The department shall provide notice of the
130 scheduled meetings to the public on its website at least 120
131 days before each meeting.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

132 5. The department shall provide staff to assist the
133 advisory council in the performance of its duties.

134 6. Members of the advisory council shall serve without
135 compensation, but are entitled to reimbursement for travel and
136 per diem expenses, as provided in s. 112.061, Florida Statutes,
137 while performing their duties under this section.

138 (4) Before certifying an applicant as a Community of
139 Economic Profitability, the department must determine that:

140 (a) An applicant is a unit of local government as defined
141 in s. 218.369.

142 (b) An applicant has certified by resolution after public
143 hearing that the application serves a public purpose.

144 (c) The advisory council has voted unanimously to
145 recommend an applicant for certification.

146 (d) The application is received at least 60 days before
147 the biannual advisory council meeting.

148 (e) An applicant has complied with all additional requests
149 for information made by the department pursuant to Section 1 of
150 this act.

151 (5)(a) A list of applicants certified by the department
152 shall be prominently displayed on the department's website and
153 certified applicants shall be eligible to use the term
154 "Community of Economic Profitability" and any associated logos,
155 displays, or signage.

156 (b) Certified applicants may purchase and have erected by
157 the Department of Transportation suitable markers designating
158 the applicant as a Community of Economic Profitability. The

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)

Amendment No. 1

159 Department of Transportation may not charge the applicant more
160 than \$500 per marker.

161 (6) Applicants failing to meet the requirements for
162 certification shall be provided a summary prepared by the
163 department explaining the reasons for denial of certification
164 and detailing steps that may be taken by the applicant to
165 improve economic development, job creation, business retention
166 and expansion, pro-business governing policies prior to
167 reapplication, and compliance with all additional requests for
168 information made by the department pursuant to Section 1 of this
169 act.

170 (7) Certification as a Community of Economic Profitability
171 shall expire 4 years after issuance of the certification.
172 Previously certified applicants are eligible to reapply for
173 certification upon expiration of their original certification.

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

178
179 Remove lines 8-13 and insert:
180 providing purposes of the web page; requiring the department to
181 collect all local business information available to the
182 department; requiring the department to request the relevant
183 local government to provide any otherwise unavailable
184 information; requiring local governments to provide notice of
185 changes in information collected by the department; creating s.
186 288.112, F.S.; providing legislative findings, creating the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 121 (2013)



Amendment No. 1

187 Community of Economic Profitability Certification Program within
188 the Department of Economic Opportunity; providing purpose of the
189 program; providing for certification of program applicants by
190 the department; requiring the department to develop and adopt
191 rules; providing application requirement; creating the Community
192 of Economic Profitability Advisory Council; providing
193 requirements for applicants for certification as a Community of
194 Economic Profitability; establishing allowable promotional uses
195 of certification; authorizing the Department of Transportation
196 to erect markers designating an applicant as a Community of
197 Economic Profitability; limiting the charge for such markers;
198 providing procedure with respect to an applicant's failure to
199 meet certification requirements; providing for expiration of
200 certification; providing an effective date.

201

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 247 Paper Reduction
SPONSOR(S): Government Operations Subcommittee, Nelson
TIED BILLS: HB 249 **IDEN./SIM. BILLS:** SB 1352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Stramski	Williamson
2) Local & Federal Affairs Committee		Lukis 	Rojas 
3) State Affairs Committee			

SUMMARY ANALYSIS

It is a stated goal of the State of Florida to decrease the paperwork burden associated with the conduct of state business. This bill furthers that goal by permitting the use of an electronic medium to collect and disseminate information as required by law in selected settings. The bill:

- Requires the statewide voter registration application to elicit the voter registration applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.
- Authorizes the supervisor of elections to provide electronic sample ballots to electors if certain requirements are met.
- Requires the clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency ordinances, and requires the Department to electronically confirm by e-mail the receipt and the effective date of such filings with the clerk.
- Permits the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the board's decision in certain hearings if electronic means is selected by the taxpayer.
- Authorizes the property appraiser to notify taxpayers by postcard or electronically that proposed property tax rates and non-ad valorem assessments are available on the property appraiser's website.
- Requires the property appraiser to prepare and make available certain tax information on his or her office's website.
- Requires a licensed bail bond agent to provide notice of a change of e-mail address to specified entities, and requires a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address on the bond.
- Provides that the posting of a bail bond agent's e-mail address is a permissible form of print advertising in jails.
- Permits bail bonds to be posted in person or electronically at the election of the receiving agency.
- Authorizes bonds to be transmitted electronically between a sheriff's office and the clerk of the court.
- Requires an affidavit filed with a bond to be submitted in the same manner as the bond.
- Provides that all licensed bail bond agents shall have equal access to jails for the purpose of making bonds, whether in person or electronically.
- Permits the clerk of court to electronically provide notice of a required appearance and of bond forfeiture, and allows a clerk to electronically furnish certain documents and notices required in bond forfeiture proceedings.
- Allows a clerk of court to electronically furnish a certificate of cancellation of a bond to the surety without cost.
- Provides that guaranteed traffic arrest bonds may be presented in person or electronically.

The bill has an indeterminate fiscal impact on state and local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Florida Legislature has on various occasions expressed that the reduction of the use of paper, where feasible, is the policy of the state.¹ This bill furthers the goal of lowering the use of paper by permitting the use of an electronic medium to collect and disseminate information as required by law in selected settings.

Voter Registration and Sample Ballots

Background

Current law requires the Department of State to prescribe by rule a uniform statewide voter registration application.² The application must elicit certain information from the voter applicant, such as the applicant's name, date of birth, and address of legal residence.³ The application does not request a voter's e-mail address.

Current law also requires the supervisor of elections to publish a sample ballot in a newspaper of general circulation in the county, prior to the day of the election. If the county has an addressograph or similar system, the supervisor may mail a sample ballot to each registered elector in lieu of publication. The sample ballot must be mailed at least seven days prior to any election.⁴

Effect of the Bill

The bill requires the statewide voter registration application to include a field for an applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.

The bill permits a supervisor of elections to provide electronic sample ballots to electors who have provided e-mail addresses and opted into the electronic ballot delivery system. It allows a supervisor of elections to mail or e-mail sample ballots to registered electors in lieu of publishing such ballots in a newspaper of general circulation in the county.

Transmittal of Enacted Ordinances

Background

Current law provides requirements for counties to adhere to when exercising the ordinance-making powers conferred by the State Constitution.⁵ It establishes the following regular enactment procedure:

The board of county commissioners at any regular or special meeting may enact or amend any ordinance ... if notice of intent to consider such ordinance is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the

¹ See sections 23.20-23.22, F.S. "The state must minimize the paperwork burden by evaluating its need for information, determining whether it already has access to the necessary information, and coordinating data collection initiatives at their source." Section 23.20(4), F.S. See also section 120.74(1)(e), F.S. "[E]ach agency shall perform a formal review of its rules every 2 years. In the review, each agency must [s]eek to improve efficiency, reduce paperwork, or decrease costs to government and the private sector."

² Section 97.052(1), F.S.

³ Section 97.052(2), F.S.

⁴ Section 101.20(2), F.S.

⁵ Section 125.66(1), F.S.

place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.⁶

Certified copies of ordinances or amendments thereto must be filed with the Department of State by the clerk of the board of county commissioners within 10 days after enactment by the board. The ordinances or amendments take effect upon filing with the Department of State, unless the ordinance prescribes a later effective date.⁷

Effect of the Bill

The bill requires a clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency ordinances. It requires the Department of State to electronically confirm by e-mail the receipt and the effective date of such filings with the clerk of the board of county commissioners.

Value Adjustment Boards

Background

Value adjustment boards are constituted in each county to conduct administrative hearings relating to assessments, complaints relating to homestead exemptions, appeals from tax exemptions denied, and appeals concerning ad valorem deferrals and classifications.⁸ The value adjustment board must render a written decision within 20 calendar days after the last day the board is in session. The clerk must then provide notice of the board's decision by first-class mail.⁹

Effect of the Bill

The bill permits the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the value adjustment board's decision in a hearing held pursuant to s. 194.034, F.S., if electronic means is selected by the taxpayer on the originally filed petition.

Property Appraisers

Background

Current law requires each property appraiser to provide notice of proposed property taxes and non-ad valorem assessments by first-class mail to each taxpayer listed on the current year's assessments. Elements that must be included on such notice are prescribed by statute.¹⁰

Effect of the Bill

The bill authorizes a property appraiser to notify taxpayers by postcard that the notice of proposed property taxes and non-ad valorem assessments is available for viewing and download at the appraiser's website. The bill provides approved language for such postcards. It also authorizes a property appraiser to provide notification by e-mail to property owners or other interested parties who have registered an e-mail address with the appraiser.

The property appraiser must prepare and make available on his or her office's website a notice of proposed property taxes and non-ad valorem assessments for each taxpayer listed on the year's assessment roll as a separate web page, link, attachment, or document. Such online notice from the appraiser must meet specified criteria, including, but not limited to, specifying all substantive elements required for such notice. The property appraiser may display the required substantive elements in a format different from that prescribed by the Department of Revenue only upon receiving prior written

⁶ Section 125.66(2)(a), F.S.

⁷ Section 125.66(2)(b), F.S.

⁸ Section 194.032(1)(a), F.S.

⁹ Section 194.034(2), F.S.

¹⁰ Section 200.069, F.S.

permission from the executive director of the Department. The format may contain additional substantive elements deemed important by the appraiser, in addition to the elements provided for by law.

Bail Bond Agents and Bail Bonds

Background

The Department of Financial Services is charged with licensing bail bond agents, and may only issue a bail bond license to an individual.¹¹ A person must be qualified, licensed, and appointed in order to act in the capacity of a bail bond agent or temporary bail bond agent and to perform any of the functions, duties, or powers of such agents.¹² Current law requires a licensed bail bond agent to notify the Department of Financial Services, the insurer, the managing general agent, and the clerk of each court where the licensee is registered of a change of business address or telephone number within 10 days of such a change.¹³

The Legislature has declared that it is the policy of the state that a bond for the pretrial or appellate release of a criminal defendant for which fees or premiums are charged must be executed by a bail bond agent licensed pursuant to ch. 648, F.S., and must be construed as a commitment by and obligation upon the bail bond agent to ensure that the defendant appears at all subsequent criminal proceedings.¹⁴ A bail bond agent who executes or countersigns a bond is required to indicate the name and address of the referring bail bond agent.

A bail bond agent is prohibited from soliciting business in a jail, prison, or other location where prisoners are generally held. Permissible print advertising in the jail is limited to a listing in a telephone directory and the posting of the bail bond agent's or agency's name, address, and telephone number in a designated location within the jail.¹⁵

If there is a breach of a bond, the bond or money deposited as bail may be forfeited only if the clerk of court gives the surety at least 72 hour notice of a required appearance by a defendant.¹⁶ A notice of bond forfeiture has to be provided by mail.¹⁷

Effect of the Bill

The bill requires a licensed bail bond agent to provide notice of a change of e-mail address to specified entities within 10 days of such change. It also requires a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address on the bond.

The bill provides that the posting of a bail bond agent's e-mail address is a permissible form of print advertising in jails.

The bill permits bail bonds to be posted in person or electronically at the election of the receiving agency. It authorizes bonds to be transmitted electronically between a sheriff's office and the clerk of the court. An affidavit filed with a bond must be submitted in the same manner as the bond.

The bill provides that all licensed bail bond agents shall have equal access to jails for the purpose of making bonds, whether in person or electronically.

¹¹ Section 648.27(1), F.S.

¹² Section 648.30(1), F.S.

¹³ Section 648.421, F.S.

¹⁴ Section 648.24, F.S.

¹⁵ Section 648.44, F.S.

¹⁶ Section 903.26(1)(b), F.S.

¹⁷ Section 903.26(2)(a), F.S.

The bill permits the clerk of court to electronically provide notice of a required appearance and of bond forfeiture. It allows the clerk of court to electronically furnish certain documents and notices required in bond forfeiture proceedings.

The bill allows a clerk of court to electronically furnish a certificate of cancellation of a bond to the surety without cost.

The bill provides that guaranteed traffic arrest bonds may be presented in person or electronically.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 97.052, F.S., requiring that the uniform statewide voter registration application be designed to elicit the e-mail address of an applicant and whether the applicant desires to receive sample ballots by e-mail.
- Section 2:** Amends s. 101.20, F.S., authorizing a supervisor of elections to send a sample ballot to a registered elector by e-mail under certain circumstances.
- Section 3:** Amends s. 125.66, F.S., requiring the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State.
- Section 4:** Amends s. 194.034, F.S., permitting a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board.
- Section 5:** Amends s. 200.069, F.S., authorizing the property appraiser to notify taxpayers of proposed property taxes by postcard in lieu of first-class mail; providing notice language; authorizing the property appraiser to prepare and make available on the appraiser's website the notice of proposed property taxes; providing additional notice requirements.
- Section 6:** Amends s. 648.421, F.S., requiring a licensed bail bond agent to provide notice of a change of e-mail address to specified entities.
- Section 7:** Amends s. 648.43, F.S., requiring a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address.
- Section 8:** Amends s. 648.44, F.S., providing that a bail bond agent's e-mail address is permissible print advertising in jails.
- Section 9:** Creates s. 903.012, F.S., permitting bonds to be posted electronically at the election of the receiving agency.
- Section 10:** Amends 903.101, F.S., providing that every licensed surety shall have equal access to jails for the purpose of making bonds either in person or electronically.
- Section 11:** Amends s. 903.14, F.S., requiring a surety who submits an affidavit pertaining to any bond to file such affidavit in the same manner as the bond.
- Section 12:** Amends s. 903.26, F.S., providing that notices from the clerk of court relating to bond forfeiture proceedings may be transmitted electronically.
- Section 13:** Amends s. 903.27, F.S., permitting a clerk of court to furnish certain required documents and notices relating to bond forfeitures by mail or electronic means; removing an outdated provision.

Section 14: Amends s. 903.31, F.S., providing that a certificate of cancellation of an original bond may be furnished electronically.

Section 15: Amends s. 903.36, F.S., providing that traffic arrest bond certificates may be presented electronically.

Section 16: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of State does not anticipate any fiscal impact associated with modifying the uniform statewide voter application.¹⁸

There may be a fiscal impact on supervisors of elections associated with maintaining the e-mail address of voters and voter registration applicants, and with monitoring which registered voters wish to receive sample ballots electronically. Additionally, there may be costs to supervisors of elections related to establishing a system to send sample ballots electronically. However, it is anticipated that some, if not most, of these costs may be offset by savings resulting from the electronic provision of sample ballots.¹⁹

There may be a fiscal impact on property appraisers associated with the requirement that a property appraiser prepare and make available on his or her office's website notice of proposed property taxes and non-ad valorem assessments for each taxpayer listed on the year's assessment roll. However, it is anticipated that these costs will be offset by savings resulting from the bill's provision that authorizes the property appraiser to notify taxpayers of proposed property taxes by postcard or e-mail in lieu of first-class mail.

¹⁸ Analysis of HB 247 (2013) by the Department of State, at 1 (January 29, 2013) (on file with the Government Operations Subcommittee).

¹⁹ Discussion with representatives of the Florida State Association of Supervisors of Elections, Inc., on March 5, 2013.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties. As noted above, any funds that a local government may have to expend as a result of this bill are likely to be offset by cost-savings attributed to the bill allowing for certain tasks to be performed electronically.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create a need for additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Preclearance Requirement

The Department of State provided the following comments regarding preclearance:

Under section 5 of the Voting Rights Act, new statewide legislation that implements a voting change, including but not limited to, a change in the manner of voting, change in registration, balloting, and the counting of votes, change in candidacy requirements and qualifications, change in the composition of the electorate that may vote for a candidate, or change affecting the creation or abolition of an elective office, is subject to preclearance by the U.S. Department of Justice or the federal District Court for the District of Columbia. The preclearance review is to determine if the change has a discriminatory purpose or effect that denies or abridges the right to vote on account of race, color or membership in a language minority group in a covered jurisdiction. Florida has five covered jurisdictions subject to preclearance: Collier, Hardee, Hendry, Hillsborough, and Monroe counties. Until precleared, the legislation is unenforceable in these five counties.²⁰

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 6, 2013, the Government Operations Subcommittee heard a proposed committee substitute for House Bill 247 and reported the bill favorably with committee substitute.

The committee substitute removes from the bill the authorization to maintain a building's site plans in electronic form at the work site, and the requirement that such plans be open to inspection by the building official or a duly authorized representative. It also removes the authorization for an insurer to post certain insurance policies on its website in lieu of mailing or delivering a policy to the insureds.

In addition, the committee substitute:

- Requires the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State;
- Permits a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board;

²⁰ Analysis of HB 247 (2013) by the Department of State, at 2 (January 29, 2013) (on file with the Government Operations Subcommittee).

- Requires a licensed bail bond agent to provide notice of a change of e-mail address to specified entities;
- Requires a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address;
- Provides that a bail bond agent's e-mail address is permissible print advertising in jails;
- Permits bonds to be posted electronically at the election of the receiving agency;
- Provides that every licensed surety shall have equal access to jails for the purpose of making bonds either in person or electronically;
Requires a surety who submits an affidavit pertaining to any bond to file such affidavit in the same manner as the bond;
- Provides that notices from the clerk of court relating to bond forfeiture proceedings may be transmitted electronically;
- Permits a clerk of court to furnish certain required documents and notices relating to bond forfeitures by mail or electronic means; removing an outdated provision;
- Provides that a certificate of cancellation of an original bond may be furnished electronically; and
- Provides that traffic arrest bond certificates may be presented electronically.

1 A bill to be entitled
2 An act relating to paper reduction; amending s.
3 97.052, F.S.; providing that the uniform statewide
4 voter registration application be designed to elicit
5 the e-mail address of an applicant and whether the
6 applicant desires to receive sample ballots by e-mail;
7 amending s. 101.20, F.S.; authorizing a supervisor of
8 elections to send a sample ballot to a registered
9 elector by e-mail under certain circumstances;
10 amending s. 125.66, F.S.; requiring the clerk of a
11 board of county commissioners to electronically
12 transmit enacted ordinances, amendments, and emergency
13 ordinances to the Department of State; amending s.
14 194.034, F.S.; permitting a value adjustment board to
15 electronically provide the taxpayer and property
16 appraiser with notice of the decision of the board;
17 amending s. 200.069, F.S.; authorizing the property
18 appraiser to notify taxpayers of proposed property
19 taxes by postcard or e-mail in lieu of first-class
20 mail; providing notice language; authorizing the
21 property appraiser to prepare and make available on
22 the appraiser's website the notice of proposed
23 property taxes; providing additional notice
24 requirements; amending s. 648.421, F.S.; requiring a
25 licensed bail bond agent to provide notice of a change
26 of e-mail address to specified entities; amending s.
27 648.43, F.S.; requiring a bail bond agent who executes
28 or countersigns a transfer bond to indicate the

29 agent's e-mail address; amending s. 648.44, F.S.;

30 providing that a bail bond agent's e-mail address is

31 permissible print advertising in certain places;

32 creating s. 903.012, F.S.; permitting bonds to be

33 posted in person or electronically at the election of

34 the receiving agency; permitting the electronic

35 transmission of bonds between certain entities;

36 amending s. 903.101, F.S.; providing that every

37 licensed surety shall have equal access to jails for

38 the purpose of making bonds either in person or

39 electronically; amending s. 903.14, F.S.; requiring a

40 surety who submits an affidavit pertaining to any bond

41 to file an affidavit in the same manner as the bond;

42 amending s. 903.26, F.S.; authorizing a clerk of court

43 to mail or electronically transmit a notice relating

44 to a bond forfeiture proceeding; amending s. 903.27,

45 F.S.; permitting a clerk of court to furnish certain

46 required documents and notices relating to bond

47 forfeitures by mail or electronic means; deleting an

48 outdated provision; amending s. 903.31, F.S.;

49 providing that a certificate of cancellation of an

50 original bond may be furnished by mail or

51 electronically; amending s. 903.36, F.S.; providing

52 that traffic arrest bond certificates may be presented

53 in person or electronically; providing an effective

54 date.

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

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Section 1. Paragraphs (e) through (t) of subsection (2) of section 97.052, Florida Statutes, are redesignated as paragraphs (f) through (u), respectively, and a new paragraph (e) is added to that section, to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(e) E-mail address and whether the applicant wishes to receive sample ballots by e-mail.

The registration application must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 2. Subsection (2) of section 101.20, Florida Statutes, is amended to read:

101.20 Publication of ballot form; sample ballots.—

(2) Upon completion of the list of qualified candidates, a sample ballot shall be published by the supervisor of elections in a newspaper of general circulation in the county, before ~~prior to~~ the day of election. In lieu of publication, a supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before any election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. If an e-mail address has

85 not been provided, or if the elector has not opted for
 86 electronic delivery, If the county has an addressograph or
 87 equivalent system for mailing to registered electors, a sample
 88 ballot may be mailed to each registered elector or to each
 89 household in which there is a registered elector, in lieu of
 90 publication, at least 7 days before ~~prior to~~ any election.

91 Section 3. Paragraph (b) of subsection (2) and subsection
 92 (3) of section 125.66, Florida Statutes, are amended to read:

93 125.66 Ordinances; enactment procedure; emergency
 94 ordinances; rezoning or change of land use ordinances or
 95 resolutions.—

96 (2)

97 (b) Certified copies of ordinances or amendments thereto
 98 enacted under this regular enactment procedure shall be filed
 99 with the Department of State by the clerk of the board of county
 100 commissioners within 10 days after enactment by said board and
 101 shall take effect upon filing with the Department of State.
 102 However, any ordinance may prescribe a later effective date. In
 103 lieu of delivery of the certified copies of the enacted
 104 ordinances or amendments by first-class mail, the clerk of the
 105 board of county commissioners shall transmit the enacted
 106 ordinances or amendments to the department by e-mail. The
 107 department shall confirm by e-mail the receipt and effective
 108 date of the ordinances or amendments with the clerk of the board
 109 of county commissioners.

110 (3) The emergency enactment procedure shall be as follows:
 111 The board of county commissioners at any regular or special
 112 meeting may enact or amend any ordinance with a waiver of the

113 notice requirements of subsection (2) by a four-fifths vote of
 114 the membership of such board, declaring that an emergency exists
 115 and that the immediate enactment of said ordinance is necessary.
 116 However, no emergency ordinance or resolution shall be enacted
 117 which establishes or amends the actual zoning map designation of
 118 a parcel or parcels of land or changes the actual list of
 119 permitted, conditional, or prohibited uses within a zoning
 120 category. Emergency enactment procedures for land use plans
 121 adopted pursuant to part II of chapter 163 shall be pursuant to
 122 that part. Certified copies of ordinances or amendments thereto
 123 enacted under this emergency enactment procedure by a county
 124 shall be filed with the Department of State by the clerk of the
 125 board of county commissioners as soon after enactment by said
 126 board as is practicable. An emergency ordinance enacted under
 127 this procedure shall be transmitted by the clerk of the board of
 128 county commissioners by e-mail to the Department of State. It
 129 shall be deemed to be filed and shall take effect when a copy
 130 has been accepted and confirmed by the department by e-mail
 131 ~~deemed to be filed and shall take effect when a copy has been~~
 132 ~~accepted by the postal authorities of the Government of the~~
 133 ~~United States for special delivery by certified mail to the~~
 134 ~~Department of State.~~

135 Section 4. Subsection (2) of section 194.034, Florida
 136 Statutes, is amended to read:

137 194.034 Hearing procedures; rules.-

138 (2) In each case, except if the complaint is withdrawn by
 139 the petitioner or if the complaint is acknowledged as correct by
 140 the property appraiser, the value adjustment board shall render

141 a written decision. All such decisions shall be issued within 20
 142 calendar days after the last day the board is in session under
 143 s. 194.032. The decision of the board must contain findings of
 144 fact and conclusions of law and must include reasons for
 145 upholding or overturning the determination of the property
 146 appraiser. If a special magistrate has been appointed, the
 147 recommendations of the special magistrate shall be considered by
 148 the board. The clerk, upon issuance of a decision, shall, on a
 149 form provided by the Department of Revenue, notify each taxpayer
 150 and the property appraiser of the decision of the board. This
 151 notification shall be by first-class mail or by electronic means
 152 if selected by the taxpayer on the originally filed petition
 153 ~~each taxpayer and the property appraiser of the decision of the~~
 154 ~~board.~~ If requested by the Department of Revenue, the clerk
 155 shall provide to the department a copy of the decision or
 156 information relating to the tax impact of the findings and
 157 results of the board as described in s. 194.037 in the manner
 158 and form requested.

159 Section 5. Section 200.069, Florida Statutes, is amended
 160 to read:

161 200.069 Notice of proposed property taxes and non-ad
 162 valorem assessments.—Pursuant to s. 200.065(2)(b), the property
 163 appraiser, in the name of the taxing authorities and local
 164 governing boards levying non-ad valorem assessments within his
 165 or her jurisdiction and at the expense of the county, shall
 166 prepare and deliver by first-class mail to each taxpayer to be
 167 listed on the current year's assessment roll a notice of
 168 proposed property taxes, which notice shall contain the elements

169 and use the format provided in the following form.
 170 Notwithstanding the provisions of s. 195.022, no county officer
 171 shall use a form other than that provided herein. The Department
 172 of Revenue may adjust the spacing and placement on the form of
 173 the elements listed in this section as it considers necessary
 174 based on changes in conditions necessitated by various taxing
 175 authorities. If the elements are in the order listed, the
 176 placement of the listed columns may be varied at the discretion
 177 and expense of the property appraiser, and the property
 178 appraiser may use printing technology and devices to complete
 179 the form, the spacing, and the placement of the information in
 180 the columns. A county officer may use a form other than that
 181 provided by the department for purposes of this part, but only
 182 if his or her office pays the related expenses and he or she
 183 obtains prior written permission from the executive director of
 184 the department; however, a county officer may not use a form the
 185 substantive content of which is at variance with the form
 186 prescribed by the department. The county officer may continue to
 187 use such an approved form until the law that specifies the form
 188 is amended or repealed or until the officer receives written
 189 disapproval from the executive director. In lieu of delivery of
 190 the notice of proposed property taxes by first-class mail, the
 191 property appraiser may prepare and mail a postcard to each
 192 taxpayer listed on the current year's assessment roll, which
 193 shall contain at a minimum the following statement:

194 ATTENTION PROPERTY OWNER

195 This postcard is your official notification pursuant to
 196 sections 192.0105 and 200.069, Florida Statutes, that your

197 notice of proposed property taxes and non-ad valorem
 198 assessments is available for viewing and download on my
 199 website at ...(website address).... If you are unable to
 200 access my website, you are entitled to have a copy of your
 201 notice mailed to you for free by contacting my office at
 202 ...(telephone number).... Please note: your final tax bill
 203 may contain non-ad valorem assessments that may not be
 204 reflected on your notice, such as assessments for roads,
 205 fire, garbage, lighting, drainage, water, sewer, or other
 206 governmental services and facilities that may be levied by
 207 your county, city, or special district.

208
 209 The property appraiser may also provide notification by e-mail
 210 to property owners or other interested parties who have
 211 registered an e-mail address with the property appraiser that
 212 the notice of proposed property taxes and non-ad valorem
 213 assessments is available for viewing and download on the
 214 property appraiser office's website. The property appraiser
 215 shall prepare and make available for viewing, printing, and
 216 downloading on the property appraiser office's website a notice
 217 of proposed property taxes and non-ad valorem assessments for
 218 each taxpayer to be listed on the current year's assessment
 219 roll, which shall be a separate web page, weblink, attachment,
 220 or document, and shall contain all the substantive elements as
 221 outlined in this section. The property appraiser may use a
 222 format for web display of all substantive elements as outlined
 223 in this section other than that provided by the department for
 224 purposes of this part, but only if the property appraiser's

225 office obtains prior written permission from the executive
 226 director of the department. The format may contain substantive
 227 elements deemed important by the property appraiser, in addition
 228 to the elements outlined in this section. The property appraiser
 229 may continue to use the approved format until the law that
 230 specifies the form is amended or repealed or until the officer
 231 receives written disapproval from the executive director of the
 232 department.

233 (1) The first page of the notice shall read:

234 NOTICE OF PROPOSED PROPERTY TAXES

235 DO NOT PAY--THIS IS NOT A BILL

236 The taxing authorities which levy property taxes against
 237 your property will soon hold PUBLIC HEARINGS to adopt budgets
 238 and tax rates for the next year.

239 The purpose of these PUBLIC HEARINGS is to receive opinions
 240 from the general public and to answer questions on the proposed
 241 tax change and budget PRIOR TO TAKING FINAL ACTION.

242 Each taxing authority may AMEND OR ALTER its proposals at
 243 the hearing.

244 (2) (a) The notice shall include a brief legal description
 245 of the property, the name and mailing address of the owner of
 246 record, and the tax information applicable to the specific
 247 parcel in question. The information shall be in columnar form.
 248 There shall be seven column headings which shall read: "Taxing
 249 Authority," "Your Property Taxes Last Year," "Last Year's
 250 Adjusted Tax Rate (Millage)," "Your Taxes This Year IF NO Budget
 251 Change Is Adopted," "Tax Rate This Year IF PROPOSED Budget Is
 252 Adopted (Millage)," "Your Taxes This Year IF PROPOSED Budget

253 Change Is Adopted," and "A Public Hearing on the Proposed Taxes
 254 and Budget Will Be Held:."

255 (b) As used in this section, the term "last year's
 256 adjusted tax rate" means the rolled-back rate calculated
 257 pursuant to s. 200.065(1).

258 (3) There shall be under each column heading an entry for
 259 the county; the school district levy required pursuant to s.
 260 1011.60(6); other operating school levies; the municipality or
 261 municipal service taxing unit or units in which the parcel lies,
 262 if any; the water management district levying pursuant to s.
 263 373.503; the independent special districts in which the parcel
 264 lies, if any; and for all voted levies for debt service
 265 applicable to the parcel, if any.

266 (4) For each entry listed in subsection (3), there shall
 267 appear on the notice the following:

268 (a) In the first column, a brief, commonly used name for
 269 the taxing authority or its governing body. The entry in the
 270 first column for the levy required pursuant to s. 1011.60(6)
 271 shall be "By State Law." The entry for other operating school
 272 district levies shall be "By Local Board." Both school levy
 273 entries shall be indented and preceded by the notation "Public
 274 Schools:". For each voted levy for debt service, the entry shall
 275 be "Voter Approved Debt Payments."

276 (b) In the second column, the gross amount of ad valorem
 277 taxes levied against the parcel in the previous year. If the
 278 parcel did not exist in the previous year, the second column
 279 shall be blank.

280 (c) In the third column, last year's adjusted tax rate or,

281 in the case of voted levies for debt service, the tax rate
 282 previously authorized by referendum.

283 (d) In the fourth column, the gross amount of ad valorem
 284 taxes which will apply to the parcel in the current year if each
 285 taxing authority levies last year's adjusted tax rate or, in the
 286 case of voted levies for debt service, the amount previously
 287 authorized by referendum.

288 (e) In the fifth column, the tax rate that each taxing
 289 authority must levy against the parcel to fund the proposed
 290 budget or, in the case of voted levies for debt service, the tax
 291 rate previously authorized by referendum.

292 (f) In the sixth column, the gross amount of ad valorem
 293 taxes that must be levied in the current year if the proposed
 294 budget is adopted.

295 (g) In the seventh column, the date, the time, and a brief
 296 description of the location of the public hearing required
 297 pursuant to s. 200.065(2)(c).

298 (5) Following the entries for each taxing authority, a
 299 final entry shall show: in the first column, the words "Total
 300 Property Taxes:" and in the second, fourth, and sixth columns,
 301 the sum of the entries for each of the individual taxing
 302 authorities. The second, fourth, and sixth columns shall,
 303 immediately below said entries, be labeled Column 1, Column 2,
 304 and Column 3, respectively. Below these labels shall appear, in
 305 boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

306 (6)(a) The second page of the notice shall state the
 307 parcel's market value and for each taxing authority that levies
 308 an ad valorem tax against the parcel:

309 1. The assessed value, value of exemptions, and taxable
 310 value for the previous year and the current year.

311 2. Each assessment reduction and exemption applicable to
 312 the property, including the value of the assessment reduction or
 313 exemption and tax levies to which they apply.

314 (b) The reverse side of the second page shall contain
 315 definitions and explanations for the values included on the
 316 front side.

317 (7) The following statement shall appear after the values
 318 listed on the front of the second page:

319 If you feel that the market value of your property is
 320 inaccurate or does not reflect fair market value, or if you are
 321 entitled to an exemption or classification that is not reflected
 322 above, contact your county property appraiser at ...(phone
 323 number)... or ...(location)....

324 If the property appraiser's office is unable to resolve the
 325 matter as to market value, classification, or an exemption, you
 326 may file a petition for adjustment with the Value Adjustment
 327 Board. Petition forms are available from the county property
 328 appraiser and must be filed ON OR BEFORE ...(date)....

329 (8) The reverse side of the first page of the form shall
 330 read:

331 EXPLANATION

332 *COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

333 This column shows the taxes that applied last year to your
 334 property. These amounts were based on budgets adopted last year
 335 and your property's previous taxable value.

336 *COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"

337 This column shows what your taxes will be this year IF EACH
 338 TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These
 339 amounts are based on last year's budgets and your current
 340 assessment.

341 *COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"

342 This column shows what your taxes will be this year under the
 343 BUDGET ACTUALLY PROPOSED by each local taxing authority. The
 344 proposal is NOT final and may be amended at the public hearings
 345 shown on the front side of this notice. The difference between
 346 columns 2 and 3 is the tax change proposed by each local taxing
 347 authority and is NOT the result of higher assessments.

348 *Note: Amounts shown on this form do NOT reflect early payment
 349 discounts you may have received or may be eligible to receive.
 350 (Discounts are a maximum of 4 percent of the amounts shown on
 351 this form.)

352 (9) The bottom portion of the notice shall further read in
 353 bold, conspicuous print:

354 "Your final tax bill may contain non-ad valorem assessments
 355 which may not be reflected on this notice such as assessments
 356 for roads, fire, garbage, lighting, drainage, water, sewer, or
 357 other governmental services and facilities which may be levied
 358 by your county, city, or any special district."

359 (10) (a) If requested by the local governing board levying
 360 non-ad valorem assessments and agreed to by the property
 361 appraiser, the notice specified in this section may contain a
 362 notice of proposed or adopted non-ad valorem assessments. If so
 363 agreed, the notice shall be titled:

364 NOTICE OF PROPOSED PROPERTY TAXES

365 AND PROPOSED OR ADOPTED

366 NON-AD VALOREM ASSESSMENTS

367 DO NOT PAY—THIS IS NOT A BILL

368 There must be a clear partition between the notice of proposed
 369 property taxes and the notice of proposed or adopted non-ad
 370 valorem assessments. The partition must be a bold, horizontal
 371 line approximately 1/8-inch thick. By rule, the department
 372 shall provide a format for the form of the notice of proposed or
 373 adopted non-ad valorem assessments which meets the following
 374 minimum requirements:

375 1. There must be subheading for columns listing the
 376 levying local governing board, with corresponding assessment
 377 rates expressed in dollars and cents per unit of assessment, and
 378 the associated assessment amount.

379 2. The purpose of each assessment must also be listed in
 380 the column listing the levying local governing board if the
 381 purpose is not clearly indicated by the name of the board.

382 3. Each non-ad valorem assessment for each levying local
 383 governing board must be listed separately.

384 4. If a county has too many municipal service benefit
 385 units or assessments to be listed separately, it shall combine
 386 them by function.

387 5. A brief statement outlining the responsibility of the
 388 tax collector and each levying local governing board as to any
 389 non-ad valorem assessment must be provided on the form,
 390 accompanied by directions as to which office to contact for
 391 particular questions or problems.

392 (b) If the notice includes all adopted non-ad valorem

393 assessments, the provisions contained in subsection (9) shall
 394 not be placed on the notice.

395 Section 6. Section 648.421, Florida Statutes, is amended
 396 to read:

397 648.421 Notice of change of address or telephone number.—
 398 Each licensee under this chapter shall notify in writing the
 399 department, insurer, managing general agent, and the clerk of
 400 each court in which the licensee is registered within 10 working
 401 days after a change in the licensee's principal business
 402 address, e-mail address, or telephone number. The licensee shall
 403 also notify the department within 10 working days after a change
 404 of the name, address, or telephone number of each agency or firm
 405 for which he or she writes bonds and any change in the
 406 licensee's name, home address, e-mail address, or telephone
 407 number.

408 Section 7. Subsection (3) of section 648.43, Florida
 409 Statutes, is amended to read:

410 648.43 Power of attorney; to be approved by department;
 411 filing of copies; notification of transfer bond.—

412 (3) Every bail bond agent who executes or countersigns a
 413 transfer bond shall indicate in writing on the bond the name,
 414 ~~and~~ address, and e-mail address of the referring bail bond
 415 agent.

416 Section 8. Paragraph (b) of subsection (1) of section
 417 648.44, Florida Statutes, is amended to read:

418 648.44 Prohibitions; penalty.—

419 (1) A bail bond agent or temporary bail bond agent may
 420 not:

421 (b) Directly or indirectly solicit business in or on the
 422 property or grounds of a jail, prison, or other place where
 423 prisoners are confined or in or on the property or grounds of
 424 any court. The term "solicitation" includes the distribution of
 425 business cards, print advertising, or other written or oral
 426 information directed to prisoners or potential indemnitors,
 427 unless a request is initiated by the prisoner or a potential
 428 indemnitor. Permissible print advertising in the jail is
 429 strictly limited to a listing in a telephone directory and the
 430 posting of the bail bond agent's or agency's name, address, e-
 431 mail address, and telephone number in a designated location
 432 within the jail.

433 Section 9. Section 903.012, Florida Statutes, is created
 434 to read:

435 903.012 Posting and transmittal of bonds.—Bonds may be
 436 posted in person or electronically at the election of the
 437 receiving agency. Bonds may be transmitted electronically
 438 between the sheriff's office and the office of the clerk of
 439 court.

440 Section 10. Section 903.101, Florida Statutes, is amended
 441 to read:

442 903.101 Sureties; licensed persons; to have equal access.—
 443 Subject to rules adopted by the Department of Financial Services
 444 and by the Financial Services Commission, every surety who meets
 445 the requirements of ss. 903.05, 903.06, 903.08, and 903.09, and
 446 every person who is currently licensed by the Department of
 447 Financial Services and registered as required by s. 648.42 shall
 448 have equal access to the jails of this state for the purpose of

449 making bonds either in person or electronically.

450 Section 11. Subsection (1) of section 903.14, Florida
 451 Statutes, is amended to read:

452 903.14 Contracts to indemnify sureties.—

453 (1) A surety shall file with the bond an affidavit stating
 454 the amount and source of any security or consideration which the
 455 surety or anyone for his or her use has received or been
 456 promised for the bond. The affidavit shall be filed in the same
 457 manner as the bond.

458 Section 12. Paragraph (b) of subsection (1), paragraph (a)
 459 of subsection (2), and subsection (3) of section 903.26, Florida
 460 Statutes, are amended to read:

461 903.26 Forfeiture of the bond; when and how directed;
 462 discharge; how and when made; effect of payment.—

463 (1) A bail bond shall not be forfeited unless:

464 (b) The clerk of court gave the surety at least 72 hours'
 465 notice, exclusive of Saturdays, Sundays, and holidays, before
 466 the time of the required appearance of the defendant. Notice
 467 shall not be necessary if the time for appearance is within 72
 468 hours from the time of arrest, or if the time is stated on the
 469 bond. Such notice may be mailed or electronically transmitted.

470 (2)(a) If there is a breach of the bond, the court shall
 471 declare the bond and any bonds or money deposited as bail
 472 forfeited. The clerk of the court shall mail or electronically
 473 transmit a notice to the surety agent and surety company ~~in~~
 474 ~~writing~~ within 5 days after ~~of~~ the forfeiture. A certificate
 475 signed by the clerk of the court or the clerk's designee,
 476 certifying that the notice required herein was mailed or

477 electronically transmitted on a specified date and accompanied
 478 by a copy of the required notice, shall constitute sufficient
 479 proof that such mailing or electronic transmission was properly
 480 accomplished as indicated therein. If such mailing or electronic
 481 transmission was properly accomplished as evidenced by such
 482 certificate, the failure of the surety agent, of a company, or
 483 of a defendant to receive such ~~mail~~ notice shall not constitute
 484 a defense to such forfeiture and shall not be grounds for
 485 discharge, remission, reduction, set aside, or continuance of
 486 such forfeiture. The forfeiture shall be paid within 60 days of
 487 the date the notice was mailed or electronically transmitted.

488 (3) Sixty days after the forfeiture notice has been mailed
 489 or electronically transmitted:

490 (a) State and county officials having custody of forfeited
 491 money shall deposit the money in the fine and forfeiture fund
 492 established pursuant to s. 142.01~~.~~+

493 (b) Municipal officials having custody of forfeited money
 494 shall deposit the money in a designated municipal fund~~.~~+

495 (c) Officials having custody of bonds as authorized by s.
 496 903.16 shall transmit the bonds to the clerk of the circuit
 497 court who shall sell them at market value and disburse the
 498 proceeds as provided in paragraphs (a) and (b).

499 Section 13. Subsections (1), (2), and (6) of section
 500 903.27, Florida Statutes, are amended to read:

501 903.27 Forfeiture to judgment.—

502 (1) If the forfeiture is not paid or discharged by order
 503 of a court of competent jurisdiction within 60 days and the bond
 504 is secured other than by money and bonds authorized in s.

505 | 903.16, the clerk of the circuit court for the county where the
 506 | order was made shall enter a judgment against the surety for the
 507 | amount of the penalty and issue execution. However, in any case
 508 | in which the bond forfeiture has been discharged by the court of
 509 | competent jurisdiction conditioned upon the payment by the
 510 | surety of certain costs or fees as allowed by statute, the
 511 | amount for which judgment may be entered may not exceed the
 512 | amount of the unpaid fees or costs upon which the discharge had
 513 | been conditioned. Judgment for the full amount of the forfeiture
 514 | shall not be entered if payment of a lesser amount will satisfy
 515 | the conditions to discharge the forfeiture. Within 10 days, the
 516 | clerk shall furnish the Department of Financial Services and the
 517 | Office of Insurance Regulation of the Financial Services
 518 | Commission with a certified copy of the judgment docket and
 519 | shall furnish the surety company at its home office a copy of
 520 | the judgment, which shall include the power of attorney number
 521 | of the bond and the name of the executing agent. If the judgment
 522 | is not paid within 35 days, the clerk shall furnish the
 523 | Department of Financial Services, the Office of Insurance
 524 | Regulation, and the sheriff of the county in which the bond was
 525 | executed, or the official responsible for operation of the
 526 | county jail, if other than the sheriff, two copies of the
 527 | judgment and a certificate stating that the judgment remains
 528 | unsatisfied. When and if the judgment is properly paid or an
 529 | order to vacate the judgment has been entered by a court of
 530 | competent jurisdiction, the clerk shall immediately notify the
 531 | sheriff, or the official responsible for the operation of the
 532 | county jail, if other than the sheriff, and the Department of

533 Financial Services and the Office of Insurance Regulation, if
 534 the department and office had been previously notified of
 535 nonpayment, of such payment or order to vacate the judgment. The
 536 clerk may furnish documents or give notice as required in this
 537 subsection by mail or electronic means. The clerk shall also
 538 immediately prepare and record in the public records a
 539 satisfaction of the judgment or record the order to vacate
 540 judgment. If the defendant is returned to the county of
 541 jurisdiction of the court, whenever a motion to set aside the
 542 judgment is filed, the operation of this section is tolled until
 543 the court makes a disposition of the motion.

544 (2) A certificate signed by the clerk of the court or her
 545 or his designee, certifying that the notice required in
 546 subsection (1) was mailed or electronically delivered on a
 547 specified date, and accompanied by a copy of the required notice
 548 constitutes sufficient proof that such mailing or electronic
 549 delivery was properly accomplished as indicated therein. If such
 550 mailing or electronic delivery was properly accomplished as
 551 evidenced by such certificate, the failure of a company to
 552 receive a copy of the judgment as prescribed in subsection (1)
 553 does not constitute a defense to the forfeiture and is not a
 554 ground for the discharge, remission, reduction, set-aside, or
 555 continuance of such forfeiture.

556 ~~(6) The failure of a state attorney to file, or of the~~
 557 ~~clerk of the circuit court to make, a certified copy of the~~
 558 ~~order of forfeiture as required by law applicable prior to July~~
 559 ~~1, 1982, shall not invalidate any judgment entered by the clerk~~
 560 ~~prior to June 12, 1981.~~

561 Section 14. Subsection (1) of section 903.31, Florida
 562 Statutes, is amended to read:

563 903.31 Canceling the bond.—

564 (1) Within 10 business days after the conditions of a bond
 565 have been satisfied or the forfeiture discharged or remitted,
 566 the court shall order the bond canceled and, if the surety has
 567 attached a certificate of cancellation to the original bond, the
 568 clerk of the court shall mail or electronically furnish an
 569 executed certificate of cancellation to the surety without cost.
 570 An adjudication of guilt or innocence, an acquittal, or a
 571 withholding of an adjudication of guilt shall satisfy the
 572 conditions of the bond. The original appearance bond shall
 573 expire 36 months after such bond has been posted for the release
 574 of the defendant from custody. This subsection does not apply to
 575 cases in which a bond has been declared forfeited.

576 Section 15. Subsection (2) of section 903.36, Florida
 577 Statutes, is amended to read:

578 903.36 Guaranteed arrest bond certificates as cash bail.—

579 (2) The execution of a bail bond by a licensed general
 580 lines agent of a surety insurer for the automobile club or
 581 association member identified in the guaranteed traffic arrest
 582 bond certificate, as provided in s. 627.758(4), shall be
 583 accepted as bail in an amount not to exceed \$5,000 for the
 584 appearance of the person named in the certificate in any court
 585 to answer for the violation of a provision of chapter 316 or a
 586 similar traffic law or ordinance, except driving under the
 587 influence of alcoholic beverages, chemical substances, or
 588 controlled substances, as prohibited by s. 316.193. Presentation

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589 | of the guaranteed traffic arrest bond certificate and a power of
590 | attorney from the surety insurer for its licensed general lines
591 | agents is authorization for such agent to execute the bail bond.
592 | Presentation may be made in person or by electronic means.

593 | Section 16. This act shall take effect July 1, 2013.



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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Local & Federal Affairs
2 Committee

3 Representative Nelson offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (e) through (t) of subsection (2) of
8 section 97.052, Florida Statutes, are redesignated as paragraphs
9 (f) through (u), respectively, and a new paragraph (e) is added
10 to that section, to read:

11 97.052 Uniform statewide voter registration application.-

12 (2) The uniform statewide voter registration application
13 must be designed to elicit the following information from the
14 applicant:

15 (e) E-mail address and whether the applicant wishes to
16 receive sample ballots by e-mail.

17
18 The registration application must be in plain language and
19 designed so that convicted felons whose civil rights have been
20 restored and persons who have been adjudicated mentally



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21 incapacitated and have had their voting rights restored are not
22 required to reveal their prior conviction or adjudication.

23 Section 2. Subsection (2) of section 101.20, Florida
24 Statutes, is amended to read:

25 101.20 Publication of ballot form; sample ballots.—

26 (2) Upon completion of the list of qualified candidates, a
27 sample ballot shall be published by the supervisor of elections
28 in a newspaper of general circulation in the county, before
29 ~~prior to~~ the day of election. In lieu of publication, a
30 supervisor may send a sample ballot to each registered elector
31 by e-mail at least 7 days before any election if an e-mail
32 address has been provided and the elector has opted to receive a
33 sample ballot by electronic delivery. If an e-mail address has
34 not been provided, or if the elector has not opted for
35 electronic delivery, ~~if the county has an addressograph or~~
36 ~~equivalent system for mailing to registered electors,~~ a sample
37 ballot may be mailed to each registered elector or to each
38 household in which there is a registered elector, in lieu of
39 publication, at least 7 days before ~~prior to~~ any election.

40 Section 3. Paragraph (b) of subsection (2) and subsection
41 (3) of section 125.66, Florida Statutes, are amended to read:

42 125.66 Ordinances; enactment procedure; emergency
43 ordinances; rezoning or change of land use ordinances or
44 resolutions.—

45 (2)

46 (b) Certified copies of ordinances or amendments thereto
47 enacted under this regular enactment procedure shall be filed
48 with the Department of State by the clerk of the board of county



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49 commissioners within 10 days after enactment by said board and
50 shall take effect upon filing with the Department of State.
51 However, any ordinance may prescribe a later effective date. In
52 lieu of delivery of the certified copies of the enacted
53 ordinances or amendments by first-class mail, the clerk of the
54 board of county commissioners shall transmit the enacted
55 ordinances or amendments to the department by e-mail. The
56 department shall confirm by e-mail the receipt and effective
57 date of the ordinances or amendments with the clerk of the board
58 of county commissioners.

59 (3) The emergency enactment procedure shall be as follows:
60 The board of county commissioners at any regular or special
61 meeting may enact or amend any ordinance with a waiver of the
62 notice requirements of subsection (2) by a four-fifths vote of
63 the membership of such board, declaring that an emergency exists
64 and that the immediate enactment of said ordinance is necessary.
65 However, no emergency ordinance or resolution shall be enacted
66 which establishes or amends the actual zoning map designation of
67 a parcel or parcels of land or changes the actual list of
68 permitted, conditional, or prohibited uses within a zoning
69 category. Emergency enactment procedures for land use plans
70 adopted pursuant to part II of chapter 163 shall be pursuant to
71 that part. Certified copies of ordinances or amendments thereto
72 enacted under this emergency enactment procedure by a county
73 shall be filed with the Department of State by the clerk of the
74 board of county commissioners as soon after enactment by said
75 board as is practicable. An emergency ordinance enacted under
76 this procedure shall be transmitted by the clerk of the board of



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77 county commissioners by e-mail to the Department of State. It
78 shall be deemed to be filed and shall take effect when a copy
79 has been accepted and confirmed by the department by e-mail
80 ~~deemed to be filed and shall take effect when a copy has been~~
81 ~~accepted by the postal authorities of the Government of the~~
82 ~~United States for special delivery by certified mail to the~~
83 ~~Department of State.~~

84 Section 4. Subsection (2) of section 194.034, Florida
85 Statutes, is amended to read:

86 194.034 Hearing procedures; rules.—

87 (2) In each case, except if the complaint is withdrawn by
88 the petitioner or if the complaint is acknowledged as correct by
89 the property appraiser, the value adjustment board shall render
90 a written decision. All such decisions shall be issued within 20
91 calendar days after the last day the board is in session under
92 s. 194.032. The decision of the board must contain findings of
93 fact and conclusions of law and must include reasons for
94 upholding or overturning the determination of the property
95 appraiser. If a special magistrate has been appointed, the
96 recommendations of the special magistrate shall be considered by
97 the board. The clerk, upon issuance of a decision, shall, on a
98 form provided by the Department of Revenue, notify each taxpayer
99 and the property appraiser of the decision of the board. This
100 notification shall be by first-class mail or by electronic means
101 if selected by the taxpayer on the originally filed petition
102 ~~each taxpayer and the property appraiser of the decision of the~~
103 ~~board.~~ If requested by the Department of Revenue, the clerk
104 shall provide to the department a copy of the decision or



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105 information relating to the tax impact of the findings and
106 results of the board as described in s. 194.037 in the manner
107 and form requested.

108 Section 5. Section 200.069, Florida Statutes, is amended
109 to read:

110 200.069 Notice of proposed property taxes and non-ad
111 valorem assessments.—Pursuant to s. 200.065(2)(b), the property
112 appraiser, in the name of the taxing authorities and local
113 governing boards levying non-ad valorem assessments within his
114 or her jurisdiction and at the expense of the county, shall
115 prepare and deliver by first-class mail to each taxpayer to be
116 listed on the current year's assessment roll a notice of
117 proposed property taxes, which notice shall contain the elements
118 and use the format provided in the following form.

119 Notwithstanding the provisions of s. 195.022, no county officer
120 shall use a form other than that provided herein. The Department
121 of Revenue may adjust the spacing and placement on the form of
122 the elements listed in this section as it considers necessary
123 based on changes in conditions necessitated by various taxing
124 authorities. If the elements are in the order listed, the
125 placement of the listed columns may be varied at the discretion
126 and expense of the property appraiser, and the property
127 appraiser may use printing technology and devices to complete
128 the form, the spacing, and the placement of the information in
129 the columns. A county officer may use a form other than that
130 provided by the department for purposes of this part, but only
131 if his or her office pays the related expenses and he or she
132 obtains prior written permission from the executive director of



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133 the department; however, a county officer may not use a form the
134 substantive content of which is at variance with the form
135 prescribed by the department. The county officer may continue to
136 use such an approved form until the law that specifies the form
137 is amended or repealed or until the officer receives written
138 disapproval from the executive director. In lieu of delivery of
139 the notice of proposed property taxes by first-class mail, the
140 property appraiser may prepare and make available for viewing
141 and printing on his or her office web site the notice of
142 proposed property taxes for each taxpayer to be listed on the
143 current year's assessment roll, but only if, following a
144 recommendation by the property appraiser, the county governing
145 board of his or her jurisdiction approves such measure by
146 ordinance. If approved by ordinance of the county governing
147 board, the notice shall be a separate web page, web link,
148 attachment or document and shall contain all the substantive
149 elements as outlined in this section. The property appraiser
150 may use a format for web display of all substantive elements as
151 outlined in this section other than that provided by the
152 department for purposes of this part, but only if his or her
153 office obtains prior written permission from the executive
154 director of the department. Said format may contain substantive
155 elements, deemed important by the property appraiser, in
156 addition to those outlined in this section. The property
157 appraiser may continue to use such an approved format until the
158 law that specifies the form is amended or repealed or until the
159 officer receives written disapproval from the executive
160 director. The property appraiser shall provide legal notice in



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161 a periodical meeting the requirements of s.50.011 that the
162 notice of proposed property taxes and non-ad valorem assessments
163 is available on the property appraiser web site. Such legal
164 notice shall contain the property appraiser web site address.
165 The property appraiser may also provide notification via
166 electronic mail to property owners or other interested parties
167 who have registered a request with the property appraiser for e-
168 mail notification when the notice of proposed property taxes and
169 non-ad valorem assessments is available on the web site.

170 (1) The first page of the notice shall read:

171 NOTICE OF PROPOSED PROPERTY TAXES

172 DO NOT PAY—THIS IS NOT A BILL

173 The taxing authorities which levy property taxes against
174 your property will soon hold PUBLIC HEARINGS to adopt budgets
175 and tax rates for the next year.

176 The purpose of these PUBLIC HEARINGS is to receive opinions
177 from the general public and to answer questions on the proposed
178 tax change and budget PRIOR TO TAKING FINAL ACTION.

179 Each taxing authority may AMEND OR ALTER its proposals at
180 the hearing.

181 (2)(a) The notice shall include a brief legal description
182 of the property, the name and mailing address of the owner of
183 record, and the tax information applicable to the specific
184 parcel in question. The information shall be in columnar form.
185 There shall be seven column headings which shall read: "Taxing
186 Authority," "Your Property Taxes Last Year," "Last Year's
187 Adjusted Tax Rate (Millage)," "Your Taxes This Year IF NO Budget
188 Change Is Adopted," "Tax Rate This Year IF PROPOSED Budget Is



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189 Adopted (Millage)," "Your Taxes This Year IF PROPOSED Budget
190 Change Is Adopted," and "A Public Hearing on the Proposed Taxes
191 and Budget Will Be Held:."

192 (b) As used in this section, the term "last year's
193 adjusted tax rate" means the rolled-back rate calculated
194 pursuant to s. 200.065(1).

195 (3) There shall be under each column heading an entry for
196 the county; the school district levy required pursuant to s.
197 1011.60(6); other operating school levies; the municipality or
198 municipal service taxing unit or units in which the parcel lies,
199 if any; the water management district levying pursuant to s.
200 373.503; the independent special districts in which the parcel
201 lies, if any; and for all voted levies for debt service
202 applicable to the parcel, if any.

203 (4) For each entry listed in subsection (3), there shall
204 appear on the notice the following:

205 (a) In the first column, a brief, commonly used name for
206 the taxing authority or its governing body. The entry in the
207 first column for the levy required pursuant to s. 1011.60(6)
208 shall be "By State Law." The entry for other operating school
209 district levies shall be "By Local Board." Both school levy
210 entries shall be indented and preceded by the notation "Public
211 Schools:". For each voted levy for debt service, the entry shall
212 be "Voter Approved Debt Payments."

213 (b) In the second column, the gross amount of ad valorem
214 taxes levied against the parcel in the previous year. If the
215 parcel did not exist in the previous year, the second column
216 shall be blank.



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217 (c) In the third column, last year's adjusted tax rate or,
218 in the case of voted levies for debt service, the tax rate
219 previously authorized by referendum.

220 (d) In the fourth column, the gross amount of ad valorem
221 taxes which will apply to the parcel in the current year if each
222 taxing authority levies last year's adjusted tax rate or, in the
223 case of voted levies for debt service, the amount previously
224 authorized by referendum.

225 (e) In the fifth column, the tax rate that each taxing
226 authority must levy against the parcel to fund the proposed
227 budget or, in the case of voted levies for debt service, the tax
228 rate previously authorized by referendum.

229 (f) In the sixth column, the gross amount of ad valorem
230 taxes that must be levied in the current year if the proposed
231 budget is adopted.

232 (g) In the seventh column, the date, the time, and a brief
233 description of the location of the public hearing required
234 pursuant to s. 200.065(2)(c).

235 (5) Following the entries for each taxing authority, a
236 final entry shall show: in the first column, the words "Total
237 Property Taxes:" and in the second, fourth, and sixth columns,
238 the sum of the entries for each of the individual taxing
239 authorities. The second, fourth, and sixth columns shall,
240 immediately below said entries, be labeled Column 1, Column 2,
241 and Column 3, respectively. Below these labels shall appear, in
242 boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.



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243 . (6)(a) The second page of the notice shall state the
244 parcel's market value and for each taxing authority that levies
245 an ad valorem tax against the parcel:

246 1. The assessed value, value of exemptions, and taxable
247 value for the previous year and the current year.

248 2. Each assessment reduction and exemption applicable to
249 the property, including the value of the assessment reduction or
250 exemption and tax levies to which they apply.

251 (b) The reverse side of the second page shall contain
252 definitions and explanations for the values included on the
253 front side.

254 (7) The following statement shall appear after the values
255 listed on the front of the second page:

256 If you feel that the market value of your property is
257 inaccurate or does not reflect fair market value, or if you are
258 entitled to an exemption or classification that is not reflected
259 above, contact your county property appraiser at ...(phone
260 number)... or ...(location)....

261 If the property appraiser's office is unable to resolve the
262 matter as to market value, classification, or an exemption, you
263 may file a petition for adjustment with the Value Adjustment
264 Board. Petition forms are available from the county property
265 appraiser and must be filed ON OR BEFORE ...(date)....

266 (8) The reverse side of the first page of the form shall
267 read:

268 EXPLANATION

269 *COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"



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270 This column shows the taxes that applied last year to your
271 property. These amounts were based on budgets adopted last year
272 and your property's previous taxable value.

273 *COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"

274 This column shows what your taxes will be this year IF EACH
275 TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These
276 amounts are based on last year's budgets and your current
277 assessment.

278 *COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"

279 This column shows what your taxes will be this year under the
280 BUDGET ACTUALLY PROPOSED by each local taxing authority. The
281 proposal is NOT final and may be amended at the public hearings
282 shown on the front side of this notice. The difference between
283 columns 2 and 3 is the tax change proposed by each local taxing
284 authority and is NOT the result of higher assessments.

285 *Note: Amounts shown on this form do NOT reflect early payment
286 discounts you may have received or may be eligible to receive.
287 (Discounts are a maximum of 4 percent of the amounts shown on
288 this form.)

289 (9) The bottom portion of the notice shall further read in
290 bold, conspicuous print:

291 "Your final tax bill may contain non-ad valorem assessments
292 which may not be reflected on this notice such as assessments
293 for roads, fire, garbage, lighting, drainage, water, sewer, or
294 other governmental services and facilities which may be levied
295 by your county, city, or any special district."

296 (10)(a) If requested by the local governing board levying
297 non-ad valorem assessments and agreed to by the property



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298 appraiser, the notice specified in this section may contain a
299 notice of proposed or adopted non-ad valorem assessments. If so
300 agreed, the notice shall be titled:

301 NOTICE OF PROPOSED PROPERTY TAXES
302 AND PROPOSED OR ADOPTED
303 NON-AD VALOREM ASSESSMENTS
304 DO NOT PAY--THIS IS NOT A BILL

305 There must be a clear partition between the notice of proposed
306 property taxes and the notice of proposed or adopted non-ad
307 valorem assessments. The partition must be a bold, horizontal
308 line approximately 1/8-inch thick. By rule, the department
309 shall provide a format for the form of the notice of proposed or
310 adopted non-ad valorem assessments which meets the following
311 minimum requirements:

312 1. There must be subheading for columns listing the
313 levying local governing board, with corresponding assessment
314 rates expressed in dollars and cents per unit of assessment, and
315 the associated assessment amount.

316 2. The purpose of each assessment must also be listed in
317 the column listing the levying local governing board if the
318 purpose is not clearly indicated by the name of the board.

319 3. Each non-ad valorem assessment for each levying local
320 governing board must be listed separately.

321 4. If a county has too many municipal service benefit
322 units or assessments to be listed separately, it shall combine
323 them by function.

324 5. A brief statement outlining the responsibility of the
325 tax collector and each levying local governing board as to any



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326 non-ad valorem assessment must be provided on the form,
327 accompanied by directions as to which office to contact for
328 particular questions or problems.

329 (b) If the notice includes all adopted non-ad valorem
330 assessments, the provisions contained in subsection (9) shall
331 not be placed on the notice.

332 Section 6. This act shall take effect October 1, 2013.
333
334

335 -----

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

337 Remove everything before the enacting clause and insert:
338 An act relating to paper reduction; amending s. 97.052, F. S.;
339 providing that the uniform statewide voter registration
340 application be designed to elicit the e-mail address of an
341 applicant and whether the applicant desires to receive sample
342 ballots by e-mail; amending s. 101.20, F.S.; authorizing a
343 supervisor of elections to send a sample ballot to a registered
344 elector by e-mail under certain circumstances; amending s.
345 125.66, F. S.; requiring the clerk of a board of county
346 commissioners to electronically transmit enacted ordinances,
347 amendments, and emergency ordinances to the Department of State;
348 amending s. 194.034, F. S.; permitting a value adjustment board
349 to electronically provide the taxpayer and property appraiser
350 with notice of the decision of the board; amending s. 200.069,
351 F. S.; authorizing the property appraiser to notify taxpayers of
352 proposed property taxes by posting the notice of proposed
353 property taxes on his or her office website in lieu of first-



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354 class mail if approved by county ordinance; providing additional
355 requirements for a notice that is posted on the property
356 appraiser's website; authorizing the property appraiser to
357 notify taxpayers of proposed property taxes by e-mail when the
358 notice of proposed property taxes and non-ad valorem assessments
359 is available on the property appraiser's website; providing an
360 effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 249 Pub. Rec./E-mail Addresses of Voter Registration Applicants & Voters
SPONSOR(S): Nelson
TIED BILLS: CS/HB 247 **IDEN./SIM. BILLS:** SB 1260

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N	Stramski	Williamson
2) Local & Federal Affairs Committee		Lukis <i>AL</i>	Rojas <i>JR</i>
3) Regulatory Affairs Committee			
4) State Affairs Committee			

SUMMARY ANALYSIS

HB 247 requires the uniform statewide voter registration application to include a field for a voter registration applicant's e-mail address. Current law does not provide a public record exemption for the e-mail address of a voter or voter registration applicant.

This bill provides that the e-mail address of a voter registration applicant or a voter is confidential and exempt from public record requirements.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The bill provides that the exemption will take effect on the same date as HB 247 or similar legislation if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands the current public record exemption for certain voter information; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² 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:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects 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.
- Protects trade or business secrets.

Voter Registration

Current law requires the Department of State to prescribe by rule a uniform statewide voter registration application.³ The application must elicit certain information from the voter applicant, such as the applicant's name, date of birth, and address of legal residence.⁴

Public Record Exemption for Voter Registration Information

Current law also provides a public record exemption for certain information held by an agency⁵ for purposes of voter registration.⁶ Specifically, the following information is confidential and exempt⁷ from

¹ Art I., s. 24(c), Fla. Const.

² See s. 119.15, F.S.

³ Section 97.052(1), F.S.

⁴ Section 97.052(2), F.S.

⁵ The exemption applies to information held by an agency as defined in s. 119.011, F.S. Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

⁶ Section 97.0585, F.S.

⁷ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 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 the statutory exemption. (See Attorney General Opinion 85-62, August 1, 1985).

public record requirements:

- All declarations to register to vote made pursuant to ss. 97.057 and 97.058, F.S.
- Information relating to the place where a person registered to vote or where a person updated a voter registration.
- The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.

In addition, the signature of a voter registration applicant or a voter is exempt from copying requirements.⁸

The public record exemption applies to information held by an agency before, on, or after the effective date of the exemption.⁹

HB 247

HB 247 requires the uniform statewide voter registration application to include a field for a voter registration applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.

Effect of Proposed Changes

This bill expands the current public record exemption for voter registration information. It provides that the e-mail address of a voter registration applicant or voter is confidential and exempt from public record requirements.

Current law provides for retroactive application of the public record exemption. As such, the exemption for e-mail addresses also will apply retroactively.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

The bill provides that the exemption will take effect on the same date as HB 247 or similar legislation if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

B. SECTION DIRECTORY:

Section 1: Amends s. 97.0585, F.S., providing an exemption from public records requirements for the e-mail addresses of voter registration applicants and voters; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act.

Section 2: Provides a public necessity statement.

Section 3: Provides a contingent effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁸ Section 97.0585(2), F.S.

⁹ Section 97.0585(4), F.S.

2. Expenditures:
See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill likely could create a minimal fiscal impact on agencies, because staff responsible for complying with public record requests could require training related to expansion of the public record exemption. In addition, those agencies could incur costs associated with redacting the confidential and exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the agency.

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

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands the current public record exemption for voter information; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill expands the current public record exemption for voter information; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption limited to the e-mail address of a voter or voter registration applicant. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

Not applicable. This bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 97.0585, F.S.; providing an exemption from public
 4 records requirements for the e-mail addresses of voter
 5 registration applicants and voters; providing for
 6 future legislative review and repeal of the exemption
 7 under the Open Government Sunset Review Act; providing
 8 a statement of public necessity; providing a
 9 contingent effective date.

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

12
 13 Section 1. Section 97.0585, Florida Statutes, is amended to
 14 read:

15 97.0585 Public records exemption; information regarding
 16 voters and voter registration; confidentiality.—

17 (1) The following information held by an agency as defined
 18 in s. 119.011 is confidential and exempt from s. 119.07(1) and
 19 s. 24(a), Art. I of the State Constitution and may be used only
 20 for purposes of voter registration:

21 (a) All declinations to register to vote made pursuant to
 22 ss. 97.057 and 97.058.

23 (b) Information relating to the place where a person
 24 registered to vote or where a person updated a voter
 25 registration.

26 (c) The social security number, driver's license number,
 27 and Florida identification number of a voter registration
 28 applicant or voter.

29 (d) The e-mail address of a voter registration applicant
 30 or voter.

31 (2) The signature of a voter registration applicant or a
 32 voter is exempt from the copying requirements of s. 119.07(1)
 33 and s. 24(a), Art. I of the State Constitution.

34 (3) The names, addresses, and telephone numbers of persons
 35 who are victims of stalking or aggravated stalking are exempt
 36 from s. 119.071(1) and s. 24(a), Art. I of the State
 37 Constitution in the same manner that the names, addresses, and
 38 telephone numbers of participants in the Address Confidentiality
 39 Program for Victims of Domestic Violence which are held by the
 40 Attorney General under s. 741.465 are exempt from disclosure,
 41 provided that the victim files a sworn statement of stalking
 42 with the Office of the Attorney General and otherwise complies
 43 with the procedures in ss. 741.401-741.409.

44 (4) This section applies to information held by an agency
 45 before, on, or after the effective date of this exemption.

46 (5) (a) Subsection (3) is subject to the Open Government
 47 Sunset Review Act in accordance with s. 119.15 and shall stand
 48 repealed on October 2, 2015, unless reviewed and saved from
 49 repeal through reenactment by the Legislature.

50 (b) Paragraph (d) of subsection (1) is subject to the Open
 51 Government Sunset Review Act in accordance with s. 119.15 and
 52 shall stand repealed on October 2, 2018, unless reviewed and
 53 saved from repeal through reenactment by the Legislature.

54 Section 2. The Legislature finds that it is a public
 55 necessity that the e-mail address of a voter registration
 56 applicant or voter that is held by an agency be made

57 confidential and exempt from public record requirements. E-mail
 58 addresses are personal information that could be misused and
 59 could result in voter fraud if released. A voter may request an
 60 absentee ballot using an e-mail address. Public access to that
 61 e-mail address could make others aware of those voters intending
 62 to vote using an absentee ballot and could result in
 63 confiscation and misuse of a mailed absentee ballot by a person
 64 other than the registered voter before the registered voter
 65 receives the requested absentee ballot. In addition, collection
 66 of the e-mail address of a voter registration applicant or a
 67 registered voter would allow the supervisors of elections to
 68 send sample ballots electronically, thereby saving counties
 69 money. If a voter registration applicant or a registered voter
 70 knows that his or her e-mail address is subject to public
 71 disclosure, he or she may be less willing to provide the address
 72 to the supervisor of elections. Accordingly, the effective and
 73 efficient administration of a government program would be
 74 significantly impaired.

75 Section 3. This act shall take effect on the same date
 76 that HB 247 or similar legislation takes effect, if such
 77 legislation is adopted in the same legislative session or an
 78 extension thereof and becomes law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 249 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Local & Federal Affairs

2 Committee

3 Representative Nelson offered the following:

4

5 **Amendment**

6 Remove line 57 and insert:

7 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

8 of the State Constitution. E-mail

9

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 537 Growth Management
SPONSOR(S): Economic Development & Tourism Subcommittee, Moraitis, Jr.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	13 Y, 0 N, As CS	Flegiel	West
2) Local & Federal Affairs Committee		Dougherty	DDD Rojas
3) Economic Affairs Committee			

SUMMARY ANALYSIS

This bill amends s. 163.3167, F.S., prohibiting initiative or referendum processes for all development orders. This bill further amends s. 163.3167, F.S., prohibiting local government initiative or referendum processes for local comprehensive plan and map amendments affecting more than five parcels; except for those processes in effect as of June 1, 2011 and specifically authorized by charter language.

The bill will take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Local Initiatives and Referenda on Land Use Changes

In 2006, voters in St. Pete Beach amended the city's charter to require voter referendums on all future changes to comprehensive plans, redevelopment plans, and building height regulations.¹ This process, often called "Hometown Democracy," caused delay in the local development process.² In November 2010, Florida voters decided against implementing Hometown Democracy statewide with a 67.1 percent 'no' vote on Amendment 4.³ Shortly thereafter, in March 2011, voters in St. Pete Beach repealed the town's Hometown Democracy provisions by 54.07 percent.⁴

The 2011 Legislature passed HB 7207, known as the "Community Planning Act." Section 7, amending s. 163.3167, F.S., prohibited local governments from adopting initiative or referendum processes for any development orders, comprehensive plan amendments, or map amendments.⁵

At the time, very few local governments had a land use referendum or initiative process in place.⁶ One of these affected governments, The Town of Yankeetown (Yankeetown), had a charter provision which specifically authorized a referendum vote on comprehensive plan amendments affecting more than five parcels of land.⁷ Following the enactment of HB 7207 (2011), Yankeetown filed a complaint in the Leon County Circuit Court against the Department of Community Affairs (DCA), now the Department of Economic Opportunity (DEO), stating its desire to maintain its charter provision.⁸

In September 2011, DCA and Yankeetown reached a proposed settlement agreement contingent upon the Legislature passing, and the Governor signing into law, a proposed amendment to the Community Planning Act.⁹ The resulting bill, CH/HB 7081 (2012), was designed to allow charter provisions like that of Yankeetown to remain valid. The bill was intended to have a limited impact, protecting only those local government charter provisions that: 1) were in effect as of June 1, 2011, and 2) authorized an

¹ "Is St. Pete Beach a Valid Case Study for Amendment 4?" *St. Petersburg Times*, March 19, 2010. Retrieved from: <http://www.politifact.com/florida/statements/2010/mar/19/citizens-lower-taxes-and-stronger-economy/st-pete-beach-amendment-4-hometown-democracy/> (2/25/13).

² *Id.*

³ *See*, November 2, 2010 General Election Official Results provided by the Florida Department of State. Retrieved from: <https://doe.dos.state.fl.us/elections/resultsarchive/Index.asp?ElectionDate=11/2/2010&DATAMODE=> (2/26/13).

⁴ *See*, 2011 Municipal Election Results provided by the Pinellas County Supervisor of Elections. Retrieved from: <http://www.votepinellas.com/index.php?id=1789> (2/26/13).

⁵ *See*, "The Community Planning Act," s.7, ch. 2011-139, L.O.F., 2011 CS/HB 7207.

⁶ Longboat Key, Key West, Miami Beach, and the Town of Yankeetown.

⁷ *See*, *Town of Yankeetown, FL v. Dep't of Econ. Opportunity, et. al.*, No. 37 2011-CA-002036 (Fla. 2d Cir. Ct. 2011), Town of Yankeetown's Amended Complaint for Declaratory Judgment, p. 3 (Aug. 9, 2011).

⁸ *Id.* The complaint alleged that ch. 2011-139, L.O.F., violated the single subject provision in s. 6, Art. III, State Constitution, and that it was read by a misleading, inaccurate title. Yankeetown also alleged that the law contained unconstitutionally vague terms and contained an unlawful delegation of legislative authority. The city of St. Pete Beach also filed a motion to intervene as a defendant in the case, on the same side as the state.

⁹ Settlement Letter between the Department of Community Affairs and St. Pete Beach and Yankeetown, Re: Case No. 37 2011 CA 002036 (9/28/2011).

initiative or referendum process for development orders, comprehensive plan amendments, or map amendments.¹⁰ The Legislature passed the bill on March 7, 2012, and the Governor signed CS/HB 7081 (2012) into law on April 6, 2012. It was codified in s. 8, ch. 163.3167, F.S.

CS/HB 7081 (2012) left open the possibility for an interpretation that allowed all referendum or initiative provisions in effect as of June 1, 2011, not merely those specifically for development orders, comprehensive plan amendments, or map amendments.

In October 2012, the Palm Beach County Circuit Court ruled that CS/HB 7081 (2012) extended the exception to all local government general referendum or initiative charter provisions in effect as of June 1, 2011.¹¹ The court held that such a general provision encompassed specific land amendments, such as development orders and comprehensive map amendments, despite the charter language not specifically authorizing either. This broad interpretation is contrary to the intent of the 2011 and 2012 legislation, which sought to restrict these voting mechanisms.

Effect of Proposed Changes

CS/HB 537 seeks to narrow the current interpretation of s. 163.3167(8), F.S., while preserving the purpose of the 2011 Community Planning Act.

With one exception, CS/HB 537 prohibits initiative or referendum processes for any development order, local comprehensive plan amendments, or map amendments. However, if the local government charter (1) specifically authorizes and (2) was lawful and in effect June 1, 2011, then such processes are allowed for (1) local comprehensive plan amendments or (2) map amendments affecting more than five parcels of land. Provisions in regard to development orders are not included in the exception and are always prohibited.

B. SECTION DIRECTORY:

Section 1: Amends s. 163.3167(8), F.S., to clarify that initiative and referendum processes for development orders are prohibited. Amends s. 163.3167(8), F.S., to limit the use of initiative or referendum processes for comprehensive plan and map amendments to specified local governments. Provides legislative intent.

Section 2: Provides that the Act takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹⁰ Section 1, ch. 2012-99, L.O.F.

¹¹ *City of Boca Raton v. Kennedy, et. al.*, No. 2012-CA-009962-MB (Fla. 15th Cir. Ct. 2012), Order denying plaintiff, City of Boca Raton's and Intervener/Co-Plaintiff, Archstone Palmetto Park, LLC's Motions for Summary Judgment and Granting Defendants' Motion for Summary Judgment. J. Chernow Brown, Oct. 16, 2012.

1. Revenues:

None.

2. Expenditures:

There could be cost savings for local governments by limiting the number special elections and the number of issues presented to voters in general and special elections.¹²

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Removes potential impediments to developers seeking land use permit changes.

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

On March 6th, 2013, the House Economic Development and Tourism Subcommittee adopted a strike-all amendment and passed the bill as a CS. The CS differs from the original bill as follows:

- Reorganizes s. 163.3167(8), F.S., into three sub-sub-sections.

¹² Financial Information Statement: Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans, #05-18. Office of Economic & Demographic Research. Retrieved from: <http://edr.state.fl.us/Content/constitutional-amendments/2010Ballot/LandUse/LandUseInformationStatement.cfm> (2/26/13).

- Removes language that provides for initiative or referendum process regarding any development order, local comprehensive plan amendment, or map amendment commenced or completed after June 1, 2011 is void.
- Adds clarification that a general initiative or referendum process is not sufficient to meet exception intended for specifically authorized initiative or referendum processes for comprehensive plan and map amendments in effect as of June 1, 2011.
- Sub-sub-section (c) adds legislative intent, clarifying the legislature's intention for the application of sub-sub-sections (a) and (b) and for s. 163.3167(8), F.S., to apply retroactively as of June 2, 2011.

The analysis has been updated to reflect the strike-all amendment.

CS/HB 537

2013

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A bill to be entitled
An act relating to growth management; amending s.
163.3167, F.S.; providing that an initiative or
referendum process for any development order is
prohibited; providing that an initiative or referendum
process for any local comprehensive plan amendments
and map amendments is prohibited; providing an
exception for an initiative or referendum process
specifically authorized by local government charter
provision in effect as of June 1, 2011, for certain
local comprehensive plan amendments and map
amendments; providing that certain charter provisions
for an initiative or referendum process are not
sufficient; providing legislative intent; providing
that certain prohibitions apply retroactively;
providing an effective date.

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

Section 1. Subsection (8) of section 163.3167, Florida
Statutes, is amended to read:

163.3167 Scope of act.—

(8) (a) An initiative or referendum process in regard to
~~any development order or in regard to any local comprehensive
plan amendment or map amendment~~ is prohibited. ~~However, any
local government charter provision that was in effect as of June
1, 2011, for an initiative or referendum process in regard to
development orders or in regard to local comprehensive plan~~

29 ~~amendments or map amendments may be retained and implemented.~~

30 (b) An initiative or referendum process in regard to any
 31 local comprehensive plan amendment or map amendment is
 32 prohibited. However, an initiative or referendum process in
 33 regard to any local comprehensive plan amendment or map
 34 amendment that affects more than five parcels of land is allowed
 35 if it is expressly authorized by specific language in a local
 36 government charter that was lawful and in effect on June 1,
 37 2011; a general local government charter provision for an
 38 initiative or referendum process is not sufficient.

39 (c) It is the intent of the Legislature that initiative
 40 and referendum be prohibited in regard to any development order.
 41 It is the intent of the Legislature that initiative and
 42 referendum be prohibited in regard to any local comprehensive
 43 plan amendment or map amendment, except as specifically and
 44 narrowly permitted in paragraph (b) with regard to local
 45 comprehensive plan amendments or map amendments that affect more
 46 than five parcels of land. Therefore, the prohibition on
 47 initiative and referendum stated in paragraphs (a) and (b) is
 48 remedial in nature and applies retroactively to any initiative
 49 or referendum process commenced after June 1, 2011, and any such
 50 initiative or referendum process that has been commenced or
 51 completed thereafter is hereby deemed null and void and of no
 52 legal force and effect.

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



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Local & Federal Affairs
2 Committee

3 Representative Moraitis offered the following:

4
5 **Amendment**

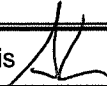
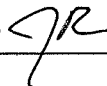
6 Remove lines 34-45 and insert:

7 amendment is allowed if it affects more than five parcels of
8 land and is expressly authorized by specific language in a local
9 government charter that was lawful and in effect on June 1,
10 2011; a general local government charter provision for an
11 initiative or referendum process is not sufficient.

12 (c) It is the intent of the Legislature that initiative
13 and referendum be prohibited in regard to any development order.
14 It is the intent of the Legislature that initiative and
15 referendum be prohibited in regard to any local comprehensive
16 plan amendment or map amendment, except as specifically and
17 narrowly permitted in paragraph (b) with regard to local
18 comprehensive plan amendments that affect more than five parcels
19 of land or map amendments that affect more
20

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 763 Congressional Term Limits
SPONSOR(S): Caldwell
TIED BILLS: IDEN./SIM. BILLS: SM 970

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Lukis 	Rojas 
2) State Affairs Committee			

SUMMARY ANALYSIS

HM 763 urges the United States Congress to propose an amendment to the U.S. Constitution to limit the number of consecutive terms that a member of Congress may serve in the same office. Currently, there is no limit on the number of terms a U.S. Senator or Representative can serve. As a result, pending reelection congressional members are able to stay in office for long periods of time, which supporters of term-limits contend negatively impacts their roles as representatives. This memorial does not specify a particular term limit—it advocates for *some limit*, which it states would allow for better service of this nation's interests (emphasis added).

Support for congressional term limits gained measurable traction around the early 1990s when 23 states, including Florida, passed laws imposing term limits on their respective federal legislators. The states' efforts were soon rendered void, however, in 1995 when the U.S. Supreme Court held that states could not impose term limits on federal legislators and that such limitation could only be accomplished by amending the U.S. Constitution. Accordingly, since that case supporters for term limits have focused their lobbying efforts on amending the Constitution.

To amend the U.S. Constitution each house of Congress must approve a proposal for an amendment by a two-thirds majority. Then, three-fourths (38) of the states have to ratify that proposal. Since 1995, congressional members have filed about 70 bills proposing an amendment to limit their terms, but none have been successful.

An identical memorial, HM 83, passed the Florida House of Representative on February 29, 2012 and the Florida Senate on March 1, 2012.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law—they are mechanisms for formally petitioning the U.S. Congress to act on a particular subject. This memorial does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The United States Constitution governs congressional membership.¹ It specifies that members of the U.S. House of Representatives serve two-year terms and members of the U.S. Senate serve six-year terms.² The Constitution does not limit the number of terms or years a member of Congress may serve.³ The only check or limit on the length of congressional membership is the possibility of not being reelected.⁴

Supporters of congressional term limits find this check inadequate. They argue that given the ease at which incumbents are often reelected, members of Congress can become too insulated and isolated from the interests of their constituents.⁵ In particular, these supporters claim that so called "career politicians" tend to become too consumed with the perks of their jobs and too indebted to lobbyists and special interests that they lose sight of their duty as representatives.⁶

Conversely, opponents to congressional term limits argue that the ability to vote a member of Congress out of office is a sufficient check on their performance as lawmakers.⁷ Opponents argue further that term limits would produce a more novice congressional membership and would not reduce the power of lobbyists and special interests.⁸ Some even argue that term limits would increase the power of special interests.⁹

Background on the Term Limit Debate

This debate stems back to the late 18th Century,¹⁰ however, it took many years to develop into its present form. Until the 1900s, support for term limits was essentially deemed irrelevant because it was uncommon for members of Congress to serve for more than a few terms.¹¹ As time progressed through the 20th Century and reelection rates for congressional incumbents began to increase,¹² the push for term limits also grew but never with much success.¹³ Proponents of term limits did not gain any significant or measurable support until the early 1990s when 23 states, including Florida, passed laws imposing term limits on their respective federal legislators.¹⁴ These efforts were eventually

¹ U.S. Const. art. I, § 2, cl. 2; U.S. Const. art. I, § 3, cl. 3.

² *Id.*

³ *Id.*

⁴ *See, id.*

⁵ <http://www.termlimits.com/>; <http://termlimits.org/>; <http://www.cnn.com/2010/POLITICS/07/19/term.limits/index.html>

⁶ *Id.*

⁷ <http://www.cnn.com/2010/POLITICS/07/19/term.limits/index.html>; *See also*

http://www.cleveland.com/opinion/index.ssf/2012/07/the_case_against_legislative_t.html

⁸ *Id.*

⁹ *Id.*

¹⁰ The Framers debated the issue before drafting the final version of the U.S. Constitution as there were term limits for delegates to the Continental Congress under the Articles of Confederation.

¹¹ H0083z.FAS.DOCX March 15, 2012, citing Tiffanie Kovacevich, *Constitutionality of Term Limits: Can States Limit the Terms of Members of Congress?*, 23 Pac. L.J. 1677, 1680 (1992).

¹² *See*, the following source for data on re-election rates since 1964: <http://www.opensecrets.org/bigpicture/reelect.php>.

¹³ For example, discussion of congressional term limits came about during the debate before the 1951 ratification of the 22nd amendment, which imposed a two-term limit on the office of the President. Former Senator O'Daniel, a Democrat from Texas, sought a proposal for congressional term limits, but he only received one vote.

¹⁴ U.S. Congressional Research Service. *Term Limits for Members of Congress: State Activity* (No. 96-152 GOV; Nov. 22, 1996), by Sula P. Rishardson. Text at: <http://digital.library.unt.edu/ark:/67531/metacrs582/m1/>; Accessed: February 25, 2013. (States that

rendered void, however, with the 1995 Supreme Court case, *U.S. Term Limits, Inc. v. Thornton*.¹⁵ In that case, the Supreme Court held the following:

- 1) state-imposed candidacy limitations on federal legislative office violates the U.S. Constitution's "qualifications clauses;" and
- 2) term limits on federal legislators may only be imposed by amendment to the Constitution.¹⁶

Accordingly, since the *Thornton* decision, proponents for term limits have focused their lobbying efforts on amending the Constitution. To successfully amend the U.S. Constitution each side of Congress must approve a proposal for amendment by a two-thirds majority.¹⁷ Then, three-fourths (38) of the states have to ratify the proposal.¹⁸ Since 1995, congressional members have filed about 70 bills proposing an amendment to limit their terms, but none have been successful.¹⁹

Effect of Proposed Changes

HM 763 urges Congress to propose an amendment to the U.S. Constitution to limit the number of consecutive terms that a member of Congress may serve in the same office. The memorial does not advocate for a permanent ban from service of congressional members once their term limits expire. Under the memorial's approach, a member could be reelected to the same position as long as there is a break between periods of service. In addition, HM 763 does not specify a particular term limit—it advocates for *some limit*, which it states would allow for better service of this nation's interests (emphasis added).

An identical memorial, HM 83, passed the Florida House of Representative on February 29, 2012 and the Florida Senate on March 1, 2012.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law—they are mechanisms for formally petitioning the U.S. Congress to act on a particular subject. This memorial does not have a fiscal impact.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

passed some form of congressional term limits include the following: AK, AR, AZ, CA, CO, FL, ID, ME, MA, MI, MO, MT, NE, NH, NV, ND, OH, OK, OR, SD, UT, WA, WY.)

¹⁵ *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 881 (1995).

¹⁶ *Id.*

¹⁷ U.S. Const., art V.

¹⁸ *Id.*

¹⁹ This information was discovered through searches on www.thomas.gov, the online library of Congress.

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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

HM 763

2013

House Memorial

A memorial to the Congress of the United States, urging Congress to propose to the states an amendment to the Constitution of the United States that would limit the consecutive terms of office which a member of the United States Senate or the United States House of Representatives may serve.

WHEREAS, Article V of the Constitution of the United States authorizes Congress to propose amendments to the Constitution which shall become valid when ratified by the states, and

WHEREAS, a continuous and growing concern has been expressed that the best interests of this nation will be served by limiting the terms of members of Congress, a concern expressed by the Founding Fathers and incorporated into the Articles of Confederation, and

WHEREAS, the voters of the State of Florida, by the gathering of petition signatures, placed on the general election ballot of 1992 a measure to limit the consecutive years of service for several offices, including the offices of United States Senator and United States Representative, and

WHEREAS, the voters of Florida incorporated this limitation into the State Constitution as Section 4, Article VI, by an approval vote that exceeded 76 percent in the general election of 1992, and

WHEREAS, in 1995, the United States Supreme Court ruled in *U.S. Term Limits, Inc., et al., v. Thornton, et al.*, 514 U.S. 779 (1995), a five-to-four decision, that the individual states

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2013

29 | did not possess the requisite authority to establish term
 30 | limits, or additional qualifications, for persons elected to the
 31 | United States Senate or United States House of Representatives,
 32 | and

33 | WHEREAS, upon reflecting on the intent of the voters of
 34 | this state and their overwhelming support of congressional term
 35 | limits, the Legislature, in its 114th Regular Session since
 36 | Statehood in 1845, did express through a memorial to Congress
 37 | the desire to receive an amendment to the Constitution of the
 38 | United States to limit the number of consecutive terms that a
 39 | person may serve in the United States Senate or the United
 40 | States House of Representatives, and

41 | WHEREAS, the Legislature, in its 115th Regular Session
 42 | since Statehood in 1845, does again express the same desire to
 43 | receive such an amendment, NOW, THEREFORE,

44 |

45 | Be It Resolved by the Legislature of the State of Florida:

46 |

47 | That the Florida Legislature respectfully petitions the
 48 | Congress of the United States to propose to the states an
 49 | amendment to the Constitution of the United States to limit the
 50 | number of consecutive terms which a person may serve in the
 51 | United States Senate or the United States House of
 52 | Representatives.

53 | BE IT FURTHER RESOLVED that copies of this memorial be
 54 | dispatched to the President of the United States, to the
 55 | President of the United States Senate, to the Speaker of the
 56 | United States House of Representatives, to each member of the


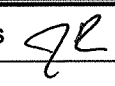
HM 763

2013

57 | Florida delegation to the United States Congress, and to the
58 | presiding officer of each house of the legislature of each
59 | state.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 949 Charlotte County
SPONSOR(S): Roberson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Baker 	Rojas 
2) State Affairs Committee			

SUMMARY ANALYSIS

The bill changes the election procedures for the Charlotte County Airport Authority (Authority). Specifically, the bill requires the members of the Authority to be elected in the same manner as county officials, including partisan affiliation.

The bill also provides for residency requirements for candidates as well as terms and titles for the members.

The bill repeals the local law that created the Authority's predecessor known as the Charlotte County Development Commission.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Charlotte County Airport Authority

The Charlotte County Airport Authority (Authority) was created by the Florida Legislature in 1998.¹ The Authority is an independent special district pursuant to ch. 189, F.S.² The Authority is a single-county special district whose purpose is to operate, plan and develop the Authority's airports, facilities, commerce parks, and real estate.³

The Authority is the sole provider of aviation fuel on its property, the sales of which are one of the Authority's revenue sources.⁴ Other sources of revenue are rents from the property and concessions.

Among its other powers, the Authority may borrow funds and issue bonds to further the purposes of the Authority, except no general obligation bonds may be issued without satisfying the State Constitution and all other applicable laws.⁵

In 1991, the Legislature enacted ch. 91-361, L.O.F., that granted the Charlotte County Board of Commissioners the option to abolish the Authority's predecessor, the Charlotte County Development Commission (Predecessor). If the county commissioners chose to abolish the Predecessor, that 1991 chapter law required the county commissioners to assume the obligations of the Predecessor by a certain date. The county commissioners chose to let the option expire and the Predecessor continued to exist until the Legislature changed its name to the Authority in 1998.

The Authority's election procedure

The Authority is composed of five members, one from each Charlotte County commission district. Section 4 of ch. 98-508, L.O.F., as amended, states members are "elected as prescribed in this section." That same section states "[e]lection of members of the authority shall be prescribed by the general election laws of Florida."⁶

Florida's general law, in s. 189.405(2)(c), F.S., provides that elections for the governing board members of a single-county special district "shall be *nonpartisan*, except when partisan elections are specified by a district's charter."⁷ The chapter laws creating the Authority do not otherwise address whether its elections may be conducted according to partisan affiliation.⁸

¹ ch. 98-508, L.O.F.

² ch. 2011-263, L.O.F., amending ch. 2004-405, L.O.F., amending ch. 98-508, L.O.F.

³ *Id.*

⁴ Charlotte County Airport and Punta Gorda Army Airfield, General Aviation, *available at* <http://www.flypgd.com/about-punta-gorda-airport/> (last visited Mar. 9, 2013).

⁵ ch. 2011-263, L.O.F., amending ch. 2004-405, L.O.F., amending ch. 98-508, L.O.F.

⁶ *Id.*

⁷ Emphasis added.

⁸ *See* ch. 2011-263, L.O.F.; *contra* ch. 63-1207, L.O.F., that stated the Authority's predecessor shall elect members "consistent with the manner of election of other County Officials, and shall be subject to the General Elections laws."

Since 1963, at least some, if not all, of the members of the Authority and its Predecessor have been chosen by partisan elections.⁹

As to the question whether ch. 189, F.S., is the proper “general election law” to apply, statutory interpretation usually applies the more specific provision of law instead of the more general. The Florida election code as contained in the Florida Statutes at ss. 97-107, is entitled “Electors and Elections.” Chapter 189, F.S. is entitled “Special Districts: General Provisions.” The proper “general election law” to apply is likely the more specific ch. 189, F.S., that addresses the elections of special districts, and specifically the election of single-county special districts. Further, the 2011 changes to the Authority’s enacting law inserted the phrase “pursuant to section 189” after stating that the Authority is an independent special district.¹⁰

Effect of Proposed Changes

County election procedure required

The bill changes the Authority’s election procedure by revising ch. 98-508, L.O.F., as amended. The bill conforms the law to the customary practice of the Authority. Instead of statutorily-required nonpartisan elections for Authority members, the bill requires those elections be held “in the same manner as county officials, including partisan affiliation.”

Miscellaneous revisions

The bill gives the additional name of “commissioner” to Authority members.

The bill adds that commissioners will be elected every four years, beginning in 2014 for the commissioners from even-numbered county commission districts, and in 2016 for the commissioners from odd-numbered county commission districts.

The bill inserts a candidate qualification. At the time immediately before qualifying to run for a seat on the Authority, a person seeking to be a candidate must have resided in the district for six months.

Repeal of initial creation law

The bill repeals ch. 63-1207, L.O.F., the chapter law that created the Predecessor. That law is obsolete since ch. 98-508, L.O.F., created the Authority in its present form. When creating the current Authority via ch. 98-508, L.O.F., the Legislature codified, reenacted, amended, and repealed all the chapter laws that concerned the Authority except for ch. 63-1207, L.O.F. The omission of ch. 63-1207, L.O.F. from the repeal that occurred in 1998 may have been a technical error.

Effective Date

The bill would take effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Revises ch. 98-508, L.O.F., as amended by chs. 2004-405, L.O.F., and 2011-263, L.O.F., relating to the election procedures of the Charlotte County Airport Authority.

⁹ ch. 63-1207, L.O.F.; *see* “Botched election? Airport authority may need special vote,” Wink News, Jun. 19, 2012, *available at* <http://www.winknews.com/Campaign-Central/2012-06-19/Botched-election-Airport-Authority-may-need-special-vote> (last visited Mar. 9, 2013).

¹⁰ ch. 2011-263, L.O.F., amending ch. 2004-405, L.O.F., amending ch. 98-508, L.O.F.

Section 2: Provides an effective date upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 22, 2013

WHERE? *Charlotte Sun*, a daily newspaper published in Charlotte County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Comments

The bill's language may cause unintended results. A court may interpret the language "in the same manner as county officials, including partisan affiliation" to necessarily tie the Authority's election procedure to that of Florida's counties. Thus, if the Legislature changed the general law on county elections to require nonpartisan elections, or if a court interpreted general law so as to prevent counties from holding partisan elections, then the bill may prevent the Authority from holding partisan elections.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A



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

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the Charlotte Sun and Englewood Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice, was published in said newspaper in the issues of:

January 22, 2013

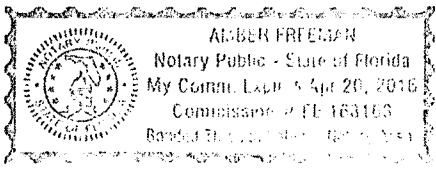
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

NOTICE OF INTENT TO SEEK LEGISLATION TO WHOM IT MAY CONCERN:
Notice is hereby given of intent to apply to the 2013 Legislature, or 2013 Legislative Sessions, or 2013 Legislature and any Special or Extended Sessions for passage of an act relating to the Charlotte County Airport Authority; codifying, amending, reenacting and repealing chapter 63-1207 Laws of Florida; revising and providing for qualification of members; providing an effective date.
Publish: January 22, 2013
James W. Herston, Chair
107763 2839583

Diane Brinckman
(Signature of Affiant)

Sworn and subscribed before me this 22nd day of January, 2013.

[Signature]
(Signature of Notary Public)
AMBER FREEMAN
(Print Name)



Personally known / OR Produced Identification
Type of Identification Produced _____

HOUSE OF REPRESENTATIVES
2013 LOCAL BILL CERTIFICATION FORM

BILL #: 949
SPONSOR(S): REP. ROBERSON + SEN. BENACQUISTO
RELATING TO: CHARLOTTE COUNTY
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: CHARLOTTE COUNTY
CONTACT PERSON: JAE WILLIAMS
PHONE NO.: (941) 613-0914 **E-Mail:** JAE.WILLIAMS@MYFLORIDA

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

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

YES NO

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

YES NO

Date hearing held: JAN. 10, 2013

Location: PORT CHARLOTTE, FLORIDA

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE JAN. 22, 2013

Where? CHARLOTTE SUN County CHARLOTTE COUNTY

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES [] NO [] NOT APPLICABLE []

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

YES [] NO [] NOT APPLICABLE []

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

YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.



Delegation Chair (Original Signature)

JAN 10, 2013
Date

KENNETH L. ROBERSON
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2013 ECONOMIC IMPACT STATEMENT FORM

House local bill policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. It is the policy of the House of Representatives that no bill will be considered by a council or a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. Please submit this form to the Committee on Military & Local Affairs as soon as possible after the bill is filed.

BILL #: 949
SPONSOR(S): Representative Ken Roberson and Senator Lizbeth Benacquisto
RELATING TO: Charlotte County Airport Authority
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

Expenditures: FY 13-14 FY 14-15
No funds are requested of the Legislature for the Enabling Legislation changes.

II. ANTICIPATED SOURCE(S) OF FUNDING:

FY 13-14 FY 14-15
Federal: None
State: None
Local: None

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues: N/A. The Charlotte County Airport Authority is a self supporting government body which derives its revenues from the sale of fuels, leasing of property and concession revenue. FY 13-14 FY 14-15

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: This enabling legislation change restates existing methods of election and brings it into the current legislation, providing an easy manner of locating the information. This information was the last remaining provision of the original enabling legislation, 63-1207, and allows for immediate access to the necessary information. Without this change, the manner of election remains the same, but it cannot be readily found through ordinary research methods.

Disadvantages: None.

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

The Authority is by federal regulation, the sole provider of aviation fuels on site. Therefore there is no competition. The Authority already competes with commercial development. This Enabling Legislation change will not have an impact of increasing or decreasing that competition.

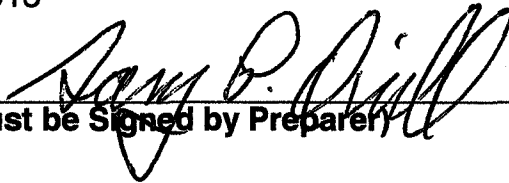
VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

The changes requested in the Enabling Legislation do not involve an economic impact or change market competition.

DATE: January 4, 2013

PREPARED BY: _____

(Must be Signed by Preparer)



TITLE: Executive Director

REPRESENTING: Charlotte County Airport Authority

PHONE: 941-639-1101 ext. 101

E-Mail Address: gquill@flypgd.com

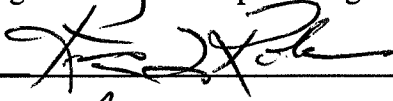

**CHARLOTTE COUNTY LEGISLATIVE DELEGATION
EXPLANATORY MEMORANDUM
PROPOSED LOCAL LEGISLATION**

Attach a copy of Explanatory Memorandum and Economic Impact Statement to the face of your local bill; submit 13 copies, including the forms with original signatures.

I. Authority/Individual Submitting Proposed Legislation:

- A. Name of Applicant: Charlotte County Airport Authority
- B. Contact: Gary P. Quill, Executive Director
- C. Address: 28000 A-1 Airport Road, Punta Gorda, FL 33982
- D. Telephone: 941-639-1101 ext. 101
- E. Bill Prepared by/Telephone: Gary P. Quill/941-639-1101

II. Signature of Delegation Members Sponsoring Proposal:

Representative:  District No. 75
Senator:  District No. 30

III. Brief Description of Proposed Legislation (Abbreviated title):

This act may be cited as the Charlotte County Airport Authority Act. The proposed legislation clarifies Membership, Appointment, Term of Office, Section 4, page 2 of the document to conform with the last remaining provision of the original enabling legislation, 63-1207, and repeals that original legislation.

IV. Statement of Purpose/Need for Proposed Legislation:

An act relating to the Charlotte County Airport Authority; codifying, amending, reenacting and repealing chapter 63-1207 Laws of Florida; revising and providing for qualification of members.

This proposed legislation will update the current enabling legislation, 2011-263, to accurately reflect the existing method of election, as set forth in the original legislation 63-1207, which has never been repealed. This update will allow for immediate access to this essential information without need for extensive research, as is currently necessary.

V. Economic Impact: Complete the attached Economic Impact Statement.

There will be no economic impact because this legislation simply updates the current legislation to restate the last existing provision of the original enabling legislation and bringing it into conformity with the current legislation.

Each authority or individual whose bill is accepted for filing by the members of the Charlotte County Legislative Delegation must also provide two certified affidavits showing proof of publication of the title thereof in a newspaper of general circulation one time only in the county or counties where the matter to be affected shall be situated at least 30 days before introduction.

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A bill to be entitled
 An act relating to Charlotte County; amending chapter
 98-508, Laws of Florida, as amended; revising
 provisions for the election of members of the
 Charlotte County Airport Authority; providing for the
 members to be known as commissioners; repealing s. 2
 of chapter 63-1207, Laws of Florida, relating to
 obsolete provisions for the election of members of the
 Charlotte County Development Commission; providing an
 effective date.

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

Section 1. Section 4 of chapter 98-508, Laws of Florida,
 as amended by chapter 2011-263, Laws of Florida, is amended to
 read:

Section 4. Membership, ~~appointment~~ term of office.—The
 authority shall be composed of five members, also known as
commissioners, one from each Charlotte County commission
 district, who are elected in the same manner as county
officials, including partisan affiliation. Elections shall take
place according to the following schedule:

(1) Commissioners in odd-numbered districts shall be
elected every 4 years, beginning with the 2016 general election.

(2) Commissioners in even-numbered districts shall be
elected every 4 years, beginning with the 2014 general election.

HB 949

2013

28 Elected commissioners shall take office at the first meeting of
 29 the commission after the general election. Each candidate for
 30 the office of commissioner of the authority must reside in the
 31 district from which such candidate seeks election for at least 6
 32 months immediately before the time of qualifying to run for that
 33 office as prescribed in this section. At each general election,
 34 the members of the authority shall be elected for a term of 4
 35 years, and shall take office immediately upon election. Election
 36 of members of the authority shall be as prescribed by the
 37 general election laws of Florida.

38 Section 2. Section 2 of chapter 63-1207, Laws of Florida,
 39 is repealed.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 977 St. Lucie County Mosquito Control District, St. Lucie County
SPONSOR(S): Harrell
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Lukis AL	Rojas JR
2) State Affairs Committee			

SUMMARY ANALYSIS

HB 977 seeks to revise the boundaries of the St. Lucie County Mosquito Control District (District) in three ways.

First, the bill revises the District's boundaries to reflect a previous change in boundary to St. Lucie County. The District is wholly located within and has the same board as St. Lucie County. Therefore, the District boundaries cannot surpass those of the County.

During the 2012 regular session, the Florida Legislature passed CS/SB 800 that will transfer a 129-acre area known as Beau Rivage, from St. Lucie County to Martin County. As Beau Rivage is located within the boundaries of the District, the land transfer will leave the District boundaries extending beyond St. Lucie County's boundaries—an area outside of the board's jurisdiction.

The 2012 land transfer of Beau Rivage becomes final on July 1, 2013. On that date, the District will cease to provide mosquito control services to Beau Rivage and those responsibilities will transfer to Martin County. HB 977 is a technical fix to revise and realign the District's boundaries with those of St. Lucie County to reflect the transfer of Beau Rivage.

Second, HB 977 revises the District's boundaries to reflect the inclusion of the Aero Acres Subdivision. Aero Acres' residents voted by referendum on November 8, 1996 to include themselves within the District. However, Aero Acres was inadvertently excluded from the District's legal boundary description during the codification of the District in 2003.

Third, the bill revises the District's boundaries to include land that is singly owned by the Riverland/Kennedy DRI project, who voluntarily requested Mosquito Control Services.

The District's boundaries may only be amended by special act of the Legislature.

This act shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background on St. Lucie County Mosquito Control District

The St. Lucie County Mosquito Control District (District) is a special taxing district that the Florida Legislature created by special act on May 19, 1953.¹ Some pertinent characteristics about the District include the following:

- 1) The District is wholly located within and has the same governing board as the St. Lucie Board of County Commissioners. Therefore, it is a *dependent* special district.²
- 2) The District receives its funding through ad valorem taxation.³
- 3) The District boundaries currently cover 301 square miles.⁴
- 4) The District provides the following services:
 - spraying adult mosquitos with pesticide;
 - reduction of mosquito breeding habitats;
 - control of mosquito larvae where possible;
 - monitoring of mosquitos and viruses they may carry;
 - measurement and analysis of environmental education; and
 - public use of impounded wetland parks.⁵

Present Situation

Three situations direct revision of the District's boundaries.

The first situation deals with a boundary change to St. Lucie County. During the 2012 legislative session, the Florida Legislature passed CS/SB 800, which among other things, will transfer a 129-acre piece of property known as Beau Rivage, from St. Lucie County to Martin County, effective July 1, 2013.⁶ CS/SB 800 did not address the District's boundaries—it only addressed the St. Lucie County boundaries and Martin County boundaries. Therefore, once the Beau Rivage land transfer becomes effective on July 1,⁷ the District's boundaries will extend further than the St. Lucie County boundaries.

Consequently, after that date Beau Rivage will be outside of the District's jurisdiction. As noted above, the District's board is the same as the St. Lucie County Board of County Commissioners and only has jurisdiction within St. Lucie County.⁸

Thus, on July 1, 2013, the 550-plus Beau Rivage residents will no longer receive mosquito services from the District and will begin to receive mosquito services from Martin County mosquito control.⁹ The Beau Rivage residents will cease paying the District for those services and will instead pay Martin County.¹⁰ The bill is a technical fix to reflect this upcoming change.

¹ Ch. 2003-365, L.O.F.

² Section 189.403(2)(a), F.S.

³ This information was obtained from the Department of Economic Opportunity's website:
<http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/report.cfm>

⁴ This information was received from the St. Lucie County website: <http://www.stlucieco.gov/mosquito/index.htm>

⁵ *Id.*

⁶ Ch. 2012-45, L.O.F.

⁷ *Id.*

⁸ Ch. 2003-365, L.O.F.

⁹ Phone conversation with St. Lucie County Mosquito District director, James David, on 3/8/13.

¹⁰ *Id.*

The second situation deals with the addition to the District of an area known as Aero Acres. Aero Acres' residents voted by referendum on November 8, 1996 to include themselves within the District;¹¹ however, Aero Acres was inadvertently excluded from the District's legal boundary description during the District's codification in 2003.¹²

Aero Acres is a residential airpark comprised of 68 lots ranging in size from 1.23 acres to 2.66 acres.¹³ Aero acres is not directly attached to the current district boundaries, however, its unique status as a residential airpark surrounded by agricultural land removes cause for concern that neighboring communities are not receiving similar services. Aero Acres residents have been paying for and receiving mosquito services from the District since the 1996 referendum. Therefore, the bill's proposed boundary change is a technical fix to reflect the District's current practice.

The third situation involves a voluntary request by the Riverland/Kennedy DRI property owner, to add that land to the District. Riverland/Kennedy is the sole owner of the parcel, which was annexed into the City of Port St. Lucie in 2004.¹⁴

Effect of Changes

HB 977 revises the District's boundaries to reflect the situations described above. In sum, the bill does the following:

- 1) removes Beau Rivage, and therefore keeps the boundaries correct and consistent with the St. Lucie County boundaries;
- 2) formally includes the Aero Acres subdivision, which voters added to the District in 1996; and
- 3) adds the Riverland/Kennedy DRI to the District.

The bill does not serve any other purpose.

The District's boundaries may only be amended by special act of the Legislature.¹⁵

This act shall take effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2003-365, L.O.F., to revise the St. Lucie County Mosquito Control District's boundaries.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 23, 2013

WHERE? The *St. Lucie News-Tribune*, a daily newspaper of general circulation, published in St. Lucie County, Florida.

¹¹ See, 1996 Aero Acres Referendum. (Copy filed with Local and Federal Affairs Committee)

¹² Ch. 2003-365, L.O.F.

¹³ See, Aero Acres website: <http://misco.net/>.

¹⁴ Copy of Ordinance 04-67 filed in Local and Community Affairs Committee

¹⁵ Ch. 2003-365, L.O.F.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

977



SCRIPPS

**SCRIPPS TREASURE COAST
NEWSPAPERS**

St. Lucie News-Tribune

600 Edwards Road, Ft Pierce, FL 34982

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared, Sherri Cipriani, who on oath says that she is Classified Inside Sales manager of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida; that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St. Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for a purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

<u>Customer</u>	<u>Ad Number</u>	<u>Pub Date</u>	<u>Copyline</u>	<u>PO #</u>
LEWIS, LONGMAN & WALKER, PA	2478987	1/23/2013	NOTICE	MOSQUITO CONTROL

**NEWSPAPER E-Sheet®
LEGAL NOTICE
ATTACHED**

**DO NOT
SEPARATE PAGES**

Sworn to and subscribed before me this day of, January 23, 2013, by

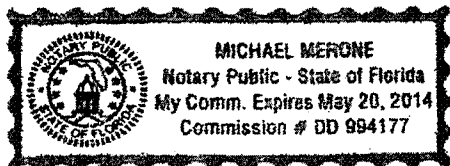
Sherri Cipriani, who is
Sherri Cipriani

personally known to me or

who has produced _____ as identification.

Michael Merone
Michael Merone Notary Public

ORIGINAL



HOUSE OF REPRESENTATIVES

2013 LOCAL BILL CERTIFICATION FORM

BILL #: HB 977

SPONSOR (S): Rep. Gayle Harrell

RELATING TO: St. Lucie County Mosquito Control District (St. Lucie County)
(Indicate Area Affected (City, County, or Special District) and Subject)

NAME OF DELEGATION: St. Lucie County

CONTACT PERSON: Carrie Lira (Sen. Negron's office)

PHONE NO: (772) 219-1665

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

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

YES [X] NO []

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

YES [X] NO []

Date hearing held: December 17, 2012
Location: Kight Center, Main Campus of Indian River State College

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

YES [X] NO []

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of Intention to seek enactment of the bill has been published-as provided by general law (s. 11. 02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES [] NO [X] DATE _____

Where? _____ County _____

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

Date of Referendum _____

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

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

YES NO NOT APPLICABLE


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

YES NO NOT APPLICABLE

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

YES NO

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Community & Military Affairs Subcommittee.


Delegation Chair (Original Signature)

12/17/12
Date

Joe Negron
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2013 ECONOMIC IMPACT STATEMENT FORM**

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Local and Federal Affairs Committee as soon as possible after a bill is filed.

BILL #: HB 977
SPONSOR(S): Rep. Gayle Harrell
RELATING TO: St. Lucie County Mosquito Control District (St. Lucie County)
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY12-13</u>	<u>FY 13-14</u>
Expenditures:	\$0	\$0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Federal:	\$0	\$0
State:	\$0	\$0
Local:	\$0	\$0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Revenues:	\$0	\$0

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: None

Disadvantages: None

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR
EMPLOYMENT: None

VI DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF
DATA]: Prior experience representing special districts and personal experience with
local government finances.

PREPARED BY:  for Terry Lewis 12/7/12
[Must be signed by Preparer Date]

TITLE: Legislative Counsel

REPRESENTING: St. Lucie County

PHONE: (850) 222-5702

E-Mail Address: tlewis@llw-law.com

HB 977

2013

1 A bill to be entitled
 2 An act relating to St. Lucie County Mosquito Control
 3 District, St. Lucie County; amending chapter 2003-365,
 4 Laws of Florida; revising the boundaries of the
 5 district; providing an effective date.

6

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

8

9 Section 1. Section 1 of section 3 of chapter 2003-365,
 10 Laws of Florida, is amended to read:

11 Section 1. District boundaries.—A special taxing district,
 12 lying wholly in St. Lucie County, to be known as the St. Lucie
 13 County Mosquito Control District, is described as follows:

14

15 Beginning at the Northeast corner of Section 3,
 16 Township 34 South, Range 40 East; thence West to the
 17 Northwest corner of Section 3, Township 34 South,
 18 Range 38 East; thence South to the Southwest corner of
 19 Section 34, Township 34 South, Range 38 East; thence
 20 East to the Southwest corner of Section 36, Township
 21 34 South, Range 38 East; thence South to the Southeast
 22 corner of Northeast 1/4 of Section 11, Township 36
 23 South, Range 38 East; thence West to the Northwest
 24 corner of the Southeast 1/4 of Section 11, Township 36
 25 South, Range 38 East; thence South to the Southwest
 26 corner of the Southeast 1/4 of Section 11, Township 36
 27 South, Range 38 East; thence East to the Southwest
 28 corner of Section 10, Township 36 South, Range 39

29 East; thence South to the Southwest corner of Section
 30 34, Township 37 South, Range 39 East; thence East to
 31 the Southeast corner of Section 36, Township 37 South,
 32 Range 40 East; thence North on the east line of said
 33 Section 36 and Section 25, Township 37 South, Range 40
 34 East, 6,459 feet to a point lying within the water
 35 body of the North Fork of the St. Lucie River; thence
 36 departing said line within the North Fork of the St.
 37 Lucie River a bearing direction (State Plane
 38 Coordinate System, Florida East Zone) of N 41° 04' W,
 39 a distance of 6,155 feet, more or less, to a point
 40 lying within the water body of the North Fork of the
 41 St. Lucie River; thence departing said point a bearing
 42 direction (State Plane Coordinate System, Florida East
 43 Zone) N 45° 16' East, a distance of 2,355 feet, more
 44 or less, to a point intersecting with the north shore
 45 of the North Fork of the St. Lucie River and the west
 46 edge of the Howard Creek as concurrent with the City
 47 of Port St. Lucie municipal boundary limits; thence
 48 departing said intersecting shore and edge lines
 49 following along the City of Port St. Lucie municipal
 50 boundary line north along the west edge of Howard
 51 Creek to the south line of the northeast quarter of
 52 Section 24, Township 37 South, Range 40 East; thence
 53 East along said south line of the northeast quarter to
 54 the intersection of the east 924.15 feet of Section
 55 24, Township 37 South, Range 40 East; thence North
 56 along said east 924.15-foot line of Section 24,

57 Township 37 South, Range 40 East, to the intersection
 58 of the north line of the south 508.15 feet of the
 59 northeast quarter of Section 24, Township 37 South,
 60 Range 40 East; thence East along said south 508.15-
 61 foot line of the northeast quarter of said Section 24,
 62 Township 37 South, Range forty East, to an
 63 intersection with the East line of Township thirty-
 64 seven South, Range 40 East; thence North along the
 65 east line of Sections 24 and 13, Township 37 South,
 66 Range 41 East to the southwest corner of Section 7,
 67 Township 37 South, Range 41 East; thence East
 68 following the Section lines to the water's edge of the
 69 Atlantic Ocean; thence meandering said water's edge
 70 Northwesterly to the point of beginning.

71
 72 AND

73
 74 Aero Acres Subdivision as recorded in Plat Book 27 at
 75 pages 14 thru 14D of the public records of St. Lucie
 76 County, Florida.

77
 78 ~~thence North to the Southwest corner of Section 7,~~
 79 ~~Township 37 South, Range 41 East; thence East~~
 80 ~~following the Section lines to the water's edge of the~~
 81 ~~Atlantic Ocean; thence meandering said water's edge~~
 82 ~~Northwesterly to the point of beginning.~~

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A parcel of land of land lying in Sections 4, 5, 8, 9, 10, 16 and 17, Township 37 South, Range 39 East, and Section 33, Township 36 South, Range 39 East, St. Lucie County, Florida, said parcel being more particularly described as follows:

Begin at the intersection of the centerline of Gatlin Boulevard (also being the north line of Section 15) and the westerly limits of Gatlin Boulevard Right-of-Way and the westerly limits of those lands described in an Order of Taking dated July 24, 1979 and recorded in Official Record Book 311 at Pages 2946 through 2952, inclusive, Public Records of St. Lucie County, Florida, and as shown on the Florida Department of Transportation Right-of-Way maps for State Road #9. (I-95), Section 94001-2412, dated 6/2/77, with last revision of 9/11/79; thence South 89 degrees 57 minutes 05 seconds West, a distance of 7702.12 feet; thence South 00 degrees 05 minutes 46 seconds West, a distance of 757.53 feet; thence South 89 degrees 57 minutes 43 seconds West, a distance of 1159.20 feet; thence North 00 degrees 40 minutes 03 seconds East, a distance of 152.60 feet; thence North 54 degrees 52 minutes 19 seconds East, a distance of 153.89 feet; thence North 11 degrees 24 minutes 07 seconds East, a distance of 156.51 feet; thence North 14 degrees 02 minutes 38 seconds West, a distance of 439.20 feet; to

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

113 the beginning of a curve concave southerly, having a
 114 radius of 200.00 feet and a central angle of 130
 115 degrees 29 minutes 58 seconds, thence northerly,
 116 westerly and finally southerly along the arc of said
 117 curve to the left, a distance of 455.53 feet to the
 118 curves end; thence South 35 degrees 27 minutes 24
 119 seconds West, a distance of 161.00 feet; thence South
 120 89 degrees 57 minutes 05 seconds West, a distance of
 121 1118.66 feet; thence North 43 degrees 15 minutes 34
 122 seconds West, a distance of 1.86 feet; thence North 09
 123 degrees 54 minutes 33 seconds East, a distance of
 124 528.17 feet; thence North 62 degrees 56 minutes 57
 125 seconds East, a distance of 710.69 feet; thence North
 126 39 degrees 35 minutes 38 seconds West, a distance of
 127 373.81 feet; thence South 80 degrees 50 minutes 18
 128 seconds West, a distance of 92.33 feet; thence North
 129 00 degrees 09 minutes 21 seconds East, A distance of
 130 4587.82 feet; to the southeasterly line of Grove No.
 131 3, as recorded in O.R. Book 383, at Page 1059, St.
 132 Lucie County Public Records (Special Warranty Deed
 133 from A. Duda & Sons, Inc. to D & M Indian River
 134 Groves) thence along said southerly and easterly line
 135 of Grove No. 3 the following courses and distances:
 136 North 74 degrees 07 minutes 42 seconds East, a
 137 distance of 3624.15 feet; thence North 02 degrees 40
 138 minutes 30 seconds West; a distance of 853.63 feet;
 139 thence North 03 degrees 34 minutes 36 seconds East, a
 140 distance of 264.67 feet; thence North 11 degrees 39

141 | minutes 14 seconds East, a distance of 299.59 feet;
 142 | thence North 05 degrees 52 minutes 55 seconds East, a
 143 | distance of 655.21 feet; thence North 13 degrees 31
 144 | minutes 07 seconds East, a distance of 422.94 feet;
 145 | thence departing said Grove No. 3, continue North 13
 146 | degrees 31 minutes 07 seconds East, a distance of
 147 | 51.88 feet; thence North 74 degrees 14 minutes 30
 148 | seconds East; a distance of 2525.46 feet; thence North
 149 | 76 degrees 04 minutes 00 seconds East, a distance of
 150 | 1244.50 feet; thence North 65 degrees 11 minutes 40
 151 | seconds East, a distance of 178.59 feet; thence North
 152 | 59 degrees 06 minutes 39 seconds East, a distance of
 153 | 424.13 feet; thence North 73 degrees 43 minutes 15
 154 | seconds East, a distance of 14.12 feet; thence South
 155 | 50 degrees 55 minutes 52 seconds East, a distance of
 156 | 7.43 feet; thence North 56 degrees 01 minutes 38
 157 | seconds East, a distance of 31.64 feet; thence North
 158 | 33 degrees 56 minutes 01 seconds East, a distance of
 159 | 30.15 feet; thence North 54 degrees 34 minutes 18
 160 | seconds East, a distance of 298.73 feet; thence North
 161 | 85 degrees 53 minutes 58 seconds East, a distance of
 162 | 132.02 feet; thence North 70 degrees 54 minutes 26
 163 | seconds East, a distance of 143.67 feet; thence North
 164 | 56 degrees 25 minutes 29 seconds East, a distance of
 165 | 121.35 feet; thence North 66 degrees 21 minutes 07
 166 | seconds East, a distance of 557.84 feet; thence South
 167 | 00 degrees 35 minutes 12 seconds West along the
 168 | northerly prolongation of the East line of the

169 northeast quarter of said Section 4, a distance of
 170 271.44 feet to the northeast corner of Section 4;
 171 thence continue South 00 degrees 35 minutes 12 seconds
 172 West, along the East line of said Section 4, a
 173 distance of 2833.04 feet to the East quarter corner of
 174 said Section 4; thence South 00 degrees 36 minutes 27
 175 seconds West, a distance of 2651.97 feet to the
 176 northwest corner of Section 10; thence North 89
 177 degrees 54 minutes 10 seconds East along the North
 178 line of said Section 10, a distance of 1793.84 feet;
 179 to a point of intersection with the westerly Right-of-
 180 Way line of said I-95 and the said westerly line of
 181 the lands described in the Order of Taking dated July
 182 24, 1979 and recorded in Official Record Book 311 at
 183 Pages 2946 through 2952, inclusive, and with a non-
 184 tangent curve, concave easterly, having a radius of
 185 5983.58 feet and central angle of 23 degrees 41
 186 minutes 41 seconds, thence along the westerly line of
 187 said I-95 Right-of-Way and along the said westerly
 188 line of the lands described in the Order of Taking,
 189 dated July 24, 1979, the following courses and
 190 distance: thence southerly along the arc of said curve
 191 to the left, a distance of 2474.52 feet, said arc
 192 subtended by a chord which bears South 06 degrees 56
 193 minutes 28 seconds East, a distance of 2456.92 feet to
 194 the curves end; thence South 18 degrees 47 minutes 19
 195 seconds East, a distance of 714.03 feet; thence South
 196 14 degrees 47 minutes 19 seconds East, a distance of

197 510.88 feet; thence South 07 degrees 32 minutes 07
 198 seconds East, a distance of 374.37 feet; thence South
 199 06 degrees 58 minutes 16 seconds West, a distance of
 200 373.49 feet; thence South 15 degrees 33 minutes 28
 201 seconds West, a distance of 491.49 feet; thence South
 202 34 degrees 39 minutes 50 seconds West, a distance of
 203 207.78 feet; thence South 70 degrees 02 minutes 50
 204 seconds West, a distance of 289.50 feet; thence South
 205 00 degrees 01 minutes 45 seconds West, a distance of
 206 64.09 feet; thence South 82 degrees 24 minutes 53
 207 seconds West, a distance of 317.56 feet; thence North
 208 89 degrees 58 minutes 15 seconds West, a distance of
 209 372.63 feet; thence North 89 degrees 58 minutes 15
 210 seconds West, a distance of 262.61 feet; thence South
 211 00 degrees 01 minutes 45 seconds West, a distance of
 212 100.00 feet, to the Point of Beginning.

213

214 AND

215

216 A parcel of land of land lying in Section 16, 20, 21,
 217 28, 29 and 33, Township 36 South, Range 39 East, St.
 218 Lucie County, Florida, said parcel being more
 219 particularly described as follows:

220

221 Begin at the intersection of the Southeasterly right
 222 of way line of the FEC Railroad and the Northeasterly
 223 right of way line of the SFWMD Canal C-24; thence
 224 Southeasterly along said Northeasterly right of way

225 | line of the C-24 to the intersection of the East Line
 226 | of Section 33, Township 36 South, Range 39 East;
 227 | thence North along the East line of Sections 33, 28,
 228 | 21 AND 16, Township 36 South, Range 39 East to the
 229 | intersection of the Southeasterly right of way line of
 230 | the FEC Railroad; thence Southwesterly along said
 231 | Southeasterly right of way line to the Point of
 232 | Beginning.

233 |
 234 | AND

235 |
 236 | Sections 19, 20, 21, 28 and 33, Township 37 south,
 237 | Range 39 East.

238 |
 239 | AND

240 |
 241 | All that part of Sections 16, 17, and 18, Township 37
 242 | South, Range 39 East lying 23 feet south of the North
 243 | line of lands described in Orb 477, Page 560 of the
 244 | Public Records of St. Lucie County, Florida.

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



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Local & Federal Affairs
2 Committee
3 Representative Harrell offered the following:

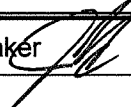

Amendment

6 Remove line 245 and insert:

7 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1007 Lee County Tourist Development Council, Lee County
SPONSOR(S): Rodrigues
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Baker 	Rojas 
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill changes the composition of the Lee County Tourist Development Council (Council). Pursuant to s. 125.0104, F.S., the Council consists of nine members who are appointed by the county governing board. Currently, two of those nine members must be elected city officials, one of which must be from the most populous city in Lee County, which is presently the City of Cape Coral.

The bill changes the composition of one of those two member seats so that one will be an elected city official from the city generating the highest tourist development tax revenue, and every other year would rotate to the city generating the second highest tourist tax revenue. Further, the bill would require the second of those two seats to rotate among the other cities in the county.

The bill expressly applies only to the two members it affects, but not the other seven members of the Council. The bill also states that s. 125.0104, F.S., continues to apply to the Council except as the bill provides.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State's requirement for participating counties

Lee County has established the Lee County Tourist Development Council (Council) by an ordinance adopted pursuant to the Legislature's grant of power in s. 125.0104, F.S.¹

Florida law permits a county that levies a tourist development tax to create an advisory council for the purpose of reviewing the use of that county's tax revenue.² The county governing board's creation of that council must be by ordinance. The council must perform the duties required by that county ordinance, including making recommendations to the county as to

- 1) efficient operation of special projects,
- 2) uses for the tourist development tax revenue, and
- 3) any expenditures the council deems unauthorized.³

Florida law requires the county governing board to implement proper administrative and judicial measures to comply with the tourist development tax statute.⁴

Appointment of the Council

Currently, pursuant to s. 125.0104(4)(e), F.S., the Council members are appointed by the governing board of the county. The Council's structure is as follows.⁵

- *Two Council members must be elected city officials, at least one of whom must be from the most populous city in the county or special taxing district in which the tourist development tax is levied,*
- The Council chair may be the chair of the county board or a member of the county board appointed by the county board chair,
- Six Council members shall be persons involved in the tourist industry with an interest in tourist development, of which three to four members must be owners or operators of tourist accommodations in the county and subject to the tax.

The City of Cape Coral currently holds the member seat reserved for the most populous city in Lee County. The other municipalities in Lee County are Fort Myers, Fort Myers Beach, Bonita Springs, and Sanibel.

Council members must serve staggered terms of four years, and the Council must meet at least quarterly.⁶

¹ See 07-28 Ordinances, Lee County, available at <http://www.leegov.com/gov/BoardofCountyCommissioners/ordinances/Pages/default.aspx> (scroll to "2007"; click "07-28" otherwise known as Tourist Development Tax) (last visited Mar. 8, 2013).

² Section 125.0104(4)(e), F.S. (tourist development tax; procedure for levying; authorized uses; referendum; enforcement).

³ *Id.*

⁴ *Id.*

⁵ See s. 125.0104(4)(e), F.S.

⁶ *Id.*

Effect of Proposed Changes

Two municipal memberships on the Council

The bill creates an exception to the requirements for Council appointments found in s. 125.0104(4)(e), F.S. Those current provisions require that one of the nine memberships is reserved for the most populous city in the county, and that one other membership shall rotate among the remaining cities in Lee County.

First seat

The bill directs that one of those two memberships be appointed to one of the two highest tourist-tax-generating cities. Determining the identity of the highest tourist tax generators is made from the prior two fiscal years. Every two years, that first seat is rotated between the two highest tax generating cities. Currently, the City of Cape Coral holds this first seat by virtue of being the most populous city in Lee County.⁷ The bill would instead permit the two cities that earn the highest tourist tax revenue to rotate within this seat, perhaps to the exclusion of the City of Cape Coral.

Second Seat

The bill would put into law what is the current practice for appointing the second seat. According to the bill, the second of the two seats would be appointed to a remaining city in Lee County after filling the first seat. The second seat would rotate every two years. Currently, the four cities who are not selected to sit on the first seat, namely Sanibel, Fort Myers, Fort Myers Beach and Bonita Springs must share this second seat by rotation every two years. This procedure is not expressed in s. 125.0104(4)(e), F.S. or the implementing ordinance.⁸

Securing the terms of other Council members

The bill provides that it does not interrupt the current terms of any Council members who are not in the seats reserved for the two elected city officials.

Limiting the exception created by the bill

The bill states that unless the bill itself provides otherwise, s. 125.0104, F.S., applies to the Council. Therefore, provisions relating to the other seven members of the Council remain unchanged. The duties of the Council would also remain unchanged.

B. SECTION DIRECTORY:

Section 1: Creates an exception to general law that would change the appointment of two seats on the Lee County Tourist Development Council.

Section 2: Provides an effective date upon becoming law.

⁷ In 2011, the City of Cape Coral's population was 155,158. 2011 Demographic and Income Profile Summary, Cape Coral, Florida, available at <http://www.capecoral.net/en-us/business/siteselection/capecoraldemographics.aspx> (click "2011 Demographic and Income Profile Summary") (last visited Mar. 9, 2013).

⁸ See 07-28, Ordinances, Lee County, *supra* n. 1.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 25, 2013

WHERE? *The News-Press*, a daily newspaper of general circulation in Lee County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

House Rule 5.5(b) states that a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. House Rule 5.5(b) may apply to this bill since s. 125.0104, F.S., is a general law that would otherwise apply to the Council's membership and this bill seeks to change the Council's current composition.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida
Affidavit of Publication
STATE OF FLORIDA
COUNTY OF LEE

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

Display

In the matter of:
Notice of Legislation

In the court was published in said newspaper
in the issues of
January 25, 2013

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kathy Allebach

Sworn to and subscribed before me this 25th day of January, 2013.

by **Kathy Allebach**
personally known to me or who has produced

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

Notary Public *Deanna Crews*

Print Name: **Deanna Crews**
My commission Expires: **March 21, 2016**

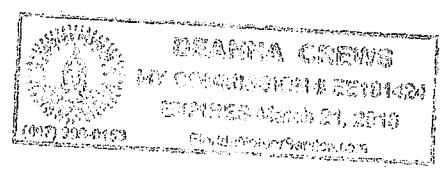
LEE COUNTY
SOUTHWEST FLORIDA

NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to seek legislation before the 2013 Legislature, or 2013 Legislative Sessions, or 2013 Legislature and any Special or Extended Sessions relating to the Lee County Tourist Development Council, Lee County; revising the membership of the council; providing the effective date for such changes in council membership; providing an effective date.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

P.O. Westen Ref #D012513-20



HOUSE OF REPRESENTATIVES

2013 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1007
SPONSOR(S): Representative Ray Rodrigues (76)
RELATING TO: Lee County Tourist Development Council membership composition
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Lee County
CONTACT PERSON: Charlotte Gammie
PHONE NO.: (239) 694-0161 E-Mail: charlotte.gammie@myfloridahouse.gov

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

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

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

Date hearing held: January 29, 2013

Location: Edison State College, 8099 College Parkway, Fort Myers, FL 33919

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

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

Has this constitutional notice requirement been met?

Notice published: YES [X] NO [] DATE January 25, 2013

Where? News-Press County Lee

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

Date of Referendum N/A

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

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

YES [] NO [X] NOT APPLICABLE []

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

YES [] NO [X] NOT APPLICABLE []

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

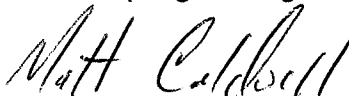
YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.



Delegation Chair (Original Signature)

01/28/13
Date



Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2013 ECONOMIC IMPACT STATEMENT FORM**

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

BILL #: HB 1607
SPONSOR(S): The Honorable Ray Rodrigues
RELATING TO: Lee County Tourist Development Council membership composition
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

Expenditures:	No additional expense	<u>FY13-14</u> --0--	<u>FY 14-15</u> --0--
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II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:		
State:		
Local:		

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:		<u>FY 13-14</u> --0--	<u>FY 14-15</u> --0--
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IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: None

Disadvantages: None

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

None

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

Proposed legislation only changes the way Committee members are designated.

PREPARED BY:  1-16-13
[Must be signed by Preparer] Date

TITLE: Assistant County Manager & Acting Budget Director

REPRESENTING: Lee County Government

PHONE: (239) 533-2777

E-Mail Address: wintonpx@leegov.com

1 A bill to be entitled
 2 An act relating to the Lee County Tourist Development
 3 Council, Lee County; revising membership of the
 4 council; providing an exception to general law;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Lee County Tourist Development Council;
 10 composition.—Notwithstanding the provisions of s.
 11 125.0104(4)(e), Florida Statutes, the Lee County Tourist
 12 Development Council as established by Lee County ordinance
 13 pursuant to s. 125.0104, Florida Statutes, shall be composed of
 14 nine members who shall be appointed by the Board of County
 15 Commissioners of Lee County. The chair of the Board of County
 16 Commissioners of Lee County or another member as designated by
 17 the chair shall serve on the council. Two members of the council
 18 shall be elected municipal officials, one of whom shall be from
 19 one of the two municipalities that generated the highest
 20 revenues from the tourist tax in the previous 2 fiscal years and
 21 these two municipalities shall rotate membership every 2 years.
 22 The second municipal official shall be from one of the remaining
 23 municipalities and the second municipal seat shall also rotate
 24 every 2 years. Six members of the council shall be persons who
 25 are involved in the tourist industry and have demonstrated an
 26 interest in tourist development, of which members, not less than
 27 three nor more than four shall be owners or operators of motels,
 28 hotels, recreational vehicle parks, or other tourist

HB 1007



2013

29 | accommodations in the county and subject to the tax. All members
 30 | of the council shall be electors of the county. The changes in
 31 | the composition of the membership of the Lee County Tourist
 32 | Development Council mandated by this act are effective July 1,
 33 | 2013. The changes in composition of the membership of the Lee
 34 | County Tourist Development Council mandated by the act shall not
 35 | cause the interruption of the current term of any person who is
 36 | a member of the Lee County Tourist Development Council, except
 37 | the two municipal members appointed on July 1, 2013. Except as
 38 | specifically provided herein, the provisions of s.
 39 | 125.0104(4)(e), Florida Statutes, shall apply to the Lee County
 40 | Tourist Development Council.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1013 Technological Research & Development Authority, Brevard County
SPONSOR(S): Workman
TIED BILLS: HB 4033 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Nelson 	Rojas 
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The Technological Research and Development Authority (TRDA) was created as an independent special district in Brevard County by the 1987 Florida Legislature. TRDA's purpose is to support scientific research and development that leads to new business formation, job creation and economic growth on the Space Coast and throughout the state. As the result of a settlement agreement negotiated with the United States Department of Justice, the TRDA has requested dissolution.

HB 1013 repeals the special act charter for the TRDA, and dissolves the district effective December 31, 2013. It also transfers all assets and indebtedness of the district, if any, to Brevard County.

This bill also provides that effective September 30, 2013, the TRDA will no longer receive user fees collected by the Department of Highway Safety and Motor Vehicles from the sale of Challenger/Columbia specialty license plates.

The bill has an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Technological Research and Development Authority

The Technological Research and Development Authority (TRDA) was created as an independent special district in Brevard County by ch. 87-455, L.O.F. Various special acts relating to the TRDA were codified by ch. 2005-337, L.O.F.

TRDA's purpose is to support scientific research and development that leads to new business formation, job creation and economic growth on the Space Coast and throughout the state. The TRDA works with early-stage technology companies and entrepreneurs to accelerate their business planning, fundraising efforts, business development strategies and growth. Since its inception in 1987, the TRDA has mentored hundreds of technology entrepreneurs and supported over 175 new technology companies that have created more than 1,350 high wage jobs throughout Florida. In May 2007, the TRDA opened a 31,000 square foot incubator in Melbourne that currently provides facilities and business development services to early-stage technology companies in sectors that include clean energy, software, wireless, IT, semiconductor, biotechnology and other tech industries.¹

The TRDA is administered by a five-member commission of county residents who are appointed by the Governor to serve four-year terms. This board is empowered to:

- plan and undertake a program of action which promotes scientific research and development and fosters higher education which relates to scientific research and development or provides for the economic development of Brevard County as a center for high technology and scientific research and development;
- contract with and support the programs of those accredited institutions of higher learning with research capability and whose main campuses are located within Brevard County, and to contract with any other accredited institutions of higher learning with a research capability;
- enter into grants, bequests, contracts and other agreements with units of government and private parties for the purpose of obtaining funds for projects and programs;
- establish an annual budget, amend the budget when necessary, and utilize all funds received only for projects, contracts, programs and grants;
- acquire real and personal property by lease, purchase or option;
- finance or refinance and to secure the issuance and repayment of bonds; and
- employ personnel, consultants, accountants, attorneys, engineers and such other experts.

¹ <http://www.trda.org/>.
STORAGE NAME: h1013.LFAC.DOCX
DATE: 3/13/2013

On March 1, 2012, a lawsuit (captioned *United States v. Technological Research and Development Authority*, No. 1:12-cv-00065-LG-JMR) was filed against TRDA by the United States Department of Justice (DOJ) in the U.S. District Court for the Southern District of Mississippi. In this lawsuit, the United States sought to recover damages and civil penalties under the False Claims Act, 31 U.S.C. s. 3729, and at common law, for false claims and statements in connection with the application for, and use of, federal grants from the National Aeronautics and Space Administration (NASA) and the United States Department of Commerce, Economic Development Administration (EDA).

During the period relevant to the complaint, the TRDA maintained incubator facilities in Syracuse, New York; Homestead, Florida; and Brevard County; and received funds through grants awarded and administered by NASA at the NASA Shared Services Center, located at Stennis Space Center, in Mississippi.

In 2004, the TRDA, Melbourne Airport Authority and the City of Melbourne International Airport agreed to construct a new headquarters and incubator facility for the TRDA using NASA research grant funds, with additional funding coming from an EDA grant. The United States alleged that construction of this office building was outside the scope of the NASA grants and contrary to the terms of an EDA grant awarded jointly to the TRDA and the Melbourne Airport Authority, which prohibited combining funds from more than one federal agency for the project.²

On May 30, 2012, the TRDA Board of Directors unanimously authorized its legal counsel to enter into settlement negotiations with the DOJ. On November 15, 2012, the TRDA Board voted 4-0 in favor of dissolving the district,³ and approved the execution of a settlement agreement, which specified that the TRDA would:

- take the necessary steps to wind-down its operations as quickly as possible and take the necessary steps to dissolve; and
- on or before three days prior to TRDA's dissolution date, pay all of its remaining "cash on hand," use of which is not restricted by an underlying grant or applicable law, to the United States.

While a Consent Judgment also was entered into on November 15 against the TRDA for \$15 million, per the settlement agreement the United States agreed not to enforce this judgment against TRDA assets.

In addition, the settlement agreement releases the TRDA's current Board of Directors and staff from civil liability related to the conduct alleged in the lawsuit. The settlement agreement states that it is neither an admission of liability by the TRDA nor a concession by the United States that its claims are not well founded, but was executed in order to avoid the delay, uncertainty, inconvenience and expense of protracted litigation.

Relatedly, the Melbourne International Airport and its governing body, the Melbourne Airport Authority, have agreed to pay the United States \$4 million to resolve alleged False Claims Act violations based on the same events.⁴

On November 28, 2012, the TRDA requested dissolution effective December 31, 2013, pursuant to s. 189.4042, F.S.

² The result of this construction project, the Business Innovation Center, opened in May 2007, and is owned by the Melbourne Airport Authority. The TRDA had a long-term lease on the building, which is being terminated effective March 15, 2013.

³ March 12, 2013, e-mail from Chester Straub, Executive Director of the TRDA.

⁴ <http://www.justice.gov/opa/pr/2012/November/12-civ-1397.html>.

The TRDA also is taking the necessary steps to successfully complete:

- execution of existing federal and state grants and contracts;
- mentoring to existing incubation clients;
- termination of any long-term leases or service contracts; and
- expending or distribution of remaining resources within applicable restrictions.

The Challenger/Columbia License Plate

In 2003, the Florida Department of Highway Safety developed the Challenger/Columbia license plate to commemorate the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986, and the seven astronauts who died when the Columbia exploded on reentry. Pursuant to s. 320.08058(2)(c), F.S., 50 percent of the Challenger/Columbia license plate annual use fee is distributed to the TRDA for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program under s. 1009.61, F.S., as approved by the Florida Department of Education, and space-related economic development programs.

The other 50 percent is distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute.

The TRDA is required to coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts and not-for-profit educational organizations.

Dissolution of an Independent Special District

Chapter 189, F.S., the "Uniform Special District Accountability Act of 1989," provides general provisions for the definition, creation and operation of special districts. That chapter also contains several provisions relating to the dissolution of these districts.

Section 189.4042, F.S., provides general merger and dissolution procedures. Section 189.4042 (3)(a), F.S., describes voluntary dissolution of an active independent special district:

Voluntary dissolution.—If the governing board of an independent special district created and operating pursuant to a special act elects, by a majority vote plus one, to dissolve the district, the voluntary dissolution of an independent special district created and operating pursuant to a special act may be effectuated only by the Legislature unless otherwise provided by general law.

Section 189.4042(3)(d), F.S., provides that financial allocations of the assets and indebtedness of a dissolved independent special district shall be pursuant to s. 189.4045, F.S. Section 189.4045 (2), F.S., provides that unless otherwise provided by law or ordinance, the dissolution of a special district government transfers the title to all property owned by the preexisting special district government to the local general-purpose government, which also assumes all indebtedness of the preexisting special district.

Effect of Proposed Changes

HB 1013 dissolves the Technological Research and Development Authority in Brevard County, repealing the charter for the special district, ch. 2005-337, L.O.F., effective December 31, 2013.

The bill also transfers all assets and indebtedness of the district, if any, to Brevard County pursuant to s. 189.4045(2), F.S. Nonetheless, per the terms of the settlement agreement entered into by the TRDA,

it appears that it will have little to no assets upon dissolution if it pays its "remaining cash on hand" to the United States prior to that event.

The projected assets and liabilities of the TRDA as of December 31, 2013, are: \$511,000 in assets with no liabilities.

TRDA account balances as of January 31, 2013, are as follows:

	TD Bank	SBA⁵ Florida Prime	SBA Fund B
Challenger Account	\$96,206.76	\$5,738.07	\$16,101.96
Energy Account	374,959.95	4,170.54	11,703.09
Escrow Account	15,502.13		
Incubator Account	63,216.95	820.14	2,301.40
Operating Account	285,146.17	4,530.06	12,712.19
Payroll Account	123,668.14		
NASA Account		20.86	46.08

The TRDA also has nominal non-cash assets which include furniture and equipment for the TRDA Business Innovation Center totaling approximately \$35,000, which the TRDA is in the process of selling, and additional furniture and equipment used by TRDA totaling approximately \$5,000, which will be disposed of upon dissolution.

For the period March 2013 through December 31, 2013, the TRDA sources of funds will be TRDA cash accounts (as detailed above), nominal rent collected from tenants of the TRDA Business Innovation Center (\$11,849 for the month of March and nothing thereafter), and Challenger/Columbia license plate fees (projected to be \$185,300 for March through September 2013). The TRDA does not receive funding under s. 379.2201, F.S.⁶

The projected wind-down expenses for the period March 2013 through December 2013 are \$608,366. This includes personnel expenses, a lease of office space, IT and telecommunications services, and general day-to-day administration.⁷

This bill also provides that effective September 30, 2013, the Technological Research and Development Authority will no longer receive user fees collected by the Department of Highway Safety and Motor Vehicles from the sale of Challenger/Columbia specialty license plates.

B. SECTION DIRECTORY:

Section 1: Dissolves the Technological Research and Development Authority, and transfers its assets and indebtedness.

⁵ Florida State Business Administration.

⁶ Section 379.2201, F.S., provides for the TRDA to receive funds through all saltwater license and permit fees collected and deposited into the Marine Resources Conservation Trust Fund to be used for administration of licensing programs and education, fishery enhancements, and marine research and management, among other things.

⁷ March 12, 2013, e-mail from Chester Straub, Executive Director of the TRDA.

Section 2: Repeals ch. 2005-337, L.O.F, relating to the Technological Research and Development Authority.

Section 3: Provides that the Authority will no longer receive user fees collected from the sale of Challenger/Columbia specialty license plates.

Section 4: Provides an effective date(s).

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 24, 2013

WHERE? *Florida Today*, a daily newspaper of general circulation published in Brevard County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

Section 3 of HB 1013 provides that the TRDA will no longer receive user fees collected by the Department of Highway Safety and Motor Vehicles from the sale of Challenger/Columbia specialty license plates. While this language could be viewed as providing an exemption to general law (s. 320.08058, F.S.), its implementation could confuse the disposition of these funds. Conversely, HB 4033 appropriately amends this statute.

Other Comments

Section 3. b. of the settlement agreement provides:

Dissolution...will require one or more acts of the Florida State legislature. The Florida State legislature's failure to act notwithstanding TRDA's good faith efforts shall not constitute a breach of this Agreement.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1013
1013

Mailed to:

BRENDA MC MILLAN, EXEC ASSISTANT
TECHNOLOGICAL RESEARCH AND DEVELOPMENT
AUTHORITY
1050 W NASA BLVD, SUITE 125
MELBOURNE FL 32901

A daily publication by:



STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared KATHY CICALA, who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (294932)	\$	55.76	the matter of:
Acct. # (6TE225)			TECHNOLOGICAL RESEARCH & DEVELOPMENT
the	Court		NOTICE OF INTENT TO SEEK LEGISLATION

AD#294932,01/24/2013
NOTICE OF INTENT TO SEEK LEGISLATION
TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2013 Legislature and any Special or Extended Sessions for passage of an act relating to the Technological Research and Development Authority (the "District"), Brevard County, Florida repealing Chapter 2005-337, Laws of Florida, which created the District, by dissolving the District, transferring its assets and indebtedness to Brevard County, and providing an effective date.

as published in the FLORIDA TODAY in the issue(s) of:

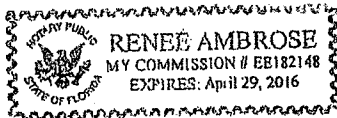
January 24, 2013

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Kathy Cicala
(Signature of Affiant)

Sworn to and subscribed before this:

24th day of January 2013



Renee Ambrose
(Signature of Notary Public)

Renee Ambrose

(Name of Notary Typed, Printed or Stamped)

Personally Known or Produced Identification _____
Type Identification Produced: _____

HOUSE OF REPRESENTATIVES

2013 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1013
SPONSOR(S): RITCH WORKMAN
RELATING TO: TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: BREVARD
CONTACT PERSON: _____
PHONE NO.: () _____ E-Mail: _____

I. *House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.*

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

YES NO

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

YES NO

Date hearing held: DECEMBER 12, 2012

Location: BREVARD COUNTY OFFICE COMPLEX, VIERA, FL

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE JANUARY 24, 2013

Where? FLORIDA TODAY County BREVARD

Referendum in lieu of publication: YES NO

Date of Referendum N/A

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

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

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

YES NO

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.


Delegation Chair (Original Signature) *As Delegation Chair*

12/12/12
Date

STEVE CRISAFULLI
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2013 ECONOMIC IMPACT STATEMENT FORM**

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

BILL #: HB 1013
SPONSOR(S): Ritch Workman
RELATING TO: Technological Research and Development Authority
 [Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY13-14</u>	<u>FY 14-15</u>
Expenditures: *		
* Wind-down expenses for the period March through December 2013	\$608,366	\$0.00

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	NA	NA
State: *	\$214,322	NA
Local:	\$394,044	NA

* Includes license plate fees and state funds previously granted to TRDA.

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues: *		
	\$197,149	\$0.00

* Includes estimated license plate fees to be collected from March through December 2013.

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: None

Disadvantages: With the abolishment of the TRDA Space Coast and east central Florida technology entrepreneurs and start-up companies will not have as ready access to business development training, professional mentors and sources of capital.

V. **ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:**

TRDA does not have "competitors." Those organizations that provide similar services (i.e. university based business incubators, community college entrepreneurship programs, regional economic development commissions, the Florida Small Business Development Centers, etc.) in the Space Coast and east central Florida region may actually realize an increase in demand. These organizations will be able to offset the lose of TRDA's services. The impact upon entrepreneurs and their business development should be minimal over time as these other organizations become the "go-to" sources for assistance.

VI. **DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:**

The information provided in this statement is derived from TRDA's budget for fiscal year 2013 (October 2012 through September 2013) and a preliminary estimate for the fiscal year 2014 (October 2013 through December 2013).

PREPARED BY: *Chester / Straub* 3/11/13
[Must be signed by Preparer] Date

TITLE: Executive Director

REPRESENTING: Technological Research and Development Authority

PHONE: 321-872-1050 extension 101

E-Mail Address: cstraub@trda.org

HOUSE OF REPRESENTATIVES
2013 LOCAL BILL AMENDMENT FORM

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

BILL NUMBER: HB 1013

SPONSOR(S): Representative Ritch Workman

RELATING TO: Technological Research and Development Authority, Brevard County
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Representative Ritch Workman

CONTACT PERSON: Representative Ritch Workman

PHONE NO: (321) 757-7019 **E-MAIL:** Ritch.Workman@myfloridahouse.gov

REVIEWED BY STAFF OF THE LOCAL & FEDERAL AFFAIRS COMMITTEE **[X]**
Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:

(Attach additional page(s) if necessary)

Removes Lines 24-28 of HB 1013.

II. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Section 3 of HB 1013 provides that the TRDA will no longer receive user fees collected by the Department of Highway Safety and Motor Vehicles from the sale of Challenger/Columbia specialty license plates. While this language could be viewed as providing an exemption to general law (s. 320.08058, F.S.), its implementation could confuse the disposition of these funds. Conversely, HB 4033 appropriately amends this statute.

III. NOTICE REQUIREMENTS

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

YES [X] NO [] NOT APPLICABLE []

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

YES [] NO [] NOT APPLICABLE [X]

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

YES [] NO [X]

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

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

YES [X] NO [] UNANIMOUSLY APPROVED []



Delegation Chair (Original Signature)

3/13/2013

Date

Tom Goodson

Print Name of Delegation Chair

1 A bill to be entitled
 2 An act relating to the Technological Research and
 3 Development Authority, Brevard County; abolishing the
 4 authority; transferring all assets and liabilities of
 5 the authority to the county; repealing ch. 2005-337,
 6 Laws of Florida, relating to creation of the
 7 authority; terminating receipt by the authority of
 8 certain moneys from the Department of Highway Safety
 9 and Motor Vehicles; providing effective dates.

10
 11 WHEREAS, the board of directors of the Technological
 12 Research and Development Authority in Brevard County approved a
 13 petition of dissolution of the authority by a unanimous vote,
 14 NOW, THEREFORE,

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

17
 18 Section 1. Effective December 31, 2013, the Technological
 19 Research and Development Authority in Brevard County is
 20 abolished. All assets and indebtedness, if any, are transferred
 21 to Brevard County pursuant to s. 189.4045(2), Florida Statutes.

22 Section 2. Effective December 31, 2013, chapter 2005-337,
 23 Laws of Florida, is repealed.

24 Section 3. Effective September 30, 2013, the Technological
 25 Research and Development Authority shall no longer receive user
 26 fees collected by the Department of Highway Safety and Motor
 27 Vehicles from the sale of Challenger/Columbia specialty license
 28 plates.

HB 1013

2013

29 | Section 4. Except as otherwise expressly provided in this
30 | act, this act shall take effect upon becoming a law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1013 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Local & Federal Affairs

2 Committee

3 Representative Workman offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 24-28

7
8
9
10 -----
11 **T I T L E A M E N D M E N T**

12 Remove lines 7-9 and insert:
13 authority; providing effective date.
14

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1027 Broward County Education, Research, and Training Authority, Broward County
SPONSOR(S): Waldman
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Nelson <i>NS</i>	Rojas <i>JR</i>
2) Education Committee			

SUMMARY ANALYSIS

The Broward County Education, Research, and Training Authority (BERTA) was created by the 1994 Florida Legislature as an independent special district. BERTA was established for the purpose of promoting economic development and employment opportunities through public-private partnerships.

HB 1027 repeals the special act charter for BERTA. The bill abolishes the district, and transfers its \$37,527.10 in assets to the Broward Board of County Commissioners.

The bill has an effective date of upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Broward County Education, Research, and Training Authority

The Broward County Education, Research, and Training Authority (BERTA) was created by the 1994 Florida Legislature as an independent special district pursuant to ch. 94-431, L.O.F. This chapter law has never been amended.

BERTA was established for the purpose of promoting economic development and employment opportunities through public-private partnerships. These partnerships were envisioned to integrate resources to facilitate job training and retraining programs to meet midcareer changes and technological advances; address community school skill-building efforts to enhance practical competency; and provide opportunities for vocational training in conjunction with academic education, targeting the changing needs of the private sector. It was intended that such partnerships combine resources of secondary, postsecondary, and vocational-technical education facilities, together with education and training administrations, to facilitate a broad range of academic and training opportunities and to better utilize federal and other training funds. Specifically, BERTA was constituted as a public instrumentality for the purposes of development, operation, management and financing of an education, research and training park. Through major facilities presently existing and as planned for the future within the Town of Davie, and Broward County as a whole, it was contemplated that the impact of the Broward County Education, Research, and Training Authority be countywide in order to successfully promote and compete with other nationally recognized education, research, and training authorities throughout the United States.

The authority's board consists of five members: three appointed by the Broward County Commission, one by the Broward School Board and one by the town of Davie. BERTA does not have the power of ad valorem taxation, nor the power to provide for non-ad valorem assessments, but is authorized to issue bonds, charge and collect rates, rents, fees, and charges for the use of and for the services furnished by a project, and to receive and accept loans, grants and contributions. The boundaries of BERTA are coextensive with the boundaries of Broward County.

Section 10 of ch. 94-431, L.O.F, provides that the authority may only be dissolved by special act of the Florida Legislature, or as otherwise provided in ch. 189, F.S.

According to Broward County, BERTA no longer serves its original purpose, and its board has not met or taken action in four years. The special district has no debt, but retains \$37,527.10 in assets.¹ These assets are held in a bank account in the Town of Davie, and are the result of previous BERTA bond transactions.²

Broward County has requested the dissolution of BERTA.

¹ Letter from C. Marty Cassini, Broward County Office of Intergovernmental Affairs and Professional Standards, to Sandy Harris, on file with the House Local & Federal Affairs Committee. Executive Director of the Broward County Legislative Delegation dated December 13, 2012, on file with the House Local & Federal Affairs Committee.

² March 8, 2013, telephone conversation with Leah Brasso, Assistant to the Director of the Broward County Finance & Administrative Services Department.

Dissolution of an Independent Special District

Chapter 189, F.S., the "Uniform Special District Accountability Act of 1989," provides general provisions for the definition, creation and operation of special districts. That chapter also contains several provisions relating to the dissolution of these entities.

Section 189.4042, F.S., provides for general merger and dissolution procedures. Section 189.4042 (3)(c), F.S., describes dissolution of an inactive independent special district, specifying that when such a district meets any criteria for being declared inactive, or has already been declared inactive, pursuant to s. 189.4044, F.S., it may be dissolved by special act without a referendum.

Section 189.4044, F.S., provides various criteria by which a special district may be declared inactive, including notification that the district has taken no action for two or more years. See s. 189.4044(1)(a)1., F.S.

Section 189.4042(3)(d), F.S., provides that financial allocations of the assets and indebtedness of a dissolved independent special district will be effected pursuant to s. 189.4045, F.S. Section 189.4045 (2), F.S., provides that unless otherwise provided by law or ordinance, the dissolution of a special district government transfers the title to all property owned by the preexisting special district government to the local general-purpose government, which also assumes all indebtedness of the preexisting special district.

Effect of Proposed Changes

HB 1027 repeals ch. 94-431, L.O.F., the charter for the Broward County Education, Research, and Training Authority. The bill abolishes this district and transfers its \$37,527.10 in assets to the Board of County Commissioners of Broward County in accordance with s. 189.4045(2), F.S.

The bill has an effective date of upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 94-431, L.O.F.

Section 2: Abolishes the Broward County Education, Research, and Training Authority and transfers its assets and liabilities.

Section 3: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 23, 2013

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

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES

2013 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1027
 SPONSOR(S): Representative Jim Waldman
 RELATING TO: Broward County - Dissolution of B.E.R.T.A.
[Indicate Area Affected (City, County, or Special District) and Subject]
 NAME OF DELEGATION: Broward Legislative Delegation
 CONTACT PERSON: Sandy Harris
 PHONE NO.: (954) 260-8894 E-Mail: sa.harris@broward.org

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

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

YES NO

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

YES NO

Date hearing held: January 11, 2013

Location: Broward County Governmental Center

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE January 23, 2013

Where? Sun-Sentinel County Broward

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES [] NO NOT APPLICABLE []

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

YES [] NO NOT APPLICABLE []

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

YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.

Eleanor Sobel
Delegation Chair (Original Signature)

02/08/13
Date

Senator Eleanor Sobel
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2012 ECONOMIC IMPACT STATEMENT FORM**

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

BILL #: HB 1027
SPONSOR(S): Broward County
RELATING TO: Dissolution of the Broward Education, Research and Training Authority (BERTA)
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY12-13</u>	<u>FY 13-14</u>
Expenditures:	\$ 0	\$ 0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Federal:	\$ 0	\$ 0
State:	\$ 0	\$ 0
Local:	\$ 0	\$ 0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Revenues:	\$ 0	\$ 0

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: This Authority is currently inactive. This legislation establishes the disposition of the authority's assets in the amount of \$37,527.10 which should be transferred to Broward County.

Disadvantages:

N/A

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

N/A

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

N/A

PREPARED BY: Leah Brasso 12/11/12
[Must be signed by Preparer] Date

TITLE: Assistant to Department Director

REPRESENTING: Finance & Administrative Services Department

PHONE: 954-357-7133

E-Mail Address: lbrasso@broward.org

1 A bill to be entitled
 2 An act relating to the Broward County Education,
 3 Research, and Training Authority, Broward County;
 4 repealing chapter 94-431, Laws of Florida, relating to
 5 the creation of the authority; abolishing the
 6 authority; transferring assets and liabilities of the
 7 authority; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Chapter 94-431, Laws of Florida, is repealed.
 12 Section 2. The Broward County Education, Research, and
 13 Training Authority is abolished. All assets and liabilities of
 14 the authority are transferred to the Board of County
 15 Commissioners of Broward County in accordance with s.
 16 189.4045(2), Florida Statutes.
 17 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 4037 Broward County/Saltwater Fishing
SPONSOR(S): Waldman
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Dougherty <i>DD</i>	Rojas <i>JK</i>
2) State Affairs Committee			

SUMMARY ANALYSIS

This bill repeals ch. 12554, L.O.F., establishing a minimum landing size for mullet caught in Broward County, Florida, as the Florida Fish and Wildlife Conservation Commission now regulates landing size state-wide.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This bill repeals ch. 12554, L.O.F., which sets the minimum landing size for mullet caught in Broward County at 10½ inches. This provision is obsolete and duplicative as the Florida Fish and Wildlife Conservation Commission now regulates mullet landing size. Chapter 68B-39.003, F.A.C., prohibits harvesting or possessing a quantity of mullet smaller than 11 inches that exceeds 10 percent of the total weight of all mullet possessed at any time.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 12554, L.O.F., relating to saltwater fishing in Broward County, Florida.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 23, 2013

WHERE? The *Sun-Sentinel*, a daily newspaper published in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED LINDA M. HALL, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A:

NOTICE OF LEGISLATION

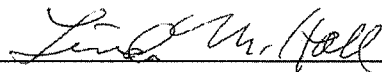
THE MATTER OF:

BROWARD LEGISLATIVE
RE: DELETING CHAPTER 12554, SECTION 1

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

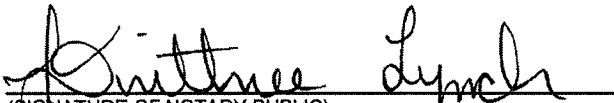
JANUARY 23, 2013 14142378

AFFIANT FURTHER SAYS THAT THE SAID SUN-SENTINEL IS A NEWSPAPER PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS HERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MATTER AT THE POST OFFICE IN FORT LAUDERDALE, IN SAID BROWARD COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF ATTACHED COPY OF ADVERTISEMENT: AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID, NOR PROMISED, ANY PERSON, FIRM, OR CORPORATION, ANY DISCOUNT, REBATE, COMMISSION, OR REFUND, FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN SAID NEWSPAPER.



(SIGNATURE OF LINDA M. HALL, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 23 JANUARY 2013, A.D.



(SIGNATURE OF NOTARY PUBLIC)
BRITTNEE LYNCH
MY COMMISSION # EE185141
EXPIRES April 01, 2016
FloridaNotaryService.com

(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

NOTICE OF LEGISLATION
Notice is hereby given that the following bill will be presented to the 2013 Legislative Session of the Florida Legislature for consideration and enactment.
A BILL TO BE ENTITLED
AN ACT RELATING TO BROWARD COUNTY, FLORIDA, DELETING CHAPTER 12554, SECTIONS 1, LAWS OF FLORIDA (SPECIAL ACTS OF 1927)
BROWARD COUNTY LEGISLATIVE DELEGATION
SENATOR ELEANOR SOBEL, CHAIR
January 23, 2013

HOUSE OF REPRESENTATIVES

2013 LOCAL BILL CERTIFICATION FORM

BILL #: HB 4037
SPONSOR(S): Representative Jim Waldman
RELATING TO: Broward County - Mullet Fishing Peepal (Ch. 12551, Sec. 1)
NAME OF DELEGATION: Broward Legislative Delegation
CONTACT PERSON: Sandy Harris
PHONE NO.: (954) 260-8894 E-Mail: Saharris@broward.org

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

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

YES [X] NO []

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

YES [X] NO []

Date hearing held: January 11, 2013

Location: Broward County Governmental Center

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

YES [X] NO []

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

Has this constitutional notice requirement been met?

Notice published: YES [X] NO [] DATE January 23, 2013

Where? Sun-Sentinel County Broward

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

Date of Referendum

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

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

YES [] NO NOT APPLICABLE []

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

YES [] NO NOT APPLICABLE []

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

YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.

Eleanor Sobel
Delegation Chair (Original Signature)

02/08/13
Date

Senator Eleanor Sobel
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2012 ECONOMIC IMPACT STATEMENT FORM

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

BILL #: 4037
SPONSOR(S): REP WARDMAN
RELATING TO: Broward County; repeal of Ch. 12554, Section 1, Laws of Florida
(Indicate Area Affected (City, County or Special District) and Subject) (Special Acts of 1927)

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY12-13</u>	<u>FY 13-14</u>
Expenditures:	\$ 0	\$ 0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Federal:	\$ 0	\$ 0
State:	\$ 0	\$ 0
Local:	\$ 0	\$ 0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Revenues:	\$ 0	\$ 0

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: This legislation deletes an obsolete law (codified in Section 13-4 of the Broward County Code) pertaining to fishing. The issue is now under the jurisdiction of the Florida Fish & Wildlife Conservation Commission.

Disadvantages:
None.

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

n/a

12/14/12
J. Jurado

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

n/a

PREPARED BY:

José L. Jurado 12/14/12
[Must be signed by Preparer] Date

TITLE: Director

REPRESENTING: Natural Resources Planning and Management Division

PHONE: 954-519-1464

E-Mail Address: jjurado@broward.org

HB 4037

2013

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A bill to be entitled
An act relating to Broward County; repealing chapter
12554 (1927), Laws of Florida, relating to saltwater
fishing; providing an effective date.

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

Section 1. Chapter 12554 (1927), Laws of Florida, is
repealed.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 4039 Broward County/Fishing
SPONSOR(S): Waldman
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Dougherty <i>DD</i>	Rojas <i>JR</i>
2) State Affairs Committee			

SUMMARY ANALYSIS

This bill repeals ch. 8636, L.O.F., which regulates fishing gear, prohibits use of explosives or harmful materials as a fishing method, and sets black bass landing sizes and daily bag limits in Broward County, Florida. This law is obsolete and duplicative as the Florida Fish and Wildlife Conservation Commission now regulates these areas state-wide.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This bill repeals ch. 8636, L.O.F., which applies to Broward County and requires all fishing use only hook and line or size-restricted cast net; prohibits the use of any explosive or deleterious materials that may injure fish; sets black bass minimum landing size at 10 inches and daily bag limit at 15 per person; categorizes any action violative of these sections as a misdemeanor.

This provision is obsolete and duplicative as now the Florida Fish and Wildlife Conservation Commission's rules apply to all Florida freshwater fish, which includes black bass. Chapter 68A-23, F.A.C., provides permissible freshwater fishing methods, gear, and minimum landing sizes based on geographic area within the state. Both ch. 68A-23, F.A.C., and ch. 379, F.S., prohibit use of explosives or deleterious materials while fishing. Chapter 68B-14.0036, F.A.C., sets the state-wide daily bag limit at 15 per person.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 8636, L.O.F., relating to fishing in Broward County, Florida.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 23, 2013

WHERE? The *Sun-Sentinel*, a daily newspaper published in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED LINDA M. HALL, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A:

NOTICE OF LEGISLATION

THE MATTER OF: BROWARD LEGISLATIVE
RE: DELETING CHAPTER 8636, SECTIONS 1-4

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

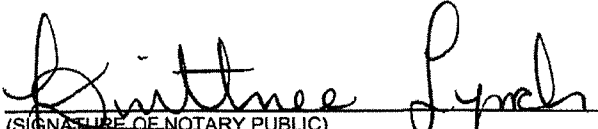
JANUARY 23, 2013 14142382

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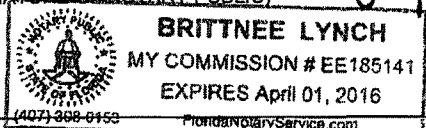


(SIGNATURE OF LINDA M. HALL, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 23 JANUARY 2013, A.D.



(SIGNATURE OF NOTARY PUBLIC)



(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

NOTICE OF LEGISLATION
Notice is hereby given that the following bill will be presented to the 2013 Legislative Session of the Florida Legislature for consideration and enactment.
A BILL TO BE ENTITLED
AN ACT RELATING TO BROWARD COUNTY, FLORIDA, DELETING CHAPTER 8636, SECTIONS 1-4, LAWS OF FLORIDA (SPECIAL ACTS OF 1921).
BROWARD COUNTY LEGISLATIVE DELEGATION
SENATOR ELEANOR SOBEL, CHAIR
January 15, 2013

HOUSE OF REPRESENTATIVES
2013 LOCAL BILL CERTIFICATION FORM

BILL #: 4039
SPONSOR(S): Representative Jim Waldman
RELATING TO: Broward County - Inland Fishing, Explosives + Black Bass Repeal
[Indicate Area Affected (City, County, or Special District) and Subject] Ch. 8636 Sec 1-4
NAME OF DELEGATION: Broward Legislative Delegation
CONTACT PERSON: Sandy Harris
PHONE NO.: (954) 260-8894 **E-Mail:** saharris@broward.org

I. *House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.*

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

YES NO

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

YES NO

Date hearing held: January 11, 2013

Location: Broward County Governmental Center

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** January 23, 2013

Where? Sun-Sentinel **County** Broward

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES [] NO [X] NOT APPLICABLE []

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

YES [] NO [X] NOT APPLICABLE []

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

YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.

Eleanor Sobel
Delegation Chair (Original Signature)

02/08/13
Date

Senator Eleanor Sobel
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2012 ECONOMIC IMPACT STATEMENT FORM

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

BILL #: 4039
SPONSOR(S): Rep Waldman
RELATING TO: Broward County ; repeal of Ch. 8636, Sections 1-4, Laws of Florida
[Indicate Area Affected (City, County or Special District) and Subject] (Special Acts of 1921)

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY12-13</u>	<u>FY 13-14</u>
Expenditures:	\$ 0	\$ 0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Federal:	\$ 0	\$ 0
State:	\$ 0	\$ 0
Local:	\$ 0	\$ 0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 12-13</u>	<u>FY 13-14</u>
Revenues:	\$ 0	\$ 0

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: This legislation deletes an obsolete law (codified in Section 13-5 of the Broward County Code) pertaining to fishing. The issue is now under the jurisdiction of the Florida Fish & Wildlife Conservation Commission.

Disadvantages:

None.


V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

n/a

APPROVED
12/14/12

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

n/a

PREPARED BY:  12/14/12
[Must be signed by Preparer] Date

TITLE: Director

REPRESENTING: Natural Resources Planning and Management Division

PHONE: 954-519-1464

E-Mail Address: jjurado@broward.org

HB 4039

2013

1 A bill to be entitled
2 An act relating to Broward County; repealing chapter
3 8636 (1921), Laws of Florida, relating to fishing;
4 providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Chapter 8636 (1921), Laws of Florida, is
9 repealed.

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