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# **LOCAL & FEDERAL AFFAIRS COMMITTEE**

## **MEETING PACKET**

**Wednesday, March 27, 2013  
2:00 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)  
Wednesday, March 27, 2013, 2:00 p.m.

- I. CALL TO ORDER AND WELCOME REMARKS
- II. CONSIDERATION OF THE FOLLOWING BILL(S):
  - CS/HB 617 Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils by Criminal Justice Subcommittee, Pilon
  - HB 979 Fort Pierce Farms Water Control District, St. Lucie County by Mayfield
  - HB 981 North St. Lucie River Water Control District, St. Lucie County by Mayfield
  - HB 1009 Fellsmere Water Control District, Indian River County by Mayfield
  - HM 1087 U.S. 65th Infantry Regiment, the Borinqueneers by Santiago
  - HB 1171 St. Lucie and Martin Counties by Harrell
  - HB 1321 Florida Keys Aqueduct Authority, Monroe County by Raschein
  - HM 1389 Taiwan Memorial by Diaz, J.
  - HB 1403 Key Largo Wastewater Treatment District, Monroe County by Raschein
  - HM 1405 Captivity of Robert Levinson in Iran by Moskowitz
  - HB 1411 Pinellas County by Hooper
- III. ADJOURNMENT



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 617 Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils  
**SPONSOR(S):** Criminal Justice Subcommittee, Pilon  
**TIED BILLS:** IDEN./SIM. BILLS: CS/SB 676

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Cox	Cunningham
2) Local & Federal Affairs Committee		Lukis <i>AL</i>	Rojas <i>[Signature]</i>
3) Judiciary Committee			

### SUMMARY ANALYSIS

Section 985.664, F.S., authorizes the establishment of 20 juvenile justice circuit boards (circuit board) and 67 juvenile justice county councils (county council). The purpose of these entities is to advise the Department of Juvenile Justice (DJJ) in the development and implementation of juvenile justice programs and policies related to at-risk youth. DJJ reports that currently there are 20 circuit boards, 44 active county councils across the state, and 23 disbanded county councils that have opted to connect with local coalition groups for various reasons.

The bill substantially amends s. 985.664, F.S., to remove all references to county councils and rename the circuit boards as "juvenile justice circuit advisory boards" (advisory boards). The purpose of the advisory boards would be similar to that of circuit boards and county councils--that is, to advise the DJJ in the development and implementation of juvenile justice programs and policies related to at-risk youth.

The bill requires multi-county circuits to have a county organization representing each of the counties in the circuit. These county organizations must report directly to the advisory board on the juvenile justice needs of their county. Single county circuits will only have an advisory board. By such reorganization, the bill, in part aims to improve communication between local organizations and the DJJ.

The bill provides that the duties of the advisory boards include the following:

- developing and submitting to DJJ a comprehensive plan for the circuit no later than December 31, 2014, and resubmitting such plan to DJJ every three years thereafter;
- participating in the facilitation of interagency cooperation and information sharing;
- providing recommendations for public or private grants to be administered by a community partner that support the comprehensive plan;
- providing recommendations to DJJ in the evaluation of prevention and early intervention grant programs; and
- providing an annual report to DJJ by August 1 of each year describing the board's activities.

The bill also:

- requires an advisory board to have a minimum of 16 members, some of which have to be certain named professionals;
- specifies how a chair and board members are appointed, when a quorum is met, and the percentage of the quorum that is required to pass a measure or position; and
- requires advisory boards to have bylaws, contains requirements for the bylaws, and requires the DJJ to prescribe the bylaws' format and content requirements.

DJJ reports that the bill does not have any impact on state or local revenues or expenditures.

The bill provides an effective date of October 1, 2013.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: 3/22/2013

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Section 985.664, F.S., authorizes the establishment of 20 juvenile justice circuit boards (circuit board) and 67 juvenile justice county councils (county council). The purpose of these entities is to advise the Department of Juvenile Justice (DJJ) in the development and implementation of juvenile justice programs and policies related to at-risk youth. DJJ reports that there are currently 20 circuit boards, 44 active county councils across the state, and 23 disbanded county councils that have opted to connect with local coalition groups for various reasons.<sup>1</sup>

Each county council is required to develop a "juvenile justice prevention and early intervention plan" for the county and collaborate with the circuit board and other county councils to develop a comprehensive plan for the circuit.<sup>2</sup> The circuit boards and county councils must also participate in facilitating interagency cooperation and information sharing,<sup>3</sup> and advise and assist DJJ in evaluating and awarding prevention and early intervention grant programs.<sup>4</sup> The circuit boards must provide an annual report to DJJ detailing their activities, and the activities of the county councils in their jurisdiction, for the year.<sup>5</sup>

The membership of the circuit boards is limited to 18 members,<sup>6</sup> and must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The remaining 15 members must be appointed by the county councils within that circuit.<sup>7</sup> A circuit board must include at least one representative from each of the county councils.

The membership of the county councils is not limited, and may include representatives from the following entities:

- school districts;<sup>8</sup>
- board of county commissioners;
- governing bodies of local municipalities within the county;
- corresponding circuit or regional entity of the Department of Children and Family Services;
- local law enforcement agencies, including the sheriff or the sheriff's designee;
- the judicial system;
- the business community;
- other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates;
- the faith community;

<sup>1</sup> Department of Juvenile Justice, 2013 Agency Proposal (on file with Criminal Justice Subcommittee).

<sup>2</sup> Section 985.664(2), F.S. Circuit board and county councils are authorized to apply for and receive public or private grants to be administered by community partners to implement the circuit's comprehensive plan. Section 985.664(4), F.S.

<sup>3</sup> Section 985.664(3), F.S.

<sup>4</sup> Section 985.664(4), F.S.

<sup>5</sup> Section 985.664(6), F.S. DJJ may prescribe a format and content requirements for submission of annual reports.

<sup>6</sup> There are two exceptions to this limitation: 1) Section 985.664(8), F.S., states that any time after the initial bylaws are adopted a board may revise the bylaws to increase the membership by three people in order to adequately reflect the diversity of the population and community organizations or agencies in the circuit; and 2) Section 985.664(9), F.S., states that if councils are not developed within a circuit, the board may establish its membership in the same manner as the councils.

<sup>7</sup> Section 985.664(7), F.S., states that in appointing members to the circuit board, the county councils must reflect the circuit's geography and population distribution; juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services; and the judicial circuit's diversity.

<sup>8</sup> This may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors. Section 985.664(10), F.S.

- victim-service programs and victims of crimes; and
- the Department of Corrections.<sup>9</sup>

Each circuit board and county council must develop bylaws that provide for officers and committees, as the board or council deems necessary, and that specify the qualifications, method of selection, and terms for each office created. The bylaws must also address the process for appointments to the board or council, election or appointment of officers, filling of vacant position, duration of member terms, meeting attendance requirements, and the establishment and duties of an executive committee, if required.<sup>10</sup>

DJJ reports that when the county councils were created, local youth-related coalitions, task forces, and community groups did not exist. Today, many counties have a coalition, task force, and/or community organization addressing youth-related issues.<sup>11</sup> The duplication of efforts has caused many county councils to disband and join with local coalitions, thus becoming disconnected with DJJ and limiting DJJ's partnerships with local communities.<sup>12</sup>

### **Effect of the Bill**

The bill substantially amends s. 985.664, F.S., to remove all references to county councils and rename the circuit boards as "juvenile justice circuit advisory boards" (advisory boards). The purpose of the advisory boards is to advise the DJJ in the development and implementation of juvenile justice programs and policies related to at-risk youth.

The bill requires multi-county circuits to have a county organization representing each of the counties in the circuit. These county organizations must report directly to the advisory board on the juvenile justice needs of their county. Single county circuits will only have an advisory board. DJJ reports that this will maximize communication between DJJ, the community, juvenile justice advocates, and the Legislature.<sup>13</sup>

The duties of the advisory boards remain similar to those of the circuit boards and county councils, and include the following:

- developing and submitting to DJJ a comprehensive plan for the circuit no later than December 31, 2014, and resubmitting such plan to DJJ every three years thereafter;<sup>14</sup>
- participating in the facilitation of interagency cooperation and information sharing;
- providing recommendations for public or private grants to be administered by a community partner that support the comprehensive plan;
- providing recommendations to DJJ in the evaluation of prevention and early intervention grant programs; and
- providing an annual report to DJJ by August 1 of each year describing the board's activities.<sup>15</sup>

The advisory board must have a minimum of 16 members that reflect the circuit's geography and population distribution and diversity. The following members are required to be on the advisory board, do not have any term limitations, and do not require approval of the Secretary of DJJ:

- the State attorney or designee;
- the Public defender or designee;
- the Chief judge or designee;
- the Sheriff or designee from each county in the circuit;

<sup>9</sup> Private providers of juvenile justice programs may not exceed one-third of the voting membership of a county council. Section 985.664(10), F.S.

<sup>10</sup> Section 985.664(12), F.S.

<sup>11</sup> *Supra* note 1.

<sup>12</sup> *Supra* note 1.

<sup>13</sup> *Supra* note 1.

<sup>14</sup> DJJ must prescribe the format and content requirements of the comprehensive plan.

<sup>15</sup> DJJ must prescribe the format and content requirements of the annual report.

- the Police chief or designee from each county in the circuit;
- a County commissioner from each county in the circuit; and
- a Superintendent of each school district in the circuit.

The following members are required to be on the advisory board, but must be approved by the Secretary of DJJ before serving and are limited to two consecutive, two year terms:<sup>16</sup>

- representatives from the:
  - Department of Children and Families;
  - workforce organization of each county in the circuit;
  - business community;
  - faith community;
- a youth representative who has experience with the juvenile justice system and is not older than 21 years of age;
- a health services representative who specializes in mental health care, victim service programs, or victims of crimes;
- a parent or family member of a youth who has been involved with the juvenile justice system; and
- up to five representatives chosen from community leaders and youth-serving coalitions.

To select the initial advisory board chair, the Secretary of DJJ, in consultation with the county councils in existence on October 1, 2013, must appoint the chair. Within 45 days of the chair's appointment, the advisory board chair must appoint the remaining members of the advisory board and submit the appointments to the Secretary of DJJ for approval. Thereafter, if a vacancy of the chair occurs, the Secretary of DJJ, in consultation with the advisory board, must appoint a new chair. The chair shall appoint members to vacant seats within 45 days of the vacancy and submit the appointments to the Secretary of DJJ for approval.

The bill adds to s. 985.664, F.S., that a quorum is met with at least half of the voting members of the advisory board and that a quorum must be present for the advisory board to vote on a measure or position. A measure or position must pass with more than 50 percent of the vote.

The bill requires advisory boards to have bylaws and requires DJJ to prescribe the bylaws' format and content requirements. The bylaws must address the election or appointment of officers; filling of vacant positions; meeting attendance requirements; and the establishment and duties of an executive committee.

The bill makes confirming changes to ss. 790.22, 938.17, 948.51, 985.48, and 985.676, F.S., to correct terminology and statutory cites.

## B. SECTION DIRECTORY:

- Section 1: Amends s. 985.664, F.S., relating to juvenile justice circuit boards and juvenile justice county councils.
- Section 2: Amends s. 790.22, F.S., relating to use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.
- Section 3: Amends s. 938.17, F.S., relating to county delinquency prevention; juvenile assessment centers and school board suspension programs.
- Section 4: Amends s. 948.51, F.S., relating to community corrections assistance to counties or county consortiums.

<sup>16</sup> A former member may become eligible again to serve on an advisory board after not serving for one term.

Section 5: Amends s. 985.48, F.S., relating to juvenile sexual offender commitment programs; sexual abuse intervention networks.

Section 6: Amends s. 985.676, F.S., relating to community juvenile justice partnership grants.

Section 7: Provides an effective date of October 1, 2013.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

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

#### 2. Expenditures:

DJJ reports that the bill does not appear to have any impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

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

#### 2. Expenditures:

DJJ reports that the bill does not appear to have any impact on local government expenditures.

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

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The 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:

None.

### B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

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

1. Line 31 states that in single-county circuits, the advisory boards must “have” a county organization. This does not clearly define the role of the advisory board in relation to the county organization.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 12, 2013, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- adds language related to the appointment of the initial advisory board chair and members and to the appointment of the advisory board chair and members thereafter;
- specifies how vacancies to the chair or member seats shall be handled; and
- adds language specifying that a measure or policy cannot be voted on unless a quorum is present at the meeting.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

1 A bill to be entitled

2 An act relating to juvenile justice circuit advisory  
 3 boards and juvenile justice county councils; amending  
 4 s. 985.664, F.S.; redesignating juvenile justice  
 5 circuit boards as juvenile justice circuit advisory  
 6 boards; requiring each board to have a county  
 7 organization representing each county in the circuit;  
 8 providing an exception for single-county circuits;  
 9 deleting provisions providing for juvenile justice  
 10 county councils; revising provisions relating to  
 11 duties and responsibilities of boards; requiring  
 12 submission of circuit plans by specified dates;  
 13 revising membership of boards; providing for  
 14 appointment and terms of members; providing for  
 15 quorums and for passage of measures or positions;  
 16 revising provisions relating to bylaws; amending ss.  
 17 790.22, 938.17, 948.51, 985.48, and 985.676, F.S.;  
 18 conforming provisions to changes made by the act;  
 19 providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. Section 985.664, Florida Statutes, is amended  
 24 to read:

25 985.664 Juvenile justice circuit advisory boards ~~and~~  
 26 ~~juvenile justice county councils.~~-

27 (1) There is authorized a juvenile justice circuit  
 28 advisory board to be established in each of the 20 judicial

29 ~~circuits and a juvenile justice county council to be established~~  
 30 ~~in each of the 67 counties. Except in single-county circuits,~~  
 31 each juvenile justice circuit advisory board shall have a county  
 32 organization representing each of the counties in the circuit.  
 33 The county organization shall report directly to the juvenile  
 34 justice circuit advisory board on the juvenile justice needs of  
 35 the county. The purpose of each juvenile justice circuit  
 36 ~~advisory board and each juvenile justice county council~~ is to  
 37 provide advice and direction to the department in the  
 38 development and implementation of juvenile justice programs and  
 39 to work collaboratively with the department in seeking program  
 40 improvements and policy changes to address the emerging and  
 41 changing needs of Florida's youth who are at risk of  
 42 delinquency.

43 (2) The duties and responsibilities of a juvenile justice  
 44 circuit advisory board include, but are not limited to:

45 (a) Developing ~~Each juvenile justice county council shall~~  
 46 ~~develop a juvenile justice prevention and early intervention~~  
 47 ~~plan for the county and shall collaborate with the circuit board~~  
 48 ~~and other county councils assigned to that circuit in the~~  
 49 ~~development of a comprehensive plan for the circuit.~~ The initial  
 50 circuit plan shall be submitted to the department no later than  
 51 December 31, 2014, and no later than June 30 every 3 years  
 52 thereafter. The department shall prescribe a format and content  
 53 requirements for the submission of the comprehensive plan.

54 (b) ~~(3)~~ Participating in the facilitation of Juvenile  
 55 ~~justice circuit boards and county councils shall also~~  
 56 ~~participate in facilitating~~ interagency cooperation and

57 information sharing.

58 (c)(4) Providing recommendations ~~Juvenile justice circuit~~  
 59 ~~boards and county councils may apply for and receive public or~~  
 60 private grants to be administered by one of the community  
 61 partners that support one or more components of the  
 62 comprehensive county or circuit plan.

63 (d)(5) Providing recommendations to ~~Juvenile justice~~  
 64 ~~circuit boards and county councils shall advise and assist the~~  
 65 department in the evaluation ~~and award~~ of prevention and early  
 66 intervention grant programs, including the Community Juvenile  
 67 Justice Partnership Grant program established in s. 985.676 and  
 68 proceeds from the Invest in Children license plate annual use  
 69 fees.

70 (e)(6) Providing ~~Each juvenile justice circuit board shall~~  
 71 ~~provide~~ an annual report to the department describing the  
 72 board's activities of the circuit board and each of the county  
 73 ~~councils contained within its circuit.~~ The department shall ~~may~~  
 74 prescribe a format and content requirements for submission of  
 75 annual reports. The annual report must be submitted to the  
 76 department no later than August 1 of each year.

77 (3)(7) Each Membership of the juvenile justice circuit  
 78 advisory board shall have a minimum of 16 ~~may not exceed 18~~  
 79 ~~members, except as provided in subsections (8) and (9).~~ The  
 80 membership of each Members must include the state attorney, the  
 81 ~~public defender, and the chief judge of the circuit, or their~~  
 82 ~~respective designees. The remaining 15 members of the board must~~  
 83 ~~be appointed by the county councils within that circuit. The~~  
 84 ~~board must include at least one representative from each county~~

85 ~~council within the circuit. In appointing members to the circuit~~  
 86 ~~board, the county councils~~ must reflect:

87 (a) The circuit's geography and population distribution.

88 ~~(b) Juvenile justice partners, including, but not limited~~  
 89 ~~to, representatives of law enforcement, the school system, and~~  
 90 ~~the Department of Children and Family Services.~~

91 (b)(e) Diversity in the judicial circuit.

92 ~~(8) At any time after the adoption of initial bylaws~~  
 93 ~~pursuant to subsection (12), a juvenile justice circuit board~~  
 94 ~~may revise the bylaws to increase the number of members by not~~  
 95 ~~more than three in order to adequately reflect the diversity of~~  
 96 ~~the population and community organizations or agencies in the~~  
 97 ~~circuit.~~

98 ~~(9) If county councils are not formed within a circuit,~~  
 99 ~~the circuit board may establish its membership in accordance~~  
 100 ~~with subsection (10). For juvenile justice circuit boards~~  
 101 ~~organized pursuant to this subsection, the state attorney,~~  
 102 ~~public defender, and chief circuit judge, or their respective~~  
 103 ~~designees, shall be members of the circuit board.~~

104 (4)(10) Each member of the juvenile justice circuit  
 105 advisory board must be approved by the Secretary of Juvenile  
 106 Justice, except those members listed in paragraphs (a), (b),  
 107 (c), (e), (f), (g), and (h). Membership of The juvenile justice  
 108 county councils, or juvenile justice circuit advisory boards  
 109 established under subsection (1) must (9), may include as  
 110 members representatives from the following entities:

111 (a) The state attorney or his or her designee  
 112 ~~Representatives from the school district, which may include~~

113 ~~elect~~ed school board officials, ~~the school superintendent,~~  
 114 ~~school or district administrators, teachers, and counselors.~~

115 (b) The public defender or his or her designee  
 116 ~~Representatives of the board of county commissioners.~~

117 (c) The chief judge or his or her designee ~~Representatives~~  
 118 ~~of the governing bodies of local municipalities within the~~  
 119 ~~county.~~

120 (d) A representative of the corresponding circuit or  
 121 regional entity of the Department of Children and Families  
 122 ~~Family Services.~~

123 (e) ~~Representatives of local law enforcement agencies,~~  
 124 ~~including~~ The sheriff or the sheriff's designee from each county  
 125 in the circuit.

126 (f) A police chief or his or her designee from each county  
 127 in the circuit ~~Representatives of the judicial system.~~

128 (g) A county commissioner or his or her designee from  
 129 each county in the circuit.

130 (h) The superintendent of each school district in the  
 131 circuit or his or her designee.

132 (i) A representative from the workforce organization of  
 133 each county in the circuit.

134 (j) ~~(g)~~ A representative ~~Representatives~~ of the business  
 135 community.

136 (k) A youth representative who has had an experience with  
 137 the juvenile justice system and is not older than 21 years of  
 138 age.

139 ~~(h) Representatives of other interested officials, groups,~~  
 140 ~~or entities, including, but not limited to, a children's~~

CS/HB 617

2013

141 ~~services council, public or private providers of juvenile~~  
 142 ~~justice programs and services, students, parents, and advocates.~~  
 143 ~~Private providers of juvenile justice programs may not exceed~~  
 144 ~~one-third of the voting membership.~~

145 (l) ~~(i)~~ A representative ~~representatives~~ of the faith  
 146 community.

147 (m) ~~(j)~~ A health services representative who specializes in  
 148 mental health care, Representatives of victim-service programs,  
 149 or and victims of crimes.

150 ~~(k) Representatives of the Department of Corrections.~~

151 (n) A parent or family member of a youth who has been  
 152 involved with the juvenile justice system.

153 (o) Up to five representatives from any of the following  
 154 who are not otherwise represented in this subsection:

- 155 1. Community leaders.
- 156 2. Youth-serving coalitions.

157 (5) (a) To form the initial juvenile justice circuit  
 158 advisory board, the Secretary of Juvenile Justice, in  
 159 consultation with the juvenile justice county councils in  
 160 existence on October 1, 2013, shall appoint the chair of the  
 161 board, who must meet the board membership requirements in  
 162 subsection (4). Within 45 days after being appointed, the chair  
 163 shall appoint the remaining members to the juvenile justice  
 164 circuit advisory board and submit the appointments to the  
 165 department for approval.

166 (b) Thereafter, when a vacancy in the office of the chair  
 167 occurs, the Secretary of Juvenile Justice, in consultation with  
 168 the juvenile justice circuit advisory board, shall appoint a new

169 chair, who must meet the board membership requirements in  
 170 subsection (4). The chair shall appoint members to vacant seats  
 171 within 45 days after the vacancy and submit the appointments to  
 172 the department for approval.

173 (6) A member may not serve more than two consecutive 2-  
 174 year terms, except those members listed in paragraphs (4) (a),  
 175 (b), (c), (e), (f), (g), and (h). A former member who has not  
 176 served on the juvenile justice circuit advisory board for 2  
 177 years is eligible to serve on the juvenile justice circuit  
 178 advisory board again.

179 (7) At least half of the voting members of the juvenile  
 180 justice circuit advisory board constitutes a quorum. A quorum  
 181 must be present in order for the board to vote on a measure or  
 182 position.

183 (8) In order for a juvenile justice circuit advisory board  
 184 measure or position to pass, it must receive more than 50  
 185 percent of the vote.

186 ~~(9)-(11)~~ Each juvenile justice county council, or juvenile  
 187 justice circuit advisory board established under subsection (9),  
 188 must provide for the establishment of an executive committee of  
 189 not more than 10 members. The duties and authority of the  
 190 executive committee must be addressed in the bylaws.

191 ~~(10)-(12)~~ Each juvenile justice circuit advisory board and  
 192 county council shall have develop bylaws that provide for  
 193 officers and committees as the board or council deems necessary  
 194 and shall specify the qualifications, method of selection, and  
 195 term for each office created. The department shall prescribe a  
 196 format and content requirements for the bylaws. All bylaws must

197 be approved by the department. The bylaws shall address at least  
 198 the following issues: ~~process for appointments to the board or~~  
 199 ~~council;~~ election or appointment of officers; filling of vacant  
 200 positions; ~~duration of member terms; provisions for voting;~~  
 201 meeting attendance requirements; and the establishment and  
 202 duties of an executive committee, ~~if required under subsection~~  
 203 ~~(11)~~.

204 (11)~~(13)~~ Members of juvenile justice circuit advisory  
 205 boards ~~and county councils~~ are subject to ~~the provisions of~~ part  
 206 III of chapter 112.

207 Section 2. Paragraph (c) of subsection (4) of section  
 208 790.22, Florida Statutes, is amended to read:

209 790.22 Use of BB guns, air or gas-operated guns, or  
 210 electric weapons or devices by minor under 16; limitation;  
 211 possession of firearms by minor under 18 prohibited; penalties.-

212 (4)

213 (c) The juvenile justice circuit advisory boards ~~or~~  
 214 ~~juvenile justice county councils~~ or the Department of Juvenile  
 215 Justice shall establish appropriate community service programs  
 216 to be available to the alternative sanctions coordinators of the  
 217 circuit courts in implementing this subsection. The boards ~~or~~  
 218 ~~councils~~ or department shall propose the implementation of a  
 219 community service program in each circuit, and may submit a  
 220 circuit plan, to be implemented upon approval of the circuit  
 221 alternative sanctions coordinator.

222 Section 3. Subsection (4) of section 938.17, Florida  
 223 Statutes, is amended to read:

224 938.17 County delinquency prevention; juvenile assessment

225 centers and school board suspension programs.—

226 (4) A sheriff's office that receives proceeds pursuant to  
 227 s. 939.185 shall account for all funds annually by August 1 in a  
 228 written report to the juvenile justice circuit advisory board  
 229 ~~county council~~ if funds are used for assessment centers, and to  
 230 the district school board if funds are used for suspension  
 231 programs.

232 Section 4. Subsection (2) of section 948.51, Florida  
 233 Statutes, is amended to read:

234 948.51 Community corrections assistance to counties or  
 235 county consortiums.—

236 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A  
 237 county, or a consortium of two or more counties, may contract  
 238 with the Department of Corrections for community corrections  
 239 funds as provided in this section. In order to enter into a  
 240 community corrections partnership contract, a county or county  
 241 consortium must have a public safety coordinating council  
 242 established under s. 951.26 and must designate a county officer  
 243 or agency to be responsible for administering community  
 244 corrections funds received from the state. The public safety  
 245 coordinating council shall prepare, develop, and implement a  
 246 comprehensive public safety plan for the county, or the  
 247 geographic area represented by the county consortium, and shall  
 248 submit an annual report to the Department of Corrections  
 249 concerning the status of the program. In preparing the  
 250 comprehensive public safety plan, the public safety coordinating  
 251 council shall cooperate with the juvenile justice circuit  
 252 advisory board and ~~the juvenile justice county council,~~

253 established under s. 985.664~~7~~ in order to include programs and  
 254 services for juveniles in the plan. To be eligible for community  
 255 corrections funds under the contract, the initial public safety  
 256 plan must be approved by the governing board of the county, or  
 257 the governing board of each county within the consortium, and  
 258 the Secretary of Corrections based on the requirements of this  
 259 section. If one or more other counties develop a unified public  
 260 safety plan, the public safety coordinating council shall submit  
 261 a single application to the department for funding. Continued  
 262 contract funding shall be pursuant to subsection (5). The plan  
 263 for a county or county consortium must cover at least a 5-year  
 264 period and must include:

265 (a) A description of programs offered for the job  
 266 placement and treatment of offenders in the community.

267 (b) A specification of community-based intermediate  
 268 sentencing options to be offered and the types and number of  
 269 offenders to be included in each program.

270 (c) Specific goals and objectives for reducing the  
 271 projected percentage of commitments to the state prison system  
 272 of persons with low total sentencing scores pursuant to the  
 273 Criminal Punishment Code.

274 (d) Specific evidence of the population status of all  
 275 programs which are part of the plan, which evidence establishes  
 276 that such programs do not include offenders who otherwise would  
 277 have been on a less intensive form of community supervision.

278 (e) The assessment of population status by the public  
 279 safety coordinating council of all correctional facilities owned  
 280 or contracted for by the county or by each county within the

281 consortium.

282 (f) The assessment of bed space that is available for  
 283 substance abuse intervention and treatment programs and the  
 284 assessment of offenders in need of treatment who are committed  
 285 to each correctional facility owned or contracted for by the  
 286 county or by each county within the consortium.

287 (g) A description of program costs and sources of funds  
 288 for each community corrections program, including community  
 289 corrections funds, loans, state assistance, and other financial  
 290 assistance.

291 Section 5. Subsection (13) of section 985.48, Florida  
 292 Statutes, is amended to read:

293 985.48 Juvenile sexual offender commitment programs;  
 294 sexual abuse intervention networks.-

295 (13) Subject to specific appropriation, availability of  
 296 funds, or receipt of appropriate grant funds, the Office of the  
 297 Attorney General, the Department of Children and Families ~~Family~~  
 298 ~~Services~~, or the Department of Juvenile Justice, ~~or local~~  
 299 ~~juvenile justice councils~~ shall award grants to sexual abuse  
 300 intervention networks that apply for such grants. The grants may  
 301 be used for training, treatment, conditional release,  
 302 evaluation, public awareness, and other specified community  
 303 needs that are identified by the network. A grant shall be  
 304 awarded based on the applicant's level of local funding, level  
 305 of collaboration, number of juvenile sexual offenders to be  
 306 served, number of victims to be served, and level of unmet  
 307 needs.

308 Section 6. Paragraph (a) of subsection (1) and paragraphs

309 (b) and (e) of subsection (2) of section 985.676, Florida  
 310 Statutes, are amended to read:  
 311 985.676 Community juvenile justice partnership grants.—  
 312 (1) GRANTS; CRITERIA.—  
 313 (a) In order to encourage the development of a ~~county and~~  
 314 circuit juvenile justice plan ~~plans~~ and the development and  
 315 implementation of ~~county and~~ circuit interagency agreements  
 316 under s. 985.664, the community juvenile justice partnership  
 317 grant program is established and shall be administered by the  
 318 department.  
 319 (2) GRANT APPLICATION PROCEDURES.—  
 320 (b) The department shall consider ~~the following in~~  
 321 ~~awarding such grants:~~  
 322 1. ~~The recommendations of the juvenile justice county~~  
 323 ~~council as to the priority that should be given to proposals~~  
 324 ~~submitted by entities within a county.~~  
 325 2. the recommendations of the juvenile justice circuit  
 326 advisory board as to the priority that should be given to  
 327 proposals submitted by entities within a circuit in awarding  
 328 such grants.  
 329 (e) Each entity that is awarded a grant as provided for in  
 330 this section shall submit an annual evaluation report to the  
 331 department, the circuit juvenile justice manager, and the  
 332 juvenile justice circuit advisory board, ~~and the juvenile~~  
 333 ~~justice county council~~, by a date subsequent to the end of the  
 334 contract period established by the department, documenting the  
 335 extent to which the program objectives have been met, the effect  
 336 of the program on the juvenile arrest rate, and any other

CS/HB 617

2013

337 information required by the department. The department shall  
338 coordinate and incorporate all such annual evaluation reports  
339 with s. 985.632. Each entity is also subject to a financial  
340 audit and a performance audit.

341       Section 7. This act shall take effect October 1, 2013.



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 979 Fort Pierce Farms Water Control District, St. Lucie County  
**SPONSOR(S):** Mayfield  
**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 amends, codifies, and repeals all special acts and court decrees relating to the Fort Pierce Farms Water Control District (District) to create a single, unified charter. This bill provides the District's boundaries, a maximum annual maintenance tax, and a lifespan lasting until 2111. Additionally, the District is subjected to the requirements of ch. 298, F.S., governing water control districts.

This act is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### History of Water Control Districts

As early as the 1830s, the Florida Legislature passed a special act authorizing landowners to construct drainage ditches across adjacent lands to discharge excess water. Following the passage of several special acts creating drainage districts, the Legislature passed the state's first general drainage law, the General Drainage Act of 1913, to establish one procedure for creating drainage districts—through circuit court decree—and to provide general law provisions governing the operation of these districts.

Between 1913 and 1972, the General Drainage Act remained virtually unaltered. In 1972 and 1979, respectively, the Legislature amended the act to change the name of these districts to water management districts, and then, to water control districts. In neither year did the Legislature enact a major reform of the act, although the 1979 bill repealed provisions authorizing the creation of water control districts by circuit court decree.

##### Chapter 298, Florida Statutes

Chapter 298, F.S., contains provisions governing the creation and operation of water control districts. Some of these provisions are briefly described below.

##### *Creation of Water Control Districts*

Section 298.01, F.S., restricts the creation of new water control districts to special acts of the Legislature (independent water control districts) and under the provisions of s. 125.01, F.S. (dependent water control districts). Districts created by circuit court decree prior to July 1, 1980, are authorized to operate under the authority provided by ch. 298, F.S.

##### *Board of Supervisors*

Upon the formation of a water control district, landowners are required to elect a three-member board of supervisors. Supervisors serve three-year rotating terms, with one supervisor elected each year at a required annual meeting.<sup>1</sup> To qualify as a supervisor, a person must own property in the district and be a resident of the county in which the district is located, unless a district's special act provides otherwise. The Department of Environmental Protection is authorized to vote on any matter that may come before a landowners' meeting if acreage owned by the state is subject to assessment by the district.

The members of the board are reimbursed for their travel expenses pursuant to s. 112.061, F.S., but receive no compensation for their service unless the landowners at the annual meeting determine to pay a compensation, which in no event may exceed \$50 per day for the time actually engaged in work for the district and in attending sessions of the board.

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<sup>1</sup> Section 298.11(2), F.S., provides that every acre of assessable land within a district represents one share, or vote, i.e., "one acre, one vote." Each landowner within a district is entitled to one vote per acre of assessable land that he or she owns. Landowners owning less than one accessible acre are entitled to one vote. The section allows proxy voting by landowners as well. Landowners owning more than one accessible acre are entitled to one additional vote for any fraction of an acre greater than 1/2 acre, when all of the landowner's acreage is aggregated for purposes of voting.

Pursuant to s. 298.22, F.S., the board of supervisors of the district has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the district's water control plan.

### *Water Control Plans*

Effective October 1998, any plan of reclamation, water management plan, or plan of improvement developed and implemented by a water control district is considered a "water control plan." The approval and implementation process has been removed from the purview of the circuit court.

Before adopting a water control plan or plan amendment, the board of supervisors must adopt a resolution to consider the issue. The board must publish notice of a public hearing once a week for three consecutive weeks in a newspaper of general circulation. Individual notices are mailed to landowners, the jurisdictional water management district, the county commission of the county and any municipality in which the District is located.

At the public hearing on the proposed plan or plan amendment, the board of supervisors considers any objections and then determines whether or not to move forward with the plan. In the event the board decides to proceed, it directs the district engineer to prepare a written report complete with maps and surveys. The report must include a full and complete water control plan for draining and reclaiming the lands described in the petition. Further, the report must contain an estimate of the costs of carrying out the completing the water control plan and an estimate of the benefits derived from the water control plan.

A final hearing on approval of the water control plan and the engineer's report, is noticed by publication, and held at a regularly scheduled board of supervisors' meeting within 60 days after the filing of the report with the secretary of the district.

Before final adoption of the engineer's report and water control plan or plan amendment under s. 298.301, F.S., the board of supervisors must determine that the estimated costs of construction contemplated in the plan or amendment is less than the benefits determined for the lands.

The board of supervisors must review the water control plan at least every five years following its adoption.

### *Revenue Sources*

The primary funding source for water control district activities is special assessments, which must be imposed on the property so that the burden on every parcel bears a just proportion to that imposed on every other. In other words, the assessment of a particular parcel must represent a fair, proportional part of the total cost and maintenance of the improvement. Special assessments are limited to the property benefited, and are not taxes within the meaning of the general constitutional requirement that taxation be imposed at a uniform rate. Special assessments may be determined legislatively or judicially.

A board of supervisors is authorized to issue bonds, not to exceed 90 percent of the total amount of special assessments levied.<sup>2</sup>

Section 298.54, F.S., also authorizes a maintenance tax to maintain and preserve the ditches, drains, or other improvements, and for the purpose of defraying the current expenses of the district, including any sum which may be required to pay state and county taxes on any lands which may have been purchased. The maintenance tax is apportioned upon the basis of the net assessments of benefits assessed as accruing from original construction.

### *Powers of Water Control Districts*

A water control district created pursuant to this ch. 298, F.S., has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>3</sup>

A water control district may be authorized to engage in various water control activities,<sup>4</sup> including the power:<sup>5</sup>

- (1) To employ persons and purchase machinery to directly supervise, construct, maintain and operate the works and improvements described in the water control plan, or contract with others for the same.
- (2) To clean out, straighten, open up, widen or change the course and flow, alter or deepen any canal, ditch, drain, river, watercourse or natural stream; and concentrate, divert or divide the flow of water in or out of the district; construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and siphons, and may connect the same, with any canals, drains, ditches, levees, or other works, and with any natural stream, lake or watercourse.
- (3) To build and construct other works and improvements to preserve and maintain the works in or out of the district; acquire, construct, operate, maintain, use, purchase, sell, lease, convey or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices or equipment.
- (4) To contract for the purchase, construction, operation, maintenance, use, sale, conveyance and transfer of pumping stations, machinery, motive equipment, electric lines and appurtenant equipment, including the purchase of electric power and energy for the operation of the same.
- (5) To construct or enlarge, or cause to be constructed or enlarged, bridges that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill or cut; construct roadways over levees and embankments; construct any and all of said works and improvements across, through or over any public highway, railroad right-of-way, track, grade, fill or cut, in or out of the district; remove any fence, building or other improvements, in or out of the district.
- (6) To hold, control and acquire by donation or purchase and if need be, condemn any land, easement, railroad right-of-way, sluice, reservoir, holding basin or franchise, in or out of said district, for right-of-way, holding basin, or for material to be used in constructing and maintaining said works and improvements for implementation of the district water control plan.
- (7) To condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court as identified in the engineer's report, and follow the procedure set out in ch. 73, F.S., relating to eminent domain.
- (8) To adopt resolutions and policies.

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<sup>3</sup> Section 298.22, F.S.

<sup>4</sup> Subject to the applicable provisions of chs. 373 and 403, F.S., the "Florida Water Resources Act of 1972" and the "Florida Air and Water Pollution Control Act", respectively.

<sup>5</sup> See s. 298.22, F.S.

- (9) To assess and collect reasonable fees for the connection to and use of the works of the district.
- (10) To implement comprehensive water control activities, including flood protection, water quantity management, and water quality protection and improvement, described in the water control plan.
- (11) To construct and operate facilities for the purpose of controlling and preventing the spread or introduction of agricultural pests and diseases.
- (12) To construct, manage or authorize construction and management of resource-based recreational facilities that may include greenways, trails and associated facilities.

### The Uniform Special District Accountability Act

The 1989 Legislature enacted ch. 189, F.S., the "Uniform Special District Accountability Act," to consolidate and unify the provisions of existing law relating to the creation and accountability of special districts. The act continues to provide for the general governance of special districts, addressing issues such as the creation and operation of special districts, financial reporting requirements, funding authority, election of board members, compliance with general law provisions such as public records and meetings requirements, and comprehensive planning within special districts.

### Codification

The special acts and court decrees composing the charter of the District have not been codified into a single, comprehensive act as required by s. 189.429, F.S. The 2012 Legislature passed ch. 2012-240, L.O.F., to extend the District's life to December 31, 2111 as it was set to expire in 2018. As a condition of that special act, the District was required to file a bill by the first day of the 2013 Regular Legislative Session codifying all special acts into a single act for reenactment. If the District failed to do so, ch. 2012-240, L.O.F, and the life extension contained therein would be repealed.

### Fort Pierce Farms Water Control District

The Fort Pierce Farms Water Control District (the District) in St. Lucie County is an independent special district responsible for drainage, flood control and protection, water management, and reclamation of lands for approximately 13,000 acres. The District was created in 1919 with a corporate lifespan of 99 years, which was extended for another 99 years in 2012. The initial purpose of the District was to drain approximately 12,000 acres northwest of Fort Pierce for agricultural development. Since 1919, there have been various special acts passed and court decrees issued relating to the District.

### **Effect of Proposed Changes**

This bill amends and codifies special acts and court decrees relating to the District to create a unified District charter. This charter is reenacted and the remaining special acts and court decrees are repealed. This fulfills the legislative directive in ch. 2012-240, L.O.F., thereby preserving the 99 year lifetime expansion passed by the 2012 Legislature.

The reenacted charter maintains two unaltered provisions from prior special acts:

- (1) The District is authorized to assess and levy a maximum annual maintenance tax of \$25 per acre or per parcel/tract less than one acre.
- (2) The District lifespan extends until December 31, 2111.

These provisions, found in lines 169-173 and 182-183 respectively, are included in the bill to prevent their omission from being interpreted as an expansion of the District's authority.

The bill declares the district to be an independent water control district and a public corporation of the state pursuant to chs. 189 and 298, F.S. Chapter 298, F.S., has been incorporated into several parts of the charter previously and this codification expands the District's authority to include any ch. 298, F.S., authority.

In accordance with s. 189.404(3), F.S., the following minimum requirements are provided for the charter of the Fort Pierce Farms Water Control District:

- (1) The district is organized and exists for all purposes set forth in its charter and ch. 298, F.S.
- (2) The district's charter may be amended only by special act of the Legislature.
- (3) In accordance with ch. 189, F.S., the charter, and ss. 298.11 and 298.12, F.S., the governing board of the district is designated the "Board of Supervisors of the Fort Pierce Farms Water Control District" and composed of three persons, who are qualified to hold such office if they are landowners within the district, residents of the state, and citizens of the United States, elected on a one-acre, one-vote basis by the landowners in the district; however, landowners owning less than one acre in the aggregate are entitled to one vote. Landowners owning more than one acre are entitled to one additional vote for any fraction of an acre greater than one-half acre owned, when a landowner's acreage has been aggregated for purposes of voting. The membership and organization of the governing board are as set forth in the charter and ch. 298, F.S., provided the charter controls with respect to any inconsistency.
- (4) The compensation of the governing board members is governed by the charter and ch. 298, F.S.
- (5) The administrative duties of the governing board are as set forth in the charter and chs. 189 and 298, F.S.
- (6) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for district officers and employees are as set forth in chs. 112, 189, 190, 286 and 298, F.S., and all other applicable general laws of the state.
- (7) The procedures and requirements governing the issuance of bonds, notes and other evidence of indebtedness by the district are as set forth in chs. 189 and 298, F.S., and applicable general laws.
- (8) The procedures for conducting district elections or referenda and for qualification of electors are pursuant to chs. 189 and 298, F.S., however, a quorum for purposes of holding the annual meeting or any special meetings consists of those landowners present in person or represented by proxy at said meeting.
- (9) The district may be financed by any method established in its charter, ch. 298, F.S., and other applicable general laws of the state.
- (10) The district is authorized to assess and levy a minimum maintenance tax in an amount not to exceed \$25 per year upon each tract or parcel of land within the district without regard to the net assessment of benefits assessed.

- (11) The methods for collecting non-ad valorem assessments, fees, or service charges are as set forth in chs.197 and 298, F.S., and other applicable general laws of the state.
- (12) The district's planning requirements are as set forth in chs. 189 and 298, F.S.<sup>6</sup>
- (13) The district's geographic boundary is as set forth in its charter.

**B. SECTION DIRECTORY:**

- Section 1:** Provides for the codification of all special acts and court decrees relating to the Fort Pierce Farms Water Control District; provides legislative intent.
- Section 2:** Amends, codifies, reenacts, and repeals chs. 9981 (1923), 10549 (1925), 12033 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-448, and 2012-240, L.O.F.
- Section 3:** Recreates the Fort Pierce Farms Water Control District; recreates, reenacts, and provides the charter language for said district.
- Section 4:** Repeals chs. 9981 (1923), 10549 (1925), 12033 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-448, and 2012-240, L.O.F.
- Section 5:** 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 published at Fort Pierce in St. Lucie 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.

<sup>6</sup> The district's planning requirements are set forth in s. 298.225, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A



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 the 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	2478984	1/23/2013	NOTICE	FORT PIERCE FARMS

**NEWSPAPER E-Sheet®**  
**LEGAL NOTICE**  
**ATTACHED**  
 \*\*\*\*\*  
**DO NOT**  
**SEPARATE PAGES**

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

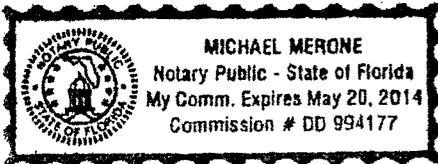
Sherri Cipriani, who is  
Sherri Cipriani

personally known to me or

who has produced \_\_\_\_\_ as identification.

Michael Merone  
Michael Merone Notary Public

**ORIGINAL**



**Coast Newspapers**  
 Client Name: **PO# FORT PIERCE FARM**  
 Advertiser: **Transient**  
 Section/Page/Zone: **S/S01/St Lucie News Tribune**  
 Description: **NOTICE OF INTENT TO**

Ad Number: **2478984**  
 Insertion Number: **1 x 65**  
 Size: **B&W**  
 Color Type: **1 x 65**

**01/23/2013**  
 Courier • Sebastian Sum

• evidence that the ad appeared in Treasure Coast News/Tribune on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

**NOTICE OF INTENT TO SEEK LEGISLATION**  
 North St. Lucie River Water Control District, St. Lucie County, Florida, hereby gives notice pursuant to Article III, Section 10 of the Florida Constitution and Section 11.02, Florida Statutes, of its intent to seek legislation before the 2013 Florida Legislature. The legislation will codify the district's charter pursuant to Section 189.429, Florida Statutes; provide legislative intent; amend, codify, repeal and reenact all special acts relating to the North St. Lucie River Water Control District and provide an effective date. Ch. 258, F.S., and other general laws; provide for election of a board of supervisors and the organization, powers, duties, terms of office and compensation of the board; provide for a maximum maintenance tax; provide for the existence of the district until a date certain; repeal prior special acts relating to the North St. Lucie River Water Control District and provide an effective date. Publish date: January 23, 2013. TCN2478984

**NOTICE OF FORECLOSURE**  
 Florida 34950, 11:00 AM on the 31st day of January, 2013, the following describe property as set forth in said Final Judgment, to wit:  
 LOT 14, BLOCK 2391, PORT ST. LUCIE SECTION 10 OF THE 19TH JUDICIAL CIRCUIT IN AND FOR ST. LUCIE COUNTY, FLORIDA. THREE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 16, PAGE 15, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.  
 ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPER OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE.  
 Dated this 4 day of January, 2013.  
 By: Bruce K. Fay, Esq. Bar Number: 97098  
 Submitted by: Choice Legal Group, P.A. 1900 NW 49th Street, Suite 120 Fort Lauderdale, Florida 33309 Telephone: (954) 450-0365 Facsimile: (954) 771-6062 Toll Free: 1-800-441-2438  
 DESIGNATED PRIMARY E-MAIL FOR SERVICE PURSUANT TO FLA. R. JUD. ADMIN 2.516 service@delgalgroup.com 12-05341  
 Notice to Persons with Disabilities: If you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Administration Department, 250 NW Country Club Drive, Suite 217, Fort St. Lucie, FL 34986, (772) 807-4370 within 2 working days of the receipt of the notice of a proceeding to make arrangements. For hearing or voice impaired contact 1-800-855-8771. Publish: January 16, 23, 2013 TCN2478723

**NOTICE OF FORECLOSURE**  
 your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.  
 Dated this 10 day of January, 2013. Sai Kornsuwan, Esq. 10500 N.W. 3rd Avenue, Suite 1250 Fort Lauderdale, FL 33301 (954) 785-1900 (Phone) (954) 713-0702 (Fax) service@mayersohnlaw.com mayersohnlaw.com  
 Publish: January 16, 23, 2013 TCN2477482

**NOTICE OF ADMINISTRATION**  
 IN THE CIRCUIT COURT FOR ST. LUCIE COUNTY, FLORIDA. PROBATE DIVISION File No.: 562012CP00798(FM)  
 IN RE: ESTATE OF WILLIAM EDWARD ASHBURN, III Deceased.  
 NOTICE TO CREDITORS  
 The administration of the estate of William Edward Ashburn, III, deceased, whose date of death was April 23, 2012, is pending in the Circuit Court for St. Lucie County, Florida, Probate Division, the address of which is P.O. Box 7094, Fort Pierce, Florida 34954. The names and addresses of the personal representatives and the personal representative's attorney are set forth below.  
 Pursuant to Fla. R. Jud. Admin. 2.518(b)(1)(A), Plaintiff's counsel hereby designates his primary e-mail address for the purposes of e-mail service as: SFG@scs-services.com  
 Pursuant to the Fair Debt Collections Practices Act, you are advised that this office may be deemed a debt collector and any information obtained may be used for that purpose.  
 ALL OTHER CREDITORS OF THE DECEDENT AND OTHER PERSONS HAVING CLAIMS OR DEMANDS AGAINST DECEDENT'S ESTATE ON WHOM A COPY OF THIS NOTICE IS TO BE SERVED MUST FILE THEIR CLAIMS WITH THIS COURT WITHIN THE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DATE OF DEATH IS BARRED.  
 The date of the first publication of this Notice is January 23, 2013.  
 Attorney for Personal Representative: Ryan Mitchell Attorney for Shannon Ashburn Florida bar number: 0082634 MCCULLOUGH & MITCHELL, P.A. 7433 Conroy Windermere Road, Suite A Orlando, Florida 32835 Telephone: (407) 601-8941 Fax: (407) 601-8982 E-Mail: rtmitchell@ps-gmail.com Secondary E-Mail: mmlawed@gmail.com Personal Representative: Shannon Ashburn P.O. Box 616194 Orlando, Florida 32881 Publish: January 23,

**NOTICE OF SALE**  
 NOTICE IS HEREBY GIVEN pursuant to an Order of Final Judgment in Foreclosure dated November 15, 2012, entered in Civil Case No. 2010 CA 00770 of the Circuit Court in and for Saint Lucie County, Florida, wherein Green Tree Servicing LLC, Plaintiff and Cong Tran and Nhatiep Phan, Husband and Wife are defendant(s), the Clerk of Court, JOSEPH E. SMITH, will sell to the highest and best bidder for cash at Jury Assembly Room of the St. Lucie County Courthouse, 218 South 2nd Street, Ft. Pierce, FL 34950, beginning at 11:00 a.m. on January 31, 2013, the following described property as set forth in said Final Judgment, to-wit:  
 LOT 27, BLOCK 1937, OF PORT ST. LUCIE SECTION NINETEEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 19, 18A TO 19K, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.  
 ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE.  
 Dated this \_\_\_ day of \_\_\_\_\_, 2012.  
 By: Matthew Weisberg, Esq. P. Bar # 119 SHAPIRO, FISHMAN & GACH, LLP Attorneys for Plaintiff 2424 North Federal Highway, Ste 360 Boca Raton, Florida 33431 Telephone: 958-6700 958-6700 Fax: (561) 998-6707 Email: mweisberg@lsgps.com  
 Pursuant to Fla. R. Jud. Admin. 2.518(b)(1)(A), Plaintiff's counsel hereby designates his primary e-mail address for the purposes of e-mail service as: SFG@scs-services.com  
 Pursuant to the Fair Debt Collections Practices Act, you are advised that this office may be deemed a debt collector and any information obtained may be used for that purpose.  
 If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Fort St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.  
 Publish: January 16, 23, 2013 TCN2476524

**NOTICE OF SALE**  
 Any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim within 60 days after the sale.  
 Dated this 8 day of January, 2013.  
 By: Liana R. Hall Florida Bar No. 73813 for April Harriott Florida Bar 37547 Robertson, Anschutz & Schneid, P.L. Attorneys for Plaintiff 3010 North Military Trail, Suite 300 Boca Raton, Florida 33431  
 If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Fort St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.  
 Publish: January 16, 23, 2013 TCN2476524

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR SAINT LUCIE COUNTY, FLORIDA GENERAL JURISDICTION DIVISION CASE NO. 562011CA001264AXX XHC**  
 FLAGSTAR BANK, FSB, Plaintiff, vs. JACQUES SAYAG, et al. Defendant.  
 NOTICE OF FORECLOSURE SALE  
 NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated NOVEMBER 15, 2012, and entered in Case#562011CA0013 56AXXHC of the Circuit Court of the Nineteenth Judicial Circuit in and for Saint Lucie County, Florida, wherein FLAGSTAR BANK, FSB, is the Plaintiff and LAKEFOREST POINTE WEST LUCIE WEST HOMEOWNER'S ASSOCIATION, INC. H S B C A N E V A D A , N . A . UNKNOWN TENANT #1 UNKNOWN TENANT #2 UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LEINORS, CREDITORS, TRUSTEES, AND ALL OTHER PARTIES CLAIMING AN INTEREST BY, THROUGH, UNDER OR AGAINST THE ESTATE OF JACQUES SAYAG are the Defendant(s), the Clerk of the Circuit Court will sell to the highest and best bidder for cash the Jury Assembly Room, 1st Floor 218 S. 2nd Street, Ft. Pierce, FL 34950, at 11:00 A.M. on JANUARY 31, 2013, the following described property as set forth in said Final Judgment, to wit:  
 LOT 180, BLOCK G, ST. LUCIE WEST PLAT NO. 180 LAKEFOREST POINTE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE(S) 222 PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.  
 ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR SAINT LUCIE COUNTY, FLORIDA GENERAL JURISDICTION DIVISION CASE NO. 56-2009-CA-002697**  
 HSBC MORTGAGE SERVICES INC. Plaintiff, vs. GIANFRANCO COLIA, et al. Defendant.  
 NOTICE OF FORECLOSURE SALE  
 NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated NOVEMBER 19, 2012, and entered in Case# 56-2009-CA-002697 of the Circuit Court of the Nineteenth Judicial

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR ST. LUCIE COUNTY, FLORIDA PROBATE DIVISION**  
 IN RE: ESTATE OF WILLIAM EDWARD ASHBURN, III Deceased.  
 NOTICE TO CREDITORS  
 The administration of the estate of William Edward Ashburn, III, deceased, whose date of death was April 23, 2012, is pending in the Circuit Court for St. Lucie County, Florida, Probate Division, the address of which is P.O. Box 7094, Fort Pierce, Florida 34954. The names and addresses of the personal representatives and the personal representative's attorney are set forth below.  
 Pursuant to Fla. R. Jud. Admin. 2.518(b)(1)(A), Plaintiff's counsel hereby designates his primary e-mail address for the purposes of e-mail service as: SFG@scs-services.com  
 Pursuant to the Fair Debt Collections Practices Act, you are advised that this office may be deemed a debt collector and any information obtained may be used for that purpose.  
 ALL OTHER CREDITORS OF THE DECEDENT AND OTHER PERSONS HAVING CLAIMS OR DEMANDS AGAINST DECEDENT'S ESTATE ON WHOM A COPY OF THIS NOTICE IS TO BE SERVED MUST FILE THEIR CLAIMS WITH THIS COURT WITHIN THE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DATE OF DEATH IS BARRED.  
 The date of the first publication of this Notice is January 23, 2013.  
 Attorney for Personal Representative: Ryan Mitchell Attorney for Shannon Ashburn Florida bar number: 0082634 MCCULLOUGH & MITCHELL, P.A. 7433 Conroy Windermere Road, Suite A Orlando, Florida 32835 Telephone: (407) 601-8941 Fax: (407) 601-8982 E-Mail: rtmitchell@ps-gmail.com Secondary E-Mail: mmlawed@gmail.com Personal Representative: Shannon Ashburn P.O. Box 616194 Orlando, Florida 32881 Publish: January 23,

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR ST. LUCIE COUNTY, FLORIDA PROBATE DIVISION**  
 IN RE: ESTATE OF WILLIAM EDWARD ASHBURN, III Deceased.  
 NOTICE TO CREDITORS  
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 Pursuant to Fla. R. Jud. Admin. 2.518(b)(1)(A), Plaintiff's counsel hereby designates his primary e-mail address for the purposes of e-mail service as: SFG@scs-services.com  
 Pursuant to the Fair Debt Collections Practices Act, you are advised that this office may be deemed a debt collector and any information obtained may be used for that purpose.  
 ALL OTHER CREDITORS OF THE DECEDENT AND OTHER PERSONS HAVING CLAIMS OR DEMANDS AGAINST DECEDENT'S ESTATE ON WHOM A COPY OF THIS NOTICE IS TO BE SERVED MUST FILE THEIR CLAIMS WITH THIS COURT WITHIN THE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DATE OF DEATH IS BARRED.  
 The date of the first publication of this Notice is January 23, 2013.  
 Attorney for Personal Representative: Ryan Mitchell Attorney for Shannon Ashburn Florida bar number: 0082634 MCCULLOUGH & MITCHELL, P.A. 7433 Conroy Windermere Road, Suite A Orlando, Florida 32835 Telephone: (407) 601-8941 Fax: (407) 601-8982 E-Mail: rtmitchell@ps-gmail.com Secondary E-Mail: mmlawed@gmail.com Personal Representative: Shannon Ashburn P.O. Box 616194 Orlando, Florida 32881 Publish: January 23,

HOUSE OF REPRESENTATIVES

2013 LOCAL BILL CERTIFICATION FORM

BILL #: 979

SPONSOR (S): Rep. Debbie Mayfield

RELATING TO: Fort Pierce Farms Water 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 [X] NO [] DATE 1/23/13

Where? St. Lucie News-Tribune County St. Lucie

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

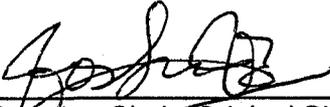
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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)?

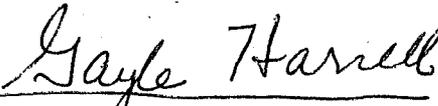
YES  NO

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

  
\_\_\_\_\_  
Gayle Harrell

3/19/13

**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 979  
**SPONSOR(S):** Rep. Debbie Mayfield  
**RELATING TO:** Fort Pierce Farms Water Control District (St. Lucie County)  
[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:	\$0	\$0

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	\$0	\$0
State:	\$0	\$0
Local:	\$0	\$0

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues:	\$0	\$0

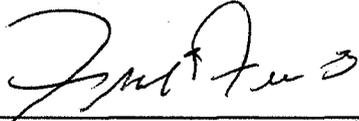
**IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:**

**Advantages:** This bill will save administrative/ legal time and expense as a result of having to consult dozens of prior special acts to determine the governance of the district. Instead, there will now be one, concise document.

**Disadvantages:** There will be no adverse economic impact to individuals, business or government. The bill does not change the assessment structure or rates and district does not anticipate any new expenditures or assessments based upon the legislation.

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.

PREPARED BY:  Mar 18, 2013  
[Must be signed by Preparer Date]  
TITLE: District Attorney  
REPRESENTING: Fort Pierce Farms Water Control District  
PHONE: (772) 461-5020  
E-Mail Address: ffee@feederossfee.com

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A bill to be entitled  
 An act relating to Fort Pierce Farms Water Control District, St. Lucie County; codifying the district's charter pursuant to s. 189.429, Florida Statutes; providing legislative intent; amending, codifying, repealing, and reenacting all special acts relating to Fort Pierce Farms Water Control District as a single act; repealing chapters 9981 (1923), 10549 (1925), 12033 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-448, and 2012-240, Laws of Florida, relating to the Fort Pierce Farms Water Control District; providing an effective date.

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

Section 1. Pursuant to s. 189.429, Florida Statutes, this act constitutes the codification of all special acts and court decrees relating to Fort Pierce Farms Water Control District. It is the intent of the Legislature in enacting this act to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is the further intent of the Legislature that this act preserve all district authority in addition to any authority contained in chapter 298, Florida Statutes, as amended from time to time.

Section 2. Chapters 9981 (1923), 10549 (1925), 12033 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-

29 448, and 2012-240, Laws of Florida, are amended, codified,  
 30 reenacted, and repealed as herein provided.

31 Section 3. The Fort Pierce Farms Water Control District is  
 32 re-created, and the charter for such district is re-created and  
 33 reenacted to read:

34 Section 1. Status and boundaries of Fort Pierce Farms  
 35 Water Control District.—The Fort Pierce Farms Water Control  
 36 District is hereby declared to be an independent water control  
 37 district and a public corporation of the state pursuant to  
 38 chapters 189 and 298, Florida Statutes, and the lands lying  
 39 within the area described as follows in St. Lucie County shall  
 40 hereby constitute the Fort Pierce Farms Water Control District:

41  
 42 Beginning at the SE corner of Section 31, Township 34  
 43 South, Range 40 East, run North along the section line  
 44 to the NE corner of the SE 1/4 of Section 30, said  
 45 Township and Range, thence West along the 1/4 section  
 46 line to the NW corner of the NE 1/4 of the SE 1/4 of  
 47 said Section 30, thence North along the 1/4 section  
 48 line to the NE corner of the SW 1/4 of the NE 1/4 of  
 49 said Section 30, thence West along the 1/4 section  
 50 line to the NW corner of the SW 1/4 of the NE 1/4 of  
 51 said Section 30, thence North along the 1/4 section  
 52 line to the NE corner of the NW 1/4 of said Section  
 53 30, thence West along the section line to the NW  
 54 corner of said Section 30, thence North along the  
 55 section line to the NE corner of the SE 1/4 of the SE  
 56 1/4 of Section 24, Township 34 South, Range 39 East,

57 thence West along the 1/4 section line to the NW  
 58 corner of the SE 1/4 of the SE 1/4 of said Section 24,  
 59 thence North along the 1/4 section line through said  
 60 Section 24, and through Section 13, said Township and  
 61 Range to the NE corner of the SW 1/4 of the NE 1/4 of  
 62 said Section 13, thence west along the 1/4 section  
 63 line through said Section 13, and Section 14, said  
 64 Township and Range, to the NW corner of the SW 1/4 of  
 65 the NE 1/4 of said Section 14, thence North along the  
 66 1/4 Section line to the NE corner of the NW 1/4 of  
 67 said Section 14, thence West along the 1/4 section  
 68 line to the NW corner of the NE 1/4 of the NW 1/4 of  
 69 said Section 14, thence North along the 1/4 section  
 70 line through Section 11, and through Section 2, said  
 71 Township and Range, to the NW corner of the NE 1/4 of  
 72 the NW 1/4 of said Section 2, thence West along the  
 73 township line dividing Township 33 and 34, to the NW  
 74 corner of Section 5, Township 34 South, Range 39 East,  
 75 thence South along the West section line of Section 5,  
 76 Section 8 and Section 17, to the SW corner of the NW  
 77 1/4 of Section 17, said Township and Range, thence  
 78 East along the 1/4 section line to the NW corner of  
 79 the NE 1/4 of the SW 1/4 of Section 16, said Township  
 80 and Range, thence South along the 1/4 section line to  
 81 the SW corner of the NE 1/4 of SW 1/4 of said Section  
 82 16, thence East along the 1/4 section line to the SE  
 83 corner of the NE 1/4 of the SW 1/4 of said Section 16,  
 84 thence South along the 1/4 section line to the SW

85 | corner of the SE 1/4 of said Section 16, thence East  
 86 | along the 1/4 section line to the NW corner of the NE  
 87 | 1/4 of the NE 1/4 of Section 21, said Township and  
 88 | Range, thence South along the 1/4 section line to the  
 89 | SW corner of the SE 1/4 of the NE 1/4 of said Section  
 90 | 21, thence East along the 1/4 section line to the NW  
 91 | corner of the E 1/2 of the NW 1/4 of the SW 1/4 of  
 92 | Section 22, said Township and Range, and thence South  
 93 | to the SW corner of the E 1/2 of the NW 1/4 of the SW  
 94 | 1/4 of said Section 22, thence East along the 1/4  
 95 | section line to the NW corner of the E 1/2 of the W  
 96 | 1/2 of SE 1/4 of SW 1/4 of said Section 22, thence  
 97 | South to the SW corner of the E 1/2 of W 1/2 of SE 1/4  
 98 | of the SW 1/4 of said Section 22, thence West to the  
 99 | NW corner of the NW 1/4 of Section 27, said Township  
 100 | and Range, thence South to the NE corner of the SE 1/4  
 101 | of the NE 1/4 of Section 28, said Township and Range,  
 102 | thence West to the NW corner of the SW 1/4 of the NE  
 103 | 1/4 of said Section 28, thence South along the 1/4  
 104 | section line to the center of said Section 28, thence  
 105 | East along the 1/4 section line to the center of  
 106 | Section 27, said Township and Range, thence East along  
 107 | the 1/4 section line to the NW corner of the E 1/2 of  
 108 | the NW 1/4 of the SE 1/4 of said Section 27, thence  
 109 | South to the SW corner of the E 1/2 of the NW 1/4 of  
 110 | the SE 1/4 of said Section 27, thence West along the  
 111 | 1/4 section line to the NW corner of the SW 1/4 of the  
 112 | SE 1/4 of said Section 27, thence South along the 1/4

113 section line to the SW corner of the SE 1/4 of said  
 114 Section 27, thence West along the section line to the  
 115 NW corner of Section 34, said Township and Range,  
 116 thence South along the section line to the SW corner  
 117 of said Section 34, thence East along the township  
 118 line dividing Township 34 and Township 35 to the point  
 119 of beginning.

120  
 121 Section 2. Minimum charter requirements.--In accordance  
 122 with s. 189.404(3), Florida Statutes, the following are the  
 123 minimum requirements for the charter of the Fort Pierce Farms  
 124 Water Control District:

125 (1) The district is organized and exists for all purposes  
 126 set forth in this act and chapter 298, Florida Statutes.

127 (2) The district's charter may be amended only by special  
 128 act of the Legislature.

129 (3) In accordance with chapter 189, Florida Statutes, this  
 130 act, and ss. 298.11 and 298.12, Florida Statutes, the governing  
 131 board of the district shall be designated the "Board of  
 132 Supervisors of the Fort Pierce Farms Water Control District" and  
 133 shall be composed of three persons, who shall be qualified to  
 134 hold such office if they are landowners within the district,  
 135 residents of the state, and citizens of the United States,  
 136 elected on a 1-acre, one-vote basis by the landowners in the  
 137 district; however, landowners owning less than 1 acre in the  
 138 aggregate shall be entitled to one vote. Landowners with more  
 139 than 1 acre shall be entitled to one additional vote for any  
 140 fraction of an acre greater than 1/2 acre owned when a

141 landowner's acreage has been aggregated for purposes of voting.  
 142 The membership and organization of the governing board shall be  
 143 as set forth in this charter and chapter 298, Florida Statutes,  
 144 provided this charter controls with respect to any  
 145 inconsistency.

146 (4) The compensation of the governing board members shall  
 147 be governed by this act and chapter 298, Florida Statutes.

148 (5) The administrative duties of the governing board shall  
 149 be as set forth in this act and chapters 189 and 298, Florida  
 150 Statutes.

151 (6) Requirements for financial disclosure, meeting  
 152 notices, reporting, public records maintenance, and per diem  
 153 expenses for district officers and employees shall be as set  
 154 forth in chapters 112, 189, 190, 286, and 298, Florida Statutes,  
 155 and all other applicable general laws of the state.

156 (7) The procedures and requirements governing the issuance  
 157 of bonds, notes, and other evidence of indebtedness by the  
 158 district shall be as set forth in chapters 189 and 298, Florida  
 159 Statutes, and applicable general laws.

160 (8) The procedures for conducting district elections or  
 161 referenda and for qualification of electors shall be pursuant to  
 162 chapters 189 and 298, Florida Statutes; however, a quorum for  
 163 purposes of holding the annual meeting or any special meetings  
 164 shall consist of those landowners present in person or  
 165 represented by proxy at said meeting.

166 (9) The district may be financed by any method established  
 167 in this act, chapter 298, Florida Statutes, and other applicable  
 168 general laws of the state.

169       (10) The district is authorized to assess and levy a  
 170 maintenance tax that shall be equal and uniform in amount upon  
 171 each acre of land assessed, and upon any tract or parcel less  
 172 than 1 acre in size, and shall not exceed \$25 per acre in any  
 173 one year.

174       (11) The methods for collecting non-ad valorem  
 175 assessments, fees, or service charges shall be as set forth in  
 176 chapters 197 and 298, Florida Statutes, and other applicable  
 177 general laws of the state.

178       (12) The district's planning requirements shall be as set  
 179 forth in chapters 189 and 298, Florida Statutes.

180       (13) The district's geographic boundary shall be as set  
 181 forth in this act.

182       Section 3. Existence.—The district shall exist until  
 183 December 31, 2111.

184       Section 4. Provisions of chapter 298; Florida Statutes,  
 185 made applicable.—The Fort Pierce Farms Water Control District  
 186 hereby created shall be an independent water control district  
 187 and a public corporation of this state. The provisions of state  
 188 law applicable to water control districts or subdistricts which  
 189 are embodied in chapter 298, Florida Statutes, so far as not  
 190 inconsistent with this act, are hereby declared to be applicable  
 191 to the Fort Pierce Farms Water Control District. The Fort Pierce  
 192 Farms Water Control District shall have all of the powers and  
 193 authorities conferred in this act and chapter 298, Florida  
 194 Statutes.

195       Section 5. Severability.—If any provision of this act or  
 196 the application thereof to any person or circumstance is held

197 invalid, the invalidity shall not affect other provisions or  
 198 applications of the act which can be given effect without the  
 199 invalid provision or application, and to this end the provisions  
 200 of this act are declared severable.

201 Section 6. Construction.—This act shall be construed as a  
 202 remedial act and shall be liberally construed to promote the  
 203 purpose for which it is intended.

204 Section 4. Chapters 9981 (1923), 10549 (1925), 12033  
 205 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-  
 206 448, and 2012-240, Laws of Florida, are repealed.

207 Section 5. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 981 North St. Lucie River Water Control District, St. Lucie County  
**SPONSOR(S):** Mayfield  
**TIED BILLS:** IDEN./SIM. BILLS:

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

### SUMMARY ANALYSIS

In 2012, the Florida Legislature extended the corporate lifetime of the North St. Lucie River Water Control District until December 31, 2111, contingent upon the District submitting a codified charter for legislative consideration. This bill satisfies that requirement.

HB 981 codifies all special acts and court decrees relating to the North St. Lucie River Water Control District, an independent special district. The bill repeals all previous District special acts, and provides a single, comprehensive charter for the District.

The bill provides a legal description for the District's boundaries, a status statement, and minimum charter requirements: the purpose of the District; the powers, functions and duties of the District; the methods for establishing the District; the method for amending the District charter; the membership and organization of the District board; the maximum compensation for a board member; the administrative duties of the board; applicable financial disclosure, noticing and reporting requirements; the procedures for conducting District elections; the methods for financing the District; the method for collecting fees; and District planning requirements. The bill also preserves a District maintenance tax limit of \$25 per year.

This bill is effective upon becoming law.

### FULL ANALYSIS

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### History of Water Control Districts

As early as the 1830s, the Florida Legislature passed a special act authorizing landowners to construct drainage ditches across adjacent lands to discharge excess water. Following the passage of several special acts creating drainage districts, the Legislature created the state's first general drainage law, the General Drainage Act of 1913, to establish one procedure for creating drainage districts—through circuit court decree—and to provide general law provisions governing the operation of these districts.

Between 1913 and 1972, the General Drainage Act remained virtually unaltered. In 1972 and 1979, respectively, the Legislature amended the act to change the name of these districts to water management districts, and then, to water control districts. The 1979 bill also repealed provisions authorizing the creation of water control districts by circuit court decree.

##### Chapter 298, Florida Statutes

Chapter 298, F.S., contains provisions governing the creation and operation of water control districts. Some of these provisions are briefly described below.

##### *Creation of Water Control Districts*

Section 298.01, F.S., restricts the creation of new water control districts to special acts of the Legislature (independent water control districts) and under the provisions of s. 125.01, F.S. (dependent water control districts). Districts created by circuit court decree prior to July 1, 1980, are authorized to operate under the authority provided by ch. 298, F.S.

##### *Board of Supervisors*

Upon the formation of a water control district, landowners are required to elect a three-member board of supervisors. Supervisors serve three-year rotating terms, with one supervisor elected each year at a required annual meeting.<sup>1</sup> To qualify as a supervisor, a person must own property in the district and be a resident of the county in which the district is located, unless a district's special act provides otherwise.

The members of the board are reimbursed for their travel expenses pursuant to s. 112.061, F.S., but receive no payment for their service unless the landowners decide to provide compensation, which may not exceed \$50 per day for the time actually engaged in work for the district and in attending sessions of the board.

Pursuant to s. 298.22, F.S., the board of supervisors has full power and authority to construct, complete, operate, maintain, repair and replace all works and improvements necessary to execute the district's water control plan.

---

<sup>1</sup> Section 298.11(2), F.S., provides that every acre of assessable land within a district represents one share, or vote, i.e., "one acre, one vote." Each landowner within a district is entitled to one vote per acre of assessable land that he or she owns. Landowners owning less than one accessible acre are entitled to one vote. Landowners owning more than one accessible acre are entitled to one additional vote for any fraction of an acre greater than 1/2 acre, when all of the landowner's acreage is aggregated for purposes of voting. The section allows proxy voting by landowners.

### *Water Control Plans*

Pursuant to s. 298.225, F.S., any plan of reclamation, water management plan, or plan of improvement developed and implemented by a water control district is considered a "water control plan." The approval and implementation process for water control plans has been removed from the purview of the circuit court.

Before adopting a water control plan or plan amendment, the board of supervisors must adopt a resolution to consider the issue. The board must publish notice of a public hearing once a week for three consecutive weeks in a newspaper of general circulation. Individual notices are mailed to landowners, the jurisdictional water management district, the county commission and any municipality in which the district is located.

At the public hearing on the proposed plan or plan amendment, the board of supervisors considers any objections and then determines whether or not to move forward with the plan. In the event the board decides to proceed, it directs the district engineer to prepare a written report complete with maps and surveys. The report must include a full and complete water control plan for draining and reclaiming the lands described in the petition. Further, the report must contain an estimate of the costs of carrying out the water control plan and an estimate of the benefits derived from the plan.

A final hearing to consider approval of the engineer's report and the water control plan is noticed by publication, and held at a regularly scheduled board of supervisors' meeting within 60 days after the filing of the report with the district secretary.

Before final adoption of the engineer's report and water control plan or plan amendment under s. 298.301, F.S., the board of supervisors must determine that the estimated costs of construction contemplated in the plan or amendment is less than the benefits determined for the lands.

The board of supervisors must review the water control plan at least every five years following its adoption.

### *Revenue Sources*

The primary funding source for water control district activities is special assessments, which must be imposed on the property so that the assessment of a particular parcel represents a fair, proportional part of the total cost and maintenance of the improvement. Special assessments are limited to the property benefited, and are not taxes within the meaning of the general constitutional requirement that taxation be imposed at a uniform rate. See, s. 298.305, F.S.

A board of supervisors also is authorized to issue bonds, not to exceed 90 percent of the total amount of special assessments levied. See, s. 289.47(1), F.S.

Section 298.54, F.S., additionally authorizes a maintenance tax to maintain and preserve ditches, drains, or other improvements, and for the purpose of defraying the current expenses of the district, including any sum that may be required to pay state and county taxes on any lands which may have been purchased. The maintenance tax is apportioned upon the basis of the net assessments of benefits assessed as accruing from original construction.

## *Codification of Special District Charters*

Codification of special district charters was initially required by the 1997 Legislature pursuant to s. 189.429, F.S. Current law provides for codification of all special district charters by December 1, 2004.<sup>2</sup> Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Reenactment of existing law pursuant to s. 189.429, F.S., may not be construed to grant additional authority nor to supersede the authority of an entity; will continue the application of exceptions to law contained in special acts reenacted pursuant to the section; may not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and may not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.<sup>3</sup>

## *Limitation on Special Acts*

Section 11(a)(21), Art. III of the State Constitution provides that no special law or general law of local application may be enacted that pertains to any subject prohibited by a general law passed by a three-fifths vote of the membership of each house. However, such a general law may be amended or repealed by like vote.

Section 298.76, F.S., is an example of such a general law passed by a three-fifths vote of the membership of each house. That statute prohibits a special law or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed pursuant to ch. 298, F.S. Section 298.76, F.S., does not prohibit special or local legislation that:

- amends an existing special act that provides for the levy of an annual maintenance tax;
- extends the corporate life of a district;
- consolidates adjacent districts; or
- authorizes the construction or maintenance of roads for agricultural purposes.

Section 298.76, F.S., specifically authorizes special or local legislation that:

- changes the method of voting for a board of supervisors;
- provides a change in the term of office of the board of supervisors and changes the qualifications of the board of supervisors; and
- changes the governing authority or governing board.

Finally, s. 298.76, F.S., provides that any special or local laws enacted by the Legislature pertaining to any water control district will prevail as to that district and have the same force and effect as though it had been a part of ch. 298, F.S., at the time the district was created and organized.

## The North St. Lucie River Water Control District

The North St. Lucie River Water Control District (NSLRWCD) was originally created by judicial decree in 1917, with a corporate lifetime of 99 years.<sup>4</sup> The NSLRWCD is subject to the provisions of ch. 298, F.S., and responsible for drainage, flood control and protection, water management and reclamation of

<sup>2</sup> To date, only 213 special districts have codified their charters. *See*, the "Local Bill Policies and Procedures Manual," 2012-2013, Local & Federal Affairs Committee, page 22.

<sup>3</sup> Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

<sup>4</sup> While the staff analysis for HB 593 (ch. 2012-237, L.O.F.) lists the District's current expiration date as December 31, 2017, this is incorrect. From a copy of the original court documents, on file with the Local & Federal Affairs Committee, it appears that the District was created on November 13, 1917, and had an expiration date of November 12, 2116.

the roughly 65,000 acres within its boundaries in St. Lucie County. The NSLRWCD owns, operates and maintains works for water management and regulates their use by others. This water management system includes a network of approximately 200 miles of canals, and associated pumps and water control structures. The NSLRWCD currently is funded by a \$25 per acre maintenance tax.

The District's charter has been amended numerous times since 1918, but has never been codified. The special acts amending the NSLRWCD's charter include: chs. 7973 (1919), 8896 (1921), 9635 (1923), 11129 (1925), 12106 (1927), 12108 (1927), 12109 (1927), 14773 (1931), 14774 (1931), 14775 (1931), 16089 (1933), 22111 (1943), 22714 (1945), 26790 (1951), 28379 (1953), 28647 (1953), 57-842, 59-979, 59-980, 65-1225, 69-1544, 96-529, and 2012-237, L.O.F.

Last year, the Florida Legislature passed a bill, which extended the corporate lifetime of the District until December 31, 2111. See, ch. 2012-237, L.O.F. The continuation of this act was contingent upon the District submitting a codified charter for legislative consideration. If a codification bill was not filed on or before the first day of the 2013 Regular Legislative Session, the act would be repealed effective July 1, 2013, and the District's current expiration date of November 12, 2116, would be reinstated.

### **Effect of Proposed Changes**

HB 981 constitutes the codification of all special acts and court decrees relating to the North St. Lucie River Water Control District. This bill provides a single, comprehensive special act charter for the District, and repeals chs. 7973 (1919), 8896 (1921), 9635 (1923), 11129 (1925), 12106 (1927), 12108 (1927), 12109 (1927), 14773 (1931), 14774 (1931), 14775 (1931), 16089 (1933), 22111 (1943), 22714 (1945), 26790 (1951), 28379 (1953), 28647 (1953), 57-842, 65-1225, 69-1544, 96-529, and 2012-237, L.O.F.

The bill recreates the North St. Lucie River Water Control District, and recreates and reenacts its charter, until the expiration of the District on December 31, 2111. The bill declares the District to be an independent water control district and a public corporation of the state pursuant to ch. 189, the "Uniform Special District Accountability Act of 1989," and ch. 298, F.S., and provides a legal description for its boundaries. The provisions of state law applicable to water control districts or subdistricts which are embodied in ch. 298, F.S., so far as not inconsistent with the charter, are declared to be applicable to the District.

In accordance with s. 189.404(3), F.S., the following minimum requirements are provided for the charter of the North St. Lucie River Water Control District:

- The District is organized and exists for all purposes set forth in its charter and ch. 298, F.S.
- The District has all of the powers and authorities conferred in its charter and ch. 298, F.S.
- The District's charter may be amended only by special act of the Legislature.
- In accordance with ch. 189, F.S., the charter, and ss. 298.11 and 298.12, F.S., the governing board of the District is designated the "Board of Supervisors of the North St. Lucie River Water Control District" and composed of three persons, who are qualified to hold such office if they are landowners within the district, residents of the state, and citizens of the United States, elected on a one-acre, one-vote basis by the landowners in the district; however, landowners owning less than one acre in the aggregate are entitled to one vote. Landowners owning more than one acre are entitled to one additional vote for any fraction of an acre greater than one-half acre owned, when a landowner's acreage has been aggregated for purposes of voting. The membership and organization of the governing board are as set forth in the charter and ch. 298, F.S., provided the charter controls with respect to any inconsistency.

- The compensation of the governing board members is governed by the charter and ch. 298, F.S.
- The administrative duties of the governing board are as set forth in the charter and chs. 189 and 298, F.S.
- Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for District officers and employees are as set forth in chs. 112, 189, 190, 286 and 298, F.S., and all other applicable general laws of the state.
- The procedures and requirements governing the issuance of bonds, notes and other evidence of indebtedness by the District are as set forth in chs. 189 and 298, F.S., and applicable general laws.
- The procedures for conducting District elections or referenda and for qualification of electors are pursuant to chs. 189 and 298, F.S., however, a quorum for purposes of holding the annual meeting or any special meetings consists of those landowners present in person or represented by proxy at said meeting.
- The District may be financed by any method established in its charter, ch. 298, F.S., and other applicable general laws of the state.
- The District is authorized to assess and levy a minimum maintenance tax in an amount not to exceed \$25 per year upon each tract or parcel of land within the district without regard to the net assessment of benefits assessed.
- The methods for collecting non-ad valorem assessments, fees, or service charges are as set forth in chs. 197 and 298, F.S., and other applicable general laws of the state.
- The District's planning requirements are as set forth in chs. 189 and 298, F.S.<sup>5</sup>
- The District's geographic boundary is set forth in its charter.

This bill takes effect upon becoming a law.

#### B. SECTION DIRECTORY:

**Section 1:** Codifies all special acts and court decrees relating to the North St. Lucie River Water Control District.

**Section 2:** Amends, codifies, reenacts and repeals all previous special acts relating to the North St. Lucie River Water Control District.

**Section 3:** Recreates and reenacts the charter for the North St. Lucie River Water Control District.

Section 1: Provides a status statement and boundaries.

Section 2: Provides minimum charter requirements.

Section 3: Provides for existence of the District until December 31, 2111.

Section 4: Provides for applicability of other laws.

<sup>5</sup> The District's planning requirements are set forth in s. 298.225, F.S.

Section 5: Provides for severability.

Section 6: Provides for construction of act

**Section 4:** Repeals previous special acts relating to the North St. Lucie Water Control District.

**Section 5:** Provides for 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.

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

- 1) The legal description for the District in the bill is inaccurate. That description was based on a copy of the degree In Re: North St. Lucie River Drainage District entered by the Circuit Court of the Ninth Judicial Circuit on February 21, 1947. The correct legal description was enacted by the Florida Legislature in ch. 57-189, L.O.F.
- 2) Two additional special acts relating to the District should be repealed by HB 981: ch. 59-979, L.O.F. and ch. 59-980, L.O.F.
- 3) With regard to elections, ch. 298 refers to "assessable" acres, and the bill should incorporate this reference.

- 4) On line 117, the reference to the “act” with regard to compensation of governing board members should be removed.
- 5) On line 136, the phrase “established in” should be replaced with “authorized by.”

**Other Comments**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A



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 the 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	2478979	1/23/2013	NOTICE	NORTH ST. LUCIE RIVE

**NEWSPAPER E-Sheet®**  
**LEGAL NOTICE**  
**ATTACHED**  
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**DO NOT**  
**SEPARATE PAGES**

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

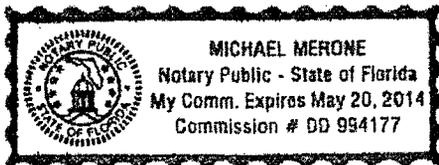
Sherri Cipriani, who is  
Sherri Cipriani

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 981

SPONSOR (S): Rep. Debbie Mayfield

RELATING TO: North St. Lucie River Water 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

*1. 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  NO

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

YES  NO

Date hearing held: December 18<sup>th</sup>, 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  NO

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

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE \_\_\_\_\_

Where? \_\_\_\_\_ County \_\_\_\_\_

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

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

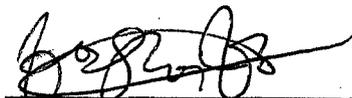
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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 981

**SPONSOR(S):** Rep. Debbie Mayfield

**RELATING TO:** North St. Lucie River Water Control District (St. Lucie County)  
 [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:	\$0	\$0

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	\$0	\$0
State:	\$0	\$0
Local:	\$0	\$0

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues:	\$0	\$0

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

**Advantages:** This bill will save administrative/ legal time and expense as a result of having to consult dozens of prior special acts to determine the governance of the district. Instead, there will now be one, concise document.

**Disadvantages:** There will be no adverse economic impact to individuals, business or government. The bill does not change the assessment structure or rates and district does not anticipate any new expenditures or assessments based upon the legislation.

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.

PREPARED BY:  Mar 18, 2013  
[Must be signed by Preparer Date]

TITLE: District Attorney

REPRESENTING: North St. Lucie River Water Control District

PHONE: (772) 461-5020

E-Mail Address: ffee@feederossfee.com

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A bill to be entitled  
 An act relating to the North St. Lucie River Water  
 Control District, St. Lucie County; codifying,  
 amending, reenacting, and repealing special acts  
 relating to the district; providing a charter for the  
 district; providing district boundaries; providing  
 purpose; providing for a governing board and its  
 membership, compensation, and duties; providing  
 requirements for financial disclosure, meeting  
 notices, reporting, public records maintenance, and  
 per diem expenses; providing for the issuance of  
 bonds; providing for elections; authorizing the levy  
 of taxes, non-ad valorem assessments, fees, and  
 service charges; providing for termination of the  
 district; providing for construction and severability;  
 repealing chapters 7973 (1919), 8896 (1921), 9635  
 (1923), 11129 (1925), 12106 (1927), 12108 (1927),  
 12109 (1927), 14773 (1931), 14774 (1931), 14775  
 (1931), 16089 (1933), 22111 (1943), 22714 (1945),  
 26790 (1951), 28379 (1953), 28647 (1953), 57-842, 65-  
 1225, 69-1544, 96-529, and 2012-237, Laws of Florida;  
 providing an effective date.

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

Section 1. Pursuant to s. 189.429, Florida Statutes, this  
 act constitutes the codification of all special acts and court  
 decrees relating to the North St. Lucie River Water Control

29 District. It is the intent of the Legislature in enacting this  
 30 act to provide a single, comprehensive special act charter for  
 31 the district, including all current legislative authority  
 32 granted to the district by its several legislative enactments  
 33 and any additional authority granted by this act. It is the  
 34 further intent of the Legislature that this act preserve all  
 35 district authority in addition to any authority contained in  
 36 chapter 298, Florida Statutes.

37 Section 2. Chapters 7973 (1919), 8896 (1921), 9635 (1923),  
 38 11129 (1925), 12106 (1927), 12108 (1927), 12109 (1927), 14773  
 39 (1931), 14774 (1931), 14775 (1931), 16089 (1933), 22111 (1943),  
 40 22714 (1945), 26790 (1951), 28379 (1953), 28647 (1953), 57-842,  
 41 65-1225, 69-1544, 96-529, and 2012-237, Laws of Florida, are  
 42 amended, codified, reenacted, and repealed as herein provided.

43 Section 3. The North St. Lucie River Water Control  
 44 District is re-created, and the charter for such district is re-  
 45 created and reenacted to read:

46 Section 1. Status and boundaries of North St. Lucie River  
 47 Water Control District.—The North St. Lucie River Water Control  
 48 District is declared to be an independent water control district  
 49 and a public corporation of the state pursuant to chapters 189  
 50 and 298, Florida Statutes, and the lands lying within the area  
 51 described as follows in St. Lucie County shall constitute the  
 52 North St. Lucie River Water Control District:

53  
 54 Commencing at the Northwest corner of Section 4,  
 55 Township 35 South, Range 38 East, thence run East  
 56 along the line dividing Townships 34 and 35 to the

57 Northeast corner of Section 5, Township 35 South,  
 58 Range 40 East; thence run South along Section lines to  
 59 the Northeast corner of Section 20, Township 35 South,  
 60 Range 40 East; then East along Section lines to the  
 61 Northeast corner of Section 21, Township 35 South,  
 62 Range 40 East; thence run South along Section lines to  
 63 the Northeast corner of Section 4, Township 36 South,  
 64 Range 40 East; thence run East along the township line  
 65 to the Northeast corner of Section 3, Township 36  
 66 South, Range 40 East; thence run South along Section  
 67 lines to the Southeast corner of Section 15, Township  
 68 36 South, Range 40 East; thence run West along section  
 69 line to the Southwest corner of Section 16, Township  
 70 36 South, Range 38 East; thence run North along  
 71 section lines to the point of beginning;

72  
 73 EXCEPTING therefrom the South 1/2 of Sections 1, 2 and  
 74 3, of Township 36 South, Range 39 East; and south 1/2  
 75 of North 1/2 of Southwest 1/4 of the Southeast 1/4 and  
 76 South 1/2 of Southwest 1/4 of Southeast 1/4, and East  
 77 1/2 of Southeast 1/4 Section 4, Township 36 South,  
 78 Range 39 East; East 1/2 of Section 9, South Township  
 79 36 South, Range 39 East; all of Sections 10 to 16  
 80 inclusive of Township 36 South, Range 39 East; the  
 81 Southwest 1/4 of Southwest 1/4 of Section 5, Township  
 82 36 South, Range 40 East; Lots 6 to 16 inclusive in the  
 83 Southwest 1/4 and Lots 9 to 16 inclusive in the  
 84 Southeast 1/4, Section 6, Township 36 South, Range 40

85 East; all of Section 7, 8, 17 and 18, Township 36  
 86 South, Range 40 East; the Northwest 1/4 and that part  
 87 of the West 3/4 of the South 1/2 lying West of St.  
 88 Lucie River, Section 16, Township 36 South, Range 40  
 89 East.

91 Section 2. Minimum charter requirements.-In accordance  
 92 with s. 189.404(3), Florida Statutes, the following are the  
 93 minimum requirements for the charter of the North St. Lucie  
 94 River Water Control District:

95 (1) The district is organized and exists for all purposes  
 96 set forth in this act and chapter 298, Florida Statutes.

97 (2) The district's charter may be amended only by special  
 98 act of the Legislature.

99 (3) In accordance with chapter 189, Florida Statutes, this  
 100 act, and ss. 298.11 and 298.12, Florida Statutes, the governing  
 101 board of the district shall be designated the "Board of  
 102 Supervisors of the North St. Lucie River Water Control District"  
 103 and shall be composed of three persons, who shall be qualified  
 104 to hold such office if they are landowners within the district,  
 105 residents of the state, and citizens of the United States,  
 106 elected on a one-acre, one-vote basis by the landowners in the  
 107 district; however, landowners owning less than one acre in the  
 108 aggregate shall be entitled to one vote. Landowners owning more  
 109 than one acre shall be entitled to one additional vote for any  
 110 fraction of an acre greater than one-half acre owned, when a  
 111 landowner's acreage has been aggregated for purposes of voting.  
 112 The membership and organization of the governing board shall be

113 as set forth in this charter and chapter 298, Florida Statutes,  
 114 provided this charter controls with respect to any  
 115 inconsistency.

116 (4) The compensation of the governing board members shall  
 117 be governed by this act and chapter 298, Florida Statutes.

118 (5) The administrative duties of the governing board shall  
 119 be as set forth in this act and chapters 189 and 298, Florida  
 120 Statutes.

121 (6) Requirements for financial disclosure, meeting  
 122 notices, reporting, public records maintenance, and per diem  
 123 expenses for district officers and employees shall be as set  
 124 forth in chapters 112, 189, 190, 286, and 298, Florida Statutes,  
 125 and all other applicable general laws of the state.

126 (7) The procedures and requirements governing the issuance  
 127 of bonds, notes, and other evidence of indebtedness by the  
 128 district shall be as set forth in chapters 189 and 298, Florida  
 129 Statutes, and applicable general laws.

130 (8) The procedures for conducting district elections or  
 131 referenda and for qualification of electors shall be pursuant to  
 132 chapters 189 and 298, Florida Statutes; however, a quorum for  
 133 purposes of holding the annual meeting or any special meetings  
 134 shall consist of those landowners present in person or  
 135 represented by proxy at said meeting.

136 (9) The district may be financed by any method established  
 137 in this act, chapter 298, Florida Statutes, and other applicable  
 138 general laws of the state.

139 (10) The district is authorized to assess and levy a  
 140 minimum maintenance tax in an amount not to exceed \$25 per year

141 upon each tract or parcel of land within said district without  
 142 regard to the net assessment of benefits assessed.

143 (11) The methods for collecting non-ad valorem  
 144 assessments, fees, or service charges shall be as set forth in  
 145 chapters 197 and 298, Florida Statutes, and other applicable  
 146 general laws of the state.

147 (12) The district's planning requirements shall be as set  
 148 forth in chapters 189 and 298, Florida Statutes.

149 (13) The district's geographic boundary shall be as set  
 150 forth in this act.

151 Section 3. Existence.—The district shall exist until  
 152 December 31, 2111.

153 Section 4. Provisions of other laws made applicable.—The  
 154 North St. Lucie River Water Control District hereby created  
 155 shall be an independent water control district and a public  
 156 corporation of this state. The provisions of state law  
 157 applicable to water control districts or subdistricts which are  
 158 embodied in chapter 298, Florida Statutes, so far as not  
 159 inconsistent with this act, are declared to be applicable to the  
 160 North St. Lucie River Water Control District. The North St.  
 161 Lucie River Water Control District shall have all of the powers  
 162 and authorities conferred in this act and chapter 298, Florida  
 163 Statutes.

164 Section 5. Severability.—If any provision of this act or  
 165 the application thereof to any person or circumstance is held  
 166 invalid, the invalidity shall not affect other provisions or  
 167 applications of the act which can be given effect without the  
 168 invalid provision or application, and to this end the provisions

169 of this act are declared severable.

170 Section 6. Construction.—This act shall be construed as a  
 171 remedial act and shall be liberally construed to promote the  
 172 purpose for which it is intended.

173 Section 4. Chapters 7973 (1919), 8896 (1921), 9635 (1923),  
 174 11129 (1925), 12106 (1927), 12108 (1927), 12109 (1927), 14773  
 175 (1931), 14774 (1931), 14775 (1931), 16089 (1933), 22111 (1943),  
 176 22714 (1945), 26790 (1951), 28379 (1953), 28647 (1953), 57-842,  
 177 65-1225, 69-1544, 96-529, and 2012-237, Laws of Florida, are  
 178 repealed.

179 Section 5. This act shall take effect upon becoming a law.



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1009 Fellsmere Water Control District, Indian River County

**SPONSOR(S):** Mayfield

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

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

**SUMMARY ANALYSIS**

This bill codifies, amends, and reenacts the special acts relating to the Fellsmere Water Control District (District), an independent special district in Indian River County. Additionally, this bill changes the District to an independent improvement district; renames it the Fellsmere Improvement District; grants it additional powers; and represents a total rewrite of its charter.

The bill provides an effective date of upon becoming law.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### History of Water Control Districts

In the 1830s, the Legislature passed a special act authorizing landowners to construct drainage ditches across adjacent lands to discharge excess water. Following the passage of several special acts creating drainage districts, the Legislature created the state's first general drainage law, the "General Drainage Act of 1913," to establish one procedure for creating these districts – through circuit court decree – and to provide general law provisions governing their operation.

Between 1913 and 1972, the General Drainage Act remained for the most part unchanged. In 1972 and 1978, respectively, the Legislature amended the act to change the name of these districts to "water management districts" and then to "water control districts." A 1979 bill repealed provisions authorizing the creation of water control districts by circuit court decree.

##### Powers of Water Control Districts

Chapter 298, F.S., governs water control districts. A water control district created pursuant to this chapter has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>1</sup>

A water control district may be authorized to engage in various water control activities,<sup>2</sup> including the power:<sup>3</sup>

- (1) To employ persons and purchase machinery to directly supervise, construct, maintain and operate the works and improvements described in the water control plan, or contract with others for the same.
- (2) To clean out, straighten, open up, widen or change the course and flow, alter or deepen any canal, ditch, drain, river, watercourse or natural stream; and concentrate, divert or divide the flow of water in or out of the district; construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and siphons, and may connect the same, with any canals, drains, ditches, levees, or other works, and with any natural stream, lake or watercourse.
- (3) To build and construct other works and improvements to preserve and maintain the works in or out of the district; acquire, construct, operate, maintain, use, purchase, sell, lease, convey or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices or equipment.
- (4) To contract for the purchase, construction, operation, maintenance, use, sale, conveyance and transfer of pumping stations, machinery, motive equipment, electric lines and appurtenant equipment, including the purchase of electric power and energy for the operation of the same.

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<sup>1</sup> Section 298.22, F.S.

<sup>2</sup> Subject to the applicable provisions of chs. 373 and 403, F.S., the "Florida Water Resources Act of 1972" and the "Florida Air and Water Pollution Control Act", respectively.

<sup>3</sup> See s. 298.22, F.S.

- (5) To construct or enlarge, or cause to be constructed or enlarged, bridges that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill or cut; construct roadways over levees and embankments; construct any and all of said works and improvements across, through or over any public highway, railroad right-of-way, track, grade, fill or cut, in or out of the district; remove any fence, building or other improvements, in or out of the district.
- (6) To hold, control and acquire by donation or purchase and if need be, condemn any land, easement, railroad right-of-way, sluice, reservoir, holding basin or franchise, in or out of said district, for right-of-way, holding basin, or for material to be used in constructing and maintaining said works and improvements for implementation of the district water control plan.
- (7) To condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court as identified in the engineer's report, and follow the procedure set out in ch. 73, F.S., relating to eminent domain.
- (8) To adopt resolutions and policies.
- (9) To assess and collect reasonable fees for the connection to and use of the works of the district.
- (10) To implement comprehensive water control activities, including flood protection, water quantity management, and water quality protection and improvement, described in the water control plan.
- (11) To construct and operate facilities for the purpose of controlling and preventing the spread or introduction of agricultural pests and diseases.
- (12) To construct, manage or authorize construction and management of resource-based recreational facilities that may include greenways, trails and associated facilities.

#### The Uniform Special District Accountability Act

The 1989 Legislature enacted ch. 189, F.S., the "Uniform Special District Accountability Act," to consolidate and unify the provisions of existing law relating to the creation and accountability of special districts. The act continues to provide for the general governance of special districts, addressing issues such as the creation and operation of special districts, financial reporting requirements, funding authority, election of board members, compliance with general law provisions such as public records and meetings requirements, and comprehensive planning within special districts.

#### The Fellsmere Water Control District

A 1919 by circuit court decree created the District and gave it a 99 year lifespan. Its original purposes were to reclaim land and provide water control in order to make these lands available, acceptable, and habitable for settlement and agriculture. Today, the District provides water control services and infrastructure to maintain its approximately 27,000 acres for residential and agricultural purposes. The majority of this acreage is in the municipal limits of the Town of Fellsmere.

Various special acts gave the District a limited number of powers, including the power:

- (1) To provide drainage and land reclamation services.
- (2) To issue notes or certificates of indebtedness.
- (3) To maintain, preserve, repair, and restore the ditches, drains, and other improvements of the District.
- (4) To levy a drainage tax and an annual maintenance tax.
- (5) To sell, assign, or authorize redemption of any drainage tax certificates for less than face value; and to accept unpaid bonds for drainage tax payment.
- (6) To manage, conserve, and control drainage waters; to construct and install works of improvement necessary to accomplish this; and to modify any plan of reclamation, plan of improvement, or facilities if approved by landowners and the board of supervisors.
- (7) To acquire land, easements, or rights of way to provide continuous and adequate facilities for improvement outfall drainage.

### **Effect of Proposed Changes**

This bill codifies all previous special acts and court decrees relating to the District into one unified document.<sup>4</sup> In addition to codification, this bill amends the District's charter. These changes include:

- (1) Revising the District's boundaries to reflect the St. Johns River Water Management District's acquisitions of former District lands.
- (2) Removing the current sunset date of 2018 in order to ensure the continued water control services of the District.
- (3) Renaming the District the "Fellsmere Improvement District."
- (4) Granting the District all powers and authorities of ch. 298, F.S.,<sup>5</sup>
- (5) Subjecting the District to ch. 189.<sup>6</sup>
- (6) Granting community development authority to the District.<sup>7</sup>

This community development authority allows the District to provide services beyond drainage and flood control. These include the power:

- (1) To sue and be sued in its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal, and to alter the same at pleasure.
- (2) To acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out any of the purposes of this act and ch. 298, F.S.

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<sup>4</sup> Pursuant to s. 189.429, F.S.

<sup>5</sup> Chapter 298, F.S. governs water control districts.

<sup>6</sup> Uniform Special District Accountability Act.

<sup>7</sup> Similar to the authority of Community Development Districts created pursuant to ch. 190, F.S.

- (3) To finance, fund, plan, establish, construct, equip, operate, and maintain canals, ditches, drains, levees, lakes, ponds, control structures, or similar devices for water control and diversion and other works for water management and control purposes.
- (4) To acquire, purchase, finance, fund, plan, establish, equip, operate, and maintain pumps, plants, and pumping systems for water management and control purposes.
- (5) To finance, fund, plan, establish, construct, equip, operate, and maintain irrigation works, machinery, and plants.
- (6) To finance, fund, plan, establish, construct, improve, pave, equip, operate, and maintain roadways and roads necessary and convenient for the exercise of any of the powers or duties of said district or the supervisors thereof and to include parkways, bridges, landscaping, irrigation, drainage, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system as a component of such roadways and roads.
- (7) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for providing transportation throughout the district, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the district in activities conducted within the district.
- (8) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parking facilities within the district boundaries.
- (9) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses.
- (10) To acquire, construct, finance, fund, plan, establish, equip, operate, and maintain water plants and systems to produce, purify, and distribute water for consumption.
- (11) To acquire, construct, finance, fund, establish, plan, equip, operate, and maintain sewer systems for the collection, disposal, and reuse of waste and wastewater and to prevent water pollution in the district.
- (12) To levy valorem assessments; to prescribe, fix, establish, and collect rates, fees, rentals, fares, or other charges; and to revise the same from time to time for the facilities and services furnished or to be furnished by the district and to recover the cost of making connection to any district facility or system.
- (13) To provide for the discontinuance of service and reasonable penalties, including attorney fees, against any user or property for any such rates, fees, rentals, fares, or other charges that become delinquent and require collection. However, no charges or fees shall be established until after a public hearing of the board of supervisors of the district at which all affected persons shall be given an opportunity to be heard.
- (14) To enter into agreements with any person, firm, or corporation for the furnishing by such person, firm, or corporation of any facilities and services of the type provided for in this act.
- (15) To enter into impact fee credit agreements with local general purpose governments. In the event the district enters into an impact fee credit agreement with a local general

purpose government where the district constructs or makes contributions for public facilities for which impact fee credits would be available, the agreement may provide that such impact fee credits shall inure to the landowners within the district in proportion to their relative assessments, and the district shall, from time to time, execute such instruments, such as assignments of impact fee credits, as may be necessary or desirable to accomplish or confirm the foregoing.

- (16) To finance, fund, plan, establish, equip, construct, operate, and maintain facilities and take measures to control mosquitoes and other arthropods of public health importance.
- (17) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.
- (18) To borrow money and issue negotiable or other bonds of said district as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of said district therefor, bearing interest at not exceeding the maximum interest allowable by law, in anticipation of the collection of levies and assessments or revenues of said district; to pledge or hypothecate such levies, assessments, and revenues to secure such bonds, notes, or obligations; and to sell, discount, negotiate, and dispose of the same.
- (19) To provide public safety, including, but not limited to, security, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies, except that the district may not exercise any police power but may contract with the appropriate local general purpose government agencies for an increased level of such service within the district boundaries.
- (20) To provide systems and facilities for fire prevention and control and emergency medical services, including the construction or purchase of fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.
- (21) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for school buildings and related structures, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the district school board.
- (22) To establish and create such departments, committees, boards, or other agencies, including a public relations committee, as from time to time the board of supervisors may deem necessary or desirable in the performance of the acts or other things necessary to the exercise of the powers provided in this act, and to delegate to such departments, committees, boards, or other agencies such administrative duties and other powers as the board of supervisors may deem necessary or desirable.
- (23) To exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties of the Fellsmere Water Control District. The powers and duties of the Fellsmere Water Control District shall be exercised by and through the board of supervisors of the district, which board of supervisors shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may, from time to time, determine and to fix their compensation and duties. In addition thereto, said district shall have all of the powers provided for in ch. 298, F.S. All powers and authority of the district shall extend and apply to the district as a whole and to each unit of development as, from time to time, may be designated by the board of supervisors.

Proponents argue this authority change will encourage sustainable growth and balance the needs of urban and rural uses. Furthermore, they allege this will avoid creating a patchwork of CDDs within the District boundaries with overlapping layers of bureaucracy, elected officials, and cost.

Proponents claim that this bill will have no immediate economic impact and the District will be able to provide the infrastructure (roads, streetlights, sewer systems, parks, etc.) to support future development. The landowners benefitting from the improvements will shoulder the expense.

Similar legislation was passed in recent years in Indian River and St. Lucie counties for other water control districts.<sup>8</sup>

**B. SECTION DIRECTORY:**

- Section 1:** Provides that the reenactment of existing law in this act does not grant additional authorities to any entity and does not modify the District's bonded indebtedness obligations.
- Section 2:** Codifies, reenacts, amends, and repeals chs. 8877 (1921), 11555 (1925), 12023 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and 69-1161, L.O.F.
- Section 3:** Renames the Fellsmere Water Control District as the Fellsmere Improvement District; recreates and reenacts the District's charter.
- Section 4:** Ratifies all prior acts and circuit court decrees relating to the District; provides that inconsistent acts and court decrees inapplicable
- Section 5:** Repeals chs. 8877 (1921), 11555 (1925), 12023 (1927), 14719 (1931), 16998 1935), 28418 (1953), 61-1414, and 69-1161, L.O.F.
- Section 6:** Provides for severability of this act if any provision contained therein is held unconstitutional.
- Section 7:** Provides that this act shall take effect upon becoming law.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 24, 2013

WHERE? The *Indian River Press Journal*, a daily newspaper published in Vero Beach in Indian River County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

<sup>8</sup> See chs. 2007-298 and 2007-309, L.O.F.

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

Section 11(a)(21), Art. III of the Florida Constitution, provides that no special law or general law of local application be enacted that pertains to any subject prohibited by a general law passed by a three-fifths vote of the membership of each house.

Adopted pursuant to this provision, s. 298.76, F.S., provides that there shall be no special law or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed pursuant to ch. 298, F.S.,<sup>9</sup> with some exceptions not relevant here.<sup>10</sup>

This bill grants broad powers to the District not included in its previous special acts or ch. 298, F.S. Due to the grant of these additional powers, this bill requires a three-fifths vote by both houses to become law.

#### B. RULE-MAKING AUTHORITY:

None.

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

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

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<sup>9</sup> This includes the District. Although the District was originally created by circuit court degree, it is encompassed by ch. 298, F.S., according to that statute's legislative intent.

<sup>10</sup> Section 298.76, F.S., does not prohibit special or local legislation that: (a) amends an existing special act that provides for the levy of an annual maintenance tax of a district; (b) extends the corporate life of a district; (c) consolidates adjacent districts; or (d) authorizes the construction or maintenance of roads for agricultural purposes. Additionally, s. 298.76, F.S., authorizes special or local legislation: (a) changing the method of voting for a board of supervisors for any water control district; (b) providing a change in the term of office of the board of supervisors and changing the qualifications of the board of supervisors of any water control district; and (c) changing the governing authority or governing board of any water control district. This section provides that any special or local law enacted by the Legislature pertaining to a water control district shall prevail as to that district and have the same force and effect as though it had been a part of ch. 298, F.S., at the time the district was created and organized.



SCRIPPS

**SCRIPPS TREASURE COAST  
NEWSPAPERS**

Indian River Press Journal

1801 U.S. 1, Vero Beach, FL 32960

**AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

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

<u>Customer</u>	<u>Ad Number</u>	<u>Pub Date</u>	<u>Copyline</u>	<u>PO #</u>
LEWIS, LONGMAN & WALKER, PA	2479094	1/24/2013	NOTICE OF INTENT	FELLSMERE WCD

**NEWSPAPER E-Sheet®  
LEGAL NOTICE  
ATTACHED**  
\*\*\*\*\*  
**DO NOT  
SEPARATE PAGES**

Sworn to and subscribed before me this day of, January 24, 2013, by

Sherri Cipriani, who is  
Sherri Cipriani

personally known to me or

who has produced \_\_\_\_\_ as identification.

Mary T. Byrne  
Mary T. Byrne Notary Public

**ORIGINAL**





HOUSE OF REPRESENTATIVES  
2013 LOCAL BILL CERTIFICATION FORM

BILL #: 1009  
SPONSOR (S): Rep. Debbie Mayfield  
RELATING TO: Fellsmere Water Control District (Indian River County)  
(Indicate Area Affected (City, County, or Special District) and Subject)  
NAME OF DELEGATION: Indian River County  
CONTACT PERSON: Audra Robitaille (Rep. Mayfield's office)  
PHONE NO: (772) 778-5077

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  NO

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

YES  NO

Date hearing held: December 19, 2012  
Location: Vero Beach City Hall, Council Chambers

(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? Indian River Press Journal County Indian River

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

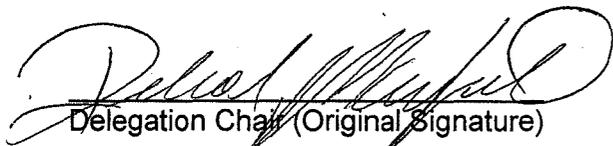
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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 and Federal Affairs Committee.

  
Delegation Chair (Original Signature)

12/19/12  
Date

Debbie Mayfield  
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 1009  
**SPONSOR(S):** Rep. Debbie Mayfield  
**RELATING TO:** Fellsmere Water Control District (Indian River County)  
 [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:	\$0	\$0

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	\$0	\$0
State:	\$0	\$0
Local:	\$0*	\$0*

\* No anticipated new funding for the listed years, however, once the district begins to construct infrastructure within the district, all funding will be local and generated by non-ad valorem assessments on benefitted property within the district.

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues:	\$0*	\$0*

\*No additional revenues are anticipated to be collected for several years and then only when development occurs and only from those benefitting from infrastructure.

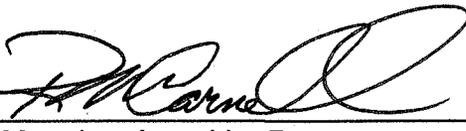
**IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:**

Advantages: The local bill will provide landowners within the District a lower-cost method for financing and constructing public infrastructure associated with future development.

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]: Experience and knowledge of local government finances while serving as district  
manager for Fellsmere Water Control District.

PREPARED BY:  3/20/13  
[Must be signed by Preparer Date]

TITLE: Supervisor

REPRESENTING: Fellsmere Water Control District

PHONE: (772) 489-7275

E-Mail Address: rcarnell@dneworld.com

1                                   A bill to be entitled  
 2           An act relating to the Fellsmere Water Control  
 3           District, Indian River County; codifying, amending,  
 4           reenacting, and repealing chapters 8877 (1921), 11555  
 5           (1925), 12023 (1927), 14719 (1931), 16998 (1935),  
 6           28418 (1953), 61-1414, and 69-1161, Laws of Florida;  
 7           renaming the district as the Fellsmere Improvement  
 8           District, a special tax district; providing  
 9           legislative intent; providing additional authority  
 10          relating to the provision of public infrastructure,  
 11          services, assessment, levy, and collection of non-ad  
 12          valorem assessments and fees, public finance, and  
 13          district operations; providing district boundaries;  
 14          providing for applicability of chapter 298, F.S., and  
 15          other general laws; providing powers of the district;  
 16          providing for compliance with county and municipal  
 17          plans and regulations; providing for levy of non-ad  
 18          valorem assessments; providing for collection,  
 19          enforcement, and penalties; providing for issuance of  
 20          revenue bonds, assessment bonds, and bond anticipation  
 21          notes; ratifying prior acts and circuit court decrees;  
 22          providing for severability; providing an effective  
 23          date.

24  
 25   Be It Enacted by the Legislature of the State of Florida:

26  
 27           Section 1. (1) The reenactment of existing law in this  
 28           act shall not be construed to grant additional authority to or

29 supersede the authority of any entity pursuant to law.  
 30 Exceptions to law contained in any special act that are  
 31 reenacted pursuant to this act shall continue to apply.

32 (2) The reenactment of existing law in this act shall not  
 33 be construed to modify, amend, or alter any covenants,  
 34 contracts, or other obligations of the district with respect to  
 35 bonded indebtedness. Nothing pertaining to the reenactment of  
 36 existing law in this act shall be construed to affect the  
 37 ability of the district to levy and collect assessments, fees,  
 38 or charges for the purpose of redeeming or servicing bonded  
 39 indebtedness of the district.

40 Section 2. Chapters 8877 (1921), 11555 (1925), 12023  
 41 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and  
 42 69-1161, Laws of Florida, are codified, reenacted, amended, and  
 43 repealed as herein provided.

44 Section 3. The Fellsmere Water Control District is  
 45 renamed, and the charter for such district is re-created and  
 46 reenacted to read:

47 Section 1. District renamed.—The Fellsmere Water Control  
 48 District shall henceforth be known as the "Fellsmere Improvement  
 49 District."

50 Section 2. District created and boundaries thereof.—For  
 51 the purposes of providing public infrastructure; services; the  
 52 assessment, levy, and collection of non-ad valorem assessments  
 53 and fees; the operation of district facilities and services; and  
 54 all other purposes stated in this act consistent with chapters  
 55 189 and 298, Florida Statutes, and other applicable general law,  
 56 an independent improvement district is hereby created and

57 | established in Indian River County, to be known as the Fellsmere  
 58 | Improvement District, the territorial boundaries of which shall  
 59 | be as follows, to wit:

60 |  
 61 | All lands situated and being in part of the unsurveyed  
 62 | Township 31 South, Range 36 East; unsurveyed Township  
 63 | 32 South, Range 36 East; unsurveyed Township 31 South,  
 64 | Range 37 East; and unsurveyed Township 32 South, Range  
 65 | 37 East;; Indian River County, Florida, embraced  
 66 | within the following boundary lines:

67 |  
 68 | Beginning at a point on the East boundary line of  
 69 | Tract 1122 of the "Plat of Fellsmere Farms Company's  
 70 | subdivision of unsurveyed Township 32 South, Range 36  
 71 | East, in St. Lucie County, State of Florida" as  
 72 | recorded in Plat Book 2, Page 18 of the Public Records  
 73 | of St. Lucie County, now Indian River County, Florida,  
 74 | said line also being the West right of way line of  
 75 | Lateral "S" Canal (225' wide right of way), said point  
 76 | being distant 200 fee Southerly from the Northeast  
 77 | corner of said Tract 1122;

78 |  
 79 | Thence run Westerly along the line being 200 feet  
 80 | South of, normal to, and parallel with the North  
 81 | boundary line of said Tract 1122 to the intersection  
 82 | with a line being 680 feet West of, normal to, and  
 83 | parallel with the East boundary lines of Tracts 1122,  
 84 | 1022, 922, 822, 722 and 622 of said "Plat of Fellsmere

85 Farms Company's Subdivision of unsurveyed Township 32  
 86 South, Range 36 East";

87  
 88 Thence run Northerly along said parallel line,  
 89 approximately 1.18 miles, across said Tracts 1122,  
 90 1022, 922, 822, 722, 622, "Ditch and Road 34", "Ditch  
 91 and Road 33", "Ditch and Road 32", "Ditch and Road  
 92 31", and "Ditch and Road 30" of said "Plat of  
 93 Fellsmere Farms Company's Subdivision of unsurveyed  
 94 Township 32 South, Range 36 East" to the intersection  
 95 with a line being 640 feet South of, normal to, and  
 96 parallel with the North boundary line of said Tract  
 97 622;

98  
 99 Thence run Westerly along said parallel line,  
 100 approximately 0.58 miles, across Tracts 622, 621 and  
 101 620 of said "Plat of Fellsmere Farms Company's  
 102 Subdivision of unsurveyed Township 32 South, Range 36  
 103 East" to the intersection with a line being 1,021 feet  
 104 West of, normal to, and parallel with the East  
 105 boundary of said Tract 620;

106  
 107 Thence run Northerly along said parallel line,  
 108 approximately 0.25 miles, across said Tract 620, Tract  
 109 520 and "Ditch and Road 29" of said "Plat of Fellsmere  
 110 Farms Company's Subdivision of unsurveyed Township 32  
 111 South, Range 36 East" to the intersection with a line

112 being 640 feet South of, normal to, and parallel with  
 113 the North boundary line of said Tract 520;

114  
 115 Thence run Westerly along said parallel line,  
 116 approximately 0.46 miles, across said Tract 520, Tract  
 117 519, 50 feet with road right of way and Tract 518 of  
 118 said "Plat of Fellsmere Farms Company's Subdivision of  
 119 unsurveyed Township 32 South, Range 36 East" to the  
 120 intersection with a line being 680 feet West of,  
 121 normal to, and parallel with the East boundary of said  
 122 Tract 518.

123  
 124 Section 3. Provisions of other laws made applicable.—The  
 125 provisions of chapter 298, Florida Statutes, and all of the laws  
 126 amendatory thereof, now existing or hereafter enacted, are  
 127 applicable to said Fellsmere Improvement District. The Fellsmere  
 128 Improvement District shall have all of the powers and  
 129 authorities mentioned in or conferred by chapter 298, Florida  
 130 Statutes.

131 Section 4. Powers of the district; compliance with county  
 132 and municipal plans and regulations.—

133 (1) The district shall have the following powers:

134 (a) To sue and be sued in its name in any court of law or  
 135 in equity, to make contracts, to adopt and use a corporate seal,  
 136 and to alter the same at pleasure.

137 (b) To acquire by purchase, gift, or condemnation real and  
 138 personal property, either or both, within or without the  
 139 district, and to convey and dispose of such real and personal

140 property, either or both, as may be necessary or convenient to  
 141 carry out any of the purposes of this act and chapter 298,  
 142 Florida Statutes.

143 (c) To finance, fund, plan, establish, construct, equip,  
 144 operate, and maintain canals, ditches, drains, levees, lakes,  
 145 ponds, control structures, or similar devices for water control  
 146 and diversion and other works for water management and control  
 147 purposes.

148 (d) To acquire, purchase, finance, fund, plan, establish,  
 149 equip, operate, and maintain pumps, plants, and pumping systems  
 150 for water management and control purposes.

151 (e) To finance, fund, plan, establish, construct, equip,  
 152 operate, and maintain irrigation works, machinery, and plants.

153 (f) To finance, fund, plan, establish, construct, improve,  
 154 pave, equip, operate, and maintain roadways and roads necessary  
 155 and convenient for the exercise of any of the powers or duties  
 156 of said district or the supervisors thereof and to include  
 157 parkways, bridges, landscaping, irrigation, drainage, bicycle  
 158 and jogging paths, street lighting, traffic signals, road  
 159 striping, and all other customary elements of a modern road  
 160 system as a component of such roadways and roads.

161 (g) To finance, fund, plan, establish, acquire, construct  
 162 or reconstruct, enlarge or extend, equip, operate, and maintain  
 163 systems and facilities for providing transportation throughout  
 164 the district, including private or contract carriers, buses,  
 165 vehicles, railroads, and other transportation facilities, to  
 166 meet the transportation requirements of the district in  
 167 activities conducted within the district.

168        (h) To finance, fund, plan, establish, acquire, construct  
 169        or reconstruct, enlarge or extend, equip, operate, and maintain  
 170        parking facilities within the district boundaries.

171        (i) To finance, fund, plan, establish, acquire, construct  
 172        or reconstruct, enlarge or extend, equip, operate, and maintain  
 173        additional systems and facilities for parks and facilities for  
 174        indoor and outdoor recreational, cultural, and educational uses.

175        (j) To acquire, construct, finance, fund, plan, establish,  
 176        equip, operate, and maintain water plants and systems to  
 177        produce, purify, and distribute water for consumption.

178        (k) To acquire, construct, finance, fund, establish, plan,  
 179        equip, operate, and maintain sewer systems for the collection,  
 180        disposal, and reuse of waste and wastewater and to prevent water  
 181        pollution in the district.

182        (l) To levy non-ad valorem assessments; to prescribe, fix,  
 183        establish, and collect rates, fees, rentals, fares, or other  
 184        charges; and to revise the same from time to time for the  
 185        facilities and services furnished or to be furnished by the  
 186        district and to recover the cost of making connection to any  
 187        district facility or system.

188        (m) To provide for the discontinuance of service and  
 189        reasonable penalties, including attorney fees, against any user  
 190        or property for any such rates, fees, rentals, fares, or other  
 191        charges that become delinquent and require collection. However,  
 192        no charges or fees shall be established until after a public  
 193        hearing of the board of supervisors of the district at which all  
 194        affected persons shall be given an opportunity to be heard.

195       (n) To enter into agreements with any person, firm, or  
 196       corporation for the furnishing by such person, firm, or  
 197       corporation of any facilities and services of the type provided  
 198       for in this act.

199       (o) To enter into impact fee credit agreements with local  
 200       general purpose governments. In the event the district enters  
 201       into an impact fee credit agreement with a local general purpose  
 202       government where the district constructs or makes contributions  
 203       for public facilities for which impact fee credits would be  
 204       available, the agreement may provide that such impact fee  
 205       credits shall inure to the landowners within the district in  
 206       proportion to their relative assessments, and the district  
 207       shall, from time to time, execute such instruments, such as  
 208       assignments of impact fee credits, as may be necessary or  
 209       desirable to accomplish or confirm the foregoing.

210       (p) To finance, fund, plan, establish, equip, construct,  
 211       operate, and maintain facilities and take measures to control  
 212       mosquitoes and other arthropods of public health importance.

213       (q) To finance, fund, plan, establish, acquire, construct  
 214       or reconstruct, enlarge or extend, equip, operate, and maintain  
 215       additional systems and facilities for conservation areas,  
 216       mitigation areas, and wildlife habitat, including the  
 217       maintenance of any plant or animal species, and any related  
 218       interest in real or personal property.

219       (r) To borrow money and issue negotiable or other bonds of  
 220       said district as hereinafter provided; to borrow money, from  
 221       time to time, and issue negotiable or other notes of said  
 222       district therefor, bearing interest at not exceeding the maximum

223 interest allowable by law, in anticipation of the collection of  
 224 levies and assessments or revenues of said district; to pledge  
 225 or hypothecate such levies, assessments, and revenues to secure  
 226 such bonds, notes, or obligations; and to sell, discount,  
 227 negotiate, and dispose of the same.

228 (s) To provide public safety, including, but not limited  
 229 to, security, guardhouses, fences and gates, electronic  
 230 intrusion detection systems, and patrol cars, when authorized by  
 231 proper governmental agencies, except that the district may not  
 232 exercise any police power but may contract with the appropriate  
 233 local general purpose government agencies for an increased level  
 234 of such service within the district boundaries.

235 (t) To provide systems and facilities for fire prevention  
 236 and control and emergency medical services, including the  
 237 construction or purchase of fire stations, water mains and  
 238 plugs, fire trucks, and other vehicles and equipment.

239 (u) To finance, fund, plan, establish, acquire, construct  
 240 or reconstruct, enlarge or extend, equip, operate, and maintain  
 241 additional systems and facilities for school buildings and  
 242 related structures, which may be leased, sold, or donated to the  
 243 school district for use in the educational system when  
 244 authorized by the district school board.

245 (v) To establish and create such departments, committees,  
 246 boards, or other agencies, including a public relations  
 247 committee, as from time to time the board of supervisors may  
 248 deem necessary or desirable in the performance of the acts or  
 249 other things necessary to the exercise of the powers provided in  
 250 this act, and to delegate to such departments, committees,

251 boards, or other agencies such administrative duties and other  
 252 powers as the board of supervisors may deem necessary or  
 253 desirable.

254 (w) To exercise all other powers necessary, convenient, or  
 255 proper in connection with any of the powers or duties of the  
 256 Fellsmere Water Control District. The powers and duties of the  
 257 Fellsmere Water Control District shall be exercised by and  
 258 through the board of supervisors of the district, which board of  
 259 supervisors shall have the authority to employ engineers,  
 260 attorneys, agents, employees, and representatives as the board  
 261 of supervisors may, from time to time, determine and to fix  
 262 their compensation and duties. In addition thereto, said  
 263 district shall have all of the powers provided for in chapter  
 264 298, Florida Statutes. All powers and authority of the district  
 265 shall extend and apply to the district as a whole and to each  
 266 unit of development as, from time to time, may be designated by  
 267 the board of supervisors.

268 (2) Notwithstanding any authority contained within this  
 269 section, the development, operation, or maintenance of any  
 270 district facilities or services within Indian River County or  
 271 the City of Fellsmere shall comply with the respective adopted  
 272 comprehensive plan and any adopted land development regulations  
 273 adopted thereunder that apply within the geographic boundaries  
 274 of the district.

275 Section 5. Non-ad valorem assessments.-

276 (1) NON-AD VALOREM ASSESSMENTS.-Non-ad valorem assessments  
 277 for the construction, operation, or maintenance of district  
 278 facilities, services, and operations shall be assessed, levied,

279 | and collected pursuant to chapter 170, Florida Statutes, chapter  
 280 | 197, Florida Statutes, or chapter 298, Florida Statutes.

281 | (2) ASSESSMENTS AND COSTS; LIEN ON ASSESSED LAND.—All  
 282 | assessments provided for in this act, together with all  
 283 | penalties for default in payment of the same, and all costs in  
 284 | collecting the same, shall, from the date of assessment thereof  
 285 | until paid, constitute a lien of equal dignity with the liens  
 286 | for county taxes, and other taxes of equal dignity with county  
 287 | taxes, upon all the lands against which such assessments shall  
 288 | be levied as provided in this act.

289 | (3) LEVIES OF NON-AD VALOREM ASSESSMENTS.—In levying and  
 290 | assessing all assessments, each tract or parcel of land less  
 291 | than 1 acre in area shall be assessed as a full acre, and each  
 292 | tract or parcel of land more than 1 acre in area that contains a  
 293 | fraction of an acre shall be assessed at the nearest whole  
 294 | number of acres, a fraction of one-half or more to be assessed  
 295 | as a full acre.

296 | Section 6. Unpaid assessments; penalty.—All assessments  
 297 | provided for in this act shall be and become delinquent and bear  
 298 | penalties on the amount of said assessments in the same manner  
 299 | as county taxes.

300 | Section 7. Enforcement of assessments.—The collection and  
 301 | enforcement of all assessments levied by said district shall be  
 302 | at the same time and in like manner as county taxes, and the  
 303 | provisions of general law relating to the sale of lands for  
 304 | unpaid and delinquent county taxes; the issuance, sale, and  
 305 | delivery of tax certificates for such unpaid and delinquent  
 306 | county taxes; the redemption thereof; the issuance to

307 individuals of tax deeds based thereon; and all other procedures  
 308 in connection therewith shall be applicable to said district and  
 309 the delinquent and unpaid assessments of said district to the  
 310 same extent as if said statutory provisions were expressly set  
 311 forth in this act. All assessments shall be subject to the same  
 312 discounts as county taxes.

313 Section 8. Issuance of revenue bonds, assessment bonds,  
 314 and bond anticipation notes.-

315 (1) In addition to the other powers provided to the  
 316 district, and not in limitation thereof, the district shall have  
 317 the power, pursuant to chapter 298, Florida Statutes, and  
 318 applicable general law, at any time and from time to time, after  
 319 the issuance of any bonds of the district have been authorized,  
 320 to borrow money for the purposes for which such bonds are to be  
 321 issued in anticipation of the receipt of the proceeds of the  
 322 sale of such bonds and to issue bond anticipation notes in a  
 323 principal sum not in excess of the authorized maximum amount of  
 324 such bond issue.

325 (2) Pursuant to chapter 298, Florida Statutes, and  
 326 applicable general law, the district shall have the power to  
 327 issue assessment bonds and revenue bonds, from time to time,  
 328 without limitation as to amount, for the purpose of financing  
 329 those systems and facilities provided for in section 4. Such  
 330 revenue bonds may be secured by, or payable from, the gross or  
 331 net pledge of the revenues to be derived from any project or  
 332 combination of projects; from the rates, fees, or other charges  
 333 to be collected from the users of any project or projects; from  
 334 any revenue-producing undertaking or activity of the district;

HB 1009

2013

335 from special assessments; or from any other source or pledged  
336 security. Such bonds shall not constitute an indebtedness of the  
337 district, and the approval of the qualified electors shall not  
338 be required unless such bonds are additionally secured by the  
339 full faith and credit and taxing power of the district.

340 (3) Any issue of bonds may be secured by a trust agreement  
341 by and between the district and a corporate trustee or trustees,  
342 which may be any trust company or bank having the powers of a  
343 trust company within or without the state. The resolution  
344 authorizing the issuance of the bonds or such trust agreement  
345 may pledge the revenues to be received from any projects of the  
346 district and may contain such provisions for protecting and  
347 enforcing the rights and remedies of the bondholders as the  
348 board may approve, including, without limitation, covenants  
349 setting forth the duties of the district in relation to the  
350 acquisition, construction, reconstruction, improvement,  
351 maintenance, repair, operation, and insurance of any projects;  
352 the fixing and revising of the rates, fees, and charges; the  
353 custody, safeguarding, and application of all moneys; and the  
354 employment of consulting engineers in connection with such  
355 acquisition, construction, reconstruction, improvement,  
356 maintenance, repair, or operation.

357 (4) Bonds of each issue shall be dated; shall bear  
358 interest at such rate or rates, including variable rates, which  
359 interest may be tax exempt or taxable for federal income tax  
360 purposes; shall mature at such time or times from their date or  
361 dates; and may be made redeemable before maturity at such price

362 or prices and under such terms and conditions as may be  
 363 determined by the board.

364 (5) The district shall have the power to issue bonds for  
 365 the purpose of refunding any outstanding bonds of the district.

366 Section 4. Ratification of prior acts and circuit court  
 367 decrees; inconsistent acts and court decrees inapplicable.—All  
 368 of the acts and circuit court decrees taken by, for, and on  
 369 behalf of the district since its creation, and all of the acts  
 370 and proceedings of the board of supervisors, commissioners, and  
 371 all other officers and agents of the district acting for and on  
 372 behalf of the district, and any and all tax levies and  
 373 assessments that have been made by the governing board for and  
 374 on behalf of the district, are each and every one of them, and  
 375 each and every part thereof, hereby ratified, validated, and  
 376 confirmed; however, in the event of a conflict of the provisions  
 377 of this act with the provisions of any other act or circuit  
 378 court decree, the provisions of this act shall control to the  
 379 extent of such conflict.

380 Section 5. Chapters 8877 (1921), 11555 (1925), 12023  
 381 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and  
 382 69-1161, Laws of Florida, are repealed.

383 Section 6. In case any one or more of the sections or  
 384 provisions of this act or the application of such sections or  
 385 provisions to any situations, circumstances, or person shall for  
 386 any reason be held to be unconstitutional, such  
 387 unconstitutionality shall not affect any other sections or  
 388 provisions of this act or the application of such sections or  
 389 provisions to any other situation, circumstance, or person; and

HB 1009

2013

390 | it is intended that this law shall be construed and applied as  
391 | if such section or provision had not been included herein for  
392 | any unconstitutional application.

393 |       Section 7. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HM 1087 U.S. 65th Infantry Regiment, the Borinqueneers  
**SPONSOR(S):** Santiago  
**TIED BILLS:** IDEN./SIM. **BILLS:** SM 1266

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Dougherty	ADD Rojas 
2) Veteran & Military Affairs Subcommittee			

### SUMMARY ANALYSIS

The 65<sup>th</sup> Infantry Regiment, nicknamed "the Borinqueneers," is a largely Puerto Rican regiment of the United States Army that served in World War I, World War II, the Korean War, and the War on Terror. The Borinqueneers have been awarded Distinguished Service Crosses, Purple Hearts, Silver Stars, and Bronze Stars for their bravery and heroism.

This memorial recognizes the 65<sup>th</sup> Infantry Regiment's contributions to various military campaigns and urges the President and the Congress of the United States to award the Congressional Gold Medal to the regiment.

Copies of the memorial will be provided to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Florida delegation to the United States Congress, the Puerto Rico Resident Commissioner, the President of the United States 65<sup>th</sup> Infantry Regiment Association, the chairman of the Hispanic Achievers Grant Council, and the chairman of the Borinqueneers Congressional Gold Medal Alliance.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

The 65<sup>th</sup> Infantry Regiment, nicknamed the Borinqueneers,<sup>1</sup> was originally formed on March 2, 1899 to protect America's strategic interests in the Caribbean. The 65<sup>th</sup> participated in World War I, as a defense force securing the Panama Canal Zone. During World War II, they again assumed this security mission until 1944 when the regiment was sent to North Africa, Corsica, and eventually into France. The Borinqueneers participated in Naples-Foggia, Rome-Arno, Central Europe, and Rhineland battles.

The 65<sup>th</sup> Infantry Regiment was among the first reinforcements to arrive in Korea as General MacArthur began his famous counter attack that drove the North Koreans to the Chinese border. The Borinqueneers fought as part of the U.S. Army's 3<sup>rd</sup> Infantry Division. Although their equipment and supplies were frequently lacking, the Borinqueneers earned a reputation as a very brave and disciplined unit.<sup>2</sup>

The 65<sup>th</sup> was part of a task force which enabled the U.S. Marines to withdraw from the Chosin Reservoir on December 1950. The men of the 65<sup>th</sup> rushed to their defense and provided protection, enabling the Marines to withdraw to their ships with the 65<sup>th</sup> holding the rear guard.<sup>3</sup> In 1952, the regiment defended the main line of resistance for 47 days and successfully attacked Chinese positions.<sup>4</sup> In June 1953, the regiment conducted a series of successful raids and counter-attacks on enemy units in the Numsong Valley.<sup>5</sup> The 65<sup>th</sup> held their positions until the armistice was reached.<sup>6</sup> On February 6, 1959, the 65<sup>th</sup> Infantry Regiment was transferred from the Regular Army to the Puerto Rico Army National Guard.<sup>7</sup>

The unit and individual members were cited for bravery and meritorious service on multiple occasions. Of the 10 distinguished Service Crosses and 256 Silver Stars that were awarded to members of the 65<sup>th</sup>, 4 Distinguished Service Crosses and 124 Silver Stars were awarded to native born Puerto Ricans.<sup>8</sup> The 65<sup>th</sup> Infantry also was awarded 606 Bronze Stars and 2771 Purple Hearts. The Borinqueneers are credited with the last recorded battalion-sized bayonet assault in the history of the United States Army. The regiment has participated in 20 campaigns, and received 8 unit decorations, including the Army and Navy Presidential Unit Citation.<sup>9</sup>

##### The Congressional Gold Medal

The Congressional Gold Medal is an expression of public gratitude by Congress for distinguished contributions, dramatic acts of virtue and patriotism, and the remembrance of great events.<sup>10</sup> Since the

<sup>1</sup> The name "Borinqueneers" is a combination of the words "Borinquen" (the Tainos' name for the island before the arrival of the Spaniards) and "Buccaneers." The Tainos were seafaring indigenous people of the Caribbean.

<sup>2</sup> Gilberto N. Villahermosa, Honor and Fidelity The 65th Infantry in Korea, 1950-1953, pp 46-179. Available at [http://www.history.army.mil/html/books/korea/65Inf\\_Korea/65Inf\\_KW.pdf](http://www.history.army.mil/html/books/korea/65Inf_Korea/65Inf_KW.pdf).

<sup>3</sup> "General Order 38," Department of the Army, 30 July 1957, pp. 2-3. Available at <http://armypubs.army.mil/epubs/pdf/go5738.pdf>.

<sup>4</sup> "Puerto Rico's 65 Infantry Regiment U.S. Army." Available at <http://www.valerosos.com/Honorpg1.htm>.

<sup>5</sup> "Puerto Rico's 65 Infantry Regiment U.S. Army." Available at <http://www.valerosos.com/Honorpg1.htm>.

<sup>6</sup> Villahermosa, pp 237-263.

<sup>7</sup> Department of the Army, Lineage and Honors, 65th Infantry Regiment (The Borinqueneers). Available at <http://www.history.army.mil/html/forcestruc/lineages/branches/inf/0065in.htm>.

<sup>8</sup> 110th CONGRESS, 1st Session, H. CON. RES. 253, Recognizing the service, courage, and patriotism of Hispanic Americans who have served and continue to serve as members of the United States Armed Forces.

<sup>9</sup> Lineage and Honors, 65TH INFANTRY REGIMENT (THE BORINQUENEERS).

<sup>10</sup> Matthew Eric Glassman, Congressional Research Service, Congressional Gold Medals, 1776-2012, p. 1. Available at [http://www.senate.gov/CRSReports/crs-publish.cfm?pid='0E%2C\\*PL%5B%3C%230%20%20%0A](http://www.senate.gov/CRSReports/crs-publish.cfm?pid='0E%2C*PL%5B%3C%230%20%20%0A).

American Revolution, Congress has commissioned gold medals as its highest expression of national appreciation for distinguished achievements and contributions. Each medal honors a particular individual, institution, or event. Although the first recipients included citizens who participated in the American Revolution, the War of 1812, and the Mexican War, Congress broadened the scope of the medal to include actors, authors, entertainers, musicians, pioneers in aeronautics and space, explorers, lifesavers, notables in science and medicine, athletes, humanitarians, public servants, and foreign recipients.<sup>11</sup> The tradition of the Congressional Gold Medal is a medal made of gold with the portraits of those being honored or images of events in which they participated.<sup>12</sup>

According to Rule X, 2 (h) of the House Committee on Financial Services' Subcommittee on Domestic Policy and Technology when considering such Congressional Gold Medal legislation must be cosponsored by at least two-thirds (290) of the Members of the House. The Senate Banking, Housing, and Urban Affairs Committee requires at least 67 Senators cosponsor any Congressional Gold Medal legislation before the committee will consider it.<sup>13</sup>

Since its inception, hundreds of medals have been issued, including those for George Washington, Mother Teresa of Calcutta, the Wright Brothers, and Robert Frost. Groups that have received this honor include the Byrd Antarctic Expedition, the American Red Cross, the 1980 U.S. Summer Olympic Team, the Little Rock Nine,<sup>14</sup> the Tuskegee Airmen,<sup>15</sup> the Native American Code Talkers,<sup>16</sup> Women Airforce Service Pilots of World War II,<sup>17</sup> the 100th Infantry Battalion and 442nd Regimental Combat Team<sup>18</sup> and the Military Intelligence Service of the U.S. Army,<sup>19</sup> and the Montford Point Marines.<sup>20</sup>

### Effect of Proposed Changes

This memorial recognizes the contributions and sacrifices of the Borinqueneers to the United States' military campaigns in World War I, World War II, the Korean War, and the War on Terrorism. Therefore, the Florida Legislature urges the President and the Congress of the United States to award the 65<sup>th</sup> Infantry Regiment the Congressional Gold Medal.

### B. SECTION DIRECTORY:

None.

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<sup>11</sup> United States House of Representative; History, Arts & Archives. Available at <http://history.house.gov/Institution/Gold-Medal/Gold-Medal-Recipients/>.

<sup>12</sup> Glassman, p. 1.

<sup>13</sup> United States House of Representative; History, Arts & Archives. Available at <http://history.house.gov/Institution/Gold-Medal/Gold-Medal-Recipients/>.

<sup>14</sup> The first African American students to attend a previously all-white school after the forced integration from *Brown v. Board of Education*.

<sup>15</sup> The first African-American military aviators in the United States armed forces.

<sup>16</sup> Serving the Marines in World War II, the Navajo Code Talkers transmitted tactical information over telephone and radio in every major operation in the Pacific theater. During the invasion of Iwo Jima, six Navajo Code Talkers sent more than 800 messages, all of transmitted without error. Their code was never broken.

<sup>17</sup> The 1,074 civilian female pilots who flew over 60 million miles in every type of military aircraft under the direction of the United States Army Air Forces during World War II.

<sup>18</sup> A World War II fighting unit composed almost entirely of Japanese-American soldiers who volunteered to fight even though their families were subject to internment.

<sup>19</sup> Japanese-Americans trained as linguists who provided translation, interpretation, and interrogation services to other United States military units during World War II.

<sup>20</sup> The first African-American Marines, who served in World War II after segregated basic training at Camp Montford Point and were denied civil rights and military promotions.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

HM 1087

2013

House Memorial

A memorial to the President and the Congress of the United States, urging Congress and the President to award the Congressional Gold Medal to the United States 65th Infantry Regiment, the Borinqueneers.

WHEREAS, the United States 65th Infantry Regiment, the Borinqueneers, traces its lineage to the "Puerto Rican Regiment U.S. Volunteers," which was authorized by Congress on March 2, 1899, as a mounted battalion consisting of four companies, and

WHEREAS, after Puerto Rico patriotically requested that the selective service draft law be extended to Puerto Rico as the United States entered the conflict in World War I, the Borinqueneers rallied a force of nearly 2,000, defending the Panama Canal, firing on the German supply ship Odenwald from El Morro Castle in Puerto Rico, and fighting valiantly on a number of fronts for liberty, and

WHEREAS, during World War II, the Borinqueneers gallantly served in North Africa and Europe, winning the Naples-Foggian, Rome-Arno, Central Europe, and Rhineland battle campaign awards, and, after the war, were assigned dangerous security, anti-sabotage, and other occupation missions around Kaiserslautern and Mannheim, Germany, making them one of the last units to return home at war's end, and

WHEREAS, during the Korean War, some 61,000 Puerto Rican soldiers served with the United States Army, 6,000 of them with the Borinqueneers, which, again, covered themselves in glory, distinguishing themselves over a 3-year period with nine Korean

HM 1087

2013

29 battle campaign awards, the Presidential and Meritorious Unit  
 30 commendations, two Korean Presidential Unit citations, the Greek  
 31 Gold Medal, the Navy Unit commendation, and many other awards  
 32 for bravery, and launching the last regimental bayonet assault  
 33 in United States Army history, and

34 WHEREAS, the Borinqueneers were awarded nine battle  
 35 campaign awards for bravery between 1950 and 1953 and, in World  
 36 War I, World War II, and the Korean War, combined, were awarded  
 37 10 Distinguished Service Crosses, 258 Silver Stars, 628 Bronze  
 38 Stars, more than 2,700 Purple Hearts, and many other individual  
 39 awards, and

40 WHEREAS, legendary United States Army General Douglas  
 41 MacArthur lauded the gallantry of the Borinqueneers, crediting  
 42 them with a resolute will to victory and invincible loyalty to  
 43 the United States, saying, "They write a brilliant record of  
 44 achievement in battle and I am proud indeed to have them in this  
 45 command. I wish that we might have many more like them!" and

46 WHEREAS, in 1959, the Borinqueneers passed their colors to  
 47 the National Guard of the United States Territory of Puerto  
 48 Rico, the only time in United States Army history that active  
 49 unit colors were not retired, but, instead, turned over to a  
 50 National Guard unit, and

51 WHEREAS, today, the legacy of the Borinqueneers lives on in  
 52 the National Guard in Puerto Rico, which continues to bravely  
 53 defend the United States in the ongoing War on Terrorism, and

54 WHEREAS, many of those who returned to civilian life after  
 55 serving with the Borinqueneers have gone on to serve in  
 56 leadership positions as respected businessmen, corporate

HM 1087

2013

57 executives, religious leaders, lawyers, doctors, educators,  
58 bankers, and political leaders, and

59 WHEREAS, the Borinqueneers selflessly served and  
60 sacrificed, shedding blood for our democracy and helping to  
61 ensure our prosperity as they, themselves, faced segregation,  
62 discrimination, and unequal American citizenship, always loyally  
63 protecting our nation and nobly fighting for the good of all,  
64 and

65 WHEREAS, these brave warriors, the Borinqueneers, deserve a  
66 place with all American heroes, and should be honored,  
67 commended, and never forgotten for their epic feats, and

68 WHEREAS, the Congressional Gold Medal, along with the  
69 Presidential Medal of Freedom, are the highest civilian awards  
70 in the United States, awarded to persons who have performed an  
71 achievement that has an impact on American history and culture  
72 that is likely to be recognized as a major achievement in the  
73 recipient's field long after the achievement, NOW, THEREFORE,

74  
75 Be It Resolved by the Legislature of the State of Florida:

76  
77 That, in recognition of the bravery and sacrifice of the  
78 United States 65th Infantry Regiment, the Borinqueneers, the  
79 President and the Congress of the United States are urged to  
80 award the Congressional Gold Medal to these true heroes and  
81 defenders of our great nation.

82 BE IT FURTHER RESOLVED that copies of this memorial be  
83 dispatched to the President of the United States, to the  
84 President of the United States Senate, to the Speaker of the

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

HM 1087

2013

85 | United States House of Representatives, to each member of the  
86 | Florida delegation to the United States Congress, to the Puerto  
87 | Rico Resident Commissioner, to the President of the United  
88 | States 65th Infantry Regiment Association, the chairman of the  
89 | Hispanic Achievers Grant Council, and the chairman of the  
90 | Borinqueneers Congressional Gold Medal Alliance.



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1171 St. Lucie and Martin Counties  
**SPONSOR(S):** Harrell  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Nelson <i>lpw</i>	Rojas <i>JK</i>
2) Finance & Tax Subcommittee			

### SUMMARY ANALYSIS

In 2012, the Florida Legislature passed a bill that revised the boundaries of Martin and St. Lucie counties effective July 1, 2013, upon its approval by a majority vote of the qualified electors residing in the area affected. This legislation expanded the boundaries of Martin County and contracted the boundaries of St. Lucie County, thus transferring an enclave known as "Beau Rivage."

The bill also provided for the transfer of all public roads and associated public rights-of-way within the subject property from St. Lucie County to Martin County. Additionally, the bill directed the governing bodies of the two counties to enter into an interlocal agreement no later than May 1, 2013, to provide a "financially feasible plan" for transfer of services, personnel and public infrastructure. This interlocal agreement also is required to include compensation for the value of infrastructure investments by St. Lucie County in the transferred property minus depreciation, if any. Until fiscal year 2022-2033, Martin County is required to distribute the tax and assessment revenue amount that would have been generated in Beau Rivage, with annual cumulative deductions of 10 percent, to St. Lucie County.

HB 1171 revises provisions for the temporary distributions from Martin County to St. Lucie County of tax and assessment revenue collected in Beau Rivage as follows:

- clarifies that the calculations will use the total tax and assessment revenue that would have been "collected" rather than "generated" in this area;
- exempts non-ad valorem special assessments for solid waste collection from the distributions;
- clarifies that payments made for non-county levies that pertain to the South Florida Water Management District or the Florida Inland Navigation District are excluded; and
- changes distributions to St. Lucie County from within 30 days after the beginning of each calendar year, to June 30.

The bill is effective upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The 2012 Florida Legislature passed CS/SB 800, which was approved by the Governor on April 6, 2012.<sup>1</sup> Upon its approval by a majority vote of the qualified electors residing in the area affected,<sup>2</sup> this bill revised the boundaries of Martin and St. Lucie counties effective July 1, 2013. The bill also amended s. 7.43, F.S., to expand the boundaries of Martin County and s. 7.59, F.S., to contract the boundaries of St. Lucie County, thus transferring an area known as "Beau Rivage."<sup>3</sup> Additionally, the bill provided that all public roads and associated public rights-of-way within the subject property be transferred from the jurisdiction of St. Lucie County to that of Martin County.

Pursuant to the provisions of ch. 2012-45, L.O.F., the governing bodies of the two counties must enter into an interlocal agreement no later than May 1, 2013, to provide a "financially feasible plan" for transfer of services, personnel, and public infrastructure from St. Lucie County to Martin County. This interlocal agreement also is required to include compensation for the value of infrastructure investments by St. Lucie County in the transferred property minus depreciation, if any.

As of July 1, 2013, the effective date of the bill, the total tax and assessment revenue that would have been generated for fiscal year 2013-2014 by all St. Lucie County taxing authorities levying taxes or assessments within the area transferred to Martin County (Beau Rivage) less 10 percent is to be transmitted to St. Lucie County from Martin County for distribution to the county and all other affected taxing authorities.

Thereafter, through fiscal year 2022-2023, the tax and assessment revenue amount that would have been generated in Beau Rivage for fiscal year 2013-2014 serves as the base amount of tax and assessment revenue for further annual reductions of 10 percent before annual distributions to St. Lucie County. The base amount consequently will be reduced to zero by fiscal year 2022-2023, the last year for distributions.

For any fiscal year when the total taxes and assessments collected exceed the base amount by more than three percent, St. Lucie County receives the same percentage distribution from the tax and assessment revenue that exceeds the base amount as it would receive from the base amount. All distributions to St. Lucie County must occur within 30 days after the beginning of each calendar year.

##### **Effect of Proposed Changes**

HB 1171 amends ch. 2012-45, L.O.F., revising provisions relating to the temporary distribution from Martin County to St. Lucie County of tax and assessment revenue collected in the Beau Rivage area of St. Lucie County, which will be incorporated into Martin County effective July 1, 2013. The bill clarifies that these calculations will use the total tax and assessment revenue that would have been "collected"

---

<sup>1</sup> See, ch. 2012-45, L.O.F.

<sup>2</sup> The Beau Rivage ballot question was considered on August 14, 2012, and passed by 94.39 percent, with 286 "yes" votes and 17 "no" votes.

<sup>3</sup> The Beau Rivage area consists of 129 acres, which abut the north fork of the St. Lucie River in St. Lucie County. Beau Rivage's 550-plus residents all have Stuart, Florida, addresses, and can only travel into the rest of the St. Lucie County via Martin County roads. Beau Rivage homeowners requested inclusion of their property in Martin County, citing concerns regarding the provision of emergency services.

rather than "generated" in this area. This provision will prevent Martin County from being liable for taxes and assessments that are in arrears.

The bill also exempts non-ad valorem special assessments for solid waste collection from the distributions to St. Lucie County. Beau Rivage currently receives its waste services via a St. Lucie County special assessment through the end of this fiscal year (September 30). At the beginning of the next fiscal year, these services will be provided by a Martin County special assessment. The counties determined that it did not make sense to require a transmittal to St. Lucie County in this instance, when the services at issue were no longer being provided by that entity.

Additionally, the bill clarifies that it does not apply to payments made for non-county levies that pertain to the South Florida Water Management District (SFWMD) or the Florida Inland Navigation District (FIND). These are the only non-county levies that have been identified in St. Lucie County.<sup>4</sup>

Distributions to St. Lucie County are changed in the bill from July 1 of this year, and thereafter within 30 days after the beginning of each calendar year, to June 30. This is to provide for uniformity and because counties generally have not collected taxes by January 1 of each year as these payments do not become delinquent until April 1.

The bill is effective upon becoming a law.

**B. SECTION DIRECTORY:**

Section 1: Amends s. 4 of ch. 2012-45, L.O.F., relating to St. Lucie and Martin counties, revising temporary distributions associated with the transfer of Beau Rivage.

Section 2: Provides an effective date.

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

**A. NOTICE PUBLISHED?** Yes  No

IF YES, WHEN? January 30, 2013

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

**B. REFERENDUM(S) REQUIRED?** Yes  No

IF YES, WHEN?

**C. LOCAL BILL CERTIFICATION FILED?** Yes, attached  No

Because this bill impacts both St. Lucie and Martin counties, each of these legislative delegations conducted a public hearing on the subject of the bill, approved the bill, and provided a Local Bill Certification Form.

**D. ECONOMIC IMPACT STATEMENT FILED?** Yes, attached  No

Because this bill impacts both St. Lucie and Martin counties, an Economic Impact Statement was filed by each county.

<sup>4</sup> March 14, 2012, e-mail from Mark Satterlee, Director of St. Lucie County Planning & Development Services.  
STORAGE NAME: h1171.LFAC.DOCX  
DATE: 3/25/2013

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

None.

#### B. RULE-MAKING AUTHORITY:

None.

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

##### **Drafting Issues**

On line 35 of the bill, the language "upon the effective date of this act," should be removed, as that would require distributions to St. Lucie County whenever the bill became law. This language is in conflict with (e) of the bill, which requires distributions by June 30.

##### **Other Comments.**

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES



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

I, 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 the 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>
MARTIN CO COMMISSIONERS	2481835	1/30/2013	NOTICE OF LEGISLATION	CHAPTER 2012-45

RECEIVED  
ACCOUNTING DEPT.  
MARTIN CO., FLA.  
2013 JAN 31 AM 11:45  
CAROLYN THOMAS  
CLERK OF CIRCUIT COURT  
BY \_\_\_\_\_ D.C.

*Adm*  
*2/5/13*

NEWSPAPER E-Sheet®  
LEGAL NOTICE  
ATTACHED  
\*\*\*\*\*  
DO NOT  
SEPARATE PAGES

I, \_\_\_\_\_, sworn to and subscribed before me this day of, January 30, 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**



Advertiser: **MARTIN CO COMMISSIONERS**  
 Section/Page/Zone: **Today/D05/Full Run**  
 Description: **NOTICE OF LEGISLATION**

Insertion Number: **1 x 52**  
 Size: **B&W**  
 Color Type:

You may not create derivative works, or in any way exploit or repurpose any content.

<b>OFFICE SPACE</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>RETAIL SPACE</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>REAL ESTATE</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>HOUSES</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>CONDOMINIUMS</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>COMMERCIAL</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>LAND</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>RECREATION</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>BOATS</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>TRUCKS</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>IMPORT AUTOMOBILES</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>EXPORT AUTOMOBILES</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>SPORT UTILITY</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>ANTIQUE &amp; CLASSIC CARS</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>VEHICLES WANTED</b> VERO BEACH 1000 sq ft Call: 771-1111	<b>NOTICE</b> VERO BEACH 1000 sq ft Call: 771-1111
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# Marine

For whatever floats your boat!

<b>BOATS</b> 20' FISH BOAT Call: 771-1111	<b>BOATS</b> 20' FISH BOAT Call: 771-1111	<b>DISCARG &amp; STORAGE</b> 20' FISH BOAT Call: 771-1111			
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## Auto Dealer Directory

A daily directory of the top auto dealers on the Treasure Coast.

<b>ALFA</b> COENIG AGUIA 3400 S. US 1 Call: 771-1111	<b>BUICK</b> LINDSEY BUCK 1000 sq ft Call: 771-1111	<b>CHEVROLET</b> BILL SHULTZ CHEVROLET Call: 771-1111	<b>CHRYSLER</b> WALLACE 775 SE Palm Call: 771-1111	<b>FORD</b> ARNOLD PAT OF WEST PALM Call: 771-1111	<b>HONDA</b> ROUTE 60 HUNTERS Call: 771-1111	<b>JEP</b> WALLACE JEP 1000 sq ft Call: 771-1111	<b>MAZDA</b> RIVER MAZDA 1000 sq ft Call: 771-1111	<b>NISSAN</b> WALLACE NISSAN 1000 sq ft Call: 771-1111	<b>TOYOTA</b> Treasure Coast 1000 sq ft Call: 771-1111
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Publication Date: 01/30/2013 This E-Sheet(s) is provided as conclusive evidence that the ad appeared in Treasure Coast News/Press-Tribune on the date and page indicated. You may not create derivative works, or in any way exploit or rephrase any content.

**NOTICE OF ADMINISTRATION**  
The undersigned, being duly qualified, has been appointed administrator of the estate of the late of [Name], deceased, and has taken the oath of office and qualification. All persons having claims against the estate of the late of [Name], deceased, are hereby notified to present the same to the undersigned, at the office of the undersigned, at [Address], on or before the 15th day of February, 2013. All persons having claims in favor of the estate of the late of [Name], deceased, are hereby notified to present the same to the undersigned, at the office of the undersigned, at [Address], on or before the 15th day of February, 2013. Dated this 25th day of January, 2013.

**NOTICE OF SALE**  
I, the undersigned, being duly qualified, have been appointed administrator of the estate of the late of [Name], deceased, and have taken the oath of office and qualification. I have the honor to advise you that I have received from the Florida Department of Banking Regulation, a copy of the Florida Department of Banking Regulation's report on the financial condition of the late of [Name], deceased, as of the date of his death. The report is available for your review at the office of the undersigned, at [Address], on or before the 15th day of February, 2013. Dated this 25th day of January, 2013.

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**TREASURE COAST CLASSIFIED**  
Your Source For A Quick Sale

**TREASURE COAST CLASSIFIED**  
Your Source For A Quick Sale

**TREASURE COAST CLASSIFIED**  
Your Source For A Quick Sale

**TREASURE COAST CLASSIFIED**  
Your Source For A Quick Sale



**SCRIPPS TREASURE COAST  
NEWSPAPERS**

The Stuart News

**SCRIPPS**

1939 S. Federal Highway, Stuart, FL 34994

**AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
COUNTY OF MARTIN

Before the undersigned authority personally appeared, Sherril Cipriani, who on oath says that she is Classified Inside Sales manager of the Stuart News, a daily newspaper published at Stuart in Martin County, Florida; that the attached copy of advertisement was published in the Stuart News in the following issues below. Affiant further says that the said Stuart News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Stuart News has been entered as Periodical Matter at Post Offices in Stuart, Martin 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>
MARTIN CO COMMISSIONER	2481829	1/30/2013	NOTICE OF LEGISLATION	CHAPTER 2012-45

*Admin  
2/5/13*

**NEWSPAPER E-Sheet®  
LEGAL NOTICE  
ATTACHED  
\*\*\*\*\*  
DO NOT  
SEPARATE PAGES**

Sworn to and subscribed before me this day of, January 30, 2013, by

*Sherril Cipriani*

who is

Sherril Cipriani

personally known to me or

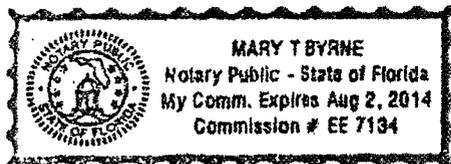
who has produced \_\_\_\_\_ as identification.

*Mary T Byrne*

Mary T. Byrne

Notary Public

**ORIGINAL**





**HOUSE OF REPRESENTATIVES**  
**2013 LOCAL BILL CERTIFICATION FORM**

**BILL #:** House Bill 1171  
**SPONSOR(S):** Representative Gayle Harrell  
**RELATING TO:** St. Lucie County  
[Indicate Area Affected (City, County, or Special District) and Subject]  
**NAME OF DELEGATION:** St. Lucie County Legislative Delegation  
**CONTACT PERSON:** Nicole Fogarty  
**PHONE NO.:** ( 850 ) 717-5083 **E-Mail:** nicole.fogarty@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:** March 19, 2013

**Location:** Florida State Capitol, Tallahassee, FL

**(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 2013

**Where?** Scripps **County** Martin and St. Lucie

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

**Date of Referendum** \_\_\_\_\_

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

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

YES [ ] NO [X] 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.

Gayle Harrell  
Delegation Chair (Original Signature)

3/19/13  
Date

Gayle Harrell  
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 #:** 1171  
**SPONSOR(S):** Harrell  
**RELATING TO:** St. Lucie County, Beau Rivage  
[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:	N/A	N/A

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

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

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenue Loss*:		
Property Taxes (BOCC)	\$ 52,759	\$105,517
Property Taxes (Other SLC Districts)	\$ 64,957	\$129,915
Communications Services Tax	\$ 774	\$ 1,548
Electric Franchise Fees	\$ 3,067	\$ 6,135
<b>Total Anticipated Revenue Loss</b>	<b>\$121,557</b>	<b>\$243,115</b>

\*Net of anticipated reimbursements from Martin County (90% in FY 14, 80% in FY 15)

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

Advantages: N/A

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]:

The property value revenue loss was calculated by applying the individual millage rates (excluding South Florida Water Management District and Florida Inland Navigation District) against the FY 12 property value in the Beau Rivage area. The property value estimate was obtained from the St. Lucie County Property Appraiser's office. We then reduced the revenue loss estimate by 90% in FY 14 and 80% in FY 15 to reflect estimated reimbursements from Martin County.

The Communications Services Tax revenue loss was estimated by prorating the revenue that St. Lucie County received in FY 12 (\$990,310.11). This was done by dividing number of households in Beau Rivage (228) by the total households in Unincorporated St. Lucie County (29,165). We used data from the Bureau of Economic and Business Research to derive the number of households. We then reduced the revenue loss estimate by 90% in FY 14 and 80% in FY 15 to reflect estimated reimbursements from Martin County.

The Electric Franchise Fee revenue loss was estimated by prorating the revenue that St. Lucie County received in FY 12 (\$3,923,614.96). This was done by dividing number of households in Beau Rivage (228) by the total households in Unincorporated St. Lucie County (29,165). We used data from the Bureau of Economic and Business Research to derive the number of households. We then reduced the revenue loss estimate by 90% in FY 14 and 80% in FY 15 to reflect estimated reimbursements from Martin County.

PREPARED BY:  03/21/2013  
Date

TITLE: Management & Budget Director

REPRESENTING: St. Lucie County BOCC

PHONE: (772) 462-1670

E-Mail Address: gouinm@stlucieco.org

**Beau Rivage Economic Impact Calculation**

Taxing Authority	Fund Code	Millage Rate	2013-14 Base year Tax Revenue	2013-14 10% of the Base year	2014-15 20% of the Base year
<b>St. Lucie County Board of County Commissioners</b>					
County General Fund	GF01	2.9221	\$ 174,008.25	\$ 17,400.82	\$ 34,801.65
Co Fine & Forfeiture	FF02	3.9699	\$ 236,403.73	\$ 23,640.37	\$ 47,280.75
Mosquito Control	MC14	0.2036	\$ 12,124.18	\$ 1,212.42	\$ 2,424.84
Erosion District E	EE19	0.0925	\$ 5,508.29	\$ 550.83	\$ 1,101.66
SLC Port Bond	PA14	0.0154	\$ 917.06	\$ 91.71	\$ 183.41
Community Dev. MSTU	GF02	0.4380	\$ 26,082.48	\$ 2,608.25	\$ 5,216.50
Law Enforcement MSTU	GF03	0.5103	\$ 30,387.87	\$ 3,038.79	\$ 6,077.57
SLC Stormwater Management	CD01	0.3497	\$ 20,824.30	\$ 2,082.43	\$ 4,164.86
County Parks MSTU	CP05	0.2313	\$ 13,773.69	\$ 1,377.37	\$ 2,754.74
County Public Transit MSTU	CT06	0.1269	\$ 7,556.77	\$ 755.68	\$ 1,511.35
<b>Subtotal BOCC</b>			<b>\$ 527,586.62</b>	<b>\$ 52,758.66</b>	<b>\$ 105,517.32</b>
<b>St. Lucie County School Board</b>					
School (RLE)	SR08	5.2730	\$ 314,002.08	\$ 31,400.21	\$ 62,800.42
School (Capital Outlay)	SN39	1.5000	\$ 89,323.56	\$ 8,932.36	\$ 17,864.71
School (Discretionary)	SD09	0.9980	\$ 59,429.94	\$ 5,942.99	\$ 11,885.99
<b>Subtotal</b>			<b>\$ 462,755.58</b>	<b>\$ 46,275.56</b>	<b>\$ 92,551.12</b>
<b>St. Lucie County Fire District</b>					
Fire District	FD21	2.6500	\$ 157,804.95	\$ 15,780.50	\$ 31,560.99
<b>Children's Services Council</b>					
Children's Srvc Council	CS64	0.4872	\$ 29,012.29	\$ 2,901.23	\$ 5,802.46
<b>Subtotal Other Agencies</b>			<b>\$ 649,572.82</b>	<b>\$ 64,957.29</b>	<b>\$ 129,914.58</b>
<b>TOTAL PROPERTY TAXES</b>			<b>\$ 1,177,159.44</b>	<b>\$ 117,715.94</b>	<b>\$ 235,431.89</b>
Communication Services Tax			\$ 7,741.84	\$ 774.18	\$ 1,548.37
Electric Franchise Fees			\$ 30,673.21	\$ 3,067.32	\$ 6,134.64
<b>TOTAL REVENUE LOSS</b>			<b>\$ 1,215,574.49</b>	<b>\$ 121,557.45</b>	<b>\$ 243,114.90</b>

HB 1171

2013

1 A bill to be entitled  
 2 An act relating to St. Lucie and Martin Counties;  
 3 amending chapter 2012-45, Laws of Florida; revising  
 4 provisions for the temporary distribution from Martin  
 5 County to St. Lucie County of certain tax and  
 6 assessment revenue collected in a portion of St. Lucie  
 7 County being incorporated into Martin County; defining  
 8 the term "tax and assessment revenue"; exempting  
 9 certain revenue from distribution to St. Lucie County;  
 10 revising the annual date of such distributions;  
 11 providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14

15 Section 1. Section 4 of chapter 2012-45, Laws of Florida,  
 16 is amended to read:

17 Section 4. (1) The governing bodies of St. Lucie County  
 18 and Martin County shall enter into an interlocal agreement no  
 19 later than May 1, 2013, which shall provide a financially  
 20 feasible plan for transfer of services, personnel, and public  
 21 infrastructure from St. Lucie County to Martin County. The  
 22 agreement shall include compensation for the value of  
 23 infrastructure investments by St. Lucie County in the  
 24 transferred property minus depreciation, if any.

25 (2) (a) As used in this subsection, the term "tax and  
 26 assessment revenue" means ~~Upon the effective date of this act,~~  
 27 the total tax and assessment revenue that would have been  
 28 collected ~~generated in fiscal year 2013-2014~~ by all St. Lucie

HB 1171

2013

29 County taxing authorities levying taxes or assessments within  
 30 the area transferred to Martin County except for any non-ad  
 31 valorem special assessments for solid waste collection and any  
 32 payments to St. Lucie County for noncounty levies that apply  
 33 only to the South Florida Water Management District or the  
 34 Florida Inland Navigation District.

35 (b) Upon the effective date of this act, the tax and  
 36 assessment revenue that would have been collected in the  
 37 transferred area for fiscal year 2013-2014 less 10 percent shall  
 38 be transmitted to St. Lucie County for distribution to the  
 39 county and all other affected taxing authorities.

40 (c) Thereafter, through fiscal year 2022-2023, the tax and  
 41 assessment revenue amount that would have been collected  
 42 ~~generated by all St. Lucie County taxing authorities levying~~  
 43 ~~taxes or assessments~~ in the transferred area for fiscal year  
 44 2013-2014 shall serve as the base amount of tax and assessment  
 45 revenue for further annual reductions of 10 percent of the base  
 46 amount before annual distributions to ~~the~~ St. Lucie County  
 47 through fiscal year 2022-2023.

48 (d) However, for any fiscal year through fiscal year 2022-  
 49 2023 when the total taxes and assessments collected within the  
 50 transferred area exceed the base amount by more than 3 percent,  
 51 St. Lucie County shall receive the same percentage distribution  
 52 from the tax and assessment revenue that exceeds the base amount  
 53 by more than 3 percent as they will receive from the base  
 54 amount.

55 (e) All distributions to St. Lucie County shall occur by  
 56 June 30 ~~within 30 days after the beginning~~ of each calendar

HB 1171

2013

57 | year.

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



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1321 Florida Keys Aqueduct Authority, Monroe County  
**SPONSOR(S):** Raschein  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1774

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Dougherty <i>JDD</i>	Rojas <i>JR</i>
2) State Affairs Committee			

### SUMMARY ANALYSIS

This bill replaces the Governor-appointment process for the board of directors of the Florida Keys Aqueduct Authority (FKAA) with a general, nonpartisan election process. An independent special district in Monroe County, the FKAA is the only provider of potable water in the Keys and manages wastewater collection, treatment, and disposal.

The Governor has appointed FKAA directors since 1937, but recent expansion of board powers engendered concerns among some Monroe County residents. A 2012 referendum showed that 70 percent of voters support changing the appointed board to an elected board. Opponents argue that the current system maintains a strong relationship with the Governor. Furthermore, the board is not a taxing authority but rather operates similar to a revenue-based utility.

This bill becomes effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### Florida Keys Aqueduct Authority

The Florida Keys Aqueduct Authority (FKAA) is an independent special district located in Monroe County. It was created in 1937 by special act and later recreated in ch. 76-441, L.O.F., which has been amended by subsequent special acts. The FKAA is the only provider of potable water for the Keys. Additionally, the FKAA manages wastewater collection, treatment, and disposal.

##### FKAA Board of Directors

A five member board of directors governs the FKAA and is appointed by the Governor for staggered, four-year terms. Each director represents one of five coterminous districts of the Board of County Commissioners of Monroe County. Chapter 2002-337, L.O.F., provides that each board member receive \$300 per meeting, not to exceed three meetings per month. The compensation amount for the members of the board may be adjusted annually based upon the index provided for pursuant to s. 287.017(2), F.S. Board members are reimbursed for expenses pursuant to s. 112.061, F.S.

The board's duties include making policy, establishing employee compensation; entering into contracts; prosecuting and defending lawsuits; building, operating, and maintaining water production and distribution facilities; and, in general, doing all things included in the operation of a water utility. These include the power to establish and collect rates, fees, rentals, and other charges, and to provide for reasonable penalties for any related delinquency. The board may also issue bonds.

##### Proposed Change from Appointed to Elected FKAA Board of Directors

In response to constituents' concerns, the Monroe County Board of County Commissioners placed a referendum on board appointments versus elections on the November 2012 ballot in Monroe County. The referendum passed by a 70 percent margin in favor of the board being determined by election.

Proponents argue that an elected board would be more responsive to the constituents' issues and concerns than the appointed board. Additionally, proponents believe that the FKAA's scope has expanded drastically in the past several years, as it partnered with Monroe County on the implementation and oversight of wastewater projects in unincorporated areas of the county. Therefore, proponents argue that expansion of authority and jurisdiction warrant an elected board.

Opponents include the FKAA's Executive Director and current board, who believe that the appointment process ensures that the FKAA maintains a strong relationship with the Governor. Furthermore, opponents point out that the board has no taxing authority and is completely revenue based, comparable to a utility. The appointment process has been used for 76 years.

This proposed change was included in a 2005 bill (HB 225 sponsored by Representative Sorensen), which was vetoed by the Governor. It attempted to codify all special acts related to FKAA, pursuant to s. 189.429, F.S., and amend the charter. One attempted amendment provided for a referendum on whether the board should be elected or appointed. HB 225 provided language that would supersede section four of the FKAA charter if such referendum was approved by majority vote in Monroe County. The 2005 attempted changes to section four of the charter are similar to those in the present bill, the only substantive differences being the role of the secretary-treasurer and timing rules for filling a mid-term vacancy.

## Effect of Proposed Changes

### Elections

This bill provides that the board of directors of the FKAA be elected in nonpartisan, general elections, replacing the current system of gubernatorial appointments. It provides that the board members serving when this act becomes effective will complete their term and then new members will be chosen by the Monroe County electors. In order to be placed on the ballot, candidates must submit petitions with signatures of three percent of the total number of registered voters in the district.

### Mid-term Vacancies

If a mid-term vacancy arises, the vacancy will be filled by gubernatorial appointment until the next general election. If the vacancy remains 30 days before the next general election qualifying period, that election alone – not an appointment – will fill the vacancy for the remainder of the term in which the vacancy occurred.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 76-441(4)(1), L.O.F., as amended, providing that the Florida Keys Aqueduct Authority board of directors be elected in nonpartisan elections rather than be appointed by the Governor, providing qualification requirements for such elections, providing when elected members will replace current members, providing how to fill a mid-term vacancy, removing outdated and inoperative language.

**Section 2:** Provides that this act shall take effect upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 27, 2013

WHERE? The *Key West Citizen*, a daily newspaper published in Monroe 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

**THE CITIZEN**  
KEY WEST  
The Florida Keys Only Daily Newspaper, Est. 1876  
Cooke Communications, LLC  
Florida Keys

**STATE OF FLORIDA  
COUNTY OF MONROE**

PO Box 1800  
Key West FL 33041  
Office...305-292-7777  
Extension...x219  
Fax.....305-295-8025  
legals@keysnews.com

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of

Notice of Legislation

Act relating to FL Key Account + to Key Large Wastewater Dist

INTERNET PUBLISHING  
keywest.com  
keysnews.com  
floridakeys.com  
key-west.com  
Web Design Services

was published in said newspaper in the issue(s) of

JANUARY 27, 2013

NEWSPAPERS  
The Citizen  
Southernmost Flyer  
Solares Hill  
Florida Keys Free Press

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe 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 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.

MARKETING SERVICES  
Commercial Printing  
Citizen Locals Card  
Direct Mail

FLORIDA KEYS OFFICES  
Printing / Main Facility  
3420 Northside Drive  
PO Box 1800  
Key West, FL  
33040-1800  
Tel 305-292-7777  
Fax 305-294-0768  
citizen@keywest.com

*Randy G. Erickson*

Signature of Affiant

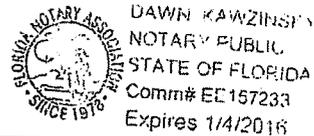
Internet Division  
33040-3328  
Tel 305-292-1880  
Fax 305-294-1699  
sales@keywest.com

Sworn and subscribed before me this 12 day of February, 2013

Upper Keys Office  
91731 Overseas Hwy  
Tavernier, FL 33070  
Tel 305-853-7277  
Fax 305-853-0556  
freepress@floridakeys.com

Notary Public:

*Dawn Kawzinsky*



Dawn Kawzinsky  
Expires: 1/4/16

Notary Seal

Personally Known x Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# NOTICE OF LEGISLATION

**To whom it may concern:** Notice is hereby given of intent to apply to the 2013 Legislature for passage of an act relating to the Florida Keys Aqueduct Authority, Monroe County, amending chapter 76-441, Laws of Florida, as amended; providing that the members of the board of directors of the authority shall be elected rather than appointed; providing an effective date.

Furthermore:

Notice is hereby given of intent to apply to the 2013 Legislature for passage of an act relating to the Key Largo Wastewater Treatment District, Monroe County, amending chapter 2002-337, Laws of Florida, as amended; clarifying guidelines for filling vacancies on the board of directors and removing an obsolete cost of living index and replacing with the Consumer Price Index; providing an effective date.

For those who wish to comment on the above, there will be a Monroe County Legislative Delegation public hearing on February 4, 2013 at 11 am at the Murray Nelson Government Center in Key Largo. For more details please call Erin Muir in State Representative Holly Raschein's office at 305-453-1202.

STATE

Pilot

Continued from Page 1A

He was sitting up to his waist in water surrounded by a school of alligators, according to a Sept. 17 edition of the Florida Aviation Historical Society's new journal.

Paula found him lying and floating separate from the nose, it reported.

Since no one else claimed the plane, Paula was awarded the \$50,000 Florida Aviation Historical Society's new journal.

Race is on for Paila and Rosillo

Two years later, the challenge would be the center of bitter rivalry between two pilots — Rosillo and Paila.

Paila, who was born in Key West in 1927, had always wanted to be the first to fly across the Florida Straits.

He recalled in a flying accident in Miami in 1912, according to the Florida Aviation Historical Society's new journal.

Paila finished the course by the end of 1912, but as a condition to raise the \$5,000 needed to buy an airplane.

Adding to Paila's frustration, Rosillo announced an Havana that same year that he would be the first to make the flight.

Neither could raise enough to buy a plane.

Rosillo embarked on an eight-day tour of Europe, while Paila attempted to raise the money from his fellow Key Westers.

By March 1913, Rosillo returned to Havana with a money bag full of cash and had purchased a bi-wing airplane which would prove his undoing.

Two years, the city of Havana agreed to give \$10,000 to the first pilot to successfully fly between the two islands.

Paula and Rosillo, personally supervised the construction of his plane, which was then shipped to Key West by rail and re-assembled on South Beach here.



This poster depicts drawings of two Rosillos and his successful flight over flight from Key West to Havana, Cuba.

By March 17, both aviators were ready to fly and civilian boats were ported in the Florida Straits in case a rescue was necessary.

The competition was dubbed the "Haul over the Florida Straits."

The venture was less than cooperative.

The "Newly recommended" Paila postponed his trip because of heavy rain. But he returned and started out from Key West at 10 a.m.

The rough weather ended up ruining his plane's float and damaging the gut wires securing the wings, and Paila returned to South Beach in defeat.

Rosillo's plane successfully took off from land.

"Paila was so mad, he grabbed his brother's revolver and fired a shot at Rosillo, according to the Florida Aviation Historical Society's new journal.

"They were not paid," Monroe County historian Tom Homburg added.

And the winner is...

Rosillo made it to Havana in roughly two hours and eight minutes and drove 280 miles according to The New York Times.

There was a small plaque placed at the Cno. Guardhouse on Tambo Point after Rosillo made his historic trip.

But that memorial garnies little attention as only military personnel can access the site.

The top monument was re-erected in 1990, when the Committee for the Rescue of Cuban Boats and Historical Monuments requested the county rename Key West International Airport Paila Park.

That obviously did not inspire Paila.

Last year, the county was approached by the Rosillo family about placing a bronze bust of Domingo in the Departures Terminal building the family committed to paying half of the \$10,000 cost.

Domingo's official photo as he first Cuban to obtain a pilot's license from the Federation Aeronautique Internationale.

Additionally, Rosillo was also the first normal pilot in Cuba, according to the book, "Rosillo's Key West."

Not much is reported of Rosillo after the flight but reports he is a ham moving back to Cuba.

Bad ending for Paila

Paila served as inspector of Cuban airport, but politics cost him his position.

Dependent, he committed suicide Aug. 11, 1930, the

Florida Aviation Historical Society reported.

Officials placed a bust of Paila, complete with a plaque, at Key West International Airport in 1957, after the airport terminal was renovated.

A replica of Rosillo's plane once hung from the ceiling inside the airport, but there is no plaque there commemorating the first pilot to successfully complete the flight.

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Progression

Continued from Page 1A

high achievement level. To see the whole plan, click on [http://www.kwschools.com/curriculum/Agenda\\_Folders/Jan21-1-22.htm](http://www.kwschools.com/curriculum/Agenda_Folders/Jan21-1-22.htm), scroll to the bottom, and click on Approve Student Progression of Plans.

The school policy was first guidelines for student achievement in grades kindergarten through 12," McInerney said.

Additional goals requirements were expected to include End of Course assessments in Algebra, Biology, chemistry and U.S. history, beginning as early as 10th grade.

Students who entered grade nine during the 2011-12 school year and beyond are also required to complete an online course for graduation.

Of particular interest to students and their parents, the numeric grades at the end of the quarter, or nine-week grading period will default to a 50, or the lowest "F" possible, for

the end of the marking period only. Previously, no default was applied.

The default only applies to the end of nine-week grade," McInerney stated. "Several schools in the district had already implemented this as a trial, so the SPP to provide consistency throughout the county."

Papa said that because of the grade book on assignments, quizzes, tests, projects and other work.

Students will continue to be challenged with more rigorous expectations as the state shifts to the FCAT and transition to the new PAACC assessments.

But just what the plan will mean for students is still unclear. Local Chairman Andy Griffin said, "It's a philosophical debate" about the plan.

"It's not appropriate to use a 100-point scale as the norm," Griffin said. "It would be appropriate on a 4-point scale, where the end of zero that would be the 1.5 point (B-), not an evaluation of the student or the class."

For more information, contact the author at [ksnews@keywest.com](mailto:ksnews@keywest.com).

NOTICE OF LEGISLATION
This is to advise you that the following bill is being introduced in the Florida Legislature...

Beautiful Smiles
www.braceskeywest.com
Michael M Sander, D.D.S.
General Dentist
Practice Limited to Orthodontic

Teenage Orthodontic Treatment
\$3,900\*
Includes Braces & Retainers
Adult services available, including Invisalign or tooth-colored braces.

Evening & Saturday Appointments
305-292-0202
25MM Summerland Key

Valentine Love Lines
Send your true love a Valentine Love Line on February 14th
Deadline is Tuesday, February 13th by 3pm
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**HOUSE OF REPRESENTATIVES**  
**2013 LOCAL BILL CERTIFICATION FORM**

BILL #: HB1321  
SPONSOR(S): Rep. Roschein  
RELATING TO: Florida Keys Aqueduct Authority  
[Indicate Area Affected (City, County, or Special District) and Subject]  
NAME OF DELEGATION: Monroe  
CONTACT PERSON: Erin Muir  
PHONE NO.: (205) 453-1202 E-Mail: erin.muir@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  NO

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

YES  NO

Date hearing held: Feb. 4, 2013

Location: Murray Nelson Government Center, Key Largo, 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 1/27/13

Where? Key West Citizen County Monroe

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 [ ]

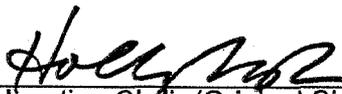
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [ ] NO  NOT APPLICABLE [ ]

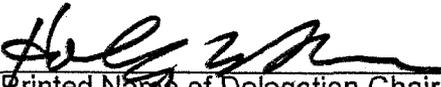
If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

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)

3/7/13  
\_\_\_\_\_  
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-1321 FKAA  
SPONSOR(S): Rep. Raschein  
RELATING TO: Monroe County  
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures: FY13-14    FY 14-15

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

FY 13-14    FY 14-15  
Federal:  
State:  
Local:

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

Revenues: FY 13-14    FY 14-15

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

The FKAA candidates would be running in even numbered years on a county ballot.  
This would not impose any additional cost to the election process.

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

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

R Joyce Griffen

PREPARED BY:

[Must be signed by Preparer]

Date

Feb 25, 2013

TITLE:

Supervisor of Elections

REPRESENTING:

Monroe County

PHONE:

305-292-3416

E-Mail Address:

RJG@Keys-Elections.org

1                                   A bill to be entitled  
 2           An act relating to the Florida Keys Aqueduct  
 3           Authority, Monroe County; amending chapter 76-441,  
 4           Laws of Florida, as amended; revising membership of  
 5           the board of directors of the authority; providing  
 6           that members be elected in nonpartisan elections  
 7           rather than appointed; providing an effective date.

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

10  
 11           Section 1. Subsection (1) of section 4 of chapter 76-441,  
 12           Laws of Florida, as amended by chapter 84-484, Laws of Florida,  
 13           is amended to read:

14           Section 4. Board of directors; organization;  
 15           qualifications; term of office; quorum; annual meeting, report,  
 16           and minutes.--

17           (1) (a) In order to qualify to have their names placed on  
 18           the ballot, candidates shall submit petitions with the  
 19           signatures of 3 percent of the total number of registered voters  
 20           in the district. ~~Until December 31, 1984, the board of directors~~  
 21           ~~of the Florida Keys Aqueduct Authority shall consist of the~~  
 22           ~~members of the governing board of the South Florida Water~~  
 23           ~~Management District which is authorized and empowered to~~  
 24           ~~exercise those powers granted to the Florida Keys Aqueduct~~  
 25           ~~Authority. The provisions of ss. 373.196-373.1962, Florida~~  
 26           ~~Statutes shall not limit the exercise of the powers granted~~  
 27           ~~hereunder. Within 30 days after the act becomes a law, the~~  
 28           ~~Governor shall appoint a resident of Monroe County to serve as a~~

29 ~~voting member of the Florida Keys Aqueduct Authority board of~~  
 30 ~~directors, subject to all rights, privileges, duties and~~  
 31 ~~responsibilities of other board members. Such member shall be in~~  
 32 ~~addition to the nine regular members of the board of directors.~~  
 33 ~~The board shall elect one of its members as chairman and shall~~  
 34 ~~choose some suitable person as secretary-treasurer, who may or~~  
 35 ~~may not be a member of the board, and who may be required to~~  
 36 ~~execute a bond for the faithful performance of his duties as the~~  
 37 ~~board may determine. A majority of the members of the board~~  
 38 ~~shall constitute a quorum. No vacancy in the board shall impair~~  
 39 ~~the right of a quorum to exercise all the rights and perform all~~  
 40 ~~of the duties of the board. All members of the board shall be~~  
 41 ~~required to be bonded. Beginning December 31, 1984, the board of~~  
 42 ~~directors of the Florida Keys Aqueduct Authority shall be as~~  
 43 ~~prescribed in paragraphs (b) and (c).~~

44 (b) The board of directors of the Florida Keys Aqueduct  
 45 Authority shall be the governing body of the authority and  
 46 shall, subject to the provisions of this act, exercise the  
 47 powers granted to the authority under this act. ~~Beginning~~  
 48 ~~December 31, 1984,~~ The board of directors shall consist of nine  
 49 ~~members: four members of the South Florida Water Management~~  
 50 ~~District, appointed by the Governor as transition members of the~~  
 51 ~~governing body of the authority, and five regular members who~~  
 52 shall each represent one of five districts which shall be  
 53 coterminous with the districts of the Board of County  
 54 Commissioners of Monroe County. Each regular member of the board  
 55 of directors shall be a registered elector within Monroe County  
 56 and shall have been a resident of the district for 6 months

57 ~~before~~ prior to the date of his or her election ~~appointment~~. The  
 58 regular members shall be elected in nonpartisan elections  
 59 ~~appointed by the Governor~~ for terms of 4 years each and the  
 60 ~~transition members shall be appointed by the Governor for terms~~  
 61 ~~of one and one-half years each, except that any appointment to~~  
 62 ~~fill a vacancy shall be for the unexpired portion of the term.~~  
 63 ~~Of the regular members of the board of directors who assume~~  
 64 ~~office on December 31, 1984, two shall be appointed for a term~~  
 65 ~~of 2 years each and three shall be appointed for a term of 4~~  
 66 ~~years each.~~ The board shall elect any one of its members as  
 67 chairperson ~~chairman~~ and shall also elect any one of its members  
 68 as secretary-treasurer. A majority of the members of the board  
 69 shall constitute a quorum. No vacancy in the board shall impair  
 70 the right of a quorum to exercise all the rights and perform all  
 71 of the duties of the board. All members of the board shall be  
 72 required to be bonded. Any vacancy occurring on the board shall  
 73 be filled by appointment by the Governor for the duration of the  
 74 unexpired term. ~~The four transition members shall be voting~~  
 75 ~~members of the board, subject to all rights, privileges, duties~~  
 76 ~~and responsibilities of board membership.~~

77 (c) Each board member in office on the effective date of  
 78 this act shall remain in office until the expiration of his or  
 79 her term, at which time the position shall be filled by a member  
 80 elected by the electors of Monroe County. Beginning July 1,  
 81 ~~1986, the board of directors shall consist solely of the five~~  
 82 ~~regular members appointed by the Governor as provided in~~  
 83 ~~paragraph (b) of this subsection.~~

84 (d) A vacancy in the board occasioned by resignation,

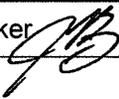
85 removal, or otherwise shall be reported to the Governor, who  
 86 shall fill such vacancy by appointment. Any vacancy that is not  
 87 filled 30 days before the first day of the qualifying period for  
 88 the next general election shall be filled at that election by  
 89 electing a member to serve for the remainder of the term in  
 90 which such vacancy occurred. Any appointments made by the  
 91 Governor to fill vacancies shall hold office until the next  
 92 general election, and at such election, vacancies shall be  
 93 filled by the election of a member to serve for the remainder of  
 94 the term in which the vacancy occurred.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HM 1389 Taiwan Memorial  
**SPONSOR(S):** Diaz, J  
**TIED BILLS:** IDEN./SIM. BILLS: SM 1432

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

### SUMMARY ANALYSIS

The memorial expresses to the federal government the Florida House's support for specific meetings on trade and investment between the United States and Taiwan. The memorial encourages general developments in trade between Florida and Taiwan. The memorial welcomes the Taiwanese government's peace initiatives regarding the East China Sea.

Taiwan is in a strategic location according to the U.S. government. From 1949 to 1979, the U.S. government recognized the authorities in Taiwan as the only legitimate government of China. From 1979 to the present, the U.S. government has instead recognized the People's Republic of China as the only legitimate government of China, while maintaining informal communications and trade with the people of Taiwan. Congress' enactment of the Taiwan Relations Act established the guidelines by which the U.S. government conducts affairs with Taiwan in the absence of formal recognition.

Some nations have excluded Taiwan from participating in international trade agreements. Recently, the United States Trade Representative met in Taipei with Taiwan's authorized representatives to discuss particular trade conditions between the parties.

Taiwan has issued a peace initiative in the current dispute with Japan and the People's Republic of China over the sovereignty of certain islands located nearby.

The memorial has no fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Background and History

Taiwan is an island smaller than the combined area of Maryland and Delaware.<sup>1</sup> The U.S. government states Taiwan is in a “strategic location” between both China and the Philippines.<sup>2</sup> Taiwan operates in a capitalist economy, and it primarily imports electronics, machinery, crude petroleum, precision instruments and metals.<sup>3</sup> Ten percent of Taiwan’s imports are from the United States.<sup>4</sup>

In 1895, Japan acquired control of Taiwan by military victory.<sup>5</sup> At the conclusion of World War II, Chinese Nationalists took control of Taiwan.<sup>6</sup> After the Communist victory on the Chinese mainland in 1949, Chinese Nationalists were forced to seek refuge on Taiwan (Formosa) away from the Chinese mainland. At this point, the United States moved its U.S. Embassy from mainland China onto the island of Taiwan.<sup>7</sup>

Beginning in 1949, the United States recognized the Republic of China located in Taiwan as the government of China; the communist government located in mainland China was instead known as the People’s Republic of China (PRC).<sup>8</sup> Shortly thereafter, the government in Taiwan began establishing a government based on the 1947 constitution which was drafted before the communist victory.<sup>9</sup>

In 1979, the United States removed its official recognition of the Republic of China (in Taiwan) as the government of China.<sup>10</sup> On that day, the U.S. President recognized the PRC as the government of China while Congress responded by passing the Taiwan Relations Act (Act).<sup>11</sup>

##### Taiwan Relations Act

Among other things, the Act states the United States’ policy that its recognition of the PRC is based on the assumption that Taiwan’s diplomatic and political status will be determined in a peaceful manner.<sup>12</sup> Further, the Act states that its provisions are necessary to “to promote . . . the continuation of commercial . . . relations between the people of the United States and the people on Taiwan [and] to provide Taiwan with arms of a defensive character.”<sup>13</sup>

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<sup>1</sup> Taiwan, East & Southeast Asia, The World Factbook, Publications, Central Intelligence Agency, United States, *available at* <https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html> (last visited Mar. 14, 2013) (hereinafter “CIA Factbook”).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (Taiwan’s leading imports are from Japan at 20.7% and China at 14.2%).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> A Guide to the United States’ History of Recognition, Diplomatic and Consular Relations, by Country, Since 1776: China, Diplomatic Relations, Office of the Historian, U.S. Dep’t of State, *available at* <http://history.state.gov/countries/china> (last visited Mar. 14, 2013) (hereinafter “Office of the Historian”).

<sup>8</sup> Office of the Historian, *supra* n. 7.

<sup>9</sup> CIA Factbook, *supra* n. 1.

<sup>10</sup> Office of the Historian, *supra* n. 7.

<sup>11</sup> Office of the Historian, *supra* n. 7; Public Law 96-8, 96th Congress, Jan. 1, 1979.

<sup>12</sup> 22 U.S.C. § 3301(b)(3).

<sup>13</sup> 22 U.S.C. § 3301(a)(2).

According to the Act, the United States government must make available the amount of defensive articles and services necessary for the people of Taiwan to sufficiently defend themselves.<sup>14</sup> The Act provides that both Congress and the President must decide the necessary type and amount of those defense articles and services, and both are required to review the recommendations of the U.S. military.<sup>15</sup>

### *Taiwan Instrumentality*

The Act provides that when the President conducts foreign affairs with Taiwan, the President must communicate through an instrumentality created by Taiwan.<sup>16</sup> This instrumentality substitutes for a Taiwanese department of state that represents the people of Taiwan in dealings with the United States. To this end, the Act requires U.S. agencies to accept any communication, assurance, undertaking, or other action from that Taiwanese instrumentality.<sup>17</sup> Today, this instrumentality is the Taipei Economic and Cultural Representative Office in the United States (TECRO).<sup>18</sup> TECRO has an office in Miami, Florida among its other U.S.-based offices.

### *American Institute of Taiwan*

The Act provides that when the President formally interacts with the people of Taiwan, it must be through the American Institute of Taiwan (AIT) or its successor.<sup>19</sup> The AIT is a non-profit corporation organized in the District of Columbia.<sup>20</sup> The AIT performs on behalf of the United States many consular functions for U.S. citizens in Taiwan.<sup>21</sup> In the absence of formal diplomatic relations, the AIT seeks to continue the United States' commercial and cultural relationship with Taiwan. In 1996, the U.S. President delegated some of his authority provided by the Act regarding the AIT to the U.S. Secretary of State.<sup>22</sup> The AIT has an office in Taipei, Taiwan, and has its headquarters in Rosslyn, Virginia.

### Taiwan and international trade

In the 2000s, although numerous free trade agreements arose in east Asia, the people of Taiwan were not permitted to enter them.<sup>23</sup> The exception is the Economic Cooperation Framework Agreement (ECFA) signed with the PRC in 2010; however supplementary deals to the ECFA have yet to occur.<sup>24</sup>

### Current U.S. relations with Taiwan

Recently, in March 2013, the AIT and TECRO met at the U.S.-Taiwan Trade and Investment Framework Agreement (TIFA) Council in Taipei.<sup>25</sup> The U.S. Trade Representative was also present. After that meeting, the parties issued joint statements on investments and information technology, as

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<sup>14</sup> 22 U.S.C. § 3302(a).

<sup>15</sup> 22 U.S.C. § 3302(b).

<sup>16</sup> 22 U.S.C. § 3309.

<sup>17</sup> 22 U.S.C. § 3309.

<sup>18</sup> CIA Factbook, *supra* n. 1.

<sup>19</sup> 22 U.S.C. §3305(a).

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

<sup>21</sup> *See* 22 U.S.C. 3306.

<sup>22</sup> Executive Order No. 13014, 61 F.R. 42963 (Aug. 15, 1996).

<sup>23</sup> CIA Factbook, *supra* n. 1.

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

<sup>25</sup> Deputy U.S. Trade Representative Demetrios Marantis Welcomes Hard Work, Productive Outcomes in Revived U.S.-Taiwan Talks, Office of the U.S. Trade Representative, Executive Office of the President, Mar. 10, 2013, *available at* <http://www.ustr.gov/about-us/press-office/press-releases/2013/march/amb-marantis-Taiwan-TIFA> (last visited Mar. 20, 2013) (hereinafter "U.S.-Taiwan Trade Talks").

well as establishing new groups to discuss trade barriers.<sup>26</sup> There was no formal trade agreement reached.

Despite the lack of a free trade agreement between the United States and Taiwan, in 2012, Taiwan was the United States' 11th largest two-way trade partner.<sup>27</sup> Further, Taiwan was the United States' seventh largest export market for U.S. food and agricultural products in 2012.<sup>28</sup>

The U.S. Department of State supports Taiwan's membership in international organizations when statehood is not a requirement of membership.<sup>29</sup> Taiwan is a member of the World Trade Organization (WTO), and the Asia-Pacific Economic Cooperation forum, two organizations which do not require statehood for membership.<sup>30</sup> Taiwan is not a member of the World Health Assembly (WHA).<sup>31</sup>

### *Taiwan's peace initiative*

Taiwan, Japan and the PRC each claim sovereignty to the uninhabited Diaoyu Islands (also known as the Senkaku or Diaoyutai Islands) in the East China Sea.<sup>32</sup> Taiwan has chosen a peaceful stance toward resolving its claim to those islands, which it calls the East China Sea Peace Initiative.<sup>33</sup> In January 2013, the PRC and Japan scrambled their aircraft against each other in regards to the dispute.<sup>34</sup>

Taiwan's stance, as expressed in its East China Sea Peace Initiative (Initiative), recognizes the air and sea transportation importance of those islands and the potential for disputes arising from those islands to disturb the peace.<sup>35</sup> The Initiative calls on all concerned parties to:

- 1) abstain from antagonistic actions,
- 2) postpone disputes and not forsake discussions,
- 3) abide by international law and peacefully determine disputes,
- 4) seek consensus on rules of conduct in the East China Sea, and
- 5) set guidelines for cooperating in the exploration and development of resources in the East China Sea.<sup>36</sup>

Taiwan alleges that those islands were returned to Taiwan based on several international instruments, including the Instrument of Surrender of Japan.<sup>37</sup> In September 2012, Secretary of Defense Panetta confirmed that treaty obligations govern the sovereignty of the islands, while abstaining from taking a

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<sup>26</sup> *Id.*

<sup>27</sup> In 2012, the total value of imports and exports between the United States and Taiwan was approximately \$63.23 billion. Table 14: Exports, Imports, and Balance of Goods By Selected Countries and Areas for 2012, U.S. International Trade in Goods and Services, U.S. Bureau of Economic Analysis, U.S. Census Bureau, U.S. Department of Commerce (Feb. 8, 2013), *available at* <http://www.bea.gov/newsreleases/international/trade/2013/trad1212.htm> (click excel file at "Tables Only"; select Table 14) (last visited Mar. 20, 2013).

<sup>28</sup> Confirmed by email conversation with Office of Country & Regional Affairs-Asia, Foreign Agriculture Service, U.S. Dep't of Agriculture (Mar. 22, 2013).

<sup>29</sup> Fact Sheet, U.S. Relations with Taiwan, Bureau of East Asian and Pacific Affairs, U.S. Department of State, *available at* <http://www.state.gov/r/pa/ei/bgn/35855.htm> (last visited Mar. 20, 2013) (hereinafter "Department of State Fact Sheet").

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

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

<sup>32</sup> Transnational Disputes, China, The World Factbook, Central Intelligence Agency (Feb. 14, 2013) *available at* <https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html> (last visited Mar. 19, 2013) (hereinafter "CIA on China").

<sup>33</sup> East China Sea Peace Initiative, Ministry of Foreign Affairs, Taiwan, Nov. 14, 2012, *available at* <http://www.mofa.gov.tw/EnOfficial#seeAll> (scroll to "Policies and Issues" at bottom of page; select "East China Sea Peace Initiative") (last visited Mar. 19, 2013) (hereinafter "Taiwan Peace Initiative").

<sup>34</sup> Jane Perlez, "Japan Makes Overture to China in Islands Dispute," N.Y. Times, Jan. 22, 2013, *available at* [http://www.nytimes.com/2013/01/23/world/asia/japan-china-island-dispute.html?\\_r=0](http://www.nytimes.com/2013/01/23/world/asia/japan-china-island-dispute.html?_r=0) (last visited Mar. 19, 2013).

<sup>35</sup> Taiwan Peace Initiative, *supra* n. 33.

<sup>36</sup> *Id.*; the area is highly explored and exploited for hydrocarbons. CIA on China, *supra* n. 32.

<sup>37</sup> Taiwan Peace Initiative, *supra* n. 33.

position on the status of the islands.<sup>38</sup> The U.S. Secretary of State calls on the parties to discuss their issues.<sup>39</sup>

### **Effect of Proposed Changes**

The memorial conveys to the President and Congress the Florida House's support for a particular trade meeting between the United States and Taiwan, as well as future international trade developments between the two. That meeting is the Trade and Investment Framework Agreement Joint Council in Taipei.

The memorial states that Florida welcomes the Taiwan Government's initiative to maintain peace in the East China Sea.

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

Not applicable.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

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

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

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

None.

#### **D. FISCAL COMMENTS:**

None.

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<sup>38</sup> Karen Parrish, "Panetta Addresses Osprey, Territory Disputes in Japan Visit," American Forces Press Service, Department of Defense, Sept. 17, 2012, available at <http://www.defense.gov/news/newsarticle.aspx?id=117891> (last visited Mar. 19, 2013).

<sup>39</sup> Victoria Nuland, Daily Press Briefing, U.S. Department of State, Dec. 13, 2012, available at <http://www.state.gov/r/pa/prs/dpb/2012/12/202021.htm> (last visited Mar. 19, 2013).

### **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:**

"Florida House of Representatives" should instead state "Florida Legislature."

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A

HM 1389

2013

House Memorial

A memorial to the Congress of the United States,  
 urging Congress to offer its continued support of the  
 relationship and shared interests between the people  
 of Taiwan and the United States.

WHEREAS, Florida maintains and values its relationship with  
 Taiwan, and

WHEREAS, April 10, 2013, will mark the 34th anniversary of  
 the enactment of the Taiwan Relations Act, which encourages  
 continued commercial and cultural relations between the people  
 of the United States and the people of Taiwan, and

WHEREAS, the support for Taiwan's continued economic growth  
 and prosperity is important to the interests of the United  
 States, particularly since Taiwan was the eleventh largest two-  
 way trade partner of the United States and the seventh largest  
 export market for United States food and agricultural products  
 in 2012 and is currently the sixth largest source of  
 international students traveling to the United States, and

WHEREAS, Taiwan is one of the allies of the United States  
 in the Western Pacific region, and Governor Rick Scott has  
 encouraged President Barack Obama to provide defensive weaponry,  
 such as F-16 C/D aircraft, to Taiwan, which will create job  
 opportunities in Florida and help Taiwan maintain its defense  
 capabilities in the region, and

WHEREAS, the campaign of the East China Sea Peace  
 Initiative proposed by President Ma Ying-jeou of Taiwan, which  
 recognizes the conflicting territorial viewpoints of the

HM 1389

2013

29 interested parties, calls on all parties concerned to resolve  
 30 their regional disputes peacefully based on the United Nations  
 31 Charter and relevant provisions of international law, which is  
 32 consistent with the security and economic interests of the  
 33 United States in East Asia, and

34 WHEREAS, the House of Representatives encourages and  
 35 supports Taiwan's meaningful participation in international  
 36 organizations, noting that Taiwan participates in, observes, or  
 37 cooperates with over 50 international organizations and is a  
 38 member of both the Asia-Pacific Economic Cooperation forum and  
 39 the World Trade Organization, NOW, THEREFORE,

40

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

42

43 That the House of Representatives expresses its support for  
 44 the meeting of the Trade and Investment Framework Agreement  
 45 Joint Council in Taipei between the United States and Taiwan and  
 46 encourages future opportunities of international trade  
 47 developments with Taiwan to further strengthen the substantive  
 48 relationship between Florida and Taiwan.

49 BE IT FURTHER RESOLVED that the House of Representatives  
 50 welcomes the initiative made by the Taiwan Government in  
 51 maintaining the peace of the East China Sea.

52 BE IT FURTHER RESOLVED that copies of this memorial be  
 53 dispatched to the President of the United States, to the  
 54 President of the United States Senate, to the Speaker of the  
 55 United States House of Representatives, and to each member of  
 56 the Florida delegation to the United States Congress.



HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1403 Key Largo Wastewater Treatment District, Monroe County  
SPONSOR(S): Raschein  
TIED BILLS: IDEN./SIM. BILLS: SB 990

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

SUMMARY ANALYSIS

The Key Largo Wastewater Treatment District is an independent special district, governed by a five-member elected board, which is charged with constructing and operating a wastewater treatment system in Monroe County.

HB 1403 amends this special district's charter to revise the procedures relating to board vacancies. If a vacancy occurs on or after the 30th day immediately before the first day for qualifying for the office, a person appointed to fill the vacant seat serves in the office for the remainder of the unexpired term. If the vacancy occurs before the 30th day before the first day for qualifying, the person appointed to fill the vacant seat serves until the first regular board meeting after the first Monday following the next general election, when the vacancy is filled by election.

The bill additionally raises the compensation of governing board members from \$300 per meeting to \$382, and requires that this amount be adjusted annually, effective October 1 of each year, based upon the United States Department of Commerce, Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers.

The bill takes effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### The Key Largo Wastewater Treatment District

The Key Largo Wastewater Treatment District (KLWTD) in Monroe County was created by ch. 2002-337, L.O.F., pursuant to the provisions of ch. 189, F.S., the "Uniform Special District Accountability Act of 1989." It is an independent special district, governed by a five-member elected board, which is charged with constructing and operating a wastewater treatment system within the district. District boundaries include the territory consisting of Key Largo, including all lands east of Tavernier Creek, including Tavernier, Key Largo, and Cross Key, with the exception of Ocean Reef.

##### District Governing Board Members

The business and affairs of the KLWTD are conducted and administered by a five-member governing board chosen by the electors of the district in a nonpartisan election to serve four-year terms. An individual desiring to be elected to the board must qualify pursuant to s.189.405 (2)(c), F.S.<sup>1</sup> Additionally, in accordance with s.189.4051, F.S., each member of the board must be a registered elector, residing within the boundaries of the district at the time he or she qualifies and continually throughout his or her term.<sup>2</sup>

The original charter of the KLWTD provided that any vacancy in the membership of the governing board be filled, for the remainder of the term, by election within 30 days of such vacancy. However, if the remaining term was 60 days or less, the vacancy was filled by election at the next general election pursuant to s.189.405 (2)(a), F.S., as amended.<sup>3</sup>

Two years later, pursuant to ch. 2004-457, L.O.F, this language was amended to provide that within 45 days of a vacancy, the remaining board members are required to appoint a person who is eligible to hold the office until the end of the unexpired term or until the next general election, whichever occurs first. Any person elected at the next general election to fill such seat serves for the remainder of the predecessor's term.

The charter for the district provides that the members of its governing board receive as compensation for their services a fee of \$300 per meeting, not to exceed three meetings per month. The amount of this compensation is to be revised annually based upon the index provided in s 287.017(2), F.S., which previously referred to a "nationally recognized price index." The compensation for board members has never been adjusted.

---

<sup>1</sup> Section 189.405 (2)(c), F.S., provides that a candidate for a position on a governing board of a single-county special district that has its elections conducted by the supervisor of elections is required to qualify for the office in accordance with ch. 99, F.S., with the county supervisor of elections in whose jurisdiction the district is located.

<sup>2</sup> That section defines "[q]ualified elector" to mean any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a freeholder or freeholder's spouse and resident of the district who registers with the supervisor of elections of a county within which the district when the registration books are open.

<sup>3</sup> Section 189.405 (2)(a), F.S., provides that any independent special district located entirely in a single county may provide for the conduct of district elections by the supervisor of elections for that county. Any independent special district that conducts its elections through the office of the supervisor is required to make its election procedures consistent with the Florida Election Code.

## Effect of Proposed Changes

HB 1403 amends ch. 2002-337, L.O.F., as amended by ch. 2004-457, L.O.F., to revise the procedure relating to KLWTD board vacancies to accommodate situations where there is insufficient time for candidates to qualify to run for office or for their names to be placed on the ballot.

The bill changes the 45-day deadline for appointing a person to a vacant seat on the board to 60 days. Based upon previous experiences, the current deadline does not allow enough time for the board to advertise for candidates, to interview those candidates, and to deliberate and decide on a replacement.<sup>4</sup>

The bill further specifies that the appointee must be an “eligible” person. This apparently requires that the individual be a registered elector, residing within the boundaries of the district. See, Section 6. (2) of the district’s charter.

Since the creation of the KLWTD in 2002, four commissioners have left office before their terms expired.<sup>5</sup> Three of those four vacancies occurred after the close of the qualifying period for candidates and too late for the names of new candidates to be added to the ballot. Therefore, it is reasonable to assume that this situation will reoccur.

Under the new procedure, in the case of a vacancy, the remaining members of the governing board would appoint a replacement. This would avoid the possibility of the need to hold a special election (when a term expired), which would cost approximately \$35,000.<sup>6</sup>

If a vacancy occurs on or after the 30th day immediately before the first day set by law for qualifying for election to a special district office,<sup>7</sup> the person appointed to fill the vacant seat serves for the remainder of the unexpired term. This “cut-off date” was determined by the KLWTD board, which found that for a small district like the KLWTD, if a vacancy occurs on or after the 30<sup>th</sup> day immediately preceding the first day for qualifying, it is impractical and impracticable for that vacancy to be filled by the qualified electors in the next general election. In such a situation, there is not sufficient time to notify potential candidates of the vacancy. Moreover, in many cases, there is not enough time for candidates to qualify or for their names to be put on the ballot.<sup>8</sup>

If the vacancy occurs before the 30th day immediately before the first day set by law for qualifying for the office, the person appointed to fill the vacant seat serves until the first regular board meeting after the first Monday after the next general election, when the vacancy is filled by election pursuant to s. 189.405(2)(a), F.S.

In the general election, the candidates receiving the highest totals, consistent with s. 189.405(4), F.S., are deemed elected to the available seats on the governing board. The governing board member elected with the lowest vote total fills the vacant seat for the remainder of the unexpired term of the governing board member who previously held that seat and is eligible to hold the office until the end of

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<sup>4</sup> March 19, 2013, e-mail from Ray Giglio, Key Largo Wastewater Treatment District general counsel, on file with the House Local & Federal Affairs Committee.

<sup>5</sup> Jerry Wilkinson—October 20, 2004; Glenn Patton— May 18, 2006; Gary Bauman— November 4, 2008; and Susie Hammaker— August 8, 2012.

<sup>6</sup> This figure was provided by the Monroe County Supervisor of Elections. It is based upon a cost of approximately \$5000 per precinct and the fact that there are seven precincts located in Key Largo Wastewater Treatment District.

<sup>7</sup> Pursuant to s. 99.061(3), F.S., notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office must qualify between noon of the 71st and noon of the 67<sup>th</sup> day prior to the primary election. Candidates for single-county special districts must qualify with the supervisor of elections in the county in which the district is located. All special district candidates qualify by paying a filing fee of \$25, or qualify by the petition process pursuant to s. 99.095, F.S.

<sup>8</sup> *Ibid.*

the unexpired term or until the next general election, whichever occurs first. Any person elected at the general election serves for the remainder of the predecessor's term.

The bill additionally raises the compensation of governing board members from \$300 per meeting to \$382. This calculation was based upon the aggregate annual average of the monthly All Urban Consumers Index values as reported by the U.S. Department of Labor, Bureau of Labor Statistics for the period beginning November of 2002 through December 2012. Using that calculation, the \$300 per meeting compensation paid to governing board members in 2000 is the equivalent of \$382 per meeting in 2013. The bill also requires that the amount of compensation be adjusted annually, effective October 1 of each year, based upon the United States Department of Commerce, Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers.<sup>9</sup> This revision is needed because the reference to a price index in s. 287.017(2), F.S., was removed by ch. 2010-151, L.O.F.

According to the Economic Impact Statement for this bill, increasing the compensation paid to board members from \$300 to \$382 per meeting will cost an additional \$15,860 in fiscal year 2013-2014.

The bill takes effect upon becoming a law.

**B. SECTION DIRECTORY:**

Section 1: Amends ss. (6) of s. 5 and s. 7 of section 1 of ch. 2002-337, L.O.F., as amended by ch. 2004-457, L.O.F., relating to the Key Largo Wastewater Treatment District.

Section 2: Provides an effective date.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 27, 2013

WHERE? The *Key West Citizen*, a daily newspaper of general circulation published in Monroe 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

<sup>9</sup> The Consumer Price Index (CPI) is a measure of the average change in prices over time of goods and services purchased by households. The Bureau of Labor Statistics publishes CPIs for two population groups: (1) the CPI for Urban Wage Earners and Clerical Workers (CPI-W), which covers households of wage earners and clerical workers that comprise approximately 29 percent of the total population and (2) the CPI for All Urban Consumers (CPI-U) and the Chained CPI for All Urban Consumers (C-CPI-U), which cover approximately 88 percent of the total population and include in addition to wage earners and clerical worker households, groups such as professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, and retirees and others not in the labor force. *See*, <http://www.bls.gov/cpi/>.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

None.

#### B. RULE-MAKING AUTHORITY:

None.

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

##### **Drafting Issues**

None.

##### **Other Comments**

The provision in the bill which provides for increasing the compensation of board members from \$300 to \$382 per meeting was not included in the January 27, 2013, local bill notice.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1403

# THE CITIZEN

KEY WEST  
The Florida Keys Only Daily Newspaper, Est. 1878  
Cooke Communications, LLC  
Florida Keys

PO Box 1800  
Key West FL 33041  
Office.....305-292-7777  
Extension...x219  
Fax.....305-295-8025  
[ieca.s@keysnews.com](mailto:ieca.s@keysnews.com)

INTERNET PUBLISHING  
keywest.com  
keysnews.com  
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Web Design Services

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MARKETING SERVICES  
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Citizen Locals Card  
Direct Mail

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Printing / Main Facility  
2420 Northside Drive  
PO Box 1800  
Key West, FL  
33040-1800  
Tel 305-292-7777  
Fax 305-294-0768  
[www.cooke.com](http://www.cooke.com)

Internet Division  
33040-3328  
Tel 305-292-1880  
Fax 305-294-1699  
[sales@keywest.com](mailto:sales@keywest.com)

Upper Keys Office  
91731 Overseas Hwy  
Tavernier, FL 33070  
Tel 305-853-7277  
Fax 305-853-0556  
[upperkeys@floridakeys.com](mailto:upperkeys@floridakeys.com)

## STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of

Notice of Legislation

Act Relating to FL Key Amendment + to Key Large Wastewater Dist

was published in said newspaper in the issue(s) of

JANUARY 29, 2013

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe 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 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.

*Randy G. Erickson*

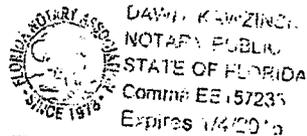
Signature of Affiant

Sworn and subscribed before me this 12 day of February, 2013

Notary Public:

*Dawn Kawzinsky*

Dawn Kawzinsky  
Expires: 1/4/16



Notary Seal

Personally Known x Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



## **NOTICE OF LEGISLATION**

**To whom it may concern:** Notice is hereby given of intent to apply to the 2013 Legislature for passage of an act relating to the Florida Keys Aqueduct Authority, Monroe County, amending chapter 76-441, Laws of Florida, as amended; providing that the members of the board of directors of the authority shall be elected rather than appointed; providing an effective date.

Furthermore:

Notice is hereby given of intent to apply to the 2013 Legislature for passage of an act relating to the Key Largo Wastewater Treatment District, Monroe County, amending chapter 2002-337, Laws of Florida, as amended; clarifying guidelines for filling vacancies on the board of directors and removing an obsolete cost of living index and replacing with the Consumer Price Index; providing an effective date.

For those who wish to comment on the above, there will be a Monroe County Legislative Delegation public hearing on February 4, 2013 at 11 am at the Murray Nelson Government Center in Key Largo. For more details please call Erin Muir in State Representative Holly Raschein's office at 305-453-1202.

January XX, 2013 Key West Citizen

SPEC

**HOUSE OF REPRESENTATIVES**  
**2013 LOCAL BILL CERTIFICATION FORM**

**BILL #:** HB1403  
**SPONSOR(S):** Rep. Raschein  
**RELATING TO:** Key Largo Wastewater Treatment District  
[Indicate Area Affected (City, County, or Special District) and Subject]  
**NAME OF DELEGATION:** Monroe  
**CONTACT PERSON:** Erin Muir  
**PHONE NO.:** (202) 453-1302 **E-Mail:** erin.muir@mutforniciakel30.com

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: Feb. 4, 2013

Location: Murray Nelson Government Center, Key Largo, 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 1/27/13

Where? Key West Citizen County Monroe

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)

3/7/13  
Date

Holly Raschein  
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 #:** 42798      HB 1403  
**SPONSOR(S):** Rep. Holly Merrill Raschein - District 120  
**RELATING TO:** Key Largo Wastewater Treatment District  
[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:	\$15,860	\$16,177

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	\$0	\$0
State:	\$0	\$0
Local:	\$15,860	\$16,177

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues:	\$0	\$0

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

**Advantages:**

This Bill amends Section "5.(6)" and Section "7." of Section "1." of chapter 2002-337, Laws of Florida, (the "Key Largo Wastewater Treatment District Act"), as amended.

Section "5.(6)" deals with the procedure for filling a vacancy in a seat occupied by a governing board member. This bill changes that procedure to deal with situations where a vacancy occurs and there is insufficient time for candidates to qualify for that position or for their names to be placed on the ballot. Under the new procedure, in such a circumstance, the remaining members of the governing board would appoint a replacement. This would avoid the necessity of holding a special election, which would cost approximately \$35,000. A savings of \$35,000 represents a savings of approximately \$3.80 for each customer of the KLWTD or approximately \$2.33 for each EDU served by the KLWTD.

Section "7." deals with governing board compensation. The existing Key Largo Wastewater Treatment District Act provides that the members of the governing board shall receive as compensation for their services a fee of \$300 per meeting, not to exceed three meetings per month, and that their compensation shall be adjusted annually based upon an index in the Florida Statutes. However, the compensation paid to board members has never been adjusted and the referenced index no longer exists. This bill substitutes the U.S. Department of Commerce, Bureau of Labor Statistics (BLS), All Urban Consumers index (CPI-U) for making the adjustment mandated by the Act and adjusts the compensation paid to board members in accordance with that index.

**Disadvantages:**

Increasing the compensation paid to board members from \$300.00 per meeting to \$382.00 per meeting will cost an additional \$82.00 per board member per meeting. After including other taxes and costs, the total yearly additional cost to the District will be approximately \$15,860 in FY 13-14. This amounts to a yearly cost of approximately \$1.72 to each customer of the KLWTD or approximately \$1.57 for each EDU served by the KLWTD.

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

It is not anticipated that this Bill will have any impact upon competition and the open market for employment.

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

This Bill adjusts the compensation paid to governing board members based upon the aggregate annual average of the monthly U.S. Department of Commerce, Bureau of Labor Statistics (BLS), All Urban Consumers index (CPI-U), for the period from November of 2002 through December 2012.

PREPARED BY:  \_\_\_\_\_ MARCH 12, 2013  
Ray Giglio Date

TITLE: General Counsel

REPRESENTING: Key Largo Wastewater Treatment District

PHONE: (305) 451-4019 ext 406

E-Mail Address: ray.giglio@klwtd.com

1                                   A bill to be entitled  
 2           An act relating to the Key Largo Wastewater Treatment  
 3           District, Monroe County; amending chapter 2002-337,  
 4           Laws of Florida, as amended; revising provisions  
 5           relating to vacancies on the district's governing  
 6           board; revising compensation of the governing board  
 7           members; providing an effective date.

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

10  
 11           Section 1. Subsection (6) of section 5 and section 7 of  
 12           section 1 of chapter 2002-337, Laws of Florida, as amended by  
 13           chapter 2004-457, Laws of Florida, are amended to read:

14           Section 5. Governing board.—

15           (6) If any vacancy occurs in a seat occupied by a  
 16           governing board member ~~elected by the qualified electors~~, the  
 17           remaining members of the governing board shall, within 60 ~~45~~  
 18           days after the vacancy occurs, appoint an eligible ~~a~~ person to  
 19           fill the vacant seat, provided that:

20           (a) If any such vacancy occurs on or after the 30th day  
 21           immediately before the first day set by law for qualifying for  
 22           election to a special district office, any person appointed to  
 23           fill that vacant seat shall hold such office and serve in such  
 24           capacity for the remainder of the unexpired term of the  
 25           governing board member who previously held that seat.

26           (b) If any such vacancy occurs before the 30th day  
 27           immediately before the first day set by law for qualifying for  
 28           election to a special district office, any person so appointed

29 to fill that vacant seat shall hold such office and serve in  
 30 such capacity until the first regular board of commissioners  
 31 meeting after the first Monday after the next general election.

32 1. In such event, the vacancy shall be filled by election  
 33 at the next general election pursuant to section 189.405(2)(a),  
 34 Florida Statutes.

35 2. In such general election, the candidates receiving the  
 36 highest totals, consistent with section 189.405(4), Florida  
 37 Statutes, shall be deemed elected to the available seats on the  
 38 governing board.

39 3. The governing board member elected with the lowest vote  
 40 total shall fill the vacant seat and shall hold such office and  
 41 serve in such capacity for the remainder of the unexpired term  
 42 of the governing board member who previously held that seat ~~who~~  
 43 ~~would be eligible to hold the office until the end of the~~  
 44 ~~unexpired term or until the next general election, whichever~~  
 45 ~~occurs first. Any person elected at such next general election~~  
 46 ~~to fill such seat shall serve in such capacity for the remainder~~  
 47 ~~of the predecessor's term.~~

48 Section 7. Governing board; compensation, expense  
 49 reimbursement.—The members of the governing board shall receive  
 50 as compensation for their services a fee of \$382 ~~\$300~~ per  
 51 meeting, not to exceed three meetings per month. The amount of  
 52 compensation shall be adjusted annually, effective October 1 of  
 53 each year, based upon the United States Department of Commerce,  
 54 Bureau of Labor Statistics, Consumer Price Index for All Urban  
 55 Consumers ~~provided in section 287.017(2), Florida Statutes.~~ In

HB 1403

2013

56 | addition, each board member shall be reimbursed for expenses as  
57 | provided in section 112.061, Florida Statutes.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HM 1405 Captivity of Robert Levinson in Iran

**SPONSOR(S):** Moskowitz

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Baker <i>JB</i>	Rojas <i>R</i>
2) Veteran & Military Affairs Subcommittee			

### SUMMARY ANALYSIS

The memorial asks Congress to utilize all its resources to return Robert Levinson to the United States from his captivity in Iran.

In 2007, Robert Levinson, a U.S. citizen and Florida resident, was kidnapped while visiting Iran. According to anonymous photographs sent to his family, he is still alive and held captive. Despite the Department of State's prioritization of the matter, his whereabouts are unknown.

The government of Iran has promised in 2008 and 2013 to assist in this matter; however, reports indicate the government of Iran has failed to provide Robert Levinson's family with the results of any investigation.

The memorial has no fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

In March 2007, Robert Levinson disappeared from Iran's Kish Island.<sup>1</sup> Robert Levinson is a U.S. citizen and was a resident of Coral Springs, Florida, and previously served as an agent in the Federal Bureau of Investigation (FBI).<sup>2</sup> Robert Levinson was visiting Iran as a private investigator when he was kidnapped.<sup>3</sup>

In 2008, the Iranian government promised it was "ready to help, to assist with that matter."<sup>4</sup> The Levinson family still has not received the results of any investigation that Iran conducted on the matter.<sup>5</sup> Recently, Iran's foreign minister promised to help discover what happened to Robert Levinson while also stating that Iranian information showed Robert Levinson was not in Iran.<sup>6</sup>

In 2011, Robert Levinson's family received photos of him alive and holding signs that were apparently created by his captors.<sup>7</sup> The Levinson family has recently released those photographs to the public.<sup>8</sup>

In 2012, the FBI announced a \$1 million reward for useful information on Robert Levinson's location.<sup>9</sup>

This month, Secretary of State John Kerry met with Robert Levinson's family to assure them the U.S. government wishes to locate Robert Levinson and return him to his family in Florida.<sup>10</sup> Despite the Department of State's assigning a priority to Mr. Levinson's return and repeating its commitment, his location remains a mystery to his family.<sup>11</sup>

Robert Levinson suffers from diabetes, and it is unknown whether he is receiving proper and necessary treatments for survival.<sup>12</sup> He is a husband and father of seven children and two grandchildren.<sup>13</sup>

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<sup>1</sup> Lee Ferran and Brian Ross, "Kidnapped Ex-FBI Agent's Wife to Hold Iran to Its Promise of Help," Mar. 11, 2013, *available at* <http://abcnews.go.com/Blotter/robert-levinson-kidnapped-fbi-agents-wife-hold-iran/story?id=18703518> (last visited Mar. 12, 2013).

<sup>2</sup> "Report: Iran says it will help learn the fate of ex-FBI agent who went missing 6 years ago," FoxNews, Mar. 11, 2013, *available at* <http://www.foxnews.com/world/2013/03/11/report-iran-says-it-will-help-learn-fate-ex-fbi-agent-who-went-missing-6-years> (last visited Mar. 12, 2013) (hereinafter "Report").

<sup>3</sup> Ferran and Ross, *supra* n. 1.

<sup>4</sup> Ferran and Ross, *supra* n. 1.

<sup>5</sup> Ferran and Ross, *supra* n. 1.

<sup>6</sup> Ferran and Ross, *supra* n. 1; Report, *supra* n. 2.

<sup>7</sup> Barry Meier, "American Missing in Iran Was Dressed Like Guantánamo Prisoner in Photographs Sent to Family," N.Y. Times, Jan. 8, 2013, *available at* <http://thelede.blogs.nytimes.com/2013/01/08/american-missing-in-iran-was-dressed-like-guantanamo-prisoner-in-photographs-sent-to-family> (last visited Mar. 12, 2013). The signs made statements such as "Why you can not help me?" and "This is the result of 30 years serving for USA" and "I am here in Guantanamo do you know where it is?" *Id.*

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

<sup>9</sup> Sixth Anniversary of the Disappearance of Robert Levinson, Press Statement, John Kerry, Secretary of State, U.S. Department of State (Mar. 8, 2013), *available at* <http://www.state.gov/secretary/remarks/2013/03/205889.htm> (last visited Mar. 18, 2013) (hereinafter "State Department Statement").

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

<sup>11</sup> See Philip J. Crowley, Case of Missing U.S. Citizen Robert Levinson, Press Statement, U.S. Department of State (Mar. 9, 2010) *available at* <http://www.state.gov/r/pa/prs/ps/2010/03/137985.htm> (last visited Mar. 18, 2013); Hillary Rodham Clinton, Robert Levinson's 1,000th Day Missing, U.S. Department of State (Dec. 3, 2009) *available at* <http://www.state.gov/secretary/rm/2009a/12/133085.htm> (last visited Mar. 18, 2013).

<sup>12</sup> Ferran and Ross, *supra* n. 1.

<sup>13</sup> State Department Statement, *supra* n. 9.

## **Effect of Proposed Changes**

The memorial petitions Congress to utilize all its resources to return Robert Levinson to the United States and his family.

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

Not applicable.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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

None.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable.

#### **2. Other:**

Not applicable.

### **B. RULE-MAKING AUTHORITY:**

None.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A

House Memorial

A memorial to the Congress of the United States,  
 urging Congress to utilize its resources to ensure the  
 safe return of captive Robert Levinson from Iran.

WHEREAS, Robert Levinson was kidnapped inside the Iranian  
 Peninsula on March 8, 2007, while working as a private citizen,  
 and

WHEREAS, Robert Levinson rendered valuable public service  
 to this nation before his retirement, serving as a special agent  
 with the Federal Bureau of Investigation for 22 years and with  
 the United States Drug Enforcement Administration for 6 years,  
 and

WHEREAS, Robert Levinson has been held captive in Iran for  
 almost 6 years, making his captivity one of the longest in  
 American history, and

WHEREAS, citizens of this great nation have worked  
 tirelessly to acquire over 25,000 signatures on behalf of Robert  
 Levinson to ensure that the Federal Government utilize all of  
 its diplomatic resources to secure his release and safe return  
 to his family in Coral Springs, Florida, and

WHEREAS, Robert Levinson's personal health has deteriorated  
 in captivity due to his diabetic condition and the lack of  
 access to proper medication to control that condition, likely  
 diminishing his ability to survive, NOW, THEREFORE,

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

HM 1405

2013

29 That the Florida Legislature respectfully petitions the  
30 Congress of the United States to act on its moral obligation to  
31 utilize all of the resources at its disposal to bring Robert  
32 Levinson home to the United States to his family who has  
33 vigilantly waited for his safe return.

34 BE IT FURTHER RESOLVED that copies of this memorial be  
35 dispatched to the President of the United States, to the  
36 President of the United States Senate, to the Speaker of the  
37 United States House of Representatives, and to each member of  
38 the Florida delegation to the United States Congress.



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1411 Pinellas County  
**SPONSOR(S):** Hooper  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Baker <i>JB</i>	Rojas <i>JR</i>
2) Judiciary Committee			

**SUMMARY ANALYSIS**

HB 1411 amends ch. 97-333, L.O.F., regarding funding for the Pinellas Police Standards Council (Council).

Currently, ch. 97-333, L.O.F., requires that the Council be funded by a \$2 court cost for certain traffic violations in Pinellas County. Section 318.18, F.S., requires the clerk of court to impose up to a \$3 court cost per violation in order to fund police standards testing centers. HB 1411 would allow the Council to set the amount of funding from court costs which would not exceed the amount specified in s. 318.18, F.S., i.e., \$3.

Currently, ch. 97-333, L.O.F., requires that if a law enforcement agency conducts a screening or background investigation on an applicant for the police standards test, that law enforcement agency must submit the investigation results to the Council. The bill would permit a law enforcement agency to not submit the results to the Council.

The bill changes the name of the police standards test from "Public Safety Applicant Screening Service" to "Police Applicant Screening Services."

The bill revises the references in the local law so as to be gender neutral.

The bill takes effects upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### The Pinellas Police Standards Council

According to the Council's charter, the Council is a voluntary nonprofit organization that continuously plans and studies for the purpose of recommending countywide police standards to the Pinellas County legislative delegation.<sup>1</sup> The Council's charter does not define it as a special district. The Council provides background screening and standardized tests for prospective law enforcement officers in Pinellas County.

##### *Funding limited to \$2 per traffic violation*

Currently, s. 318.18(11)(b), F.S., requires funding of up to \$3 per statutory infraction be distributed to the clerk in certain counties that have been authorized to create a criminal justice selection center by special act of the Florida Legislature. Pinellas County is one of four such counties.<sup>2</sup>

Currently, the Council's charter provides that the Council must be funded by a court cost of \$2 on certain traffic infractions.<sup>3</sup> The Council may raise additional funds by assessing a fee on a law enforcement agency for the cost of screening an applicant.<sup>4</sup> Another way police testing centers may increase funding is by raising fees on their own applicants.

##### *Centralized screening and information center (PSASS)*

The Council has the power to provide for a centralized screening and information center on prospective law enforcement officers (LEO) in Pinellas County.<sup>5</sup> The name of this operation is the Public Safety Applicant Screening Service (PSASS). The Council must provide standard forms, screening, testing and other needed background research on prospective applicants to law enforcement agencies in Pinellas County.

##### *Required disclosure by law enforcement agencies*

Some law enforcement agencies conduct their own background screening of applicants. Other law enforcement agencies do not, but rather rely on the background screening performed by the Council. If a law enforcement agency in Pinellas County chooses to conduct its own background investigation of an applicant, it must give the Council the results.<sup>6</sup> The Council is to use these investigation results in its PSASS program.<sup>7</sup>

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<sup>1</sup> ch. 72-666, L.O.F., as amended by ch. 75-495, L.O.F., as amended by ch. 78-592, L.O.F., as amended by ch. 82-370, L.O.F., as amended by ch. 85-491, L.O.F., as amended by ch. 97-333, L.O.F.

<sup>2</sup> See s. 318.18(11)(b), F.S.

<sup>3</sup> Section 4(k)(2) specifically states "[t]he provisions of this section shall be funded by a \$2 court cost on all payable offenses, to be assessed by the circuit and county courts in Pinellas County on all contested and uncontested traffic cases, criminal and civil, excluding parking fines, bicycle violations, and pedestrian violations." ch. 97-333, L.O.F.

<sup>4</sup> ch. 97-333, L.O.F.

<sup>5</sup> ch. 97-333, L.O.F.

<sup>6</sup> Section 4(k)(1), ch. 97-33, L.O.F.

<sup>7</sup> Section 4(k)(1), ch. 97-33, L.O.F.

In addition, the Council cannot compel a law enforcement agency or city to take action.<sup>8</sup> Instead, the Council merely promotes cooperation between itself and the various cities in Pinellas County in order to upgrade and preserve responsible local law enforcement, and to aid the Legislature to that end.<sup>9</sup>

#### Funding mechanisms in other counties

Currently, the Legislature has required additional funding in various forms for four county police testing centers, which are Pinellas, Brevard, Alachua and Bay counties.

The Brevard Police Testing Center must receive \$3 per "violation of a state criminal statute, . . . a municipal or county ordinance, or . . . a fine or civil penalty for any violation of chapter 316, Florida Statutes [state uniform traffic control]."<sup>10</sup> According to this language, the additional funding source for Brevard County Police Testing Center is broader than Pinellas County.

The Criminal Justice Selection Center at Santa Fe College (Alachua County) must receive \$3 from every person found guilty of a "violation of a state criminal statute or a municipal or county ordinance or who pays a fine or civil penalty for any violation of chapter 316, Florida Statutes . . . less 5 percent, which is to be retained as fee income of the . . . Clerk of the Circuit Court."<sup>11</sup>

The Gulf Coast Criminal Justice Selection Center (Bay County) must receive \$2 from every person found guilty of violating essentially the same laws enumerated in the special acts for police testing centers in Brevard and Alachua counties.<sup>12</sup>

#### Membership

Council members are the following: the Pinellas County Sheriff, the State Attorney, the director of the Southeastern Public Safety Institute at St. Petersburg College, and the police chiefs in Pinellas County.<sup>13</sup>

### Effect of Proposed Changes

#### Change in Funding

The bill would permit the Council to be funded by a court cost in an amount to be set by resolution adopted by the Council which does not exceed the \$3 specified in s. 318.18(11)(b), F.S., on all traffic cases. The bill does not change that \$3 maximum.

#### Making disclosure permissive

The bill would permit, rather than require, a law enforcement agency that conducts its own background investigation apart from the Council to provide those background investigation results to the Council.

#### Change in name

The bill changes the police screening test's name from Public Safety Applicant Screening Service (PSASS) to Police Applicant Screening Services (PASS).

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<sup>8</sup> ch. 97-333, L.O.F.

<sup>9</sup> ch. 97-333, L.O.F.

<sup>10</sup> Section 7, ch. 87-423, L.O.F.

<sup>11</sup> Section 2, ch. 94-444, L.O.F.

<sup>12</sup> Section 7, ch. 89-521, L.O.F.

<sup>13</sup> Section, 2, ch. 97-333, L.O.F.

## Gender Neutrality

The bill inserts certain references from "his" to "his and her." The bill also changes "chairman" to "chairperson."

### B. SECTION DIRECTORY:

Section 1: Amends ch. 72-666, L.O.F., as amended by ch. 97-333, L.O.F., relating to the Pinellas Police Standards Council; changing funding decisions; permitting a law enforcement agency to withhold its own background investigation results from the Council; changing the name of the police background screening and standardized test; rendering references gender neutral.

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

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 8, 2013

WHERE? *The Business Observer*, a weekly newspaper of general circulation in Pinellas 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:

By permitting the Council to increase the funding that it receives in the form of court costs, the future need for higher application fees for prospective LEOs may be mitigated.

*See Economic Impact Statement for estimated dollar funding increase for the Council.*

Drafting: At line 82 of the bill, the bill would change "shall" to "may" in regards law enforcement agencies disclosing their own applicants' background investigations to the Council. This does not appear to be the intent of the bill given the other changes it makes. "Shall" should likely remain as it currently is in ch. 97-333, L.O.F.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A

Invoice/Serial Number  
13-01405

# Observer

COUNTY OF PINELLAS Published Weekly  
Clearwater, Pinellas County, Florida

S.S.

STATE OF FLORIDA

Before the undersigned authority personally appeared Kelly Martin  
who on oath says that he/she is Publisher's Representative of the Business Observer,  
a weekly newspaper published at Clearwater in Pinellas County, Florida;  
that the attached copy of advertisement,

being a Notice of Legislation  
in the matter of Pinellas Police Standards Council

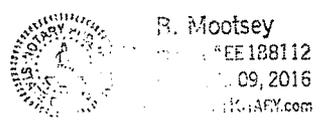
in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of February 8, 2013

**NOTICE OF LEGISLATION**  
TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2013 Legislature for passage of an act relating to the Pinellas Police Standards Council, Pinellas County; amending chapter 72-666, Laws of Florida, as amended; increasing a court cost to fund the council; providing an effective date.  
February 8, 2013 13-01405

Affiant further says that the said Business Observer is a newspaper published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore been continuously published and has been entered as periodicals matter at the Post Office in Clearwater in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.  
\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

Sworn to and subscribed before me this Kelly Martin  
Kelly Martin  
8th day of February A.D. 2013,  
by Kelly Martin, who is personally known to me.

B. Mootsey  
Notary Public, State of Florida  
(SEAL)



# Public Notices

### PINELLAS COUNTY LEGAL NOTICES

**FIRST INSERTION**  
**NOTICE OF SHERIFF'S SALE**  
NOTICE IS HEREBY GIVEN that Pursuant to a Writ of Execution issued in the Circuit Court of Pinellas County, Florida, on the 28th day of January A.D., 2013 in the cause wherein Baydis Industrial Park, LLC, et al. are plaintiff, and Revolve Advanced Composites, LLC, et al. and David E. Jones are defendant(s), being Case No. 12-10141-CI-020 in the said Court, I, Bob Guallieri as Sheriff of Pinellas County, Florida have listed upon all right, title and interest of the above named defendant, Revolve Advanced Composites, LLC, and to the following described property to wit:

boat hull inside and accessories located at 4477 122nd Ave., N, Unit K, Clearwater, FL 33762.

and on the 14th day of March A.D., 2013, at 4477 122nd Ave., N, Unit K, in the city of Clearwater, Pinellas County, Florida, at the hour of 11:00 a.m., or as soon thereafter as possible, I will offer for sale "AS IS" WHEREAS "AS IS" all of the said defendant's right, title and interest in the aforesaid property at public outcry and will sell the same subject to all prior liens, encumbrances and judgments if any as may be provided by law and the highest and best bidder or bidders for CASH, the proceeds to be applied as far as may be to the payment of costs and the satisfaction of the described Writ of Execution.

**BOB GUALLIERI**, Sheriff  
Pinellas County Florida  
By Timothy D. Grandinani, D.S.  
Sergeant, Court Proceedings

MacFarlane Ferguson & McMillen, PA  
Joshua Magidson, Esq.  
625 Court St.  
Suite 210  
Clearwater, FL 33766  
Feb. 8, 12, 22; Mar. 1, 2013 12-01600

**FIRST INSERTION**  
**NOTICE OF PUBLIC SALE**  
U-Stor 80th, 82nd, St. Pete, Grand Central, Lakewood and United Counties Self Storage sales will be held on or thereafter the dates in 2013 and times indicated below at the locations listed below to satisfy the self-storage lien. Units contain general household goods, and other as listed. All sales are final. Management reserves the right to withdraw any unit from the sale or refuse any offer of bid. Payment by CASH ONLY at time of sale, unless otherwise arranged.

U-Stor, (Lakewood) 1217 Lakewood Rd. Clearwater, FL 33765 on  
Tuesday, FEB 26, @ 9:30 am.

U-Stor, (80th) 11702 80th Street North, Lopp, FL 33720 on  
Tuesday, FEB 26, @ 10:00am.

U-Stor, (St. Pete) 2160 21st Ave. North, St. Petersburg, FL 33713 on  
Tuesday, FEB 26, @ 11:00am.

U-Stor (Grand) 2850 Grand Blvd., St. Petersburg, FL 33702 on  
Tuesday, FEB 26, @ 11:30 am.

U-Stor (82nd) 2450 82nd Ave North, Pinellas Park, FL 33781 on  
Tuesday, FEB 26, @ 10:30am.

U-Stor (Gandy) 2850 Gandy Blvd., St. Petersburg, FL 33702 on  
Tuesday, FEB 26, @ 11:30 am.

U-Stor (82nd) 2450 82nd Ave North, Pinellas Park, FL 33781 on  
Tuesday, FEB 26, @ 10:30am.

U-Stor (82nd) 2450 82nd Ave North, Pinellas Park, FL 33781 on  
Tuesday, FEB 26, @ 10:30am.

U-Stor (82nd) 2450 82nd Ave North, Pinellas Park, FL 33781 on  
Tuesday, FEB 26, @ 10:30am.

U-Stor (82nd) 2450 82nd Ave North, Pinellas Park, FL 33781 on  
Tuesday, FEB 26, @ 10:30am.

**FIRST INSERTION**  
**NOTICE OF PUBLIC SALE**  
NOTICE IS HEREBY GIVEN that a sale will be held on FEBRUARY 25, 2013 at 11:00 A.M. at United Self Mini Storage, 8100 Ulmerton Road, Clearwater, FL 33762 to satisfy a lien for following units:

NAME UNIT  
JEFF HIRON AC274  
ALL SALES FINAL - CASH ONLY - Mgmt. reserves the right to withdraw any unit from the sale, and to refuse any bid.

United Self Mini Storage  
8100 Ulmerton Road  
Clearwater, FL 33762  
February 8, 15, 2013 12-01638

**NOTICE OF SALE**  
**NOTICE OF SALE PURSUANT TO F.S. 216.04, EACH OF YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING VEHICLES WILL BE SOLD AT PUBLIC SALE. YOU MAY REDEEM SAID VEHICLE BY PAYMENT OF UNPAID OWEN PLUS ACCUMULATED STORAGE CHARGES OR IN ACCORDANCE WITH PROVISIONS OF F.S. 216.0417. PROPER I.D. REQUIRED. THE OWNER OR ANY PERSON CLAIMING INTEREST THEREIN HAS A RIGHT TO A HEARING PRIOR TO THE SALE DATE BY FILING A DEMAND WITH THE CLERK OF THE CIRCUIT COURT AND PAYING THE COSTS OF PROCEEDS REMAINING FROM THE SALE OF THE MOTOR VEHICLE AFTER PAYMENT OF AMOUNT CLAIMED WILL BE DEPOSITED WITH THE CLERK OF THE COURT FOR DISPOSITION. ANY PARTIES CONTACT THE LIENOR'S AGENT BELOW. VEHICLES WILL BE SOLD WHERE INDICATED.**

ON 2/15/13 AT 11:00 AM AT  
FORD, 2524 94TH ST N, ST PETERSBURG FL. PH#727-322-3400-2006  
FORD 19V100150K829222, TOTAL DUE \$24,857.80 AND 1994 FORD F1P2P9H48L4608. TOTAL DUE \$4,290.96 PLUS STOR.

BELOW WILL BE SOLD PER F.S. 216.04 ON 2/27/13 AT 11:00 AM AT 3350 GANDY IN ST. PETERSBURG FL 33708 CHAR C6C1R88772712-2003 MERZ W8R8N402N447278 FORD 2003 MERZ W8R8N402N447278 FLORIDA AUTOMOTIVE TITLE SERVICE-TAMPA-CLEARWATER-ORLANDO  
February 8, 2013 12-01633

**NOTICE OF PUBLIC SALE**  
BLACKJACK TOWING gives Notice of Foreclosure of Lien and Intent to sell these vehicles on 02/10/2013, 08:00 am at 6300 160TH AVE N CLEARWATER, FL 33764-0382, pursuant to subsection 713.27 of the Florida Statutes. BLACKJACK TOWING reserves the right to accept or reject any and/or all bids.

187FL36CN22E1547  
1991 DODGE  
1EAP2AM6G9F37559  
1986 FORD  
1FACD3D17X12340520  
1990 FORD  
1FMPF1P146146426  
1995 FORD  
1G1BLA2V9S8152913  
1995 CHEVROLET  
1G1JH1P2947787815  
2004 CHEVROLET  
1G1H52F8Z114834  
2005 CHEVROLET  
1G6KS22VU0630779  
1997 CADILLAC  
1C82948222200341  
1995 SUZUKI  
1GCCS443VW130827  
1998 CHEVROLET  
1J4G2485Y0242228  
2000 JEEP  
1J4G2485Y0242228  
1997 JEEP  
2B4FP283WR143042  
1994 DODGE  
3C4FP489T102280  
1995 CHEVROLET  
3C4FP75G931784113  
2003 CHRYSLER  
4T1CQ12K5T0721209  
1996 TOYOTA  
JFAEN73107401594  
1989 HAWAIIAN  
JH1FD3313F0001644  
1993 MAZDA

**NOTICE OF PUBLIC SALE**  
Notice is hereby given that the undersigned intends to sell the personal property described below to enforce a lien imposed on said property under The Florida Self Storage Facility Act Statutes (Section 83.01-83.09). The undersigned will sell at public sale by competitive bidding on Wednesday, the 27th of February at 10:00 a.m. on the premises where said property has been stored and which are listed at Indian Rocks Storage, 12100 Walsingham Rd., Largo, Pinellas County, Florida, the following:

Nathan Furrill #72 Toak HHG  
David Bradley #123 HHG  
Melissa Cahin Merdock #263 HHG  
Scott Scarpinus #327 Toak, HHG  
Aeharya Depayam #552 HHG  
James Desobeno #594 HHG  
Mark DeSantis #701 HHG  
Mark DeSantis #703 Furniture  
Tanusha Brinson #749 HHG  
Deborah Beck #822 HHG, Furniture  
Deborah Beck #833 HHG  
Tavis Fox #830 Toak, HHG  
Mark DeSantis #860 Toak, HHG  
Mark DeSantis #862 Toak, Furniture, HHG  
Vicki Wilson #908 HHG, Furniture  
Steven Harper Toak, Furniture, HHG  
Purchases must be paid for at the time of purchase by cash or credit card only. All purchased items are sold as is, where is, and must be removed at the time of the sale. Sale is subject to cancellation in the event of settlement between owner and obligee party.  
Dated this February 8th, 2013 and February 15th, 2013.  
Indian Rocks Storage  
12100 Walsingham  
Largo, FL 33774  
February 8, 15, 2013 12-01429

**NOTICE OF STORAGE LIEN SALE**  
The following tenant's property stored at 4824 Dargrine Ave. on or about 1001 18<sup>th</sup> Ave. So. or at 1909-19<sup>th</sup> St. So. Clearwater, FL will be sold at the above address on or after 10 AM 2/23/13 to satisfy the self-storage owner's lien. This will be a public sale by sealed bids. Call the manager for details at 727-321-9222.

John F. Burd personal goods  
Alfonso Vitales personal goods  
Patrick Kuran personal goods  
Sophia Nix personal goods  
Silver Avery personal goods  
Stacy Koch personal goods  
Siaron Caplewski personal goods  
Chris L. Miller auto parts  
Mark Wittek

Gulfport Storage Center  
P.O. Box 20625  
Gulfport, FL 33707  
February 8, 15, 2013 12-01633

**FIRST INSERTION**  
**NOTICE OF PUBLIC SALE**  
NOTICE IS HEREBY GIVEN that a sale will be held on Feb. 27, 2013 at 11:00 AM, at United Self Mini Storage, 8100 Ulmerton Road, Clearwater, FL 33762 to satisfy a lien for the following units:

Levi Burns 2105  
Anthony Christenson 107  
SHANNON LEASE 58  
John Panella 214  
Stephen Robie 194  
Frankie Badger 179  
Rosemarie Reponjo 173  
John Shepard 18  
Lahrina Smith 279  
Mark Shaller 221  
Linda Warner

ALL SALES FINAL - CASH ONLY  
Mgmt. reserves the right to withdraw any unit from the sale and to refuse any bid.  
United Self Mini Storage  
8100 Ulmerton Road  
Tarpon Springs, FL 34609  
February 8, 15, 2013 12-01639

**NOTICE OF PUBLIC SALE**  
TROPICANA MINI STORAGE-LARGO, WISHING TO AVAIL ITSELF OF THE PROVISIONS OF APPLICABLE LAW OF THIS STATE, CIVIL CODE SECTIONS 83.01-83.09, HEREBY GIVES NOTICE OF SALE UNDER SAID LAW, TO WIT:

ON FEBRUARY 26, 2013 TROPICANA MINI STORAGE-LARGO LOCATED AT 210 BELCHER ROAD SOUTH, LARGO, FLORIDA 33771, 727.824.0966, AT 1:00 P.M. OF THAT DAY TROPICANA STORAGE-LARGO WILL CONDUCT A PUBLIC SALE TO THE HIGHEST BIDDER, FOR CASH, OF HOUSEHOLD GOODS, BUSINESS PROPERTY AND MISCELLANEOUS ITEMS, ETC.

OWNER RESERVES THE RIGHT TO BID AND TO REFUSE AND REJECT ANY OR ALL BIDS, SALE IS BEING MADE TO SATISFY AN OWNER LIEN. THE PUBLIC IS INVITED TO ATTEND DATED THIS, 10/17/69 FEBRUARY 26, 2013.

TROPICANA MINI STORAGE-LARGO  
210 BELCHER RD S  
LARGO, FL 33777  
February 8, 15, 2013 12-01617

**NOTICE OF SALE**  
Notice is hereby given that the undersigned intends to sell the personal property described below to enforce a lien imposed on said property under The Florida Self Storage Facility Act Statutes (Section 83.01-83.09). The undersigned will sell at public sale by competitive bidding on Wednesday, the 27th of February at 10:00 a.m. on the premises where said property has been stored and which are listed at Indian Rocks Storage, 12100 Walsingham Rd., Largo, Pinellas County, Florida, the following:

Nathan Furrill #72 Toak, HHG  
David Bradley #123 HHG  
Melissa Cahin Merdock #263 HHG  
Scott Scarpinus #327 Toak, HHG  
Aeharya Depayam #552 HHG  
James Desobeno #594 HHG  
Mark DeSantis #701 HHG  
Mark DeSantis #703 Furniture  
Tanusha Brinson #749 HHG  
Deborah Beck #822 HHG, Furniture  
Deborah Beck #833 HHG  
Tavis Fox #830 Toak, HHG  
Mark DeSantis #860 Toak, HHG  
Mark DeSantis #862 Toak, Furniture, HHG  
Vicki Wilson #908 HHG, Furniture  
Steven Harper Toak, Furniture, HHG  
Purchases must be paid for at the time of purchase by cash or credit card only. All purchased items are sold as is, where is, and must be removed at the time of the sale. Sale is subject to cancellation in the event of settlement between owner and obligee party.  
Dated this February 8th, 2013 and February 15th, 2013.  
Indian Rocks Storage  
12100 Walsingham  
Largo, FL 33774  
February 8, 15, 2013 12-01429

**NOTICE OF PUBLIC SALE**  
1ST RESPONSE TOWING & RECOVERY gives Notice of Foreclosure of Lien and Intent to sell these vehicles on 02/12/2013 08:00 am at 6300 160th Ave N CLEARWATER, FL 33766, pursuant to subsection 713.27 of the Florida Statutes. 1ST RESPONSE TOWING & RECOVERY reserves the right to accept or reject any and/or all bids.

188ZP726XZ21842  
2001 SATURN  
2BEMLN72V8N621014  
1995 MERCURY  
1ST RESPONSE TOWING & RECOVERY  
6300 160th Ave N  
CLEARWATER, FL 33766  
PHONE: 727-624-8988  
FAX: 727-561-9129  
February 8, 2013 12-01619

**NOTICE OF PUBLIC SALE**  
Notice is hereby given that the following vehicles will be sold at public auction pursuant to F.S. 713.585 on the sale dates at the locations below at 9:00 a.m. to satisfy labor and storage charges.

2011 Subaru 48313 (H66) R212748  
Total Lien: \$17920.43  
Sale Date: 02/28/2013  
Location: St. Pete Auto Sales  
6300 160th St N  
Saint Petersburg, FL 33712  
727-323-2277  
Pursuant to F.S. 713.585 the cash amount per vehicle would be sufficient to redeem that vehicle from the lienor. Any interested party has a right to a hearing prior to the sale by filing a demand for the hearing with the Clerk of the Circuit Court in Pinellas and mailing copies of the same to all owners and lienors. The owner/lienholder has a right to recover possession of the vehicle by posting bond pursuant to F.S. 833.207 and if sold any proceeds remaining from the sale will be deposited with the Clerk of Circuit Court for disposition.  
February 8, 2013 12-01627

**NOTICE OF PUBLIC AUCTION**  
In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Uncle Bob's Self Storage location(s) listed below.  
And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time specified in such notice for payment of such having expired, the goods will be sold at public auction at the below stated location(s) to the highest bidder or otherwise disposed of on Monday 2/25/13 11:00 AM 1614 N. Belcher Rd, Clearwater, FL 33765 (727) 446-0049

Customer Name Inventory  
Heather Howard Held Cds, Furrn Boats, Spring gds, Toak Appliances, TV Stereo Equip, DVD Player, Air Conditioning, Recliner  
Lisa Taylor Held Cds, Furrn Boats, TV Stereo Equip  
Selma Hanis Held Cds, Furrn, Boats, TV Stereo Equip  
Mary Vogt Held Cds, Boats, TV Stereo Equip, DVD  
Mahmoud Khalid Held Cds, Furrn, Boats, Recliner  
Theresa Wasserman Recliner

Uncle Bob's Self Storage #073  
1614 North Belcher Road  
Clearwater, FL 33765  
(727) 446-0049  
February 8, 15, 2013 12-01611

**NOTICE OF SALE**  
The sale or disposal of the following items' personal items will be held at Park Mini Storage, 8901 Park Blvd., N. Pinellas Park, FL 33781 on February 27, 2013, Wednesday, at 10:00 AM.

Unit Name Items  
A22 George Moutree 3 Bce.  
Joseph Schabene 3 Bce.  
C4 John Stoddy 3 Bce.  
C14 Lance Fowler new Mattress  
C19 Eldore Authier 3 Bce.  
C14 Seth Lutz 3 Bce.  
C25 Lauria Swamy 3 Bce.  
D1 Laurie Arsenault 3 Bce.  
E14 Justin Watson 3 Bce.  
F6 Michael Sandow 3 Bce.  
G6 Richard Suredi 3 Bce.  
G18 Robert Boyer 3 Bce.  
H28/29 Anthony Santanillo 3 Bce.  
I5 Jean Santires 3 Bce.  
J11 Peter Pfeiffer HHG  
J24 Susan Crosby HHG

Park Mini Storage  
8901 Park Blvd. N.  
Pinellas Park, FL 33781  
February 8, 15, 2013 12-01609

**NOTICE OF PUBLIC SALE**  
IN COMPLIANCE WITH HOUSE BILL 491 CHAPTER 63-031 AND FLORIDA STATUTE 83.091 SECTION 25112 FLORIDA STATUTE 713.27 THE UNDERSIGNED GIVES NOTICE THAT IT HAS LIENS ON PROPERTY LISTED BELOW WHICH REMAINS IN OUR STORAGE AT JOBS TOWING & RECOVERY INC. 6670 14TH AVE N LARGO, FL 33773

STOCK # NAME YR MAKE ID #  
129272 MELISSA MARIE 04 CHEVY 1GNDSJ052742173556  
ARRISON  
129667 JESSE JAMES 00 CHRYSLER 2C4JAM621VW474067  
GEORGE  
129774 MICHAEL RICHENE 82 DODGE 1H3P2L102N226207  
HAIDEN DOCK  
129816 KATECIA MCMANN 97 FORD 1FMDU32E7UD1429  
129716 JOSEPH J STASIONIS 86 FORD 2FMDA0146TB166672  
129660 AMBER NICOLE 95 HONDA 2H1GR1225N5H759379  
CORRETT JEAN

OWNERS MAY CLAIM VEHICLES BY PROVIDING PROOF OF OWNERSHIP, PHOTO I.D. AND PAYMENT OF CHARGES ON OR BEFORE 2:30 PM AT 11:00 AM AT WHICH TIME A PUBLIC SALE WILL BE HELD AT 8670 14TH AVE N LARGO, FL 33773. BID WILL OPEN AT THE AMOUNT OF ACCUMULATED CHARGES PER VEHICLE. JOBS TOWING & RECOVERY INC. RESERVES THE RIGHT TO ACCEPT OR REJECT ANY AND/OR ALL BIDS. ALL VEHICLES WILL BE SOLD WITHOUT TITLES.  
JOBS TOWING & RECOVERY INC  
8670 14TH AVE N  
LARGO, FL 33773  
727-441-2635  
February 8, 2013 12-01403

**NOTICE OF INTENT TO SOLE SOURCE**  
Contract Number: 123-0208-SS (LS)  
TO: ALL INTERESTED VENDORS:  
CHANNEL GRINDER UPGRADES - SOUTH CROSS BAYOU WATER RECLAMATION FACILITY  
Pinellas County intends to recommend the sole source method of procurement for the upgrade of two (2) Channel Grinders manufactured by Frankli Miller, Livingston, New Jersey.  
Contractors who believe they can meet or exceed the stated requirements must provide compelling technical data sufficient to support their position. The Pinellas County Purchasing Department must receive copies of this notice not later than close of business on February 15, 2013. After this date an award will be made. Responses to this notice will be used to determine whether a sole source acquisition exists.  
Send written responses to the Pinellas County Purchasing Department, 400 South Fort Harrison Avenue, 6th Floor Annex Building, Clearwater, FL 33765 Attention: Lucy Koussik, Procurement Analyst. For further information call 727-464-3311 or fax 727-464-2925.

**PERSONS WITH DISABILITIES REQUIRING REASONABLE ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, SHOULD CALL 727/464-4062 (VOICE/TDD) OR FAX 727/464-4157, NOT LATER THAN SEVEN DAYS PRIOR TO THE PROCEEDING.**

Further information may be obtained by contacting the Pinellas County Purchasing Department at the above address or telephone 727/464-3311. Bid information may be obtained by visiting the Pinellas County Purchasing Department web site www.pinellascounty.org/purchasing. Any bids received after the specified date and time will not be considered.  
KENNETH T. WELCH, CHAIRMAN  
Board of County Commissioners  
February 8, 2013 12-01458  
JOSEPH J. LAURO, CFO/CPPB  
Director of Purchasing

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT PARTNERRE US CORPORATION...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT PARTNERRE US CORPORATION...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT WESTLY KIMBALL EDELL...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT WELLS PARK BANK ORO TAX...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT PARTNERRE US CORPORATION...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT PARTNERRE US CORPORATION...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT CHARLES J. LANK...

FIRST INSERTION
NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN THAT PARTNERRE US CORPORATION...

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NOTICE IS HEREBY GIVEN THAT PARTNERRE US CORPORATION...

NOTICE OF PUBLIC SALE
NOTICE OF PUBLIC SALE RRY Inc. dba YOHOS AUTOMOTIVE AND TOWING...

2013 MITSUBISHI
K5AG02645500917 2004 KIA
March 5, 2013
140CC6562001922

NOTICE OF PUBLIC ALIQUOT
In accordance with the provisions of State law there being due and unpaid charges for which the undersigned is entitled to satisfy...

FIRST INSERTION
PUBLIC NOTICE OF
UPDATE LAND PATENT
Land Patent No. 4
Ded 12005449842

NOTICE OF LEGISLATION
TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2013 Legislature for passage of an act relating to the Pinellas Police Standards Council...

NOTICE OF PUBLIC ALIQUOT
In accordance with the provisions of State law there being due and unpaid charges for which the undersigned is entitled to satisfy...

Save Time by Faxing Your Legals to the Business Observer!
Fax 727-447-3944
for Pinellas.
Wednesday Noon Deadline.

NOTICE OF REGISTRATION OF FICTITIOUS NAME
NOTICE IS HEREBY GIVEN THAT the undersigned desiring to engage in business under the fictitious name of FILLMINT MARKETING LLC...

404 Seminole Blvd. #202
Largo, FL 34787
Phone: (727) 654-6299
February 8, 2013 11-01-13

Uncle Bob's Self Storage #270
1426 N. McMullen Booth Rd.
Largo, FL 34787
727-726-0100
February 8, 15, 2013 11-01-13

Uncle Bob's Self Storage #270
1426 N. McMullen Booth Rd.
Largo, FL 34787
727-726-0100
February 8, 15, 2013 11-01-13

Uncle Bob's Self Storage #270
1426 N. McMullen Booth Rd.
Largo, FL 34787
727-726-0100
February 8, 15, 2013 11-01-13

**HOUSE OF REPRESENTATIVES**  
**2013 LOCAL BILL CERTIFICATION FORM**

**BILL #:** HB1411  
**SPONSOR(S):** Representative Ed Hooper  
**RELATING TO:** Pinellas County  
(Indicate Area Affected (City, County, or Special District) and Subject)  
**NAME OF DELEGATION:** Pinellas County Legislative Delegation  
**CONTACT PERSON:** Mike Waters  
**PHONE NO.:** ( 727 ) 637 -8795 **E-Mail:** waters.mike@spcollege.edu

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 and January 28, 2013

Location: University of South Florida and Pinellas Education Foundation

(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 2/8/2013

Where? Business Observer County Pinellas

Referendum in lieu of publication: YES  NO

Date of Referendum \_\_\_\_\_

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

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

YES [ ] NO [X] NOT APPLICABLE [ ]

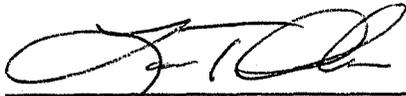
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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)

3-21-13

Date

Larry Aheru

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 #:** Local Bill 01411  
**SPONSOR(S):** Representative Ed Hooper and Senator Jack Latvala  
**RELATING TO:** Pinellas County / 97-333 Pinellas Police Standards Council  
[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:	N/A	N/A
None - Amendment to Existing Legislatively enacted Bill 97- 333		

**II. ANTICIPATED SOURCE(S) OF FUNDING:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	N/A	N/A
State:		
Local: Existing Legislatively enacted Bill 97-333		

**III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:**

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues:		
UP TO	\$99,000.00	\$99,000.00

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

**Advantages:** Local governments and taxpayers will not incur the costs associated with the continued existence and operation of the public safety selection center known as Police Applicant Screening Service (PASS)

**Disadvantages:** None anticipated - Fee assessment already enumerated within Florida State Statute 318.18(8)(11)(b) for Chapter 97-333

- V. **ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:** None - Police Applicant Screening Service is the sole source police applicant screening for Pinellas County

- VI. **DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:**
1. Historical and current statistical data drawn from the Pinellas County Clerk of the Court and the Department of Highway Safety and Motor Vehicles
  2. Citation projections that incorporate the described statistical data as well as an overall reduction of law enforcement personnel due to decreased local government operating budgets

PREPARED BY:  Mike Waters 1/25/13  
[Must be signed by Preparer]      Date

TITLE: Executive Director

REPRESENTING: Pinellas Police Standards Council

PHONE: 727-864-3822

E-Mail Address: waters.mike@scollege.edu

1 A bill to be entitled  
 2 An act relating to Pinellas County; amending chapter  
 3 72-666, Laws of Florida, as amended; updating  
 4 terminology applicable to provisions relating to the  
 5 Pinellas Police Standards Council; revising certain  
 6 assessments of court costs that provide funding for  
 7 the council; providing an effective date.

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

10  
 11 Section 1. Sections 2, 3, and 4 of section 72-666, Laws of  
 12 Florida, as amended by chapter 97-333, Laws of Florida, are  
 13 amended to read:

14 Section 2. Membership of the council; terms of office;  
 15 vacancies.—The council shall be composed of members to be  
 16 selected as follows:

17 (a) The chief of police from each law enforcement agency  
 18 employing law enforcement officers as defined in chapter 943,  
 19 Florida Statutes, having its headquarters in Pinellas County or  
 20 his or her designee.

21 (b) The Sheriff of Pinellas County or his or her designee.

22 (c) The State Attorney or his or her designee.

23 (d) The director of the Southeastern Public Safety  
 24 Institute at St. Petersburg Junior College or his or her  
 25 designee.

26 Section 3. Officers; meetings; quorum.—

27 (a) The council shall elect one of its members as  
 28 chairperson ~~chairman~~, who shall serve from June 1 through May 31

29 of the following year. Other offices, if any, shall be created  
 30 by the council.

31 (b) The council shall meet at least once each month, at  
 32 such other times as the council may determine, and at any other  
 33 time at the call of the chairperson ~~chairman~~. It shall adopt  
 34 rules for the transaction of business and keep records of its  
 35 transactions, resolutions, findings, determinations, and  
 36 recommendations, which records shall be public records.

37 (c) At all meetings of the council, a quorum shall consist  
 38 of a majority of the membership. Official business of the  
 39 council may not be transacted unless a quorum is present.

40 Section 4. Powers and duties.—In the performance of its  
 41 duties and the execution of its functions under this act, the  
 42 council shall have the following powers:

43 (a) To maintain an office at such place or places within  
 44 Pinellas County as it designates.

45 (b) To hold public hearings and sponsor public forums.

46 (c) To enter into agreements with, accept and expend funds  
 47 and grants from, and accept and use services from:

48 (1) The Federal Government and its agencies.

49 (2) The state government and it agencies.

50 (3) The county government and its agencies.

51 (4) The several municipalities in Pinellas County.

52 (5) Private or civic sources.

53 (d) To study and conduct investigations into the financial  
 54 and other operations of each municipal police department.

55 (e) To study ways to promote cooperation between all law  
 56 enforcement agencies in securing efficient and effective law

HB 1411

2013

57 enforcement.

58 (f) To recommend cooperative policies for the coordination  
59 of law enforcement within Pinellas County and all its  
60 municipalities.

61 (g) To make recommendations that would lead to the  
62 elimination of duplication of effort, if any.

63 (h) To hire an executive director to conduct the business  
64 of the council at its direction and supervise such other  
65 employees as are authorized by the council to perform necessary  
66 tasks.

67 (i) To make recommendations concerning minimum standards  
68 for employment and training of law enforcement officers and law  
69 enforcement support personnel, as well as departmental  
70 facilities, equipment, and needs.

71 (j) To make recommendations concerning law enforcement in  
72 general which would enhance the quality of such law enforcement.

73 (k) To provide for a centralized screening and information  
74 center on prospective law enforcement officers in Pinellas  
75 County, to be known as the Police Applicant Screening Services  
76 (PASS) ~~Public Safety Applicant Screening Service (PSASS)~~.

77 (1) The council shall provide standardized forms,  
78 screening, testing, and other necessary background research  
79 concerning ~~of~~ prospective applicants and shall provide  
80 information from a ~~the~~ centralized candidate pool to law  
81 enforcement agencies in Pinellas County. Each law enforcement  
82 agency may use the forms provided by the council, and may ~~shall~~  
83 provide to the council for use by PASS ~~PSASS~~ copies of  
84 applications and results of any screening and background

85 investigation performed by the agency. When processing  
 86 applicants, each law enforcement agency may request a report  
 87 from PASS ~~PSASS~~ regarding any prospective employee of that  
 88 agency. Applicant information from PASS ~~PSASS~~ shall be released  
 89 only upon the request of a law enforcement agency and the  
 90 applicant.

91 (2) The council's annual budget shall be submitted to the  
 92 Board of County Commissioners for their approval. The provisions  
 93 of this section shall be funded by a court cost in an amount to  
 94 be set by resolution adopted by the council which does not  
 95 exceed the amount specified in s. 318.18(11)(b), Florida  
 96 Statutes \$2, on all payable offenses, to be assessed by the  
 97 circuit and county courts in Pinellas County on all contested  
 98 and uncontested traffic cases, criminal and civil, excluding  
 99 parking fines, bicycle violations, and pedestrian violations  
 100 that are payable offenses. Additional funding may be secured by  
 101 the council by assessing the law enforcement agencies a fee for  
 102 the cost of screening the applicants.

103 (3) The council may establish reasonable fees to be paid  
 104 by applicants to offset a portion of the screening costs.

105 (1) To provide similar applicant testing, screening, and  
 106 information services, as outlined in this section, for the state  
 107 and its agencies, Pinellas County, the several municipalities  
 108 within Pinellas County, or entities that provide public-safety-  
 109 related services through contract with any of the foregoing, for  
 110 prospective candidates for law enforcement, law enforcement  
 111 support, corrections, or public safety positions, including, but  
 112 not limited to, law enforcement officer, corrections officer,

HB 1411

2013

113 public safety answering point call taker, dispatcher,  
114 communications operator, crime scene technician, firefighter,  
115 emergency medical technician, or paramedic. The council may  
116 enter into agreements necessary to carry out this work, with the  
117 costs of such screening, including a reasonable allowance for  
118 overhead, being paid by the agency receiving the service. Such  
119 agreements may provide for reasonable fees to be paid by  
120 applicants to offset a portion of the screening costs.

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