



Local & Federal Affairs Committee

Meeting Packet

**Thursday, February 4, 2016
1:00 pm – 3:00 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
Thursday, February 4, 2016
212 Knott, Webster Hall
1:00 p.m. – 3:00 p.m.

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bills:

HB 845 Bay County Bridge Authority, Bay County by Trumbull

HB 847 Pasco County by Burgess

HB 871 Broward County by Clarke-Reed

HB 911 City of Delray Beach, Palm Beach County by Hager

CS/HB 971 Community Development Districts by Local Government Affairs
Subcommittee, Sullivan


HB 1221 Barron Water Control District, Glades and Hendry Counties by
Hudson, Pigman

CS/HB 1339 City of Webster, Sumter County by Local Government Affairs
Subcommittee, O'Toole

V. Adjournment

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 845 Bay County Bridge Authority, Bay County
SPONSOR(S): Trumbull
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	8 Y, 0 N	Walker	Miller
2) Transportation & Ports Subcommittee	11 Y, 0 N	Willson	Vickers
3) Local & Federal Affairs Committee		Walker	 Kiner <i>KLK</i>

SUMMARY ANALYSIS

“Special Districts” are a type of limited local government created to perform specific services within a described geographic area. Sometimes called special taxing districts, most are created either by special act (independent special districts) or county or municipal ordinance (dependent special districts). The Special District Accountability Program in the Department of Economic Opportunity (DEO) is responsible for creating and maintaining a current list of all special districts in Florida, as provided in ch. 189, F.S., the Uniform Special District Accountability Act.

When a special district fails to meet certain statutory responsibilities, no longer functions, or informs DEO it is no longer active, DEO is required to follow the statutory process before declaring the district inactive. This includes documenting one or more statutory criteria for inactive status, publishing notice in the area of the district of DEO’s intent to declare the district inactive, and documenting the lack of any objection to declaring the district inactive. DEO is required to deliver written notice of the declaration of inactive status to specific authorities. If the district was created by special act, notice is delivered to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight. If the district was created by local ordinance, notice is delivered to the governing body of the county or municipality that created the district. A special district declared inactive may not collect taxes, assessments, or fees while the declaration is in effect. However, the district still exists until its legal authority is repealed by the creating entity.

The bill dissolves the Bay County Bridge Authority, an independent special district, by repealing ch. 84-391, Laws of Florida. Any assets and liabilities of the district are transferred to the Bay County Board of County Commissioners.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Special Districts Declared Inactive

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁵ A special district may be "dependent"⁶ or "independent."⁷

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.⁸ The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO is required to declare that district inactive by following a specified process.⁹ DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of six specific factors:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
 - Provides DEO with written notice that the district has taken no action for 2 or more years.¹⁰
 - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years.¹¹
 - Fails to respond to an inquiry from DEO within 21 days.¹²

¹ Section 189.031(3), F.S.

² Id.

³ Section 189.02(1), F.S.

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

⁵ 2015 – 2016 *Local Gov't Formation Manual*, p. 67, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2836> (accessed 9/28/2015).

⁶ Section 189.012(2), F.S. A special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.

⁷ Section 189.012(3), F.S. A special district that is not a dependent district.

⁸ Sections 189.061(1), 189.064(2), F.S. DEO maintains the current official list at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (accessed 9/28/2015).

⁹ Section 189.062(1), F.S. Prior to 2014, the former statute required DEO to document the existence of one of five criteria listed in paragraph (1)(a), publication and service under paragraph (1)(b) of a notice of intent to declare the district inactive, and the lack of any administrative appeal of the declaration within 21 days of that publication. Section 189.4044, F.S. (2013). In 2014, as ch. 189, F.S., was extensively revised and restructured, the word "or" was added at the end of s. 189.062(1)(a)6, F.S., apparently allowing DEO either to document one of the six criteria *or* publish notice of intent to declare inactive and find no appeal is filed. Chapter 2014-22, s. 24, Laws of Florida. During the 2015 regular legislative session, the Florida Senate passed CS/SB 1388, its version of a bill resolving technical issues stemming from the 2014 revisions, which would have amended s. 189.062(1)(a)6., F.S., by removing the word "or." CS/SB 1388 (2015), s. 11, at line 414 (bill did not pass the Legislature). DEO still uses the 3-step process as described in the 2013 statute.

¹⁰ Section 189.062(1)(a)1., F.S.

¹¹ Section 189.062(1)(a)2., F.S.

- Following statutory procedure,¹³ DEO determines the district failed to file specified reports,¹⁴ including required financial reports.¹⁵
- For more than 1 year, no registered office or agent for the district was on file with DEO.¹⁶
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.¹⁷

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.¹⁸ The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S.,¹⁹ within 21 days after the publication date.²⁰ If no objection is filed within the 21 day period, DEO declares the district inactive.²¹

After declaring certain special districts as being inactive, DEO must send written notice of the declaration to the authorities which created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.²² The statute provides that the declaration of inactive status is sufficient notice under the Florida Constitution²³ to authorize the repeal of special laws creating or amending the charter of the inactive district.²⁴ This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature.²⁵

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district. Any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.²⁶

A district declared inactive may not collect taxes, fees, or assessments.²⁷ This prohibition continues until the declaration of invalidity is withdrawn or revoked by DEO²⁸ or invalidated in an administrative proceeding²⁹ or civil action³⁰ timely brought by the governing body of the special district.³¹ Failure of the

¹² Section 189.062(1)(a)3., F.S.

¹³ Section 189.067, F.S.

¹⁴ Section 189.066, F.S.

¹⁵ Section 189.062(1)(a)4., F.S. *See, ss.* 189.016(9), 218.32, 218.39, F.S.

¹⁶ Section 189.062(1)(a)5., F.S.

¹⁷ Section 189.062(1)(a)6., F.S.

¹⁸ Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

¹⁹ The Florida Administrative Procedure Act.

²⁰ Section 189.062(10)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

²¹ Section 189.062(1)(c), F.S.

²² Section 189.062(3), F.S.

²³ Art. III, s. 10, Fla. Const.

²⁴ Section 189.062(3), F.S.

²⁵ Section 11.02, F.S.

²⁶ Section 189.062(2), F.S.

²⁷ Section 189.062(5), F.S.

²⁸ Section 189.062(5)(a), F.S.

²⁹ Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

³⁰ Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

³¹ The special district must initiate the legal challenge within 30 days after the date the written notice of the department's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.³²

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature³³ or the entity that created the district.³⁴

Bay County Bridge Authority

Bridge authority special districts exist to promote efficiency in transportation across the state by providing planning, construction and management of bridges over state waters. Bridge authorities are authorized to collect toll revenues, utilizing the SunPass electronic collection system, as well as issue tax-exempt revenue bonds to finance new infrastructure. Bridge authorities may also receive loans from the State Transportation Trust Fund and the State Infrastructure Bank.³⁵

The Bay County Bridge Authority ("the Authority") was created as a dependent special district by special act in 1984 with the Board of County Commissioners of Bay County acting as the Authority.³⁶ The Authority was created to construct and maintain a bridge over North Bay. In 1998, the Florida Department of Transportation (DOT) designed, built, and now maintains the D.J. Bailey Memorial Bridge.³⁷

The registered agent of the Authority notified the Department of Community Affairs (DCA)³⁸ that the Authority had become inactive within the meaning of s. 189.4044(1)(a)1., F.S. (2003), by failing to take any action within a two calendar year period and requested that DCA declare the District inactive. On December 31, 2003 and again on January 7, 2004, DCA published the "Notice of Proposed Declaration of Inactive Status of the Bay County Bridge Authority Independent Special District" in the News Herald.³⁹ Pursuant to statute, the notice required any objections to the District being placed on inactive status to be filed with DCA within 60 days⁴⁰ of the initial publication of the notice; no objections were received. On March 25, 2004, DCA declared the District inactive. DCA notified the Speaker of the House and the President of the Senate pursuant to statute that the district had been declared inactive.⁴¹

EFFECT OF THE BILL

The bill dissolves the Bay County Bridge Authority by repealing ch. 84-391, Laws of Florida. Any assets and liabilities of the district are transferred to the Board of County Commissioners for Bay County.

B. SECTION DIRECTORY:

³² Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

³³ Sections 189.071(3), 189.072(3), F.S.

³⁴ Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

³⁵ Florida Special District Review, <http://www.flspecialdistrictreview.state.fl.us/Default.aspx?groupId=9>.

³⁶ Ch. 84-391, Laws of Florida.

³⁷ DOT "Florida Bridge Information" for 2015 4th Quarter, p. 65 (10/1/2015), at <http://www.dot.state.fl.us/statemaintenanceoffice/bridgeinfo.shtml>. The actions of DOT rendered moot any further need for the Authority.

³⁸ The Department of Community Affairs was abolished and the Division of Community Planning, responsible for supervision of special districts, was transferred to the newly created Department of Economic Opportunity, effective July 1, 2011. Ch. 2011-142, ss. 3, 528, Laws of Florida.

³⁹ Letter from the Department of Community Affairs to President of the Senate James King and Speaker of the House Johnnie Byrd, "Re: Inactive Status of the Bay County Bridge Authority," (March 12, 2004).

⁴⁰ The current iteration of procedures for dissolution under s. 189.062 F.S. (2015), requires only a 21 day notice and response period. The notice and response period was 60 days under s. 189.4044 F.S. (2003).

⁴¹ The statute currently requires notification of the standing committee chairs; however, at the time the district was declared inactive, the statute only required the Speaker of the House and President of the Senate be notified. 189.4044(1) F.S., (2003).

- Section 1: Repeals ch. 84-391, Laws of Florida.
- Section 2: Abolishes the Bay County Bridge Authority and transfers all assets and liabilities of the district to the Board of County Commissioners of Bay County.
- Section 3: Provides the bill is effective upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? March 12, 2004

WHERE? Tallahassee, FL

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:

When notice of intent to file a local bill is published in the area to be affected pursuant to statute,⁴² proof of such publication typically is in the form of an affidavit.⁴³ However, in this instance the notice of declaring inactive status in and of itself is sufficient to satisfy the constitutional requirement.⁴⁴ To satisfy the requirement of general law that evidence of the necessary publication "be established" in the Legislature before the bill is passed,⁴⁵ a Substitute Notice of Publication reciting the requirement of s. 189.062(3), F.S., was submitted with the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁴² Section 11.02, F.S.

⁴³ Section 11.03, F.S.

⁴⁴ Section 189.062(3), F.S.

⁴⁵ Section 11.021, F.S.

Rep. Trumbull

HB 845 LB

SUBSTITUTE NOTICE OF PUBLICATION

Re: Bay County Bridge Authority

The Special District Accountability Program in the Department of Economic Opportunity has declared the Bay County Bridge Authority in Bay County to be inactive. By notice dated March 12, 2004, the Department informed the President of the Florida Senate and the Speaker of the Florida House of Representatives of the inactive status of the district. Under s. 189.062(3), F.S. (formerly s. 189.4044(3), F.S. (2003), the declaration of inactive status from DEO is sufficient notice under s. 10, art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

Local Bill forms

HB 845



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEFF BUSH
 Governor

HEIDI HUGHES
 Interim Secretary

March 12, 2004

The Honorable James E. "Jim" King, Jr.
 President, The Senate of Florida
 Room 409, The Capitol
 402 South Monroe Street
 Tallahassee, Florida 32399-1300

The Honorable Johnnie B. Byrd, Jr.
 Speaker of the House of Representatives
 Room 470, The Capitol
 402 South Monroe Street
 Tallahassee, Florida 32399-1300

Re: Inactive Status of the Bay County Bridge Authority

Dear President King and Speaker Byrd:

When a special district becomes inactive within the meaning of Section 189.4044 *Florida Statutes*, the Department of Community Affairs must file a *Declaration of Inactive Status Report* (enclosed) with the President of the Senate and the Speaker of the House of Representatives. Pursuant to Section 189.4044(3)-(4), *Florida Statutes*, this is sufficient notice as required by Section 10, Article III of the *State Constitution* to authorize the Legislature to repeal any special laws so reported. The above referenced special district has become inactive. Therefore, I dutifully request that the Legislature dissolve this special district by repealing its enabling laws. Thank you for your time and consideration.

Best Regards,

Heidi Hughes
 Interim Secretary

HH/jg

- Enc. Declaration of Inactive Status Report for the Bay County Bridge Authority
- cc. Ms. Joy Bales, Registered Agent and Bay County Deputy County Manager
 Mr. Jack Gaskins Jr., Special District Information Program

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
 Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
 Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
 2796 Overseas Highway, Suite 217
 Marathon, FL 33050-2127
 DOKI 788-2402

COMMUNITY PLANNING
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 2788-827-1700

EMERGENCY MANAGEMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 2788-827-1700

HOUSING & COMMUNITY DEVELOPMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100

DECLARATION OF INACTIVE STATUS REPORT
BAY COUNTY BRIDGE AUTHORITY

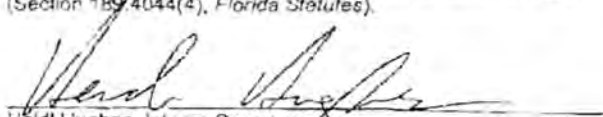
Name of Inactive Special District: *Bay County Bridge Authority (the "Authority"), a dependent special district located in Bay County in the State of Florida.*

Inactive Status Based Upon: *Certification from the Authority's Registered Agent that the Authority has become inactive within the meaning of Section 189.4044(1)(a)1., Florida Statutes*

Action Taken by the Department of Community Affairs: *The Bay County Board of County Commissioners published a Notice of Declaration of Inactive Status of the Bay County Bridge Authority in *The News Herald*, a newspaper of general circulation in Bay County, on December 31, 2003 and January 7, 2004. This notice required any party objecting to the dissolution of the Authority to file an objection within 60 days after the date of the last publication of the notice with the Department of Community Affairs (the "Department"). In addition, the Notice required any creditors asserting claims against the Authority to file such claims with the Department during that time (Section 189.4044(1)(b), Florida Statutes).*

Result: *Sixty days elapsed from the last publication date of the notice of proposed declaration of inactive status and no sustained objections or claims were filed. The Department's Special District Information Program declared the Authority to be inactive on March 10, 2004 (Section 189.4044(1)(c), Florida Statutes).*

Action Requested of the Florida Legislature: *Dissolve the Bay County Bridge Authority by repealing Chapter 84-391, Laws of Florida, which became law on June 14, 1984 (Section 189.4044(4), Florida Statutes).*


Heidi Hughes, Interim Secretary

25 MARCH 2004
Date

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 845
SPONSOR(S):
RELATING TO: Bay County Bridge Authority
NAME OF DELEGATION: Bay County
CONTACT PERSON: Patti Butchikas
PHONE NO.: (850) 914-6300 E-Mail: Patti.Butchikas@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: November 9, 2015

Location: Bay County Board Chamber, 840 W. 11th St., Panama City, FL 32401

(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 [checked] NO [] DATE 3/12/2004

Where? Leon County Leon

Referendum in lieu of publication: YES NO

Date of Referendum N/A

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

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

YES NO

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

YES NO

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

YES NO

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


Delegation Chair (Original Signature)

11/9/15
Date

Rep. Jay Trumbull
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 845
SPONSOR(S): _____
RELATING TO Bay County Bridge 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.

n/a

III. FUNDING SOURCE(S):

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

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

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>n/a</u>	\$ <u>n/a</u>
State	\$ <u>n/a</u>	\$ <u>n/a</u>
Federal:	\$ <u>n/a</u>	\$ <u>n/a</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1 Advantages to Individuals: Remove authority of inactive special district to impose bridge tolls and penalties.
- 2 Advantages to Businesses: Remove authority of inactive special district to impose bridge tolls and penalties.
- 3 Advantages to Government: Remove potential liabilities for bridge authority.

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 anticipated impact. The district is inactive.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

n/a

VII. CERTIFICATION BY PREPARER

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

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name:

Johnathan A. Stukey

09/25/15

Date

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

Budget Director

REPRESENTING:

Bay County, FL

PHONE:

(850) 248-8240

E-MAIL ADDRESS:

astukey@baycountyfl.gov

1 A bill to be entitled
2 An act relating to the Bay County Bridge Authority,
3 Bay County; repealing chapter 84-391, Laws of Florida;
4 abolishing the authority; transferring assets and
5 liabilities of the authority to the Board of County
6 Commissioners of Bay County; providing an effective
7 date.

8

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

10

11 Section 1. Chapter 84-391, Laws of Florida, is repealed.

12 Section 2. The Bay County Bridge Authority, Bay County, is
13 abolished. All assets and liabilities of the authority are
14 transferred to the Board of County Commissioners of Bay County.



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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 847 Pasco County

SPONSOR(S): Burgess, Jr.

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	9 Y, 0 N	Darden	Miller
2) Agriculture & Natural Resources Subcommittee	12 Y, 0 N	Moore	Harrington
3) Local & Federal Affairs Committee		Darden 	Kiner 

SUMMARY ANALYSIS

Chapter 99-166, Laws of Florida, deals with the elimination of sewage treatment facility discharges into coastal waters within Pasco County, and provides as follows:

- Prohibits new discharges, or increased pollutant loadings from existing sewage treatment facilities, into the coastal waters of the state within Pasco County, which includes, but is not limited to, Anclote Anchorage, Sandy Bay, Cross Bayou, Millers Bayou, Boggy Bay, Hope Bayou, Lighter Bayou, or Fillman Bayou, or into waters tributary thereto;
- Requires existing sewage treatment facility discharges into the coastal waters of the state within Pasco County or into waters tributary thereto to be eliminated before July 1, 2004; and
- Provides that DEP may grant an exception to these requirements if:
 - The applicant conclusively demonstrates that no other practical alternative exists, the discharge will receive advanced waste treatment or a higher level of treatment, and the applicant conclusively demonstrates that the proposed discharge will not result in a violation of water quality standards; or
 - The applicant's discharge is a limited wet weather surface water discharge serving as a backup to a reuse system, will not cause a violation of state water quality standards and is subject to the requirements of DEP's rules

The bill repeals ch. 99-166, Laws of Florida, and would place Pasco County under the generally applicable laws and regulations applying to the elimination of domestic wastewater discharges through ocean outfalls.

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

This bill will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Domestic Wastewater Ocean Outfalls

The Legislature has determined that the discharge of domestic wastewater¹ through ocean outfalls²:

- Wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands; and
- Compromises the coastal environment, quality of life, and local economies that depend on those resources.³

The Legislature has declared that more stringent treatment and management requirements for domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.⁴

Accordingly, the construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls, along with associated pumping and piping systems, are prohibited.⁵ Each domestic wastewater ocean outfall must be limited to the discharge capacity specified in the Department of Environmental Protection (DEP) permit authorizing the outfall in effect on July 1, 2008, and must not be increased.⁶ DEP is directed to work with the United States Environmental Protection Agency to ensure that these requirements are implemented consistently for all domestic wastewater facilities in the state which discharge through ocean outfalls.⁷

The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2018.⁸ Advanced wastewater treatment and management requirements means:

- The advanced waste treatment requirements set forth in s. 403.086(4), F.S.;⁹
- A reduction in outfall baseline loadings of total nitrogen and total phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in s. 403.086(4), F.S.; or

¹ "Domestic wastewater" is defined in Rule 62-600.200(25), F.A.C., as the wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

² Rule 62-600.200(55), F.A.C., defines the term "ocean outfall" as the outlet or structure through which effluent is finally discharged to the marine environment which includes the territorial sea, contiguous zone and the ocean.

³ Section 403.086(9), F.S.

⁴ *Id.*

⁵ Section 403.086(9)(a), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 403.086(9)(b), F.S.

⁹ Section 403.086(4), F.S., provides that "advanced waste treatment" means treatment which will provide a reclaimed water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand.....5mg/l
2. Suspended Solids.....5mg/l
3. Total Nitrogen, expressed as N.....3mg/l
4. Total Phosphorus, expressed as P.....1mg/l

(b) Has received high level disinfection, as defined by DEP rule. (*See* r. 62-600.520, F.A.C.)

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, DEP may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

- A reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in s. 403.086(4), F.S., were fully implemented beginning December 31, 2018, and continued through December 31, 2025.¹⁰

The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by DEP.¹¹ Except as otherwise provided, a backup discharge may occur:

- Only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems; and
- Must comply with advanced wastewater treatment and management requirements.¹²

The holder of a DEP permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, must submit the following to DEP:¹³

- By July 1, 2013, a detailed plan to meet the requirements of s. 403.086(9), F.S., including:
 - The identification of the technical, environmental, and economic feasibility of various reuse options;
 - The identification of each land acquisition and facility necessary to provide for reuse of the domestic wastewater;
 - An analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources;
 - A financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms; and
 - A detailed schedule for the completion of all necessary actions and be accompanied by supporting data and other documentation.¹⁴
- By July 1, 2016, an update of the plan documenting any refinements or changes in the costs, actions, or financing necessary to eliminate the ocean outfall discharge or a written statement that the plan is current and accurate.¹⁵

By December 31, 2009, and by December 31 every 5 years thereafter, the holder of a DEP permit authorizing the discharge of domestic wastewater through an ocean outfall must submit to DEP a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of s. 403.086(9), F.S., including progress toward meeting specific deadlines.¹⁶ The report must include a detailed schedule for and status of the evaluation of reuse and disposal options, preparation of preliminary design reports, preparation and submittal of permit applications, construction initiation, construction progress milestones, construction completion, initiation of operation, and continuing operation and maintenance.¹⁷

By July 1, 2010, and by July 1 every 5 years thereafter, DEP must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of s. 403.089(9), F.S.¹⁸ In the report, DEP must summarize the progress to date, including the increased

¹⁰ Section 403.086(9)(b), F.S.

¹¹ Section 403.086(9)(d), F.S.

¹² *Id.*

¹³ Section 403.086(9)(e), F.S.

¹⁴ Section 403.086(9)(e)1., F.S.

¹⁵ Section 403.086(9)(e)2., F.S.

¹⁶ Section 403.086(9)(f), F.S.

¹⁷ *Id.*

¹⁸ Section 403.086(9)(g), F.S.

amount of reclaimed water provided and potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.¹⁹

Chapter 99-166, Laws of Florida - Elimination of Sewage Treatment Facility Discharges into Coastal Waters within Pasco County

In 1999, CS/SB 1424, relating to the elimination of sewage treatment discharges into coastal waters²⁰ of Pasco County became law.²¹ At the time the bill passed, Pasco County had three wastewater treatment facilities that were permitted to discharge effluent into canals and waterways that entered the Gulf of Mexico.²² Chapter 99-166, Laws of Florida:

- Prohibits new discharges, or increased pollutant loadings from existing sewage treatment facilities, into the coastal waters of the state within Pasco County, which includes, but is not limited to, Anclote Anchorage, Sandy Bay, Cross Bayou, Millers Bayou, Boggy Bay, Hope Bayou, Lighter Bayou, or Fillman Bayou, or into waters tributary thereto;
- Requires existing sewage treatment facility discharges into the coastal waters of the state within Pasco County or into waters tributary thereto to be eliminated before July 1, 2004; and
- Provides that DEP may grant an exception to these requirements if:
 - The applicant conclusively demonstrates that no other practical alternative exists, the discharge will receive advanced waste treatment as defined in s. 403.086(4), F.S., or a higher level of treatment, and the applicant conclusively demonstrates that the proposed discharge will not result in a violation of water quality standards; or
 - The applicant's discharge is a limited wet weather surface water discharge serving as a backup to a reuse system, will not cause a violation of state water quality standards and is subject to the requirements of DEP's rules.²³

Effect of Proposed Changes

The bill repeals ch. 99-166, Laws of Florida, regarding the elimination of sewage treatment facility discharges into coastal waters within Pasco County. The bill will result in the coastal waters of Pasco County being subject to the general regulatory statutes applicable to domestic wastewater discharges to ocean outfalls contained in s. 403.086(9), F.S.

The Economic Impact Statement submitted for this bill simply stated the bill would have no impact on revenues or expenditures and did not provide any other information or discuss the specific data used in reaching the estimates.²⁴

B. SECTION DIRECTORY:

Section 1: Repeals ch. 99-166, Laws of Florida, concerning sewage treatment facility discharges into coastal waters within Pasco County.

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

¹⁹ *Id.*
²⁰ Rule 62-600.200(13), F.A.C., defines the term "coastal waters" as all estuarine, gulf, or ocean waters which are not classified as open ocean waters.
²¹ Chapter 99-166, Laws of Florida.
²² Senate Staff Analysis of CS/SB 1424 (1999), available at <http://archive.flsenate.gov/data/session/1999/Senate/bills/analysis/pdf/SB1424.nr.pdf>.
²³ Chapter 62-600.520, F.A.C.
²⁴ Economic Impact Statement for HB 847 (2016).
STORAGE NAME: h0847d.LFAC.DOCX
DATE: 1/29/2016

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? August 28, 2015

WHERE? *Baylink Pasco*, a publication of general circulation in Pasco County, Florida, published by the *Tampa Bay Times*, a daily newspaper in Pasco County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

180393

Tampa Bay Times
Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pasco County

Before the undersigned authority personally appeared **Johnnie Murry** who on oath says that he/she is **Legal Clerk of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter **RE: NOTICE OF INTENT TO** was published in **Tampa Bay Times: 8/28/15**, in said newspaper in the issues of **Baylink Pasco**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pasco County, Florida and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she 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

Johnnie Murry
Signature of Affiant

Sworn to and subscribed before me this 08/28/2015.

Kathleen J. Klase
Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



KATHLEEN J. KLASE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE203640
Expires 6/20/2016

Rep Burgess
HB 847LB

NOTICE OF INTENT TO SEEK LEGISLATION
Notice is hereby given of the intent to apply to the Pasco County Legislative Delegation for consideration of a proposed local bill relating to Pasco County, repealing Chapter 99-166, Laws of Florida, relating to sewage treatment facility discharges; providing an effective date. This matter will be heard at the public meeting of the Pasco County Legislative Delegation on September 29, 2015, from 1 p.m. to 4 p.m. at Sunlake High School, 3023 Sunlake Blvd., Land O' Lakes, FL 34638, Florida. (180393) 8/28/2015

HB
847

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 847

SPONSOR(S): Representative Danny Burgess

RELATING TO: Pasco County Repealing Chapter 99-166
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Pasco County Legislative Delegation

CONTACT PERSON: Jim Browne

PHONE NO.: (813) 909-9919 E-Mail: Browne.Jim@FLSenate.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: September 29, 2015

Location: Sunlake High School, 3023 Sunlake Boulevard, Land O'Lakes, FL 34638

(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 September 28, 2015

Where? Tampa Bay Times County Pasco

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

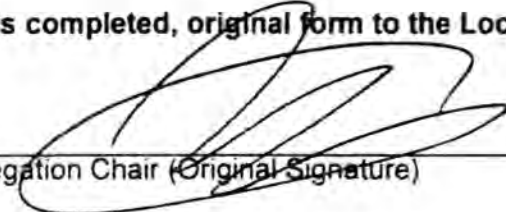
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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.



Delegation Chair (Original Signature)

09/29/15

Date

John Legg

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 847
 SPONSOR(S): Representative Burgess
 RELATING TO: Pasco County Repealing Chapter 99-166
(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>N/A</u>	\$ <u>N/A</u>
Revenue increase due to bill:	\$ <u>N/A</u>	\$ <u>N/A</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>N/A</u>	\$ <u>N/A</u>

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

III. FUNDING SOURCE(S):

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

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

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>N/A</u>	\$ <u>N/A</u>
State	\$ <u>N/A</u>	\$ <u>N/A</u>
Federal:	\$ <u>N/A</u>	\$ <u>N/A</u>

IV. ECONOMIC IMPACT:

Potential Advantages:

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

Include specific figures for anticipated job growth.

- 1. Advantages to Individuals: N/A

- 2. Advantages to Businesses: N/A

- 3. Advantages to Government: N/A

Potential Disadvantages:

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

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

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

- 1. Disadvantages to Individuals: N/A

2. Disadvantages to Businesses: N/A

3. Disadvantages to Government: N/A

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

N/A

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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

N/A

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A bill to be entitled
An act relating to Pasco County; repealing chapter 99-166, Laws of Florida, relating to sewage treatment facility discharges into coastal waters within the county or waters tributary thereto; providing an effective date.

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

Section 1. Chapter 99-166, Laws of Florida, is repealed.
Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 871 Broward County
SPONSOR(S): Clarke-Reed
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	9 Y, 0 N	Darden	Miller
2) Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
3) Local & Federal Affairs Committee		Darden	Kiner <i>KLK</i>

SUMMARY ANALYSIS

The Fish and Wildlife Conservation Commission (FWC), counties, and municipalities may establish "boating-restricted areas," placing limits on vessel speed and numbers, for the purpose of protecting public safety. To enforce speed limits in "boating-restricted areas," FWC must place regulatory markers (such as speed limit signs). The New River Canal and the Florida Intracoastal Waterway in Broward County are defined as "boating-restricted areas." Current law directs Broward County to bear the cost of providing speed limit signs and directs that each incorporated area within the county shall bear the cost of erecting any signs to be placed within its boundaries.

The bill repeals current law requiring Broward County to pay for the cost of providing the speed limit signs and requiring each incorporated area within the county to bear the cost of erecting any signs to be placed within its boundaries. Any responsibility for constructing and maintaining signs after the passage of the act would pass to FWC under general law. The bill also repeals a provision specifying that a person who operates a vessel in excess of the maximum speed limit in New River Canal and the Florida Intracoastal Waterway is guilty of a non-criminal infraction to be punished under s. 318.18(3), F.S. Persons found to have operated a vessel in excess of the maximum speed limit would therefore be liable according to general law.

Broward County currently spends \$30,000 per year on "upgrades" to the speed limit signs. The bill would shift those costs from the county to FWC.

This bill would take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Boating-Restricted Areas

Under the Florida Vessel Safety Law, boating-restricted areas may be established for "any purpose necessary to protect the safety of the public," as long as the restrictions relate to boating accidents, visibility, hazardous currents or waters levels, vessel traffic congestion, or other navigational hazards.¹ Both vessel speed and vessel traffic may be restricted.²

A boating-restricted area may be created by the Fish and Wildlife Conservation Commission (FWC) by adopting an administrative rule pursuant to ch. 120, F.S.,³ or by a county or municipality by adoption of an ordinance.⁴ Boating can only be restricted in an area with consultation and coordination with the governing body of the county or municipality where the area is located, and with the Coast Guard and Army Corps of Engineers, where the area is part of the navigable waters of the United States.⁵ The current federal definition of navigable waters of the United States includes:

- All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters, including interstate wetlands;
- All other waters, including intrastate waters, that could affect interstate or foreign commerce;
- All tributaries of those waters previously described;
- The territorial sea; and
- Wetlands adjacent to those waters previously described (but are not themselves wetlands).⁶

It is unlawful to operate a vessel in a boating-restricted area or to carry on any prohibited activity,⁷ if the area has been clearly marked by regulatory markers.⁸ Violating the Florida Vessel Safety Law is a noncriminal infraction,⁹ and violators are subject to a \$50 fine.¹⁰ The restriction and penalties do not apply in the case of an emergency, or to any law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.¹¹

The ability to enforce regulations in boating-restricted areas is dependent upon the placement of regulatory markers.¹² FWC is required to adopt rules establishing a uniform system of regulatory markers compatible with Coast Guard regulations.¹³ Counties and municipalities which have been granted a boating-restricted area designation for a portion of the Florida Intracoastal Waterway may

¹ Section 327.46(1), F.S.

² *Id.*

³ Section 327.46(1)(a), F.S.

⁴ Section 327.46(1)(b)-(c), F.S.

⁵ Section 327.46(2), F.S.

⁶ 40 C.F.R. §110.1 (2015).

⁷ "Prohibited activity" is defined for the purposes of ch. 327 as an "activity that will impede or disturb navigation or creates a safety hazard on waterways of this state." s. 327.02(35), F.S.

⁸ Section 327.46(3), F.S.

⁹ Section 327.73(1)(k), F.S.

¹⁰ Section 327.73(1), F.S.

¹¹ Section 327.46(4), F.S.

¹² See s. 327.46(3), F.S.

¹³ Section 327.41(1), F.S.

apply to FWC for permission to place regulatory markers under the procedures of s. 327.40, F.S.¹⁴

Boating-Restricted Areas in Broward County

Chapter 86-364, Laws of Florida, established a speed limit of thirty miles per hour for vessels travelling on the New River Canal and Florida Intracoastal Waterway.¹⁵ Boaters are informed of the speed limit by signs at locations designated by Division of Law Enforcement of FWC.¹⁶ Broward County is responsible for the cost of erecting and maintaining the signs in unincorporated areas, while municipalities are responsible for these costs for any sign inside their boundaries.¹⁷ The speed limit set by the act does not apply in regulatory zones, idle speed/no wake zones, and manatee zones.¹⁸

Boating restrictions are enforced by the Division of Law Enforcement of FWC and other law enforcement officers.¹⁹ FWC has also adopted a rule concerning "Broward County Boating Restricted Areas."²⁰ An earlier version of this rule specifically authorized Broward County to install and maintain regulatory markers, as directed by the Division of Law Enforcement, within boating-restricted areas.²¹ This authorization was removed with the intention of shifting authority and responsibility for managing regulatory markers along the Florida Intracoastal Waterway from Broward County and the City of Fort Lauderdale to FWC.²²

Effect of Proposed Changes

The bill transfers authority for the construction and maintenance of speed limit signs along the New River Canal and Florida Intracoastal Waterway in Broward County from the county to FWC.

The bill removes a provision stating that operating a vessel in excess of the maximum speed limit in the New River Canal and the Florida Intracoastal Waterway is a non-criminal infraction punishable by a civil penalty "computed in accordance with [the] provisions [of] ... s. 318.18(3), F.S." Vessel operators who exceed the maximum speed limit would instead be liable under the provisions of s. 327.73, F.S.

Broward County has previously spent money erecting speed limit signs in the New River Canal and Florida Intracoastal Waterway.²³ Most of these signs are still in good condition and the county currently spends approximately \$30,000 a year for upgrades as part of its Parks and Recreation budget.²⁴ FWC maintains ninety percent of the markers for manatee protection.²⁵

B. SECTION DIRECTORY:

Section 1: Amends ch. 86-364, Laws of Florida, concerning speed limit signs on the New River Canal and Florida Intracoastal Waterway, Broward County.

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

¹⁴ Section 327.41(2), F.S.

¹⁵ Ch. 86-364, s. 1, Laws of Fla.

¹⁶ Ch. 86-364, s. 2, Laws of Fla. The Florida Marine Patrol's functions are now part of FWC's Division of Law Enforcement.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 327.70(1), F.S.

²⁰ Rule 68D-24.008, F.A.C. (effective 7/21/13).

²¹ Rule 68D-24.008(3), F.A.C. (effective 12/18/94).

²² Letter from Major Richard Moore, Boating and Waterways Section Leader, FWC, to Barbara Sharief, Mayor of Broward County, Re: Broward County Special Acts of Local Application Numbers 86-364 and 89-428, dated 2/10/14. A copy of this letter is on file with the House Local Government Affairs Subcommittee.

²³ Economic Impact Statement for HB 869 (2015).

²⁴ *Id.*

²⁵ *Id.*

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 4, 2015

WHERE? The Sun-Sentinel, a daily newspaper published in Broward, Palm Beach, and Miami-Dade Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

SUN-SENTINEL
Published Daily
Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

Charles Reed
HB 871 LB

STATE OF FLORIDA

COUNTY OF: BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared
MARK KUZNETZ, who on oath says that he or she is a duly authorized
representative of the SUN- SENTINEL, a DAILY newspaper published in BROWARD/PALM
BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal
Notice in:

HB 871

The matter of 11745-Other Legal Notices

BROWARD COUNTY
Lombardo, Faith

Was published in said newspaper in the issues of; Oct 04, 2015

3635315

Affiant further says that the said SUN-SENTINEL is a newspaper published in said
BROWARD/PALM BEACH/MIAMI-DADE County, Florida, and that the said newspaper has
heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County,
Florida, each day and has been entered as second class matter at the post office in BROWARD
County, Florida, for a period of one year next preceding the first publication of the attached copy of
advertisement; and affiant further says that he or she has neither paid nor promised, any person, firm
or corporation, any discount, rebate, commission or refund, for the purpose of securing this
advertisement for publication in the said newspaper.

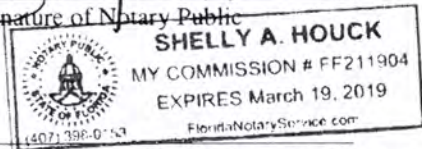
Mark Kuznetz

Signature of Affiant

Sworn to and subscribed before me this: October 05, 2015.

Shelly A. Houck

Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

NOTICE OF LEGISLATION
Notice is hereby given that the following
bill will be presented to the 2016 Legisla-
tive Session of the Florida Legislature for
consideration and enactment.

A BILL TO BE ENTITLED
AN ACT RELATING TO BROWARD COUNTY,
FLORIDA, AMENDING CHAPTER 86-364,
LAWS OF FLORIDA, RELATING TO BOAT-
ING SPEED LIMITS AND SIGNAGE IN
FLORIDA INTRACOASTAL WATERWAYS IN
BROWARD COUNTY, PROVIDING AN EF-
FECTIVE DATE

BROWARD COUNTY LEGISLATIVE DE-
LEGATION
REPRESENTATIVE GWYNDOLEN CLARKE-
REED, CHAIR
10/4/2015

Order # - 3635315

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 311
SPONSOR(S): Representative Claydon (Chuk Reed)
RELATING TO: Environmental - Waterway Speed Limit & Signage
(Indicate Area Affected (City, County, or Special District) and Subject)
NAME OF DELEGATION: Broward Legislative Delegation
CONTACT PERSON: Martha Knowles
PHONE NO.: (954) 325-2130 **E-Mail:** mknowles@broward.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 NO

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

YES NO

Date hearing held: September 29, 2015

Location: Broward County Governmental Center

(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 October 4, 2015

Where? 3000 NW 2nd St County Broward

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

Date of Referendum _____

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

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

YES [] NO []

(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.

[Signature]
Delegation Chair (Original Signature)

12/17/12
Date

[Printed Name]
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 #: 871
SPONSOR(S): Gwendolen Clarke-Reed
RELATING TO: Broward 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>
	\$ <u>0</u>	\$ <u>0</u>

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

The Florida Fish and Wildlife Commission already carries
costs of signage

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.

- Advantages to Individuals: None
- Advantages to Businesses: None
- Advantages to Government: Increased efficiencies as one entity will be responsible for the signage

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.

- Disadvantages to Individuals: None

2. Disadvantages to Businesses:

None

3. Disadvantages to Government:

None

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

None

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:


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

NA

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:

C. Mary Cassini

8-18-15

Date

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

REPRESENTING:

Broward County

PHONE:

954-357-7575

E-MAIL ADDRESS:

mcassini@broward.org

27 | crest of the vessel's wake at a distance not less than 25 feet
28 | from the vessel. For the purposes of this subsection, "wake"
29 | means all changes in the vertical level of the water's surface
30 | caused by the passage of a vessel including, but not limited to,
31 | a vessel's bow wave, stern wake, and propeller wash. This
32 | subsection does not authorize a vessel proceeding with a wake of
33 | 15 inches or less to travel at a speed in excess of "idle
34 | speed/no wake" or "slow down/minimum wake" when in such boating-
35 | restricted areas. Any person who violates this subsection is
36 | guilty of a misdemeanor of the second degree, punishable as
37 | provided in section 775.082 or section 775.083, Florida
38 | Statutes.

39 | ~~(3)~~(4) This section does not apply to any person operating
40 | a vessel as a participant in, or during officially sanctioned
41 | trial runs preceding or following, a lawfully permitted regatta
42 | or boat race or to any governmental officer or employee
43 | operating a law enforcement, U. S. Coast Guard, or fire or
44 | rescue vessel in the performance of his official duties.

45 | ~~(4)~~(5) For the purposes of enforcement of subsection (1),
46 | law enforcement officers may use aircraft, vessels, manual or
47 | electronic timing devices, or radar. If radar is used, the
48 | provisions of section 316.1906, Florida Statutes, must be
49 | complied with.

50 | ~~(5)~~(6) For the purposes of enforcement of subsection (2)
51 | ~~(3)~~, law enforcement officers may use mechanical, electronic, or
52 | photographic measuring devices.

53 ~~(6)~~(7)(a) A person may not operate any vessel on the New
 54 River Canal or Florida Intracoastal Waterway in Broward County
 55 in such a manner as to exceed a maximum sound level of 80 dB A
 56 at a distance of 50 feet from the vessel.

57 (b) Any person who violates this subsection or refuses to
 58 submit to a sound level test when requested to do so by a law
 59 enforcement officer is guilty of a misdemeanor of the second
 60 degree, punishable as provided in section 775.082 or section
 61 775.083, Florida Statutes.

62 ~~(7)~~(8) An alleged violator of this section shall be issued
 63 a uniform boating citation, as provided in section 327.74,
 64 Florida Statutes. A finding of guilt for the violation of any
 65 provision of this section, irrespective of the withholding of
 66 adjudication or sentence, shall be considered as a conviction
 67 for a violation of chapter 327, Florida Statutes, and the
 68 provisions of section 327.731, Florida Statutes, shall apply.
 69 The speed limit provisions of this section do not apply to
 70 regulatory zones, idle speed/no wake zones, slow speed/minimum
 71 wake zones, or manatee protection zones. ~~The courts shall~~
 72 ~~forward one-half of all moneys received as fines or civil~~
 73 ~~penalties for violations of this chapter to the State Treasurer~~
 74 ~~for deposit to the Motorboat Revolving Trust Fund.~~

75 ~~Section 2.~~ ~~The Florida Marine Patrol shall designate where~~
 76 ~~speed limit signs shall be located. The county shall bear the~~
 77 ~~cost of providing such signs, and each incorporated area within~~
 78 ~~the county shall bear the cost of erecting any signs to be~~

HB 871

2016

79 ~~placed within its corporate boundaries. The speed limit~~
80 ~~provisions of this section shall not apply to regulatory zones,~~
81 ~~idle speed/no wake zones or manatee areas.~~

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 911 City of Delray Beach, Palm Beach County
SPONSOR(S): Hager
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	8 Y, 0 N	Darden	Miller
2) Government Operations Subcommittee	13 Y, 0 N	Toliver	Williamson
3) Local & Federal Affairs Committee		Darden <i>DP</i>	Kiner <i>KK</i>

SUMMARY ANALYSIS

The civil service code for the City of Delray Beach was created by a special act of the Legislature in 1949. The civil service code currently applies to all regular employees of the city, except assistant city managers, department heads, and police majors. The code also does not apply to employees covered by a collective bargaining agreement or by an expired collective bargaining agreement subject to renegotiation, unless the collective bargaining agreement specifies the code shall apply.

The bill repeals ch. 49-25784, Laws of Fla., creating a civil service code for the City of Delray Beach, and subsequent special acts amending the civil service code. The current civil service code is included in the city's code of ordinances and repealing the act provides flexibility for the city to make changes pursuant to its home-rule authority.

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

The bill provides for a referendum to be held in conjunction with a general election in the City of Delray Beach. The bill takes effect only upon approval by a majority of qualified electors in the City of Delray Beach, except that the provision providing for the referendum shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Delray Beach Civil Service Code

The civil service code for the City of Delray Beach was created by a special act of the Legislature in 1949.¹ The provisions cover all full-time permanent employees of the city, except assistant city managers, department heads, and police majors.² Employees covered by a collective bargaining agreement with the city, or covered by an expired collective bargaining agreement subject to renegotiation, are also excluded unless the agreement specifies the code applies.³

The Civil Service Board (CSB) implements the provisions of the code. The CSB consists of five members.⁴ The city commission selects three members.⁵ These members may not be employed by the city in any capacity and must come from different occupational fields.⁶ Members selected by the city commission serve a two-year term.⁷ City employees elect two members.⁸ City employee members cannot work in the same department and are elected annually.⁹ Each department is limited to a single candidate for the CSB, with a departmental primary-type election to be held in the event multiple candidates from a department declare their intention to run.¹⁰ The CSB contains two alternate members, one selected by the city commission and one elected by city employees.¹¹ The alternate members must meet the same eligibility criteria as regular members of the CSB.¹²

The conditions of city employment are established by rules and regulations adopted by the city manager.¹³ These rules include employee duties, hours of work, discipline, control, conduct, and direction.¹⁴ The CSB may make recommendations concerning enforcement of the rules to the city manager.¹⁵ If the rules and regulations adopted by the city manager require an examination for filling a position, the CSB is responsible for administering the examination and maintaining a list of candidates based on the results.¹⁶

The number of positions in each city department and the classification of those positions are controlled by the city commission.¹⁷ In the event the number of positions or classifications is reduced, employees are retained according to seniority.¹⁸ Employees in an eliminated position in a higher classification position may choose to be "bump[ed] back" to a lower classification position, receiving the pay for the

¹ Ch. 49-25784, Laws of Fla., as amended. Codified as Title 3, ch. 35, s. 35.001-35.014, Delray Beach Code of Ordinances.

² S. 35.002(A), Delray Beach Code of Ordinances.

³ *Id.*

⁴ Section 35.003(A)(1), Delray Beach Code of Ordinances.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 35.003(A)(2), Delray Beach Code of Ordinances.

¹¹ Section 35.003(A)(1), Delray Beach Code of Ordinances.

¹² *Id.*

¹³ Section 35.004, Delray Beach Code of Ordinances.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 35.005, Delray Beach Code of Ordinances.

¹⁷ Section 35.007(A), Delray Beach Code of Ordinances.

¹⁸ Section 35.007(B), Delray Beach Code of Ordinances.

lower position.¹⁹ Employees may also be placed on inactive status for up to one year, during which they retain seniority in event of reemployment by the city.²⁰ If no position is available, the city manager may appoint the employee to another position, if the employee meets the qualifications for that position and received a satisfactory performance review in the previous year.²¹

To terminate an employee, the city manager must serve a written statement or notice of discharge to the employee.²² The notice must contain the reason the employee is being terminated, along with specific facts that would enable the employee to make an explanation.²³ The city manager must file the statement, along with any explanation provided by the employee, with the CSB before the discharge may take effect.²⁴

If an employee has been discharged, demoted, or suspended without pay for more than seven days, the employee may file an appeal with the CSB.²⁵ The employee may not appeal non-disciplinary actions, as determined by the city manager.²⁶ The appeal must be filed within ten days of employee receiving notice and a hearing must be held:²⁷

- For discharge: within 90 days, but no sooner than 60 days
- For demotion or suspension: within 30 days.

A hearing may be postponed by mutual consent of the city, the CSB, and the employee.²⁸ In a discharge hearing, the CSB functions like a jury with counsel selected by the CSB as the judge.²⁹ This method may also be used for a demotion or suspension hearing if the city commission consents and either the CSB acting alone, or the CSB and the employee jointly, request it.³⁰ If this method is not used, the CSB may request the city commission to appoint and retain a qualified attorney to provide legal advice to the CSB.³¹ The attorney is selected by a drawing consisting of four candidates, two selected by the city manager and two selected by the CSB.³² If either party fails to submit two names, the drawing is held from the remaining entries submitted.³³ The code does not specify who serves as judge for demotion or suspension hearings, but grants many of the powers of a judge to the chairperson of the CSB during such a hearing.³⁴ If the CSB disapproves of the discharge, demotion, or suspension and reinstates the employee, the CSB may also grant the employee any pay lost due to the discharge, demotion, or suspension.³⁵

The city manager may discipline an employee by suspending the employee for up to 30 days without pay.³⁶ The city manager may not circumvent this requirement by successive suspensions.³⁷ If an employee has been charged with a crime, the city manager may suspend the employee until the case

¹⁹ *Id.*

²⁰ Section 35.007(C), Delray Beach Code of Ordinances.

²¹ Section 35.013, Delray Beach Code of Ordinances.

²² Section 35.008, Delray Beach Code of Ordinances.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 35.009(A), Delray Beach Code of Ordinances.

²⁶ Section 35.009 (B), Delray Beach Code of Ordinances. The code gives termination for failure to have or maintain job qualifications and requirements as an example of a non-disciplinary action.

²⁷ Section 35.009(A), Delray Beach Code of Ordinances.

²⁸ *Id.*

²⁹ Section 35.009(B)(7), Delray Beach Code of Ordinances.

³⁰ Section 35.009(B)(2), Delray Beach Code of Ordinances.

³¹ Section 35.009(B)(3), Delray Beach Code of Ordinances.

³² *Id.*

³³ Section 35.009(B)(5), Delray Beach Code of Ordinances.

³⁴ *See s. 35.009(B)(11)*, Delray Beach Code of Ordinances (chairperson may swear witnesses and issue subpoenas).

³⁵ Section 35.012(B), Delray Beach Code of Ordinances.

³⁶ Section 35.012(A), Delray Beach Code of Ordinances.

³⁷ *Id.*

IF YES, WHEN? In conjunction with a general election held in the City of Delray Beach.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides for a referendum to be held in conjunction with a "general election" in the City of Delray Beach. Section 97.021(15), F.S., defines the term "general election" to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

A letter from the city attorney suggested that the city intended to hold the referendum on March 15, 2016, during the Presidential Preference Primary.⁴⁶

Section 166.031, F.S., requires a charter amendment referendum to be held during a general election held within the municipality or at a special election called for the purpose of approving the amendment.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

⁴⁶ Letter from Noel Pfeffer, City Attorney for the City of Delray Beach, to Rep. Magar, dated Sept. 29, 2015, available at http://www.pbcgov.com/legislativeaffairs/pdf/2015/LB_City_of_Delray_Beach_Local_Bill_Package.pdf.

HB 911

Order # - 3687552

SUN-SENTINEL
Published Daily
Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

RECEIVED
NOV 20 2015
CITY CLERK

STATE OF FLORIDA

COUNTY OF: BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared MARK KUZNITZ, who on oath says that he or she is a duly authorized representative of SENTINEL, a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11745-Other Legal Notices

City of Delray Beach/City Clerk's Office
Susan Maloney

Was published in said newspaper in the issues of: Nov 18, 2015

3747119

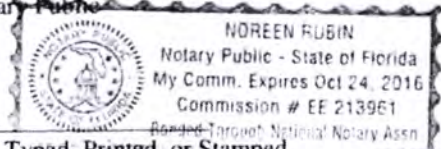
Affiant further says that the said SUN-SENTINEL is a newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida, and that the said newspaper has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, each day and has been entered as second class matter at the post office in BROWARD County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised, any person, firm or corporation, any discount, rebate, commission or refund, for the purpose of securing this advertisement for publication in the said newspaper.

Mark Kuznitz

Signature of Affiant

Sworn to and subscribed before me this: November 18, 2015.

[Signature]
Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

HB 911
local bill
forms.

NOTICE OF INTENTION TO SEEK ENACTMENT OF SPECIAL LAW
The City Commission of the City of Delray Beach, Florida does hereby give notice of its intention to seek the enactment of a special law during the 2016 session of the Florida Legislature relating to the City of Delray Beach Civil Service Act.

A bill to be entitled
An act relating to the City of Delray Beach, Palm Beach County, repealing chapters 97-324, 86-426, 83-397, 80-496, 79-447, 67-1284, and 25784 (1949), Laws of Florida; repealing the civil service act for the city, requiring a referendum, providing an effective date.

CITY OF DELRAY BEACH
Chevelle D. Rubin, MMC
City Clerk
11/18/2015

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 911
SPONSOR(S): Rep. Bill Hager
RELATING TO: City of Delray Beach, Palm Beach County
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Palm Beach County
CONTACT PERSON: Rachael Ondrus
PHONE NO.: (561) 322-7908 **E-Mail:** rachael@mcnicholas.biz

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 8, 2015

Location: Lakeside Medical Center, 39200 Hooker Hwy, Belle Glade, FL 33430

(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 November 18, 2015

Where? Sun-Sentinel County Palm Beach

Referendum in lieu of publication: YES NO ¹⁰

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.

M. Magar

Delegation Chair (Original Signature)

1/11/16

Date

Representative MaryLynn Magar

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 911
SPONSOR(S): Representative Hager
RELATING TO: City of Delray Beach Repeal of Special Act Creating Civil Service Code
[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.

No anticipated external impacts.

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: None

- 2. Advantages to Businesses: None

- 3. Advantages to Government: Enhanced flexibility in managing staff

Potential Disadvantages:

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

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

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

- 1. Disadvantages to Individuals: None

2. Disadvantages to Businesses: None

3. Disadvantages to Government: None

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

None anticipated.

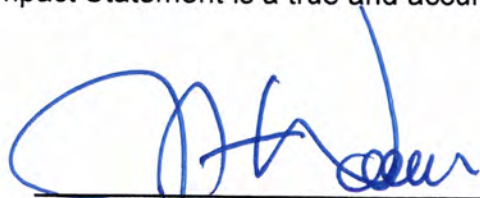
VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

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.
Estimates based on general knowledge of current personnel policies.

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:

Jack Warner

09-24-15

Date

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

Chief Financial Officer

REPRESENTING: _____

PHONE:

561-243-7117

E-MAIL ADDRESS:

warner@mydelraybeach.com

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A bill to be entitled
An act relating to the City of Delray Beach, Palm
Beach County; repealing chapters 97-324, 86-428, 83-
397, 80-496, 79-447, 67-1284, and 25784 (1949), Laws
of Florida; repealing the civil service act for the
city; requiring a referendum; providing an effective
date.

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

Section 1. Chapters 97-324, 86-428, 83-397, 80-496, 79-
447, 67-1284, and 25784, 1949, Laws of Florida, are repealed.

Section 2. This act shall take effect only upon its
approval by a majority vote of those qualified electors of the
City of Delray Beach voting in a referendum to be held in
conjunction with a general election, except that this section
shall take effect upon this act becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 971 Community Development Districts
SPONSOR(S): Local Government Affairs Subcommittee; Sullivan
TIED BILLS: **IDEN./SIM. BILLS:** SB 1156

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N, As CS	Darden	Miller
2) Economic Development & Tourism Subcommittee	13 Y, 0 N	Lukis	Duncan
3) Local & Federal Affairs Committee		Darden <i>SD</i>	Kiner <i>KLK</i>

SUMMARY ANALYSIS

Community development districts (CDD) are a type of special-purpose local government intended to provide basic urban community services in a cost-effective manner. The operation of CDDs is governed by Chapter 190, F.S., the "Uniform Community Development District Act of 1980." Depending on their size, CDDs are created by a county or municipal ordinance or the adoption of a rule by the Florida Land and Water Adjudicatory Commission (FLWAC). There are currently 605 active CDDs in Florida.

The bill would increase the size of CDDs that may be created by a county or municipal ordinance from 1,000 acres or less to 2,500 acres or less. The bill makes corresponding changes to the threshold for creating a CDD by FLWAC rule and the process for determining district expansion. The bill clarifies CDDs may contract with towing operators to provide services to facilities and property owned by the district. The bill also creates a merger procedure for multiple districts created by ordinances of the same county or municipality.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 190, F.S., the "Uniform Community Development District Act of 1980,"¹ sets forth the exclusive and uniform procedures for establishing and operating a community development district (CDD).² This type of independent special district³ is an alternative method to manage and finance basic services for community development.⁴ There are currently 605 active CDDs in Florida.⁵

A CDD must act within the constraints of applicable comprehensive plans, ordinances, and regulations of the local general purpose government.⁶ CDDs have certain general powers, including the authority to assess and impose ad valorem taxes upon lands in the CDD, sue and be sued, participate in the state retirement system, contract for services, borrow money, accept gifts, adopt rules and orders pursuant to the APA, maintain an office, lease, issue bonds, raise money by user charges or fees, and levy and enforce special assessments.⁷

The statute also authorizes additional special powers pertaining to public improvements and facilities, such as systems for water management, water supply, sewer, and wastewater management, as well as roads, bridges, culverts, street lights, buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, signage, environmental contamination, conservation areas, mitigation areas, and wildlife habitat.⁸ With the consent of the applicable local general-purpose government with jurisdiction over the affected area, a CDD may plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for improvements such as parks and recreational areas, fire prevention and control, school buildings and related structures; security; control and elimination of mosquitoes and other arthropods of public health importance; waste collection and disposal.⁹

Establishing a CDD

Petition for Rulemaking by the Florida Land and Water Adjudicatory Commission

The method for establishing a CDD depends upon its size. CDDs of 1,000 acres or more are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)¹⁰ to adopt an

¹ Section 190.001, F.S.

² Sections 190.004 & 190.005, F.S.

³ A "special district" is "a unit of local government created for a special purpose... within a limited geographic boundary ... created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." Section 189.012(6), F.S. An "independent special district" is characterized by having a governing body the members of which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality. Section 189.012(3), F.S. Any special district including more than one county is an independent special district, unless the district lies wholly within a single municipality. Section 189.012(3), F.S.

⁴ Section 190.003(6), F.S.

⁵ Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Jan. 13, 2016).

⁶ Section 190.004(3), F.S.

⁷ Section 190.011, F.S.

⁸ Section 190.012(1), F.S. The rule or ordinance establishing the CDD may restrict the special powers authorized in this subsection. Section 190.005(1)(f), (2)(d), F.S.

⁹ Section 190.012(2), F.S.

¹⁰ Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet. This distinction affects the requirements for an affirmative vote by the FLWAC. Unless

administrative rule creating the district.¹¹ The statute requires each petition to contain specific information, including the written consent to establishing the CDD by all landowners¹² of real property to be included in the district.¹³ Prior to filing, the petitioner must submit copies of the petition and pay separate filing fees of \$15,000 each to the county or municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.¹⁴ The counties and municipalities required to receive copies of the petition may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.¹⁵ Additionally, a public hearing on the petition must be held in the county where the CDD will be located; these hearings are conducted under the requirements of the Administrative Procedure Act¹⁶ before an administrative law judge.¹⁷ Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final consideration with the petition.¹⁸ If the petition is approved, staff of the FLWAC initiates proceedings to adopt the rule creating the CDD.

APA Rulemaking Requirements

A rule creating a CDD may not expand, modify, or delete any of the statutory requirements for a CDD charter, except for inclusion or exclusion of special powers as provided in s. 190.012, F.S.¹⁹ Rulemaking begins with publication of a notice of rule development.²⁰ Once the final form of the rule is developed, the agency must publish a notice of the proposed rule before it may be adopted.²¹ The publication of this notice triggers certain deadlines for the rulemaking process.²² The notice must include the full text of the proposed rule, other additional information, and the procedure to request a hearing on the proposed rule.²³ Once the statutory rulemaking requirements are met, the FLWAC may file the rule with the Department of State for final adoption and the rule typically goes into effect 20 days from this filing unless the notice of proposed rule provides a later date.²⁴

otherwise provided in law, the statutory voting requirements for the Administration Commission apply and affirmation by the FLWAC requires approval by the Governor and at least 2 Cabinet members.

¹¹ Section 190.005(1), F.S.

¹²“Landowner” means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years.” Section 190.003(14), F.S.

¹³ Section 190.005(1)(a), F.S.

¹⁴ Section 190.005(1)(b), F.S.

¹⁵ Section 190.005(1)(c), F.S.

¹⁶ Ch. 120, F.S. The general hearing requirements are stated in ss. 120.569 and 120.57(1), F.S.

¹⁷ Section 190.005(1)(d), F.S.; Rules 42-1.009 & 42-1.012, F.A.C. Chapter 42-1, F.A.C., the procedural rules of the FLWAC, remains substantially unchanged since its adoption in 1982.

¹⁸ Section 190.005(1)(e), F.S. A similar process is followed when the FLWAC considers a proposed merger of existing CDDs. See FLWAC Agenda Item 1 and attachments (Aug. 8, 2011), at <http://www.myflorida.com/myflorida/cabinet/agenda11/0816/index.html> (last visited Jan. 13, 2016).

¹⁹ Section 190.005(1)(f), F.S. The statute permits the rule to contain only the metes and bounds description of the real property included in the CDD, the names of the 5 members of the initial board of supervisors for the CDD, and the name of the CDD.

²⁰ Section 120.54(2), F.S.

²¹ Section 120.54(3)(a)1., F.S.

²² Persons affected by the proposed rule have 21 days from the date of publication to request a hearing on the proposed rule. Section 120.54(3)(c), F.S. Those wanting to submit a lower cost regulatory alternative to the proposed rule have the same 21 day time limit. Sections 120.54(3)(a)1., 120.541(1)(a), F.S. The agency must wait at least 28 days from the date of publication before filing the proposed rule for final adoption. Section 120.54(3)(a)2., (3)(e)1., F.S.

²³ Section 120.54(3)(a)1., F.S.

²⁴ Section 120.54(3)(e)6., F.S. If the rule itself increases regulatory costs in excess of \$1 million over the first 5 years from implementation the rule cannot go into effect until ratified by the Legislature. Section 120.541(3), F.S.

Petition for Ordinance Creating a CDD

CDDs of less than 1,000 acres are established by ordinance of the county having jurisdiction over the majority of land in the area in which the CDD is to be located, with certain exceptions.²⁵ A petition to establish a CDD is filed with the county commission.²⁶ After conducting a local public hearing before an administrative law judge,²⁷ the commission may adopt an ordinance creating the CDD.²⁸ If any of the land proposed for inclusion in the CDD lies within the area of a municipality the county cannot create the district without approval of the affected municipality.²⁹

If all the land proposed for inclusion in the CDD lies within the territorial jurisdiction of a municipality, the petition is filed with that municipality which then exercises the duties otherwise performed by the county commission.³⁰ In this case, the CDD would be created by municipal ordinance. Within 90 days of receiving the petition, the county commission (or municipality, as applicable) may transfer the petition to the FLWAC.³¹ Finally, if all the land of the proposed CDD lies within the territorial jurisdiction of two or more municipalities, the petition must be filed with the FLWAC even if the total area is less than 1,000 acres.³²

Requirements for Notice, Meeting, and Vote of Landowners in a CDD

The powers of a CDD are exercised by the board of supervisors elected by the landowners of the district.³³ The board must have five members serving two or four year terms.³⁴ The initial members of the board are designated in the original petition to create the CDD and serve until new members are elected after the district is established.³⁵ A meeting of landowners for the purpose of electing the board must be held within 90 days of the effective date of the rule or ordinance creating the district.³⁶ Each landowner is entitled to one vote for each acre he or she owns.³⁷ The top two candidates are elected to four year terms, while the next three candidates are elected to two year terms.³⁸ A new board election, held among the qualified electors of the district, occurs when either the board proposes to exercise its ad valorem taxing authority or six years after the formation of the district (ten years for districts exceeding 5,000 acres).³⁹ Once the statutory requirements are met for election of one or more board member by all qualified electors in the district, such elections are non-partisan general elections conducted by the supervisor of elections.⁴⁰

Special Powers of a CDD

In addition to the general powers granted to a CDD in s. 190.011, F.S., a CDD may exercise additional powers subject to the consent of other regulatory and permitting bodies encompassing the territory of

²⁵ Section 190.005(2), F.S.

²⁶ Section 190.005(2)(a), F.S. The petition must contain the same information as required for submission to the FLWAC.

²⁷ Section 190.005(2)(b), F.S. The hearing must follow the same notice and procedural requirements as the local hearing for petitions before the FLWAC.

²⁸ See s. 190.005(2)(d), F.S.

²⁹ Section 190.005(2)(e), F.S.

³⁰ Section 190.005(2)(e), F.S.

³¹ Section 190.005(2)(f), F.S.

³² Section 190.005(2)(e), F.S.

³³ Section 190.006(1), F.S.

³⁴ *Id.*

³⁵ Sections 190.005(1)(a)3., 190.005(2)(a), F.S.

³⁶ Section 190.006(2)(a), F.S.

³⁷ Section 190.006(2)(b), F.S.

³⁸ *Id.*

³⁹ Sections 190.006(3)(a)1.-2., F.S. .). For CDDs with less than certain minimum numbers of qualified electors after 6 or 10 years, as applicable, the district landowners shall continue to elect the board members (s. 190.006(3)(a)2.a., F.S.) until the number of qualified electors in the district exceeds the statutory minimum (s. 190.006(3)(a)2.b., F.S.).

⁴⁰ Section 190.006(3)(b), F.S. The statute does not specify which supervisor of elections conducts the board election if the district encompasses property in more than one county.

the district.⁴¹ With the consent of the local general-purpose government, a CDD may operate and maintain facilities for:

- Indoor and outdoor recreational, cultural, and educational uses;⁴²
- Fire prevention and control;⁴³
- School buildings and related structures;⁴⁴
- Security systems, except that the district may not exercise any police power.⁴⁵

Financial Reporting by a CDD

CDDs are subject to the financial reporting requirements of Chapters, 189, 190, and 218, F.S.⁴⁶ The district manager is responsible for drafting a proposed budget on or before June 15 of each year.⁴⁷ The board of the CDD considers the proposed budget, makes amendments (as necessary), and adopts the budget by resolution.⁴⁸ After the board adopts the budget, a public hearing on the budget is held and the board may make further changes as it deems necessary.⁴⁹ At least sixty days prior to adoption, district is required to submit its budget to the local government entities having jurisdiction over the area.⁵⁰ This submission is for the purposes of disclosure and information only, but the local government entities may submit written comments to the CDD board.⁵¹ CDDs are also required to take affirmative steps to provide full disclosure of information related to public financing and maintenance of improvements constructed by the district.⁵² The district must furnish any developer of residential property in the district with sufficient copies of this information to be able to provide a copy to each prospective initial purchaser of property.⁵³ Districts must file disclosures of this information in the property records of each county in which the district is located.⁵⁴ DEO is required to keep a current list of districts and their disclosures of public financing.⁵⁵

CDDs, like other special districts, also must comply with the annual financial reporting and financial audit reporting requirements of Chapter 218, F.S.⁵⁶ A CDD with revenues or total expenditures or expenses in excess of \$100,000 is required to have an annual audit conducted by an independent certified public accountant.⁵⁷ The auditor shall review the financial accounts and records of the district, reports on compliance and internal control, management letters, and financial statements, as required by rules adopted by the Auditor General.⁵⁸ The auditor must present these findings to the chair of the district's governing board and submit a copy of the report to the Auditor General.⁵⁹ The audit report is a

⁴¹ Section 190.012, F.S.

⁴² Section 190.012(2)(a), F.S.

⁴³ Section 190.012(2)(b), F.S.

⁴⁴ Section 190.012(2)(c), F.S.

⁴⁵ Section 190.012(2)(d), F.S.

⁴⁶ Sections 189.013, 190.008(1), F.S.

⁴⁷ Section 190.008(2)(a), F.S.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 190.008(2)(b), F.S.

⁵¹ Section 190.008(2)(b)-(c), F.S.

⁵² Section 190.009(1), F.S.

⁵³ *Id.*

⁵⁴ Section 190.009(1), F.S.

⁵⁵ Section 190.009(2), F.S.

⁵⁶ Section 189.016(9), F.S., s. 190.008(1), F.S.

⁵⁷ Section 218.39(1), F.S. An entity is exempt from this requirement if it is informed by the first day of the fiscal year that the Auditor General will be conducting an audit of the entity for that fiscal year.

⁵⁸ Section 218.39(2), F.S. The rules of the Auditor General are Rules 10.550, 10.650, 10.700, 10.800, and 10.850, F.A.C. See Rule 61H1-20.0093, F.A.C.

⁵⁹ Sections 218.39(5), (7), F.S.

public record once the report is submitted by the auditor to the district.⁶⁰ All CDDs are required to file an annual financial report with the Department of Financial Services.⁶¹

Expansion or Contraction of a CDD

A landowner or the board of a CDD may petition for the boundaries of the district to be expanded or contracted.⁶² This petition must contain the same information as is required to form a district and follows the same hearing process.⁶³ For districts established by FLWAC rule, the petitioner must pay a \$1,500 filing fee to each county or municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district, and the required public meeting is conducted by the board of the CDD instead of a hearing officer.⁶⁴

The amount of land that can be added to a CDD is restricted. If a district was initially established by FLWAC rule, the cumulative additions to the district may not be greater than the lesser of ten percent of the land area of the district or 250 acres.⁶⁵ If a district was initially established by county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the district or 500 acres.⁶⁶

Dissolution of a CDD

A CDD remains in existence unless the district is merged with another district, all community development services associated with the district have been transferred to a county or municipal government, or the district is dissolved as provided in statute.⁶⁷ Ch. 190 provides three ways a district may be dissolved:

- Automatic dissolution: If a landowner does not receive a development permit for some part of the area covered by the CDD within five years of the effective date of the rule or ordinance establishing the district, the CDD is automatically dissolved.⁶⁸
- Action by local government: If a CDD is declared inactive by DEO pursuant to s. 189.062, F.S., the county or municipal government that created the district must be informed and is required to take "appropriate action."⁶⁹
- Petition for dissolution: A district with no outstanding financial obligations and no operating or maintenance responsibilities may petition the authority that created the district to dissolve the district by appropriate action.⁷⁰ If the district was created by a county or municipal government, the CDD may be dissolved by a non-emergency ordinance.⁷¹ If the district was created by FLWAC rule, the CDD may petition the commission to repeal the rule.

⁶⁰ See s. 119.0713(3), F.S.

⁶¹ Section 218.32(1)(a), F.S.

⁶² Section 190.046(1), F.S.

⁶³ Sections 190.046(1)(a)-(d), F.S.

⁶⁴ Section 190.046(1)(d)1.-4., F.S.

⁶⁵ Section 190.046(1)(e)1., F.S.

⁶⁶ Section 190.046(1)(e)1., F.S.

⁶⁷ Section 190.046(2), F.S.

⁶⁸ Section 190.046(7), F.S. This subsection also requires a "judge of the circuit shall cause a statement (of dissolution) to be filed in the public records." No guidance is provided as to whether a party must ask the court for the statement, who is authorized to ask, or the procedure to bring the matter before the court.

⁶⁹ Section 190.046(8), F.S.

⁷⁰ Section 190.046(9), F.S.

⁷¹ *Id.*

A CDD may merge with another CDD upon filing a petition for merger.⁷² The petition must meet the requirements and will be evaluated by the criteria for establishing a new district.⁷³ The district created as a result of the merger may be a new district, or one of the districts may be the noted as the surviving district.⁷⁴ The newly merged district assumes all assets and liabilities of the previous districts.⁷⁵ Before filing the petition, the merging districts must enter into a merger agreement to properly allocate indebtedness.⁷⁶ The approval of the merger agreement and the petition by the boards of each district is considered to constitute consent of the landowners of the district.⁷⁷

Effect of Proposed Changes

The bill modifies the establishment of CDDs in several ways. First, the bill increases the size of CDDs that can be created by county or municipal ordinance from less than 1,000 acres to less than 2,500 acres. The bill makes the corresponding changes to the threshold required for needing FLWAC approval for creation of a CDD.

The bill requires any CDD in the territorial jurisdiction of two or more counties to be established by FLWAC rule, mirroring the requirement for FLWAC approval of any CDD in two or more municipalities in current law.

The bill clarifies that the prohibition on a CDD exercising police power does not prevent a district from contracting with a towing operator to remove a vehicle or vessel from facilities or property owned by the district. The district may only exercise its power to tow if the district follows the statutory authorization, notice, and procedural requirements⁷⁸ for an owner or lessee of private property. The district is not required to solicit bids when selecting a towing operator if the operator is included in an approved list of operators maintained by the local government that has jurisdiction over the district's facilities or property.

The bill raises the maximum threshold by which a district can expand. If a district was established initially by FLWAC rule, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the district or 1,000 acres. If a district was established initially by county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the district or 1,000 acres.

The bill also contains a streamlined merger procedure for CDDs created by the same county or municipality. Up to five districts, created by the same local general-purpose government and whose boards are composed entirely of qualified electors, may merge into one district by adoption of an ordinance by the local general-purpose government that created them. CDDs would be able to utilize this provision even if the merged district would have been required to have been created by the FLWAC if it were a new district. The filing of a petition approved by the board of each CDD applying constitutes consent of the landowners within each district.

The CDDs planning to merge must meet the requirements of s. 190.046(3), F.S. and must enter into a merger agreement specifying that:

- The merged district's board will consist of five members,
- Each at-large member of the merged district's board represents the entire district,
- Each former district is entitled to elect at least one board member from its former boundary,

⁷² Section 190.046(3), F.S.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Section 715.07, F.S.

- The member of the merger district's interim board will consist of:
 - If two CDDs merge, two members from each district and one at-large member
 - If three CDDs merge, one member from each district and two at-large members
 - If four CDDs merge, one member from each district and one at-large member
 - If five CDDs merge, one member from each district
- All pre-existing board members terms will end at the next general election and a new board representing the entire district will be elected

Before filing the merger petition, each district must hold a public hearing to take comment on the proposed merger, the merger agreement, and the assignment of board seats. The hearing must be noticed at least 14 days beforehand. If any district withdraws after the public hearing, the remaining districts considering merger must hold a public hearing on a revised merger agreement between the remaining parties. The petition may not be filed for at least 30 days after the last public hearing.

B. SECTION DIRECTORY:

- Section 1: Amends s. 190.005, F.S., increasing the maximum acreage for community development districts established by an ordinance of the county commission having jurisdiction.
- Section 2: Amends s. 190.012, F.S., to authorize community development districts to contract with a towing operator to remove a vehicle or vessel from district property.
- Section 3: Amends s. 190.046, F.S., increasing the permissible expansion of districts by petition and enabling districts created by county or municipal ordinance to merge, subject to certain conditions.
- Section 4: Providing an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
The bill may have an indeterminate positive impact on local government revenues to the extent the bill makes CDDs easier to create.
2. Expenditures:
The bill may have an indeterminate positive impact on CDD expenditures to the extent CDDs created by local ordinance may merge more readily and reduce administrative and reporting costs.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take any 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 provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 19, 2016, the Local Government Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes a provision which would have reduced the notice period of the public hearing conducted by a hearing officer on the petition to the FLWAC from four weeks immediately prior to the hearing to two weeks.

This analysis is drawn to the bill as amended.

27 Florida Statutes, are amended to read:

28 190.005 Establishment of district.—

29 (1) The exclusive and uniform method for the establishment
 30 of a community development district with a size of 2,500 ~~1,000~~
 31 acres or more shall be pursuant to a rule, adopted under chapter
 32 120 by the Florida Land and Water Adjudicatory Commission,
 33 granting a petition for the establishment of a community
 34 development district.

35 (a) A petition for the establishment of a community
 36 development district shall be filed by the petitioner with the
 37 Florida Land and Water Adjudicatory Commission. The petition
 38 shall contain:

39 1. A metes and bounds description of the external
 40 boundaries of the district. Any real property within the
 41 external boundaries of the district which is to be excluded from
 42 the district shall be specifically described, and the last known
 43 address of all owners of such real property shall be listed. The
 44 petition shall also address the impact of the proposed district
 45 on any real property within the external boundaries of the
 46 district which is to be excluded from the district.

47 2. The written consent to the establishment of the
 48 district by all landowners whose real property is to be included
 49 in the district or documentation demonstrating that the
 50 petitioner has control by deed, trust agreement, contract, or
 51 option of 100 percent of the real property to be included in the
 52 district, and when real property to be included in the district

53 is owned by a governmental entity and subject to a ground lease
54 as described in s. 190.003(14), the written consent by such
55 governmental entity.

56 3. A designation of five persons to be the initial members
57 of the board of supervisors, who shall serve in that office
58 until replaced by elected members as provided in s. 190.006.

59 4. The proposed name of the district.

60 5. A map of the proposed district showing current major
61 trunk water mains and sewer interceptors and outfalls if in
62 existence.

63 6. Based upon available data, the proposed timetable for
64 construction of the district services and the estimated cost of
65 constructing the proposed services. These estimates shall be
66 submitted in good faith but are not binding and may be subject
67 to change.

68 7. A designation of the future general distribution,
69 location, and extent of public and private uses of land proposed
70 for the area within the district by the future land use plan
71 element of the effective local government comprehensive plan of
72 which all mandatory elements have been adopted by the applicable
73 general-purpose local government in compliance with the
74 Community Planning Act.

75 8. A statement of estimated regulatory costs in accordance
76 with the requirements of s. 120.541.

77 (b) Prior to filing the petition, the petitioner shall:

78 1. Pay a filing fee of \$15,000 to the county, if located

79 within an unincorporated area, or to the municipality, if
80 located within an incorporated area, and to each municipality
81 the boundaries of which are contiguous with, or contain all or a
82 portion of the land within, the external boundaries of the
83 district.

84 2. Submit a copy of the petition to the county, if located
85 within an unincorporated area, or to the municipality, if
86 located within an incorporated area, and to each municipality
87 the boundaries of which are contiguous with, or contain all or a
88 portion of, the land within the external boundaries of the
89 district.

90 3. If land to be included within a district is located
91 partially within the unincorporated area of one or more counties
92 and partially within a municipality or within two or more
93 municipalities, pay a \$15,000 filing fee to each entity.
94 Districts established across county boundaries shall be required
95 to maintain records, hold meetings and hearings, and publish
96 notices only in the county where the majority of the acreage
97 within the district lies.

98 (c) Such county and each such municipality required by law
99 to receive a petition may conduct a public hearing to consider
100 the relationship of the petition to the factors specified in
101 paragraph (e). The public hearing shall be concluded within 45
102 days after the date the petition is filed unless an extension of
103 time is requested by the petitioner and granted by the county or
104 municipality. The county or municipality holding such public

105 | hearing may by resolution express its support of, or objection
106 | to the granting of, the petition by the Florida Land and Water
107 | Adjudicatory Commission. A resolution must base any objection to
108 | the granting of the petition upon the factors specified in
109 | paragraph (e). Such county or municipality may present its
110 | resolution of support or objection at the Florida Land and Water
111 | Adjudicatory Commission hearing and shall be afforded an
112 | opportunity to present relevant information in support of its
113 | resolution.

114 | (d) A local public hearing on the petition shall be
115 | conducted by a hearing officer in conformance with the
116 | applicable requirements and procedures of the Administrative
117 | Procedure Act. The hearing shall include oral and written
118 | comments on the petition pertinent to the factors specified in
119 | paragraph (e). The hearing shall be held at an accessible
120 | location in the county in which the community development
121 | district is to be located. The petitioner shall cause a notice
122 | of the hearing to be published in a newspaper at least once a
123 | week for the 4 successive weeks immediately prior to the
124 | hearing. Such notice shall give the time and place for the
125 | hearing, a description of the area to be included in the
126 | district, which description shall include a map showing clearly
127 | the area to be covered by the district, and any other relevant
128 | information which the establishing governing bodies may require.
129 | The advertisement shall not be placed in that portion of the
130 | newspaper where legal notices and classified advertisements

131 appear. The advertisement shall be published in a newspaper of
 132 general paid circulation in the county and of general interest
 133 and readership in the community, not one of limited subject
 134 matter, pursuant to chapter 50. Whenever possible, the
 135 advertisement shall appear in a newspaper that is published at
 136 least 5 days a week, unless the only newspaper in the community
 137 is published fewer than 5 days a week. In addition to being
 138 published in the newspaper, the map referenced above must be
 139 part of the online advertisement required pursuant to s.
 140 50.0211. All affected units of general-purpose local government
 141 and the general public shall be given an opportunity to appear
 142 at the hearing and present oral or written comments on the
 143 petition.

144 (e) The Florida Land and Water Adjudicatory Commission
 145 shall consider the entire record of the local hearing, the
 146 transcript of the hearing, resolutions adopted by local general-
 147 purpose governments as provided in paragraph (c), and the
 148 following factors and make a determination to grant or deny a
 149 petition for the establishment of a community development
 150 district:

151 1. Whether all statements contained within the petition
 152 have been found to be true and correct.

153 2. Whether the establishment of the district is
 154 inconsistent with any applicable element or portion of the state
 155 comprehensive plan or of the effective local government
 156 comprehensive plan.

157 3. Whether the area of land within the proposed district
 158 is of sufficient size, is sufficiently compact, and is
 159 sufficiently contiguous to be developable as one functional
 160 interrelated community.

161 4. Whether the district is the best alternative available
 162 for delivering community development services and facilities to
 163 the area that will be served by the district.

164 5. Whether the community development services and
 165 facilities of the district will be incompatible with the
 166 capacity and uses of existing local and regional community
 167 development services and facilities.

168 6. Whether the area that will be served by the district is
 169 amenable to separate special-district government.

170 (f) The Florida Land and Water Adjudicatory Commission
 171 shall not adopt any rule which would expand, modify, or delete
 172 any provision of the uniform community development district
 173 charter as set forth in ss. 190.006-190.041, except as provided
 174 in s. 190.012. A rule establishing a community development
 175 district shall only contain the following:

176 1. A metes and bounds description of the external
 177 boundaries of the district and any real property within the
 178 external boundaries of the district which is to be excluded.

179 2. The names of five persons designated to be the initial
 180 members of the board of supervisors.

181 3. The name of the district.

182 (g) The Florida Land and Water Adjudicatory Commission may

183 adopt rules setting forth its procedures for considering
 184 petitions to establish, expand, modify, or delete uniform
 185 community development districts or portions thereof consistent
 186 with the provisions of this section.

187 (2) The exclusive and uniform method for the establishment
 188 of a community development district of less than 2,500 ~~1,000~~
 189 acres in size or a community development district of up to 7,000
 190 acres in size located within a connected-city corridor
 191 established pursuant to s. 163.3246(14) shall be pursuant to an
 192 ordinance adopted by the county commission of the county having
 193 jurisdiction over the majority of land in the area in which the
 194 district is to be located granting a petition for the
 195 establishment of a community development district as follows:

196 (a) A petition for the establishment of a community
 197 development district shall be filed by the petitioner with the
 198 county commission. The petition shall contain the same
 199 information as required in paragraph (1)(a).

200 (b) A public hearing on the petition shall be conducted by
 201 the county commission in accordance with the requirements and
 202 procedures of paragraph (1)(d).

203 (c) The county commission shall consider the record of the
 204 public hearing and the factors set forth in paragraph (1)(e) in
 205 making its determination to grant or deny a petition for the
 206 establishment of a community development district.

207 (d) The county commission shall not adopt any ordinance
 208 which would expand, modify, or delete any provision of the

209 uniform community development district charter as set forth in
 210 ss. 190.006-190.041. An ordinance establishing a community
 211 development district shall only include the matters provided for
 212 in paragraph (1)(f) unless the commission consents to any of the
 213 optional powers under s. 190.012(2) at the request of the
 214 petitioner.

215 (e) If all of the land in the area for the proposed
 216 district is within the territorial jurisdiction of a municipal
 217 corporation, then the petition requesting establishment of a
 218 community development district under this act shall be filed by
 219 the petitioner with that particular municipal corporation. In
 220 such event, the duties of the county, hereinabove described, in
 221 action upon the petition shall be the duties of the municipal
 222 corporation. If any of the land area of a proposed district is
 223 within the land area of a municipality, the county commission
 224 may not create the district without municipal approval. If all
 225 of the land in the area for the proposed district, even if less
 226 than 2,500 ~~4,000~~ acres, is within the territorial jurisdiction
 227 of two or more municipalities or two or more counties, except
 228 for proposed districts within a connected-city corridor
 229 established pursuant to s. 163.3246(14), the petition shall be
 230 filed with the Florida Land and Water Adjudicatory Commission
 231 and proceed in accordance with subsection (1).

232 (f) Notwithstanding any other provision of this
 233 subsection, within 90 days after a petition for the
 234 establishment of a community development district has been filed

235 | pursuant to this subsection, the governing body of the county or
 236 | municipal corporation may transfer the petition to the Florida
 237 | Land and Water Adjudicatory Commission, which shall make the
 238 | determination to grant or deny the petition as provided in
 239 | subsection (1). A county or municipal corporation shall have no
 240 | right or power to grant or deny a petition that has been
 241 | transferred to the Florida Land and Water Adjudicatory
 242 | Commission.

243 | Section 2. Paragraph (d) of subsection (2) of section
 244 | 190.012, Florida Statutes, is amended to read:

245 | 190.012 Special powers; public improvements and community
 246 | facilities.—The district shall have, and the board may exercise,
 247 | subject to the regulatory jurisdiction and permitting authority
 248 | of all applicable governmental bodies, agencies, and special
 249 | districts having authority with respect to any area included
 250 | therein, any or all of the following special powers relating to
 251 | public improvements and community facilities authorized by this
 252 | act:

253 | (2) After the local general-purpose government within the
 254 | jurisdiction of which a power specified in this subsection is to
 255 | be exercised consents to the exercise of such power by the
 256 | district, the district shall have the power to plan, establish,
 257 | acquire, construct or reconstruct, enlarge or extend, equip,
 258 | operate, and maintain additional systems and facilities for:

259 | (d) Security, including, but not limited to, guardhouses,
 260 | fences and gates, electronic intrusion-detection systems, and

261 patrol cars, when authorized by proper governmental agencies;
 262 except that the district may not exercise any police power, but
 263 may contract with the appropriate local general-purpose
 264 government agencies for an increased level of such services
 265 within the district boundaries. However, this paragraph does not
 266 prohibit a district from contracting with a towing operator to
 267 remove a vehicle or vessel from a district-owned facility or
 268 property if the district follows the authorization and notice
 269 and procedural requirements in s. 715.07 for an owner or lessee
 270 of private property. The district's selection of a towing
 271 operator is not subject to public bidding if the towing operator
 272 is included in an approved list of towing operators maintained
 273 by the local government that has jurisdiction over the
 274 district's facility or property.

275 Section 3. Paragraph (e) of subsection (1) and subsection
 276 (2) of section 190.046, Florida Statutes, are amended,
 277 subsections (4) through (9) are renumbered as subsections (5)
 278 through (10), respectively, and a new subsection (4) is added to
 279 that section, to read:

280 190.046 Termination, contraction, or expansion of
 281 district.—

282 (1) A landowner or the board may petition to contract or
 283 expand the boundaries of a community development district in the
 284 following manner:

285 (e)1. During the existence of a district initially
 286 established by administrative rule, the process to amend the

287 boundaries of the district pursuant to paragraphs (a)-(d) shall
 288 not permit a cumulative net total greater than 50 ~~40~~ percent of
 289 the land in the initial district, and in no event greater than
 290 1,000 ~~250~~ acres on a cumulative net basis.

291 2. During the existence of a district initially
 292 established by county or municipal ordinance, the process to
 293 amend the boundaries of the district pursuant to paragraphs (a)-
 294 (d) shall not permit a cumulative net total greater than 50
 295 percent of the land in the initial district, and in no event
 296 greater than 1,000 ~~500~~ acres on a cumulative net basis.

297 (2) The district shall remain in existence unless:

298 (a) The district is merged with another district as
 299 provided in subsection (3) or subsection (4);

300 (b) All of the specific community development systems,
 301 facilities, and services that it is authorized to perform have
 302 been transferred to a general-purpose unit of local government
 303 in the manner provided in subsections ~~(4)~~, (5), (6), and (7)
 304 ~~(6)~~; or

305 (c) The district is dissolved as provided in ~~subsection~~
 306 ~~(7)~~, subsection (8), ~~or~~ subsection (9), or subsection (10).

307 (4)(a) To achieve economies of scale, reduce costs to
 308 affected district residents and businesses in areas with
 309 multiple existing districts, and encourage the merger of
 310 multiple districts, up to five districts that were established
 311 by the same local general-purpose government and whose board
 312 memberships are composed entirely of qualified electors may

313 merge into one surviving district through adoption of an
 314 ordinance by the local general purpose government,
 315 notwithstanding the acreage limitations otherwise set forth for
 316 the establishment of a district in this chapter. The filing of a
 317 petition by the majority of the members of each of the district
 318 board of supervisors seeking to merge constitutes consent of the
 319 landowners within each applicable district.

320 (b) In addition to meeting the requirements of subsection
 321 (3), a merger agreement entered into between the district boards
 322 subject to this subsection must also:

323 1. Require the surviving merged district board to consist
 324 of five elected board members.

325 2. Require each at-large board seat to represent the
 326 entire geographic area of the surviving merged district.

327 3. Ensure that each district to be merged is entitled to
 328 elect at least one board member from its former boundary.

329 4. Ensure a fair allocation of board membership to
 330 represent the districts being merged. To that end:

331 a. If two districts merge, two board members shall be
 332 elected from each of the districts and one member shall be
 333 elected at-large.

334 b. If three districts merge, one board member shall be
 335 elected from each of the three districts and two board members
 336 shall be elected at-large.

337 c. If four districts merge, one board member shall be
 338 elected from each of the four districts and one board member

339 shall be elected at-large.

340 d. If five districts merge, one board member shall be
 341 elected from each of the five districts.

342 5. Require the election of board members for the surviving
 343 merged district to be held at the next general election
 344 following the merger, at which time all terms of preexisting
 345 board members shall end and the merger shall be legally in
 346 effect.

347 (c) Before filing the merger petition with the local
 348 general-purpose government under this subsection, each district
 349 proposing to merge must hold a public hearing within its
 350 district to provide information about and take public comment on
 351 the proposed merger, merger agreement, and assignment of board
 352 seats. Notice of the hearing shall be published at least 14 days
 353 before the hearing. If, after the public hearing, a district
 354 board decides that it no longer wants to merge and cancels the
 355 proposed merger agreement, the remaining districts must each
 356 hold another public hearing on the revised merger agreement. A
 357 petition to merge may not be filed for at least 30 days after
 358 the last public hearing held by the districts proposing to
 359 merge.

360 Section 4. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1221 Barron Water Control District, Glades and Hendry Counties

SPONSOR(S): Hudson

TIED BILLS: **IDEN./SIM. BILLS:** SB 1358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Monroe	Miller
2) Local & Federal Affairs Committee		Monroe <i>KDM</i>	Kiner <i>KKK</i>

SUMMARY ANALYSIS

The Barron Water Control District was created to serve Glades and Hendry Counties on May 8, 1975. The District's Charter was recodified in 2001 by Chapter 2001-301, Laws of Fla., which included the provisions of both Chapters 84-436 and 2000-416, Laws of Fla. That recodification also extended the life span of the district until midnight September 30, 2020.

This bill would remove the automatic repeal of the District from its Charter allowing the District to continue to exist and levy special assessments indefinitely.

This bill shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Barron Water Control District was created to serve Glades and Hendry Counties under the terms of a circuit court order entered on May 8, 1975.¹ The District has continuously provided water management service to the citizens of Glades and Henry Counties for nearly 41 years.

The District's charter was recodified in 2001 by ch. 2001-301, Laws of Fla., which included the provisions of both chs. 84-436 and 2000-416, Laws of Fla. That recodification also extended the life span of the district. When originally formed the district was authorized for 30 years. Chapter 2001-301, Laws of Fla, extended the district's life span for an additional 15 years, providing that:

The Barron Water Control District of Glades and Hendry Counties shall cease to exist at midnight September 30, 2020.²

Water Control Districts

Chapter 298, F.S., governs the creation and operation of a water control district (WCD). A WCD has the authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.³ A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment.⁴

Current law generally prohibits any special laws or general laws of local application that grant additional authority, powers, rights, or privileges to a WCD formed pursuant to ch. 298, F.S.⁵ However, the prohibition does not apply to such laws if the law:

- Amends an existing special act providing for the levy of an annual maintenance tax of a district;
- Extends the corporate life of a district;
- Consolidates adjacent districts; or
- Authorizes the construction or maintenance of roads for agricultural purposes.

Further, current law expressly does not prohibit special laws or general laws of local application that:

- Change the method of voting for a board of supervisors for any WCD;⁶
- Change the term of office or qualifications for WCD board members;⁷ and
- Change the governing authority or governing board of any WCD.⁸

¹ See "Order Granting Petition for the Formation of a Water Management District," entered on May 8, 1975 in the case "In Re: Barron Water Management District," Case No. 72-197, Circuit Court of the 20th Judicial Circuit in and for Hendry County. Prior to July 1, 1980, water control districts could be created by order granting a petition of the landowners to the circuit court with jurisdiction over the majority of the land to be contained in the proposed district. See, s. 298.01, F.S., and historical note.

² Ch. 2001-301, Section 3(a) of Section 3, Laws of Fla.

³ Section 298.22, F.S.

⁴ Section 298.22(3), F.S.

⁵ Section 298.76(1), F.S.

⁶ Section 298.76(2), F.S.

⁷ Section 298.76(3), F.S.

⁸ Section 298.76(4), F.S.

Any special or local law the Legislature enacts pertaining to a WCD prevails on the WCD and has the same force and effect as if it were part of ch. 298, F.S., at the time the WCD was created and organized.⁹

Special Assessments

The primary funding source for water control districts is special assessments, which must provide a special benefit to the property which is being assessed and that assessment must be proportionate to the benefit received by the property.¹⁰

The Barron Water Control District levies its special assessment on a per acre basis, based on four different categories of land. This is the primary funding source for the District's 2015-2016 budget of \$1,348,201. For the 2015-2016 budget year the rates of assessment were:

- Urban rate, \$67.94; which was levied on 4,665.05 acres,
- Urban grove, \$33.97; which was levied on 507.11 acres,
- Irrigated units, \$25.35; which was levied on 14,426.77 acres, and,
- Drainage units, \$5.26; which was levied on 7,083.91 acres.¹¹

Proposed Changes

This bill repeals s. 3(a) of s. 3 of ch. 2001-301, Laws of Fla., which contains the language abolishing the Barron Water Control District on September 30, 2020. This would allow the District to continue to exist and levy special assessments indefinitely.

B. SECTION DIRECTORY:

Section 1 -

Repeals s. 3(a) of s. 3 of ch. 2001-301, Laws of Fla., which contains the language abolishing the Barron Water Control District on September 30, 2020.

Section 2 -

Provides that this bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 8, 2015

WHERE? The Clewiston News

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

⁹ Section 298.76(5), F.S.

¹⁰ *City of Boca Raton v. State*, 595 So.2d 25 (Fla 1992).

¹¹ From the Barron Water Control District's website which can be accessed at: <http://bwcd.net/about/> (Last accessed 01/12/2016)

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



The Clewiston News
Published Weekly
Clewiston, Hendry County, Florida

Rep Hudson
HB 1221 LB

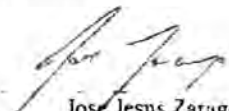
STATE OF FLORIDA
COUNTY OF HENDRY

Before the undersigned authority, personally appeared
Jose Jesus Zaragoza who on oath says he is the Publisher, of the
Clewiston News, a weekly newspaper published at Clewiston in
Hendry County, Florida, that the attached copy of advertisement
being a **Public Notice** in the matter

Notice of Intent to Seek Legislation - Ad #472904
in the 20th Judicial District of the Circuit Court, was published in
said newspaper in the issue(s) of


October 8, 2015

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


Jose Jesus Zaragoza

Sworn to and subscribed before me this
12th day of October 2015 A/D

Notary Public, State of Florida at Large


Notary Public

**NOTICE OF INTENT TO
SEEK LEGISLATION**
Barron Water Control District,
Glades County and Hendry
County, Florida, hereby gives no-
tice pursuant to Article III, Section
10 of the Florida Constitution and
Section 11.02, Florida Statutes, of
its intent to seek legislation before
the 2016 Florida Legislature. The
legislation deletes a date of auto-
matic dissolution of the district
and provides an effective date:

Mark Colbert, Chairman
Barron Water Control District
472904 CGS 10/8/2015


ASHLEY SMITH
Commission # FF 146091
My Commission Expires
July 29, 2018

HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1221
SPONSOR(S): Hudson
RELATING TO: Barrom Water Control District
(Indicate Area Affected (City, County, or Special District) and Subject)
NAME OF DELEGATION: Hendry
CONTACT PERSON: Chris Lyon
PHONE NO.: (850) 222-5702 **E-Mail:** clyon@llw-law.com

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:**
- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
 - (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
 - (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
 - (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local 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: September 29, 2015

Location: Hendry County Courthouse

(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 October 8, 2015

Where? Clewiston News County Hendry

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.


Delegation Chair (Original Signature)

1/12/16
Date

MATT HUDSON
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1221
 SPONSOR(S): Hudson
 RELATING TO: Barron Water Control District
(Indicate Area Affected (City, County, or Special District) and Subject)
 NAME OF DELEGATION: Glades
 CONTACT PERSON: Chris Lyon
 PHONE NO.: (850) 222-5702 E-Mail: clyon@llw-law.com

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

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local 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 9, 2015
 Location: Glades 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 October 8, 2015

Where? Clewiston News County Glades

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.



Delegation Chair (Original Signature)

Jan 12, 2016

Date

Cary Pigman

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 1221
SPONSOR(S): Rep. Hudson
RELATING TO: Barron Water Control District, Glades and Hendry counties
[Indicate Area Affected (City, County or Special District) and Subject]

I. REVENUES:

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

	<u>FY 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.

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: Allows for the continuation of high quality, low cost drainage, irrigation and flood control services within the district.
2. Advantages to Businesses: Same as above.
3. Advantages to Government: Allows for the continuation of high quality, low cost, drainage, irrigation and flood control services without having to transfer service responsibility after the District's current sunset date.

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:

The bill will allow the existing Barron Water Control District to continue its operations after 2020. The bill does not amend, authorize or delete any provisions related to the District's authority to collect revenue.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

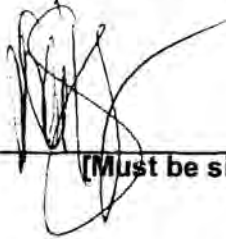
Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

Prior experience representing special districts.

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: Judi Kennington-Korf

12/15/2015

Date

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

General Manager

REPRESENTING: Barron Water Control District

PHONE: 863-675-0346

E-MAIL ADDRESS: judikk@bwcd.net



January 13, 2016

Re: Addendum to Economic Impact Statement of Barron Water Control District/HB 1221

To Whom It May Concern:

This confirms that pursuant to Section 189.076(2), Florida Statutes if the referenced legislation does not pass, the local general purpose government (Hendry and Glades Counties) would become the owner of all district property and assume all district indebtedness. In essence, the counties will have to provide flood control service and raise revenue to provide it. If the legislation passes, the district will continue to levy assessments on district landowners and provide flood control services. There will be no revenue increase if the bill passes.

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. Lyon". The signature is stylized and fluid, with a long, sweeping tail that loops back under the name.

M. Christopher Lyon

*See Things Differently**

TAMPA BAY

101 Riverfront Boulevard
Suite 620

Bradenton, Florida 34205
00606391-1

p | 941-708-4040 • f | 941-708-4024

JACKSONVILLE

245 Riverside Avenue
Suite 150

Jacksonville, Florida 32202

p | 904-353-6410 • f | 904-353-7619

TALLAHASSEE

315 South Calhoun Street
Suite 830

Tallahassee, Florida 32301

p | 850-222-5702 • f | 850-224-9242

WEST PALM BEACH

515 North Flagler Drive
Suite 1500

West Palm Beach, Florida 33401

p | 561-640-0820 • f | 561-640-8202

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A bill to be entitled
An act relating to Barron Water Control District,
Glades and Hendry Counties; amending chapter 2001-301,
Laws of Florida; abrogating the scheduled abolition of
the district; providing an effective date.

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

Section 1. Section 3 of section 3 of chapter 2001-301,
Laws of Florida, is amended to read:

~~Section 3.a. The Barron Water Control District of Glades
and Hendry Counties shall cease to exist at midnight September
30, 2020.~~

~~b.~~ The terms of office of the supervisors of the Barron
Water Control District shall be changed so as to change to the
month of January the time for the annual meeting of the
landowners of the Barron Water Control District. In all other
respects, the procedures and requirements pertaining to said
annual landowners' meeting shall be as prescribed by chapter
298, Florida Statutes.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1339 City of Webster, Sumter County
SPONSOR(S): Local Government Affairs Subcommittee, O'Toole
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	Monroe	Miller
2) Local & Federal Affairs Committee		Monroe <i>KDSM</i>	Kiner <i>KLK</i>

SUMMARY ANALYSIS

The City of Webster, located in Sumter County, is still operating under the charter that was passed by the Legislature in 1957, which is 115 pages long and contains numerous outdated provisions. Since this charter was adopted before the 1968 Florida Constitution it includes no provisions for home rule. By its terms the charter "may from time to time be amended by duly enacted acts of the legislature of the State of Florida." The Legislature has made no changes to this charter since it was enacted in 1957.

This bill repeals the 1957 charter and replaces it with a modern charter enabling the city to take advantage of the home rule authority provided by the Florida Constitution and statute.

This bill shall take effect upon becoming law.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The City of Webster, located in Sumter County, still operates under the charter passed by the Legislature in 1957.¹ Since this charter was adopted before the 1968 Florida Constitution it includes no provisions for home rule. Furthermore, the charter states that it "may from time to time be amended by duly enacted acts of the legislature of the State of Florida."² The Legislature has made no changes to this charter since it was enacted in 1957.

The Florida Constitution adopted in 1968 provides municipalities with the powers of home rule.³ In addition, the Legislature adopted the "Municipal Home Rule Powers Act"⁴ to further define and grant the powers of municipalities. As a result, modern municipal charters need not include exhaustive details listing everything the municipality is permitted to do and the Legislature is not routinely called upon to amend the charters of municipalities.

The City of Webster's 1957 Charter is 115 pages long and includes numerous outdated provisions including exhaustive detail about the municipality's power to do everything from improving sidewalks⁵ to regulating street music⁶.

This bill repeals the 1957 Charter and replaces it with a modern charter enabling the city to take advantage of the home rule authority provided by the Florida Constitution and statute. The provisions of this modern charter are detailed in the Section Directory below.

B. SECTION DIRECTORY:

Section 1: States that ch. 57-19944, Laws of Fla., is "codified, reenacted, amended, and repealed as provide in this act."

Section 2: Provides the new charter for the City of Webster, which contains 25 sections as described below:

- Section 1 provides for a short title.
- Section 2 provides the City of Webster shall continue as a body corporate and a municipal corporation, and that all existing codes, ordinances, policies, and action are ratified and affirmed if consistent with this act.
- Section 3 contains the legal description of the City's boundaries.
- Section 4 addresses municipal powers, granting to the City of Webster, "as a body corporate and politic, all the powers of a municipality under the Florida Constitution and in Florida Statutes".
- Section 5 establishes that the city council shall consist of four members plus the mayor who shall all be elected at large. This section also provides that a candidate for office must have resided in the city for 12 months and that neither the city manager or city attorney may run for office while employed by the city.

¹ Ch. 57-1944, Laws of Fla.

² Ch. 57-1944, s. 12.04 of s. 10 Laws of Fla.

³ Art. VIII, s. 2, Fla. Const.

⁴ Ch. 166, F.S.

⁵ Ch. 57-1944, s. 12.05(25) of s. 10, Laws of Fla.

⁶ Ch. 57-1944, s. 12.05(62) of s. 10, Laws of Fla.

- Section 6 addresses city elections and allows the council to either use the County's Supervisor of Elections or conduct the elections itself, including determining the qualifications of its members.
- Section 7 deals with terms of office and limits each council member to two consecutive four year terms.
- Section 8 outlines the powers and duties of the city council and provides that the City shall be a council-manager form of government with the council serving as the head of city government while the city manager serves as the chief administrative officer.
- Section 9 outlines the powers and duties of the mayor which include serving as a council member, presiding at council meetings, serving as the ceremonial head of government, executing contracts and other documents, and being recognized by the Governor for the purposes of military law.
- Section 10, addressing compensation and expenses, specifies that the mayor and city council shall keep their current salaries, that expenses shall be compensated, and that any ordinance increasing salaries shall not take effect until after the next regularly scheduled city election.
- Section 11 deals with vacancies, forfeiture of office, suspensions, recalls, and the filling of vacancies. This section includes a list of reasons why the council may rule that a member has forfeited his or her office. In addition, this section specifies how to fill vacancies.
- Section 12 addresses city council meetings, organizational meetings, quorum requirements, and includes the oath of office for council members.
- Section 13 covers the appointment, qualifications, and compensation of the city manager.
- Section 14 covers the qualifications, powers, and duties of the city attorney.
- Section 15 states the qualifications, powers, and duties of the city clerk, specifying the clerk "shall fulfill the role of a functioning administrative officer of the city serving under the direction and managerial control of the city manager."
- Section 16 creates and establishes a police department and states that the chief of police shall be appointed by and serves under the city manager.
- Section 17 creates and establishes the department of public works and states that the director of public works shall be appointed by and serves under the city manager.
- Section 18 states that neither the mayor nor a council member shall be employed by the city and that they may not be employed by the city for one year after leaving office. In addition, it addresses conflicts of interest.
- Section 19 governs the city budget and the appropriations process.
- Section 20 pertains to public records.
- Section 21 provides that the city charter may be amended as provided in ch. 166, F.S., or as otherwise provided in general law.
- Section 22 establishes standards of conduct for elected officials, appointed officials, and city employees.
- Section 23 preserves all ordinances in effect at the time of the adoption of the charter.
- Section 24 addresses the rights of officers and employees at the time of the adoption of the charter.
- Section 25 addresses pending matters, stating that all pending matters pertaining to the City shall continue except as modified by this act and that all obligations, contracts, outstanding indebtedness and bonds of the City shall not be impaired or avoided by this act.

Section 3: Repeals Chapter 57-1944, Law of Fla.

Section 4: Provides the bill shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 1, 2015

WHERE? Daily Commercial, a daily newspaper published in Lake and Sumter Counties

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:

Rule 5.5(a) of the Rules of the Florida House of Representatives states that:

A committee or subcommittee may not report a local bill favorably if the substance of the local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum.

In this case, the 1957 charter only provides for amendment by special act of the Florida Legislature. Section 166.031, F.S., provides the alternative means of amending the charter by adopting an ordinance requiring a referendum be held. Accordingly, this bill is properly before the Legislature.

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

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2016, the Local Government Affairs Subcommittee adopted a strike-all amendment which:

- Removed section 1 of the bill, which incorrectly referenced s. 189.429, F.S., a non-existent statute in a chapter pertaining to special districts, and referred to the City of Webster as "the district."
- Amended section 2 of the bill, which contains the new charter for the City of Webster, to make the following changes:
 - Section 8(5) of the charter was amended to allow the city council to request information directly from city employees.
 - Section 10(1) concerning ordinances which adjust salaries was reworded to provide greater clarity.
 - Section 11(2) was amended to eliminate one of two differing provisions regarding excessive absences.
 - Section 11(5) was amended to provide for filling vacancies on the city council in the second or third year of a term.

- o Section 18(2) which contains the conflict of interest provisions was completely revised.

This analysis is written to the bill as amended.

Rep. O'Toole
HB 1339 LB

Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

Notice

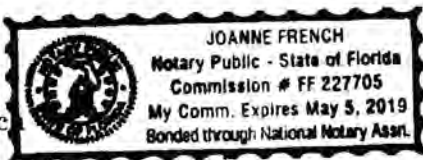
was published in said newspaper in the issues of:

Dec. 1, 2015

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 1 day of Dec A.D., 2015.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD# 10042442

NOTICE IS HEREBY GIVEN that the Sumter County Legislative Delegation will consider the enactment of a Legislative Bill on the following subject at its annual meeting:

A BILL TO BE ENTITLED AN ACT REVISING AND AMENDING THE CHARTER OF THE CITY OF WEBSTER, FLORIDA; PROVIDING FOR A SHORT TITLE; PROVIDING FOR A FLORIDA MUNICIPAL CORPORATION, THE CITY OF WEBSTER, FLORIDA, TO CONTINUE IN EXISTENCE WITH THE SAME BOUNDARIES AS ARE IN EFFECT PROVIDING FOR THE COMPOSITION OF A CITY COUNCIL INCLUDING A MAYOR AND FOUR CITY COUNCIL MEMBERS WITH ALL ELECTED AT LARGE; PROVIDING FOR QUALIFICATIONS OF OFFICE; PROVIDING FOR ELECTION TO OFFICE; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR POWERS AND DUTIES OF THE CITY COUNCIL; PROVIDING FOR THE POWERS AND DUTIES OF THE MAYOR AND MAYOR PRO-TEM; PROVIDING FOR COMPENSATION AND EXPENSES; PROVIDING FOR VACANCIES, FORFEITURE OF OFFICE, SUSPENSION, RECALL AND THE FILLING OF VACANCIES; PROVIDING FOR A COUNCIL-MANAGER FORM OF GOVERNMENT; PROVIDING FOR CHARTER OFFICERS AND THE OFFICES OF CITY MANAGER AND CITY ATTORNEY PROVIDING FOR PUBLIC MEETINGS, QUORUMS, AND PUBLIC RECORDS; PROVIDING FOR A LIMITATION ON EMPLOYMENT; PROVIDING

FOR BUDGETS AND APPROPRIATIONS; PROVIDING FOR ELECTORS AND ELECTIONS; PROVIDING FOR THE AMENDMENT OF THE CITY CHARTER; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR THE PRESERVATION OF ORDINANCES; PROVIDING FOR THE RIGHTS OF OFFICERS AND EMPLOYEES; PROVIDING FOR PENDING MATTERS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Proposed Bill will be heard during the Sumter County Legislative Delegation scheduled on December 10, 2015, which begins at 2:00 p.m. or as soon thereafter as it may be heard.

The meeting will be held at the 7375 Powell Road, Wildwood, Florida, 34785, Suite 102.

The proposed Bill may be inspected at Webster City Hall between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

Notice is given if any person desires to appeal any action taken by the Sumter County Legislative Delegation at the above meeting, verbatim record of the proceedings may be necessary and is not prepared or furnished by the Sumter County Legislative Delegation.

Persons needing special assistance gaining access to the Sumter County Legislative Delegation meeting or to be heard at the meeting should call 352-689-4400 to make any special arrangements.

The public is invited and encouraged to attend.

Deanna Naugler
City Clerk

Ad No: 10042442
December 01, 2015

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: H.B. 1339

SPONSOR(S): Rep. O'Toole

RELATING TO: City of Webster, Sumter County
(Indicate Area Affected (City, County, or Special District) and Subject)

NAME OF DELEGATION: Sumter County

CONTACT PERSON: Joshua Blake

PHONE NO.: 352 717 5033 E-Mail: joshua.blake@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: 12/10/15

Location: 7375 Powell Road, Wildwood, FL 34785 - Sumter County

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

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 12/1/2015

Where? Daily Commercial County Sumter County

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO

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

YES NO

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

YES NO

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

M. Marlene O'Toole
Delegation Chair (Original Signature)

12/11/15
Date

M. MARLENE O'TOOLE
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 #: H.B. 1339
SPONSOR(S): Representative Marlene O'Toole
RELATING TO: City of Webster City Charter
[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.

N/A

III. FUNDING SOURCE(S):

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

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

	<u>FY 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: Removal of all references to racial segregation, which are not only inconsistent with Florida state law, but which are morally repugnant and do not reflect equality of citizenship which is a cornerstone of the City of Webster.
2. Advantages to Businesses: A more user-friendly Charter, which citizens and businesses in the City of Webster will be able to easily understand.
3. Advantages to Government: Administration by an appointed employee promotes open communication between management and legislators, which will encourage continual participation among the Council, without fear of breaking the Sunshine Law.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: N/A

2. Disadvantages to Businesses:

N/A

3. Disadvantages to Government:

N/A

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

Replacement of the inconsistent Strong Mayor form of government with a more efficient Council-City Manager form of government thereby creating a professional management team that provides stability of government through consistency in administration.

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.

See, Chapter 166, Florida Statutes, and the supporting provisions of the Florida Constitution

Also, see, the "Local Government Formation Manual" published by the Florida House of Representatives.

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: Deanna Naugler
December 2, 2015
Date

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

REPRESENTING: City of Webster

PHONE: 352-793-2073

E-MAIL ADDRESS: dnaugler@websterfl.com

1 A bill to be entitled
 2 An act relating to the City of Webster, Sumter County;
 3 providing legislative intent; codifying, amending,
 4 repealing, and reenacting special acts relating to the
 5 city; repealing chapter 57-1944, Laws of Florida;
 6 providing an effective date.

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

9
 10 Section 1. Chapter 57-1944, Laws of Florida, relating to
 11 the City of Webster, is codified, reenacted, amended, and
 12 repealed as provided in this act.

13 Section 2. The charter of the City of Webster is re-
 14 created and reenacted to read:

15 Section 1. Short title.—This act, together with any future
 16 amendments thereto, shall be known and may be cited as the
 17 "Charter of the City of Webster," hereinafter referred to as the
 18 "charter."

19 Section 2. Body corporate; continuous existence.—

20 (1) The incorporated municipality of the City of Webster,
 21 now existing, shall continue to be a body corporate and a
 22 municipal corporation within Sumter County under the name of the
 23 city, and as such, shall have perpetual succession and existence
 24 in accordance with general law.

25 (2) The codes, ordinances, policies, and actions, of
 26 whatever type or nature, of the City of Webster shall carry

27 forward after the effective date of this act insofar as
 28 consistent with this act and the said codes, ordinances,
 29 policies, and actions are ratified and affirmed.

30 Section 3. Boundaries.-The boundaries and corporate limits
 31 existing at the time of the adoption of this charter may be
 32 amended as provided by general law. The boundaries are described
 33 as follows:

34
 35 The South 1/2 of the Northeast 1/4 and the East 1/2 of
 36 the Southeast 1/4 of Section 36, Township 21 South,
 37 Range 22 East, Sumter County, Florida; and the
 38 Southwest 1/4 of the West 1/2 of the Southeast 1/4 of
 39 Section 31, Township 21 South, Range 23 East, Sumter
 40 County, Florida; and the East 1/2 of the Northeast 1/4
 41 of Section 1 Township 22 South, Range 22 East, Sumter
 42 County, Florida; and the West 1/2 of the Northeast 1/4
 43 of Section 6, Township 22 South Range 23 East, Sumter
 44 County, Florida.

45
 46 TOGETHER WITH:

47
 48 The South-1/2 of the Northeast-1/4; and the East-1/2
 49 of the Southeast-1/4; and the East-1/2 of the
 50 Southeast-1/4 of the of the Northwest-1/4 all being in
 51 Section 36, Township 21 South, Range 22 East, Sumter
 52 County, Florida.

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And

The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida.

And

The East 1/2 of the Northeast-1/4 of Section 1, Township 22 South, Range 22 East, Sumter County, Florida.

And

The West-1/2 of the Northeast-1/4; and the Northwest-1/4 of Section 6, Township 22 South, Range 23 East, Sumter County, Florida.

TOGETHER WITH:

The South-1/2 of the Northeast-1/4 and the East-1/2 of the Southeast-1/4 of Section 36, Township 21 South, Range 22 East, Sumter County, Florida.

And

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The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida.

And

The East-1/2 of the Northeast-1/4 of Section 1, Township 22 South, Range 22 East;

W-1/2 of the NE-1/4 and the NW-1/4 of Section 6, Township 22 South, Range 23 East;

And

The East-1/2 of the Southeast-1/4 of the Northwest-1/4, Section 36, Township 21 South, Range 22 East, Sumter County, Florida.

And

All that portion of the East-1/4 of Section 31, Township 21 South, Range 23 East, Sumter County, Florida, lying Southerly of the abandoned Seaboard Coastline Railroad right of way and Northerly of County Road Number 478, LESS beginning 264 feet East

105 of the Southwest corner of the Southeast-1/4 of the
 106 Southeast-1/4 of said Section, from thence run North
 107 165 feet, then run East 132 feet, thence run South 165
 108 feet, thence run West 132 feet to a Point of
 109 Beginning.

110
 111 TOGETHER WITH:

112
 113 Lot 12, Block A, BAYS SUBDIVISION, as recorded in Plat
 114 Book 4, Page 46, Public Records of Sumter County.

115
 116 TOGETHER WITH:

117
 118 The North 435.00 feet of the South 870 feet of the
 119 West 3/4 of the Northwest 1/4 of the Northeast 1/4 of
 120 Section 1 Township 22 South, Range 22 East, Sumter
 121 County, Florida.

122
 123 TOGETHER WITH:

124
 125 Parcel Number: Q31-002, that is, begin at the
 126 Northwest corner of the Southwest-1/4 of the
 127 Northwest-1/4 of Section 31, Township 21 South, Range
 128 23 East, Sumter County, Florida, and run thence East
 129 420 feet, thence South 210 feet, thence West 420 feet,
 130 thence North 210 feet to the Point of Beginning.

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TOGETHER WITH:

Parcel Number S01-078, that is the South 435.00 feet of the West 3/4 of the Northwest-1/4 of the Northeast-1/4 of Section 1, Township 22 South, Range 22 East, Sumter County, Florida; LESS that portion platted as Tract 5, 6, and 7 Rodgers' Subdivision as recorded in Plat Book 4, Page 47 of the Public Records of Sumter County, Florida.

TOGETHER WITH:

The West 3/4 of the Northwest 1/4 of the Northeast 1/4, LESS the North 221.51 feet of the West 257.47 feet and the South 870.00 feet thereof of Section 1, Township 22 South, Range 22 East, Sumter County, Florida; LESS that portion platted as Tracts 5, 6, 7 Rodgers' Subdivision as recorded in Plat Book 4, Page 47 of the Public Records of Sumter County, Florida.

Section 4. Municipal powers.-

(1) The city, as a body corporate and politic, has all powers of a municipality existing under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this charter, unless

157 otherwise specifically prohibited by or contrary to the
 158 provisions of this charter.

159 (2) Without limiting the generality of subsection (1), the
 160 city has all governmental, corporate, and proprietary powers
 161 necessary to enable it to conduct municipal government, perform
 162 municipal functions, and render municipal services, and may
 163 exercise any power for municipal purposes under the home rule
 164 powers of municipalities as set forth in the Constitution of the
 165 State of Florida and general law.

166 (3) The city has all planning and land use regulatory
 167 powers of a municipality with regard to all lands located within
 168 the city limits of the city.

169 (4) The powers of the city shall be liberally construed in
 170 favor of the city.

171 Section 5. City council; composition; qualifications for
 172 office.-

173 (1) COMPOSITION OF THE CITY COUNCIL.-

174 (a) There shall be a five-member city council consisting
 175 of the mayor and four city council members.

176 (b) The mayor and city council members shall run for
 177 office at large and be elected at large.

178 (2) QUALIFICATIONS FOR OFFICE.-

179 (a) Each candidate for office shall be a qualified elector
 180 of the city.

181 (b) Each candidate for office must have resided in the
 182 city continuously for a minimum of 12 months immediately before

183 qualifying. A resident, for the purpose of qualifying for
 184 office, and while maintaining office, shall be a person whose
 185 principal place of physical residence is in the city.

186 (c) The charter officers of the city manager and city
 187 attorney may not be candidates for any elected office while
 188 holding a charter officer position.

189 Section 6. City elections.-

190 (1) ELECTION PROCEDURE.-All elections shall be held in
 191 accordance with the provisions of the state election code except
 192 as otherwise provided by this charter, or by the present or
 193 future ordinances of the city.

194 (2) REGISTRATION OF ELECTORS.-A citizen of the United
 195 States who has resided within the city for a period of at least
 196 30 days shall be eligible to register as a city elector so long
 197 as residency is maintained. Registration shall be permanent and
 198 in conformity with general law.

199 (3) CANVASSING AND QUALIFICATION.-

200 (a) Unless a majority of the city council votes to use the
 201 supervisor of elections for qualifying of candidates and
 202 conducting the election and the county canvassing board for
 203 canvassing the election, the city council shall conduct the
 204 election and has authority to determine the qualification of its
 205 members, subject to review by the courts.

206 (b) If the city council has not authorized the county
 207 canvassing board to canvass the election, at the time that the
 208 city council meets to canvass the results of an election, a

209 | registered elector of the city is entitled to file with the city
 210 | council an affidavit setting out the facts showing that a
 211 | candidate has violated the provisions of this charter as to the
 212 | manner of his or her election, or is otherwise unqualified to
 213 | hold office, and the city council shall take proof at such
 214 | meeting and declare the results.

215 | (c) The city council may by ordinance authorize the
 216 | supervisor of elections to provide for qualifying for candidates
 217 | and conduct the election and for the county canvassing board to
 218 | canvass the election. If the city council provides the
 219 | supervisor of elections and the county canvassing board with
 220 | such authority, then the supervisor of elections is responsible
 221 | for the qualifying of candidates and conducting the election and
 222 | the county canvassing board shall canvass the election. Once an
 223 | ordinance is enacted authorizing the transfer of these
 224 | responsibilities, the supervisor of elections and the county
 225 | canvassing board shall retain this authority at all subsequent
 226 | elections unless the city council enacts a subsequent ordinance
 227 | transferring such responsibility back to the city. Such
 228 | ordinance must be enacted and provided to the supervisor of
 229 | elections and county canvassing board at least 1 year before the
 230 | next general election.

231 | Section 7. Terms of office.—

232 | (1) The term of office for the mayor and each city council
 233 | member is 4 years. Consecutive terms are limited to two full 4-
 234 | year terms with a minimum of a 1-year period of time out of

235 office before being allowed to run for the city council
 236 subsequently.

237 (2) The mayor and each city council member shall remain in
 238 office until his or her successor is elected and assumes the
 239 duties of the position.

240 (3) The terms of office in effect on the effective date of
 241 this charter shall continue to be in effect and elections shall
 242 occur accordingly.

243 (4) The mayor and city council members may succeed
 244 themselves.

245 Section 8. Powers and duties of city council.-

246 (1) The form of government of the City of Webster shall be
 247 the council-manager form of government whereby the mayor and
 248 city council are collectively the head of city government with
 249 regard to policy with a city manager serving in the role of
 250 chief administrative officer as set forth in this charter. The
 251 city attorney shall be the only charter officer aside from the
 252 mayor and city council and the city manager.

253 (2) Except as otherwise prescribed in this charter or
 254 provided by general law, all policy setting, legislative, and
 255 police powers of the city are vested in the mayor and city
 256 council, including, but not limited to, the following:

257 (a) Enacting ordinances under the police power, land
 258 development regulatory power, and other home rule powers
 259 pertinent to municipalities.

- 260 (b) Establishing public policy and providing general
 261 direction for administrative actions.
- 262 (c) Reviewing and approving all policy manuals relating to
 263 the operations and administration of city government.
- 264 (d) Reviewing and approving all administrative
 265 recommendations for staff classifications and reclassifications,
 266 and wages and salaries.
- 267 (e) Approving contracts and other fiscal matters relating
 268 to the operations of city government except as may be delegated
 269 to the city manager.
- 270 (f) Creating city departments and offices and establishing
 271 and funding positions for the operation and administration of
 272 such departments and offices as deemed necessary.
- 273 (g) Creating and appointing members to boards,
 274 commissions, committees, task forces, and such other bodies as
 275 deemed necessary.
- 276 (3) The city council shall provide for the exercise of its
 277 powers and for the performance of all duties and obligations
 278 imposed on the city by general law by means of ordinance,
 279 resolution, motion, policy directive, or other appropriate
 280 action.
- 281 (4) The city council shall adopt a purchasing policies
 282 manual and a personnel policies manual.
- 283 (5) Neither the city council nor any of its members shall
 284 dictate the appointment of any person to office or employment by
 285 the city manager or in any manner prevent the city manager from

286 using his or her own judgment in selecting those officers or
 287 employees which he or she is entitled to appoint or select under
 288 the provisions of this charter. Except for purposes of inquiry
 289 and information, the city council and its members shall deal
 290 with the administrative service solely through the city manager
 291 and neither the city council nor any member thereof shall give
 292 orders to the subordinates of the city manager, either publicly
 293 or privately.

294 Section 9. Powers and duties of the mayor and mayor pro
 295 tempore.—

296 (1) MAYOR.—The mayor shall be a member of the city council
 297 and is considered, in every respect, as part of the city council
 298 for the purposes of votes and actions by the city council. In
 299 addition to the regular powers invested in any city council
 300 member, the mayor shall:

301 (a) Be recognized by the Governor for purposes of military
 302 law and have the power to declare an emergency.

303 (b) Preside at meetings of the city council and be
 304 recognized as the head of city government for all ceremonial
 305 occasions and purposes, but has no administrative duties except
 306 as to carry out the responsibilities provided in this charter.

307 (c) Execute city contracts, deeds, and other documents
 308 unless delegated to the city manager.

309 (d) Have the power to represent the city in all agreements
 310 with other governmental entities and provide certifications to

311 other governmental entities that the city council has approved
 312 unless such powers are delegated to another city official.

313 (e) Coordinate with both elected officials and city staff
 314 of neighboring cities and counties on items that are of mutual
 315 concern or items that require an exchange of information.

316 (f) Coordinate with the city manager, city attorney, and
 317 city council on city legal matters.

318 (2) MAYOR PRO TEMPORE.—At the first regular meeting after
 319 each regular municipal election, at which newly elected city
 320 council members assume their duties of office, the five city
 321 council members shall, by majority vote of the city council,
 322 select a city council member, exclusive of the mayor, to act as
 323 mayor pro tempore. In addition to the regular powers invested in
 324 any city council member, the mayor pro tempore shall:

325 (a) Have all the powers and duties of the mayor in the
 326 absence from the city of the mayor or his or her inability to
 327 act, whether by reason of his or her death, resignation,
 328 impeachment, mental or physical sickness, or for any other
 329 reason, and the city clerk certifies as to the absence from the
 330 city of the mayor or his or her inability to act, upon demand,
 331 when the mayor is so absent from the city or unable to act; and

332 (b) Serve as acting mayor during the absence or disability
 333 of the mayor, and, during such period, has the same powers and
 334 duties as the mayor.

335 (3) ALTERNATIVE TO FILLING VACANCY.—In the absence of the
 336 mayor and the mayor pro tempore, the remaining city council

337 members shall elect a city council member to serve as acting
 338 mayor.

339 Section 10. Compensation and expenses.-

340 (1) The mayor and city council members shall continue to
 341 receive the salary in effect for their positions on the date
 342 that this charter becomes effective. Thereafter, they shall
 343 receive compensation as established by adoption of an ordinance
 344 that adjusts the salary, but an ordinance increasing such salary
 345 may not take effect until after the next regular city election.
 346 The salaries of the mayor and city council members may be
 347 different at the determination of the city council, but all
 348 salaries for city council members not serving as mayor shall be
 349 equal.

350 (2) The mayor and city council members shall be reimbursed
 351 for actual expenses incurred while performing their official
 352 duties in accordance with provisions of general law or
 353 resolution adopted by the city council.

354 Section 11. Vacancies; forfeiture of office; suspension;
 355 recall; filling of vacancies.-

356 (1) VACANCIES.-A vacancy in the office of mayor or of a
 357 city council member shall occur upon the death of the incumbent,
 358 removal from office as authorized by general law, resignation,
 359 election or appointment to another public office which creates
 360 dual officeholding, judicially determined incompetence, or
 361 forfeiture of office.

362 (2) FORFEITURE OF OFFICE.—The mayor or a city council
 363 member shall forfeit his or her office upon determination by the
 364 vote of four members of the entire city council, acting as a
 365 body, that he or she has committed any of the following acts:

366 (a) Lacks at any time, or fails to maintain during his or
 367 her term of office, any qualifications for the office prescribed
 368 by this charter or otherwise required by law.

369 (b) Is convicted of a felony, or enters a plea of guilty
 370 or nolo contendere to a crime punishable as a felony, even if
 371 adjudication of guilt is withheld.

372 (c) Is convicted of a first degree misdemeanor arising
 373 directly out of his or her official conduct or duties or enters
 374 a plea or guilty or nolo contendere thereto, even if
 375 adjudication of guilt is withheld.

376 (d) Is found to have violated any standard of conduct or
 377 code of ethics established by law for public officials and has
 378 been suspended from office by the Governor, unless subsequently
 379 reinstated as provided by general law.

380 (e) Is absent from three or more regular meetings of the
 381 city council in a consecutive 6-month period, unless such series
 382 of absences, or any one of the absences, is excused by the city
 383 council by adoption of a resolution setting forth the fact of
 384 such excused absence or absences, thereby making the total of
 385 consecutive and unexcused absences less than three.

386 (3) SUSPENSION FROM OFFICE.—

387 (a) The mayor or a city council member shall be suspended
 388 from office by the city council acting as a body upon return of
 389 an indictment or issuance of an information charging the mayor
 390 or a city council member with any crime that is punishable as a
 391 felony or with any crime arising out of his or her official
 392 conduct or duties which is punishable as a misdemeanor.

393 (b) During the period of suspension, the mayor or the city
 394 council member shall not perform any official act, duty, or
 395 function, or receive any allowance, emolument, or privilege of
 396 office.

397 (c) If the mayor or a city council member is subsequently
 398 found not guilty of the charge, or if the charge is otherwise
 399 dismissed or altered so that suspension would no longer be
 400 required as provided in this charter, the suspension shall be
 401 lifted by the city council and the mayor or city council member
 402 is entitled to receive full back allowances and such other
 403 emoluments as he or she would have been entitled to had the
 404 suspension not occurred.

405 (4) RECALL.—The electors of the city, after following the
 406 procedures for recall established by general law, may remove the
 407 mayor or any city council member from office.

408 (5) FILLING OF VACANCIES.—

409 (a) If, for any reason other than recall, a vacancy occurs
 410 in the office of mayor within the first 3 years of a term, the
 411 mayor pro tempore shall assume the position of mayor, and within
 412 30 days after the occurrence of such vacancy, a special election

413 for mayor shall be held to elect a mayor for the remainder of
 414 the unfilled term.

415 (b) In the event that the office of mayor becomes vacant
 416 with less than 1 year remaining in the term, the mayor pro
 417 tempore shall serve as mayor for the remainder of the term of
 418 the mayor and the vacancy in his or her office shall be filled
 419 as provided in the charter for the remainder of his or her term.

420 (c) If, for any reason other than recall, a vacancy occurs
 421 in the office of a city council seat, other than mayor, within
 422 the last year of a term, the office shall be filled for the
 423 remainder of the term by appointment within 30 days after the
 424 occurrence of such vacancy by majority vote of the remaining
 425 city council members.

426 (d) If, for any reason other than recall, a vacancy occurs
 427 in the office of a city council seat within the first 3 years of
 428 a term, the office shall be filled by appointment within 30 days
 429 after the occurrence of such vacancy by majority vote of the
 430 city council and such appointment shall expire when a city
 431 council member is elected and he or she is seated in accordance
 432 with this charter.

433 (e) If a vacancy occurs as a result of a recall petition,
 434 such vacancy will be filled by special election as provided in
 435 general law.

436 (f) Before a person is appointed to fill a vacant seat on
 437 the city council, he or she must meet all qualifications for
 438 office.

439 Section 12. City council meetings; organizational meeting;
 440 quorum; special meeting.-

441 (1) The city council shall meet regularly at least once a
 442 month. All meetings are subject to notice and other requirements
 443 of law applicable to public meetings.

444 (2) The newly elected city council members, if any, shall
 445 be installed, on the second Tuesday after the first Monday in
 446 January after their election, after taking the oath of office.

447 (3) Installation into office shall be made by the city
 448 council and consist of declaring election results, administering
 449 the oath of office by the city attorney or city clerk, and
 450 receiving a bond from each city council member elected, if
 451 required by ordinance.

452 (4) The oath shall be in substantially the following form:
 453 "I,, do solemnly swear (or affirm), that I will support,
 454 protect, and defend the Constitution and government of the
 455 United States and of the State of Florida against all enemies,
 456 domestic or foreign, and that I will bear true faith, loyalty,
 457 and allegiance to the same, and that I am entitled to hold
 458 office under the Constitution; that I will faithfully perform
 459 all duties of the office of of the City of Webster, on
 460 which I am about to enter, so help me, God."

461 (5) The city council shall conduct its meetings in
 462 accordance with Robert's Rules of Order except as prescribed by
 463 resolution or ordinance of the city council.

464 (6) Voting on ordinances and resolutions shall be by roll
 465 call. A majority of the city council constitutes a quorum. No
 466 action of the city council is valid unless adopted by an
 467 affirmative vote of the majority of the city council that is in
 468 attendance, unless otherwise provided by law or ordinance, or
 469 stated in this charter. A tie vote shall result in a motion
 470 failing. All actions of the city council shall be accomplished
 471 by ordinance, resolution, or motion, although the city council
 472 may express its consensus in other appropriate ways.

473 (7) The city council has the power to expel any member of
 474 the audience who is disorderly while the council is in session.

475 (8) Special meetings may be held at the call of the mayor
 476 or, in the absence of the mayor, at the call of the mayor pro
 477 tempore. Special meetings may also be called upon the request of
 478 a majority of the city council members as presented in writing
 479 to the city clerk. At least 24 hours' prior notice of the
 480 meeting must be given to the public, unless a declared emergency
 481 situation exists.

482 Section 13. City manager; appointment, qualifications, and
 483 compensation.-

484 (1) The city council, by simple majority vote, shall
 485 appoint a city manager who shall be a charter officer of the
 486 city and the administrative head of the city government, under
 487 the direction and supervision of the city council, and who shall
 488 hold office at the pleasure of the city council under a contract
 489 that is entered consistent with controlling law. He or she shall

490 receive such compensation as the city council may fix and
 491 determine in such contract. He or she shall be chosen solely on
 492 the basis of his or her executive and administrative
 493 qualifications, without regard to his or her political belief,
 494 and must be 21 years of age or older. The city manager need not
 495 be a resident of the city.

496 (2) The city manager is responsible to the city council
 497 for the proper administration of all affairs of the city coming
 498 under his or her jurisdiction. The city manager's powers include
 499 the following, as well as those that are consistent with sound
 500 and generally accepted public management practices and
 501 principles consistent with this charter and other controlling
 502 law:

503 (a) To see that the laws and ordinances of the city are
 504 enforced;

505 (b) To appoint, suspend, or remove all city employees and
 506 appoint administrative officers provided for by and under this
 507 charter, except as otherwise provided by law;

508 (c) To control, direct, and exercise supervision over all
 509 departments and divisions and offices of the city's government;

510 (d) To fix the compensation of all subordinate city
 511 employees based on a range of pay rate for each class of
 512 employee approved by resolution of the city council;

513 (e) To enforce the city's personnel rules and purchasing
 514 policies;

515 (f) To see that all terms and conditions imposed in favor
 516 of the city or its inhabitants in any public utility franchise
 517 are faithfully kept and performed and, upon knowledge of any
 518 violation thereof, to call the same to the attention of the city
 519 attorney, whose duty it is hereby made to take such legal steps
 520 as may be necessary to enforce the franchise;

521 (g) To attend all meetings of the city council, with a
 522 right to take part in the discussion but without having a vote;

523 (h) To negotiate all contracts, franchises, acquisition,
 524 and disposition of property personally or through agents
 525 designated by him or her and, upon approval thereof by the
 526 council, implement on behalf of the city all agreements, leases,
 527 deeds, and other instruments in connection therewith;

528 (i) To direct and supervise the administration of all
 529 departments, offices, and agencies of the city, except as
 530 otherwise provided by this charter or by law;

531 (j) To make recommendations to the city council concerning
 532 the affairs of the city and facilitate the work of the city
 533 council in developing policy;

534 (k) To assist the council to develop long-term goals for
 535 the city and strategies to implement those goals;

536 (l) To recommend to the city council for adoption such
 537 measures as he or she deems necessary or expedient in the
 538 interest of the city;

- 539 (m) To prepare and submit the annual budget, budget
 540 message, and capital program to the mayor for review and
 541 approval by the city council;
- 542 (n) To administer financial transactions of the city,
 543 including investments, withdrawals, and expenditures in
 544 accordance with city investment policies and the adopted city
 545 budget;
- 546 (o) To keep the mayor and the city council fully apprised
 547 as to the financial condition and the affairs of the city;
- 548 (p) To act as director of any department as needed;
- 549 (q) To have prepared and to submit to the city council,
 550 within 6 months after the close of each fiscal year, a complete
 551 audit of the financial condition of the city for the preceding
 552 fiscal year;
- 553 (r) To sign all checks and agreements or other documents
 554 approved by the city council or required for daily business
 555 needs of the city issued by the city except as otherwise
 556 provided in this charter and to sign such other documents
 557 approved by the city council or required for the daily business
 558 of the city;
- 559 (s) To perform such other duties as required by this
 560 charter or as directed by the city council;
- 561 (t) To prepare or administer the preparation of city
 562 policies manuals, ordinances, and similar materials for city
 563 council review and approval;

564 (u) To review employee disciplinary actions taken by
 565 subordinate staff and take final administrative action before
 566 initiation of review, if any, by the city council;

567 (v) To purchase supplies and equipment of the various
 568 departments of the city; and

569 (w) During his or her absence of no more than 14 days, to
 570 appoint an acting city manager. However, with regard to an
 571 absence or disability of any longer period or such other period
 572 of time as may be determined by the city council, the city
 573 council may, by resolution, designate some properly qualified
 574 person to temporarily execute the functions of the office. The
 575 person thus designated has the same powers and duties as the
 576 city manager, and shall be known while so serving as acting city
 577 manager.

578 (3) The city manager or acting city manager may be removed
 579 by the city council at any time consistent with the terms of his
 580 or her contract and controlling law.

581 Section 14. City attorney; qualifications; powers and
 582 duties.—

583 (1) The city attorney is the chief legal officer and
 584 advisor of the city.

585 (2) The city attorney must be a member in good standing of
 586 The Florida Bar.

587 (3) The city attorney shall:

588 (a) Serve as chief advisor to the city council and all
 589 city departments, offices, advisory boards, and agencies;

590 (b) Attend all city council meetings, unless excused by
 591 motion and vote of the city council, and perform such
 592 professional duties as may be required by law or by the city
 593 council in furtherance of the law;

594 (c) Engage in litigation on behalf of the city council
 595 pursuant to its direction; and

596 (d) Appoint assistants to assist in the provision of legal
 597 services to the city.

598 (4) The city attorney shall be a charter officer of the
 599 city and be appointed by a majority vote of the full city
 600 council and shall serve at the pleasure of a majority vote of
 601 the full city council.

602 Section 15. City clerk qualifications; powers and duties;
 603 option for city administrator or city manager.—

604 (1) The city clerk is an employee of the city appointed by
 605 the city manager and shall fulfill the role of a functioning
 606 administrative officer of the city serving under the direction
 607 and managerial control of the city manager.

608 (2) The city clerk shall be selected by the city manager
 609 on the basis of education, experience, expertise, and
 610 administrative ability pertaining to administering municipal
 611 government.

612 (3) The city clerk shall operate under the direction and
 613 managerial control of the city manager and shall:

614 (a) Prepare the agenda for review and approval by the
 615 mayor and attend city council meetings, take part in discussion,
 616 and furnish information as requested by the city council;

617 (b) Process and maintain all official city documents and
 618 records and ensure that all actions of the city council are
 619 recorded, including, but not limited to, providing for regular
 620 codification of city codes and ordinances in conjunction with
 621 the city attorney;

622 (c) Supervise the preparation and indexing of minutes;

623 (d) Act as chief financial officer, prepare reports
 624 relative to city finances and assets, and maintain various
 625 property files; and

626 (e) Perform such other city clerk related duties as
 627 required by the city council and city manager.

628 Section 16. Police department.-

629 (1) The police department of the City of Webster is
 630 created and established and shall consist of a chief of police
 631 and as many subordinate officers, patrol officers, and employees
 632 as are necessary for the functioning of the department.

633 (2) The chief of police may appoint additional patrol
 634 officers upon approval of the city manager.

635 (3) The chief of police shall be appointed by the city
 636 manager and shall serve under the direction and supervision of
 637 the city manager. The chief of police shall aid in the
 638 enforcement of order in the city. He or she shall attend in
 639 person or by deputy all meetings of the city council, and

640 perform such duties appropriate to his or her office as may be
 641 imposed upon him or her by the law, the ordinances of the city,
 642 the direction of the city manager or the city council. He or she
 643 is the head of the police department and responsible for seeing
 644 that the laws and ordinances of city and state are enforced.

645 (4) The chief of police and all officers must be certified
 646 as required by general law.

647 (5) The chief of police shall assume such other duties as
 648 directed by the city council or city manager.

649 Section 17. Department of public works.-

650 (1) The department of public works is established as an
 651 administrative branch or division of the city and is responsible
 652 for stormwater control, water and wastewater services,
 653 maintenance and repair of city signage, curbs, rights-of-way,
 654 public parking, streetlights, and such other services as
 655 designated by the city council or the city manager.

656 (2) The position of director of public works shall be
 657 appointed by the city manager. The director of public works
 658 shall serve under the direction of the city manager and assist
 659 in carrying out the policies and programs of the city council.
 660 He or she shall coordinate the work and activities of the
 661 department of public works. He or she shall make periodical
 662 inspections of streets, public buildings, public works, public
 663 machinery, and all public property, and make report thereof to
 664 the city manager. He or she shall perform such other duties as
 665 may be delegated to him or her.

666 Section 18. Limit of employment of city council members;
 667 conflict.-

668 (1) Neither the mayor nor city council members shall be in
 669 the employment of the city while in office, nor shall a former
 670 mayor or city council member be employed by the city until after
 671 the expiration of 1 year from the time of leaving office.

672 (2) Any elected official, city officer, or employee who
 673 has a substantial financial interest, direct or indirect, or by
 674 reason of ownership of stock in any corporation in any contract
 675 with the city or in the sale of any land, material, supplies, or
 676 services to the city or to a contractor supplying the city,
 677 shall make known such interest, either in writing or at a public
 678 meeting, and shall refrain from voting upon or otherwise
 679 participating in his or her capacity as an elected official,
 680 city officer, or employee in the making of such sale or in the
 681 making or performance of such contract. Any elected officer,
 682 city officer, or employee who willfully conceals such a
 683 substantial financial interest or willfully violates the
 684 requirements of this section shall be guilty of malfeasance in
 685 office or position and shall forfeit his or her office or
 686 position. Violation of this section with knowledge, express or
 687 implied, of the person or corporation contracting with or making
 688 sale to the city shall render the contract or sale voidable by
 689 the city council.

690 Section 19. Budget and appropriations.-

691 (1) The city council shall adopt a budget and set tax
 692 rates in accordance with general law.

693 (2) The city council has all powers of local government
 694 vested in it by general law relative to fiscal processes and
 695 procedures.

696 (3) The city council shall adopt a financial policy, at
 697 such times as it deems appropriate, to provide for financial
 698 management policies of the city.

699 (4) The city council shall enact a purchasing code to
 700 regulate the procurement of goods and services in accordance
 701 with sound and generally accepted public management practice and
 702 principles.

703 Section 20. City records.-

704 (1) All city public records shall be maintained by the
 705 city clerk in accordance with general law.

706 (2) All ordinances or resolutions of the city council
 707 shall be executed by the mayor or, in the mayor's absence, by
 708 the mayor pro tempore, or in the absence of both, by the acting
 709 mayor, and attested to by the city clerk with approval, as to
 710 form and legality, by the city attorney.

711 Section 21. Charter amendment.-

712 (1) This charter may be amended in accordance with the
 713 provisions of the Municipal Home Rule Powers Act, chapter 166,
 714 Florida Statutes, or as may otherwise be provided by general
 715 law. The form, content, and certification of any petition to
 716 amend shall be established by ordinance.

717 (2) A charter review committee may be appointed at any
 718 time by the city council. The committee shall complete its work
 719 and present any recommendations for change within the time
 720 period as prescribed by the city council. The city council may
 721 act on the proposed changes to the charter and place the
 722 proposed changes on the next scheduled general election ballot
 723 if it concurs with the proposals.

724 Section 22. Standards of conduct.-All elected officials,
 725 appointed officials, and employees of the city are subject to
 726 the standards of conduct for the public officers and employees
 727 established in general law. In addition, the city council may,
 728 by ordinance, establish a supplemental code of ethics for the
 729 city, which may in no case diminish the provisions of general
 730 law.

731 Section 23. Ordinances preserved.-All ordinances in effect
 732 upon the adoption of this charter, to the extent not
 733 inconsistent with it, remain in force until repealed or changed
 734 as provided in this charter.

735 Section 24. Rights of officers and employees.-

736 (1) Except as otherwise expressly provided in this
 737 charter, this charter does not affect or impair the rights or
 738 privileges of persons who are officers or employees of the City
 739 of Webster at the time of adoption.

740 (2) All officers heretofore elected or appointed and
 741 holding office in the City of Webster continue to hold their

742 respective offices and discharge the duties thereof until their
 743 successors are elected and qualified.

744 Section 25. Pending matters.-

745 (1) All rights, title, claims, actions, orders, contracts,
 746 ownership of property, uncollected taxes, dues, judgments,
 747 decrees, and legal or administrative proceedings involving the
 748 City of Webster, and all property and property rights of every
 749 nature whatever held or owned by the city, shall continue,
 750 except as modified pursuant to this charter.

751 (2) No obligation or contract of the said municipality of
 752 any nature whatsoever, including outstanding indebtedness and
 753 bonds heretofore issued, may be impaired or avoided by this act,
 754 but all debts and obligations of the City of Webster shall pass
 755 to and be binding upon the City of Webster hereby organized and
 756 created.

757 Section 3. Chapter 57-1944, Laws of Florida, is repealed.

758 Section 4. This act shall take effect upon becoming a law.