

Local & Federal Affairs Committee

Meeting Packet

**Wednesday, February 17, 2016
9:00 am – 12:00 pm
Webster Hall (212 Knott)**

**Steve Crisafulli
Speaker**

**Dennis K. Baxley
Chair**



The Florida House of Representatives

Local & Federal Affairs Committee

Representative Steve Crisafulli
Speaker

Representative Dennis K. Baxley
Chair

Meeting Agenda
Wednesday, February 17, 2016
212 Knott, Webster Hall
09:00 a.m. – 12:00 p.m.

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bills:

CS/CS/HB 785 St. Lucie County Fire District, St. Lucie County by Finance & Tax Committee, Local Government Affairs Subcommittee, Lee

CS/HB 1073 Military Support by Civil Justice Subcommittee, Van Zant

HM 1191 Regulation Freedom Amendment by Raulerson

HB 1265 Greater Naples Fire Rescue District, Collier County by Passidomo

CS/HB 1267 Greater Naples Fire Rescue District, Collier County by Local Government Affairs Subcommittee, Passidomo

HB 1433 Martin County by Magar

V. Adjournment

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/CS/HB 785 St. Lucie County Fire District, St. Lucie County
SPONSOR(S): Finance & Tax Committee, Local Government Affairs Subcommittee, Lee, Jr.
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|------------------|--------------------|---------------------------------------|
| 1) Local Government Affairs Subcommittee | 9 Y, 0 N, As CS | Monroe | Miller |
| 2) Finance & Tax Committee | 14 Y, 2 N, As CS | Pewitt | Langston |
| 3) Local & Federal Affairs Committee | | Monroe <i>KDSM</i> | Kiner <i>KLK</i> |

SUMMARY ANALYSIS

HB 785 revises the charter of the St. Lucie County Fire District to change the District's borrowing limit. Currently, the District may borrow up to \$1,500,000, unless an emergency is declared. If an emergency is declared the District may borrow up to \$4,000,000. Under HB 785, the District will be able to borrow an amount not to exceed 10% of their operating budget each year.

This bill will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district¹ created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.² Chapter 191, F.S., the “Independent Special Fire Control District Act,” is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.³ Chapter 191 controls over more specific provisions in any special act or general law of local application creating an independent fire control district’s charter.⁴ The Chapter requires every independent fire control district be governed by a five-member board unless the board members are appointed⁵ and provides for:

- General powers;⁶
- Special powers;⁷
- Authority and procedures for the assessment and collection of ad valorem taxes;⁸
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;⁹ and
- Issuance of district bonds and evidences of debt.¹⁰

As a type of independent special district,¹¹ independent special fire control districts are also subject to applicable provisions of ch. 189, F.S., the “Uniform Special District Accountability Act.”¹² That Act prohibits special laws or general laws of local application that.¹³

¹ A “special district” is a local government unit of “special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” S. 189.012(6), F.S. An “independent special district” is any special district that is not a “dependent special district,” which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district’s governing body are removable at will during their unexpired terms by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality. S. 189.012(3), F.S.

² Section 191.003(5), F.S.

³ Section 191.002, F.S.

⁴ Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section. *Id.*

⁵ Section 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

⁶ Section 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

⁷ Section 191.008, F.S.

⁸ Section 191.006(14); 191.009(1), F.S.

⁹ Section 191.006(11), (15), 191.009(2)—(4), 191.011, F.S.

¹⁰ Section 191.012, F.S.

¹¹ Section 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

¹² Section 189.031, F.S.

¹³ Article III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by “like vote.” The “Uniform Special District Accountability Act” (ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each the House and the Senate.

- Create special districts which do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;¹⁴
- Exempt district elections from the requirements of s. 189.04, F.S.;¹⁵
- Exempt a district from the requirements for bond referenda under s. 189.042, F.S.;¹⁶
- Exempt a district from the requirements for reporting, notice, or public meetings under ss. 189.015, 189.016, 189.051, or 189.08, F.S.;¹⁷
- Create a district for which a statement documenting the following is not submitted to the Legislature:
 - The purpose of the proposed district;
 - The authority of the proposed district;
 - An explanation of why the district is the best alternative; and
 - A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating that the proposed district is consistent with approved local government plans and the local government does not object to creation of the district.¹⁸

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.¹⁹ Therefore, any boundary expansion must be approved by the Legislature.²⁰ A special district may not levy ad valorem taxes without approval by the effected voters in a referendum.²¹

An independent special fire control district is authorized to borrow, via bonding or other methods, provided that the total amount of annual debt service does not exceed 50% of its annual operating budget.

St. Lucie County Fire District

The St. Lucie Fire District was created in 1959 and its Charter was codified by Chapter 2004-407, Laws of Florida. The District is governed by an appointed board consisting of:

- Two members from the Board of County Commissioners of St. Lucie County,
- Two members from the City Commission of the City of Ft. Pierce,
- Two members from the City Commission of the City of Port St. Lucie, and
- One member appointed by the Governor.

The District may borrow up to \$1,500,000 per year, unless an emergency is declared. If an emergency is declared the District may borrow up to \$4,000,000.²²

Effect of Proposed Changes

HB 785 revises the charter of the St. Lucie County Fire District²³ to change the District's borrowing limit. Under the bill, the District will be able to borrow an amount not to exceed 10% of its operating budget each year. The funds borrowed must be spent in accordance with a supermajority vote of the District's board and the funds cannot be spent on normal operating expenses. The District's operating budget for fiscal year 2015-2016 is \$87,104,738.²⁴

¹⁴ Section 189.031(2)(a), F.S.

¹⁵ Section 189.031(2)(b), F.S.

¹⁶ Section 189.031(2)(c), F.S.

¹⁷ Section 189.031(2)(d), F.S.

¹⁸ Section 189.031(2)(e), F.S.

¹⁹ *Bd. of Comm'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007).

²⁰ Section 191.014(2), F.S. ("The territorial boundaries of [an independent special fire control] district may be modified, extended, or enlarged with the approval or ratification of the Legislature.").

²¹ Article VII, s. 9(b), Fla. Const.

²² Section 6(2) of Section 3 Chapter 2004-407, Laws of Florida

²³ Ch. 2004-407, Laws of Florida.

²⁴ Accessible at http://www.slcfcd.com/assets/documents/2015_2016_budget.pdf. Last accessed on February 1, 2016.

B. SECTION DIRECTORY:

Section 1 revises the charter of the St. Lucie County Fire District to change the District's borrowing limit. It provides that the District will be able to borrow an amount not to exceed 10% of its operating budget. The borrowed funds may only be expended through a supermajority vote of the District's board.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 21, 2015

WHERE? Treasure Coast Newspapers

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 13, 2016, the Local Government Affairs Subcommittee adopted an amendment to remove the definition of the term "emergency" in the District's Charter. Since the bill as filed removed the only use of this term in the Charter the definition was superfluous.

On February 3, 2016, the Finance and Tax Committee adopted an amendment to clarify that the 10% cap applies to the amount that may be borrowed annually.

This analysis was written to the bill as amended.



Treasure Coast Newspapers

State of Florida
County of Martin

Before me the undersigned authority, personally appeared Monika LaPorte, who on oath says that she is an Advertising Billing Coordinator for Treasure Coast Newspapers, a daily newspaper published in Martin County Florida, that the advertisement for St. Lucie County Fire District in the matter of Notice of Intent – Statutory Notice was published on Oct. 21, 2015. Affiant further says that this publication of newspaper was published in said Martin County Florida and distributed, in Martin County, St. Lucie County and Indian River County, Florida with offices and paid circulation in Martin County, St. Lucie County and Indian River County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commissions or refunds for the purpose of securing this advertisement for publication in the said newspaper. Treasure Coast Newspapers has been entered as second class matter at the post office in Martin County, St. Lucie County and Indian River County, Florida and has been for a period of one year preceding the first publication of the attached copy of advertisement.

Original copies of publications may not be available at this date.

Monika LaPorte, Advertising Billing Coordinator

Sworn to and subscribed before me this 5th day of November A.D. 2015

10/22/16

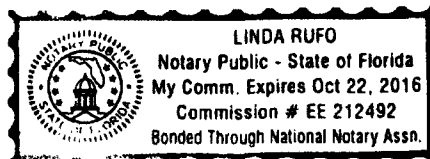
Notary Public

Seal

My Commission Expires:

personally known to me or

who has produced _____ as identification.



HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HP 785

SPONSOR(S): REPRESENTATIVE LARRY LEE, JR.

RELATING TO: ST. LUCIE COUNTY FIRE DISTRICT
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: ST. LUCIE COUNTY DELEGATION

CONTACT PERSON: CHIEF BUDDY EMERSON

PHONE NO.: (772) 621-3312 E-Mail: bemerson@slcfd.org

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

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

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

Date hearing held: September 25, 2015
 Location: Indian River State College, Fort Pierce, FL

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

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?
 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: OCTOBER 21, 2015
 Where? TREASURE COAST NEWS TRIBUNE County ST. LUCIE
 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]

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

YES [] NO [x]

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 [x]

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



Delegation Chair (Original Signature)

11/13/2015

Date

LARRY LEE, JR.

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM**

Read all instructions carefully.

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

BILL #: HB 985

SPONSOR(S): _____

RELATING TO: St. Lucie County Fire District- Borrowing Authority
[Indicate Area Affected (City, County or Special District) and Subject]

I. REVENUES:

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

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

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

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

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

The proposed changes to the Fire District's statutory charter address the Fire District's need for proportionate borrowing authority, in order to maintain quality fire and emergency medical services. There will be no change to the Fire District's ad valorem millage rate, which is already at its maximum 3.0 mils cap. Therefore, no increase nor decrease in revenues will occur. The Fire District currently has no long-term debt and the proposed changes are not expected to result in additional long-term debt without the protection which will be provided by super majority vote of the local governing body.

III. FUNDING SOURCE(S):

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

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

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|----------|-----------------|-----------------|
| Local: | \$ <u>NA</u> | \$ <u>NA</u> |
| State: | \$ <u>NA</u> | \$ <u>NA</u> |
| Federal: | \$ <u>NA</u> | \$ <u>NA</u> |

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: 1. The proposed statutory changes will allow the Fire District to better provide quality fire and emergency medical services to the individuals residing in or visiting St. Lucie County, by providing it proportionate borrowing authority so that its fire vehicle replacement program may be stabilized.
- 2. Advantages to Businesses: 2. The proposed statutory changes will allow the Fire District to better provide quality fire and emergency medical services to the businesses located within St. Lucie County, by providing it proportionate borrowing authority so that its fire vehicle replacement program may be stabilized.
- 3. Advantages to Government: 3. The Fire District has no anticipated borrowing plans currently and has no viable Capital Improvement Plan in place. Without the proposed statutory changes, the Fire District does not have sufficient borrowing authority to adequately plan, for budgeting purposes or otherwise, in order to fund a vehicle replacement program or for other capital needs. The proposed statutory changes will allow the Fire District to better provide quality fire and emergency medical services to the constituents and personnel of St. Lucie County, as well as its cities, by providing it proportionate borrowing authority for maintaining a fire vehicle replacement program and other capital needs.

Potential Disadvantages:

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

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

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

- 1. Disadvantages to Individuals: There are no disadvantages to individuals expected as a result of the proposed statutory changes.

2. **Disadvantages to Businesses:**

There are no disadvantages to businesses expected as a result of the proposed statutory changes.

3. **Disadvantages to Government:**

There are no disadvantages to St. Lucie County governments expected as a result of the proposed statutory changes.

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

The proposed changes represent a reasonable approach to address the Fire District's need for realistic and proportionate borrowing authority, in order to maintain quality fire and emergency medical services to our residents and visitors.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

St. Lucie County Fire District Data

See letter to Representative Larry Lee, Jr., from Fire Chief Buddy Emerson, dated September 8, 2015, enclosed herewith.

VII. CERTIFICATION BY PREPARER

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

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name:

Buddy Emerson

September 16, 2015
Date

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

Fire Chief

REPRESENTING:

St. Lucie County Fire District

PHONE:

772.621.3312

E-MAIL ADDRESS:

bemerson@slcfd.org

St. Lucie County Legislative Delegation Meeting

September 25, 2015

1:30pm – 5:00pm

Local Bill Vote St. Lucie County

Senator Denise Grimsley _____ YES NO

Representative Gayle Harrell, Vice-Chair Gayle Harrell YES NO

Representative Debbie Mayfield Debbie Mayfield YES NO

Senator Joe Negron Joe Negron YES NO

Representative Cary Pigman Cary Pigman YES NO

Representative Larry Lee, Jr., Chair Larry Lee, Jr. YES NO

ST.LUCIE COUNTY FIRE DISTRICT
Buddy Emerson, MS, CFO, EFO, FM
FIRE CHIEF



Telephone: (772) 621-3312
Fax: (772) 621-3600
Email: bemerson@slcfd.org

September 8, 2015

Representative Larry Lee, Jr.
100 N. US Highway 1
Fort Pierce, FL 34950

Attention: Mary Alice Bennett

Dear Representative Lee:

As you are aware, the St. Lucie County Fire District is submitting a proposal to the St. Lucie County Legislative Delegation for the 2016 Legislative Session, whereby the Fire District respectfully requests that Chapter 2004-407, Laws of Florida, the current charter for the Fire District, be modified by specifically amending Section 6, Gift; purchases; loans, to change the authority for the Fire District to borrow money. A copy of the proposed legislation for this purpose is attached hereto.

Since 1996, originally under Chapter 96-532, Laws of Florida, and subsequently in Chapter 2004-407, Laws of Florida, the authority of the Fire District to borrow money has been limited to a maximum of \$1,500,000 in any one year, unless a defined district emergency has been declared. A copy of Chapter 96-532, Laws of Florida, is attached hereto.

Due to current financial circumstances, it is the strong belief of the Fire District that it is in need of an adjustment, to a reasonable degree, of the current restrictions included in its legislatively imposed borrowing authority.

In 1996, the Fire District's operating budget was approximately \$17M. At that time, the Fire District employed 238 personnel and was engaged in 20,753 emergency runs and calls for service.

In 2015, the Fire District's operating budget has been approximately \$63M. The Fire District now employs a total of 440 personnel. Over the past 20 years, the Fire District call volume has annually increased by 4.6%. During 2015, the Fire District has been engaged in approximately 48,000 emergency runs and calls for service, which are more numerous than Martin County and Indian River County runs, combined.

This means that circumstances have substantially changed in the 20-year period since the Fire District's borrowing authority was originally limited to \$1.5M annually. The Fire District's operating budget is approximately 370% of what it was in 1996; its personnel are 185% of what they were in 1996; and emergency runs and calls for service have been 231% of what they were in 1996.

It must also be pointed out that the total population of St. Lucie County has increased from 180,497, in 1996, to an estimate of 291,028, in 2014, which reflects an increase of 61% during that period. More people basically result in more emergency runs and calls for service.

"Our Family Serving Yours"
5160 NW Milner Drive, Port St. Lucie, Florida 34983-3392
Telephone: (772) 621-3400 · www.slcfd.com

The costs for acquiring fire engines and rescue vehicles have almost doubled in the past 20 years. The price of a fully equipped Quint fire engine in 2015 is now approximately \$1M and a fully equipped rescue vehicle now costs approximately \$285,000. Therefore, the Fire District would barely have the authority to borrow enough money to purchase an additional Quint fire engine and a rescue vehicle, if that becomes necessary. That is a precarious position in which the Fire District finds itself.

The Fire District currently has no long-term debt and has not issued any bonds or imposed any assessments. Which means that the Fire District's most significant source of income is limited to ad valorem property taxes. The Fire District's millage rate for the past two years has been at the maximum cap of 3.0 mils, and is expected to continue at its maximum cap of 3.0 mils in FY 2015-2016. As a result, the Fire District is in the position that it cannot raise its millage rate at all. This year, the Fire District will be reaching into its reserves in order to balance the budget.

Chapters 189 and 191, Florida Statutes, also legislatively controls independent special fire control districts, such as the St. Lucie County Fire District. The proposed legislation would allow the Fire District to borrow money to a level consistent with the current provisions of Section 191.006 (10), Florida Statutes, a copy of which is attached.

The proposed legislation would also include an inherent control mechanism over the Fire District's use of any increased borrowing authority, in that the Board of Fire Commissioners of the St. Lucie County Fire District will be required to approve by supermajority vote the purposes for which borrowed monies will be able to be used.

IAFF Local 1377, the collective bargaining unit that represents the Professional Firefighters and Paramedics for St. Lucie County, has indicated support for the issue. The Fire District is unaware of any groups, coalitions, associations, or lobbyists that oppose the issue.

The Fire District has no anticipated borrowing plans currently and its FY 2015-2016 operating budget does not contain any funding for capital expenditures. Without the proposed statutory changes, the Fire District does not have sufficient borrowing authority to adequately plan, for budgeting purposes or otherwise, in order to fund a vehicle replacement program, or provide other capital needs. This would adversely impact the Fire District's continued ability to provide public safety services to the level of quality currently achieved.

The proposed changes represent a reasonable approach to address the Fire District's need for realistic and proportionate borrowing authority, in order to maintain quality fire and emergency medical services to our residents and visitors. Based on the above, the Fire District would genuinely appreciate your support and assistance in this matter.

Sincerely,



Buddy Emerson, Fire Chief

cc: Chairman and Honorable Members of SLCFD Fire Board
Ken Crooks, District Attorney
Karen Russell, Clerk/Treasurer

Talking Points

1. The St. Lucie County Fire District requests that Chapter 2004-407, Laws of Florida, the current charter for the Fire District, be modified to change the authority for the Fire District to borrow money.
2. Since 1996, originally under Chapter 96-532, Laws of Florida, and subsequently in Chapter 2004-407, Laws of Florida, the authority of the Fire District to borrow money has been limited to a maximum of \$1,500,000 in any one year, unless a defined district emergency has been declared.
3. The Fire District has no anticipated borrowing plans currently and has no viable Capital Improvement Plan in place. Without the proposed statutory changes, the Fire District does not have sufficient borrowing authority to adequately plan, for budgeting purposes or otherwise, in order to fund a vehicle replacement program, or other capital needs.
4. Due to current financial circumstances, the Fire District is in need of an adjustment, to a reasonable degree, of the current restrictions included in its legislatively imposed borrowing authority.
5. Before 1996, the Legislature had limited the Fire District's annual borrowing authority to a maximum of \$500,000. In 1996, the Legislature updated the Fire District's annual borrowing authority to a maximum of \$1.5M. The proposed legislation will be another update by the Legislature of the Fire District's annual borrowing authority, in order to allow more flexibility by the local governing body.
6. In 1996, the Fire District's operating budget was approximately \$17M. At that time, the Fire District employed 238 personnel and was engaged in 20,753 emergency runs and calls for service.
7. In 2015, the Fire District's operating budget has been approximately \$63M. The Fire District now employs a total of 440 personnel. Over the past 20 years, the Fire District call volume has annually increased by 4.6%. During 2015, the Fire District has been engaged in approximately 48,000 emergency runs and calls for service, which are more numerous than Martin County and Indian River County runs, combined.
8. Circumstances have substantially changed in the 20-year period since the Fire District's borrowing authority was originally limited to \$1.5M annually. The Fire District's operating budget is approximately 370% of what it was in 1996; its personnel are 185% of what they were in 1996; and emergency runs and calls for service have been 231% of what they were in 1996.
9. The total population of St. Lucie County has increased from 180,497, in 1996, to an estimate of 291,028, in 2014, which reflects an increase of 61% during that period. More people result in more emergency runs and calls for service.
10. The costs for acquiring fire engines and rescue vehicles have almost doubled in the past 20 years. The price of a fully equipped Quint fire engine in 2015 is now approximately \$1M and a fully equipped rescue vehicle now costs approximately \$285,000. Therefore, the Fire District would barely have the authority to borrow enough money to purchase an additional Quint fire engine and a rescue vehicle, if that becomes necessary. That is a precarious position in which the Fire District finds itself.

11. The Fire District's FY 2015-2016 operating budget does not contain any funding for capital expenditures.
12. Without expanding the Fire District's borrowing authority, its fire vehicle replacement program will remain untenable. This would adversely impact the Fire District's continued ability to provide public safety services to the level of quality currently achieved.
13. The Fire District currently has no long-term debt and has not issued any bonds or imposed any assessments.
14. The Fire District's millage rate for the past two years has been at the maximum cap of 3.0 mils, and is expected to continue at its maximum cap of 3.0 mils in FY 2015-2016. As a result, the Fire District cannot raise its millage rate at all. This year, the Fire District will be reaching substantially into its reserves in order to balance the budget.
15. Chapters 189 and 191, Florida Statutes, also legislatively controls independent special fire control districts, such as the St. Lucie County Fire District. The proposed legislation would allow the Fire District to borrow money to a level consistent with the current provisions of Section 191.006 (10), Florida Statutes, a copy of which is attached.
16. There will be no direct costs associated with the proposed legislation.
17. The proposed legislation would also include an inherent control mechanism over the Fire District's use of any increased borrowing authority, in that the Board of Fire Commissioners of the St. Lucie County Fire District will be required to approve by supermajority vote the purposes for which any borrowed monies will be able to be used.
18. The proposed changes represent a reasonable approach to address the Fire District's need for realistic and proportionate borrowing authority, in order to maintain quality fire and emergency medical services to our residents and visitors.

1 A bill to be entitled
 2 An act relating to the St. Lucie County Fire District,
 3 St. Lucie County; amending chapter 2004-407, Laws of
 4 Florida; revising requirements for the district's
 5 board of commissioners to borrow money; providing an
 6 effective date.

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

9
 10 Section 1. Section 6 of section 3 of chapter 2004-407,
 11 Laws of Florida, is amended to read:

12 Section 6. Gifts; purchases; loans.—

13 (1) The board shall have the power and authority to hold,
 14 control, and acquire, by gift or purchase, for the use of the
 15 district, any real or personal property and to pay the purchase
 16 price in installments or deferred payments and to condemn any
 17 lands needed for the purpose of said district. Said board is
 18 authorized to exercise the right of eminent domain and institute
 19 and maintain condemnation proceedings in the same manner as St.
 20 Lucie County, as other public municipalities under the laws of
 21 the state, or both.

22 (2) The board is hereby authorized and empowered, in order
 23 to carry out the purposes of this act, to borrow money not to
 24 exceed 10 percent of the district's operating budget in any one
 25 year consistent with chapters 189 and 191, Florida Statutes, the
 26 uses for which must be approved by a supermajority of six

27 affirmative votes of the board, and the uses may not include
 28 normal operational expenses; and \$1,500,000 in any one year
 29 ~~unless the board shall issue a resolution that declares a~~
 30 ~~district emergency as defined in this section, in which case the~~
 31 ~~board is authorized and empowered to borrow money not to exceed~~
 32 ~~the sum of \$4 million. In no event, however, shall the total of~~
 33 ~~all amounts borrowed and unpaid exceed the sum of \$5 million.~~
 34 ~~The board is further authorized and empowered to issue its~~
 35 ~~promissory notes therefor upon such terms and at such rates of~~
 36 ~~interest as said board may deem advisable, and said notes shall~~
 37 ~~be a charge upon all revenues derived from taxes in that year.~~
 38 If the district votes to refinance any debt based on borrowed
 39 money authorized under this subsection, its refinanced term
 40 cannot extend beyond its original term.

41 ~~(3) An emergency for the purposes of the St. Lucie County~~
 42 ~~Fire District is defined as:~~

43 ~~(a) A natural or manmade fire or medical disaster~~
 44 ~~involving significant injury, death, or destruction of~~
 45 ~~structures and requiring extensive and unforeseen use of~~
 46 ~~overtime or additional personnel.~~

47 ~~(b) A response to a declaration of a local emergency and~~
 48 ~~request by St. Lucie County that the district provide emergency~~
 49 ~~services, the cost of which exceeds the annual borrowing limit~~
 50 ~~of the district.~~

51 ~~(c) A need to replace or repair fire or emergency medical~~
 52 ~~vehicles and equipment based on unanticipated and unforeseen~~

53 ~~circumstances, rather than on ordinary wear and tear, for losses~~
 54 ~~not covered by insurance.~~

55 (3)~~(4)~~ The board ~~of commissioners of the district~~ shall
 56 have the power and authority to acquire by gift or purchase and
 57 to pay the purchase price for such firefighting and other
 58 equipment as deemed reasonably necessary for the protection of
 59 property, safety of lives, or reduction of fire hazards to the
 60 same, in the district; to hire firefighting, emergency medical,
 61 civilian, and other personnel as needed; and to inspect all
 62 property and investigate for fire hazards and prescribe rules
 63 and regulations pertaining thereto, including the enforcement of
 64 the Florida Fire Prevention Code as revised from time to time.

65 (4)~~(5)~~ The board ~~of commissioners of the district~~ may
 66 acquire, by gift or purchase, such emergency equipment and
 67 employ such personnel as may be determined reasonably necessary
 68 by the board for the operation and maintenance of emergency
 69 medical service within the district.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1073 Military Support
SPONSOR(S): Civil Justice Subcommittee; Van Zant and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1656

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--------------------------------------|---------------------|------------------|--|
| 1) Civil Justice Subcommittee | 12 Y, 0 N, As CS | Bond | Bond |
| 2) Local & Federal Affairs Committee | | Renner <i>RE</i> | Kiner <i>KLK</i> |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

America's servicemembers face many challenges related to their service to the country. One of these challenges relates to the approval timeframe related to the processing of rental applications. This timeframe can sometimes exceed the 10 days of temporary lodging expense (TLE) that is afforded to servicemembers for transfers within the continental United States. Increasingly, landlords are requiring every prospective tenant to submit to one or more reviews, including:

- A criminal history background check;
- Sexual offender check;
- Credit check; or
- Employment verification.

This bill addresses these challenges related to leasing a new residence where an application is required.

Specifically, the bill requires that, if a rental application for a residential property is required for a prospective tenant who is a servicemember, it must be completed within 7 days. Absent a timely denial of the rental application, within 7 days of the rental application submission, a landlord, condominium association, cooperative association, or homeowner association must offer to lease the property to the servicemember.

To prevent coercion by landlords and associations, the bill provides that its provisions may not be waived or modified by the agreement of the parties under any circumstances.

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

The effective date of the bill is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Residential tenancies are governed by Part II of ch. 83, F.S., known as the Florida Residential Landlord and Tenant Act. The Act generally applies to the rental of a dwelling unit, but does not apply to residence or detention in a facility, temporary occupancy related to a contract for purchase and sale, transient occupancy in a hotel or motel, a mobile home park tenancy, or occupancy by the owner of a cooperative or condominium.¹

While the Act regulates portions of the landlord-tenant relationship, many parts of that relationship are unregulated and left to the marketplace to regulate. One such area is that of rental application and tenant review prior to the landlord agreeing to offer a lease to a prospective tenant. Increasingly, landlords may require every prospective tenant to submit to one or more reviews, including:

- A criminal history background check;
- Sexual offender check;
- Credit check; or
- Employment verification.

The United States Department of Defense (USDOD) 2015 Strength Figures indicates a total active duty military population of 1.3 million worldwide. Florida has a large military population with more than 61,000 active duty military personnel.²

America's servicemembers face many challenges related to their service to the country. One such challenge is related to the frequent transfers between bases that are common to all servicemembers, referred to as a Permanent Change of Station (PCS). Relevant to this bill, the military will only authorize 10 days of temporary lodging expense (TLE) for transfers within the continental United States to the servicemember searching for new housing pursuant to a PCS.³ When landlords do not approve the servicemember's rental application while awaiting results of a background check or checks, servicemembers report these delays sometimes far exceed the days authorized for TLE reimbursement.

Effect of Proposed Changes

This bill creates s. 83.683, F.S., to provide that, if a landlord requires a prospective tenant to complete a rental application before residing in a rental unit, the landlord must complete processing of the rental application submitted by a prospective tenant who is a servicemember within 7 days after submission of the application. Absent a timely denial of the rental application, the landlord must lease the rental unit to the servicemember provided that all other terms of the application and lease are complied with.⁴

Many community associations (condominium associations, cooperative associations, and homeowners associations) require review and approval of a prospective tenant of a condominium unit, cooperative unit, or parcel within the association's control. Similar to landlords, associations may require a rental application and review process. The bill provides that a community association must process the rental application submitted by a prospective tenant who is a servicemember within 7 days after submission.

¹ ss. 83.41 and 83.42, F.S.

² Information obtained from Florida Department of Military Affairs staff. On file with Local & Federal Affairs Committee.

³ <http://www.defensetravel.dod.mil/site/faqpcs.cfm> (last accessed January 28, 2016).

⁴ Other requirements typically include signing of the lease, payment of a security deposit, and payment of initial rent. These requirements are not waived or excluded by the bill.

Absent a timely denial of the rental application, the association must allow the unit or parcel owner to lease to the servicemember and the landlord must lease the rental unit to the servicemember provided that all other terms of the application and lease are complied with.

To prevent coercion by landlords and associations, the bill provides that its provisions may not be waived or modified by the agreement of the parties under any circumstances.

Any right or duty declared in the Florida Residential Landlord and Tenant Act is enforceable by civil action.⁵ If either the landlord or the tenant fails to comply with the requirements of the rental agreement, the aggrieved party may recover the damages caused by the noncompliance.⁶ Additionally, the party in whose favor a judgment or decree has been rendered may recover reasonable attorney fees and court costs from the nonprevailing party.⁷

The bill itself does not provide a civil remedy for breach of contract if the application is not processed within 7 days for a servicemember. However, similar contract remedies typically result in the court awarding a cause of action for damages or a suit for specific performance.⁸

B. SECTION DIRECTORY:

Section 1 creates s. 83.683, F.S., regarding rental application by a servicemember.

Section 2 provides an effective date of July 1, 2016.

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:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

⁵ s. 83.54, F.S. A right or duty enforced by civil action under this section does not preclude prosecution for a criminal offense related to the lease or leased property.

⁶ s. 83.55, F.S.

⁷ s. 83.48, F.S.

⁸ Specific performance is an order of a court which requires a party to perform a specific act, usually what is stated in a contract. As it pertains to the bill, the court would order the residential landlord to allow a servicemember to move in.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Civil Justice Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute differs from the bill as filed by removal of a provision that would have prohibited a residential landlord from charging an application fee to a servicemember, adding that a residential landlord must approve or deny a rental application of a servicemember within 7 days, and adding cooperatives to provisions regarding condominium and homeowner associations.

1 A bill to be entitled
 2 An act relating to military support; creating s.
 3 83.683, F.S.; requiring a landlord, a condominium
 4 association, a cooperative association, or a
 5 homeowners' association to complete the processing of
 6 a rental application submitted by a servicemember
 7 within a specified timeframe; providing applicability;
 8 providing an effective date.

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

11
 12 Section 1. Section 83.683, Florida Statutes, is created to
 13 read:

14 83.683 Rental application by a servicemember.—

15 (1) If a landlord requires a prospective tenant to
 16 complete a rental application before residing in a rental unit,
 17 the landlord must complete processing of a rental application
 18 submitted by a prospective tenant who is a servicemember, as
 19 defined in s. 250.01, within 7 days after submission. Absent a
 20 timely denial of the rental application, the landlord must lease
 21 the rental unit to the servicemember if all other terms of the
 22 application and lease are complied with.

23 (2) If a condominium association, as defined in chapter
 24 718, a cooperative association, as defined in chapter 719, or a
 25 homeowners' association, as defined in chapter 720, requires a
 26 prospective tenant of a condominium unit, cooperative unit, or

27 parcel within the association's control to complete a rental
 28 application before residing in a rental unit or parcel, the
 29 association must complete processing of a rental application
 30 submitted by a prospective tenant who is a servicemember, as
 31 defined in s. 250.01, within 7 days after submission. Absent a
 32 timely denial of the rental application, the association must
 33 allow the unit or parcel owner to lease the rental unit or
 34 parcel to the servicemember and the landlord must lease the
 35 rental unit or parcel to the servicemember if all other terms of
 36 the application and lease are complied with.

37 (3) The provisions of this section may not be waived or
 38 modified by the agreement of the parties under any
 39 circumstances.

40 Section 2. This act shall take effect July 1, 2016.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment

6 Remove line 19 and insert:
 7 defined in s. 250.01, within 7 days after submission and must,
 8 within those 7 days, notify the servicemember in writing of an
 9 application approval or denial and the reason for any denial.

10 Absent a

11 Remove line 31 and insert:
 12 defined in s. 250.01, within 7 days after submission and must,
 13 within those 7 days, notify the servicemember in writing of an
 14 application approval or denial and the reason for any denial.

15 Absent a

16

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 1191 Regulation Freedom Amendment
SPONSOR(S): Raulerson
TIED BILLS: IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--------------------------------------|--------|------------------|--|
| 1) Local & Federal Affairs Committee | | Renner <i>JR</i> | Kiner <i>KK</i> |
| 2) Judiciary Committee | | | |

SUMMARY ANALYSIS

Article V of the U.S. Constitution prescribes two methods for amending the Constitution. One method is for both houses of Congress, by two-thirds vote, to propose an amendment that becomes effective when ratified by three-fourths of the states (38 states). All 27 amendments to the Constitution were adopted through this procedure.

The other method, which has never been used, requires Congress to call a constitutional convention (Article V convention) to propose amendments when two-thirds of the states (34 states) apply for such a convention. These proposed amendments would require approval of three-fourths of the states in order to be ratified.

HM 1191 petitions the U.S. Congress to propose to the states an amendment to the U.S. Constitution entitled the "Regulation Freedom Amendment." The amendment would require the House and Senate to adopt proposed federal regulations by majority vote, whenever one quarter of either body objects to the proposed regulation.

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

This memorial does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Methods of Amending the U.S. Constitution

Article V of the U.S. Constitution prescribes two methods for amending the Constitution. One method is for Congress to propose an amendment that is ratified by the states. All 27 amendments to the Constitution were adopted through this procedure. The other method, which has never been used, is for states to apply for a constitutional convention that proposes amendments.¹

Congressional Amendments

Congress, by a two-thirds vote in both houses, may propose a constitutional amendment in the form of a joint resolution. After Congress proposes an amendment, the Archivist of the U.S. is responsible for administering the ratification process.² Since the President does not have a constitutional role in the amendment process, the joint resolution does not go to the White House for signature or approval. The Office of the Federal Register (OFR) assembles an information package for the states which includes copies of the joint resolution and the statutory procedure for ratification under 1 U.S.C. 106b.³ The Archivist submits the proposed amendment to the states for their consideration by sending a letter of notification and the OFR informational material to each governor. The governors then formally submit the amendment to their state legislatures.⁴

When a state ratifies a proposed amendment, it sends a certified copy of the state action to the Archivist. A proposed amendment becomes part of the Constitution as soon as it is ratified by three-fourths of the states (38 states). The OFR verifies the ratification documents and drafts a formal proclamation for the Archivist to certify that the amendment is valid and has become part of the U.S. Constitution. This certification is published in the Federal Register and U.S. Statutes at Large and serves as official notice that the amendment process has been completed.⁵

Since 1789, Congress has proposed 33 amendments by this method, 27 of which have been adopted.⁶

Constitutional Convention Amendments

A constitutional amendment may also be proposed by a constitutional convention (Article V convention) applied for by two-thirds of the state legislatures (34 states). This method has never been used. If 34 states apply, Congress must call an Article V convention to consider and propose amendments. These proposed amendments must be ratified by three-fourths of the states (38 states). Records of the Philadelphia Convention of 1787 indicate that the founders intended to balance Congress's amendatory power by providing the Article V convention method to empower the people to propose amendments. Article V identifies these methods as equal and requires the same ratification for all proposed amendments.⁷

¹ Erwin Chemerinsky, *Constitutional Law*, pg. 6 (3rd ed. 2006).

² 1 U.S.C. 106b.

³ *The Constitutional Amendment Process*, U.S. National Archives and Records Administration, <http://www.archives.gov/federal-register/constitution/> (last visited January 28, 2016).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 2.

Though the specific procedures for an Article V convention are not specified in the Constitution, Congress has historically taken on broad responsibilities in connection with a convention by administering state applications, establishing procedures to summon a convention, setting the amount of time allotted to its deliberations, determining the number and selection process of its delegates, setting internal convention procedures, and providing arrangement for the formal transmission of any proposed amendments to the states.⁸

Although never used in full, this method has been a useful tool to provoke congressional action. The most successful incidence of using the threat of a constitutional convention to induce change was the movement for the direct election of Senators, which prodded Congress to propose the 17th Amendment.⁹

Federal Administrative Law

The scope of the federal administrative state expanded greatly during the 20th century. In the 1930's, President Franklin Delano Roosevelt's New Deal programs designed to combat the Great Depression led to the creation of a wave of new administrative agencies such as the National Labor Relations Board, the Securities and Exchange Commission, the Social Security Administration, the Federal Communications Commission, and the Tennessee Valley Authority. Critics of this expansion of federal administrative authority charged that it jeopardized the separation of powers in the U.S. Constitution and created a "fourth branch" of government. In response to the criticisms of the expansion of administrative power in the 1930's, Congress passed the Administrative Procedures Act (APA) in 1946. The APA has been described as a "bill of rights" for the regulatory state. Administrative agencies must follow procedures established by the APA when exercising their rulemaking and adjudicatory powers.

Since the 1930's, the scope of the federal administrative state continued to expand. In the 1970's for instance, a wave of quality of life oriented regulations lead to the creation of the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC).

Federal administrative agencies of the federal government of the United States of America are controlled by the executive branch. The legislative branch has the power to create, abolish or modify the powers and structure of administrative agencies. Laws passed by the legislative branch and actions taken by the executive branch are subject to review by the judicial branch. Federal administrative agencies have quasi-legislative (rulemaking) and quasi-judicial (adjudicatory) powers to assist them in carrying out their executive functions. The rule-making and adjudicatory powers of federal agencies are regulated by the APA.

Administrative agencies adopt rules through the rulemaking procedures set forth in the APA. When adopting a new rule an agency must publish the proposed rule in the Federal Register, allow interested parties an opportunity to submit comments on the proposal, and incorporate in the final rule a concise general statement of the basis and purpose of the rule.¹⁰

Presently, the executive branch of the federal government is comprised of 15 cabinet level executive departments which oversee 169 dependent agencies, in addition to 70 independent agencies and government corporations which are listed below.

Cabinet Level Departments and Related Agencies

- Department of Agriculture (USDA)
 - Agricultural Marketing Service

⁸ *Id.*

⁹ *Id.* at 2.

¹⁰ Koch, C., et al. *Administrative Law: Cases and Material*, 6th ed., Ch. 1, part B.

- Agricultural Research Service
- Animal and Plant Health Inspection Service
- Center for Nutrition Policy and Promotion (CNPP)
- Economic Research Service
- Farm Service Agency
- Food and Nutrition Service
- Food Safety and Inspection Service
- Foreign Agricultural Service
- Forest Service
- Grain Inspection, Packers and Stockyards Administration
- National Agricultural Library
- National Agricultural Statistics Service
- National Institute of Food and Agriculture
- Natural Resources Conservation Service
- Risk Management Agency (Agriculture Department)
- Rural Development
- Department of Commerce (DOC)
 - Bureau of Economic Analysis (BEA)
 - Bureau of Industry and Security
 - Economics and Statistics Administration
 - Economic Development Administration (EDA)
 - International Trade Administration (ITA)
 - Minority Business Development Agency
 - National Institute of Standards and Technology (NIST)
 - National Oceanic and Atmospheric Administration (NOAA)
 - National Technical Information Service
 - National Telecommunications and Information Administration
 - Bureau of the Census
 - U.S. Patent and Trademark Office
- Department of Defense (DOD)
 - Department of Defense Inspector General
 - National Defense University
 - National Geospatial-Intelligence Agency
 - National Security Agency (NSA)
 - U.S. Navy
 - Pentagon Force Protection Agency
 - Prisoner of War/Missing Personnel Office
 - TRICARE Management
 - U.S. Air Force
 - U.S. Army
 - U.S. Fleet Forces Command
 - U.S. Military Academy, West Point
 - Unified Combatant Commands (Defense Department)
 - Uniformed Services University of the Health Sciences
 - Washington Headquarters Services
 - Federal Voting Assistance Program
- Department of Education (ED)
 - The Education Publications Center (EDPUBS)
 - Office for Civil Rights, Department of Education
 - Office of Elementary and Secondary Education (OESE)
 - Office of Postsecondary Education (OPE)
 - Office of Special Education and Rehabilitative Services (OSERS)

- Office of Vocational and Adult Education (OVAE)
- White House Commission on Presidential Scholars
- Institute of Education Services
- English Language Acquisition Office
- Improvement Office

- Department of Energy (DOE)
 - Energy Efficiency and Renewable Energy (EERE)
 - Fossil Energy
 - National Laboratories (Energy Department)
 - National Nuclear Security Administration
 - Nuclear Energy, Science and Technology
 - Power Administrations
 - Public Affairs
 - Science Office (Energy Department)
 - Energy Information Administration
 - Environmental Management
 - Federal Energy Regulatory Commission

- Department of Health and Human Services (HHS)
 - Administration for Children and Families (ACF)
 - AIDS.gov
 - CDC National STD Hotline
 - Centers for Disease Control and Prevention
 - Child Welfare Information Gateway
 - Eldercare Locator
 - Food and Drug Administration
 - HHS-TIPS Fraud Hotline
 - National Health Information Center
 - National Institute of Allergy and Infectious Disease
 - National Institutes of Health
 - National Runaway Safeline
 - Office of Child Support Enforcement
 - Agency for Healthcare Research and Quality
 - Centers for Medicare and Medicaid Services
 - Health Resources and Services Administration
 - Indian Health Service
 - Substance Abuse and Mental Health Services Administration
 - Administration for Community Living

- Department of Homeland Security (DHS)
 - Computer Emergency Readiness Team (US CERT)
 - Federal Emergency Management Agency (FEMA)
 - FEMA Disaster Assistance
 - Federal Law Enforcement Training Center
 - Secret Service
 - Transportation Security Administration (TSA)
 - U.S. Citizenship and Immigration Services
 - U.S. Coast Guard
 - U.S. Customs and Border Protection
 - U.S. Immigration and Customs Enforcement

- Department of Housing and Urban Development (HUD)
 - Federal Housing Administration (FHA)
 - Multifamily Housing Office

- Office of Community Planning and Development
- Office of Fair Housing and Equal Opportunity
- Policy Development and Research (HUD)
- Public and Indian Housing

- Department of Justice (DOJ)
 - Antitrust Division
 - Bureau of Alcohol, Tobacco, Firearms, and Explosives
 - Bureau of Prisons
 - Community Oriented Policing Services (COPS)
 - Drug Enforcement Administration
 - Executive Office for Immigration Review
 - Federal Bureau of Investigation (FBI)
 - Marshals Service
 - Office of Justice Programs
 - Office of the Pardon Attorney
 - Parole Commission
 - U.S. National Central Bureau - Interpol
 - U.S. Trustee Program
 - National Drug Intelligence Center

- Department of Labor (DOL)
 - Employee Benefits Security Administration (EBSA)
 - Job Corps
 - Mine Safety and Health Administration
 - National Contact Center
 - Occupational Safety and Health Administration (OSHA)
 - Office of Disability Employment Policy
 - Veterans' Employment and Training Service
 - Women's Bureau (Labor Department)
 - Employment and Training Administration
 - Bureau of Labor Statistics
 - Bureau of Internal Labor Affairs

- Department of State (DOS)
 - U.S. Mission to the United Nations
 - Arms Control and International Security
 - Bureau of Consular Affairs

- Department of the Interior (DOI)
 - Bureau of Indian Affairs (BIA)
 - Bureau of Land Management (BLM)
 - Bureau of Reclamation
 - Fish and Wildlife Service
 - National Park Service (NPS)
 - Surface Mining, Reclamation and Enforcement
 - U.S. Geological Survey (USGS)
 - Bureau of Ocean Energy Management
 - Bureau of Safety and Environmental Enforcement
 - National Park Service
 - Federal Consulting Group
 - Indian Arts and Crafts Board
 - Office of Natural Resources Revenue

- Department of the Treasury
 - Alcohol and Tobacco Tax and Trade Bureau
 - Bureau of the Public Debt
 - Internal Revenue Service (IRS)
 - Office of the Comptroller of the Currency (OCC)
 - Taxpayer Advocacy Panel
 - United States Mint
 - Financial Management Service
 - Federal Financing Bank
 - Taxpayer Advocacy Panel
 - Bureau of the Fiscal Service
 - Bureau of Engraving and Printing

- Department of Transportation (DOT)
 - Federal Aviation Administration (FAA)
 - Maritime Administration
 - National Highway Traffic Safety Administration
 - Pipeline and Hazardous Materials Safety Administration
 - Research and Innovative Technology Administration
 - Saint Lawrence Seaway Development Corporation
 - Surface Transportation Board
 - Bureau of Transportation Statistics
 - Federal Highway Administration
 - Federal Motor Carrier Safety Administration
 - Federal Railroad Administration
 - Federal Transit Administration

- Department of Veterans Affairs (VA)
 - National Cemetery Administration (NCA)
 - Veterans Benefits Administration
 - Veterans Day National Committee
 - Veterans Health Administration

Independent Agencies and Government Corporations

- Administrative Conference of the United States
- Advisory Council on Historic Preservation
- African Development Foundation
- AMTRAK (National Railroad Passenger Corporation)
- Broadcasting Board of Governors
- Central Intelligence Agency (CIA)
- Commission on Civil Rights
- Commodity Futures Trading Commission
- Consumer Product Safety Commission (CPSC)
- Corporation for National and Community Service
- Court Services and Offender Supervision Agency for the District of Columbia
- Defense Nuclear Facilities Safety Board
- Director of National Intelligence
- Environmental Protection Agency (EPA)
- Equal Employment Opportunity Commission (EEOC)
- Export-Import Bank of the United States
- Farm Credit Administration
- Farm Credit System Insurance Corporation

- Federal Communications Commission (FCC)
- Federal Deposit Insurance Corporation (FDIC)
- Federal Election Commission (FEC)
- Federal Energy Regulatory Commission
- Federal Housing Finance Agency
- Federal Labor Relations Authority
- Federal Maritime Commission
- Federal Mediation and Conciliation Service
- Federal Mine Safety and Health Review Commission
- Federal Reserve System
- Federal Retirement Thrift Investment Board
- Federal Trade Commission (FTC)
- General Services Administration (GSA)
- Institute of Museum and Library Services
- Inter-American Foundation
- Merit Systems Protection Board
- Millennium Challenge Corporation
- National Aeronautics and Space Administration (NASA)
- National Archives and Records Administration (NARA)
- National Capital Planning Commission
- National Council on Disability
- National Credit Union Administration (NCUA)
- National Endowment for the Arts
- National Endowment for the Humanities
- National Labor Relations Board (NLRB)
- National Mediation Board
- National Railroad Passenger Corporation (AMTRAK)
- National Science Foundation (NSF)
- National Transportation Safety Board
- Nuclear Regulatory Commission (NRC)
- Occupational Safety and Health Review Commission
- Office of Compliance
- Office of Government Ethics
- Office of Personnel Management
- Office of Special Counsel
- Office of the Director of National Intelligence
- Office of the National Counterintelligence Executive
- Overseas Private Investment Corporation
- Panama Canal Commission
- Peace Corps
- Pension Benefit Guaranty Corporation
- Postal Regulatory Commission
- Railroad Retirement Board
- Securities and Exchange Commission (SEC)
- Selective Service System
- Small Business Administration (SBA)
- Social Security Administration (SSA)
- Tennessee Valley Authority
- U.S. Trade and Development Agency
- United States Agency for International Development (USAID)
- United States International Trade Commission

- United States Postal Service (USPS)¹¹

Regulations from the Executive in Need of Scrutiny (REINS) Act

Congress has made attempts to curb executive agency powers by introducing the REINS Act in 2015.¹² The purpose of the REINS Act is to increase accountability and transparency in the federal regulatory process by requiring Congress to approve all new major regulations. The Act sets forth procedures federal agencies must follow, including preparing a report to Congress which classifies rules as major or non-major, list agency actions designed to implement a statutory provision or objective, list the aggregate economic impact of those actions, and include a complete copy of any cost-benefit analysis of a rule.

On July 28, 2015, the Act passed out of the House of Representatives but has yet to be heard in the Senate.¹³

Effect of Proposed Changes

HM 1191 petitions the United States Congress to propose to the states an amendment to the U.S. Constitution entitled the "Regulation Freedom Amendment." Under the amendment, whenever one quarter of either the House of Representatives or the Senate objects to a proposed regulation, and transmits their written declaration of opposition to the President, a majority vote of the House and Senate would be required to adopt the proposed federal regulation.

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

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹¹ *Federal Executive Branch*, available at <http://www.usa.gov/Agencies/Federal/Executive.shtml> (last visited January 16, 2016).

¹² H.R. 427 and S 226, 114th Cong. (2015).

¹³ <https://www.govtrack.us/congress/bills/114/hr427> (last visited January 14, 2016).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

House Memorial

A memorial to the Congress of the United States, urging Congress to propose to the states an amendment to the Constitution of the United States entitled the "Regulation Freedom Amendment," which would require a federal regulation be adopted by a majority vote of both houses of Congress if opposed by a specified percentage of the membership of either house.

WHEREAS, the growth and abuse of federal regulatory authority threaten our constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth, and Fifth Amendments to the Constitution of the United States, and

WHEREAS, federal regulators must be more accountable to the elected representatives of the people and not immune from such accountability, and

WHEREAS, the Declaration of Independence decried the imposition of the central government of "absolute Tyranny over these States" that "erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance," and

WHEREAS, the states too often find themselves in a similar position today, and

WHEREAS, the United States House of Representatives has passed with bipartisan support the Regulations from the

HM 1191

2016

27 Executive in Need of Scrutiny (REINS) Act of 2015, H.R. 427, to
28 require that Congress approve major new federal regulations
29 before they may take effect, and

30 WHEREAS, the President of the United States has
31 unfortunately shown no inclination to sign the REINS Act if it
32 were passed by both houses of Congress, and

33 WHEREAS, even if enacted, the law may be repealed or not
34 enforced by a future Congress or the President, and

35 WHEREAS, an amendment to the United States Constitution
36 does not require the President's approval and cannot be waived
37 by a future Congress or the President, NOW, THEREFORE,

38

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

40

41 That the Florida Legislature respectfully petitions the
42 Congress of the United States to propose to the states an
43 amendment to the Constitution of the United States entitled the
44 "Regulation Freedom Amendment," as follows:

45

46 "Whenever one-quarter of the Members of the United
47 States House or the United States Senate transmit to
48 the President their written declaration of opposition
49 to a proposed federal regulation, it shall require a
50 majority vote of the House and Senate to adopt that
51 regulation."

52

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 1191

2016



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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1265 Greater Naples Fire Rescue District, Collier County

SPONSOR(S): Passidomo

TIED BILLS: IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|--|---|
| 1) Local Government Affairs Subcommittee | 10 Y, 0 N | Darden | Miller |
| 2) Finance & Tax Committee | 11 Y, 0 N | Pewitt | Langston |
| 3) Local & Federal Affairs Committee | | Darden  | Kiner  |

SUMMARY ANALYSIS

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

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district¹ created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.² Chapter 191, F.S., the “Independent Special Fire Control District Act,” is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.³ Chapter 191 controls over more specific provisions in any special act or general law of local application creating a district’s charter.⁴ The Chapter requires every district be governed by a five member board⁵ and provides for:

- General powers;⁶
- Special powers;⁷
- Authority and procedures for the assessment and collection of ad valorem taxes;⁸
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;⁹ and
- Issuance of district bonds and evidences of debt.¹⁰

As a type of independent special district,¹¹ independent special fire control districts are also subject to applicable provisions of ch. 189, F.S., the “Uniform Special District Accountability Act.”¹² Chapter 189 prohibits the following types of special laws or general laws of local application:¹³

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

¹ A “special district” is a local government unit of “special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” S. 189.012(6), F.S. An “independent special district” is any special district that is not a “dependent special district,” which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district’s governing body are removable at will during their unexpired terms by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality. S. 189.012(3), F.S.

² Section 191.003(5), F.S.

³ Section 191.002, F.S.

⁴ Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

⁵ Section 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

⁶ Section 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

⁷ Section 191.008, F.S.

⁸ Section 191.006(14); s. 191.009(1), F.S.

⁹ Section 191.006(11), (15); s. 191.009(2)—(4), 191.011, F.S.

¹⁰ Section 191.012, F.S.

¹¹ Section 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

¹² Section 189.031, F.S.

¹³ Art. III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by “like vote.” The Uniform Special District Accountability Act (Ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each house.

- Exempting district elections from the requirements of s. 189.04, F.S.;¹⁵
- Exempting a district from the requirements for bond referenda under s. 189.042, F.S.;¹⁶
- Exempting a district from the requirements for reporting, notice, or public meetings under ss. 189.015, 189.016, 189.051, or 189.08, F.S.;¹⁷
- Creating a district for which a statement documenting the following is not submitted to the Legislature:
 - The purpose of the proposed district;
 - The authority of the proposed district;
 - An explanation of why the district is the best alternative; and
 - A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating that the proposed district is consistent with approved local government plans and the local government does not object to creation of the district.¹⁸

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.¹⁹ Therefore, any boundary expansion must be approved by the Legislature.²⁰ A special district may not levy ad valorem taxes without approval by the effected voters in a referendum.²¹

Greater Naples Fire Rescue District: Creation and Today

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

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

¹⁴ Section 189.031(2)(a), F.S.

¹⁵ Section 189.031(2)(b), F.S.

¹⁶ Section 189.031(2)(c), F.S.

¹⁷ Section 189.031(2)(d), F.S.

¹⁸ Section 189.031(2)(e), F.S.

¹⁹ *Board of Comm'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007).

²⁰ Section 191.014(2), F.S. (“The territorial boundaries of [an independent special fire control] district may be modified, extended, or enlarged with the approval or ratification of the Legislature.”).

²¹ Art. VII, s. 9(b), Fla. Const.

²² Ch. 2014-240, Laws of Fla.

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

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

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

²⁶ Merger Playbook, *supra* note 25.

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

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

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

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

Isles of Capri Municipal Rescue and Fire Services Capital Improvement District

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

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

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

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

²⁸ Merger Playbook, *supra* note 25.

²⁹ *Id.*

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

³¹ *Id.*

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

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

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

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

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

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

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

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

Effect of Proposed Changes

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

B. SECTION DIRECTORY:

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

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In conjunction with a general, special, or other election in Collier County held before December 31, 2016.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

³⁹ Ch. 2015-188, Laws of Fla.

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1265
SPONSOR(S): Rep. Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- Isles of Capri
NAME OF DELEGATION: Collier County
CONTACT PERSON: Kevin Comerer
PHONE NO.: (850) 717-5106 E-Mail: kevin.comerer@myfloridahouse.gov

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

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

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

Date hearing held: October 15, 2015

Location: 15000 Livingston Rd., Naples, FL 34109

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

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

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

Has this constitutional notice requirement been met?

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

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum Before December 31, 2016

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

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

YES NO

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

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

1/20/16

Date

Kathleen C. Passidomo

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM

****Read all instructions carefully.****

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

BILL #: 1265
SPONSOR(S): Rep. Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- Isles of Capri
(Indicate Area Affected (City, County or Special District) and Subject)

I. REVENUES:

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

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|-------------------------------|-------------------|-------------------|
| Revenue decrease due to bill: | \$ <u>0</u> | \$ <u>0</u> |
| Revenue increase due to bill: | \$ <u>768,103</u> | \$ <u>806,508</u> |

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

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

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

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

III. FUNDING SOURCE(S):

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

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

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|-----------------------------------|-------------------|-------------------|
| Local: Ad valorem and impact fees | \$ <u>768,103</u> | \$ <u>806,508</u> |
| State: | \$ <u>0</u> | \$ <u>0</u> |
| Federal: | \$ <u>0</u> | \$ <u>0</u> |

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: A reduced ad valorem tax rate from 2.0 to 1.5 mils.

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

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

Potential Disadvantages:

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

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

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

- 1. Disadvantages to Individuals: None

2. Disadvantages to Businesses: None

3. Disadvantages to Government: None.

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

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

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits. The ad valorem budgeted assessment figure is based upon the projected revenue calculations by Collier County.

VII. CERTIFICATION BY PREPARER

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

PREPARED BY: 
[Must be signed by Preparer]

Print preparer's name: Tara Bishop
9/10/15
Date

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

Deputy Director, Finance and Administration

REPRESENTING: Greater Naples Fire Rescue District

PHONE: 239-348-7540

E-MAIL ADDRESS: tbishop@gnfire.org



COLLIER COUNTY PROPERTY APPRAISER

ABE SKINNER, CFA

January 15, 2016

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

RE: Legal Description Used for HB 1265 and HB 1267

Dear Deputy Director Bishop:

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

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

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

Respectfully,

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

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

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

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

ARTICLE II

BOUNDARIES OF THE DISTRICT

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

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

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

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

33
 34 and also,

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

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

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

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

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

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

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

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

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

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

235 and 18, Township 52 South, Range 27 East, that lie
 236 West and North of State Road 92; and Sections 7, 8,
 237 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 238 Township 51 South, Range 27 East, and those portions
 239 of Sections 32 and 33, Township 51 South, Range 27
 240 East, that lie west and North of State Road 92,
 241

242 E.D. Less and except the North 1/2 of Section 2 of
 243 Township 50 South, Range 25 East and the South 1/2 of
 244 Section 35 of Township 49 South, Range 25 East.
 245

246 F.E. Less and except approximately 21.99 acres, more
 247 or less: A portion of Lots 7 through 9 of Naples
 248 Improvement Company's Little Farms as recorded in Plat
 249 Book 2 at page 2 of the Public Records of Collier
 250 County, Florida, being more particularly described as
 251 follows:
 252

253 Commence at the intersection of the East right-of-way
 254 of Goodlette-Frank Road (C.R. 851) and the South
 255 right-of-way of Golden Gate Parkway; thence run along
 256 said South right-of-way for the following four (4)
 257 courses:
 258

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

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

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

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

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

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

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

311

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

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

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

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

339
 340 H.G. Less and except approximately 6.17 acres, more
 341 or less: All that part of Lots 12, 13, and 14, Naples
 342 Improvement Company's Little Farms, as recorded in
 343 Plat Book 2, Page 2 of the Public Records of Collier
 344 County, Florida, being more particularly described as
 345 follows:

346
 347 Commencing at the Southwest corner of Lot 12, thence
 348 along the South line of said Lot 12, North 89°26'51"
 349 East 20.00 feet to the East right-of-way line of
 350 Goodlette-Frank Road; thence along the East right-of-
 351 way line North 00°39'49" East 10.00 feet to the Point
 352 of Beginning of the herein described parcel; thence
 353 continue along said East right-of-way North 00°39'49"
 354 West 580.00 feet; thence leaving said East right-of-
 355 way North 89°20'11" East 260.12 feet; thence North
 356 59°31'13" East, 153.66 feet; thence South 30°28'42"
 357 East, 119.01 feet; thence South 00°33'09" East, 554.02
 358 feet to a line lying 10 feet North of and parallel
 359 with said South line of Lot 12; thence along the said
 360 parallel line South 89°26'51" West, 451.54 feet to the
 361 point of beginning of the herein described parcel.

362

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

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

380
 381 TOGETHER WITH:

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

386
 387 LESS AND EXCEPT

388

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

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

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

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

413

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

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

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

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

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

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

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

438



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

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

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1267 Greater Naples Fire Rescue District, Collier County
SPONSOR(S): Local Government Affairs Subcommittee; Passidomo
TIED BILLS: IDEN./SIM. **BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------------|--|---|
| 1) Local Government Affairs Subcommittee | 10 Y, 0 N, As CS | Darden | Miller |
| 2) Finance & Tax Committee | 12 Y, 0 N | Pewitt | Langston |
| 3) Local & Federal Affairs Committee | | Darden  | Kiner  |

SUMMARY ANALYSIS

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

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district¹ created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.² Chapter 191, F.S., the "Independent Special Fire Control District Act," is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.³ Chapter 191 controls over more specific provisions in any special act or general law of local application creating a district's charter.⁴ The Chapter requires every district be governed by a five member board⁵ and provides for:

- General powers;⁶
- Special powers;⁷
- Authority and procedures for the assessment and collection of ad valorem taxes;⁸
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;⁹ and
- Issuance of district bonds and evidences of debt.¹⁰

As a type of independent special district,¹¹ independent special fire control districts are also subject to applicable provisions of ch. 189, F.S., the "Uniform Special District Accountability Act."¹² Chapter 189 prohibits the following types of special laws or general laws of local application:¹³

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

¹ A "special district" is a local government unit of "special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." S. 189.012(6), F.S. An "independent special district" is any special district that is not a "dependent special district," which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district's governing body are removable at will during their unexpired terms by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality. S. 189.012(3), F.S.

² Section 191.003(5), F.S.

³ Section 191.002, F.S.

⁴ Section 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

⁵ Section 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

⁶ Section 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

⁷ Section 191.008, F.S.

⁸ Section 191.006(14); s. 191.009(1), F.S.

⁹ S. 191.006(11), (15), s. 191.009(2)—(4), 191.011, F.S.

¹⁰ Section 191.012, F.S.

¹¹ Section 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

¹² Section 189.031, F.S.

¹³ Art. III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by "like vote." The Uniform Special District Accountability Act (Ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each house.

- Exempting district elections from the requirements of s. 189.04, F.S.;¹⁵
- Exempting a district from the requirements for bond referenda under s. 189.042, F.S.;¹⁶
- Exempting a district from the requirements for reporting, notice, or public meetings under ss. 189.015, 189.016, 189.051, or 189.08, F.S.;¹⁷
- Creating a district for which a statement documenting the following is not submitted to the Legislature:
 - The purpose of the proposed district;
 - The authority of the proposed district;
 - An explanation of why the district is the best alternative; and
 - A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating that the proposed district is consistent with approved local government plans and the local government does not object to creation of the district.¹⁸

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.¹⁹ Therefore, any boundary expansion must be approved by the Legislature.²⁰ A special district may not levy ad valorem taxes without approval by the effected voters in a referendum.²¹

Greater Naples Fire Rescue District: Creation and Today

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

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

¹⁴ Section 189.031(2)(a), F.S.

¹⁵ Section 189.031(2)(b), F.S.

¹⁶ Section 189.031(2)(c), F.S.

¹⁷ Section 189.031(2)(d), F.S.

¹⁸ Section 189.031(2)(e), F.S.

¹⁹ *Board of Comm'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007).

²⁰ Section 191.014(2), F.S. (“The territorial boundaries of [an independent special fire control] district may be modified, extended, or enlarged with the approval or ratification of the Legislature.”).

²¹ Fla. Const. art. VII, s. 9(b).

²² Ch. 2014-240, Laws of Fla.

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

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

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

²⁶ Merger Playbook, *supra* note 25.

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

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

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

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

Collier County Fire District One

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

Effect of Proposed Changes

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

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

²⁸ *Id.*

²⁹ *Id.*

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

³¹ *Id.*

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

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

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

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

³⁶ *Id.*

³⁷ *Id.*

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

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

B. SECTION DIRECTORY:

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

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In conjunction with a general, special, or other election in Collier County held before December 31, 2016.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2016, the Local Government Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment corrected an error in the property description of the MSTU to be annexed, ensuring that the entire area of the MSTU would be included in the GNFD.

This analysis is drawn to the bill as amended.

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

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

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

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

YES [checked] NO []

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

YES [checked] NO []

Date hearing held: October 15, 2015
Location: 15000 Livingston Rd., Naples, FL 34109

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

YES [checked] NO []

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES [checked] NO []

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

Has this constitutional notice requirement been met?

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

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum Before December 31, 2016

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

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

YES NO

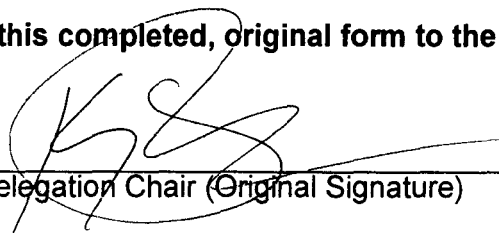
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

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

YES NO

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



Delegation Chair (Original Signature)

1/26/16

Date

Kathleen C. Passidomo

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM

****Read all instructions carefully.****

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

BILL #: 1267
SPONSOR(S): Rep. Passidamo
RELATING TO: Greater Naples Fire Rescue District, Collier County; District Expansion -- District One
(Indicate Area Affected (City, County or Special District) and Subject)

I. REVENUES:

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

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|-------------------------------|------------------|------------------|
| Revenue decrease due to bill: | \$ <u>19,919</u> | \$ <u>20,000</u> |
| Revenue increase due to bill: | \$ <u>0</u> | \$ <u>0</u> |

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

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

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

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

III. FUNDING SOURCE(S):

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

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

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|---|-------------------|-------------------|
| Local: Ad valorem and impact fees from District One | \$ <u>230,025</u> | \$ <u>230,025</u> |
| State: | \$ <u>0</u> | \$ <u>0</u> |
| Federal: | \$ <u>0</u> | \$ <u>0</u> |

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

1. Advantages to Individuals: A reduced ad valorem tax rate from 2.0 to 1.5 mils.

2. Advantages to Businesses: Same as above.

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

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: New development will be required to pay impact fees

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

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

3. Disadvantages to Government: None.

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

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

There are no expected reduction in services.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

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

VII. CERTIFICATION BY PREPARER

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

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name:

Tara Bishop

9/14/15
Date

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

Deputy Director, Finance and Administration

REPRESENTING:

Greater Naples Fire Rescue District

PHONE:

239-348-7540

E-MAIL ADDRESS:

tbishop@gnfire.org



COLLIER COUNTY PROPERTY APPRAISER

ABE SKINNER, CFA

January 15, 2016

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

RE: Legal Description Used for HB 1265 and HB 1267

Dear Deputy Director Bishop:

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

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

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

Respectfully,

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

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

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

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

ARTICLE II

BOUNDARIES OF THE DISTRICT

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

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

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

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

33
34 and also,

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

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

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

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

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

52

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

55
 56 All of Sections 3, 4, 5, 9, 10, and 11, Township 53
 57 South, Range 26 East;

58
 59 All of Sections 1 through 36, Township 50 South, Range
 60 27 East;

61
 62 All of Sections 1 through 6, 9 through 15, 23 through
 63 26, and that portion of Sections 32 and 33, that lies
 64 South and East of the North and West right-of-way line
 65 of State Road 92, Township 51 South, Range 27 East;

66
 67 All of Sections 2 through 4, that portion of Sections
 68 5, 7 and 8 that lies East of the West right-of-way
 69 line of State Road 92, all of Sections 9 through 17,
 70 that portion of Section 18 that lies East and South of
 71 the West and North right-of-way line of State Road 92,
 72 less that portion of Section 18 located in Ordinance
 73 No. 98-114, all of Section 19, less that portion
 74 located in Ordinance No. 98-114, all of Sections 20
 75 through 36, Township 52 South, Range 27 East;

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

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All of Sections 25, 26, 27, 34, 35 and 36, Township 49 South, Range 28 East;

All of Sections 1 through 36, Township 50 South, Range 28 East;

All of Sections 1 through 36, Township 51 South, Range 28 East;

All of Sections 1, 2, 7, 12, 15 through 23 and 25 through 36, Township 52 South, Range 28 East;

All of Sections 1 through 36, Township 53 South, Range 28 East;

All of Sections 25 through 36, Township 49 South, Range 29 East;

All of Sections 3 through 10, 15 through 22, and 27 through 34, Township 50 South, Range 29 East;

All of Sections 3 through 10, 15 through 22, and 27 through 34, Township 51 South, Range 29 East;

All of Sections 3 through 10, 15 through 17, and 29

105 through 34, Township 52 South, Range 29 East;
 106
 107 All of Sections 3 through 10, all of Section 15, less
 108 that portion of 15 located in Ordinance No. 92-100,
 109 all of Sections 16 through 22, that portion of Section
 110 23 not included in Ordinance No. 92-100, that portion
 111 of Section 26 not included in Ordinance No. 92-100,
 112 all of Sections 27 through 35 and that portion of
 113 Section 36 not included in Ordinance 92-100, Township
 114 53 South, Range 29 East;
 115
 116 All of Sections 1 through 36, Township 49 South, Range
 117 30 East;
 118
 119 All of Sections 1 through 36, Township 49 South, Range
 120 31 East;
 121
 122 All of Sections 1 through 36, Township 49 South, Range
 123 32 East;
 124
 125 All of Sections 1 through 36, Township 49 South, Range
 126 33 East;
 127
 128 All of Sections 1 through 36, Township 49 South, Range
 129 34 East; Collier County, Florida.
 130

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

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

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

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

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

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

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

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

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

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

338

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

344
 345 (1) Thence run North 44°42'45" East, for a distance
 346 of 35.36 feet;

347
 348 (2) Thence run North 89°42'45" East, for a distance
 349 of 122.57 feet;

350
 351 (3) Thence run North 80°12'12" East, for a distance
 352 of 159.63 feet;

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

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

374
 375 (1) Thence run North 89°41'51" East, for a distance
 376 of 338.41 feet;

377
 378 (2) Thence run North 89°50'24" East, for
 379 approximately 850 feet to a point on the mean high
 380 water line of the west bank of Gordon River, said
 381 point herein called Point "A", thence return to the
 382 aforementioned point of beginning, thence run along
 383 the south right-of-way of said Golden Gate Parkway for
 384 the following four (4) courses:

385
 386 (1) Beginning at a point on a circular curve concave
 387 northwest, whose radius point bears North 34°02'58"
 388 West a distance of 813.94 feet therefrom; thence run
 389 Northeasterly along the arc of said curve to the left,
 390 having a radius of 813.94 feet, through a central

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

394
 395 (2) Thence run North 50°47'53" East, for a distance
 396 of 459.55 feet

397
 398 (3) To the beginning of a tangential circular curve
 399 concave south; thence run Easterly along the arc of
 400 said curve to the right, having a radius of 713.94
 401 feet; through a central angle of 38°52'20"; subtended
 402 by a chord of 475.13 feet at a bearing of North
 403 70°14'03" East, for an arc length of 484.37 feet to
 404 the end of said curve;

405
 406 (4) Thence run North 89°40'13" East, for
 407 approximately 724 feet to a point on the mean high
 408 water line of the west bank of Gordon River; thence
 409 meander Southwesterly along the mean high water line
 410 for approximately 900 feet to the aforementioned Point
 411 "A" and the point of ending.

412
 413 G.F. Less and except approximately 112.82 acres, more
 414 or less: All of East Naples Industrial Park, according
 415 to the plat thereof recorded in Plat Book 10, Pages
 416 114 and 115, of the Public Records of Collier County,

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

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

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

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

448

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

451

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

466

467 TOGETHER WITH:

468

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

472
 473 LESS AND EXCEPT

474
 475 Those parcels described in Official Records Book 1969,
 476 Page 977, and Official Records Book 2119, Page 1344
 477 both of the Public Records of Collier County, Florida.

478
 479 J.±. Less and except approximately 6.16 acres, more
 480 or less: Being a part of Estuary at Grey Oaks Roadway,
 481 Clubhouse and Maintenance Facility Tract, Plat Book
 482 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
 483 Book 37, pages 13-18 and part of Section 26, Township
 484 49 South, Range 25 East, Collier County, Florida.

485
 486 All that part of Estuary at Grey Oaks Roadway,
 487 Clubhouse and Maintenance Facility Tracts according to
 488 the plat thereof as recorded in Plat Book 36, pages 9-
 489 16, Estuary at Grey Oaks Tract B according to the plat
 490 thereof as recorded in Plat Book 37, pages 13-18,
 491 Public Records of Collier County, Florida, and part of
 492 Section 26, Township 49 South, Range 25 East, Collier
 493 County, Florida being more particularly described as
 494 follows:

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

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

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

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

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

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

 Hereinafter referred to as the "East Naples Division."

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

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

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

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

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

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1433 Martin County
SPONSOR(S): Magar
TIED BILLS: None **IDEN./SIM. BILLS:** None

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|------------------|--|
| 1) Local Government Affairs Subcommittee | 11 Y, 0 N | Renner | Miller |
| 2) Regulatory Affairs Committee | 17 Y, 0 N | Brown-Blake | Hamon |
| 3) Local & Federal Affairs Committee | | Renner <i>RR</i> | Kiner <i>KLK</i> |

SUMMARY ANALYSIS

In 1963, the Legislature enacted ch. 63-1619, Laws of Florida (later amended by chs. 91-389 and 2011-246, Laws of Florida), to provide specific requirements regarding the issuance of Special Restaurant Beverage (SRX) licenses in Martin County. Under the special act, in Martin County SRX licenses may be issued to any bona fide hotel, motel, motor court, or to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 4,000 square feet of floor space, with the exception of the area within the legal boundaries of the community redevelopment areas (CRAs) for restaurants providing service for 150 or more patrons at tables and occupying more than 2,500 square feet of floor space.

The bill repeals chs. 63-1619, 91-389, and 2011-246, Laws of Florida, relating to the issuance of SRX licenses for hotels, motels, motor courts, and certain restaurants in Martin County. The issuance of subsequent SRX licenses in the county will be as provided under general law.

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

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Alcoholic Beverages and Tobacco (DABT) of the Department of Business and Profession Regulation (DBPR) is responsible for the enforcement of Florida's Beverage Laws.¹

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county, known as the "quota".² Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations in s. 561.20(1), F.S., and are regulated under Rule 61A-3.0141, F.A.C. To qualify for the SRX license, a restaurant must have a service area of at least 2,500 square feet, be equipped to serve at least 150 persons full meals at one time, and derive at least 51% of its revenue from the sale of food and nonalcoholic beverages.³

The specific requirements regarding the issuance of SRX licenses in Martin County are found in chs. 63-1619, 91-389, and 2011-246, Laws of Florida.

In Martin County, SRX licenses are issued to any bona fide hotel, motel, motor court, or to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 4,000 square feet of floor space, with the exception of the area within the legal boundaries of the community redevelopment areas (CRAs)⁴ for restaurants providing service for 150 or more patrons at tables and occupying more than 2,500 square feet of floor space.

Licensees are prohibited from selling alcoholic beverages for consumption off the premises and from operating as a package store. The process for receiving SRX licenses includes obtaining approval from the Board of County Commissioners of Martin County, followed by applying to the Division within DBPR.

Effect of Proposed Changes

The bill repeals chs. 63-1619, 91-389, and 2011-246, Laws of Florida, relating to the issuance of SRX licenses for hotels, motels, motor courts, and certain restaurants in Martin County. The issuance of subsequent SRX licenses in the county will be as provided under general law.

B. SECTION DIRECTORY:

Section 1 Repeals chs. 63-1619, 91-389, and 2011-246, Laws of Florida, relating to the issuance of SRX licenses to hotels, motels, motor courts, and certain restaurants in Martin County.

Section 2 Provides the bill is effective upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 8, 2015

¹ Chs. 561-568, F.S.

² Section 561.20(1), F.S.

³ Section 561.20(2)(a)4., F.S.

⁴ Martin County has seven CRA districts: Golden Gate, Hobe Sound, Indiantown, Jensen Beach, Old Palm City, Port Salerno, and Rio.

WHERE? *Treasure Coast Newspapers, Martin 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:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

TREASURE COAST NEWSPAPERS

1939 SE Federal Highway, Stuart, Florida 34994

Affidavit of Publication

TREASURE COAST NEWSPAPERS

MARTIN CO COMMISSIONERS
2401 SE MONTEREY RD
STUART FL 34996

REFERENCE: 435812
831366 LEGISLATION-ZUMMO

STATE OF FLORIDA
COUNTY OF MARTIN, ST. LUCIE and INDIAN RIVER
Before the undersigned authority personally appeared and who on oath says that he/she is the Acct Adv Clerk of Treasure Coast Newspapers which publishes 3 daily newspapers in Martin Cnty: The Stuart News; St Lucie Cnty: St Lucie News Tribune: and Indian River Cnty: The Indian River Press Journal. Affiant further states that these newspapers are published daily, with offices and paid circulation in said counties, and distributed in said counties for one year preceding the first publication of the attached copy of advertisement; and affiant further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s). These newspapers have been entered as second class matter at the post office of Martin, St. Lucie and Indian River counties and have been for a period of one year preceding the first publication of the attached copy of advertisement.

PUBLISHED ON:
12/08/15

AD SPACE: 5.0 INCHES
FILED ON: 12/08/15

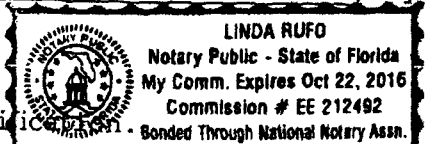
Sworn to and subscribed before me this day of Dec 8 2015, by [Signature], who is

personally known to me or
 who has produced

Notary:

[Signature]

as identified by My Commission



NOTICE OF INTENT TO SEEK LEGISLATION

Notice is hereby given of intent to apply to the 2016 Legislature and any Special and Extended Sessions for passage of an act relating to Martin County, repealing chapter 63-1619, Laws of Florida, as amended by chapter 2011-246 and 91-389, relating to Special Restaurant License (SRX) requirements for Martin County; providing an effective date.

Martin County Board of County Commissioners
2401 SE Monterey Road, Stuart FL 34996

ELECTION 2016

Ads a waste of money?



THE ASSOCIATED PRESS

Hopeful Donald Trump speaks Saturday in Davenport, Iowa.

of anything, I think (the attack ads would) stir up his base more and engage them more."

Curt Anderson, voter at a Donald Trump rally

establishment regardless," said professor of University in Davenport to concur. "I probably want him more." Wheatland then asked a host of anti-

one specific group: evangelicals, who make up 60 percent of Iowa caucusgoers. Turning them against Trump by using targeted mailings might prove effective, Goldstein said, if the candidate's past positions on abortion rights and advocacy for a single-payer health care system were targeted.

"Why was advertising so devastating to Mitt Romney? Because at the end of the day Mitt Romney's main message was 'I'm

a job creator' while the Obama message was 'No, you're a job destroyer,'" Goldstein said. "If Trump's big message is 'I'm aggressive, I'm tough, I'm conservative,' then saying things that don't knock at his strengths may not matter."

Voters who said they would not be swayed by ads that focus on Trump's rhetoric on the trail would be more likely to look into whether the charges were true, Goldstein argues. Those in attendance at Trump's rallies over the weekend seemed to prove Goldstein's point.

"I think if I fact-checked it myself and looked into whatever negative aspect they are pointing out I would take that a lot more seriously," Ryan, 30, from Silvis, Ill., said.

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NOTICE OF INTENT TO SEEK LEGISLATION

Notice is hereby given of intent to apply to the 2016 Legislature and any Special and Extended Sessions for passage of an act relating to Martin County, repealing chapter 63-1619, Laws of Florida, as amended by chapter 2011-246 and 81-389, relating to Special Restaurant License (SRX) requirements for Martin County, providing an effective date.

Martin County Board of County Commissioners
2401 SE Monterey Road, Stuart FL 34996

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Club Room V-neck & crewneck

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Sale \$9.60-\$24.
Hoodies, long-sleeve tops, sets & more

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1433
 SPONSOR(S): Representative Mary Kay Magar
 RELATING TO: Martin County Florida
(Indicate Area Affected (City, County, or Special District) and Subject)
 NAME OF DELEGATION: Martin County Delegation
 CONTACT PERSON: Ann Borden
 PHONE NO.: (772) 545-3481 E-Mail: Ann.Borden@myfloridahouse.gov

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

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

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

YES NO

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

YES NO

Date hearing held: December 7, 2015

Location: Martin County Commission Chambers

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

YES NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE Dec 8, 2015

Where? TC Palm County Martin, St. Lucie, P. Bch

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES

NO

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

YES

NO

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

YES

NO

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

Gayle B. Harrell
Delegation Chair (Original Signature)

1/12/2016
Date

Gayle B. Harrell
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM

Read all instructions carefully.

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

BILL #: HB 1433
SPONSOR(S): Representative MaryLynn Magar, District 82

RELATING TO: Martin County – The repeal of chapter 63-1619, Laws of Florida, as amended by chapter 2011-246 and 91-389, relating to Special Restaurant License (SRX) requirements for Martin County.

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

I. REVENUES:

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

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

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|--|-----------------|-----------------|
| | \$ _____ | \$ _____ |

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

Martin County currently levies a one-time application processing fee of \$390 for a county issued Special Liquor License. If the Legislature were to pass the local bill the county would no longer receive the fee - however, the staff time involved meets or at times exceeds the application fee (staff estimates that the total staff time per application is approximately 8 hours) and is the impact is thus revenue neutral.

III. FUNDING SOURCE(S):

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

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

| | <u>FY 16-17</u> | <u>FY 17-18</u> |
|----------|-----------------|-----------------|
| Local: | \$ <u>0</u> | \$ <u>0</u> |
| State: | \$ <u>0</u> | \$ <u>0</u> |
| Federal: | \$ <u>0</u> | \$ <u>0</u> |

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

1. Advantages to Individuals: This bill will increase additional dining options for restaurant patrons in unincorporated Martin County.
2. Advantages to Businesses: This bill will increase business opportunities for restaurant operators, both new and current within unincorporated Martin County with the ability to operate full-service restaurants creating a level playing field for Martin County businesses.
3. Advantages to Government: The changes would eliminate additional regulation duplicative to services provided by other government agencies. This bill would make regulations in unincorporated Martin County consistent with the City of Stuart, Martin County's community redevelopment areas, and other jurisdictions within the State.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: None foreseen

2. Disadvantages to Businesses: None foreseen

3. Disadvantages to Government: None foreseen

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

This bill will reduce staff time involved in meeting with the applicant, processing application, preparing the Board agenda item, review and approval of agenda and the meeting itself which frequently exceeds the application fee (staff estimates that the total staff time per application is approximately 8 hours), resulting in greater efficiency and less cost and time to the applicant.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

Florida Statutes, Florida Administrative Code, Martin County Comprehensive Plan

Martin County Growth Management Department Staff Analysis of costs and efficiencies

VII. CERTIFICATION BY PREPARER

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

PREPARED BY:


[Must be signed by Preparer]

Print preparer's name: Kate Parmelee
01/11/16
Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):
Community & Strategic Partnerships Manager

REPRESENTING: Martin County Board of County Commissioners

PHONE: (772) 320-3095

E-MAIL ADDRESS: kparmele@martin.fl.us

HB 1433

2016

1 A bill to be entitled
2 An act relating to Martin County; repealing chapters
3 63-1619, 91-389, and 2011-246, Laws of Florida,
4 relating to the issuance of special alcoholic beverage
5 licenses to hotels, motels, motor courts, and certain
6 restaurants; providing an effective date.

7

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

9

10 Section 1. Chapters 63-1619, 91-389, and 2011-246, Laws of
11 Florida, are repealed.

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