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# **Local & Federal Affairs Committee**

## **Meeting Packet**

**Tuesday, February 9, 2016  
11:30 am – 02:30 pm  
Webster Hall (212 Knott)**

**REVISED  
Addendum A – (2/8/2016, 8:30 pm)**

**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**  
**Tuesday, February 9, 2016**  
**212 Knott, Webster Hall**  
**11:30 a.m. – 2:30 p.m.**

- I. Call to Order
- II. Roll Call
- III. Welcome and Opening Remarks
- IV. Consideration of the following bills:

**CS/CS/HB 355 Supervisor of Elections Salaries by Government Operations Subcommittee, Local Government Affairs Subcommittee, Artiles**

**CS/HB 791 Local Tax Referenda by Local Government Affairs Subcommittee, Ingoglia**

**CS/HB 895 West Manatee Fire and Rescue District, Manatee County by Local Government Affairs Subcommittee, Boyd**

**HM 959 Cuban Adjustment Act of 1966 by Artiles**

**CS/HB 1015 Determination of Maximum Millage Rates by Local Government Affairs Subcommittee, Nuñez**

**HB 1039 Babcock Ranch Community Independent Special District, Charlotte and Lee Counties by Caldwell**

**CS/HB 1071 South Broward Hospital District, Broward County by Local Government Affairs Subcommittee, Stark**

**HB 1321 Discounts on Public Park Entrance Fees and Transportation Fares by Rader**

**HB 1371 St. Augustine-St. Johns County Airport Authority by Stevenson**

**HB 1417 Hillsborough County by Young**


**V. Adjournment**





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 355 Supervisor of Elections Salaries  
**SPONSOR(S):** Government Operations Subcommittee; Local Government Affairs Subcommittee; Artiles  
**TIED BILLS:** IDEN./SIM. BILLS: CS/CS/SB 514

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N, As CS	Darden	Miller
2) Government Operations Subcommittee	7 Y, 6 N, As CS	Toliver	Williamson
3) Local & Federal Affairs Committee		Darden 	Kiner <i>KLK</i>

### SUMMARY ANALYSIS

The supervisor of elections is a county officer created by the Florida Constitution. The supervisor of elections is responsible for administering the state's voter registration system at the local level and managing the logistics of elections conducted in the county.

The salaries for most county constitutional officers are set by a statewide formula. This formula provides a base salary determined by a county's population group and a group rate for each person in excess of minimum number needed to qualify for the population group. While the base salary differs between the various county constitutional officers, the additional salary above the base for the population group is calculated using the same multiplier rate for all officers except the supervisor of elections.

The bill increases the population group multiplier rates used to calculate the salaries above the base for supervisors of elections to the same as used for other county constitutional officers. The bill also increases the base salary for supervisors of elections to the rate used to calculate the salaries for tax collectors, property appraisers, and clerks of circuit court.

The bill would have an insignificant negative fiscal impact on local governments, since it would increase the compensation for the county supervisor of elections.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Supervisor of Elections

The supervisor of elections is a county office created by the Florida Constitution.<sup>1</sup> The specific duties and responsibilities of the office are defined by ch. 98, F.S. (Registration Office, Officers, and Procedures).<sup>2</sup> The supervisor of elections is responsible for:

- Updating voter registration information;<sup>3</sup>
- Entering new voter registrations into the statewide voter registration system;<sup>4</sup>
- Determining if a voter registration applicant is ineligible;<sup>5</sup>
- Acting as the official custodian of documents received related to the registration of electors and changes in the voter registration status of electors of the county;<sup>6</sup>
- Preserving certain statements and other documentation concerning campaign finances pursuant to ch. 106, F.S.;<sup>7</sup>
- Appointing deputy supervisors;<sup>8</sup>
- Making training for voter registration procedures available to individuals, groups, centers for independent living, and public libraries in the county;<sup>9</sup>
- Ensuring voter registration and list maintenance procedures comply with state and federal statutes and regulations;<sup>10</sup>
- Maintaining the registration list to ensure the integrity of the electoral process;<sup>11</sup> and
- Maintaining a list of valid residential street addresses for the purposes of verifying the legal addresses of all voters residing in the county.<sup>12</sup>

The supervisor of elections is also responsible for managing the logistics of general, primary, and special elections.<sup>13</sup> These duties include:

- Providing recommendations to the board of county commissioners in drawing election precincts for the county and transmitting information to the Department of State;<sup>14</sup>
- Ensuring the security and maintenance of voting equipment;<sup>15</sup>
- Publishing a sample ballot in a newspaper of general circulation;<sup>16</sup>
- Appointing poll workers to serve as clerks or inspectors for each precinct of the county;<sup>17</sup>

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<sup>1</sup> Art. VIII, s. 1(d), Fla. Const. The other county constitutional officers are the sheriff, tax collector, property appraiser, and clerk of the circuit court.

<sup>2</sup> Chapter 98, F.S.

<sup>3</sup> Section 98.015(3), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 98.045, F.S.

<sup>6</sup> Section 98.015(3), F.S.

<sup>7</sup> Section 98.015(5), F.S.

<sup>8</sup> Section 98.015(8), F.S.

<sup>9</sup> Section 98.015(9), F.S.

<sup>10</sup> Section 98.015(10), F.S.

<sup>11</sup> Section 98.065, F.S.

<sup>12</sup> Section 98.015(12), F.S.

<sup>13</sup> *See generally* ch. 102, F.S.

<sup>14</sup> Section 101.001, F.S.

<sup>15</sup> Sections 101.015, 101.5612, F.S.

<sup>16</sup> Section 101.20, F.S.

- Conducting training for inspectors, clerks, and deputy sheriffs in their duties and responsibilities as election officials;<sup>18</sup>
- Informing the clerk of each polling location about the area in which soliciting is unlawful;<sup>19</sup>
- Creating the form for tabulation of votes and proclamation of results;<sup>20</sup>
- Serving as a member of the county canvassing board to publicly review absentee and provisional ballots;<sup>21</sup> and
- Presenting the certification of election to the winning candidate.<sup>22</sup>

### Compensation of County Officials

Since 1961, the salaries of county elected officials have been standardized across the state.<sup>23</sup> Previously, the salaries of county officials had been adjusted by a “haphazard, preferential, [and] inequitable” series of special acts.<sup>24</sup> The current system applies to all officials, except for those whose salary is set by a county home rule charter and officials of counties with a chartered consolidated form of government.<sup>25</sup>

The salaries of county elected officials are funded at the county level, by a resolution of the board of county commissioners in concurrence with the elected official involved.<sup>26</sup> This resolution remains in effect for the official's current term of office, but may be rescinded at the end of each fiscal year by an agreement between the official and the board of county commissioners.<sup>27</sup> The payment of the official's salary comes from the budget for his or her office, but the county is liable for paying the officer's salary from the general revenue fund if the budget for the office is insufficient.<sup>28</sup> If this occurs, the county must notify the Department of Financial Services and the deficiency is listed in the comptroller's annual report of county finances and county fee officers.<sup>29</sup>

The salaries for all county elected officials are based on a formula established by statute.<sup>30</sup> For the offices created by the Florida Constitution,<sup>31</sup> the salary schedule divides counties into six groups based on population.<sup>32</sup> These groups range from population group I, consisting of counties with less than 50,000 residents, to population group VI, consisting of counties with 1,000,000 or more residents. The salary rate of the official is calculated by adding the base salary for the county's population group to the product of the county's group rate and the number of residents in excess of the minimum for the population group.

Currently, all county constitutional officers except the supervisor of elections have the same group rate for each population group.<sup>33</sup> The current population group rate differential between the supervisor of

<sup>17</sup> Section 102.012(1)(a), F.S.

<sup>18</sup> Section 102.014(1), F.S.

<sup>19</sup> Section 102.031(4)(c), F.S. “Soliciting” includes, but is not limited to, seeking votes, facts, opinions, or contributions; distributing political or campaign materials, leaflets, and handouts; conducting an unauthorized poll; seeking signatures on a petition; and selling any item. Section 102.031 (4)(b), F.S.

<sup>20</sup> Section 102.071, F.S.

<sup>21</sup> Section 102.141, F.S.

<sup>22</sup> Section 102.155, F.S.

<sup>23</sup> Chapter 61-461, Laws of Fla., codified as Ch. 145, F.S.

<sup>24</sup> Section 145.011(2), F.S.

<sup>25</sup> Section 145.012, F.S.

<sup>26</sup> Section 145.022(1), F.S.

<sup>27</sup> Section 145.022(2), F.S.

<sup>28</sup> Section 145.141, F.S.

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

<sup>30</sup> See s. 145.031, F.S. (board of county commissioners); *see also* s. 145.051, F.S. (clerk of circuit court).

<sup>31</sup> Art. VIII, s. 1(d), Fla. Const.

<sup>32</sup> See s. 145.051, F.S. (clerk of circuit court); *see also* s. 145.071, F.S. (sheriff).

<sup>33</sup> Compare s. 145.051, F.S. (clerk of circuit court), s. 145.071 (sheriff), s. 145.10 (property appraiser), s. 145.11 (tax collector), *with* s. 145.091 (supervisor of elections).

elections and other county constitutional officers has existed since 1980.<sup>34</sup> The base salaries for county constitutional officers have more variance, with the sheriff receiving the highest amount, the clerk of circuit court, tax collector, and property appraiser each receiving the same, lower amount, and the supervisor of elections receiving the lowest amount.<sup>35</sup> This gradation has existed in essentially the same form since the current formula was enacted in 1973.<sup>36</sup>

The final salary<sup>37</sup> paid to each county constitutional officer is determined by the product of the salary rate calculated from the relevant section of ch. 145, F.S., the annual factor,<sup>38</sup> the cumulative annual factor,<sup>39</sup> and the initial factor.<sup>40</sup> The annual factor and the cumulative annual factor are certified each year by the Department of Management Services.<sup>41</sup> Each constitutional officer is eligible for an additional \$2,000 per year if that officer meets the certification requirement applicable to the office.<sup>42</sup>

### **Effect of Proposed Changes**

The bill increases the group rate used in calculating the salary of supervisor of elections to the group rate used for other county constitutional officers. The bill also increases the base salary for supervisors of elections to the rate used to calculate the salaries for tax collectors, property appraisers, and clerks of circuit court.

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

Section 1: Amends s. 145.09, F.S., increasing the base salary and group rate for the supervisor of elections.

Section 2: Provides an effective date of October 1, 2016.

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

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

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

None.

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<sup>34</sup> See ch. 80-377, Laws of Fla. (increasing group rate for clerk of circuit court, sheriff, property appraiser, and tax collector in all county with less than 1,000,000 residents); *but see* ch. 85-322, Laws of Fla. (eliminating separate population group for counties with less than 10,000 residents for all county constitutional officers, increasing base salary for all county constitutional officers, establishing a group rate for all county constitutional officers in counties with 1,000,000 or more residents).

<sup>35</sup> E.g. In population group I, the base salary of the sheriff is \$23,350 per year, the base salary of the clerk of circuit court, tax collector, and property appraiser is \$21,250 per year, and the base salary for the supervisor of elections is \$17,228.

<sup>36</sup> See ch. 73-173, Laws of Fla. (In population group I, base salary of sheriff was \$15,000, base salary of clerk of circuit court was \$14,000, base salary of property appraiser and tax collector was \$12,000, base salary of supervisor of elections was \$8,500); *see also* ch. 85-322, Laws of Fla. (increasing base salaries for all county constitutional officers, with population group I sheriff base salary of \$21,250; clerk of circuit court, tax collector, and property appraiser base salary of \$19,150, supervisor of elections base salary of \$15,128).

<sup>37</sup> A sample final salary calculation is attached in Appendix A.

<sup>38</sup> Section 145.19(1)(a), F.S. The "annual factor" is 1 plus the lessor of the average percentage increase in the salaries of state career service employees for the current fiscal year or seven percent

<sup>39</sup> Section 145.19(1)(b), F.S. The "cumulative annual factor" of the product of all annual factors prior to the current fiscal year.

<sup>40</sup> Section 145.19(1)(c), F.S. The "initial factor" is 1.292.

<sup>41</sup> Section 145.19(2), F.S.

<sup>42</sup> Section 145.051(2)(a), F.S. (certification requirements for clerk of circuit court established by Florida Supreme Court); s. 145.071(2)(a), F.S. (certification requirements for sheriff established by FDLE); s. 145.09(3)(a), F.S. (certification requirements for supervisor of elections established by Department of State); s. 145.10 (2)(a), F.S. (certification requirements for property appraiser established by Department of Revenue); s. 145.11(2)(a), F.S. (certification requirements for tax collector established by Department of Revenue).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The base salary and group rate changes would result in additional compensation to the supervisors of elections. According to the Office of Economic and Demographic Research, the statewide total cost would be \$1.24 million in salary increases, which is an average increase of \$18,540 per county.<sup>43</sup>

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Florida Constitution<sup>44</sup> may apply because this bill requires counties to increase the compensation for the supervisor of elections; however, an exemption may apply as the fiscal impact is likely to be insignificant.<sup>45</sup>

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>43</sup>See *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2015-16*, Office of Economic and Demographic Research, pp. 9-10 (salaries for supervisors of elections and tax collectors).

<sup>44</sup> Art. VII, s. 18, Fla. Const.

<sup>45</sup> A law having an insignificant fiscal impact on counties or municipalities is exempt from art. VII, s. 18, Fla. Const. Art. VII, s. 18(d), Fla. Const. *E.g. see* Adopted FY 15 Budget, Hillsborough County at p. 28, available at <http://www.hillsboroughcounty.org/index.aspx?NID=3637> (\$20,000 is 0.00049% of FY 2015-16 Hillsborough County budget); *see also* Tentative Budget 2015-2016, Liberty County at p. 2, available at <http://libertybocc.com/commissioners/budget/> (\$20,000 is 0.36% of FY 2015-16 Liberty County budget).

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

On November 18, 2015, the Local Government Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment increased the base salary for the supervisor of elections in each population group to the base salary for tax collectors, property appraisers, and the clerk of circuit court.

On January 26, 2016, the Government Operations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment changed the effective date to October 1, 2016, to coincide with the beginning of the fiscal year for local governments.

This analysis is drafted to the committee substitute reported favorably by the Government Operations Subcommittee.

### APPENDIX A: Final Salary Calculation

Salaries for the five constitutionally-created county officers are calculated according to the following formula:

$$[\text{Base Salary} + (\text{Population Above Group Minimum} \times \text{Group Rate})] \times (\text{Initial Factor}) \times (\text{Certified Annual Factor}) \times (\text{Certified Cumulative Annual Factor}) = \text{Total Salary}$$

Example: Calculation of 2015 salary for Indian River County Supervisor of Elections:

$$\{(\$23,228) + [(40,955) \times (0.025) = \$1,023.88]\} \times (1.292) \times (1.0011) \times (3.2949) = \$103,354$$

The following table shows the impact of the bill on this calculation:

	Current Law	HB 355/SB 514
2014 Population Estimate	140,955	140,955
Group Number Minimum	100,000	100,000
Base Salary for Group	\$23,228	<b>\$27,550</b>
Population Above Group Minimum	40,955	40,955
Group Rate for Group	0.025	<b>0.02625</b>
(Population Above Group Minimum) x (Group Rate)	\$1023.88	\$1075.07
Initial Factor	1.292	1.292
Certified Annual Factor	1.0011	1.0011
Certified Cumulative Annual Factor	3.2949	3.2949
Final Salary	\$103,354	\$121,911
Difference		<b>\$18,637</b>

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A bill to be entitled  
 An act relating to supervisor of elections salaries;  
 amending s. 145.09, F.S.; revising the base salary and  
 group rate used to calculate additional compensation  
 for a supervisor of elections based on population  
 increments; providing an effective date.

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

Section 1. Subsection (1) of section 145.09, Florida  
 Statutes, is amended to read:

145.09 Supervisor of elections.—

(1) Each supervisor of elections shall receive as salary  
 the amount indicated, based on the population of his or her  
 county. In addition, a compensation shall be made for population  
 increments over the minimum for each population group, which  
 shall be determined by multiplying the population in excess of  
 the minimum for the group times the group rate.

Pop. Group	County Pop. Range	Base Salary	Group Rate
	Minimum	Maximum	
I -0-	49,999	<u>\$21,250</u> <del>\$17,228</del>	<u>\$0.07875</u> <del>\$0.075</del>

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



CS/CS/HB 355

2016



23	II			<u>24,400</u>		
		50,000	99,999	<del>20,228</del>	<u>0.06300</u>	<del>0.060</del>
24	III			<u>27,550</u>		
		100,000	199,999	<del>23,228</del>	<u>0.02625</u>	<del>0.025</del>
25	IV			<u>30,175</u>		
		200,000	399,999	<del>25,728</del>	<u>0.01575</u>	<del>0.015</del>
26	V			<u>33,325</u>		
		400,000	999,999	<del>28,728</del>	<u>0.00525</u>	<del>0.005</del>
27	VI			<u>36,475</u>	<del>31,728</del>	<u>0.00400</u>
		1,000,000			<del>0.004</del>	

28 Section 2. This act shall take effect October 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 791 Local Tax Referenda  
**SPONSOR(S):** Local Government Affairs Subcommittee; Ingoglia  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1100

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	6 Y, 3 N, As CS	Darden	Miller
2) Finance & Tax Committee	13 Y, 2 N	Aldridge	Langston
3) Local & Federal Affairs Committee		Darden 	Kiner 

### SUMMARY ANALYSIS

The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law. Section 212.055, F.S. provides counties limited authority to levy discretionary sales surtaxes for specific purposes on transactions subject to state sales tax. Discretionary sales surtaxes are generally subject to approval by a majority of the qualified electors in a referendum.

Forty-six counties and fifteen school districts across the state levy at least one local discretionary sales surtax. These surtaxes are estimated to generate \$2.2 billion in revenue during fiscal year 2016-17.

The bill requires any referendum to levy a discretionary sales surtax to be held on the day of the general election and approved by 60 percent of electors voting. The bill also prohibits a county or school district from spending funds to promote a surtax referendum, except for funds specifically appropriated for that purpose.

The Revenue Estimating Conference has not evaluated the bill. If the higher voter approval threshold required by the bill prevents some levies from being approved that would have been approved otherwise, then the revenue impact of the bill is negative to local governments. However, the extent to which that may happen is unknown. Additionally, the bill may reduce local government expenditures to the extent that costs currently incurred to hold a special election for approval of a discretionary sales surtax would be avoided under the provisions of the bill.

The bill provides an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Introduction

##### Discretionary Sales Surtax

The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law.<sup>1</sup> By statute, counties have limited authority to levy a discretionary sales surtax for specific purposes on transactions subject to state sales tax.<sup>2</sup> These purposes include:

- The operation of a transportation system by a charter county;<sup>3</sup>
- Financing local government infrastructure projects;<sup>4</sup>
- Providing additional revenue for counties having less than 50,000 residents as of April 1, 1992;<sup>5</sup>
- Providing medical care for indigent persons;<sup>6</sup>
- Funding trauma centers;<sup>7</sup>
- The operation, maintenance, and administration of a county public general hospital;<sup>8</sup>
- School construction and renovation;<sup>9</sup> and
- Providing emergency fire rescue services and facilities.<sup>10</sup>

The surtax is collected by the Department of Revenue (DOR) using the same procedures utilized for the administration, collection, and enforcement of the general state sales tax.<sup>11</sup> DOR places these funds into the Discretionary Sales Surtax Clearing Trust Fund.<sup>12</sup> A separate account is established for each county imposing a discretionary surtax.<sup>13</sup> The proceeds of the surtax are distributed to the county on a monthly basis, minus an administrative fee of the lesser of three percent or administrative costs solely and directly attributable to the surtax.<sup>14</sup> Each county is liable for administrative costs equal to its prorated share of discretionary sales surtax revenue to the amount collected statewide.<sup>15</sup>

New surtaxes and rate changes to existing surtaxes take effect on January 1, while the repeal of an existing surtax takes effect on December 31.<sup>16</sup> The governing body of the county or the school district must notify DOR of the imposition, termination, or rate change of a discretionary sales surtax within 10 days of final adoption by ordinance or referendum, but no later than November 16.<sup>17</sup> The notification must include the duration of the surtax, the surtax rate, a copy of the ordinance, and any additional

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<sup>1</sup> Art. VII, s. 1(a), Fla. Const..

<sup>2</sup> Section 212.054, F.S.; s. 212.055, F.S.

<sup>3</sup> Section 212.055(1), F.S.

<sup>4</sup> Section 212.055(2), F.S.

<sup>5</sup> Section 212.055(3), F.S.

<sup>6</sup> Section 212.055(4)(a), F.S. (for counties with more than 800,000 residents); s. 212.055(7), F.S. (for counties with less than 800,000 residents)

<sup>7</sup> Section 212.055(4)(b), F.S.

<sup>8</sup> Section 212.055(5), F.S.

<sup>9</sup> Section 212.055(6), F.S.

<sup>10</sup> Section 212.055(7), F.S.

<sup>11</sup> Section 212.054(4)(a), F.S.

<sup>12</sup> Section 212.054(4)(b), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 212.054(5), F.S.

<sup>17</sup> Section 212.054(7)(a), F.S.

information DOR requires by rule.<sup>18</sup> If the county or school district fails to provide timely notice, the effective date of the change is delayed by one year.<sup>19</sup> Counties and school districts are also required to notify DOR if a referendum or consideration of an ordinance to impose, terminate, or change the rate of a surtax is to occur after October 1.<sup>20</sup>

The forty-nine counties and fifteen school districts levying one or more discretionary sales surtaxes are projected to realize \$2.2 billion in revenue in fiscal year 2016-17.<sup>21</sup> If all counties and school districts levied discretionary sales surtaxes at the maximum possible rate, they would be projected to raise \$10.87 billion in revenue in fiscal year 2015-16.<sup>22</sup>

Local discretionary sales surtaxes are generally approved by referendum.<sup>23</sup> The referendum must be approved by a majority of electors voting.<sup>24</sup> Except for the emergency fire rescue services and facilities surtax, the date of the referendum is at the discretion of the county commission.<sup>25</sup>

### Referendum Process

The Florida Election Code sets forth the general requirements for a referendum.<sup>26</sup> The question presented to voters must contain a ballot summary with clear and unambiguous language, such that a “yes” or “no” vote on the measure indicates approval or rejection, respectively.<sup>27</sup> The ballot summary should explain the chief purpose of the measure and may not exceed 75 words.<sup>28</sup> The ballot summary and title must be included in the resolution or ordinance calling for the referendum.<sup>29</sup> For some discretionary sales surtaxes, the form of the ballot question is specified by statute.<sup>30</sup>

Five types of elections exist under the Election Code: primary elections, special primary elections, special elections, general elections, and presidential preference primary elections.<sup>31</sup> A “general election” is held on the first Tuesday after the first Monday in November in even-numbered years to fill national, state, county, and district offices, and for voting on constitutional amendments.<sup>32</sup>

### Effect of Proposed Changes

The bill requires any referendum to levy a discretionary sales surtax to be approved by 60 percent of the electors voting and requires the referendum be held on the day of a general election. The bill also defines the term “day of a general election” as being the day that a general election, as defined in s. 97.021, F.S., is held. Section 97.021, F.S., defines “general election” as meaning “an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of

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<sup>18</sup> *Id.*

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

<sup>20</sup> Section 212.054(7)(b), F.S. The deadline for this notification is October 1.

<sup>21</sup> *2016 Florida Tax Handbook*, Office of Economic and Demographic Research, p. 216.

<sup>22</sup> *2015 Local Government Financial Information Handbook*, Office of Economic and Demographic Research, p. 152.

<sup>23</sup> Section 212.055, F.S., *but see* s. 212.055(3), F.S. (small county surtax may be approved by extraordinary vote of the county commission, as long as surtax revenues are not used for servicing bond indebtedness), s. 212.055(4), F.S. (indigent care and trauma center surtax may be approved by extraordinary vote of the county commission), and s. 212.055(5), F.S. (county public hospital surtax may be approved by extraordinary vote of the county commission).

<sup>24</sup> Section 212.055, F.S.

<sup>25</sup> *E.g.* s. 212.055(1)(c), F.S. (referendum for charter county and regional transportation system to be held at a time “set at the discretion of the governing body”); *but see* s. 212.055(8)(b), F.S. (referendum for emergency fire rescue services and facilities surtax must be placed on the ballot of a “regularly scheduled election”).

<sup>26</sup> Section 101.161, F.S.

<sup>27</sup> Section 101.161(1), F.S.

<sup>28</sup> *Id.*

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

<sup>30</sup> *See* s. 212.055(4)(b)1., F.S. (ballot question for discretionary sales surtax for trauma centers).

<sup>31</sup> Section 97.021(11), F.S.

<sup>32</sup> Art. VI, s. 5(a), Fla. Const. (also codified as s. 97.021(15), F.S.)

filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.”

The bill also prohibits a county or school district from spending state or county funds or using their materials or publications to promote or advertise the surtax referendum, except where funds are specifically appropriated for that purpose.

**B. SECTION DIRECTORY:**

Section 1: Amends 212.055, F.S., requiring discretionary sales surtax referendums to be held on the day of the general election and approved by 60 percent of electors voting.

Section 2: Provides an effective date of July 1, 2017.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

The Revenue Estimating Conference has not evaluated the bill. If the higher voter approval threshold required by the bill prevents some levies from being approved that would have been approved otherwise, then the revenue impact of the bill is negative to local governments. However, the extent to which that may happen is unknown.

2. Expenditures:

By requiring any discretionary sales surtax referendum to occur on the day of the general election, this bill reduces local government expenditures to the extent local governments would otherwise expend funds to call a special election for approval of a discretionary sales surtax.

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

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Subsection 18(b) of article VII of the Florida Constitution provides that the Legislature, except upon approval by a two-thirds vote, may not enact a general law if the anticipated effect of doing so would be to reduce the authority that counties or municipalities have to raise revenues in the aggregate. It is unclear whether increasing the required percentage of voter approval to adopt a discretionary

sales surtax resulting from this bill represents a reduction of revenue raising authority as contemplated by subsection 18(b). If the purpose of subsection 18(b) is to determine whether the amount of potential revenue available to counties and municipalities was reduced, then this bill does not reduce that potential and the requirement for a two-thirds vote is not applicable. However, if the purpose of subsection 18(b) is to look at the method for adopting a discretionary sales surtax, then the provisions of this bill requiring a supermajority vote to adopt a millage rate that could currently be adopted by a majority vote may be considered a mandate requiring a two-thirds vote of the Legislature. There is no legal authority to guide the Legislature in making a determination regarding this issue.

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:

The bill creates s. 212.055(9), F.S., prohibiting the county or school district from using state funds and county funds, materials, and publications to “promote or advertise” the proposed surtax referendum, except where the county or school district has specifically appropriated funds for that purpose. It is unclear if this language is intended to prohibit the county or school district from using funds, materials, or publications to encourage a vote in the affirmative on the referendum, or to prohibit the county or school district from making voters aware of the referendum more generally. Section 106.113, F.S., currently prohibits local government entities from using public funds to advertise or for electioneering concerning referenda, with an exception for communications limited to factual information.

General elections only occur in even-numbered years.<sup>33</sup> Counties wishing to begin levying a discretionary sales surtax in an even-numbered, or wishing to extend a discretionary sales surtax that expires at the end of an odd-numbered year will have to get voter approval sooner under the provisions of the bill than under current law. There are currently two counties with a local discretionary sales surtax expiring on Dec. 31, 2017, that have not yet obtained voter approval to extend those levies.<sup>34</sup> If those counties intend to extend the surtax levy, a referendum would need to be held during the 2016 general election or during a special election before July 1, 2017.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 13, 2016, the Local Government Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment changes the effective date of the bill to July 1, 2017.

This analysis is drawn to the bill as amended.

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<sup>33</sup> Section 97.021(15), F.S.

<sup>34</sup> Wakulla and Manatee Counties currently levy a local discretionary sales surtax which will expire on Dec. 31, 2017 absent further action. Escambia, Lake, and Putnam Counties levy one or more local discretionary sales surtax which expire Dec. 31, 2017, but have already received voter approval for extending those levies. *See 2015 Local Government Financial Information Handbook*, Office of Economic and Demographic Research, pp. 154-157 (providing history of local discretionary sales surtax levies).





27 that any authorization for imposition of a discretionary sales  
 28 surtax shall be published in the Florida Statutes as a  
 29 subsection of this section, irrespective of the duration of the  
 30 levy. Each enactment shall specify the types of counties  
 31 authorized to levy; the rate or rates which may be imposed; the  
 32 maximum length of time the surtax may be imposed, if any; the  
 33 procedure which must be followed to secure voter approval, if  
 34 required; the purpose for which the proceeds may be expended;  
 35 and such other requirements as the Legislature may provide.  
 36 Taxable transactions and administrative procedures shall be as  
 37 provided in s. 212.054.

38 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM  
 39 SURTAX.—

40 (c) The proposal to adopt a discretionary sales surtax as  
 41 provided in this subsection and to create a trust fund within  
 42 the county accounts shall be placed on the ballot in accordance  
 43 with law and must be approved by at least 60 percent of the  
 44 electors voting in a referendum held on the day of a general  
 45 election at a time to be set at the discretion of the governing  
 46 body.

47 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

48 (a)1. The governing authority in each county may levy a  
 49 discretionary sales surtax of 0.5 percent or 1 percent. The levy  
 50 of the surtax shall be pursuant to ordinance enacted by a  
 51 majority of the members of the county governing authority and  
 52 approved by at least 60 percent ~~a majority~~ of the electors of

53 | the county voting in a referendum on the surtax held on the day  
 54 | of a general election. If the governing bodies of the  
 55 | municipalities representing a majority of the county's  
 56 | population adopt uniform resolutions establishing the rate of  
 57 | the surtax and calling for a referendum on the surtax, the levy  
 58 | of the surtax shall be placed on the ballot and shall take  
 59 | effect if approved by at least 60 percent ~~a majority~~ of the  
 60 | electors of the county voting in the referendum on the surtax  
 61 | held on the day of a general election.

62 |         2. If the surtax was levied pursuant to a referendum held  
 63 | before July 1, 1993, the surtax may not be levied beyond the  
 64 | time established in the ordinance, or, if the ordinance did not  
 65 | limit the period of the levy, the surtax may not be levied for  
 66 | more than 15 years. The levy of such surtax may be extended only  
 67 | by approval of at least 60 percent ~~a majority~~ of the electors of  
 68 | the county voting in a referendum on the surtax held on the day  
 69 | of a general election.

70 |         (3) SMALL COUNTY SURTAX.—

71 |         (a) The governing authority in each county that has a  
 72 | population of 50,000 or fewer ~~less~~ on April 1, 1992, may levy a  
 73 | discretionary sales surtax of 0.5 percent or 1 percent. The levy  
 74 | of the surtax shall be pursuant to ordinance enacted by an  
 75 | extraordinary vote of the members of the county governing  
 76 | authority if the surtax revenues are expended for operating  
 77 | purposes. If the surtax revenues are expended for the purpose of  
 78 | servicing bond indebtedness, the surtax shall be approved by at

79 | least 60 percent ~~a majority~~ of the electors of the county voting  
 80 | in a referendum on the surtax held on the day of a general  
 81 | election.

82 | (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

83 | (a)1. The governing body in each county the government of  
 84 | which is not consolidated with that of one or more  
 85 | municipalities, which has a population of at least 800,000  
 86 | residents and is not authorized to levy a surtax under  
 87 | subsection (5), may levy, pursuant to an ordinance either  
 88 | approved by an extraordinary vote of the governing body or  
 89 | conditioned to take effect only upon approval by at least 60  
 90 | percent ~~a majority vote~~ of the electors of the county voting in  
 91 | a referendum, a discretionary sales surtax at a rate that may  
 92 | not exceed 0.5 percent.

93 | 2. If the ordinance is conditioned on a referendum, a  
 94 | statement that includes a brief and general description of the  
 95 | purposes to be funded by the surtax and that conforms to the  
 96 | requirements of s. 101.161 shall be placed on the ballot by the  
 97 | governing body of the county. The referendum must be held on the  
 98 | day of a general election. The following questions shall be  
 99 | placed on the ballot:

100 | FOR THE. . . .CENTS TAX

101 | AGAINST THE. . . .CENTS TAX

102 | 3. The ordinance adopted by the governing body providing  
 103 | for the imposition of the surtax shall set forth a plan for  
 104 | providing health care services to qualified residents, as

105 defined in subparagraph 4. Such plan and subsequent amendments  
 106 to it shall fund a broad range of health care services for both  
 107 indigent persons and the medically poor, including, but not  
 108 limited to, primary care and preventive care as well as hospital  
 109 care. The plan must also address the services to be provided by  
 110 the Level I trauma center. It shall emphasize a continuity of  
 111 care in the most cost-effective setting, taking into  
 112 consideration both a high quality of care and geographic access.  
 113 Where consistent with these objectives, it shall include,  
 114 without limitation, services rendered by physicians, clinics,  
 115 community hospitals, mental health centers, and alternative  
 116 delivery sites, as well as at least one regional referral  
 117 hospital where appropriate. It shall provide that agreements  
 118 negotiated between the county and providers, including hospitals  
 119 with a Level I trauma center, will include reimbursement  
 120 methodologies that take into account the cost of services  
 121 rendered to eligible patients, recognize hospitals that render a  
 122 disproportionate share of indigent care, provide other  
 123 incentives to promote the delivery of charity care, promote the  
 124 advancement of technology in medical services, recognize the  
 125 level of responsiveness to medical needs in trauma cases, and  
 126 require cost containment including, but not limited to, case  
 127 management. It must also provide that any hospitals that are  
 128 owned and operated by government entities on May 21, 1991, must,  
 129 as a condition of receiving funds under this subsection, afford  
 130 public access equal to that provided under s. 286.011 as to

131 meetings of the governing board, the subject of which is  
 132 budgeting resources for the rendition of charity care as that  
 133 term is defined in the Florida Hospital Uniform Reporting System  
 134 (FHURS) manual referenced in s. 408.07. The plan shall also  
 135 include innovative health care programs that provide cost-  
 136 effective alternatives to traditional methods of service  
 137 delivery and funding.

138 4. For the purpose of this paragraph, the term "qualified  
 139 resident" means residents of the authorizing county who are:

140 a. Qualified as indigent persons as certified by the  
 141 authorizing county;

142 b. Certified by the authorizing county as meeting the  
 143 definition of the medically poor, defined as persons having  
 144 insufficient income, resources, and assets to provide the needed  
 145 medical care without using resources required to meet basic  
 146 needs for shelter, food, clothing, and personal expenses; or not  
 147 being eligible for any other state or federal program, or having  
 148 medical needs that are not covered by any such program; or  
 149 having insufficient third-party insurance coverage. In all  
 150 cases, the authorizing county is intended to serve as the payor  
 151 of last resort; or

152 c. Participating in innovative, cost-effective programs  
 153 approved by the authorizing county.

154 5. Moneys collected pursuant to this paragraph remain the  
 155 property of the state and shall be distributed by the Department  
 156 of Revenue on a regular and periodic basis to the clerk of the

157 circuit court as ex officio custodian of the funds of the  
 158 authorizing county. The clerk of the circuit court shall:  
 159       a. Maintain the moneys in an indigent health care trust  
 160 fund;  
 161       b. Invest any funds held on deposit in the trust fund  
 162 pursuant to general law;  
 163       c. Disburse the funds, including any interest earned, to  
 164 any provider of health care services, as provided in  
 165 subparagraphs 3. and 4., upon directive from the authorizing  
 166 county. However, if a county has a population of at least  
 167 800,000 residents and has levied the surtax authorized in this  
 168 paragraph, notwithstanding any directive from the authorizing  
 169 county, on October 1 of each calendar year, the clerk of the  
 170 court shall issue a check in the amount of \$6.5 million to a  
 171 hospital in its jurisdiction that has a Level I trauma center or  
 172 shall issue a check in the amount of \$3.5 million to a hospital  
 173 in its jurisdiction that has a Level I trauma center if that  
 174 county enacts and implements a hospital lien law in accordance  
 175 with chapter 98-499, Laws of Florida. The issuance of the checks  
 176 on October 1 of each year is provided in recognition of the  
 177 Level I trauma center status and shall be in addition to the  
 178 base contract amount received during fiscal year 1999-2000 and  
 179 any additional amount negotiated to the base contract. If the  
 180 hospital receiving funds for its Level I trauma center status  
 181 requests such funds to be used to generate federal matching  
 182 funds under Medicaid, the clerk of the court shall instead issue

183 | a check to the Agency for Health Care Administration to  
 184 | accomplish that purpose to the extent that it is allowed through  
 185 | the General Appropriations Act; and

186 |         d. Prepare on a biennial basis an audit of the trust fund  
 187 | specified in sub-subparagraph a. Commencing February 1, 2004,  
 188 | such audit shall be delivered to the governing body and to the  
 189 | chair of the legislative delegation of each authorizing county.

190 |         6. Notwithstanding any other provision of this section, a  
 191 | county shall not levy local option sales surtaxes authorized in  
 192 | this paragraph and subsections (2) and (3) in excess of a  
 193 | combined rate of 1 percent.

194 |         (b) Notwithstanding any other provision of this section,  
 195 | the governing body in each county the government of which is not  
 196 | consolidated with that of one or more municipalities and which  
 197 | has a population of fewer ~~less~~ than 800,000 residents, may levy,  
 198 | by ordinance subject to approval by at least 60 percent ~~a~~  
 199 | ~~majority~~ of the electors of the county voting in a referendum, a  
 200 | discretionary sales surtax at a rate that may not exceed 0.25  
 201 | percent for the sole purpose of funding trauma services provided  
 202 | by a trauma center licensed pursuant to chapter 395. The  
 203 | referendum must be held on the day of a general election.

204 |         1. A statement that includes a brief and general  
 205 | description of the purposes to be funded by the surtax and that  
 206 | conforms to the requirements of s. 101.161 shall be placed on  
 207 | the ballot by the governing body of the county. The following  
 208 | shall be placed on the ballot:

209 FOR THE. . . .CENTS TAX

210 AGAINST THE. . . .CENTS TAX

211 2. The ordinance adopted by the governing body of the  
 212 county providing for the imposition of the surtax shall set  
 213 forth a plan for providing trauma services to trauma victims  
 214 presenting in the trauma service area in which such county is  
 215 located.

216 3. Moneys collected pursuant to this paragraph remain the  
 217 property of the state and shall be distributed by the Department  
 218 of Revenue on a regular and periodic basis to the clerk of the  
 219 circuit court as ex officio custodian of the funds of the  
 220 authorizing county. The clerk of the circuit court shall:

221 a. Maintain the moneys in a trauma services trust fund.

222 b. Invest any funds held on deposit in the trust fund  
 223 pursuant to general law.

224 c. Disburse the funds, including any interest earned on  
 225 such funds, to the trauma center in its trauma service area, as  
 226 provided in the plan set forth pursuant to subparagraph 2., upon  
 227 directive from the authorizing county. If the trauma center  
 228 receiving funds requests such funds be used to generate federal  
 229 matching funds under Medicaid, the custodian of the funds shall  
 230 instead issue a check to the Agency for Health Care  
 231 Administration to accomplish that purpose to the extent that the  
 232 agency is allowed through the General Appropriations Act.

233 d. Prepare on a biennial basis an audit of the trauma  
 234 services trust fund specified in sub-subparagraph a., to be



235 delivered to the authorizing county.

236 4. A discretionary sales surtax imposed pursuant to this  
 237 paragraph shall expire 4 years after the effective date of the  
 238 surtax, unless reenacted by ordinance subject to approval by at  
 239 least 60 percent ~~a majority~~ of the electors of the county voting  
 240 in a subsequent referendum held on the day of a general  
 241 election.

242 5. Notwithstanding any other provision of this section, a  
 243 county shall not levy local option sales surtaxes authorized in  
 244 this paragraph and subsections (2) and (3) in excess of a  
 245 combined rate of 1 percent.

246 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
 247 in s. 125.011(1) may levy the surtax authorized in this  
 248 subsection pursuant to an ordinance either approved by  
 249 extraordinary vote of the county commission or conditioned to  
 250 take effect only upon approval by at least 60 percent ~~a majority~~  
 251 ~~vote~~ of the electors of the county voting in a referendum. In a  
 252 county as defined in s. 125.011(1), for the purposes of this  
 253 subsection, "county public general hospital" means a general  
 254 hospital as defined in s. 395.002 which is owned, operated,  
 255 maintained, or governed by the county or its agency, authority,  
 256 or public health trust.

257 (a) The rate shall be 0.5 percent.

258 (b) If the ordinance is conditioned on a referendum, the  
 259 proposal to adopt the county public hospital surtax shall be  
 260 placed on the ballot in accordance with law ~~at a time to be set~~

261 | ~~at the discretion of the governing body.~~ The referendum must be  
 262 | held on the day of a general election. The referendum question  
 263 | on the ballot shall include a brief general description of the  
 264 | health care services to be funded by the surtax.

265 | (c) Proceeds from the surtax shall be:

266 | 1. Deposited by the county in a special fund, set aside  
 267 | from other county funds, to be used only for the operation,  
 268 | maintenance, and administration of the county public general  
 269 | hospital; and

270 | 2. Remitted promptly by the county to the agency,  
 271 | authority, or public health trust created by law which  
 272 | administers or operates the county public general hospital.

273 | (d) Except as provided in subparagraphs 1. and 2., the  
 274 | county must continue to contribute each year an amount equal to  
 275 | at least 80 percent of that percentage of the total county  
 276 | budget appropriated for the operation, administration, and  
 277 | maintenance of the county public general hospital from the  
 278 | county's general revenues in the fiscal year of the county  
 279 | ending September 30, 1991:

280 | 1. Twenty-five percent of such amount must be remitted to  
 281 | a governing board, agency, or authority that is wholly  
 282 | independent from the public health trust, agency, or authority  
 283 | responsible for the county public general hospital, to be used  
 284 | solely for the purpose of funding the plan for indigent health  
 285 | care services provided for in paragraph (e);

286 | 2. However, in the first year of the plan, a total of \$10

287 million shall be remitted to such governing board, agency, or  
 288 authority, to be used solely for the purpose of funding the plan  
 289 for indigent health care services provided for in paragraph (e),  
 290 and in the second year of the plan, a total of \$15 million shall  
 291 be so remitted and used.

292 (e) A governing board, agency, or authority shall be  
 293 chartered by the county commission upon this act becoming law.  
 294 The governing board, agency, or authority shall adopt and  
 295 implement a health care plan for indigent health care services.  
 296 The governing board, agency, or authority shall consist of no  
 297 more than seven and no fewer than five members appointed by the  
 298 county commission. The members of the governing board, agency,  
 299 or authority shall be at least 18 years of age and residents of  
 300 the county. No member may be employed by or affiliated with a  
 301 health care provider or the public health trust, agency, or  
 302 authority responsible for the county public general hospital.  
 303 The following community organizations shall each appoint a  
 304 representative to a nominating committee: the South Florida  
 305 Hospital and Healthcare Association, the Miami-Dade County  
 306 Public Health Trust, the Dade County Medical Association, the  
 307 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
 308 County. This committee shall nominate between 10 and 14 county  
 309 citizens for the governing board, agency, or authority. The  
 310 slate shall be presented to the county commission and the county  
 311 commission shall confirm the top five to seven nominees,  
 312 depending on the size of the governing board. Until such time as

313 the governing board, agency, or authority is created, the funds  
 314 provided for in subparagraph (d)2. shall be placed in a  
 315 restricted account set aside from other county funds and not  
 316 disbursed by the county for any other purpose.

317 1. The plan shall divide the county into a minimum of four  
 318 and maximum of six service areas, with no more than one  
 319 participant hospital per service area. The county public general  
 320 hospital shall be designated as the provider for one of the  
 321 service areas. Services shall be provided through participants'  
 322 primary acute care facilities.

323 2. The plan and subsequent amendments to it shall fund a  
 324 defined range of health care services for both indigent persons  
 325 and the medically poor, including primary care, preventive care,  
 326 hospital emergency room care, and hospital care necessary to  
 327 stabilize the patient. For the purposes of this section,  
 328 "stabilization" means stabilization as defined in s.  
 329 397.311(41). Where consistent with these objectives, the plan  
 330 may include services rendered by physicians, clinics, community  
 331 hospitals, and alternative delivery sites, as well as at least  
 332 one regional referral hospital per service area. The plan shall  
 333 provide that agreements negotiated between the governing board,  
 334 agency, or authority and providers shall recognize hospitals  
 335 that render a disproportionate share of indigent care, provide  
 336 other incentives to promote the delivery of charity care to draw  
 337 down federal funds where appropriate, and require cost  
 338 containment, including, but not limited to, case management.

339 From the funds specified in subparagraphs (d)1. and 2. for  
 340 indigent health care services, service providers shall receive  
 341 reimbursement at a Medicaid rate to be determined by the  
 342 governing board, agency, or authority created pursuant to this  
 343 paragraph for the initial emergency room visit, and a per-member  
 344 per-month fee or capitation for those members enrolled in their  
 345 service area, as compensation for the services rendered  
 346 following the initial emergency visit. Except for provisions of  
 347 emergency services, upon determination of eligibility,  
 348 enrollment shall be deemed to have occurred at the time services  
 349 were rendered. The provisions for specific reimbursement of  
 350 emergency services shall be repealed on July 1, 2001, unless  
 351 otherwise reenacted by the Legislature. The capitation amount or  
 352 rate shall be determined prior to program implementation by an  
 353 independent actuarial consultant. In no event shall such  
 354 reimbursement rates exceed the Medicaid rate. The plan must also  
 355 provide that any hospitals owned and operated by government  
 356 entities on or after the effective date of this act must, as a  
 357 condition of receiving funds under this subsection, afford  
 358 public access equal to that provided under s. 286.011 as to any  
 359 meeting of the governing board, agency, or authority the subject  
 360 of which is budgeting resources for the retention of charity  
 361 care, as that term is defined in the rules of the Agency for  
 362 Health Care Administration. The plan shall also include  
 363 innovative health care programs that provide cost-effective  
 364 alternatives to traditional methods of service and delivery

365 funding.

366 3. The plan's benefits shall be made available to all  
 367 county residents currently eligible to receive health care  
 368 services as indigents or medically poor as defined in paragraph  
 369 (4) (d).

370 4. Eligible residents who participate in the health care  
 371 plan shall receive coverage for a period of 12 months or the  
 372 period extending from the time of enrollment to the end of the  
 373 current fiscal year, per enrollment period, whichever is less.

374 5. At the end of each fiscal year, the governing board,  
 375 agency, or authority shall prepare an audit that reviews the  
 376 budget of the plan, delivery of services, and quality of  
 377 services, and makes recommendations to increase the plan's  
 378 efficiency. The audit shall take into account participant  
 379 hospital satisfaction with the plan and assess the amount of  
 380 poststabilization patient transfers requested, and accepted or  
 381 denied, by the county public general hospital.

382 (f) Notwithstanding any other provision of this section, a  
 383 county may not levy local option sales surtaxes authorized in  
 384 this subsection and subsections (2) and (3) in excess of a  
 385 combined rate of 1 percent.

386 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

387 (a) The school board in each county may levy, pursuant to  
 388 resolution conditioned to take effect only upon approval by at  
 389 least 60 percent ~~a majority vote~~ of the electors of the county  
 390 voting in a referendum, a discretionary sales surtax at a rate

391 that may not exceed 0.5 percent. The referendum must be held on  
 392 the day of a general election.

393 (7) VOTER-APPROVED INDIGENT CARE SURTAX.—

394 (a)1. The governing body in each county that has a  
 395 population of fewer than 800,000 residents may levy an indigent  
 396 care surtax pursuant to an ordinance conditioned to take effect  
 397 only upon approval by at least 60 percent ~~a majority vote~~ of the  
 398 electors of the county voting in a referendum held on the day of  
 399 a general election. The surtax may be levied at a rate not to  
 400 exceed 0.5 percent, except that if a publicly supported medical  
 401 school is located in the county, the rate shall not exceed 1  
 402 percent.

403 2. Notwithstanding subparagraph 1., the governing body of  
 404 any county that has a population of fewer than 50,000 residents  
 405 may levy an indigent care surtax pursuant to an ordinance  
 406 conditioned to take effect only upon approval by at least 60  
 407 percent ~~a majority vote~~ of the electors of the county voting in  
 408 a referendum held on the day of a general election. The surtax  
 409 may be levied at a rate not to exceed 1 percent.

410 (8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.—

411 (b) Upon the adoption of the ordinance, the levy of the  
 412 surtax must be placed on the ballot by the governing authority  
 413 of the county enacting the ordinance. The ordinance will take  
 414 effect if approved by at least 60 percent ~~a majority~~ of the  
 415 electors of the county voting in a referendum held on the day of  
 416 a general election ~~for such purpose. The referendum shall be~~

417 | ~~placed on the ballot of a regularly scheduled election.~~ The  
 418 | ballot for the referendum must conform to the requirements of s.  
 419 | 101.161.

420 |       (9) FUNDING FOR DISCRETIONARY SALES SURTAXES.—Except for  
 421 | the use of county or school district funds appropriated  
 422 | specifically for the purpose of promoting or advertising a  
 423 | proposed surtax, a county or school district may not expend  
 424 | state or county funds or use county or school district materials  
 425 | or publications to promote or advertise a proposed surtax  
 426 | referendum to the electors of the county for any surtax  
 427 | identified in this section.

428 |       (10) DEFINITION.—For purposes of this section, the term  
 429 | "day of a general election" means the day that a general  
 430 | election, as defined in s. 97.021, is held, which as provided in  
 431 | s. 5, Art. VI of the State Constitution may be suspended or  
 432 | delayed due to a state of emergency or impending emergency.

433 |       Section 2. This act shall take effect July 1, 2017.





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (1), paragraph (a)  
 8 of subsection (2), paragraph (a) of subsection (3), subsections  
 9 (4) and (5), paragraph (a) of subsection (6), paragraph (a) of  
 10 subsection (7), and paragraph (b) of subsection (8) of section  
 11 212.055, Florida Statutes, are amended, and subsection (9) is  
 12 added to that section, to read:

13 212.055 Discretionary sales surtaxes; legislative intent;  
 14 authorization and use of proceeds.—It is the legislative intent  
 15 that any authorization for imposition of a discretionary sales  
 16 surtax shall be published in the Florida Statutes as a  
 17 subsection of this section, irrespective of the duration of the



Amendment No. 1

18 levy. Each enactment shall specify the types of counties  
19 authorized to levy; the rate or rates which may be imposed; the  
20 maximum length of time the surtax may be imposed, if any; the  
21 procedure which must be followed to secure voter approval, if  
22 required; the purpose for which the proceeds may be expended;  
23 and such other requirements as the Legislature may provide.  
24 Taxable transactions and administrative procedures shall be as  
25 provided in s. 212.054.

26 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM  
27 SURTAX.—

28 (c) The proposal to adopt a discretionary sales surtax as  
29 provided in this subsection and to create a trust fund within  
30 the county accounts shall be placed on the ballot in accordance  
31 with law and must be approved in a referendum as set forth in  
32 subsection (9) at a time to be set at the discretion of the  
33 governing body.

34 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

35 (a)1. The governing authority in each county may levy a  
36 discretionary sales surtax of 0.5 percent or 1 percent. The levy  
37 of the surtax shall be pursuant to ordinance enacted by a  
38 majority of the members of the county governing authority and  
39 approved by a majority of the electors of the county, as set  
40 forth in subsection (9), voting in a referendum on the surtax.  
41 If the governing bodies of the municipalities representing a  
42 majority of the county's population adopt uniform resolutions  
43 establishing the rate of the surtax and calling for a referendum



## Amendment No. 1

44 on the surtax, the levy of the surtax shall be placed on the  
45 ballot and shall take effect if approved by ~~a majority of the~~  
46 electors of the county, as set forth in subsection (9), voting  
47 in the referendum on the surtax.

48 2. If the surtax was levied pursuant to a referendum held  
49 before July 1, 1993, the surtax may not be levied beyond the  
50 time established in the ordinance, or, if the ordinance did not  
51 limit the period of the levy, the surtax may not be levied for  
52 more than 15 years. The levy of such surtax may be extended only  
53 by approval of ~~a majority of the~~ electors of the county, as set  
54 forth in subsection (9), voting in a referendum on the surtax.

55 (3) SMALL COUNTY SURTAX.—

56 (a) The governing authority in each county that has a  
57 population of 50,000 or fewer ~~less~~ on April 1, 1992, may levy a  
58 discretionary sales surtax of 0.5 percent or 1 percent. The levy  
59 of the surtax shall be pursuant to ordinance enacted by an  
60 extraordinary vote of the members of the county governing  
61 authority if the surtax revenues are expended for operating  
62 purposes. If the surtax revenues are expended for the purpose of  
63 servicing bond indebtedness, the surtax shall be approved by ~~a~~  
64 ~~majority of the~~ electors of the county, as set forth in  
65 subsection (9), voting in a referendum on the surtax.

66 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

67 (a)1. The governing body in each county the government of  
68 which is not consolidated with that of one or more  
69 municipalities, which has a population of at least 800,000



Amendment No. 1

70 residents and is not authorized to levy a surtax under  
 71 subsection (5), may levy, pursuant to an ordinance either  
 72 approved by an extraordinary vote of the governing body or  
 73 conditioned to take effect only upon approval by ~~a majority vote~~  
 74 of the electors of the county, as set forth in subsection (9),  
 75 voting in a referendum, a discretionary sales surtax at a rate  
 76 that may not exceed 0.5 percent.

77 2. If the ordinance is conditioned on a referendum, a  
 78 statement that includes a brief and general description of the  
 79 purposes to be funded by the surtax and that conforms to the  
 80 requirements of s. 101.161 shall be placed on the ballot by the  
 81 governing body of the county. The following questions shall be  
 82 placed on the ballot:

83 FOR THE. . . .CENTS TAX

84 AGAINST THE. . . .CENTS TAX

85 3. The ordinance adopted by the governing body providing  
 86 for the imposition of the surtax shall set forth a plan for  
 87 providing health care services to qualified residents, as  
 88 defined in subparagraph 4. Such plan and subsequent amendments  
 89 to it shall fund a broad range of health care services for both  
 90 indigent persons and the medically poor, including, but not  
 91 limited to, primary care and preventive care as well as hospital  
 92 care. The plan must also address the services to be provided by  
 93 the Level I trauma center. It shall emphasize a continuity of  
 94 care in the most cost-effective setting, taking into



## Amendment No. 1

95 consideration both a high quality of care and geographic access.  
96 Where consistent with these objectives, it shall include,  
97 without limitation, services rendered by physicians, clinics,  
98 community hospitals, mental health centers, and alternative  
99 delivery sites, as well as at least one regional referral  
100 hospital where appropriate. It shall provide that agreements  
101 negotiated between the county and providers, including hospitals  
102 with a Level I trauma center, will include reimbursement  
103 methodologies that take into account the cost of services  
104 rendered to eligible patients, recognize hospitals that render a  
105 disproportionate share of indigent care, provide other  
106 incentives to promote the delivery of charity care, promote the  
107 advancement of technology in medical services, recognize the  
108 level of responsiveness to medical needs in trauma cases, and  
109 require cost containment including, but not limited to, case  
110 management. It must also provide that any hospitals that are  
111 owned and operated by government entities on May 21, 1991, must,  
112 as a condition of receiving funds under this subsection, afford  
113 public access equal to that provided under s. 286.011 as to  
114 meetings of the governing board, the subject of which is  
115 budgeting resources for the rendition of charity care as that  
116 term is defined in the Florida Hospital Uniform Reporting System  
117 (FHURS) manual referenced in s. 408.07. The plan shall also  
118 include innovative health care programs that provide cost-  
119 effective alternatives to traditional methods of service  
120 delivery and funding.



## Amendment No. 1

121 4. For the purpose of this paragraph, the term "qualified  
122 resident" means residents of the authorizing county who are:

123 a. Qualified as indigent persons as certified by the  
124 authorizing county;

125 b. Certified by the authorizing county as meeting the  
126 definition of the medically poor, defined as persons having  
127 insufficient income, resources, and assets to provide the needed  
128 medical care without using resources required to meet basic  
129 needs for shelter, food, clothing, and personal expenses; or not  
130 being eligible for any other state or federal program, or having  
131 medical needs that are not covered by any such program; or  
132 having insufficient third-party insurance coverage. In all  
133 cases, the authorizing county is intended to serve as the payor  
134 of last resort; or

135 c. Participating in innovative, cost-effective programs  
136 approved by the authorizing county.

137 5. Moneys collected pursuant to this paragraph remain the  
138 property of the state and shall be distributed by the Department  
139 of Revenue on a regular and periodic basis to the clerk of the  
140 circuit court as ex officio custodian of the funds of the  
141 authorizing county. The clerk of the circuit court shall:

142 a. Maintain the moneys in an indigent health care trust  
143 fund;

144 b. Invest any funds held on deposit in the trust fund  
145 pursuant to general law;



Amendment No. 1

146 c. Disburse the funds, including any interest earned, to  
147 any provider of health care services, as provided in  
148 subparagraphs 3. and 4., upon directive from the authorizing  
149 county. However, if a county has a population of at least  
150 800,000 residents and has levied the surtax authorized in this  
151 paragraph, notwithstanding any directive from the authorizing  
152 county, on October 1 of each calendar year, the clerk of the  
153 court shall issue a check in the amount of \$6.5 million to a  
154 hospital in its jurisdiction that has a Level I trauma center or  
155 shall issue a check in the amount of \$3.5 million to a hospital  
156 in its jurisdiction that has a Level I trauma center if that  
157 county enacts and implements a hospital lien law in accordance  
158 with chapter 98-499, Laws of Florida. The issuance of the checks  
159 on October 1 of each year is provided in recognition of the  
160 Level I trauma center status and shall be in addition to the  
161 base contract amount received during fiscal year 1999-2000 and  
162 any additional amount negotiated to the base contract. If the  
163 hospital receiving funds for its Level I trauma center status  
164 requests such funds to be used to generate federal matching  
165 funds under Medicaid, the clerk of the court shall instead issue  
166 a check to the Agency for Health Care Administration to  
167 accomplish that purpose to the extent that it is allowed through  
168 the General Appropriations Act; and

169 d. Prepare on a biennial basis an audit of the trust fund  
170 specified in sub-subparagraph a. Commencing February 1, 2004,



Amendment No. 1

171 such audit shall be delivered to the governing body and to the  
172 chair of the legislative delegation of each authorizing county.

173 6. Notwithstanding any other provision of this section, a  
174 county shall not levy local option sales surtaxes authorized in  
175 this paragraph and subsections (2) and (3) in excess of a  
176 combined rate of 1 percent.

177 (b) Notwithstanding any other provision of this section,  
178 the governing body in each county the government of which is not  
179 consolidated with that of one or more municipalities and which  
180 has a population of fewer less than 800,000 residents, may levy,  
181 by ordinance subject to approval by ~~a majority~~ of the electors  
182 of the county, as set forth in subsection (9), voting in a  
183 referendum, a discretionary sales surtax at a rate that may not  
184 exceed 0.25 percent for the sole purpose of funding trauma  
185 services provided by a trauma center licensed pursuant to  
186 chapter 395.

187 1. A statement that includes a brief and general  
188 description of the purposes to be funded by the surtax and that  
189 conforms to the requirements of s. 101.161 shall be placed on  
190 the ballot by the governing body of the county. The following  
191 shall be placed on the ballot:

192 FOR THE. . . .CENTS TAX

193 AGAINST THE. . . .CENTS TAX

194 2. The ordinance adopted by the governing body of the  
195 county providing for the imposition of the surtax shall set





Amendment No. 1

196 forth a plan for providing trauma services to trauma victims  
197 presenting in the trauma service area in which such county is  
198 located.

199 3. Moneys collected pursuant to this paragraph remain the  
200 property of the state and shall be distributed by the Department  
201 of Revenue on a regular and periodic basis to the clerk of the  
202 circuit court as ex officio custodian of the funds of the  
203 authorizing county. The clerk of the circuit court shall:

204 a. Maintain the moneys in a trauma services trust fund.

205 b. Invest any funds held on deposit in the trust fund  
206 pursuant to general law.

207 c. Disburse the funds, including any interest earned on  
208 such funds, to the trauma center in its trauma service area, as  
209 provided in the plan set forth pursuant to subparagraph 2., upon  
210 directive from the authorizing county. If the trauma center  
211 receiving funds requests such funds be used to generate federal  
212 matching funds under Medicaid, the custodian of the funds shall  
213 instead issue a check to the Agency for Health Care  
214 Administration to accomplish that purpose to the extent that the  
215 agency is allowed through the General Appropriations Act.

216 d. Prepare on a biennial basis an audit of the trauma  
217 services trust fund specified in sub-subparagraph a., to be  
218 delivered to the authorizing county.

219 4. A discretionary sales surtax imposed pursuant to this  
220 paragraph shall expire 4 years after the effective date of the  
221 surtax, unless reenacted by ordinance subject to approval by a



Amendment No. 1

222 ~~majority of~~ the electors of the county, as set forth in  
223 subsection (9), voting in a subsequent referendum.

224 5. Notwithstanding any other provision of this section, a  
225 county shall not levy local option sales surtaxes authorized in  
226 this paragraph and subsections (2) and (3) in excess of a  
227 combined rate of 1 percent.

228 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
229 in s. 125.011(1) may levy the surtax authorized in this  
230 subsection pursuant to an ordinance either approved by  
231 extraordinary vote of the county commission or conditioned to  
232 take effect only upon approval by ~~a majority vote of the~~  
233 electors of the county, as set forth in subsection (9), voting  
234 in a referendum. In a county as defined in s. 125.011(1), for  
235 the purposes of this subsection, "county public general  
236 hospital" means a general hospital as defined in s. 395.002  
237 which is owned, operated, maintained, or governed by the county  
238 or its agency, authority, or public health trust.

239 (a) The rate shall be 0.5 percent.

240 (b) If the ordinance is conditioned on a referendum, the  
241 proposal to adopt the county public hospital surtax shall be  
242 placed on the ballot in accordance with subsection (9) ~~law at a~~  
243 ~~time to be set at the discretion of the governing body.~~ The  
244 referendum question on the ballot shall include a brief general  
245 description of the health care services to be funded by the  
246 surtax.

247 (c) Proceeds from the surtax shall be:



## Amendment No. 1

248 1. Deposited by the county in a special fund, set aside  
249 from other county funds, to be used only for the operation,  
250 maintenance, and administration of the county public general  
251 hospital; and

252 2. Remitted promptly by the county to the agency,  
253 authority, or public health trust created by law which  
254 administers or operates the county public general hospital.

255 (d) Except as provided in subparagraphs 1. and 2., the  
256 county must continue to contribute each year an amount equal to  
257 at least 80 percent of that percentage of the total county  
258 budget appropriated for the operation, administration, and  
259 maintenance of the county public general hospital from the  
260 county's general revenues in the fiscal year of the county  
261 ending September 30, 1991:

262 1. Twenty-five percent of such amount must be remitted to  
263 a governing board, agency, or authority that is wholly  
264 independent from the public health trust, agency, or authority  
265 responsible for the county public general hospital, to be used  
266 solely for the purpose of funding the plan for indigent health  
267 care services provided for in paragraph (e);

268 2. However, in the first year of the plan, a total of \$10  
269 million shall be remitted to such governing board, agency, or  
270 authority, to be used solely for the purpose of funding the plan  
271 for indigent health care services provided for in paragraph (e),  
272 and in the second year of the plan, a total of \$15 million shall  
273 be so remitted and used.



## Amendment No. 1

274 (e) A governing board, agency, or authority shall be  
275 chartered by the county commission upon this act becoming law.  
276 The governing board, agency, or authority shall adopt and  
277 implement a health care plan for indigent health care services.  
278 The governing board, agency, or authority shall consist of no  
279 more than seven and no fewer than five members appointed by the  
280 county commission. The members of the governing board, agency,  
281 or authority shall be at least 18 years of age and residents of  
282 the county. No member may be employed by or affiliated with a  
283 health care provider or the public health trust, agency, or  
284 authority responsible for the county public general hospital.  
285 The following community organizations shall each appoint a  
286 representative to a nominating committee: the South Florida  
287 Hospital and Healthcare Association, the Miami-Dade County  
288 Public Health Trust, the Dade County Medical Association, the  
289 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
290 County. This committee shall nominate between 10 and 14 county  
291 citizens for the governing board, agency, or authority. The  
292 slate shall be presented to the county commission and the county  
293 commission shall confirm the top five to seven nominees,  
294 depending on the size of the governing board. Until such time as  
295 the governing board, agency, or authority is created, the funds  
296 provided for in subparagraph (d)2. shall be placed in a  
297 restricted account set aside from other county funds and not  
298 disbursed by the county for any other purpose.



## Amendment No. 1

299 1. The plan shall divide the county into a minimum of four  
300 and maximum of six service areas, with no more than one  
301 participant hospital per service area. The county public general  
302 hospital shall be designated as the provider for one of the  
303 service areas. Services shall be provided through participants'  
304 primary acute care facilities.

305 2. The plan and subsequent amendments to it shall fund a  
306 defined range of health care services for both indigent persons  
307 and the medically poor, including primary care, preventive care,  
308 hospital emergency room care, and hospital care necessary to  
309 stabilize the patient. For the purposes of this section,  
310 "stabilization" means stabilization as defined in s.  
311 397.311(41). Where consistent with these objectives, the plan  
312 may include services rendered by physicians, clinics, community  
313 hospitals, and alternative delivery sites, as well as at least  
314 one regional referral hospital per service area. The plan shall  
315 provide that agreements negotiated between the governing board,  
316 agency, or authority and providers shall recognize hospitals  
317 that render a disproportionate share of indigent care, provide  
318 other incentives to promote the delivery of charity care to draw  
319 down federal funds where appropriate, and require cost  
320 containment, including, but not limited to, case management.  
321 From the funds specified in subparagraphs (d)1. and 2. for  
322 indigent health care services, service providers shall receive  
323 reimbursement at a Medicaid rate to be determined by the  
324 governing board, agency, or authority created pursuant to this



Amendment No. 1

325 paragraph for the initial emergency room visit, and a per-member  
326 per-month fee or capitation for those members enrolled in their  
327 service area, as compensation for the services rendered  
328 following the initial emergency visit. Except for provisions of  
329 emergency services, upon determination of eligibility,  
330 enrollment shall be deemed to have occurred at the time services  
331 were rendered. The provisions for specific reimbursement of  
332 emergency services shall be repealed on July 1, 2001, unless  
333 otherwise reenacted by the Legislature. The capitation amount or  
334 rate shall be determined prior to program implementation by an  
335 independent actuarial consultant. In no event shall such  
336 reimbursement rates exceed the Medicaid rate. The plan must also  
337 provide that any hospitals owned and operated by government  
338 entities on or after the effective date of this act must, as a  
339 condition of receiving funds under this subsection, afford  
340 public access equal to that provided under s. 286.011 as to any  
341 meeting of the governing board, agency, or authority the subject  
342 of which is budgeting resources for the retention of charity  
343 care, as that term is defined in the rules of the Agency for  
344 Health Care Administration. The plan shall also include  
345 innovative health care programs that provide cost-effective  
346 alternatives to traditional methods of service and delivery  
347 funding.

348 3. The plan's benefits shall be made available to all  
349 county residents currently eligible to receive health care



Amendment No. 1

350 services as indigents or medically poor as defined in paragraph  
351 (4) (d).

352 4. Eligible residents who participate in the health care  
353 plan shall receive coverage for a period of 12 months or the  
354 period extending from the time of enrollment to the end of the  
355 current fiscal year, per enrollment period, whichever is less.

356 5. At the end of each fiscal year, the governing board,  
357 agency, or authority shall prepare an audit that reviews the  
358 budget of the plan, delivery of services, and quality of  
359 services, and makes recommendations to increase the plan's  
360 efficiency. The audit shall take into account participant  
361 hospital satisfaction with the plan and assess the amount of  
362 poststabilization patient transfers requested, and accepted or  
363 denied, by the county public general hospital.

364 (f) Notwithstanding any other provision of this section, a  
365 county may not levy local option sales surtaxes authorized in  
366 this subsection and subsections (2) and (3) in excess of a  
367 combined rate of 1 percent.

368 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

369 (a) The school board in each county may levy, pursuant to  
370 resolution conditioned to take effect only upon approval by a  
371 ~~majority vote of the electors of the county, as set forth in~~  
372 subsection (9), voting in a referendum, a discretionary sales  
373 surtax at a rate that may not exceed 0.5 percent.

374 (7) VOTER-APPROVED INDIGENT CARE SURTAX.—



## Amendment No. 1

375 (a)1. The governing body in each county that has a  
376 population of fewer than 800,000 residents may levy an indigent  
377 care surtax pursuant to an ordinance conditioned to take effect  
378 only upon approval by ~~a majority vote of~~ the electors of the  
379 county, as set forth in subsection (9), voting in a referendum.  
380 The surtax may be levied at a rate not to exceed 0.5 percent,  
381 except that if a publicly supported medical school is located in  
382 the county, the rate shall not exceed 1 percent.

383 2. Notwithstanding subparagraph 1., the governing body of  
384 any county that has a population of fewer than 50,000 residents  
385 may levy an indigent care surtax pursuant to an ordinance  
386 conditioned to take effect only upon approval by ~~a majority vote~~  
387 ~~of~~ the electors of the county, as set forth in subsection (9),  
388 voting in a referendum. The surtax may be levied at a rate not  
389 to exceed 1 percent.

390 (8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.-

391 (b) Upon the adoption of the ordinance, the levy of the  
392 surtax must be placed on the ballot by the governing authority  
393 of the county enacting the ordinance. The ordinance will take  
394 effect if approved by ~~a majority of~~ the electors of the county,  
395 as set forth in subsection (9), voting in a referendum held for  
396 such purpose. The referendum shall be placed on the ballot of a  
397 regularly scheduled election. The ballot for the referendum must  
398 conform to the requirements of s. 101.161.

399 (9) DATES FOR REFERENDA; VOTER APPROVAL THRESHOLDS.-A  
400 referendum to adopt or amend a local government discretionary





Amendment No. 1

401 sales surtax under this section may not be held during a special  
402 election. A referendum under this section held at a presidential  
403 preference primary election or at a primary election as defined  
404 by s. 97.021 shall require the approval of at least 60 percent  
405 of the voters voting on the ballot question for passage. A  
406 referendum under this section held at a general election as  
407 defined by s. 97.021 requires the approval of a majority of the  
408 voters voting on the ballot question for passage.

409 Section 2. This act shall take effect July 1, 2017.

410 -----  
411 -----

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

413 Remove everything before the enacting clause and insert:  
414 An act relating to local tax referenda; amending s.  
415 212.055, F.S.; specifying the times when local government  
416 discretionary sales surtax referenda may be held; requiring  
417 the approval of a specified percentage of electors voting  
418 in a referendum election to adopt or amend a local  
419 government discretionary sales surtax; providing an  
420 effective date.



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 895 West Manatee Fire and Rescue District, Manatee County  
**SPONSOR(S):** Local Government Affairs Subcommittee, Boyd  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	8 Y, 0 N, As CS	Monroe	Miller
2) Finance & Tax Committee	16 Y, 0 N	Pewitt	Langston
3) Local & Federal Affairs Committee		Monroe <i>KDM</i>	Kiner <i>KLK</i>

### SUMMARY ANALYSIS

The West Manatee Fire and Rescue District (District) was created by Chapter 2000-401, Laws of Florida, which merged the Anna Maria Fire Control District and the Westside Fire Control District. As part of merging the two earlier districts, Chapter 2000-401 provided specific details regarding the initial composition of the board and arranged for the length of those initial terms in order to provide for staggered elections of the board members. This local bill removes those provisions as obsolete and confirms the terms of current board members. It also provides that all terms of board members elected in the future will be four year terms.

In addition, Chapter 2000-401, Laws of Florida, as amended by Chapter 2001-334, Laws of Florida, provides for the levy of non-ad valorem assessments by the District and the procedures regarding such assessments, including a listing of maximum assessment rates for various parcels. This bill removes that list, leaving the levying of non-ad valorem assessments to be governed by the provisions of s. 191.009(2), F.S., reflecting actual practice in recent years as general law provisions have superseded those of the special acts. Finally, the bill confirms the current non-ad valorem rates being levied by the District which were adopted by District resolution on July 16, 2015, pursuant to s. 191.009(2), F.S..

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district<sup>1</sup> created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.<sup>2</sup> Chapter 191, F.S., the “Independent Special Fire Control District Act,” is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.<sup>3</sup> Chapter 191 controls over more specific provisions in any special act or general law of local application creating an independent fire control district’s charter.<sup>4</sup> The Chapter requires every independent fire control district be governed by a five-member board<sup>5</sup> and provides for:

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

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

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

<sup>2</sup> Section 191.003(5), F.S.

<sup>3</sup> Section 191.002, F.S.

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

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

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

<sup>7</sup> Section 191.008, F.S.

<sup>8</sup> Section 191.006(14); 191.009(1), F.S.

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

<sup>10</sup> Section 191.012, F.S.

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

<sup>12</sup> Section 189.031, F.S.

<sup>13</sup> Article III, s. 11(a)(21), Fla. Const. (enabling the prohibition of any special law or general law of local application on a subject, if such prohibition is passed as a general law approved by three-fifths vote of the membership of each house. A general law passed in this manner may be amended or repealed by “like vote.” The “Uniform Special District

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

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.<sup>19</sup> A special district may not levy ad valorem taxes without approval by the effected voters in a referendum.<sup>20</sup>

Section 191.005, F. S., provides for the election of the district board of commissioners, including its membership, officers, and meetings. The initial District charter<sup>21</sup> complied with this general law requirement and provided for both the initial board members and the initial elections and term lengths for those board members.

Under s. 191.009, F.S., districts are authorized to levy ad valorem taxes and non-ad valorem assessments for district purposes. Each district is authorized by this general provision to levy ad valorem taxes up to 3.75 mills, upon voter approval, notwithstanding lower millage caps in the special acts of individual districts. This provision applies unless a higher amount has previously been authorized. In that event, the higher, previously authorized rate applies.<sup>22</sup>

Non-ad valorem assessments levied by independent fire districts are governed by s. 191.009(2), F.S., which includes requirements for the levying of such assessments and limitations on the growth of the assessment rates. The rate of non-ad valorem assessments must be set by resolution properly adopted by the board of the District, and may exceed the maximum rates set in the authorizing act, county ordinance, the previous year's resolution, or referendum by up to the average growth rate in Florida personal income over the previous 5 years.<sup>23</sup> The District first adopted rates which exceeded the caps set in the authorizing act in 2006. On July 16, 2015, the District's board adopted resolution 2015-03, establishing the current rates for non-ad valorem assessments in the District.<sup>24</sup>

---

Accountability Act" (ch. 89-169, s. 67, Laws of Fla.) was originally passed by a three-fifths majority in each the House and the Senate.

<sup>14</sup> Section 189.031(2)(a), F.S.

<sup>15</sup> Section 189.031(2)(b), F.S.

<sup>16</sup> Section 189.031(2)(c), F.S.

<sup>17</sup> Section 189.031(2)(d), F.S.

<sup>18</sup> Section 189.031(2)(e), F.S.

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

<sup>20</sup> Article VII, s. 9(b), Fla. Const.

<sup>21</sup> Ch. 2000-401, Laws of Fla.

<sup>22</sup> Section 191.009(1), F.S.

<sup>23</sup> Section 191.009(2)(a), F.S.

<sup>24</sup> West Manatee Fire & Rescue District Resolution 2015-03, at <http://www.wmfr.org/financials/> (accessed 1/7/2016). See Minutes of West Manatee Fire & Rescue District Commission Regular Meeting for July 16, 2015, at [www.wmfr.org/wp-content/uploads/2015/07/Board-Minutes-Jul-16-2015.pdf](http://www.wmfr.org/wp-content/uploads/2015/07/Board-Minutes-Jul-16-2015.pdf) (accessed 1/17/2016).

The District's enabling act also includes specific provisions regarding the levy of special assessments and the procedures regarding such assessment. Under the enabling act, assessments are based on property type which has been divided into three categories. The three categories are vacant parcels, residential parcels, and commercial parcels.<sup>25</sup> The amount of the assessment depends on not only what type of parcel the property is, but also the square footage of the home/building. The enabling act was amended by Chapter 2001-334, Laws of Florida, to provide that this list of assessment amounts is a listing of the maximum rates which may be assessed.<sup>26</sup>

### Proposed Changes

Chapter 2000-401, Laws of Florida, provided specific details regarding the initial composition of the board and arranged the initial terms in order to provide for staggered elections of the board members. This bill removes those provisions as obsolete and confirms the terms of current board members. It also provides that all terms of board members elected in the future will be four year terms.

In addition, Chapter 2000-401, Laws of Florida, as amended by Chapter 2001-334, Laws of Florida, provided for the levy of non-ad valorem assessments and the procedures regarding such assessments, including a listing of maximum assessment rates for various parcels. This bill removes that list, leaving the levying of non-ad valorem assessments to be governed by the provisions of s. 191.009(2), F.S.. Finally, the bill confirms the current non-ad valorem rates being levied by the District which were adopted by resolution on July 16, 2015, pursuant to s. 191.009(2), F.S..

#### B. SECTION DIRECTORY:

**Section 1** amends Chapter 2000-401, Laws of Florida, as amended by Chapter 2001-334, Laws of Florida, which is the enabling act of the West Manatee Fire and Rescue District. The bill removes obsolete provisions regarding the initial board members and their terms and confirms the terms of current board members. It also provides that all terms of board members elected in the future will be four year terms. In addition, it removes the schedule of maximum non-ad valorem assessments which was contained in Chapter 2000-401, Laws of Florida, as amended by Chapter 2001-334, Laws of Florida, leaving the levying of non-ad valorem assessments to be governed by the provisions of s. 191.009(2), F.S.. Finally, the bill confirms the current non-ad valorem rates being levied by the District which were adopted by resolution on July 16, 2015, pursuant to s. 191.009(2), F.S..

**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? September 16, 2015

WHERE? Manatee County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

<sup>25</sup> Ch. 2000-401, Section 13 of Section 2, Laws of Fla.

<sup>26</sup> Ch. 2001-334, Section 1, Laws of Fla.

### **III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

None.

**B. RULE-MAKING AUTHORITY:**

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

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

None.

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

On January 13, 2016 the Local Government Affairs subcommittee adopted one amendment which removed a sentence stating that "the district is authorized to exceed the maximum assessment rates established in this act." Since the bill also removed the listing of maximum assessment rates in the act, the sentence was not functional. In addition, the bill corrected the date that Resolution 2015-03 was adopted.

This analysis is drafted to the bill as amended.

Rep. Boyd  
HB 895 LB

# BRADENTON HERALD

WWW.BRADENTON.COM  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
Bradenton, FL 34205-8894  
941-745-7066

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Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

STATE OF FLORIDA  
COUNTY OF MANATEE

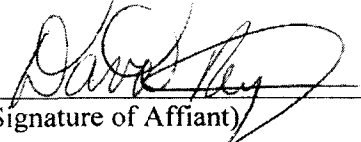
Before the undersigned authority personally appeared Dava Reyes, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Intent To Seek Legislation**, was published in said newspaper in the issue(s) of **09/16/2015**.

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

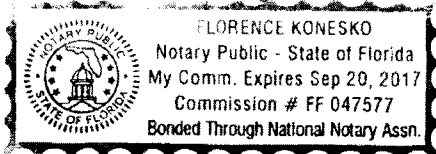
**NOTICE OF INTENT TO SEEK LEGISLATION**

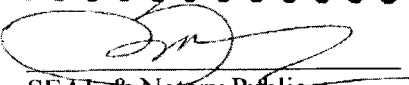
The West Manatee Fire and Rescue District, Manatee County, Florida, hereby gives notice pursuant to Article III, Section 10 of the Florida Constitution and Section 11.02, Florida Statutes, of its intent to seek legislation before the 2016 Florida Legislature. The legislation amends the District's special acts to provide 4-year terms of office for all seats on the board of commissioners, confirm existing non-ad valorem assessment rates, clarify that future assessment rates may be amended pursuant to Section 191.009, Florida Statutes, and provide an effective date.

By: **Mary Stephens, Adm.Asst.**  
09/16/15

  
(Signature of Affiant)

Sworn to and subscribed before me this  
16 Day of Sept, 2015



  
SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



HOUSE OF REPRESENTATIVES  
2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 895

SPONSOR(S): Jim Boyd

RELATING TO: West Manatee Fire Rescue District, Manatee County, Florida, an independent special district of the State of Florida; relating to an amendment to its enabling legislation clarifying the election cycle for election of commissioners and clarifying use of Chapter 191, Florida Statutes, for setting assessments.

NAME OF DELEGATION: Manatee County

CONTACT PERSON: Chief Tom Sousa; David Bishop, Chairman; James D. Dye, counsel for District

PHONE NO.: ( 941)761-1555 (District office) or 941-748-4411 (counsel office) E-Mail: [tom.sousa@wmfr.org](mailto:tom.sousa@wmfr.org); [jdye@dyefirm.com](mailto:jdye@dyefirm.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: August 24, 2015

Location: State College of Florida's Auditorium at Lakewood Ranch Campus  
7131 Professional Parkway East, Sarasota, FL 34240

(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 9/16/2015

Where? Bradenton Herald County Manatee

Referendum in lieu of publication: YES  NO

Date of Referendum NA

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)? NA

YES  NO

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

[Signature] 1/4/16  
Delegation Chair (Original Signature) Date

Jim Boyd  
Printed Name of Delegation Chair

**Economic Impact Statement PAGE 1 of 4**

**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 895*

**SPONSOR(S):** *Boyd*

**RELATING TO:** West Manatee Fire Rescue District, Manatee County, Florida, an independent special district of the State of Florida, relating to an amendment to its enabling legislation clarifying the election cycle for election of commissioners and clarifying use of Chapter 191, Florida Statutes, for setting assessments.

**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.

	FY 16-17	FY 17-18
Revenue decrease due to bill:	\$ <u>NA</u>	\$ <u>NA</u>
Revenue increase due to bill:	\$ <u>NA</u>	\$ <u>NA</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. None

Expenditures for Implementation, Administration and Enforcement: **None**

FY 16-17 FY 17-18

\$ 0 \$ 0

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

This bill does two things. The first is to clarify which commission seats are open during the election cycle. There are 5 commission seats. As the District was originally formed in 2000, Seats 1, 2, and 5 were elected during presidential years (2004, 2008, etc.) and Seats 3 and 4 were elected during the off year. As a result of a commissioner resigning and a replacement being appointed to fill the term, Seat 2 is out of synch from the original act's requirements. The proposed bill realigns the charter to current practice and maintains the original act's cycle of 3 commissioners elected in one class and 2 commissioners in the other. The bill has seats 1 and 5 up for election in 2016 and seats 2, 3, and 4 up for election in 2018. If passed, the charter will match practice. The second thing the act does is to clarify the District's practice of setting assessments conforms to Chapter 191, F.S. The District was created by Chapter 2000-401, Laws of Florida. This chapter authorized the District to use any assessment method available under Chapter 191, F.S. In the first amendment to the District's enabling act, Chapter 2001-334, Laws of Florida, language was added indicating the District's 2001 assessments were capped at the 2001 rate. Its ability to use the assessment methods in Chapter 191, F.S., was unchanged however, creating an ambiguity. The District has historically used the authority of Chapter 191 to set its assessment rates. The proposed bill removes the ambiguity and confirms that Chapter 191 is available to the District, as it is to all fire districts in the state.

**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. The proposed bill does not create new funding sources but confirms the District's ability to use Chapter 191, F.S., to set its assessment rates and schedule.

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. None other than routine assessments and budgeting.

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

**IV. ECONOMIC IMPACT:**

Potential Advantages:

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

Include specific figures for anticipated job growth.

1. Advantages to Individuals:

The impact to individuals is negligible. Both aspects of the bill simply clarify existing practices and confirm those practices are in line with existing state law.

2. Advantages to Businesses: The impact to businesses is negligible. Both aspects of the bill simply clarify existing practices and confirm those practices are in line with existing state law.

3. Advantages to Government: The primary benefit to government is to remove an ambiguity from the District's charter on its assessment practice and to align the election cycle with the current practice.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: There are few if any disadvantages to the bill. Individuals are not affected since the bill does not change regulations or the ability of individuals to have dealings with the District. It does not authorize the District to do anything other than what has already been authorized by the legislature for all special fire districts in the state. The primary disadvantages are based on the bill not passing. If the bill does not become law, the commissioner currently holding Seat 2 will be required to run for re-election. Both he and the supervisor of elections will incur costs that would not have otherwise have been incurred.

2. Disadvantages to Businesses: Business will have few if any disadvantages from this bill if it passes. If it passes, the business of the District will be unchanged. The way that the District and businesses will continue their relationships as they always have.

3. Disadvantages to Government: If the bill passes, the District itself will continue as is but with 2 questions eliminated. The questions of whether the commissioner in Seat 2 runs in 2016 or 2018 will have been answered. Any questions as to whether the District can continue to set its assessment in accordance with Chapter 191 will also be eliminated. If the bill does not pass, the District may be subject to a challenge that the

method it uses to set its assessments in unauthorized. The District believes it is authorized to set assessments just like every other fire district in the state but if challenged, it would have to respond to any potential challenge thereby incurring costs and uncertainty in its operations.

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

If the bill passes, present governmental services will be unchanged. The purpose of the bill is to clarify current operations, not to create new powers or responsibilities.

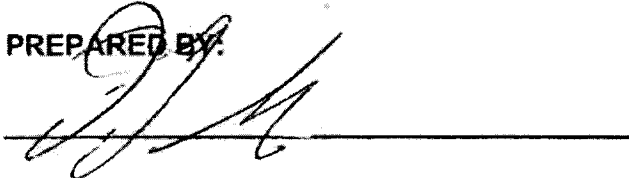
**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

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:



Print preparer's name: Thomas J. Sousa

Date: August 17<sup>th</sup>, 2015

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

Fire Chief

REPRESENTING: West Manatee Fire and Rescue District

PHONE: 941-761-1555

E-MAIL ADDRESS: tom.sousa@wmfr.org

1 A bill to be entitled

2 An act relating to the West Manatee Fire and Rescue  
 3 District, Manatee County; amending chapter 2000-401,  
 4 as amended; revising provisions related to the terms  
 5 of the members of the district's board of  
 6 commissioners; deleting obsolete provisions relating  
 7 to the initial board of commissioners; providing for  
 8 continuation of the staggered terms of commissioners;  
 9 confirming certain non-ad valorem assessment rates  
 10 adopted by the district on a specified date;  
 11 specifying that the district may amend the non-ad  
 12 valorem assessment rates as authorized by the  
 13 district's enabling legislation as provided by general  
 14 law; providing an effective date.

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

17  
 18 Section 1. Sections 4 and 13 of section 2 of chapter 2000-  
 19 401, as amended by chapter 2001-334, Laws of Florida, are  
 20 amended to read:

21 Section 4. District board of commissioners; membership,  
 22 terms of office, officers, meetings.—The district board of  
 23 commissioners shall conduct and administer the business affairs  
 24 of the district through a five-member board which shall be  
 25 elected in nonpartisan elections by the electors of the district  
 26 for a term of 4 ~~four (4)~~ years, and each member shall serve

27 | until the member's successor assumes office. A member of the  
 28 | board shall be a resident of the district and a citizen of the  
 29 | United States. No district board member shall be a paid employee  
 30 | of the district, and each board member shall continue to meet  
 31 | all qualifications to hold office continually through his or her  
 32 | term. Members of the district board shall take office at the  
 33 | same time as do county officers, being the second Tuesday  
 34 | following the general election in November. The board of  
 35 | commissioners shall be established and elected, and shall  
 36 | operate, organize and function in accordance with the provisions  
 37 | of section 191.005, Florida Statutes. The office of each member  
 38 | of the board is designated as being a seat, distinguished from  
 39 | each of the other seats of the board by a numeral; 1, 2, 3, 4,  
 40 | or 5. The numerical seat designation does not reflect a  
 41 | geographical subdistrict or area of the district, but each  
 42 | candidate for a seat on the board shall designate, at the time  
 43 | the candidate qualifies, the seat for which the candidate is  
 44 | qualifying. The election for each seat shall be at-large within  
 45 | the district. ~~The initial board of commissioners, until~~  
 46 | ~~successors are elected and assume office, shall consist of the~~  
 47 | ~~officials who are then holding elected office as a district~~  
 48 | ~~board member for seats 1, 4 and 5 on the West Side Fire Control~~  
 49 | ~~District and seats 2 and 3 on the Anna Maria Fire Control~~  
 50 | ~~District as of the date immediately preceding the effective day~~  
 51 | ~~of this act. The commissioners holding seat 1 and 5 from West~~  
 52 | ~~Side Fire Control District and the commissioner hold seat 2 from~~



53 ~~the Anna Maria Fire Control District shall have initial terms of~~  
 54 ~~four (4) years, with their terms expiring in November, 2004, as~~  
 55 ~~provided in this section. The commissioner holding seat 4 from~~  
 56 ~~the West Side Fire Control District and the commissioner holding~~  
 57 ~~seat 3 from the Anna Maria Fire Control District shall have~~  
 58 ~~initial terms of two (2) years, with their terms expiring in~~  
 59 ~~November, 2002, as provided in this section. The foregoing~~  
 60 provisions establish an initial board having three ~~(3)~~  
 61 commissioners, each with a 4-year ~~four (4) year~~ term, and two  
 62 ~~(2)~~ commissioners, each with a 2-year ~~two (2) year~~ term, thereby  
 63 establishing staggered terms for the board on the effective date  
 64 of this act. The terms of the current members of the board are  
 65 confirmed. Beginning in 2016, seats 1 and 5 shall be elected to  
 66 4-year terms. Beginning in 2018, seats 2, 3, and 4 shall be  
 67 elected to 4-year terms.

68 Section 13. Schedule of special assessments.—The  
 69 provisions regarding assessment procedures as set forth above,  
 70 represents the method to be followed by the district regarding  
 71 any subsequent establishment or increase in special assessments  
 72 for the district. The non-ad valorem assessment rates that the  
 73 district currently charges pursuant to West Manatee Fire and  
 74 Rescue District Resolution 2015-03, adopted July 16, 2015, are  
 75 confirmed. The board may amend its assessment rates in  
 76 accordance with s. 191.009, Florida Statutes, or as otherwise  
 77 provided by general law. ~~Upon the effective date of this act,~~  
 78 ~~but in no way limiting the ability of the district board to~~

79 ~~increase special assessments as necessary in keeping with this~~  
 80 ~~charter, for assessment purposes, all property within the~~  
 81 ~~district is divided into three general classifications: vacant~~  
 82 ~~parcels, residential parcels, and commercial/industrial parcels.~~  
 83 ~~The rates set forth in the schedule of non-ad valorem special~~  
 84 ~~assessments provided by this section are caps on the district's~~  
 85 ~~non-ad valorem assessment rates that may be levied without~~  
 86 ~~approval of the Legislature.~~

87 ~~(1) Vacant parcels shall include all parcels which are~~  
 88 ~~essentially undeveloped. The annual assessment for these parcels~~  
 89 ~~shall be as follows:~~

90 ~~(a) A vacant platted lot, \$25 per lot.~~

91 ~~(b) Unsubdivided acreage, \$25 per acre or fraction~~  
 92 ~~thereof; and,~~

93 ~~(c) A vacant commercial and industrial parcel shall be~~  
 94 ~~assessed as a platted lot or unsubdivided acreage, as~~  
 95 ~~applicable. Whenever a residential unit is located on a parcel~~  
 96 ~~defined herein as vacant, the residential plot shall be~~  
 97 ~~considered as one lot or one acre, with the balance of the~~  
 98 ~~parcel being assessed as vacant land in accordance with the~~  
 99 ~~schedule herein. When an agricultural or commercial building~~  
 100 ~~or structure is located on a parcel defined herein as vacant,~~  
 101 ~~the building or structure shall be assessed in accordance with~~  
 102 ~~the schedule of commercial/industrial assessments.~~

103 ~~(2) Residential parcels include all parcels which are~~  
 104 ~~developed for residential purposes. All residential parcels~~

105 ~~shall be assessed by the number and square footage size of~~  
 106 ~~dwelling units per parcel. Surcharges may be assigned by the~~  
 107 ~~district for dwelling units located on the third or higher~~  
 108 ~~floors. The annual assessment for these parcels shall be as~~  
 109 ~~follows:~~

110 ~~(a) A single family residential parcel shall be assessed~~  
 111 ~~on a square footage basis for each dwelling unit at \$125 for the~~  
 112 ~~first 1,000 square feet in the dwelling unit, and all square~~  
 113 ~~footage above 1,000 square feet shall be charged at a rate of~~  
 114 ~~\$0.075 per additional square foot.~~

115 ~~(b) A parcel for residential condominium use shall be~~  
 116 ~~assessed on a square footage basis for each dwelling unit at~~  
 117 ~~\$125 for the first 1,000 square feet in the dwelling unit, and~~  
 118 ~~all square footage above 1,000 square feet shall be charged at a~~  
 119 ~~rate of \$0.075 per additional square foot.~~

120 ~~(c) A mobile home shall be assessed at \$125 per dwelling~~  
 121 ~~unit;~~

122 ~~(d) A duplex, multi-family residential, cooperative,~~  
 123 ~~retirement home and any miscellaneous residential use parcel~~  
 124 ~~shall be assessed on a square footage basis for each dwelling~~  
 125 ~~unit at \$125 for the first 1,000 square feet in the dwelling~~  
 126 ~~unit, and all square footage above 1,000 square feet shall be~~  
 127 ~~charged at a rate of \$0.075 per additional square foot.~~

128 ~~(e) Any other residential unit, including, but not~~  
 129 ~~limited, to the residential portions of mixed use parcels and~~

130 ~~travel trailer units or parks shall be assessed \$125 per~~  
 131 ~~dwelling unit or available rental space, as applicable.~~

132 ~~(3) Commercial/industrial parcels shall include all other~~  
 133 ~~developed parcels which are not included in the residential~~  
 134 ~~categories as defined in subsection (2). Each~~  
 135 ~~commercial/industrial parcel shall be assessed on a square~~  
 136 ~~footage basis for each building and structure in accordance with~~  
 137 ~~the following schedule:~~

138 ~~(a) The base assessment for each building or structure~~  
 139 ~~shall be \$300 for the first 1,000 square feet and all square~~  
 140 ~~footage above 1,000 square feet, shall be charged at a rate of~~  
 141 ~~\$0.125 per additional square foot.~~

142 ~~(b) Whenever a parcel is classified for multiple hazard~~  
 143 ~~use, the district may vary the assessment in accordance with~~  
 144 ~~actual categories.~~

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HM 959 Cuban Adjustment Act of 1966  
**SPONSOR(S):** Artiles  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SM 1642

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Renner <i>GR</i>	Kiner <i>KCK</i>
2) State Affairs Committee			

### SUMMARY ANALYSIS

The Cuban Adjustment Act of 1966 (CAA) provides for a special procedure under which Cuban natives or citizens and their accompanying spouses and children may receive permanent residence. The CAA gives the Attorney General the discretion to grant permanent residence status if:

- They have been present in the U.S. for at least one year.
- They have been admitted or paroled (released to friends or relatives).
- They are admissible as immigrants.

No other group or nationality is afforded this opportunity.

After President Obama made the announcement in 2014 to make diplomatic and economic changes between the U.S. and Cuba, including the loosening of travel restrictions, the number of Cubans entering the U.S. has increased 78 percent from 24,278 in 2014 to 43,159 in 2015. A possible reason for the increase in the number of Cubans coming to the U.S. may be anxiety that the U.S. would soon repeal the CAA.

Since President Obama's announcement, members of Congress have been calling for either an outright repeal of the CAA or at least a revision, in part, because of the renewed diplomatic relations making travel restrictions easier, and because of Cubans allegedly abusing the food stamps and welfare they receive under the CAA.

As a result of the ease in travel restrictions and the alleged abuse of the CAA, three bills have been filed in Congress to either repeal or revise the CAA.

This memorial urges the U.S. Congress to repeal the CAA.

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

This memorial does not have a fiscal impact on state or local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Cuban Adjustment Act of 1966

Under the Cuban Adjustment Act of 1966 (CAA)<sup>1</sup> most of the undocumented Cubans who arrive in the U.S. are allowed to stay and adjust to permanent resident status, creating what is often referred to as the “wet foot, dry foot” policy. Generally, the CAA allows certain Cubans who have been physically present in the United States for at least one year to adjust to permanent resident status at the discretion of the Attorney General.

Specifically, the CAA provides for a special procedure under which Cuban natives or citizens and their accompanying spouses and children may get a green card (permanent residence) even if they do not meet the ordinary requirements under Section 245 of the Immigration and Nationality Act (INA). The CAA gives the Attorney General the discretion to grant permanent residence to Cuban natives or citizens applying for a green card if:

- They have been present in the U.S. for at least one year.
- They have been admitted or paroled (released to friends or relatives).
- They are admissible as immigrants.<sup>2</sup>

The numerical limitations or caps applicable to most family and employment-based immigration do not apply to adjustments under the CAA; therefore it is not necessary for the individual to be the beneficiary of an immigrant visa petition. Additionally, the following inadmissibility grounds do not apply to individuals filing for benefits under the CAA:<sup>3</sup>

- Public charge<sup>4</sup>
- Arriving at a place other than an open port of entry provided the U.S. Citizenship and Immigration Services (USCIS) paroled the individual into the U.S.

If the individual is inadmissible on any other ground(s), he or she is not eligible to apply for a green card under the CAA unless he or she has obtained a waiver of inadmissibility.

The CAA provides Cuban migrants with an advantage that other groups or nationalities do not have.<sup>5</sup> Under the INA<sup>6</sup> and other federal laws,<sup>7</sup> there are various restrictions on unauthorized aliens and the laws provide limited avenues for certain unauthorized aliens to obtain legal permanent residence.<sup>8</sup>

<sup>1</sup> Pub. L. No. 89-732, H.R. 15183, 89<sup>th</sup> Cong. (November 2, 1966, as amended).

<sup>2</sup> Department of Homeland Security, *U.S. Citizenship and Immigration Services*, available at <http://www.uscis.gov/green-card/other-ways-get-green-card/green-card-cuban-native-or-citizen> (last visited December 23, 2015).

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

<sup>4</sup> “Public charge means an individual who is likely to become primarily a dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense.” See the Department of Homeland Security *U.S. Citizenship and Immigration Services* website on “Public Charge”, available at <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge> (last visited February 5, 2016).

<sup>5</sup> Congressional Research Service report on *Cuban Migration to the United States: Policy and Trends*, June 2, 2009, pg. 5, available at <http://webcache.googleusercontent.com/search?q=cache:y9dKJ5kaICkJ:https://www.fas.org/spp/crs/row/R40566.pdf+&cd=1&hl=en&ct=clnk&gl=us> (last visited January 6, 2016).

<sup>6</sup> 8 U.S.C. §1101 et seq.

Generally, unauthorized aliens who wish to come to the U.S. must obtain a visa to be admitted. Those admitted on a permanent basis are considered immigrants or legal permanent residents (LPRs), and those admitted on a temporary basis are considered nonimmigrants (e.g., tourists, foreign students, diplomats, temporary agricultural workers, exchange visitors). They must first meet a set of criteria specified in the INA that determine whether they are eligible for admission.<sup>9</sup> The burden of proof is on the unauthorized alien to establish eligibility for a visa.<sup>10</sup>

Section 212(a) of the INA specifies grounds for inadmissibility including health-related grounds, security- and terrorism-related grounds, and immigration law violations.<sup>11</sup>

Additionally, section 245 of the INA allows certain aliens, including certain unauthorized aliens, to adjust to LPR status. In order to qualify, an alien must be otherwise eligible for LPR status (e.g., on the basis of a family relationship or job skills), among other requirements.<sup>12</sup>

### Castro Regime

At the time the CAA was enacted, the relationship between the U.S. and Cuba had deteriorated as a result of Fidel Castro taking control of Cuba in 1959 and consequently expropriating U.S. properties, moving towards the adoption of a one-party communist system<sup>13</sup>, and hiking taxes on U.S. imports.<sup>14</sup> In response, the U.S. imposed an exports embargo on Cuba in 1960, and officially severed diplomatic relations with the Cuban government in 1961.<sup>15</sup>

Additionally, the severing of diplomatic relations between Cuba and the U.S. led to a restriction on travel for Cubans to the U.S., resulting in many migrants fleeing the persecution in Cuba and sailing to Florida to seek asylum.<sup>16</sup>

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<sup>7</sup> The Department of Homeland Security (DHS) oversees the administration and enforcement of the INA and the U.S. Citizenship and Immigration Services (USCIS) within the DHS is responsible for immigration and naturalization adjudications and other service functions.

<sup>8</sup> Congressional Research Service report on *Unauthorized Aliens in the United States: Policy Discussion*, May 8, 2014, pg. 2, available at

<http://webcache.googleusercontent.com/search?q=cache:ljsyZjfYVgJ:https://fas.org/sgp/crs/homsec/R41207.pdf+&cd=1&hl=en&ct=clnk&gl=us> (last visited January 11, 2016).

<sup>9</sup> There are different ways to become a permanent resident. Most individuals are sponsored by a family member or employer in the U.S. Other individuals become permanent residents through refugee or asylum status. See the U.S. Department of Homeland Security website on Obtaining a Green Card. Available at <http://www.dhs.gov/how-do-i/get-green-card> (last visited January 14, 2016).

<sup>10</sup> Congressional Research Service report on *Immigration Visa Issues and Grounds for Exclusion: Policy and Trends*, March 10, 2010, pg. 2, available at <http://webcache.googleusercontent.com/search?q=cache:yp-jcxSMaIMJ:nationalaglawcenter.org/wp-content/uploads/assets/crs/R41104.pdf+&cd=6&hl=en&ct=clnk&gl=us> (last visited January 12, 2016).

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

<sup>12</sup> Congressional Research Service report on *Unauthorized Aliens in the United States: Policy Discussion*, May 8, 2014, pg. 2, available at

<http://webcache.googleusercontent.com/search?q=cache:ljsyZjfYVgJ:https://fas.org/sgp/crs/homsec/R41207.pdf+&cd=1&hl=en&ct=clnk&gl=us> (last visited January 11, 2016).

<sup>13</sup> *Id.*

<sup>14</sup> Council on Foreign Relations, available at <http://www.cfr.org/cuba/us-cuba-relations/p11113> (last visited January 6, 2016).

<sup>15</sup> U.S. Department of State Background Notes on Cuba, November, 2011, available at

<http://www.state.gov/outofdate/bgn/cuba/191090.htm> (last visited January 6, 2016).

<sup>16</sup> Congressional Research Service report on *Cuban Migration to the United States: Policy and Trends*, June 2, 2009, pg. 4, available at

<http://webcache.googleusercontent.com/search?q=cache:y9dKJ5kaICkJ:https://www.fas.org/sgp/crs/row/R40566.pdf+&cd=1&hl=en&ct=clnk&gl=us> (last visited January 5, 2016).



## Diplomatic and Economic Changes to Cuba Sanctions

On December 17, 2014, President Obama announced diplomatic and economic changes to begin normalizing the relationship between the U.S. and Cuba. Generally, the changes include, but are not limited to:<sup>17</sup>

- Allowing travel to Cuba for authorized purposes;
- Loosening the travel restrictions on travel agents and airlines;
- Raising the limits on and authorizing certain categories of remittances to Cuba;
- Allowing U.S. financial institutions to open correspondent accounts at Cuban financial institutions to ease the processing of authorized transactions;
- Authorizing certain transactions with Cuban nationals located outside of Cuba; and
- Allowing activities related to telecommunications, financial services, trade, and shipping.

## Cuban Arrivals to the United States

After President Obama made the announcement in 2014 to renew relations with Cuba, the number of Cubans who have entered the U.S. has increased dramatically. In 2014, 24,278 Cubans entered the U.S. That number increased by 78 percent to 43,159 in 2015.<sup>18</sup> By comparison, just 7,759 Cubans came into the U.S. in 2011.<sup>19</sup>

The majority of Cubans who enter the country arrive through the U.S. Border Patrol's Laredo Sector in Texas. In 2015, 28,371 Cubans came through this sector.<sup>20</sup> However, a larger percentage increase occurred in the Miami Sector during 2015, doubling from the previous year of 4,709 to 9,999.<sup>21</sup>

## Cuban Arrivals in Florida

The last 5 years have seen a consistent increase in Cubans coming to Florida. Between 1996 and 2011, approximately 24,000 Cubans arrived in Florida each year for a monthly average of 2,000 people. Strategies changed and many Cubans began traveling to South America or Mexico to enter through Texas where the wet foot/dry foot policy permitted their entry without risking a maritime crossing. In 2012, however, the numbers began to rise and the trend has continued each year. The average number of Cubans coming to Florida in fiscal year 2012 was almost 2,300 per month, for fiscal years 2013 and 2014, the number rose to over 2,600 per month. In fiscal year 2015, the average monthly migration increased to 3,700 each month. The rate remains high and continues to increase.<sup>22</sup>

The population of newly arriving Cuban immigrants is concentrated in Miami-Dade County where approximately 75 percent of the new arrivals reside. The communities registering the next largest populations are Hillsborough, Palm Beach, Broward, and Orange counties.<sup>23</sup> While Florida received refugees from 57 countries in 2015, 94 percent were Cubans and 71 percent of them settled in Miami-Dade County.<sup>24</sup>

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<sup>17</sup> U.S. Department of the Treasury Fact Sheet on the Regulatory Amendments to the Cuba Sanctions, *available at* <http://www.treasury.gov/press-center/press-releases/Pages/j19740.aspx> (last visited January 6, 2016).

<sup>18</sup> Pew Research Center, *Cuban immigration to U.S. surges as relations warm*, (December 10, 2015), *available at* <http://www.pewresearch.org/fact-tank/2015/12/10/cuban-immigration-to-u-s-surges-as-relations-warm/> (last visited February 5, 2016).

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

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

<sup>21</sup> *Id.*

<sup>22</sup> Patti Grogan, Director, Refugee Services, Department of Children and Families, *Increasing Cuban Arrivals to Florida, Recent History and Implications* (Jan. 28, 2016) (on file with Local & Federal Affairs Committee staff).

<sup>23</sup> *Id.*

<sup>24</sup> Florida Department of Children and Families, *Statistics for Florida 2015*, *available at* <http://www.myflfamilies.com/service-programs/refugee-services/statistics-florida> (last visited February 5, 2016).

## Effects of Normalizing Relations

One reason for the increase in the number of Cubans coming to the U.S. is the anxiety that the U.S. would soon repeal the CAA.<sup>25</sup> Since President Obama's announcement, members of Congress have been calling for either an outright repeal of the CAA or at least revising it, in part, because of the renewed diplomatic relations making travel restrictions easier, but also because of alleged abuses of the CAA by Cuban immigrants.

The *Sun Sentinel* newspaper produced a series of articles last year detailing alleged abuses of the benefits available to Cubans. One article stated that Cuban immigrants are "cashing in on U.S. welfare" and returning to Cuba, making a "mockery" of the premise that Cuban refugees are fleeing persecution when they arrive here.<sup>26</sup> Another article detailed the generous benefits that are available to Cuban immigrants, but not to other immigrants.<sup>27</sup> A three-part series reported findings that "money stolen in the United States" was streaming back to Cuba thereby allowing thieves to come and quickly make money which returned with them to Cuba.<sup>28</sup> The second installment reported alleged Cuban organized crime rings that recruited Cubans to work in their organizations in Florida. The third installment detailed the response of members of Congress to the investigative reports. The installment also raised suspicions as to whether the Cuban government is behind the criminal activities.

## Proposed Federal Legislation

As a result of the ease in travel restrictions and the alleged abuse of the CAA, the following bills have been filed in Congress to either repeal or revise the CAA:

### *H.R. 4247*

The "Cuban Immigrant Work Opportunity Act of 2015" (H.R. 4247) by Representative Carlos Curbelo<sup>29</sup> was introduced on December 15, 2015.<sup>30</sup> While the bill does not specifically address the CAA, it proposes to revoke benefits under the Refugee Education Assistance Act of 1980. Specifically, it would bar recent Cuban immigrants from applying for welfare benefits for five years beginning on the date the individual was granted lawful temporary resident status.<sup>31</sup> The bill has been referred to committees; however, it has yet to receive a hearing.

### *S. 2441*

The "Cuban Immigrant Work Opportunity Act of 2016" (S. 2441) by Senator Marco Rubio was introduced on January 12, 2016.<sup>32</sup> The bill is similar to H.R. 4247, which would bar recent Cuban

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<sup>25</sup> New York Times, *Cubans, Fearing Loss of Favored Status in U.S., Rush to Make an Arduous Journey* (January 9, 2016), available at [http://www.nytimes.com/2016/01/10/world/americas/cubans-fearing-loss-of-favored-status-in-us-rush-to-make-an-arduous-journey.html?\\_r=0](http://www.nytimes.com/2016/01/10/world/americas/cubans-fearing-loss-of-favored-status-in-us-rush-to-make-an-arduous-journey.html?_r=0) (last visited February 5, 2016).

<sup>26</sup> Sally Kestin, Megan O'Matz, John Maines, with Tracey Eaton, U.S. Welfare Flows to Cuba, SUN SENTINEL, (Oct. 1, 2015), available at <http://www.sun-sentinel.com/us-cuba-welfare-benefits/sfl-us-cuba-welfare-benefits-part-1-htm1story.html> (last visited February 4, 2016)

<sup>27</sup> Sally Kestin and Megan O'Matz, *Aid favors Cuban immigrants*, SUN SENTINEL (Sept. 30, 2015), available at <http://www.sun-sentinel.com/sfl-aid-favors-cuban-immigrants-20150930-htm1story.html> (last visited February 4, 2016)

<sup>28</sup> Sally Kestin, Megan O'Matz, John Maines and Tracey Eaton, *Part I: Exploiting U.S. Laws Part II: Organized and Spreading; and Part III: Congress Reacts*, SUN SENTINEL, (Jan. 8, 2015) available at <http://interactive.sun-sentinel.com/plundering-america/> (last visited February 4, 2016)

<sup>29</sup> Representatives Mario Diaz-Balart and Ileana Ros-Lehtinen of Miami and Debbie Wasserman Schultz of Weston have signed on as co-sponsors to H.R. 4247.

<sup>30</sup> H.R. 4247-Cuban Immigrant Work Opportunity Act of 2015, CONGRESS.GOV, available at <http://www.congress.gov/bill/114th-congress/house-bill/4247/text> (last visited January 4, 2016).

<sup>31</sup> 8 U.S.C. §1522

<sup>32</sup> S 2441 – A bill to provide that certain Cuban entrants are ineligible to receive refugee assistance, and for other purposes, CONGRESS.GOV, available at <https://www.congress.gov/bill/114th-congress/senate->

immigrants from applying for welfare benefits for five years beginning on the date the individual was granted lawful temporary resident status. The bill has been referred to committees; however, it has yet to receive a hearing.

*H.R. 3818*

The "Ending Special National Origin-Based Immigration Programs for Cubans Act of 2015" (H.R. 3818) by Representative Paul A. Gosar was introduced on October 23, 2015.<sup>33</sup> This bill would repeal the CAA in its entirety. The bill has been referred to committees; however, it has yet to receive a hearing.

### **Effect of Proposed Changes**

This memorial urges the U.S. Congress to repeal the Cuban Adjustment Act of 1966.

Copies of the memorial will be sent to the President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Florida delegation to the U.S. Congress.

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

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

Not applicable

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

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

None.

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[bill/2441?q=%7B%22search%22%3A%5B%22%5C%22s2441%5C%22%22%5D%7D&resultIndex=1](http://bill/2441?q=%7B%22search%22%3A%5B%22%5C%22s2441%5C%22%22%5D%7D&resultIndex=1) (last visited January 14, 2016).

<sup>33</sup> H.R. 3818-Ending Special National Origin-Based Immigration Programs for Cubans Act of 2015, CONGRESS.GOV, available at <https://www.congress.gov/bill/114th-congress/house->

[bill/3818?q=%7B%22search%22%3A%5B%22%5C%22hr3818%5C%22%22%5D%7D&resultIndex=1](http://bill/3818?q=%7B%22search%22%3A%5B%22%5C%22hr3818%5C%22%22%5D%7D&resultIndex=1) (last visited January 4, 2016).

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DATE: 2/8/2016

PAGE: 6

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

House Memorial

A memorial to the Congress of the United States,  
 urging Congress to repeal the Cuban Adjustment Act of  
 1966.

WHEREAS, the Cuban Adjustment Act of 1966, Pub. L. No. 89-  
 732, 80 Stat. 1161 (1966), was enacted and subsequently amended  
 to allow certain Cubans physically present in the United States  
 to be treated as aliens lawfully admitted for permanent  
 residence, creating what is often referred to as the "wet foot,  
 dry foot" policy, and

WHEREAS, this law provides Cuban migrants with an advantage  
 that migrants of other nationalities do not have, and

WHEREAS, at the time the law was enacted, the Cuban  
 government was not recognized by the United States, the  
 countries did not maintain diplomatic relations, travel between  
 the countries was severely restricted, and Cuban migrants were  
 refugees from political oppression during the Cold War, and

WHEREAS, the Cold War has ended, the United States has  
 recognized the Cuban government, and both countries now maintain  
 diplomatic relations, and

WHEREAS, travel between the United States and Cuba is now  
 considerably less restricted, NOW, THEREFORE,

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

HM 959

2016

27           That the Congress of the United States is urged to repeal  
28 the Cuban Adjustment Act of 1966 because it is a discriminatory  
29 act that no longer serves its original purpose due to changes in  
30 the relationship between the United States and Cuba in the half  
31 century since its enactment.

32           BE IT FURTHER RESOLVED that copies of this memorial be  
33 dispatched to the President of the United States, to the  
34 President of the United States Senate, to the Speaker of the  
35 United States House of Representatives, and to each member of  
36 the Florida delegation to the United States Congress.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1015 Determination of Maximum Millage Rates  
**SPONSOR(S):** Local Government Affairs Subcommittee, Nuñez  
**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 1222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Committee	16 Y, 0 N	Dugan	Langston
2) Local Government Affairs Subcommittee	8 Y, 4 N, As CS	Monroe	Miller
3) Local & Federal Affairs Committee		Monroe <i>KDSM</i>	Kiner <i>KIK</i>

### SUMMARY ANALYSIS

Property tax rates (i.e., millage rates) are set by local government governing boards each year and applied to local property tax bases to generate funding for local government uses. Since 2007, Florida law provides a formula to determine millage rates each year which may not be exceeded by a county, municipal, or special district governing board except by certain extraordinary votes. The formula sets the maximum millage that can be levied by simple majority vote of the governing board (simple majority maximum tax rate) by assuming the previous year's maximum tax rate was levied, and then it is adjusted by the change in Florida per capita personal income. The actual tax rate is commonly lower than the maximum.

The bill changes the formula for calculating the simple majority vote maximum millage rate. Instead of having a formula which assumes the previous year's maximum rate was levied, the formula would use the prior year's actual levy. The formula change will reduce the simple majority maximum tax rate for most counties, cities, and special districts.

The Revenue Estimating Conference has not met to evaluate this bill. Staff estimates that the impact on county, municipal, and special district property taxes, while indeterminate, will be negative to the extent that governments cannot achieve the extraordinary votes needed to exceed the lower maximum tax rates.

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



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### **Ad Valorem Taxation Overview**

The ad valorem tax is an annual tax levied by counties, cities, school districts, and some special districts. The amount of tax levied is based on the taxable value of real and tangible personal property as of January 1 of each year and the tax rate (millage rate) applied to such value.<sup>1</sup> The Florida Constitution reserves ad valorem taxation to local governments and prohibits the state from levying ad valorem taxes on real and tangible personal property.<sup>2</sup>

The Florida Constitution requires that “all ad valorem taxation shall be at a uniform rate within each taxing unit . . .”<sup>3</sup> Generally, this requirement means that a taxing authority may not levy different rates on property located in different geographic areas within the taxing authority nor levy different rates on different types of property.

With the exception of the ad valorem tax and other home-rule revenue sources, local governments are dependent on the Legislature for authority to levy any other form of taxation. Local governments in Florida, levied approximately \$28.3 billion in Fiscal Year 2015-16.<sup>4</sup> Ad valorem property tax revenues are also a major revenue source for school districts. Of the \$28.3 billion levied statewide for FY 2015-16, school districts levied approximately \$12.0 billion in property taxes.<sup>5</sup>

The “taxable value” of real and tangible personal property is the fair market value, or “just value,” of the real and tangible personal property adjusted for any exclusions, differentials, or exemptions allowed by the Constitution or the statutes.<sup>6</sup> The Florida Constitution strictly limits the Legislature’s authority to provide exemptions or adjustments to fair market value.<sup>7</sup>

##### **Millage Rates**

Property tax rates, or millage rates, are set by each taxing authority and vary throughout the state. Ad valorem property tax revenues result from multiplying the millage rate adopted by counties, municipalities, and school boards, by the taxable value of property within that jurisdiction. The Florida Constitution limits the millage rates that may be levied, depending on the type of taxing authority.

##### Counties, Municipalities and Schools

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<sup>1</sup> Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. The terms “land,” “real estate,” “realty,” and “real property” may be used interchangeably. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value (but does not include motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes as stated in art. VII, s. 1(b), Fla. Const., and defined in other statutes) capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>2</sup> Art. VII, s. 1(a), Fla. Const.

<sup>3</sup> Art. VII, s. 2, Fla. Const.

<sup>4</sup> *Florida Tax Handbook*, p. 195 (2016).

<sup>5</sup> *Florida Tax Handbook*, p. 195 (2016).

<sup>6</sup> Sections 192.001(2) and (16), F.S., define the terms “assessed value” and “taxable value.” “Assessed value” is generally synonymous with “just value” unless a constitutional exception such as Save Our Homes applies to reduce the value of the property. “Taxable value” is the assessed value minus any applicable exemptions such as the \$25,000 homestead exemption. “Just value” is the estimated market value of the property.

<sup>7</sup> Art. VII, s. 4, Fla. Const.

Counties, municipalities, and school districts are each limited to levy up to ten mills (or one percent).<sup>8</sup> By referendum, local voters may authorize counties, municipalities, and school districts to levy additional mills above the ten mill limitation to repay bonds to finance capital projects and for other purposes for a period of no longer than two years.<sup>9</sup> Counties providing municipal services may also levy up to an additional ten mills above the ten mill county limitation within those areas where the county is providing municipal-type services, if authorized by general law.<sup>10</sup>

### Special Districts

Independent special district millage rates are limited by the law establishing such districts and must be approved by the voters within the district. Dependent special district millage rates are included in the limitation applicable to the authority to which they are dependent. Up to one mill may be levied for water management purposes,<sup>11</sup> except in northwest Florida where the limit is 0.05 mill.<sup>12</sup>

### Schools

The Florida Constitution requires that the Legislature provide by law for a uniform, efficient, safe, secure and high quality system of free public schools.<sup>13</sup> The Legislature accomplishes this by providing for the funding of public schools through a combination of ad valorem taxes and other state revenues. In addition to the constitutional millage limitation, school districts are subject to certain statutory requirements in order to participate in the state's K-12 funding program, called the Florida Education Finance Program (FEFP).<sup>14</sup>

### **Limits on Growth of Property Tax Levies**

In 2007, the Legislature enacted statutory changes<sup>15</sup> that established a maximum millage rate and required most taxing authorities to reduce their millage rates.<sup>16</sup> Exceptions were made for certain fiscally limited governments and for certain types of activities. The legislation created a formula to determine a maximum millage rate that could be levied by a county, municipal, or special district governing board by simple majority vote. Exceeding the maximum would require certain extraordinary votes by the governing board.

The maximum millage rate that most non-school taxing authorities can levy by simple majority vote is a rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied in that year, adjusted by the change in Florida per capita personal income.<sup>17</sup> Local governments are allowed to override the maximum millage rate by extraordinary votes of their governing boards or by referenda of the electorate. A higher rate may be adopted only under the following conditions:

1. A rate of not more than 110 percent of the rate based on the previous year's maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the membership of the governing body of the taxing authority; or
2. A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the membership of the governing body of the taxing authority or by a three-fourths vote of the

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<sup>8</sup> Art. VII, s. 9(b), Fla. Const.. A rate of one mill may be expressed as follows: 1 mill = 0.1 cent or \$0.001; \$1 per \$1,000; or 0.1%.

<sup>9</sup> Art. VII, s. 9(b), Fla. Const.

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

<sup>11</sup> Water management taxes are levied by the water management districts.

<sup>12</sup> Art. VII, s. 9(b), Fla. Const.

<sup>13</sup> Art. IX, s. 1(a), Fla. Const.

<sup>14</sup> Section 1011.71, F.S.

<sup>15</sup> Ch. 2007-321, Laws of Fla.

<sup>16</sup> Section 200.065(5), F.S.

<sup>17</sup> Section 200.065(5), F.S. Calculation of Florida per capita personal income is to be provided by the Office of Economic and Demographic Research, per s. 200.001(8)(i), F.S.

membership of the governing body if the governing body has nine or more members, or if the rate is approved by a referendum.<sup>18</sup>

A taxing authority, by levying less than the maximum millage which could be levied by a simple majority vote, can build up a “cushion” between their actual tax rate and the allowed maximum millage rate which they could levy. Over time, many taxing authorities have built up large enough cushions that the maximum millage rates have no effect.

In 2015, 35 counties and 64 municipalities had built up a sufficient cushion that the potential maximum rates calculated under the current statute were in excess of the 10 mill constitutional limit for county or municipal purposes.<sup>19</sup> In the same year, of the 574 local governments subject to these requirements, 51 (8.9 percent) required a two-thirds vote to approve their adopted millages, and six (one percent) required a unanimous vote.<sup>20</sup> The total taxes levied by these 574 (less one extreme outlier) were almost 27 percent below the taxes that could have been levied at their simple majority maximum tax rates.<sup>21</sup>

### **Proposed Changes**

The bill is intended to change the maximum millage rate that a taxing authority can levy to a rate based on the amount of taxes the taxing authority actually levied in the prior year, as opposed to basing the rate on the maximum rate which could have been levied. That is the maximum millage rate equals the rolled-back rate modified by the change in per capita Florida personal income. If the change in per capita Florida income is negative, then the maximum millage rate equals the rolled back rate.

The bill is intended to prevent taxing authorities from building up a “cushion” which keeps the maximum millage rate limitation from having an effect on their levy in any given year. This would result in more taxing authorities needing to either obtain an extraordinary vote to levy their proposed tax rates, or reducing their tax rate. However, it may also provide a disincentive for taxing authorities to levy less than the maximum millage rate which could be levied by a simple majority vote because doing so would no longer allow taxing authorities to build their cushion, and would limit the amount of taxes which could be levied by a simple majority vote in the following year. Consequently, a taxing authority might increase levies to the maximum tax rate which can be levied by a simple majority and potentially collect more ad valorem revenue than necessary for that fiscal year’s budget.

To illustrate the difference between current law and the intended effect of this bill, consider the following example: In a hypothetical Florida city there are no annexations, no construction, no interest, and no other extraneous economic factors to complicate the annual millage calculation. The city council is quite good at holding the line on taxes and continues to actually levy 5 mills every year, which is the rolled-back rate.

Under current law the maximum millage calculations would work as follows: In 2010, the maximum millage calculation in that year would allow a levy of 6 mills. That is, the current maximum millage calculation would allow the city to levy 20% more than the previous levy without an extraordinary vote. The amount which could be levied by a simple majority vote (the maximum millage) increases each year by the change in personal income. Thus, in 2012 the city could levy 6.53 mills by simple majority vote. By 2015 that figure has climbed to 7.06 mills. By 2017 the city could levy 7.61 mills of taxation, with a simple majority vote, which would be 52% more than the amount levied the year before. Assuming a

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<sup>18</sup> Section 200.065(5)(a), F.S.

<sup>19</sup> Department of Revenue, 2015 Maximum Millage Compliance Reports, found at <ftp://sdrftp03.dor.state.fl.us/MaximumMillageData/MillCapComp011516.pdf>

<sup>20</sup> Department of Revenue, 2015 Maximum Millage Compliance Reports, found at <ftp://sdrftp03.dor.state.fl.us/MaximumMillageData/MillCapComp011516.pdf>

<sup>21</sup> Department of Revenue, 2015 Comparison of Property Taxes Levied, found at <ftp://sdrftp03.dor.state.fl.us/MaximumMillageData/comp15.pdf>

drop in personal income in 2018 (identical to the drop experienced in 2009), the city could still levy up to 7.22 mills in that year without an extraordinary vote.

Under the change proposed by the bill, the city can only increase its levy by the change in personal income over the previous year. Thus, by a simple majority vote, the city could only increase its levy by 0.8% over the previous year in 2010, by 2.13% over the previous year in 2012, and by 4.6% in 2017. However, in 2018, because of the decrease in personal income, the maximum millage rate is the same as the rolled-back rate of 5 mills.

In chart form, the example is:

Year	% change in personal income	Actual levy	Maximum levy by simple majority under current law	Maximum levy by simple majority under proposed change
2009		5	6	
2010	0.80%	5	6.05	5.04
2011	5.65%	5	6.39	5.28
2012	2.13%	5	6.53	5.11
2013	2.85%	5	6.71	5.14
2014	1.96%	5	6.84	5.10
2015	3.17%	5	7.06	5.16
2016	3.20%	5	7.29	5.16
2017	4.46%	5	7.61	5.22
2018	-5.14%	5	7.22	5.00

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

**B. SECTION DIRECTORY:**

Section 1. Amends s. 200.065, F.S., to change the calculation of the maximum millage rate of a local government taxing authority other than a school district;

Section 2. Provides an effective date.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

The Revenue Estimating Conference has not met to evaluate this bill. Staff estimates that the impact on county, municipal, and special district property taxes, while indeterminate, will be

negative to the extent that governments cannot achieve the extraordinary votes needed to exceed the lower simple majority maximum tax rates.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners of property in a taxing authority that reduces its millage rate may experience a lower property tax liability.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Subsection 18(b) of article VII of the Florida Constitution provides that the Legislature, except upon approval by a two-thirds vote, may not enact a general law if the anticipated effect of doing so would be to reduce the authority that counties or municipalities have to raise revenues in the aggregate. It is unclear whether the requirement for a supermajority vote to exceed the lower millage limitations resulting from this bill represents a reduction of revenue raising authority as contemplated by subsection 18(b). If the purpose of subsection 18(b) is to determine whether the amount of potential revenue available to counties and municipalities was reduced, then this bill does not reduce that potential and the requirement for a two-thirds vote is not applicable. However, if the purpose of subsection 18(b) is to look at the method for adopting a millage rate, then the provisions of this bill requiring a supermajority vote to adopt a millage rate that could currently be adopted by a majority vote may be considered a mandate requiring a two-thirds vote of the Legislature. There is no legal authority to guide the Legislature in making a determination regarding this issue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1 2016, the Local Government Affairs Subcommittee adopted a strike-all amendment to the bill which provides that if the change in the Florida per capita personal income is negative, the maximum millage rate shall be equal to the rolled-back rate. In addition, it amends s. 200.065(5)(a)1., F.S., to change the definition of the maximum millage rate to conform with the change in that definition made in s. 200.065(5)(a), F.S.

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A bill to be entitled  
An act relating to determination of maximum millage rates; amending s. 200.065, F.S.; revising the method for computing the rolled-back rate for purposes of determining the maximum millage rate for certain local governments; providing an effective date.

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

Section 1. Paragraph (a) of subsection (5) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(5) In each fiscal year:

(a) The maximum millage rate that a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district may levy is a rolled-back rate based on the amount of taxes actually ~~which would have been~~ levied in the prior year ~~if the maximum millage rate had been applied~~, adjusted for change in per capita Florida personal income, unless the change in per capita Florida personal income is negative ~~a higher rate was adopted~~, in which case the maximum is the rolled-back ~~adopted~~ rate. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 and which did so in fiscal year 2007 shall exclude the revenues required to be contributed to the county public general hospital

27 in the current fiscal year for the purposes of making the  
 28 maximum millage rate calculation, but shall be added back to the  
 29 maximum millage rate allowed after the roll back has been  
 30 applied, the total of which shall be considered the maximum  
 31 millage rate for such a county for purposes of this subsection.  
 32 The revenue required to be contributed to the county public  
 33 general hospital for the upcoming fiscal year shall be  
 34 calculated as 11.873 percent times the millage rate levied for  
 35 countywide purposes in fiscal year 2007 times 95 percent of the  
 36 preliminary tax roll for the upcoming fiscal year. A higher rate  
 37 may be adopted only under the following conditions:

38 1. A rate of not more than 110 percent of the rolled-back  
 39 rate based on the amount of taxes actually levied in the prior  
 40 year ~~previous year's maximum millage rate~~, adjusted for change  
 41 in per capita Florida personal income, may be adopted if  
 42 approved by a two-thirds vote of the membership of the governing  
 43 body of the county, municipality, or independent district; or

44 2. A rate in excess of 110 percent may be adopted if  
 45 approved by a unanimous vote of the membership of the governing  
 46 body of the county, municipality, or independent district or by  
 47 a three-fourths vote of the membership of the governing body if  
 48 the governing body has nine or more members, or if the rate is  
 49 approved by a referendum.

50  
 51 Any unit of government operating under a home rule charter  
 52 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State

53 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
54 State Constitution of 1968, which is granted the authority in  
55 the State Constitution to exercise all the powers conferred now  
56 or hereafter by general law upon municipalities and which  
57 exercises such powers in the unincorporated area shall be  
58 recognized as a municipality under this subsection. For a  
59 downtown development authority established before the effective  
60 date of the 1968 State Constitution which has a millage that  
61 must be approved by a municipality, the governing body of that  
62 municipality shall be considered the governing body of the  
63 downtown development authority for purposes of this subsection.  
64 Section 2. This act shall take effect July 1, 2016.





**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1039 Babcock Ranch Community Independent Special District, Charlotte and Lee Counties  
**SPONSOR(S):** Caldwell  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Monroe	Miller
2) Finance & Tax Committee	16 Y, 0 N	Aldridge	Langston
3) Local & Federal Affairs Committee		Monroe <i>KDM</i>	Kiner <i>VLK</i>

**SUMMARY ANALYSIS**

The Babcock Ranch Community Special District (District) is an independent district located in Charlotte County. This bill will expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the District from approximately 13,630 acres to approximately 17,787 acres. The bill also makes conforming changes to the enabling act to reflect that the District will now be located in both Lee and Charlotte Counties. The bill updates statutory references to Chapter 189, F.S. Finally, the bill changes a provision regarding the District's public facilities report to indicate that the counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.

The bill provides that sections 6 and 7 shall take effect upon the bill becoming law.

Section 7 provides for the remaining sections of the bill, and the inclusion of property in Lee County, to be approved by a majority of qualified landowners within the existing district and within the seven parcels proposed for addition at a landowners' meeting to be held within 90 days from the effective date of the act.

Section 7 reiterates the provisions in the present charter that the District's authority to levy ad valorem taxes and issue general obligation bonds shall take effect only after approval by a majority of qualified electors in the District at a referendum to be conducted only after all members of the District's governing board themselves are qualified District voters elected by the other voters in the District.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

The Babcock Ranch Community Special District (District) is an independent special district created in 2007 and located in Charlotte County.<sup>1</sup> The boundaries of the district currently encompass approximately 13,630 acres in Charlotte County.<sup>2</sup> The purpose of the District is to plan, construct, maintain, operate, finance, and improve the provision of systems, facilities, and services necessary to meet the infrastructure needs of the Babcock Ranch Community – a sustainable, compact, mixed-use community.<sup>3</sup>

##### Proposed Changes

The bill will expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the district from approximately 13,630 acres to approximately 17,787 acres total.

The bill also makes conforming changes to the enabling act to reflect that the District will now be located in both Lee and Charlotte Counties. These changes include changing the term “Charlotte County” to “Charlotte and Lee Counties” and changing references from “the county” to “the counties” or “the respective county.”

The bill provides that if an amendment to the District’s boundaries or powers is proposed which only affects one county, the District only need obtain a resolution or statement from the affected county before such change may be considered by the Legislature.

The bill also updates statutory references to ch. 189, F.S., to conform with the changes which have been made to the statute since 2007.

The bill specifies that ss. 6 and 7 of the bill will take effect upon becoming law. The remainder of the bill will take effect upon approval by a majority vote of the owners of the land within the district, including land in Charlotte and Lee Counties, who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners’ meeting to be held within 90 days after this section is effective. Finally, this section reiterates the provisions in the present charter that the District’s authority to levy ad valorem taxes and issue general obligation bonds shall take effect only after approval by a majority of qualified electors in the District at a referendum to be conducted only after all members of the District’s governing board themselves are qualified District voters elected by the other voters in the District.<sup>4</sup>

Finally, the bill changes a provision regarding the District’s public facilities report to indicate that the Counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.

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<sup>1</sup> Ch. 2007-306, Laws of Fla.

<sup>2</sup> Section 4, Chapter 2007-306, L.O.F.

<sup>3</sup> Section 2, Chapter 2007-306, L.O.F.

<sup>4</sup> Sections 5 and 6, Chapter 2007-306, L.O.F.

**SECTION DIRECTORY:**

- Section 1: Amends s. 2, ch. 2007-306, L.O.F., to amend definitions, specify how certain boundary or power amendments will be approved, and make changes conforming to the rest of the bill.
- Section 2: Amends s. 3, ch. 2007-306, L.O.F., to update statutory references and to make changes conforming to the rest of the bill.
- Section 3: Amends s. 4, ch. 2007-306, L.O.F., to expand the borders of the Babcock Ranch Community Special District.
- Section 4: Amends s. 5, ch. 2007-306, L.O.F., to update statutory references and to make changes conforming to the rest of the bill.
- Section 5: Amends s. 6, ch. 2007-306, L.O.F., to change certain reporting requirements, update statutory references and to make changes conforming to the rest of the bill.
- Section 6: Specifies that the election provided for in Section 7 of the bill will be held on a one-acre/one-vote basis.
- Section 7: Provides effective dates.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 21, 2015 and October 22, 2015

WHERE? Charlotte Sun and News-Press

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? At a landowner's meeting to be held within 90 days of the effective date of this act.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

# The News-Press media group

news-press.com A GANNETT COMPANY

Attn:  
**HOPPING GREEN & SAMS PA**  
**119 S MONROE ST STE 300**  
**TALLAHASSEE, FL 32301**

STATE OF FLORIDA COUNTY OF LEE:  
Before the undersigned authority personally appeared Shari Terrell, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

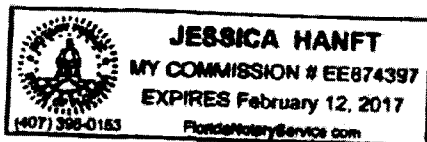
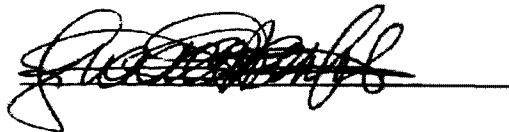
**NOTICE**

In the Second Judicial Circuit Court was published in said newspaper in the issues of:

19/21/15

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never 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 21th of October 2015, by Shari Terrell who is personally known to me.



**Notice of Intent to Seek Legislation**

**TO WHOM IT MAY CONCERN:** Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of an intent to seek legislation before the 2016 Legislature and any Special or Extended Sessions amending the Chapter 2007-308, Laws of Florida, relating to the Babcock Ranch Community Independent Special District in Charlotte County. This legislation expands the boundaries of the Babcock Ranch Independent Special District to include areas of Lee County; provides legislative intent and procedures of the District; describes the amended District boundaries; provides for a governing board, board member qualifications, terms of office, election procedures and compensation; provides District powers and revenue raising capabilities; provides for appropriate referenda in charter and provides an effective date.  
Ad. 805790 Oct. 21, 2015

**Notice of Intent to Seek Legislation**

**TO WHOM IT MAY CONCERN:** Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of an intent to seek legislation before the 2016 Legislature and any Special or Extended Sessions amending the Chapter 2007-308, Laws of Florida, relating to the Babcock Ranch Community Independent Special District in Charlotte County. This legislation expands the boundaries of the Babcock Ranch Independent Special District to include areas of Lee County; provides legislative intent and procedures of the District; describes the amended District boundaries; provides for a governing board, board member qualifications, terms of office, election procedures and compensation; provides District powers and revenue raising capabilities; provides for appropriate referenda in charter and provides an effective date.  
Ad. 805790 Oct. 21, 2015

**THE NEWS-PRESS**  
Published every morning  
Daily and Sunday  
Fort Myers, Florida  
**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

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

**Notice Of Meeting**

In the matter of:

**Lee County Legislative Delegation**

In the court was published in said newspaper in the issues of  
**Sept. 3, 2015**

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

*Shari Terrell*

Sworn to and subscribed before me this 3<sup>rd</sup> day of September, 2015.

by **Shari Terrell**  
personally known to me or who has produced

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

Notary Public

*Jessica Hanft*

Print Name: **Jessica Hanft**  
My commission Expires: **February 12, 2017**



**LEE COUNTY LEGISLATIVE DELEGATION MEETING AND PUBLIC HEARING**

The Lee County Legislative Delegation Meeting has been set for Wednesday, October 14, 2015, in the Myrking Building (Room AA-177) at Florida Southwestern State College. The meeting is scheduled to begin at 9:00am until 5:00pm, or upon completion of the agenda and public comment. The Delegation will conduct local business including a public hearing on local bills (if filed), funding requests and other issues for which people may have registered to speak.

The deadline for submitting local bills to the Delegation is 5:00pm on Friday, October 2, 2015. All local bills must be accompanied by completed paperwork required by the Florida Legislature, including original signatures of the legislative sponsors, and should be forwarded to Representative Caldwell at 15191 Homestead Road, Building A, Lehigh Acres, FL 33971.

Requests for placement on the meeting agenda must be submitted in writing to Staff Representative Matt Caldwell, Chairman, Lee County Legislative Delegation, 15191 Homestead Road, Building A, Lehigh Acres, FL 33971, no later than Friday, October 2, 2015 at 5:00pm. Requests made by electronic mail will be acknowledged within two (2) days of receiving the request.

Presenters who wish to provide supporting materials to the Delegation must submit three (3) copies of those materials to the address above by 5:00pm on Friday, October 2, 2015. Each set of materials must be printed on letter-size paper and three-hole punched at the left margin. Please submit a copy of supporting materials by electronic mail as well.

The deadline to register to make a general presentation (not related to local bills) to the Delegation is also 5:00pm on Friday, October 2, 2015. All requests for time on the agenda must be submitted in writing via email to charlotte.codle@myfl.orcidhouse.gov. The agenda for the meeting will be set by Tuesday, October 6, 2015 and will be changed only to accommodate unforeseen emergencies.

For more information, please contact Charlotte Codle, Legislative Assistant to Representative Caldwell, at 239-494-0161. All meetings of the Lee County Legislative Delegation are open to the public. No. 1502893 September 3, 2015

# SUN NEWSPAPERS


Charlotte • DeSoto • Englewood • North Port • Venice

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

Before the undersigned authority personally appeared Natalie Musser, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intent to Seek Legislation, was published in said newspaper in the issue(s) of:

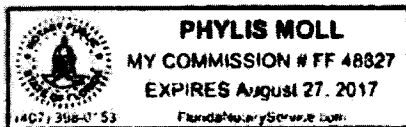
October 22, 2015

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte 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 said newspaper.

  
(Signature of Affiant)

Sworn and subscribed before me this 22<sup>nd</sup> day of October, 2015.

  
(Signature of Notary Public)



Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

Notice of Intent  
to Seek Legislation  
**TO WHOM IT MAY CONCERN:**  
Pursuant to section 10, Article III, of the Florida Constitution and section 11.02, Florida Statutes, please be advised that notice is hereby given of an intent to seek legislation before the 2016 Legislature and any Special or Extended Sessions amending the Chapter 2007-306, Laws of Florida, relating to the Babcock Ranch Community Independent Special District in Charlotte County. This legislation expands the boundaries of the Babcock Ranch Independent Special District to include areas of Lee County; provides legislative intent and procedures of the District; describes the amended District boundaries; provides for a governing board, board member qualifications, terms of office, election procedures and compensation; provides District powers and revenue raising capabilities; provides for appropriate referenda in charter and provides an effective date.  
Publish: October 22, 2015  
233250 3232889

**HOUSE OF REPRESENTATIVES  
2016 LOCAL BILL CERTIFICATION FORM**

**BILL #:** HB 1039  
**SPONSOR(S):** Representative Roberson & Representative Caldwell  
**RELATING TO:** Babcock Ranch Community Independent Special District, Charlotte and Lee Counties  
(Indicate Area Affected (City, County, or Special District) and Subject)  
**NAME OF DELEGATION:** Charlotte County  
**CONTACT PERSON:** Jae Williams  
**PHONE NO.:** (941) 613-0914 **E-Mail:** Jae.Williams@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: October 15, 2015

Location: Punta Gorda Isles Civic Association, 2001 Shreve Street, Punta Gorda 33950

(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 22, 2015

Where? Charlotte Sun County Charlotte



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)

12/30/15  
Date

Kenneth L. Roberson  
\_\_\_\_\_  
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 1039  
**SPONSOR(S):** Rep. Caldwell & Rep. Roberson  
**RELATING TO:** Charlotte and Lee Counties - Babcock Ranch Independent Special District  
[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 proposal would expand the boundaries of the Babcock Ranch Community Independent Special District ("District") by 4,157.2 acres in Lee County ("Expansion Area"). There is no residential or commercial development planned for this area which is currently expected to be used for sports fields sometime in the future (3-to-5 years at the earliest).

**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: The expansion provides additional recreational opportunities in the future.
2. Advantages to Businesses: The expansion will provide additional customers for local businesses from the spectators and the participants in the expected sporting events.
3. Advantages to Government: At no cost to the State, local or federal governments recreational sports fields will be developed.

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

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2. Disadvantages to Businesses: Some existing, low quality, range land would be converted for use as sporting fields with supporting low impact development.

3. Disadvantages to Government: None

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

The District would be responsible for providing services and infrastructure to support the expected recreational uses in the Expansion Area. Charlotte County would provide public safety services.

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**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 attached Statement of Estimated Regulatory Costs.

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**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.

**Henry H. Fishkind, Ph.D.**

Digitally signed by Henry H. Fishkind,  
Ph.D.

PREPARED BY:

Date: 2015.12.01 11:35:52 -05'00'

**[Must be signed by Preparer]**

Print preparer's name:

**Henry H. Fishkind, Ph.D.**

**December 1, 2015**

**Date**

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

REPRESENTING:

**The District**

PHONE:

**407-382-3256**

E-MAIL ADDRESS:

**Hankf@fishkind.com**

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1039  
SPONSOR(S): Representative Matt Caldwell  
RELATING TO: Babcock Ranch Community Independent Special District, Charlotte and Lee Counties  
[Indicate Area Affected (City, County, or Special District) and Subject]  
NAME OF DELEGATION: Lee County  
CONTACT PERSON: Charlotte Codie  
PHONE NO.: (239) 694-0161 E-Mail: Charlotte.Codie@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: October 14, 2015

Location: Florida Southwestern State College, Nursing Building (Room AA-177), 8099 College Pkwy, Fort Myers, FL 33919

(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 21, 2015

Where? News-Press County Lee

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

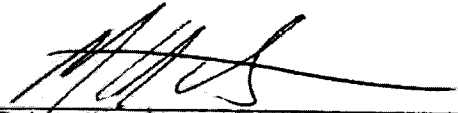
**(2) Does this bill change the authorized ad valorem millage rate for an existing special district?**

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)

01/04/2016  
\_\_\_\_\_  
Date

Matt Caldwell  
\_\_\_\_\_  
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 1039  
**SPONSOR(S):** Representative Matt Caldwell  
**RELATING TO:** Babcock Ranch Community Independent Special District, Charlotte and Lee 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.

The proposal would expand the boundaries of the Babcock Ranch Community Independent Special District ("District") by 4,157.2 acres in Lee County ("Expansion Area"). There is no residential or commercial development planned for this area which is currently expected to be used for sports fields sometime in the future (3-to-5 years at the earliest).



**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: The expansion provides additional recreational opportunities in the future.
2. Advantages to Businesses: The expansion will provide additional customers for local businesses from the spectators and the participants in the expected sporting events.
3. Advantages to Government: At no cost to the State, local or federal governments recreational sports fields will be developed.

**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: Some existing, low quality, range land would be converted for use as sporting fields with supporting low impact development.

3. Disadvantages to Government: None

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

The District would be responsible for providing services and infrastructure to support the expected recreational uses in the Expansion Area. Charlotte County would provide public safety services.

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

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

**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.

**Henry H. Fishkind, Ph.D.** Digitally signed by Henry H. Fishkind,  
Ph.D.

PREPARED BY:

Date: 2015.12.01 11:35:52 -05'00'

**[Must be signed by Preparer]**

Print preparer's name: Henry H. Fishkind, Ph.D.

December 1, 2015

**Date**

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

REPRESENTING: The District

PHONE: 407-382-3256

E-MAIL ADDRESS: Hankf@fishkind.com

## **STATEMENT OF ESTIMATED REGULATORY COSTS**

### **BOUNDARY EXPANSION OF THE BABCOCK RANCH INDEPENDENT SPECIAL DISTRICT**

#### **1.0 Introduction**

##### **1.1 Purpose and Scope**

This statement of estimated regulatory costs ("SERC") supports the petition to expand the boundaries of Babcock Ranch Community Independent Special District ("District"). The District's boundaries are proposed to be expanded to include 4,157.2 acres in Lee County. The District will provide infrastructure and community services to the additional acreage.

##### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), FS defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.
- (d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.
- (e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.
- (f) Any additional information that the agency determines may be useful.
- (g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule

**2.0 Will the proposed expansion of the District directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?**

No. Although development alternatives are being considered, over the next five years there is no development planned for the expansion area. However, if the District's plans for infrastructure development should change, any impact would be positive for economic growth, private sector

job creation, employment and investment. The accelerated installation of District infrastructure would support private development and construction giving rise to increased employment and private sector investment.

- 3.0 Will the proposed expansion of the District directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule**

No. Although development alternatives are being considered, over the next five years there is no development planned for the expansion area. However, if the District's plans for infrastructure development should change, it would have a positive impact on business competitiveness by supporting private sector investment and supporting increases in the productivity of the property. There would be no adverse impact on the ability of any person to compete with others in other states or in alternative domestic markets in light of the location of the expansion area.

- 4.0 Will the proposed expansion of the District directly or indirectly increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule**

No. Although development alternatives are being considered, over the next five years there is no development planned for the expansion area. However, if the District's plans for infrastructure development should change, then the District would impose special assessments on the properties in the expansion area benefitting from the District's infrastructure. However, the precise nature and amount of any such assessments, if any, are not known at this time.

**5.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.**

If this petition is granted, all landowners within the proposed expansion area of the District will come under the jurisdiction of the District. This will include the property of the current landowner prior to the development and sale of its property in the expansion area.

**6.0 Good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.**

Cost to State Government Entities

The proposed expansion of the District will add 4,157.2 acres of land located in Lee County. Since the District was established by the Legislature, the Legislature's staff will process the petition to expand the District's boundaries.

The processing of the petition and the analysis of the petition by the staff of the Legislature will absorb staff time and resources. However, these costs will be minimal because: (a) the petition contains all of the information necessary for its review requiring no additional research and (b) the Legislative staff is already in place and is very experienced in reviewing similar matters. In this case the issues are relatively simple and straightforward requiring little staff time and resources.

The ongoing costs to various State entities to implement and enforce the proposed boundary amendment relate strictly to the receipt and processing of various reports that the District is required to file annually with the State and its various entities. These annual reports are outlined in the attached Appendix. However, the costs to these State agencies that will receive and process the reports will not be increased because the District would have been required to file these annual reports regardless of whether the proposed boundary amendment is approved.

### Cost to Lee County

Lee County ("County") staff also will analyze the petition to expand the District's boundaries. These activities will absorb some County resources. However, these costs to the County are likely to be minimal for a number of reasons. First, review of the petition does not include analysis of the development to be served by the District. Second, the petition itself provides much of the information needed for a staff review. Third, the County currently employs the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land use and zoning changes that are far more complex than is the petition to amend the boundaries of an existing community development district.

The annual costs to Lee County, related to the continued existence of the District, are also very small and are within the control of the local government. The District is an independent unit of local government. The only annual costs incurred are the minimal costs of receiving and to the extent desired, reviewing the various reports that the District is required to provide to the local governments.

### Impact on State and Local Revenue

Adoption of the proposed ordinance will have no negative impact on State or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No State or local subsidies are required or expected. Furthermore, the petition involves only the amendment of the boundaries of an existing District.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any unit of local government. By State law debts of the District are strictly its own responsibility.



**7.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.**

The District already exists and plans to provide community facilities and services to a portion of the Development. The proposal is to expand the District's boundaries. However, there will be no change in the scope of facilities or services provided by the District. The District will provide precisely the same services and facilities to the new District areas that it planned on providing to the lands located within the current boundaries of the District.

However, prospective future landowners in the expansion area of the District may be required to pay non-ad valorem assessments levied by the District to fund the installation of capital improvements in the expansion area. In addition to the levy of non ad valorem assessments for debt service, the District will also impose a non ad valorem assessment to fund the operations and maintenance of the District and its facilities and services if any such services and facilities are installed in the expansion area.

It is important to note that the various costs referenced above are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Instead, the facilities and services provided by the District are substituting in part for developer provided infrastructure and facilities. Along these same lines, District imposed assessments for operations and maintenance cost are similar to what would be charged in any event by a property owner's association common to most master planned developments.

Real estate markets are quite efficient, because buyers and renters evaluate all of the cost and benefits associated with various alternative locations. Therefore, market forces preclude developers from marking up the prices of their products beyond what the competition allows. To remain competitive the operations and maintenance charges must also be in line with the competition.

Furthermore, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides.

The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal services taxing unit (MSTU), a neighborhood association, County provision (directly or via a dependent special district), or through developer-bank loans.

**8.0 An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.**

There will be no impact on small businesses because of the amendment of the District's boundaries. If anything, the impact may be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

Charlotte County has an estimated population greater than 25,000 in the most current census (2010). Therefore, the County is not defined as a "small" County according to Section 120.52, F.S. However, as noted above there will be no adverse impact on either local government or small business due to the amendment of the District's boundaries.

**9.0 Any additional information that the agency determines may be useful.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits.

Finally, it is useful to reflect upon the question of whether the District is the best alternative to provide community facilities and services to the Development. As an alternative to the District, the County could approve a dependent special district for the area, such as an MSBU or a special taxing district under Chapter 170, F.S. Either of these alternatives could finance the improvements contemplated in Table 2 in a fashion similar to the proposed District.

However, unlike the District, the alternatives would require the County to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District. In addition, administering a project of the size and complexity of the development program anticipated for the District is very significant and expensive undertaking.

With a District, residents and renters within the District would have a focused unit of government under their direct control. The District can then be more responsive to resident needs without disrupting other County responsibilities.

Third, any debt of a District is strictly the District's responsibility. While it may be technically true that the debt of the County-established, dependent special district, is not strictly the County's responsibility, any financial problems that the special District may have inevitably will entangle the County. This will not be the case if the District's boundaries are amended.

Another alternative to the District would be for the developer to provide the infrastructure and to use a property owners association (POA) for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA a District can impose and collect its assessments along with other property

taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA.

Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations.

**10.0 In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule**

No regulatory alternatives were submitted. Alternatives to the proposed rule were discussed above in paragraph 9.

**APPENDIX A  
LIST OF REPORTING REQUIREMENTS**

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	11.45	9 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 - Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 Days after

1                                   A bill to be entitled  
 2           An act relating to the Babcock Ranch Community  
 3           Independent Special District, Charlotte and Lee  
 4           Counties; amending chapter 2007-306, Laws of Florida;  
 5           expanding the Babcock Ranch Community Independent  
 6           Special District to include areas of Lee County;  
 7           amending legislative intent, definitions, legislative  
 8           policy, district creation and establishment, governing  
 9           board administrative duties, district budgets and  
 10          financial reports, and district powers to include  
 11          references to Lee County; amending the district's  
 12          legal boundaries to include areas of Lee County;  
 13          requiring district governing board election procedures  
 14          to involve officials from both counties; requiring  
 15          general obligation bond elections to occur in both  
 16          counties; authorizing the levy and collection of non-  
 17          ad valorem maintenance taxes in both counties;  
 18          providing for required notices to be published in both  
 19          counties; requiring a referendum; providing an  
 20          effective date.

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

23  
 24           Section 1. Paragraphs (a), (g), (j), (n), (o), (p), and  
 25           (q) of subsection (1), paragraphs (f) and (w) of subsection (2),

26 and paragraphs (a), (d), and (f) of subsection (3) of section 2  
 27 of chapter 2007-306, Laws of Florida, are amended to read:

28 Section 2. Legislative findings and intent; definitions;  
 29 policy.-

30 (1) LEGISLATIVE FINDINGS AND INTENT.-

31 (a) The unincorporated areas ~~area~~ of southeastern  
 32 Charlotte County and northeastern Lee County, including the  
 33 Babcock Ranch lands, are unique and special with a need towards  
 34 protecting natural resources and retaining a viable agricultural  
 35 system while protecting private property rights and promoting a  
 36 sound economy.

37 (g) There are two alternatives for the creation of  
 38 independent special districts for properties of this size: the  
 39 establishment by rule of the Governor and Cabinet of one or more  
 40 uniform community development districts over the property; and  
 41 the establishment by special act of the Legislature of a single  
 42 independent special district meeting the minimum requirements of  
 43 chapter 189, Florida Statutes, the applicable district  
 44 accountability general law. Use of this special act, created  
 45 under chapter 189, Florida Statutes, is the better of the two  
 46 alternatives in this case because it will allow for use of a  
 47 single special district, with longer involvement and  
 48 responsibility on the part of the initial landowner, which will  
 49 result in better intergovernmental coordination and lower  
 50 administrative costs for Charlotte County, Lee County, and the  
 51 district, including its landowners and residents. ~~Additionally,~~

52 ~~use of this special act will provide the flexibility to include~~  
 53 ~~within the district, at a later date, contiguous Babcock Ranch~~  
 54 ~~lands within Lee County, whereas chapter 190, Florida Statutes,~~  
 55 ~~would prevent a single uniform community development district~~  
 56 ~~from crossing county lines.~~ Additionally, use of this special  
 57 act updates the charter of a uniform community development  
 58 district under chapter 190, Florida Statutes, eliminates  
 59 potential for its abuse, clarifies and sets forth certain  
 60 uniform procedures for liens on property, and makes other  
 61 substantial reforms to the benefit of the people of Charlotte  
 62 and Lee Counties County and future landowners, residents, and  
 63 visitors.

64 (j) The existence and use of such a limited, specialized  
 65 single-purpose local government for the Babcock Ranch Community,  
 66 subject to the respective Charlotte county comprehensive plan  
 67 and land development regulations, will result in a higher  
 68 propensity to provide for orderly development and prevent urban  
 69 sprawl; protect and preserve environmental and conservation uses  
 70 and assets; potentially enhance the market value for both  
 71 present and future landowners of the property consistent with  
 72 the need to protect private property; potentially enhance the  
 73 net economic benefit to Charlotte and Lee Counties County,  
 74 including an enhanced tax base to the benefit of all present and  
 75 future taxpayers in Charlotte and Lee Counties County; and  
 76 result in the sharing of costs of providing certain systems,



77 facilities, and services in an innovative, sequential, and  
 78 flexible manner within the area to be serviced by the district.

79 (n) In order to be responsive to the critical timing  
 80 required through the exercise of its special management  
 81 functions, an independent district requires financing of those  
 82 functions, including bondable, lienable, and nonlienable  
 83 revenue, with full and continuing public disclosure and  
 84 accountability, funded by landowners, both present and future,  
 85 and funded also by users of the systems, facilities, and  
 86 services provided to the land area by the district, without  
 87 burdening the taxpayers and citizens of the state, Charlotte  
 88 County, Lee County, or any municipality therein.

89 (o) The district created and established by this act shall  
 90 not exercise or have any comprehensive planning, zoning, or  
 91 development permitting power; the establishment of the district  
 92 shall not be considered a development order within the meaning  
 93 of chapter 380, Florida Statutes; and all applicable planning  
 94 and permitting laws, rules, regulations, agreements, and  
 95 policies of Charlotte and Lee Counties ~~County~~ shall control the  
 96 development of the land within each respective county to be  
 97 served by the district.

98 (p) ~~The creation by This act of the Babcock Ranch~~  
 99 ~~Community Independent Special District~~ is not inconsistent with  
 100 either the Charlotte County or Lee County comprehensive plan.

101 (q) Neither Charlotte County nor Lee County objects ~~does~~  
 102 ~~not object~~ to the creation of the district.

103 (2) DEFINITIONS.—As used in this act:

104 (f) "Babcock Ranch Community" means that portion of the  
 105 Babcock Ranch to be developed with a new, sustainable, compact,  
 106 mixed-use community pursuant to that certain Interlocal Planning  
 107 Agreement for the Babcock Ranch, dated January 24, 2006, among  
 108 the Florida Department of Community Affairs, Lee and Charlotte  
 109 Counties, and the then contract purchaser of the Babcock Ranch,  
 110 and pursuant to development approvals issued or to be issued by  
 111 Lee and Charlotte Counties ~~County and Charlotte County~~,  
 112 consisting of approximately 17,800 acres. ~~The subject of this~~  
 113 ~~act is that portion of the Babcock Ranch Community located in~~  
 114 ~~Charlotte County, consisting of approximately 13,631 acres, as~~  
 115 described in section 4.

116 (w) "Qualified elector" means any person at least 18 years  
 117 of age or older, who is a citizen of the United States, a legal  
 118 resident of the state and the district, ~~and~~ who registers to  
 119 vote with the Supervisor of Elections in Charlotte County or Lee  
 120 County, and resides in either Charlotte County or Lee County.

121 (3) POLICY.—Based upon its findings, ascertainments,  
 122 determinations, intent, purpose, and definitions, the  
 123 Legislature states its policy expressly:

124 (a) The district and the district charter, with its  
 125 general and special powers, as created in this act, are  
 126 essential and the best alternative for the residential,  
 127 commercial, and other community uses, projects, or functions in  
 128 the included portions ~~portion~~ of Charlotte County and Lee County

129 consistent with the effective comprehensive plans and serve a  
 130 lawful public purpose.

131 (d) The district shall operate and function subject to,  
 132 and not inconsistent with, the applicable comprehensive plan of  
 133 either Charlotte County or Lee County ~~comprehensive plan~~ and any  
 134 applicable development orders, zoning regulations, and other  
 135 land development regulations.

136 (f) This act may be amended, in whole or in part, only by  
 137 subsequent special act of the Legislature. No amendment to this  
 138 act that alters the district boundaries or the general or  
 139 special powers of the district may be considered by the  
 140 Legislature unless it is accompanied by a resolution or official  
 141 statement as provided for in section 189.031(2)(e)4.

142 ~~189.404(2)(e)4.~~, Florida Statutes. However, if an amendment  
 143 alters the district boundaries in only one county, or affects  
 144 the district's special powers in only one county, it is  
 145 necessary to secure the resolution or statement from only the  
 146 affected county.

147 Section 2. Subsection (1) of section 3 of chapter 2007-  
 148 306, Laws of Florida, is amended to read:

149 Section 3. Creation and establishment; jurisdiction;  
 150 construction; charter with legal description.-

151 (1) The Babcock Ranch Community Independent Special  
 152 District, which also may be referred to as the "district," is  
 153 created and incorporated as a public body corporate and politic,  
 154 an independent, limited, special purpose local government, an

155 independent special district under section 189.031 ~~189.404~~,  
 156 Florida Statutes, and as defined in this act and section  
 157 189.012(3) ~~189.403(3)~~, Florida Statutes, in and for a certain  
 158 portions ~~portion~~ of Charlotte County and Lee County. Any  
 159 amendments to chapter 190, Florida Statutes, after January 1,  
 160 2007, granting additional general powers, special powers,  
 161 authorities, or projects to a community development district by  
 162 amendment to its uniform charter, sections 190.006-190.041,  
 163 Florida Statutes, shall constitute a general power, special  
 164 power, authority, or function of the Babcock Ranch Community  
 165 Independent Special District. All notices for the enactment by  
 166 the Legislature of this special act have been provided pursuant  
 167 to the State Constitution, laws of the state, and the Rules of  
 168 the Florida House of Representatives and of the Florida Senate.

169 Section 3. Section 4 of chapter 2007-306, Laws of Florida,  
 170 is amended to read:

171 Section 4. Legal description of the Babcock Ranch  
 172 Community Independent Special District.-

173  
 174 LEGAL DESCRIPTION. The metes and bounds legal  
 175 description of the district, within which there are no  
 176 parcels of property owned by those who do not wish  
 177 their property to be included within the district, is  
 178 as follows:

179  
 180 CHARLOTTE COUNTY PARCEL:

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A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E,

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

207 | along the North line of Section 1, Township 43 South,  
 208 | Range 26 East, a distance of 3,430.66 feet; Thence  
 209 | N00°00'40"W a distance of 10,185.53 feet; Thence  
 210 | N05°46'23"E a distance of 1,058.56 feet; Thence  
 211 | N66°40'38"W a distance of 200.62 feet; Thence  
 212 | S83°12'47"W a distance of 1,373.33 feet; Thence  
 213 | N30°17'33"W a distance of 1,686.63 feet; Thence  
 214 | N70°02'41"W a distance of 1,332.41 feet; Thence  
 215 | S72°42'44"W a distance of 1,430.81 feet; Thence  
 216 | N49°18'31"W a distance of 2,362.25 feet; Thence  
 217 | S69°00'57"W a distance of 1,518.19 feet; Thence  
 218 | S21°08'17"W a distance of 865.44 feet; Thence  
 219 | S20°29'11"E a distance of 1,376.91 feet; Thence  
 220 | N74°38'25"E a distance of 1,635.69 feet; Thence  
 221 | S00°18'50"E a distance of 1,309.92 feet; Thence  
 222 | S89°45'02"W a distance of 4,154.48 feet; Thence  
 223 | N51°39'36"W a distance of 782.53 feet; Thence  
 224 | N04°14'12"E a distance of 1,329.59 feet; Thence  
 225 | N39°20'59"W a distance of 1,779.16 feet; Thence  
 226 | N42°01'35"W a distance of 1,162.94 feet; Thence  
 227 | S52°01'16"W a distance of 818.34 feet; Thence  
 228 | S62°56'46"W a distance of 516.42 feet; Thence  
 229 | S89°59'33"W a distance of 307.20 feet; Thence  
 230 | N80°06'18"W a distance of 334.84 feet; Thence  
 231 | N20°54'51"W a distance of 336.86 feet; Thence  
 232 | N05°03'05"E a distance of 533.35 feet; Thence

233 N22°47'49"E a distance of 5,490.82 feet; Thence  
 234 N55°42'26"E a distance of 195.73 feet; Thence  
 235 N21°59'06"W a distance of 1,739.17 feet; Thence  
 236 N52°37'55"E a distance of 867.75 feet; Thence  
 237 N13°36'57"W a distance of 2,507.33 feet; Thence  
 238 S78°50'16"W a distance of 687.95 feet; Thence  
 239 N19°48'25"W a distance of 366.25 feet; Thence  
 240 N08°01'21"W a distance of 493.32 feet; Thence  
 241 N03°43'40"E a distance of 687.22 feet; Thence  
 242 N00°28'20"E a distance of 674.51 feet; Thence  
 243 N25°12'33"W a distance of 261.13 feet; Thence  
 244 N42°54'55"W a distance of 643.19 feet; Thence  
 245 N07°19'37"W a distance of 171.40 feet; Thence  
 246 N13°05'30"E a distance of 201.96 feet; Thence  
 247 N32°40'01"W a distance of 186.12 feet; Thence  
 248 N05°04'15"W a distance of 1,832.77 feet; Thence  
 249 N19°47'08"W a distance of 527.20 feet; Thence  
 250 N26°13'22"W a distance of 802.13 feet; Thence  
 251 S79°06'55"W a distance of 475.20 feet; Thence  
 252 N74°19'19"W a distance of 1,689.05 feet; Thence  
 253 N01°26'06"W a distance of 897.42 feet; Thence  
 254 N89°51'42"W a distance of 67.91 feet; Thence  
 255 N00°00'03"W a distance of 1,218.37 feet; Thence  
 256 N39°50'11"W a distance of 190.86 feet; Thence  
 257 N00°00'29"W a distance of 324.62 feet; Thence  
 258 N89°59'52"W a distance of 688.20 feet; Thence

259 N00°00'00"E a distance of 1,967.22 feet; Thence  
 260 N41°13'25"W a distance of 2,825.17 feet; Thence  
 261 S89°59'57"W a distance of 3,566.80 feet; Thence  
 262 S00°00'03"E a distance of 2,799.34 feet; Thence  
 263 S89°11'17"W a distance of 5,960.98 feet to a point  
 264 lying 50.00 feet East of the East right-of-way line  
 265 for State Road No. 31; Thence along a line 50.00 feet  
 266 East of, and parallel with, the East right-of-way line  
 267 for State Road No. 31, the following courses and  
 268 distances: S00°48'43"E a distance of 2,976.13 feet and  
 269 S00°34'01"W a distance of 786.25 feet; Thence  
 270 S89°25'59"E a distance of 4,104.32 feet; Thence  
 271 S00°01'22"E a distance of 2,084.04 feet; Thence  
 272 S16°46'15"E a distance of 1,740.24 feet; Thence  
 273 S09°11'59"W a distance of 1,325.85 feet; Thence  
 274 S73°15'18"E a distance of 661.15 feet; Thence  
 275 N59°20'29"E a distance of 577.75 feet; Thence  
 276 S38°10'48"E a distance of 551.46 feet; Thence  
 277 S86°25'58"E a distance of 385.80 feet; Thence  
 278 S24°01'11"E a distance of 975.12 feet; Thence  
 279 S57°46'34"E a distance of 530.20 feet; Thence  
 280 S70°04'12"E a distance of 1,843.47 feet; Thence  
 281 N63°01'21"E a distance of 1,214.99 feet; Thence  
 282 S50°03'22"E a distance of 2,565.56 feet; Thence  
 283 S13°56'09"W a distance of 1,953.90 feet; Thence  
 284 S12°51'59"E a distance of 1,862.33 feet; Thence



285 S71°59'01"W a distance of 448.53 feet; Thence  
 286 N45°00'57"W a distance of 266.60 feet; Thence  
 287 S69°50'23"W a distance of 1,104.27 feet; Thence  
 288 S28°10'55"E a distance of 1,272.60 feet; Thence  
 289 S62°45'03"W a distance of 4,638.30 feet; Thence  
 290 S82°12'01"W a distance of 711.48 feet; Thence  
 291 S81°38'00"W a distance of 5,167.82 feet; Thence  
 292 N77°54'41"W a distance of 707.32 feet; Thence  
 293 N89°28'15"W a distance of 299.98 feet to a point lying  
 294 50.00 feet East of the East right-of-way line for  
 295 State Road No. 31; Thence along a line 50.00 feet East  
 296 of, and parallel with, the East right-of-way line for  
 297 State Road No. 31, the following courses and  
 298 distances: S00°31'45"W a distance of 4,197.71 feet,  
 299 S00°26'10"W a distance of 5,282.33 feet and  
 300 S00°36'46"W a distance of 5,337.00 feet to the Point  
 301 of Beginning.

302  
 303 Containing 13,630.64 acres, more or less.

304  
 305 Bearings hereinabove mentioned are based on the North  
 306 line of Section 6, Township 43 South, Range 26 East to  
 307 bear S89°41'45"E.

308  
 309 LEE COUNTY PARCEL:  
 310

311 A parcel of land lying within Sections 1 through 7 and  
 312 Section 9, Township 43 South, Range 26 East, Lee  
 313 County, Florida, being more particularly described as  
 314 follows:

315  
 316 Commence at the Southwest corner of Section 31,  
 317 Township 42 South, Range 26 East and run S89°41'45"E,  
 318 along the South line of said Section 31, a distance of  
 319 50.00 feet to a point on the East right-of-way line of  
 320 State Road No. 31, said point also being the Point of  
 321 Beginning of the parcel of land herein described;  
 322 Thence continue S89°41'45"E a distance of 5,189.75  
 323 feet to the Northeast corner of Section 6, Township 43  
 324 South, Range 26 East; Thence S89°41'45"E a distance of  
 325 5,306.08 feet to the Northeast corner of Section 5,  
 326 Township 43 South, Range 26 East; Thence S89°37'16"E a  
 327 distance of 5,289.11 feet to the Northeast corner of  
 328 Section 4, Township 43 South, Range 26 East; Thence  
 329 S89°35'44"E a distance of 5,294.60 feet to the  
 330 Northeast corner of Section 3, Township 43 South,  
 331 Range 26 East; Thence S89°35'44"E a distance of  
 332 5,294.60 feet to the Northeast corner of Section 2,  
 333 Township 43 South, Range 26 East; Thence S89°35'44"E,  
 334 along the North line of Section 1, Township 43 South,  
 335 Range 26 East, a distance of 155.76 feet; Thence  
 336 S09°58'52"W a distance of 4,667.96 feet; Thence

337 S04°10'14"W a distance of 283.52 feet; Thence  
 338 S03°53'19"E a distance of 515.32 feet to a point on  
 339 the South line of Section 2, Township 43 South, Range  
 340 26 East (said point being 558.41 feet West of the  
 341 Southeast corner of said Section 2); Thence  
 342 N88°38'22"W a distance of 2,084.07 feet to the South  
 343 one-quarter corner of said Section 2; Thence  
 344 N88°38'42"W a distance of 2,642.06 feet to the  
 345 Southwest corner of said Section 2; Thence N89°51'49"W  
 346 a distance of 5,300.09 feet to the Southwest corner of  
 347 Section 3, Township 43 South, Range 26 East; Thence  
 348 N89°51'54"W a distance of 2,650.09 feet to the South  
 349 one-quarter corner of Section 4, Township 43 South,  
 350 Range 26 East; Thence S00°23'25"W a distance of  
 351 1,330.65 feet to the Southwest corner of the North  
 352 one-half of the Northeast one-quarter of Section 9,  
 353 Township 43 South, Range 26 East; Thence S06°02'41"E a  
 354 distance of 1,338.36 feet to a point on the North line  
 355 of the Southeast one-quarter of said Section 9 (said  
 356 point being 150.00 feet East of the Northwest corner  
 357 of the Southeast one-quarter of said Section 9);  
 358 Thence S00°22'58"W, parallel with and 150.00 feet East  
 359 of the West line of the Southeast one-quarter of said  
 360 Section 9, a distance of 2,611.56 feet to a point on  
 361 the North right-of-way line of County Road No. 78;  
 362 Thence along said right-of-way line the following

363 courses and distances, N89°54'54"W a distance of  
 364 150.26 feet and N89°54'44"W a distance of 2,648.95  
 365 feet to a point on the West line of said Section 9;  
 366 Thence N00°22'31"E a distance of 2,612.02 feet to the  
 367 West one-quarter corner of said Section 9; Thence  
 368 N00°21'56"E a distance of 2,663.13 feet to the  
 369 Southeast corner of Section 5, Township 43 South,  
 370 Range 26 East; Thence N89°52'00"W a distance of  
 371 2,666.70 feet to the South one-quarter corner of said  
 372 Section 5; Thence N89°50'47"W a distance of 2,667.42  
 373 feet to the Southwest corner of said Section 5; Thence  
 374 S00°23'16"W, along the East line of Section 7,  
 375 Township 43 South, Range 26 East, a distance of  
 376 5,294.00 feet to a point on the North right-of-way  
 377 line of County Road No. 78; Thence Westerly along the  
 378 curved right-of-way line, (said curve being curved  
 379 concave to the North, having a delta angle of  
 380 00°53'52" and a radius of 11,339.17 feet, with a chord  
 381 bearing of N89°19'12"W and a chord length of 177.69  
 382 feet) a distance of 177.69 feet to the end of the  
 383 curve; Thence N88°52'16"W, along said North right-of-  
 384 way line, a distance of 4,406.31 feet to the beginning  
 385 of a curve to the right; Thence along the arc of the  
 386 curved right-of-way line, (said curve being curved  
 387 concave to the Northeast, having a delta angle of  
 388 89°12'05" and a radius of 522.94 feet, with a chord

389 bearing of N44°16'14"W and a chord length of 734.37  
 390 feet) a distance of 814.14 feet to a point on the East  
 391 right-of-way line of State Road No. 31; Thence along  
 392 the East right-of-way line for State Road No. 31, the  
 393 following courses and distances, N00°19'49"E a  
 394 distance of 4,776.07 feet, N00°18'54"E a distance of  
 395 5,313.41 feet and N00°36'46"E a distance of 0.14 feet  
 396 to the Point of Beginning.  
 397 Containing 4,157.2 acres, more or less.  
 398 Bearings hereinabove mentioned are based on the North  
 399 line of Section 6, Township 43 South, Range 26 East to  
 400 bear S89°41'45"E.  
 401 CONTAINING A TOTAL AREA OF 17,787.84 ACRES, PLUS OR  
 402 MINUS.

403  
 404 Section 4. Paragraphs (a) and (d) of subsection (3) and  
 405 subsection (8) of section 5 of chapter 2007-306, Laws of  
 406 Florida, are amended to read:

407 Section 5. Governing board; members and meetings;  
 408 organization; powers; duties; terms of office; related election  
 409 requirements.—

410 (3)(a)1. The board may not exercise the ad valorem taxing  
 411 power or general obligation bond power authorized by this act  
 412 until such time as all members of the board, except for  
 413 nonvoting members, are qualified electors who are elected by  
 414 qualified electors of the district.

415           2.a. Regardless of whether the district has proposed to  
 416 levy ad valorem taxes or issue general obligation bonds, board  
 417 members initially elected by landowners shall be elected by  
 418 qualified electors of the district as the district becomes  
 419 populated with qualified electors. The transition shall occur  
 420 such that the composition of the board, after the first general  
 421 election following a trigger of the qualified elector population  
 422 thresholds set forth below, shall be as follows:

423           (I) Once 4,600 qualified electors reside within the  
 424 district, one voting board member shall be a person who was  
 425 elected by the qualified electors, and four voting board members  
 426 shall be persons who were elected by the landowners.

427           (II) Once 8,900 qualified electors reside within the  
 428 district, two voting board members shall be persons who were  
 429 elected by the qualified electors, and three voting board  
 430 members shall be persons elected by the landowners.

431           (III) Once 22,000 qualified electors reside within the  
 432 district, three voting board members shall be persons who were  
 433 elected by the qualified electors and two voting board members  
 434 shall be persons who were elected by the landowners.

435           (IV) Once 24,000 qualified electors reside within the  
 436 district, four voting board members shall be persons who were  
 437 elected by the qualified electors and one voting board member  
 438 shall be a person who was elected by the landowners.

439 (V) Once 25,000 qualified electors reside within the  
 440 district, all five voting board members shall be persons who  
 441 were elected by the qualified electors.

442  
 443 Nothing in this sub-subparagraph is intended to require an  
 444 election prior to the expiration of an existing board member's  
 445 term.

446 b. On or before June 1 of each year, the board shall  
 447 determine the number of qualified electors in the district as of  
 448 the immediately preceding April 15. The board shall use and rely  
 449 upon the official records maintained by the supervisor of  
 450 elections and property appraiser or tax collector in and for  
 451 each ~~Charlotte~~ county in making this determination. Such  
 452 determination shall be made at a properly noticed meeting of the  
 453 board and shall become a part of the official minutes of the  
 454 district.

455 c. All governing board members elected by qualified  
 456 electors shall be elected at large at an election occurring as  
 457 provided in subsection (2) and this subsection.

458 d. Once the district qualifies to have any of its board  
 459 members elected by the qualified electors of the district, the  
 460 initial and all subsequent elections by the qualified electors  
 461 of the district shall be held at the general election in  
 462 November. The board shall adopt a resolution if necessary to  
 463 implement this requirement. The transition process described

464 herein is intended to be in lieu of the process set forth in  
 465 section 189.041 ~~189.4051~~, Florida Statutes.

466 (d) The supervisors ~~supervisor~~ of elections shall appoint  
 467 the inspectors and clerks of elections, prepare and furnish the  
 468 ballots, designate polling places, and canvass the returns of  
 469 the election of board members by qualified electors. The county  
 470 canvassing boards ~~board~~ shall declare and certify the results of  
 471 the election.

472 (8) The board shall keep a permanent record book entitled  
 473 "Record of Proceedings of Babcock Ranch Community Independent  
 474 Special District," in which shall be recorded minutes of all  
 475 meetings, resolutions, proceedings, certificates, bonds given by  
 476 all employees, and any and all corporate acts. The record book  
 477 and all other district records shall at reasonable times be  
 478 opened to inspection in the same manner as state, county, and  
 479 municipal records pursuant to chapter 119, Florida Statutes. The  
 480 record book shall be kept at the office or other regular place  
 481 of business maintained by the board in a designated location in  
 482 either Charlotte County or Lee County.

483 Section 5. Paragraphs (c) and (d) of subsection (4),  
 484 paragraphs (f) and (g) of subsection (6), paragraph (s) of  
 485 subsection (7), paragraphs (i) and (n) of subsection (10),  
 486 paragraph (c) of subsection (12), paragraph (a) of subsection  
 487 (13), paragraph (a) of subsection (19), paragraph (b) of  
 488 subsection (20), and subsection (26) of section 6 of chapter  
 489 2007-306, Laws of Florida, are amended to read:



490 Section 6. Governing board; general duties.—  
 491 (4) BUDGET; REPORTS AND REVIEWS.—  
 492 (c) At least 60 days prior to adoption, the board of the  
 493 district shall submit to the boards of county commissioners of  
 494 Charlotte and Lee Counties ~~County Board of County Commissioners,~~  
 495 for purposes of disclosure and information only, the proposed  
 496 annual budget for the ensuing fiscal year, and each ~~the~~ board of  
 497 county commissioners may submit written comments to the board of  
 498 the district solely for the assistance and information of the  
 499 board of the district in adopting its annual district budget.  
 500 (d) The board of the district shall submit annually to the  
 501 boards of county commissioners of Charlotte and Lee Counties  
 502 ~~County Board of County Commissioners~~ its district public  
 503 facilities report under section 189.08(2) ~~189.415(2)~~, Florida  
 504 Statutes, which report each ~~the~~ board of county commissioners  
 505 may ~~shall~~ use and rely on in the preparation or revision of its  
 506 comprehensive plan, specifically under section 189.08(6)  
 507 ~~189.415(6)~~, Florida Statutes.  
 508 (6) GENERAL POWERS.—The district shall have, and the board  
 509 may exercise, the following general powers:  
 510 (f) To maintain an office at such place or places as the  
 511 board designates in either Charlotte County or Lee County, and  
 512 within the district when facilities are available.  
 513 (g) To exercise such special powers and other express  
 514 powers as may be authorized and granted by this act in the  
 515 charter of the district, including powers as provided in any

516 interlocal agreement entered into pursuant to chapter 163,  
 517 Florida Statutes, or that shall be required or permitted to be  
 518 undertaken by the district pursuant to any development order or  
 519 development of regional impact, or any other agreement with  
 520 Charlotte County, Lee County, or other governmental entities,  
 521 including, without limitation, any school district, sheriff,  
 522 fire district, drainage district, and health care district for  
 523 proportionate, fair-share, or pipelining capital construction  
 524 funding for any certain capital facilities or systems required  
 525 from the development pursuant to any applicable development  
 526 order or agreement.

527  
 528 The provisions of this subsection shall be construed liberally  
 529 in order to carry out effectively the specialized purpose of  
 530 this act.

531 (7) SPECIAL POWERS.—The district shall have, and the board  
 532 may exercise, the following special powers to implement its  
 533 lawful and special purpose and to provide, pursuant to that  
 534 purpose, systems, facilities, services, improvements, projects,  
 535 works, and infrastructure, each of which constitutes a lawful  
 536 public purpose when exercised pursuant to this charter, subject  
 537 to, and not inconsistent with, the regulatory jurisdiction and  
 538 permitting authority of all other applicable governmental  
 539 bodies, agencies, and any special districts having authority  
 540 with respect to any area included therein, and to plan,  
 541 establish, acquire, construct or reconstruct, enlarge or extend,

542 equip, operate, finance, fund, and maintain improvements,  
 543 systems, facilities, services, works, projects, and  
 544 infrastructure, including, without limitation, any obligations  
 545 pursuant to a development order or agreement. Any or all of the  
 546 following special powers are granted by this act in order to  
 547 implement the special purpose of the district:

548 (s) To provide for affordable housing and affordable  
 549 housing assistance in accordance with section 189.081(6)  
 550 ~~189.4155(6)~~, Florida Statutes, and other provisions of general  
 551 law.

552 (10) BONDS.—

553 (i) General obligation bonds.—

554 1. Subject to the limitations of this charter, the  
 555 district shall have the power from time to time to issue general  
 556 obligation bonds to finance or refinance capital projects or to  
 557 refund outstanding bonds in an aggregate principal amount of  
 558 bonds outstanding at any one time not in excess of 35 percent of  
 559 the assessed value of the taxable property within the district  
 560 as shown on the pertinent tax records at the time of the  
 561 authorization of the general obligation bonds for which the full  
 562 faith and credit of the district is pledged. Except for  
 563 refunding bonds, no general obligation bonds shall be issued  
 564 unless the bonds are issued to finance or refinance a capital  
 565 project and the issuance has been approved at an election held  
 566 in accordance with the requirements for such election as  
 567 prescribed by the State Constitution. Such elections shall be

568 called to be held in the district by the boards ~~Board~~ of county  
 569 commissioners of Charlotte and Lee Counties ~~County~~ upon the  
 570 request of the board of the district. The expenses of calling  
 571 and holding an election shall be at the expense of the district,  
 572 and the district shall reimburse each ~~the~~ county for any  
 573 expenses incurred in calling or holding such election.

574 2. The district may pledge its full faith and credit for  
 575 the payment of the principal and interest on such general  
 576 obligation bonds and for any reserve funds provided therefor and  
 577 may unconditionally and irrevocably pledge itself to levy ad  
 578 valorem taxes on all taxable property in the district, to the  
 579 extent necessary for the payment thereof, without limitation as  
 580 to rate or amount.

581 3. If the board determines to issue general obligation  
 582 bonds for more than one capital project, the approval of the  
 583 issuance of the bonds for each and all such projects may be  
 584 submitted to the electors on one and the same ballot. The  
 585 failure of the electors to approve the issuance of bonds for any  
 586 one or more capital projects shall not defeat the approval of  
 587 bonds for any capital project that has been approved by the  
 588 electors.

589 4. In arriving at the amount of general obligation bonds  
 590 permitted to be outstanding at any one time pursuant to  
 591 subparagraph 1., there shall not be included any general  
 592 obligation bonds that are additionally secured by the pledge of:

593 a. Any assessments levied in an amount sufficient to pay  
 594 the principal and interest on the general obligation bonds so  
 595 additionally secured, which assessments have been equalized and  
 596 confirmed by resolution of the board pursuant to this act or  
 597 section 170.08, Florida Statutes.

598 b. Water revenues, sewer revenues, or water and sewer  
 599 revenues of the district to be derived from user fees in an  
 600 amount sufficient to pay the principal and interest on the  
 601 general obligation bonds so additionally secured.

602 c. Any combination of assessments and revenues described  
 603 in sub-subparagraphs a. and b.

604 (n) Application of section 189.051 ~~189.4085~~, Florida  
 605 Statutes.—Bonds issued by the district shall meet the criteria  
 606 set forth in section 189.051 ~~189.4085~~, Florida Statutes.

607 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
 608 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
 609 ASSESSMENTS; MAINTENANCE TAXES.—

610 (c) Non-ad valorem maintenance taxes.—If and when  
 611 authorized by general law, to maintain and preserve the physical  
 612 facilities and services constituting the works, improvements, or  
 613 infrastructure provided by the district pursuant to this act; to  
 614 repair and restore any one or more of them, when needed; and to  
 615 defray the current expenses of the district, including any sum  
 616 that may be required to pay state and county ad valorem taxes on  
 617 any lands that may have been purchased and that are held by the  
 618 district under the provisions of this act, the governing board

619 may, upon the completion of said systems, facilities, services,  
 620 works, improvements, or infrastructure, in whole or in part, as  
 621 may be certified to the board by the engineer of the board, levy  
 622 annually a non-ad valorem and nonmillage tax upon each tract or  
 623 parcel of land within the district, to be known as a  
 624 "maintenance tax." This non-ad valorem maintenance tax shall be  
 625 apportioned upon the basis of the net assessments of benefits  
 626 assessed as accruing from the original construction and shall be  
 627 evidenced to and certified by the governing board of the  
 628 district not later than June 1 of each year to the property  
 629 appraisers ~~appraiser~~ of Charlotte and Lee Counties ~~County~~ and  
 630 shall be extended by the property appraiser on the tax roll of  
 631 the property appraiser, as certified by the property appraiser  
 632 to the tax collector, and collected by the tax collector on the  
 633 merged collection roll of the tax collector in the same manner  
 634 and at the same time as county ad valorem taxes, and the  
 635 proceeds therefrom shall be paid to the district. This non-ad  
 636 valorem maintenance tax shall be a lien until paid on the  
 637 property against which assessed and enforceable in like manner  
 638 and of the same dignity as county ad valorem taxes.

639 (13) SPECIAL ASSESSMENTS.—

640 (a) As an alternative method to the levy and imposition of  
 641 special assessments pursuant to chapter 170, Florida Statutes,  
 642 pursuant to the authority of section 197.3631, Florida Statutes,  
 643 or pursuant to other provisions of general law, now or hereafter  
 644 enacted, which provide a supplemental means or authority to

645 impose, levy, and collect special assessments as otherwise  
 646 authorized under this act, the board may levy and impose special  
 647 assessments to finance the exercise of any of its powers  
 648 permitted under this act using the following uniform procedures:

649 1. At a noticed meeting, the governing board of the  
 650 district may consider and review an engineer's report on the  
 651 costs of the systems, facilities, and services to be provided, a  
 652 preliminary assessment methodology, and a preliminary roll based  
 653 on acreage or platted lands, depending upon whether platting has  
 654 occurred.

655 a. The assessment methodology shall address and discuss  
 656 and the board shall consider whether the systems, facilities,  
 657 and services being contemplated will result in special benefits  
 658 peculiar to the property, different in kind and degree than  
 659 general benefits, as a logical connection between the systems,  
 660 facilities, and services themselves and the property, and  
 661 whether the duty to pay the assessments by the property owners  
 662 is apportioned in a manner that is fair and equitable and not in  
 663 excess of the special benefit received. It shall be fair and  
 664 equitable to designate a fixed proportion of the annual debt  
 665 service, together with interest thereon, on the aggregate  
 666 principal amount of bonds issued to finance such systems,  
 667 facilities, and services that give rise to unique, special, and  
 668 peculiar benefits to property of the same or similar  
 669 characteristics under the assessment methodology so long as such  
 670 fixed proportion does not exceed the unique, special, and

671 peculiar benefits enjoyed by such property from such systems,  
 672 facilities, and services.

673         b. The engineer's cost report shall identify the nature of  
 674 the proposed systems, facilities, and services, their location,  
 675 a cost breakdown plus a total estimated cost, including cost of  
 676 construction or reconstruction, labor, and materials, lands,  
 677 property, rights, easements, franchises, or systems, facilities,  
 678 and services to be acquired, cost of plans and specifications,  
 679 surveys of estimates of costs and revenues, costs of  
 680 engineering, legal, and other professional consultation  
 681 services, and other expenses or costs necessary or incident to  
 682 determining the feasibility or practicability of such  
 683 construction, reconstruction, or acquisition, administrative  
 684 expenses, relationship to the authority and power of the  
 685 district in its charter, and such other expenses or costs as may  
 686 be necessary or incident to the financing to be authorized by  
 687 the governing board.

688         c. The preliminary assessment roll to be prepared will be  
 689 in accordance with the method of assessment provided for in the  
 690 assessment methodology and as may be adopted by the governing  
 691 board; the assessment roll shall be completed as promptly as  
 692 possible and shall show the acreage, lots, lands, or plats  
 693 assessed and the amount of the fairly and reasonably apportioned  
 694 assessment based on special and peculiar benefit to the  
 695 property, lot, parcel, or acreage of land; and, if the  
 696 assessment against each such lot, parcel, acreage, or portion of



697 | land is to be paid in installments, the number of annual  
 698 | installments in which the assessment is divided shall be entered  
 699 | into and shown upon the assessment roll.

700 |         2. The governing board of the district may determine and  
 701 | declare by an initial assessment resolution to levy and assess  
 702 | the assessments with respect to assessable improvements stating  
 703 | the nature of the systems, facilities, and services,  
 704 | improvements, projects, or infrastructure constituting such  
 705 | assessable improvements, the information in the engineer's cost  
 706 | report, the information in the assessment methodology as  
 707 | determined by the board at the noticed meeting and referencing  
 708 | and incorporating as part of the resolution the engineer's cost  
 709 | report, the preliminary assessment methodology, and the  
 710 | preliminary assessment roll as referenced exhibits to the  
 711 | resolution by reference. If the board determines to declare and  
 712 | levy the special assessments by the initial assessment  
 713 | resolution, the board shall also adopt and declare a notice  
 714 | resolution that shall provide and cause the initial assessment  
 715 | resolution to be published once a week for a period of 2 weeks  
 716 | in newspapers ~~a newspaper~~ of general circulation published in  
 717 | Charlotte and Lee Counties ~~County~~ and said board shall by the  
 718 | same resolution fix a time and place at which the owner or  
 719 | owners of the property to be assessed or any other persons  
 720 | interested therein may appear before said board and be heard as  
 721 | to the propriety and advisability of making such improvements,  
 722 | as to the costs thereof, as to the manner of payment therefor,

723 and as to the amount thereof to be assessed against each  
724 property so improved. Thirty days' notice in writing of such  
725 time and place shall be given to such property owners. The  
726 notice shall include the amount of the assessment and shall be  
727 served by mailing a copy to each assessed property owner at his  
728 or her last known address, the names and addresses of such  
729 property owners to be obtained from the record of the property  
730 appraiser of the county political subdivision in which the land  
731 is located or from such other sources as the district manager or  
732 engineer deems reliable, and proof of such mailing shall be made  
733 by the affidavit of the manager of the district or by the  
734 engineer, said proof to be filed with the district manager,  
735 provided that failure to mail said notice or notices shall not  
736 invalidate any of the proceedings hereunder. It is provided  
737 further that the last publication shall be at least 1 week prior  
738 to the date of the hearing on the final assessment resolution.  
739 Said notice shall describe the general areas to be improved and  
740 advise all persons interested that the description of each  
741 property to be assessed and the amount to be assessed to each  
742 piece, parcel, lot, or acre of property may be ascertained at  
743 the office of the manager of the district. Such service by  
744 publication shall be verified by the affidavit of the publisher  
745 and filed with the manager of the district. Moreover, the  
746 initial assessment resolution with its attached, referenced, and  
747 incorporated engineer's cost report, preliminary assessment  
748 methodology, and preliminary assessment roll, along with the

749 notice resolution, shall be available for public inspection at  
 750 the office of the manager and the office of the engineer or any  
 751 other office designated by the governing board in the notice  
 752 resolution. Notwithstanding the foregoing, the landowners of all  
 753 of the property that is proposed to be assessed may give the  
 754 district written notice of waiver of any notice and publication  
 755 provided for in this subparagraph and such notice and  
 756 publication shall not be required, provided, however, that any  
 757 meeting of the governing board to consider such resolution shall  
 758 be a publicly noticed meeting.

759         3. At the time and place named in the noticed resolution  
 760 as provided for in subparagraph 2., the governing board of the  
 761 district shall meet and hear testimony from affected property  
 762 owners as to the propriety and advisability of making the  
 763 systems, facilities, services, projects, works, improvements, or  
 764 infrastructure and funding them with assessments referenced in  
 765 the initial assessment resolution on the property. Following the  
 766 testimony and questions from the members of the board or any  
 767 professional advisors to the district of the preparers of the  
 768 engineer's cost report, the assessment methodology, and the  
 769 assessment roll, the governing board shall make a final decision  
 770 on whether to levy and assess the particular assessments.  
 771 Thereafter, the governing board shall meet as an equalizing  
 772 board to hear and to consider any and all complaints as to the  
 773 particular assessments and shall adjust and equalize the  
 774 assessments on the basis of justice and right.

775           4. When so equalized and approved by resolution or  
 776 ordinance by the governing board, to be called the final  
 777 assessment resolution, a final assessment roll shall be filed  
 778 with the clerk of the board and such assessment shall stand  
 779 confirmed and remain legal, valid, and binding first liens on  
 780 the property against which such assessments are made until paid,  
 781 equal in dignity to the first liens of ad valorem taxation of  
 782 county and municipal governments and school boards. However,  
 783 upon completion of the systems, facilities, service, project,  
 784 improvement, works, or infrastructure, the district shall credit  
 785 to each of the assessments the difference in the assessment as  
 786 originally made, approved, levied, assessed, and confirmed and  
 787 the proportionate part of the actual cost of the improvement to  
 788 be paid by the particular special assessments as finally  
 789 determined upon the completion of the improvement; but in no  
 790 event shall the final assessment exceed the amount of the  
 791 special and peculiar benefits as apportioned fairly and  
 792 reasonably to the property from the system, facility, or service  
 793 being provided as originally assessed. Promptly after such  
 794 confirmation, the assessment shall be recorded by the clerk of  
 795 the district in the minutes of the proceedings of the district,  
 796 and the record of the lien in this set of minutes shall  
 797 constitute prima facie evidence of its validity. The governing  
 798 board, in its sole discretion, may, by resolution, grant a  
 799 discount equal to all or a part of the payee's proportionate  
 800 share of the cost of the project consisting of bond financing

801 cost, such as capitalized interest, funded reserves, and bond  
 802 discounts included in the estimated cost of the project, upon  
 803 payment in full of any assessments during such period prior to  
 804 the time such financing costs are incurred as may be specified  
 805 by the governing board in such resolution.

806 5. District assessments may be made payable in  
 807 installments over no more than 30 years after ~~from~~ the date of  
 808 the payment of the first installment thereof and may bear  
 809 interest at fixed or variable rates.

810 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED  
 811 PROVISIONS REQUIRED.—

812 (a) No contract shall be let by the board for any goods,  
 813 supplies, or materials to be purchased when the amount thereof  
 814 to be paid by the district shall exceed the amount provided in  
 815 section 287.017, Florida Statutes, for category four, unless  
 816 notice of bids shall be advertised once in newspapers ~~a~~  
 817 ~~newspaper~~ in general circulation in Charlotte and Lee Counties  
 818 ~~County~~. Any board seeking to construct or improve a public  
 819 building, structure, or other public works shall comply with the  
 820 bidding procedures of section 255.20, Florida Statutes, and  
 821 other applicable general law. In each case, the bid of the  
 822 lowest responsive and responsible bidder shall be accepted  
 823 unless all bids are rejected because the bids are too high or  
 824 the board determines it is in the best interests of the district  
 825 to reject all bids. The board may require the bidders to furnish  
 826 bond with a responsible surety to be approved by the board.

827 Nothing in this section shall prevent the board from undertaking  
 828 and performing the construction, operation, and maintenance of  
 829 any project or facility authorized by this act by the employment  
 830 of labor, material, and machinery.

831 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION  
 832 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

833 (b) No such rates, fees, rentals, or other charges for any  
 834 of the facilities or services of the district shall be fixed  
 835 until after a public hearing at which all the users of the  
 836 proposed facility or services or owners, tenants, or occupants  
 837 served or to be served thereby and all other interested persons  
 838 shall have an opportunity to be heard concerning the proposed  
 839 rates, fees, rentals, or other charges. Rates, fees, rentals,  
 840 and other charges shall be adopted under the administrative  
 841 rulemaking authority of the district, but shall not apply to  
 842 district leases. Notice of such public hearing setting forth the  
 843 proposed schedule or schedules of rates, fees, rentals, and  
 844 other charges shall have been published in newspapers ~~a~~  
 845 ~~newspaper~~ of general circulation in Charlotte and Lee Counties  
 846 ~~County~~ at least once and at least 10 days prior to such public  
 847 hearing. The rulemaking hearing may be adjourned from time to  
 848 time. After such hearing, such schedule or schedules, either as  
 849 initially proposed or as modified or amended, may be finally  
 850 adopted. A copy of the schedule or schedules of such rates,  
 851 fees, rentals, or charges as finally adopted shall be kept on  
 852 file in an office designated by the board and shall be open at

853 all reasonable times to public inspection. The rates, fees,  
 854 rentals, or charges so fixed for any class of users or property  
 855 served shall be extended to cover any additional users or  
 856 properties thereafter served that shall fall in the same class,  
 857 without the necessity of any notice or hearing.

858 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—

859 (a) The board may ask the Legislature through its local  
 860 legislative delegations in and for Charlotte and Lee Counties  
 861 ~~County~~ to amend this act to contract, to expand or to contract,  
 862 and to expand the boundaries of the district.

863 (b) The district shall remain in existence until:

864 1. The district is terminated and dissolved pursuant to  
 865 amendment to this act by the Legislature.

866 2. The district has become inactive pursuant to section  
 867 189.062 ~~189.4044~~, Florida Statutes.

868 Section 6. In the election provided for in section 7, each  
 869 landowner present in person or by proxy is entitled to cast one  
 870 vote for each assessable acre or fraction of an acre of land  
 871 owned by him or her and located within the district.

872 Section 7. This section and section 6 shall take effect  
 873 upon this act becoming a law, and the remaining sections shall  
 874 take effect upon approval by a majority vote of the owners of  
 875 land within the district, including land in Charlotte and Lee  
 876 Counties, who are not exempt from ad valorem taxes or non-ad  
 877 valorem assessments and who are present in person or by proxy at  
 878 a landowners' meeting to be held within 90 days after the



879 | effective date of this act. Such landowners' meeting shall be  
880 | noticed in the same manner as provided in section 5 of chapter  
881 | 2007-306, Laws of Florida. However, the provisions of this act  
882 | authorizing the levy of ad valorem taxation and the issuance of  
883 | general obligation bonds shall take effect only upon express  
884 | approval by a majority vote of those qualified electors of the  
885 | Babcock Ranch Community Independent Special District voting in a  
886 | referendum election held at such time as all members of the  
887 | district's governing board are qualified electors of the  
888 | district who are elected by qualified electors of the district  
889 | as provided in this act.





## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1071 South Broward Hospital District, Broward County  
**SPONSOR(S):** Local Government Affairs Subcommittee, Stark  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N, As CS	Walker	Miller
2) Finance & Tax Committee	15 Y, 0 N	Pewitt	Langston
3) Local & Federal Affairs Committee		Walker 	Kiner 

### SUMMARY ANALYSIS

The South Broward Hospital District (the District) is a special district created by law, operating under Chapter 2004-397, Laws of Florida. The current law limits investments made under an investment plan to an enumerated list of investment vehicles. In contrast, general law under s. 218.415, F.S., provides a broader array of investment vehicles to counties, municipalities, school districts, and special districts.

The bill removes the current enumerated list in Chapter 2004-397, Laws of Florida, enabling the District to utilize the full range of investment tools available to other units of local government under general law and to approve other investment vehicles not specifically authorized by law through a resolution of the District Board of Commissioners.

The fiscal impact is indeterminate because the amount of accrued interest will vary based upon the amount of principal invested, the interest rate being applied, and protocols for crediting interest.

This bill is effective upon the bill becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### PRESENT SITUATION

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,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>5</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.

The South Broward Hospital District (District), was created in 1947 by special act<sup>6</sup> in order to provide for and maintain any and all types of health facilities, equipment, and services within Broward County.<sup>7</sup> The District is managed by a seven member Board of Commissioners (Board).<sup>8</sup> The Board has the power to levy an ad valorem tax of up to 2.5 mils as well as any additional mils necessary to pay interest and principle on bonds not to exceed \$50 million dollars used to establish, construct, acquire, add to, operate, or maintain District facilities.<sup>9</sup>

The District has the ability to invest any funds in its possession pursuant to an investment policy approved by the Board<sup>10</sup> and limited to an enumerated list of approved instruments, specifically:

- The Local Government Surplus Funds Trust Fund under s. 218.405, F.S.
- Commercial bankers' acceptances
- Prime quality commercial paper
- Interest bearing bonds, debentures and other forms of debt with a fixed maturity of a domestic corporation
- Direct obligations of the United States Government and various federal financial institutions
- Options for the purpose of hedging to protect underlying asset values.<sup>11</sup>

Contrastingly, units of general local government have investment powers under a separate statutory scheme prescribed by general law.<sup>12</sup> The range of investment tools available with an investment policy in place under this section is broader than the options currently available to the District, including:

- The Local Government Surplus Funds Trust Fund under s. 218.405 F.S. or any intergovernmental investment pool authorized by the Florida Interlocal Cooperation Act of 1969, as provided in s. 163.01, F.S.;
- Security Exchange Commission registered money market funds with the highest credit rating
- Interest-bearing time deposits or savings accounts in qualified public depositories authorized under s. 280.02, F.S.;
- Direct obligations of the United States Treasury;

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<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> Id.

<sup>3</sup> Section 189.02(1), F.S.

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

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

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

<sup>6</sup> Ch. 24415, Laws of Fla.

<sup>7</sup> Ch. 84-400, Laws of Fla.

<sup>8</sup> Ch. 2004-397, s. 3, Laws of Fla.

<sup>9</sup> Ch. 2004-397, s. 27 & 11, Laws of Fla.

<sup>10</sup> Ch. 2004-397, s. 37 of s. 3, Laws of Fla.

<sup>11</sup> Ch. 2004-397, s. 37(1)-(6) of s. 3, Laws of Fla.

<sup>12</sup> Section 218.415, F.S.

- Federal agencies and instrumentalities;
- Rated or unrated bonds, notes, and certain instruments guaranteed by the government of Israel;
- Securities of certain management-type investment companies and trusts which invest only in United States government entities;
- Other investments authorized by law or resolution for a special district.<sup>13</sup>

## **EFFECT OF THE BILL**

The bill amends Chapter 2004-397, Laws of Florida, to authorize the District to invest surplus public funds through the more expansive list of investment tools available to counties, municipalities, school districts and other special districts under general law. The bill also allows the District to authorize additional investment vehicles by resolution of the Board under the statutory authorization.<sup>14</sup>

The bill revises existing language in Chapter 2004-397, Laws of Florida, to clarify that the chapter shall be interpreted liberally to effectuate its purposes and that a ruling invalidating any provision or application of the chapter does not render invalid any other provision or application.

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

Section 1. Amends Chapter 2004-397, s. 37 of s. 3, Laws of Florida, to expand the investment options available to the District by deleting the present list of available options and relying on the provisions available to other units of local government under general law.

Section 2. Amends Chapter 2004-397, s. 4, Laws of Florida, to clarify that the chapter shall be interpreted liberally to effectuate its purposes.

Section 3. Amends Chapter 2004-397, s. 5, Laws of Florida to clarify that a ruling invalidating any provision or application of the chapter does not render invalid any other provision or application.

Section 4. Provides the bill is effective upon becoming a law.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? Oct. 4, 2015

WHERE? Broward, County

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

<sup>13</sup> Section 218.415(16)(a)-(i), F.S.

<sup>14</sup> Section 218.415(16)(i), F.S.

**B. RULE-MAKING AUTHORITY:**

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

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

**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 made two technical changes to the bill. Specifically, the amendment:

- Revises the existing language in Chapter 2004-397, s. 4, Laws of Florida, clarifying that the chapter shall be interpreted liberally to effectuate its purposes.
- Revises the existing language in Chapter 2004-397, s. 5, Laws of Florida, clarifying that a ruling invalidating any provision or application of the chapter does not render invalid any other provision or application.

This analysis is drawn to the bill as amended by the Local Government Affairs Subcommittee.

Rep. Stark  
HB 1071 LB

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

STATE OF FLORIDA

COUNTY OF: BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared

MARK KUZNITZ, 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:

The matter of 11745-Other Legal Notices

BROWARD COUNTY  
Lombardo, Faith

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

3635358

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 Kuznitz*

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 Legislative Session of the Florida Legislature for consideration and enactment.  
  
A BILL TO BE ENTITLED  
AN ACT RELATING TO THE SOUTH BROWARD HOSPITAL DISTRICT, BROWARD COUNTY; AMENDING CHAPTER 2004-397, LAWS OF FLORIDA; PROVIDING A SAVING CLAUSE IN THE EVENT ANY PROVISION OF THE ACT IS DEEMED INVALID; PROVIDING AN EFFECTIVE DATE.  
  
BROWARD COUNTY LEGISLATIVE DELEGATION  
REPRESENTATIVE GWYNDOLEN CLARKE-REED, CHAIR  
10/4/2015

Order # - 3635358

**HOUSE OF REPRESENTATIVES  
2016 LOCAL BILL CERTIFICATION FORM**

BILL #: HB 1071  
SPONSOR(S): Representative Richard Stark  
RELATING TO: Broward County - Sun Broward Hospital District  
[Indicate Area Affected (City, County, or Special District) and Subject]  
NAME OF DELEGATION: Broward Legislative Delegation  
CONTACT PERSON: Andrea Knowles  
PHONE NO.: (904) 325-2980 E-Mail: AKnowles@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? Sun Sentinel County Broward

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

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

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

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

YES [ ] NO [X]

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

YES [ ] NO [X]

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

YES [ ] NO [ ]

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

Camydelan Clarke-Reed  
Delegation Chair (Original Signature)

12/17/15  
Date

Camydelan Clarke-Reed  
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 #:** 1071  
**SPONSOR(S):** Representative Richard Stank  
**RELATING TO:** Bowling Green - Memorial Healthcare Systems  
[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.

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**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: No impact on individuals  
\_\_\_\_\_  
\_\_\_\_\_
2. Advantages to Businesses: No impact on businesses  
\_\_\_\_\_  
\_\_\_\_\_
3. Advantages to Government: No impact on government, however  
the bill will provide clearer  
guidelines consistant with state 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: None

2. Disadvantages to Businesses:

None

3. Disadvantages to Government:

None

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

Services will not be impacted.

**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:

Matthew J. Muhart  
[Must be signed by Preparer]

Print preparer's name:

Matthew J. Muhart

August 19, 2015

**Date**

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

Exec. VP and Chief Administrative Officer

REPRESENTING:

Memorial Healthcare System

PHONE:

954-265-2995

E-MAIL ADDRESS:

mmuhart@mhs.net

1                                   A bill to be entitled  
 2           An act relating to the South Broward Hospital  
 3           District, Broward County; amending chapter 2004-397,  
 4           Laws of Florida; revising the authority of the  
 5           district's board of commissioners to invest funds;  
 6           authorizing investments listed in an investment policy  
 7           adopted by the board pursuant to requirements  
 8           applicable to various units of local government;  
 9           deleting a list of authorized investments; revising  
 10          construction and severability; providing an effective  
 11          date.

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

15           Section 1. Section 37 of section 3 of chapter 2004-397,  
 16   Laws of Florida, is amended to read:

17           Section 37. In addition to any investment authorized by  
 18   general law, including s. 218.415, Florida Statutes, and to the  
 19   extent created by the State Constitution, the Board of  
 20   Commissioners of the South Broward Hospital District shall be  
 21   and is hereby authorized and empowered to invest any funds in  
 22   its control or possession in accordance with an investment  
 23   policy approved by the board which mandates prudent investment  
 24   practices which shall include, among other items, the investment  
 25   objectives and permitted securities of the policy. Such  
 26   investment policy shall be designed to maximize the financial

27 return to the fund consistent with the risks incumbent in each  
 28 investment and shall be designed to preserve the appropriate  
 29 diversification of the portfolio. Accordingly, the following  
 30 instruments are authorized for investment:

31 ~~(1) In the trust fund known as Local Government Surplus~~  
 32 ~~Funds Trust Fund as created and established by section 218.405,~~  
 33 ~~Florida Statutes.~~

34 ~~(2) Bankers' acceptances which are drawn upon and accepted~~  
 35 ~~by a commercial bank which is a member bank of the Federal~~  
 36 ~~Reserve System maintaining capital accounts in excess of 7.5~~  
 37 ~~percent of total assets, and which member bank of its holding~~  
 38 ~~company carries a credit rating in one of the two highest~~  
 39 ~~alphabetical categories from at least two nationally recognized~~  
 40 ~~debt rating agencies.~~

41 ~~(3) Commercial paper of prime quality rated by at least~~  
 42 ~~two nationally recognized debt rating agencies in the highest~~  
 43 ~~letter and numerical rating of each agency. If not so rated,~~  
 44 ~~such prime quality commercial paper may be purchased if secured~~  
 45 ~~by a letter of credit provided by a commercial bank, which bank~~  
 46 ~~or its holding company carries a credit rating in one of the two~~  
 47 ~~highest alphabetical categories from at least two nationally~~  
 48 ~~recognized debt rating agencies.~~

49 ~~(4) Interest-bearing bonds, debentures, and other such~~  
 50 ~~evidence of indebtedness with a fixed maturity of any domestic~~  
 51 ~~corporation within the United States which is listed on any one~~  
 52 ~~or more of the recognized national stock exchanges in the United~~

53 ~~States which is listed on any one or more of the recognized~~  
 54 ~~national stock exchanges in the United States and conforms with~~  
 55 ~~the periodic reporting requirements under the Securities~~  
 56 ~~Exchange Act of 1934. Such obligations shall either carry~~  
 57 ~~ratings in one of the two highest classifications of at least~~  
 58 ~~two nationally recognized debt rating agencies or be secured by~~  
 59 ~~a letter of credit provided by a commercial bank, which bank or~~  
 60 ~~its holding company carries a credit rating in one of the two~~  
 61 ~~highest alphabetical categories from at least two nationally~~  
 62 ~~recognized debt rating agencies.~~

63 ~~(5) Negotiable direct obligations of, or obligations the~~  
 64 ~~principal and interest of which are unconditionally guaranteed~~  
 65 ~~by, the United States Government and obligations of the Federal~~  
 66 ~~Farm Credit Banks, Federal Home Loan Mortgage Corporations, or~~  
 67 ~~Federal Home Loan Bank or its district banks, including Federal~~  
 68 ~~Home Loan Mortgage Corporation participation certificates or~~  
 69 ~~obligations guaranteed by the Government National Mortgage~~  
 70 ~~Association, which are purchased and sold under repurchase~~  
 71 ~~agreements and reverse repurchase agreements. Repurchase~~  
 72 ~~agreements and reverse repurchase agreements may be entered into~~  
 73 ~~only with a member bank of the Federal Reserve System or primary~~  
 74 ~~dealer in United States Government Securities. Further, any such~~  
 75 ~~repurchase agreements and reverse repurchase agreements shall be~~  
 76 ~~fully collateralized by the type of securities which are named~~  
 77 ~~in this subsection. Securities purchased or repurchased by the~~

78 ~~South Broward Hospital District shall be delivered to the South~~  
 79 ~~Broward Hospital District or its agent versus payment.~~

80 ~~(6) Purchase of options so as to engage in bona fide~~  
 81 ~~hedging activities for the purpose of protecting the asset value~~  
 82 ~~of the underlying portfolio. However, the underlying security~~  
 83 ~~(that is, the security that must be delivered if a put option or~~  
 84 ~~call option contract is exercised) shall be negotiable direct~~  
 85 ~~obligations of, or obligations the principal and interest of~~  
 86 ~~which are unconditionally guaranteed by, the United States~~  
 87 ~~Government and obligations of the Federal Farm Credit Banks,~~  
 88 ~~Federal Home Loan Mortgage Corporations, or Federal Loan Bank or~~  
 89 ~~its district banks, including Federal Home Loan Mortgage~~  
 90 ~~Corporation participation certificates, or obligations~~  
 91 ~~guaranteed by the Government National Mortgage Association.~~  
 92 ~~Further, the options of said underlying securities shall be~~  
 93 ~~traded on a securities exchange or board of trade regulated by~~  
 94 ~~the Securities Exchange Commission or the Commodity Futures~~  
 95 ~~Trading Commission.~~

96 Section 2. Section 4 of chapter 2004-397, Laws of Florida,  
 97 is amended to read:

98 Section 4. This act shall be liberally construed to  
 99 effectuate the purposes set forth herein. ~~It is intended that~~  
 100 ~~the provisions of this action shall be liberally construed for~~  
 101 ~~accomplishment of the work authorized and provided for or~~  
 102 ~~intended to be provided for by this act, and where strict~~  
 103 ~~construction would permit or assist in the accomplishment of any~~



104 ~~apart of the work authorized by this act, the liberal~~  
 105 ~~construction shall be chosen.~~

106 Section 3. Section 5 of chapter 2004-397, Laws of Florida,  
 107 is amended to read:

108 Section 5. If any provision of this act or its application  
 109 to any person or circumstance is held invalid, the invalidity  
 110 does not affect other provisions or applications of the act that  
 111 can be given effect without the invalid provision or  
 112 application, and to this end the provisions of this act are  
 113 severable. ~~section, subsection, sentence, clause, or phrase of~~  
 114 ~~this act is held to be unconstitutional, such holding shall not~~  
 115 ~~affect the validity of the remaining portions of the act, the~~  
 116 ~~Legislature hereby declaring that it would have passed this act~~  
 117 ~~and each section, subsection, sentence, clause, and phrase~~  
 118 ~~thereof, irrespective of any other separate section, subsection,~~  
 119 ~~sentence, clause, or phrase thereof, and irrespective of the~~  
 120 ~~fact that any one or more other sections, subsections,~~  
 121 ~~sentences, clauses, or phrases thereof may be declared~~  
 122 ~~unconstitutional.~~

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1321 Discounts on Public Park Entrance Fees and Transportation Fares  
**SPONSOR(S):** Rader  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1202

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	12 Y, 0 N	Renner	Thompson
2) Local Government Affairs Subcommittee	12 Y, 0 N	Renner	Miller
3) Local & Federal Affairs Committee		Renner <i>JR</i>	Kiner <i>KLK</i>

### SUMMARY ANALYSIS

Currently, there are over 260 county and municipal parks and recreation agencies in Florida, and most of them do not charge entrance fees. Although current law requires state parks to offer discounts on annual entrance passes to active duty servicemembers, honorably discharged veterans, and the surviving spouse and parents of fallen servicemembers, law enforcement officers, and firefighters, there is no such requirement at the county or municipal level.

The bill requires county and municipal parks and recreation departments to provide discounts on local park entrance fees to the following individuals who present any information satisfactory to the county or municipal department, which evidences the individual's eligibility:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, or their reserve components, including the Air or Army National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, or their reserve components, including the Air or Army National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse and parents of a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by state or local government.

For the purpose of minimizing any potential fiscal impact on county or municipal revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount; and
- Narrowly defines a "park entrance fee" to exclude "additional fees for amenities."

The bill also requires regional transportation authorities to provide disabled veterans, who provide information satisfactory to the authority, with discounts on fares or charges.

Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate to be passed by a two-thirds vote of the membership of each house of the Legislature. However, Article VII, section 18(d) of the Florida Constitution provides an exemption from the two-thirds requirement for any general law that has an insignificant fiscal impact.

The bill has yet to be heard by the Revenue Estimating Conference (REC). However, the REC reviewed a similar bill, HB 1095, during the 2015 legislative session and estimated that the bill would have had a negative indeterminate fiscal impact to local governments. However, most local parks do not charge entrance fees. As a result, the bill will likely have an insignificant fiscal impact. In addition, the bill will likely have a positive fiscal impact on veterans, their families, and the families of deceased veterans, law enforcement, firefighters, emergency medical technicians, and paramedics.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Military and Veteran Presence in Florida

Current law defines a “veteran” as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions, or who later received an upgraded discharge under honorable conditions.<sup>1</sup>

A person who is active duty is in the military full time. They work for the military full time, may live on a military base, and can be deployed at any time. Persons in the Reserve or National Guard are not full-time active duty military personnel, although they can be deployed at any time should the need arise.<sup>2</sup>

The reserves are comprised of seven components (the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve). The purpose of the seven reserve components, as codified in 10 U.S.C. 10102, is to “provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever more units and persons are needed than are in the regular components.”

Florida is home to over 61,000 active-duty military servicemembers,<sup>3</sup> over 36,000 Reservists,<sup>4</sup> and over 1.5 million veterans.<sup>5</sup> Approximately 299,000 of Florida’s 1.5 million plus veterans are service-disabled.<sup>6</sup> The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 National Guard personnel and 2,000 Air National Guard personnel.<sup>7</sup>

##### Florida State Park System

The Department of Environmental Protection (DEP), through its Division of Recreation and Parks (DRP), oversees Florida’s 161 state parks, 10 state trails, nearly 800,000 acres, and 100 miles of beaches.<sup>8</sup> Florida state parks and trails welcomed more than 31 million visitors during the 2014-2015

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<sup>1</sup> s. 1.01(14), F.S.

<sup>2</sup> USDVA Veterans Employment Toolkit Handout created April 6, 2012, available at:

[http://www.va.gov/vetsinworkplace/docs/em\\_activeReserve.html](http://www.va.gov/vetsinworkplace/docs/em_activeReserve.html) last visited January 21, 2016).

<sup>3</sup> Enterprise Florida, Inc., “Florida The Perfect Climate For Business, DEFENSE/HOMELAND SECURITY, available at:

<https://www.enterpriseflorida.com/wp-content/uploads/brief-defense-homeland-security-florida.pdf> (last visited January 18, 2016).

<sup>4</sup> Office of the Deputy Assistant Secretary of Defense (Military Community and Family Policy), under contract with ICF International, “2014 Demographics, PROFILE OF THE MILITARY COMMUNITY”, at page 115, available at:

[http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKewiuv9fjprbKAhVH1h4KHdVzCJwQFggiMAE&url=http%3A%2F%2Fdownload.militaryonesource.mil%2F12038%2FMOS%2FReports%2F2014-Demographics-Report.pdf&usg=AFQjCNG\\_LrPZb-IBHXLaYuLQg8IK14xG-g&sig2=ONyKLB2s3OC2dDArOpN0ww](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKewiuv9fjprbKAhVH1h4KHdVzCJwQFggiMAE&url=http%3A%2F%2Fdownload.militaryonesource.mil%2F12038%2FMOS%2FReports%2F2014-Demographics-Report.pdf&usg=AFQjCNG_LrPZb-IBHXLaYuLQg8IK14xG-g&sig2=ONyKLB2s3OC2dDArOpN0ww) (last visited January 18, 2016). According to the report, reserve components include the Department of Defense’s Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard and Air Force Reserve, and DHS’s Coast Guard Reserve.

<sup>5</sup> FDVA, Annual Report Fiscal Year 2014-2015, page 18, available at:

<http://webcache.googleusercontent.com/search?q=cache:yH3YPyF1VNkJ:floridavets.org/wp-content/uploads/2012/08/Cabinet-Meeting-Material.pdf+&cd=1&hl=en&ct=clnk&gl=us> (last visited January 18, 2016).

<sup>6</sup> U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2014, page 22 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf> (Last visited January 18, 2016).

<sup>7</sup> Florida National Guard website, available at: [http://www.floridaguard.army.mil/?page\\_id=7](http://www.floridaguard.army.mil/?page_id=7) (last visited January 18, 2016).

<sup>8</sup> Florida Department of Environmental Protection website, available at: <http://www.dep.state.fl.us/parks/> (last visited January 18, 2016).

fiscal year.<sup>9</sup> During this same time period, Florida state parks and trails generated over \$2.8 billion in direct economic impact, and approximately \$184 million in increased sales tax revenue.<sup>10</sup>

To administer, improve, and maintain Florida state parks and trails, the DRP charges reasonable fees for the use or operation of park and trail facilities.<sup>11</sup> Typically, these fees are categorized as entrance fees and activity fees, although other fees may be charged in some cases.<sup>12</sup> Daily entrance fees are typically charged per vehicle and range from \$4.00-\$6.00 for a single-occupant vehicle (or motorcycle admission) to \$5.00-\$10.00 for vehicles with two to eight occupants.<sup>13</sup> Annual entrance passes are also available.<sup>14</sup> The regular price for an annual entrance pass is \$60 for an individual and \$120 for a family.<sup>15</sup>

### State Park Fee Discounts

Currently, DPR provides discounts on state park fees to certain persons who present written documentation. An active-duty military servicemember or honorably discharged veteran is eligible for a 25-percent discount on an annual entrance pass, and as a result, would only pay \$45 for an individual entrance pass or \$90 for a family entrance pass.<sup>16</sup>

An honorably discharged veteran who has a service-connected disability is eligible to receive lifetime family annual entrance passes at no charge.<sup>17</sup> Also, the surviving spouse and parents of the following persons are eligible to receive lifetime family annual entrance passes at no charge:

- A member of the United States Armed Forces, National Guard, or reserve components who was killed in combat.
- A law enforcement officer, as defined in s. 943.10(1), F.S., or a firefighter, as defined in s. 633.102, F.S., who died in the line of duty.

<b>State Park Entrance Fee Discounts: FY 2014-2015<sup>18</sup></b>		
<b>Discount Type</b>	<b>Estimated Passes Sold</b>	<b>Revenue</b>
<b>Individual Annual Entrance Pass</b>	11,470	\$688,199.35
<b>Individual Annual Entrance Pass (Military Discount)</b>	1,466	\$65,957.50
<b>Family Annual Entrance Pass</b>	19,291	\$2,314,890
<b>Family Annual Entrance Pass (Military discount)</b>	4,687	\$421,813.70

<sup>9</sup> Florida Department of Environmental Protection, Fiscal Year 2014-2015 Economic Impact Assessment for the Florida State Park System, January 19, 2016. On file with Veteran & Military Affairs Subcommittee staff.

<sup>10</sup> *Id.* 'Direct economic impact' is defined as "the amount of new dollars spent in the local economy by non-local park visitors and park operations. "Increased State Sales Tax" is defined as "the estimated amount of tax dollars the state receives as a result of park visitor expenditures."

<sup>11</sup> s. 258.014, F.S.

<sup>12</sup> A county surcharge is an example of an "other fee." Florida State Parks website, "Fees," available at: <https://www.floridastateparks.org/things-to-know/fees#daily> (last visited January 18, 2016).

<sup>13</sup> Florida State Parks Fee Schedule, available at:

<https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf> (last visited January 18, 2016).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> s. 258.0145(1), F.S.

<sup>17</sup> s. 258.0145(2), F.S.

<sup>18</sup> DEP provided the estimated sales information to the Veteran & Military Affairs Subcommittee on January 19, 2016.

<b>Lifetime Military Entrance Pass (distribution based on inventory numbers since no revenue collected)</b>	<b>10,977</b>	
<b>Total for FY 2013-2014</b>	<b>47,891</b>	<b>\$3,490,860.55</b>

County and Municipal Parks

According to the Florida Recreation & Park Association, there are over 260 county and municipal parks and recreation agencies in Florida, and most of them do not charge entrance fees.

Disabled Veterans

Section 295.07(1)(a), F.S., requires the state and its political subdivisions to give preference in employment to disabled veterans. The law defines disabled veterans as follows:

- Those who have served on active duty in any branch of the United States Armed Forces, received an honorable discharge, and have a service-connected disability pursuant to the United States Department of Veterans Affairs; or
- Those who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

Law Enforcement, Firefighters, Emergency Medical Technicians, and Paramedics

Current law defines a “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof. Such persons are vested with the authority to bear arms, make arrests, prevent and detect crime, and enforce the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers. The definition does not include support personnel employed by the employing agency.<sup>19</sup>

The State Fire Marshal within the Department of Financial Services regulates firefighters. A “firefighter” is defined as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services, under s. 633.408, F.S.<sup>20</sup>

The Department of Health (DOH), Division of Emergency Operations regulates emergency medical technicians (EMTs) and paramedics. EMTs and paramedics are regulated pursuant to ch. 401, Part III, F.S. During fiscal year 2013-2014, there were over 31,000 active in-state licensed EMTs and over 28,000 active in-state licensed paramedics in Florida.<sup>21</sup>

“Emergency Medical Technician” is defined to mean a person who is certified by DOH to perform basic life support.<sup>22</sup> “Paramedic” means a person who is certified by DOH to perform basic and advanced life support.<sup>23</sup>

<sup>19</sup> s. 943.10, F.S.

<sup>20</sup> s. 633.102, F.S.

<sup>21</sup> Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long Range Plan: 2014-2015 (pg. 10), available at: <http://mqawebsite.com/annualreports/1415/#13/z> (last visited January 21, 2016).

<sup>22</sup> s. 401.23(11), F.S.

<sup>23</sup> s. 401.23(2), F.S.

“Basic life support” means the assessment or treatment by a person qualified under this part through the use of techniques described in the EMT-Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and approved by the department. The term includes the administration of oxygen and other techniques that have been approved and are performed under conditions specified by rules of the department.<sup>24</sup>

“Advanced life support service” means any emergency medical transport or nontransport service which uses advanced life support techniques.<sup>25</sup>

### Florida Transportation Authorities and Passenger Rail Systems

Chapters 343, and 349, F.S., provide for various Regional Transportation Authorities in the state. Chapter 343, F.S., provides for the creation of the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transportation Authority. Chapter 349, F.S., establishes the Jacksonville Transportation Authority.

Tri-Rail, operated by the South Florida Regional Transportation Authority, is the only publicly funded passenger rail system in the state.<sup>26</sup> Tri-Rail currently offers a 50 percent discount on Fare EASY Cards to persons with disabilities. A few of the acceptable forms of documentation to present at the ticket kiosk include a Disabled Veterans ID, a letter from a physician, a driver license indicating disability, a Medicare Card, or Social Security documentation for Disability Benefits.<sup>27</sup> The second commuter service is Lynx, which is operated by the Central Florida Regional Transportation Authority.<sup>28</sup>

Section 163.567, F.S., provides that any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof in this state are authorized and empowered to convene a charter committee for the purpose of developing a regional transportation authority.<sup>29</sup> However, no county, municipality, or other political subdivision may be a member in more than one authority created under this part.<sup>30</sup> Currently, no authorities have been created pursuant to this section.

## **Proposed Changes**

### Local Park Entrance Fee Discounts

The bill requires county and municipal parks to provide a full or partial discount on park entrance fees to the following individuals:

- Current members, honorably discharged veterans, and honorably discharged veterans with a service-connected disability, of the United States Armed Forces, or their reserve components, including the Air National Guard or Army National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, or their reserve components, including the Air National Guard or Army National Guard, who died in the line of duty under combat-related conditions;
- The surviving spouse or parent of the following:
  - Law enforcement officers as defined in s. 943.10, F.S.;
  - Firefighters as defined in s. 633.102;

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<sup>24</sup> s. 401.23(7), F.S.

<sup>25</sup> s. 401.23(2), F.S.

<sup>26</sup> South Florida Regional Transportation Authority, Overview, <http://www.sfrta.fl.gov/overview.aspx> (last visited January 18, 2016).

<sup>27</sup> Tri-Rail, Discount Policy, <http://www.tri-rail.com/fares/discount-policy/> (last visited January 18, 2016).

<sup>28</sup> See the LYNX website available at: <http://www.golynx.com/> (last visited January 18, 2016).

<sup>29</sup> s. 163.597, F.S.

<sup>30</sup> Id.

- Emergency medical technicians (EMT) employed by state or local government;
- Paramedics employed by state or local government;

In order to take advantage of the discount, a park visitor must present any “information” satisfactory to the county or municipal department, which evidences the individual’s eligibility. Typically, documentation for an active duty military servicemember includes a current, valid military identification card, which may include the Common Access Cards (CAC),<sup>31</sup> which is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.<sup>32</sup>

For an honorably discharged veteran, sufficient written documentation may include a copy of the veteran’s separation from service documents, or the Uniformed Services ID Card,<sup>33</sup> which allows access to various military service benefits or privileges.<sup>34</sup> There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.<sup>35</sup>

Documentation may also include an original, renewal, or replacement Florida driver license<sup>36</sup> or identification card<sup>37</sup> with the capital “V” designation, that Florida veterans are authorized to purchase.

It may be difficult for the family of a fallen veteran, fallen law enforcement officer, fallen firefighter, EMT, or paramedic to obtain written documentation regarding their fallen family member. Allowing the county, municipality, or regional transportation Authority to require any “information”, instead of “written documentation,” will allow flexibility in determining proof of eligibility, and thus, be less restrictive and onerous to the family members of the fallen persons who may not have written documentation.

The bill does not require Florida residency.

For the purpose of minimizing any potential fiscal impacts to county or municipal revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount in accordance with its financial circumstances; and
- Narrowly defines a “park entrance fee” to exclude other expanded campground fees for the use of amenities such as:
  - Aquatic facilities,
  - Stadiums or arenas,
  - Special events,
  - Boat launching,
  - Golf,
  - Zoos,
  - Museums,
  - Gardens, or
  - Programs taking place within public lands.

<sup>31</sup> An example of a CAC card can be found on the Department of Defense website on Common Access Cards, available at <http://www.cac.mil/common-access-card/>

<sup>32</sup> Department of Defense website on Common Access Cards, (last visited January 18, 2016) available at <http://www.cac.mil/common-access-card/>

<sup>33</sup> An example of a Uniformed Services ID Card can be found on the Department of Defense website on Uniformed Services ID Cards, available at <http://www.cac.mil/uniformed-services-id-card/>

<sup>34</sup> Department of Defense website on Uniformed Services ID Cards, (last visited January 18, 2016) available at <http://www.cac.mil/uniformed-services-id-card/>

<sup>35</sup> *Id.*

<sup>36</sup> s. 322.12, F.S.

<sup>37</sup> S. 322.051, F.S.



By restricting the park fee discounts to entrance fees, this may increase any potential positive fiscal impact on county or municipal revenue.

Although county and municipal parks may currently provide a full or partial discount on park entrance fees to these individuals, there may be a benefit from the uniformity that a state law would provide.

### Transportation Fare Discounts

The bill also provides disabled veterans, as described in section 295.07(1)(a), with discounts when using a transportation system or facility owned or operated by a regional transportation authority as defined in ch. 163, F.S., ch. 343, F.S or ch. 349, F.S. The regional transportation authority shall provide a partial or full discount on fares for the use of a fixed-route transportation system operated by the authority. The veteran must present information satisfactory to the authority evidencing eligibility for the discount.

#### B. SECTION DIRECTORY:

- Section 1: Creates s. 125.029, relating to military, law enforcement, and firefighter county park entrance fee discounts.
- Section 2: Creates s. 163.58, F.S., relating to transportation fare discounts.
- Section 3. Creates s. 166.0447, F.S., relating to military, law enforcement, and firefighter municipal park entrance fee discounts.
- Section 4: Provides 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 REC has yet to hear the bill. However, the REC heard a similar bill, HB 1095, during the 2015 legislative session and determined the bill would have had a negative indeterminate fiscal impact to local governments. However, most local parks do not charge entrance fees.

To the extent that county and municipal parks do charge park entrance fees, county and municipal parks may experience a decrease in revenue generated from park entrance fees.

However, publicity generated from such park entrance fee discounts may lead to an overall increase in revenue for local governments.

##### 2. Expenditures:

None.

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

Generally, the bill will have a positive fiscal impact on veterans, their families, and the families of deceased veterans and first responders.

Park fee discounts at county and municipal parks will be available to certain active-duty military servicemembers, honorably discharged veterans, honorably discharged disabled veterans, and certain family members of servicemembers who have died during combat. The surviving spouse or parent of an EMT, LEO, firefighter, or paramedic, who has died while in the line of duty is also included.

Disabled veterans will be eligible for a full or partial discount when using a system or facility owned or operated by a regional transportation authority.

Publicity generated from discounts to regional transportation authority facilities may lead to an increase in revenue to the communities surrounding such facilities.

**D. FISCAL COMMENTS:**

To the extent that disabled veterans may use a transportation system or facility owned or operated by a regional transportation authority, regional transportation authorities may experience a decrease in revenue generated from the discounted rates, fees and charges.

However, publicity generated from discounts to regional transportation authority facilities may lead to an increase in revenue to the facilities and surrounding communities.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

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

Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate to be passed by a two-thirds vote of the membership of each house of the Legislature. However, Article VII, section 18(d) of the Florida Constitution provides an exemption from the two-thirds requirement for any general law that has an insignificant fiscal impact.

The REC has yet to hear the bill. However, the REC heard a similar bill, HB 1095, during the 2015 legislative session and estimated that the bill would have a negative indeterminate fiscal impact to local governments. However, most local parks do not charge entrance fees, As a result, the bill would likely have had an insignificant fiscal impact.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

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

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.



27 term "park entrance fee"; providing certain  
 28 exclusions; providing an effective date.

29  
 30 Be It Enacted by the Legislature of the State of Florida:  
 31

32 Section 1. Section 125.029, Florida Statutes, is created  
 33 to read:

34 125.029 County park entrance fee discounts.-

35 (1) A county park or recreation department shall provide a  
 36 partial or a full discount on park entrance fees to the  
 37 following individuals who present information satisfactory to  
 38 the county department which evidences eligibility for the  
 39 discount:

40 (a) A current member of the United States Armed Forces or  
 41 their reserve components, including the Air National Guard or  
 42 the Army National Guard.

43 (b) An honorably discharged veteran of the United States  
 44 Armed Forces or their reserve components, including the Air  
 45 National Guard and the Army National Guard.

46 (c) An honorably discharged veteran of the United States  
 47 Armed Forces or their reserve components, including the Air  
 48 National Guard and the Army National Guard, who has a service-  
 49 connected disability as determined by the United States  
 50 Department of Veterans Affairs.

51 (d) A surviving spouse and parents of a deceased member of  
 52 the United States Armed Forces or their reserve components,

53 including the Air National Guard or the Army National Guard, who  
 54 died in the line of duty under combat-related conditions.

55 (e) A surviving spouse and parents of a law enforcement  
 56 officer, as defined in s. 943.10(1), a firefighter, as defined  
 57 in s. 633.102, or an emergency medical technician or paramedic  
 58 employed by state or local government, who died in the line of  
 59 duty.

60 (2) As used in this section, the term "park entrance fee"  
 61 means a fee charged to access lands managed by a county park or  
 62 recreation department. The term does not include expanded fees  
 63 for amenities, such as campgrounds, aquatic facilities, stadiums  
 64 or arenas, facility rentals, special events, boat launching,  
 65 golf, zoos, museums, gardens, or programs taking place within  
 66 public lands.

67 Section 2. Section 163.58, Florida Statutes, is created to  
 68 read:

69 163.58 Transportation fare discounts.—An authority, as  
 70 defined in this chapter, chapter 343, or chapter 349, shall  
 71 provide a partial or a full discount on fares for the use of a  
 72 fixed-route transportation system operated by the authority to a  
 73 disabled veteran as described in s. 295.07(1)(a) who presents  
 74 information satisfactory to the authority which evidences  
 75 eligibility for the discount.

76 Section 3. Section 166.0447, Florida Statutes, is created  
 77 to read:

78 166.0447 Municipal park entrance fee discounts.—

79           (1) A municipal park or recreation department shall  
 80 provide a partial or a full discount on park entrance fees to  
 81 the following individuals who present information satisfactory  
 82 to the municipal department which evidences eligibility for the  
 83 discount:

84           (a) A current member of the United States Armed Forces or  
 85 their reserve components, including the Air National Guard or  
 86 the Army National Guard.

87           (b) An honorably discharged veteran of the United States  
 88 Armed Forces or their reserve components, including the Air  
 89 National Guard or the Army National Guard.

90           (c) An honorably discharged veteran of the United States  
 91 Armed Forces or their reserve components, including the Air  
 92 National Guard or the Army National Guard, who has a service-  
 93 connected disability as determined by the United States  
 94 Department of Veterans Affairs.

95           (d) A surviving spouse and parents of a deceased member of  
 96 the United States Armed Forces or their reserve components,  
 97 including the Air National Guard or the Army National Guard, who  
 98 died in the line of duty under combat-related conditions.

99           (e) A surviving spouse and parents of a law enforcement  
 100 officer, as defined in s. 943.10(1), a firefighter, as defined  
 101 in s. 633.102, or an emergency medical technician or paramedic  
 102 employed by state or local government, who died in the line of  
 103 duty.

104           (2) As used in this section, the term "park entrance fee"



105 means a fee charged to access lands managed by a municipal park  
 106 or recreation department. The term does not include expanded  
 107 fees for amenities, such as campgrounds, aquatic facilities,  
 108 stadiums or arenas, facility rentals, special events, boat  
 109 launching, golf, zoos, museums, gardens, or programs taking  
 110 place within public lands.

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



**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1371 St. Augustine-St. Johns County Airport Authority  
**SPONSOR(S):** Stevenson  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Walker	Miller
2) Transportation & Ports Subcommittee	12 Y, 0 N	Hancock	Vickers
3) Local & Federal Affairs Committee		Walker <i>OW</i>	Kiner <i>KLK</i>

**SUMMARY ANALYSIS**

The bill amends sections ch. 2002-347, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. John’s County Airport Authority (Authority). The bill also specifies that the Authority may conduct airport operations under the name “Northeast Florida Regional Airport.”

The bill provides that the Authority shall compensate the members of its Board for their services up to, but not exceeding, \$7,500 per year only if the Authority levies ad valorem taxes of 0.00 mills. If the Authority imposes ad valorem taxes at a rate greater than 0.00 mills, the Board members may not receive compensation. Board members currently receive only reimbursements for verified travel and other expenses. The bill was unanimously approved by the St. Johns Legislative County Delegation.

The fiscal impact of this bill at the local level is indeterminate. The maximum increase in annual financial obligations of the district for the compensation of Board members is \$37,500. However, this compensation is tied to an ad valorem assessment of 0.00 mills and, therefore, may incentivize the Board members to decrease costs to receive compensation.

The bill shall take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The St. Augustine-St. Johns County Airport Authority (Authority), originally known as the St. Augustine Airport Authority, is an independent special district created in 1963<sup>1</sup> and its enabling law has been amended several times.<sup>2</sup> In 2002, the Legislature enacted ch. 2002-347, Laws of Fla., codifying all prior special acts relating to the Authority into a single charter.<sup>3</sup>

The Authority is governed by the St. Augustine-St. Johns County Airport Authority Board (Board), which is comprised of five elected members residing within St. Johns County. Board members serve staggered four year terms with vacancies appointed by the Governor and confirmed by the Senate.<sup>4</sup>

The Board has the power to hire employees, acquire property, maintain and operate airport facilities, enter into contracts, own aviation vehicles and equipment, conduct aviation related research and development, and to issue revenue and general obligation bonds.<sup>5</sup> The Board may levy ad valorem taxes in order to pay for interest and principle of issued bonds, and for general purposes, at a rate not to exceed 0.5 mills.<sup>6</sup>

The Board members currently are uncompensated but are authorized to be reimbursed for verified travel and other expenses, which are to be paid from the Authority funds.<sup>7</sup> This provision in the charter prevents the Authority from providing the Board members with benefits otherwise authorized in general law, such as insurance<sup>8</sup> or retirement benefits.<sup>9</sup>

The financial statements filed with the Department of Financial Services show the Authority currently derives most of its revenue from federal grants, service charges, and rents and royalties, with a small amount of revenue coming from ad valorem taxes (in 2014, this amounted to \$2,497.00 out of \$6,279,472 total revenues). In 2010 the Authority collected \$ 3,150,143 in ad valorem taxes but since then reduced such collections to less than \$10,000 annually.<sup>10</sup>

##### Effect of Proposed Changes

The bill amends ch. 2002-347, ss. 1 – 3 of s. 3, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. John's County Airport Authority (Authority). The bill also specifies that the Authority is authorized to conduct airport operations under the name "Northeast Florida Regional Airport."

The bill also requires that Board members receive compensation for their services as set by the Authority up to, but not exceeding, \$7,500 per year so long as the Authority levies ad valorem taxes of

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<sup>1</sup> Ch. 63-1853, Laws of Fla.

<sup>2</sup> See generally, chs. 65-2169, 65-2172, 65-2175, 67-1983, 69-1535, 69-1541, 82-374, 83-507, 83-508, and 89-496, Laws of Fla.

<sup>3</sup> Ch. 2002-347, Laws of Fla.

<sup>4</sup> Ch. 2002-347, s. 3(3) of s. 3, Laws of Fla.

<sup>5</sup> Ch. 2002-347, s. 3(4)-(10) of s. 3, Laws of Fla.

<sup>6</sup> Ch. 2002-347, s. 3(11) of s. 3, Laws of Fla.

<sup>7</sup> Ch. 2002-347, s. 3(3) of s. 3, Laws of Fla.

<sup>8</sup> Section 112.08, F.S.

<sup>9</sup> Section 112.048, F.S.

<sup>10</sup> Department of Financial Services, LOCAL GOVERNMENT GENERAL AD HOC REPORT 2010-2015, *available at*

<http://www.myfloridacfo.com/Division/AA/LocalGovernments/default.htm> (last accessed Jan. 19, 2016). Ad valorem tax receipts reported since 2010 include \$6,399 (2011), \$7,528 (2012), \$602 (2013), and \$2,497 (2014).

0.00 mills. This compensation is in addition to the currently authorized reimbursements for verified travel and other expenses.

The fiscal impact of this bill at the local level is indeterminate. The maximum increase in financial obligations of the district for the compensation of Board members is \$37,500.<sup>11</sup> However, the compensation provided is tied to an ad valorem assessment of 0.00 mills and therefore, may incentivize the Board members to decrease costs to receive compensation.

**B. SECTION DIRECTORY:**

Section 1 Amends ch. 2002-347, ss. 1 – 3 of s. 3,, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. Johns County Airport Authority and to provide for compensation of board members.

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

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 10, 2015

WHERE? *St. Augustine Record*, a daily newspaper published in St. Johns 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:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>11</sup> Based on five Board members receiving the maximum compensation level provided by the bill, \$7,500/per year.  
STORAGE NAME: h1371d.LFAC.docx  
DATE: 2/3/2016

Rep. Stephansen  
HB 1371 LB

THE ST. AUGUSTINE RECORD

COP NOTICE OF INTENT TO SEEK LEGISLATION T

STATE REP CYNDI STEVENSON  
PO Box 600726  
SAINT JOHNS FL 32260

TO WHOM IT MAY CONCERN:  
Notice is hereby given of intent to apply to the 2016 Legislature for passage of an act relating to the St. Augustine-St. Johns County Airport Authority, amending chapter 2002-347, Laws of Florida, renaming the St. Augustine-St. Johns County Airport Authority, allowing the Airport to conduct operations under the name Northeast Florida Regional Airport, and providing for the compensation of board members.  
L3480-15 Dec 10, 2015

Ref.#: L3480-15  
P.O.#: AIRPORT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

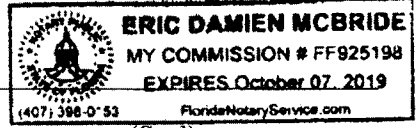
Before the undersigned authority personally appeared **NICOLE CORRIVEAU** who on oath says that he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement being a **NOTICE OF INTENT** In the matter of **TO SEEK LEGISLATION - RE: SJC/ST AUGUSTINE AIRPORT** was published in said newspaper on **12/10/2015**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this \_\_\_\_\_ day of DEC 10 2015 by Nicole Corriveau who is personally known to me or who has produced as identification \_\_\_\_\_

*[Handwritten Signature]*

(Signature of Notary Public)



(Seal)

HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1371

SPONSOR(S): Stevenson

RELATING TO: St. Augustine - St. Johns County Airport Authority  
(Indicate Area Affected (City, County, or Special District) and Subject)

NAME OF DELEGATION: St. Johns County Legislative Delegation

CONTACT PERSON: Colin Kirkland

PHONE NO.: (850) 717-5017 E-Mail: colin.kirkland@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: 12/17/2015  
Location: St. Augustine, FL

(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 12/10/2015

Where? St. Augustine, FL County St. Johns 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.

Cyndi Stevenson  
Delegation Chair (Original Signature)

1/12/15  
Date

CYNDI STEVENSON  
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 #:** 1371  
**SPONSOR(S):** Stevenson  
**RELATING TO:** St. Augustine - St. Johns County Airport 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.

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**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 Expected  
\_\_\_\_\_  
\_\_\_\_\_
  
- 2. Advantages to Businesses: None Expected  
\_\_\_\_\_  
\_\_\_\_\_
  
- 3. Advantages to Government: None Expected  
\_\_\_\_\_  
\_\_\_\_\_

**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 Expected  
\_\_\_\_\_

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2. Disadvantages to Businesses: None Expected

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3. Disadvantages to Government: None Expected

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

No Change Expected

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**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.

Existing Adopted Budget & Previous Year's Audited Financial Statements

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**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: Edward R. Wuellner, AAE

January 6, 2016 \_\_\_\_\_  
**Date**

TITLE: Executive Director

REPRESENTING: St. Augustine – St. Johns County Airport Authority

PHONE: (904) 209-0090

E-MAIL ADDRESS: ERW@SGJ-AIRPORT.COM

1                                   A bill to be entitled  
 2           An act relating to the St. Augustine-St. Johns County  
 3           Airport Authority; amending chapter 2002-347, Laws of  
 4           Florida; renaming the St. Augustine-St. Johns County  
 5           Airport Authority; providing for compensation of board  
 6           members; providing an effective date.

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

9  
 10           Section 1. Sections 1 through 3 of section 3 of chapter  
 11           2002-347, Laws of Florida, are amended to read:

12           Section 1. Status of the St. Johns ~~St. Augustine-St. Johns~~  
 13           County Airport Authority.—The St. Johns ~~St. Augustine-St. Johns~~  
 14           County Airport Authority is declared to be an independent  
 15           special district pursuant to chapter 189, Florida Statutes, as  
 16           it may be amended from time to time. The St. Johns County  
 17           Airport Authority may conduct airport operations under the name,  
 18           "Northeast Florida Regional Airport."

19           Section 2. Boundaries of the St. Johns ~~St. Augustine-St.~~  
 20           ~~Johns~~ taxing district.—All lands lying within St. Johns County,  
 21           Florida, shall constitute the boundaries of the St. Johns ~~St.~~  
 22           ~~Augustine-St. Johns~~ County special taxing district.

23           Section 3. Minimum charter requirements.—In accordance  
 24           with section 189.404(3), Florida Statutes, the following  
 25           subsections constitute the charter of the St. Johns ~~St.~~  
 26           ~~Augustine-St. Johns~~ County Airport Authority:

27 (1) There is hereby created an authority to be known as  
 28 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority  
 29 with the power to sue and be sued and with the additional powers  
 30 specified herein.

31 (2) There is also created a special taxing district in St.  
 32 Johns County, which district shall be a body politic and  
 33 corporate and political subdivision of the state under the name  
 34 of "St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority  
 35 District." The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 36 Authority shall be the governing body and shall exercise its  
 37 powers and jurisdiction within the territory of said district,  
 38 which shall comprise all of St. Johns County.

39 (3) The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 40 Authority shall be governed by a board of five members known as  
 41 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority  
 42 board. The expiration of each 4-year term for each seat is  
 43 staggered, such that two or three of the five seats are elected  
 44 every 2 years. At the general election held prior to the  
 45 expiration of each of said terms, successors shall be elected by  
 46 the qualified electors residing within the boundaries of the St.  
 47 Johns ~~St. Augustine-St. Johns~~ County Airport Authority District  
 48 for a term of 4 years, to expire the first Tuesday after the  
 49 first Monday in January following the election. Vacancies in  
 50 office shall be filled by appointment of the Governor and  
 51 confirmed by the Senate for the remainder of the unexpired  
 52 terms. No member of the St. Johns ~~St. Augustine-St. Johns~~ County

53 | Airport Authority board shall be an officer or employee of the  
 54 | City of St. Augustine, St. Johns County, or the State of  
 55 | Florida, except members of the militia or notaries public. Not  
 56 | more than two of the members shall be persons who are primarily  
 57 | engaged in the aviation business, and no person shall be  
 58 | eligible for appointment or election as a board member except  
 59 | persons residing within the boundaries of the St. Johns St.  
 60 | ~~Augustine St. Johns~~ County Airport Authority District. The  
 61 | members constituting the St. Johns St. ~~Augustine St. Johns~~  
 62 | County Airport Authority board shall select one of their number  
 63 | as chair, and the term of office of the chair shall be 1 year.  
 64 | The members shall receive no compensation for their services so  
 65 | long as the St. Johns County Airport Authority levies ad valorem  
 66 | taxes greater than 0.00 mills, but they are authorized to be  
 67 | reimbursed for verified travel and other expenses, which shall  
 68 | be paid from the funds of the Authority. The members shall  
 69 | receive compensation for their services as set by the Authority  
 70 | up to but not exceeding \$7,500 per year so long as the St. Johns  
 71 | County Airport Authority levies ad valorem taxes of 0.00 mills,  
 72 | and they are authorized to be reimbursed for verified travel and  
 73 | other expenses, which shall be paid from the funds of the  
 74 | Authority. Three members shall constitute a quorum for the  
 75 | purpose of conducting business, exercising powers, and all other  
 76 | purposes. Notices of election shall be given through the Office  
 77 | of the Secretary of State, as provided by the general laws of  
 78 | the state. Members of the St. Johns St. ~~Augustine St. Johns~~

79 County Airport Authority board shall be identified on such board  
 80 by numbered groups, and candidates for election to such board  
 81 shall qualify in particular groups, and otherwise as provided by  
 82 the laws of the state.

83 (4) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 84 Authority is empowered to employ an executive director, a legal  
 85 counsel, and other such permanent or temporary employees,  
 86 including, but not limited to, technical experts, secretaries,  
 87 and clerical help, as may be needed to operate the Authority.  
 88 The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority  
 89 board is empowered to determine the qualifications, duties, and  
 90 compensation of said employees, the compensation to be fixed by  
 91 resolution of the members of the board and to be paid from the  
 92 income of the Authority.

93 (5) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 94 Authority as hereby created is authorized and empowered to own  
 95 and acquire property by purchase, lease, lease-purchase, eminent  
 96 domain, gift, or transfer from the City of St. Augustine, the  
 97 United States of America, the State of Florida, or any agencies  
 98 thereof, and other entities or individuals, and to acquire,  
 99 construct, maintain, and operate airport facilities, warehouses,  
 100 hangars, repair facilities, seaplane bases, and all other  
 101 facilities incident to the operation of airport facilities for  
 102 both foreign and domestic air transportation, either by land  
 103 planes or seaplanes, including multimodal transportation  
 104 facilities which interconnect with the airport facility. The



105 Authority is authorized and empowered to own, acquire, and  
 106 operate airplanes, seaplanes, and lighter-than-air craft, and to  
 107 engage in instruction in aviation, research in aeronautical  
 108 fields, and promotion of aeronautical development. Property of  
 109 the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority  
 110 may be utilized for purposes which are not related to aviation.

111 (6) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 112 Authority is authorized and empowered to conduct activities  
 113 necessary to create and support a multimodal transportation  
 114 system to interconnect with and support the airport activities  
 115 and to serve the district and the region.

116 (7) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 117 Authority shall have the right and power of eminent domain over  
 118 real and personal property and to maintain eminent domain  
 119 proceedings in the form and in the manner as prescribed by the  
 120 general laws of the state, provided that the power of eminent  
 121 domain shall be exercised to carry out the purposes of this act.

122 (8) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 123 Authority is authorized and empowered to enter into contracts  
 124 with any individual, corporation, or political subdivision or  
 125 agency of the state, and the United States of America, and to  
 126 enter into operating contracts or leases for facilities owned by  
 127 the Authority and any and all other contracts for furthering the  
 128 business, operation, and maintenance of the facilities as herein  
 129 provided, including the right to lease any or all airport  
 130 facilities and appurtenances to individuals, corporations, or

131 government entities. The Authority is further authorized to fix  
 132 and revise from time to time rates, fees, and other charges for  
 133 the use of and for the services furnished or to be furnished by  
 134 any airport facility owned or operated by the Authority. Such  
 135 rates, fees, and charges shall be fixed and revised so that the  
 136 revenues of the Authority, together with any other available  
 137 funds, will be sufficient at all times:

138 (a) To pay the costs, including salaries, for maintaining,  
 139 operating, and repairing the airport facilities owned or  
 140 operated by the Authority, including reserves for such purposes.

141 (b) To pay the principal of and interest on all bonds or  
 142 revenue certificates issued by the Authority under the  
 143 provisions of this act as the same become due and payable and to  
 144 provide reserves therefor.

145  
 146 Notwithstanding any of the foregoing provisions of this section,  
 147 the Authority may enter into contracts relating to the use of or  
 148 for the services furnished or to be furnished by any airport  
 149 facility, which contracts shall not be subject to revision  
 150 except in accordance with the terms of such contracts.

151 (9) Within the limits of its budget, the St. Johns ~~St.~~  
 152 ~~Augustine-St. Johns~~ Airport Authority is authorized to borrow  
 153 money and give its notes as evidence of indebtedness therefor in  
 154 order to carry out the purposes and authorizations of this act.

155 (10) To carry out the purposes of this act, the authority  
 156 is authorized, for the purpose of construction, acquiring,

157 | paying for, and improving its properties and facilities, to  
 158 | raise moneys by the issuance and sale of revenue bonds or  
 159 | certificates or general obligation bonds or combined revenue and  
 160 | general obligation bonds.

161 |       (a) Revenue bonds or certificates issued pursuant to this  
 162 | act shall be payable from and secured by a pledge of all or any  
 163 | part of the income, rents, and revenues derived by the Authority  
 164 | from any of its properties or facilities now or hereafter owned  
 165 | or operated by the Authority. The Authority may further pledge  
 166 | its full faith and credit and taxing power for the payment of  
 167 | such revenue bonds or certificates to the full extent that the  
 168 | revenues derived from the operation of the properties and  
 169 | facilities of the Authority are insufficient for the payment of  
 170 | the principal of and interest on and reserves for such revenue  
 171 | bonds or certificates, provided that the issuance of such  
 172 | revenue bonds or certificates, if the full faith and credit of  
 173 | the Authority are pledged therefor, have been first approved by  
 174 | the qualified electors residing in the district in the manner  
 175 | provided in Section 12 of Article VII of the State Constitution.

176 |       (b) The Authority may also issue its general obligation  
 177 | bonds for the purposes aforesaid and may pledge its full faith  
 178 | and credit and taxing power for the payment of the principal of  
 179 | and interest on said bonds and reserves therefor as the same  
 180 | become due, provided that the issuance of such general  
 181 | obligation bonds has been first approved by the qualified

182 electors residing in the district in the manner provided in  
 183 Section 12 of Article VII of the State Constitution.

184 (c) Any bond election of the qualified electors residing  
 185 in the district shall be called and held in the manner provided  
 186 in the applicable Florida Statutes for the holding of bond  
 187 elections.

188 (d) After the issuance of any revenue bonds, which are  
 189 additionally secured by the full faith and credit of the  
 190 Authority as provided above, or of any general obligation bonds,  
 191 the Authority shall have the power and shall be irrevocably  
 192 obligated to levy ad valorem taxes on all taxable property  
 193 within the district to the full extent necessary to pay the  
 194 principal of and interest on and reserves for any general  
 195 obligation bonds issued, as the same mature and become due, and  
 196 to pay the principal of and interest on and reserves therefor  
 197 due on any revenue bonds or certificates to the full extent that  
 198 the revenues derived from the operation of the Authority's  
 199 properties and facilities are insufficient for the payment  
 200 thereof.

201 (e) Any of said revenue bonds or certificates or general  
 202 obligation bonds may be authorized by resolution or resolutions  
 203 adopted by the Authority, which may be adopted at the same  
 204 meeting at which they are introduced, by a majority of all the  
 205 members of the Authority then in office and need not be  
 206 published or posted. The bonds shall bear interests at the rate  
 207 or rates allowable by general law, may be in one or more series,

208 may bear such date or dates, may mature at such time or times  
 209 not exceeding 40 years from their respective dates, may be  
 210 payable in such medium of payment, at such place or places  
 211 within or without the state, may carry such registration  
 212 privileges, may be subject to such terms or prior redemption,  
 213 with or without premium, may be executed in such manner, may  
 214 contain such terms, covenants, and conditions, and may be in  
 215 such form, all as such resolution or subsequent resolutions  
 216 shall provide. The bonds may be sold or exchanged for refunding  
 217 bonds or delivered to contractors in payment for any part of the  
 218 works or improvements financed by such bonds, or delivered in  
 219 exchange for any properties, either real, personal, or mixed,  
 220 including franchises, to be acquired for such works or  
 221 improvements, all at one time or in blocks from time to time, in  
 222 such manner and at such price or prices, as the board of the  
 223 Authority in its discretion shall determine and in accordance  
 224 with Florida Statutes.

225 (f) Pending the preparation of the definitive bonds,  
 226 interim certificates or receipts or temporary bonds in such form  
 227 and with such provisions as the Authority board may determine  
 228 may be issued to the purchaser or purchasers of the bonds issued  
 229 hereunder. The bonds and such interim certificates or receipts  
 230 or temporary bonds shall be fully negotiable and shall be and  
 231 constitute negotiable instruments within the meaning of and for  
 232 all purposes of the law merchant and the negotiable-instruments  
 233 law of the state.

234 (g) Said bonds may be issued to refund any obligations  
235 therefor issued pursuant to this act or any other law to finance  
236 the construction or acquisition of properties or facilities of  
237 the Authority at or before the maturity of such outstanding  
238 obligations, or for the combined purposes of refunding such  
239 outstanding obligations and the construction or acquisition of  
240 properties or facilities of the Authority.

241 (h) In the event the Authority issues revenue bonds or  
242 certificates, whether payable from the revenues of the  
243 properties and facilities of the Authority or secured by a  
244 pledge of the full faith and credit of the Authority as provided  
245 above, the Authority may make valid and legally binding  
246 covenants with the holders of said revenue bonds or certificates  
247 as to the purposes for which the proceeds of the revenue bonds  
248 or certificates may be applied and the securing, use, and  
249 disposition thereof; the creation and maintenance of reserve  
250 funds, the fixing, establishing, collection, and maintenance of  
251 fees, rentals, or other charges for the use of the services and  
252 facilities of the Authority; limitations or restrictions on the  
253 issuance of additional revenue bonds or other certificates  
254 payable from the revenues derived from the properties and  
255 facilities of the Authority; the appointment of a trustee to  
256 hold and apply any funds of the Authority; the appointment of a  
257 receiver upon default of the Authority in the payment of the  
258 principal of or interest on any such revenue bonds or  
259 certificates or in the performance of any covenants relating

260 thereto; and such other and additional covenants as is deemed  
 261 necessary and desirable for the security of the holders of such  
 262 revenue bonds or certificates issued pursuant to this act.

263 (i) All revenue bonds or certificates and general  
 264 obligation bonds issued hereunder shall be and constitute legal  
 265 investments for saving banks, banks, trust companies, executors,  
 266 administrators, trustees, guardians, and other fiduciaries and  
 267 for any board, body, agency, or instrumentality of the state, or  
 268 of any county, municipality, or other political subdivision of  
 269 the state, and shall be and constitute securities which may be  
 270 deposited by any bank or trust company as security for the  
 271 deposit of state, county, municipal, and other public funds.

272 (j) All property of and all revenues derived from the  
 273 properties and facilities of the Authority shall be exempt from  
 274 all taxation by the state or by any county, municipality, or  
 275 other political subdivision thereof. Revenue bonds or  
 276 certificates and general obligation bonds issued pursuant to  
 277 this act, shall, together with the income therefrom, be exempt  
 278 from all taxation by the state, or by any county, municipality,  
 279 or other political subdivision thereof.

280 (k) Whenever any debt has been incurred or bonds have been  
 281 issued by the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 282 Authority, the board shall determine annually by resolution the  
 283 amount necessary to be raised by taxation for the payment of  
 284 principal of and interest on any indebtedness or bonds maturing  
 285 in such year for such purposes. A certified copy of the

286 resolution shall be filed annually with the Board of County  
 287 Commissioners of St. Johns County and the board of county  
 288 commissioners shall order annually the property appraiser to  
 289 assess property in the district sufficient to pay the principal  
 290 of and interest on any indebtedness in said year, together with  
 291 any delinquency for prior years. The board of county  
 292 commissioners shall order annually the property appraiser to  
 293 assess and the tax collector to collect such other taxes as may  
 294 be certified to the board of county commissioners by the board  
 295 of the Authority, as authorized by provisions of this act for  
 296 other purposes.

297 (11) In addition to the powers enumerated above, the  
 298 Authority shall for general purposes have the authority to levy  
 299 an ad valorem tax on all taxable property situated within the  
 300 district, said ad valorem tax not to exceed .5 mill.

301 (12) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 302 Authority shall have no power or authority to bind or commit the  
 303 City of St. Augustine, a municipal corporation, in any manner  
 304 directly or indirectly and the City of St. Augustine shall not  
 305 be liable or responsible in any manner for any of the debts,  
 306 liabilities, obligations, acts, or omissions of the St. Johns  
 307 ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority, or any of its  
 308 officers or employees. All persons dealing with the Authority  
 309 are hereby charged with full notice of this limitation of its  
 310 powers.



311           (13) The fiscal year of the St. Johns ~~St. Augustine~~ ~~St.~~  
 312 ~~Johns~~ County Airport Authority shall be the same as that of St.  
 313 Johns County, being October 1 to September 30 of each year. The  
 314 St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority shall  
 315 maintain acceptable books of account reflecting all income and  
 316 expenditures and said books shall be open to reasonable public  
 317 inspection.

318           (a) In addition, the St. Johns ~~St. Augustine~~ ~~St. Johns~~  
 319 County Airport Authority shall prepare a budget on or before the  
 320 first day of each fiscal year, and no money shall be spent or  
 321 obligations incurred by the board or Authority except in  
 322 accordance with the terms of the budget.

323           (b) An audit of the affairs of the Authority shall be  
 324 conducted annually by a certified public accountant and shall be  
 325 submitted to the state auditor for review in accordance with the  
 326 general laws of Florida.

327           (14) St. Johns County and the City of St. Augustine are  
 328 empowered to appropriate and contribute to the St. Johns ~~St.~~  
 329 ~~Augustine~~ ~~St. Johns~~ County Airport Authority such sums of money  
 330 for the operating expenses of the Authority as the commission of  
 331 the city or the county may from year to year determine  
 332 necessary. Such sums of money so appropriated and contributed by  
 333 the city or the county shall be paid to the St. Johns ~~St.~~  
 334 ~~Augustine~~ ~~St. Johns~~ County Airport Authority upon its  
 335 requisition. The City of St. Augustine and St. Johns County are  
 336 further authorized to convey by sale, lease, or gift any city-

HB 1371

2016

337 | owned or county-owned properties that the city or county deems  
 338 | appropriate to convey to the Authority.

339 |       (15) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 340 | Authority shall, with the consent of the City Commission of St.  
 341 | Augustine, evidenced by resolution of the commission, exercise  
 342 | any powers relating to aviation conferred upon municipalities by  
 343 | general law, including the provisions of chapter 332, Florida  
 344 | Statutes, known as the Airport Act of 1945.

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



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1417 Hillsborough County  
**SPONSOR(S):** Young  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Renner	Miller
2) Business & Professions Subcommittee	12 Y, 0 N	Butler	Anstead
3) Local & Federal Affairs Committee		Renner <i>gr</i>	Kiner <i>ELK</i>

### SUMMARY ANALYSIS

Florida's Beverage Law places a limit on the number of "quota licenses" that the Department of Business and Professional Regulation (DBPR) may issue per county. A quota license allows a business to serve any alcoholic beverage regardless of alcoholic content, including liquor, for both on and off premises consumption. DBPR is not limited by the Beverage Law on the number of licenses it may issue for businesses who wish to serve only malt beverages and wine.

In excess of the quota limitation, DBPR is authorized to issue a Special Restaurant Beverage license (SRX), which allows a restaurant to sell any alcoholic beverage, including liquor, under certain circumstances.

Under the general state law, a restaurant may be issued an SRX license if it has at least 2,500 square feet of service area, is equipped to serve 150 full-service customers, and derives at least 51 percent of its gross revenue from the sale of food and non-alcoholic beverages.

In 1970, the Legislature enacted ch. 70-718, Laws of Florida, to provide a local exception that lowered the requirements for a restaurant to obtain an SRX license for restaurants in Hillsborough County. Under the local exception, a restaurant may be issued an SRX license if it has at least 4,000 square feet of overall floor capacity, is equipped to serve 150 full-service customers, and derives at least 51 percent of its gross revenue from the sale of food. Previously, general law required a restaurant to be at least 4,000 square feet, serve 200 customers, and derive 51 percent of gross revenue from food.

The bill amends the local exception to reduce the square foot requirement to require no less than 2,500 square feet of overall floor capacity and to allow the sale of nonalcoholic beverages to be included with food from which the restaurant needs to derive at least 51 percent of its gross revenue.

Lastly, the bill provides that the Division of Alcoholic Beverages and Tobacco (DABT) within the DBPR is authorized to issue rules, supervise SRX licenses issued, and revoke or suspend the SRX licenses for violations of the Beverage Law.

The Economic Impact Statement projects an increase in sales tax and licensing revenue for DBPR.

The bill takes 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. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The DABT within DBPR is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale within the state of alcoholic beverages. Chapters 561-565 and 567-568, F.S., comprise Florida's Beverage Law.

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to businesses who wish to sell malt beverages or wine; however, s. 561.20, F.S., limits the number of licenses that may be issued for licenses under s. 565.02(1)(a)-(f), F.S., to one license per 7,500 residents per county with a minimum of three (3) licenses per county that has approved the sale of intoxicating liquors.<sup>1</sup> This license, often referred to as a "quota license," allows a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.<sup>2</sup>

There are several exceptions to the quota license limitation, and businesses who meet the requirements set out in one of the exceptions pursuant to s. 561.20(2), F.S., may be issued a special license by DBPR that allows the business to serve any alcoholic beverages regardless of alcoholic content.

One such license is the SRX license, which may be issued to a "restaurant having 2,500 square feet of service area and equipped to serve 150 persons full course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages" so long as any alcoholic beverages sold under such license is for on premises consumption only.<sup>3</sup> Some older restaurants may qualify at a lower total gross revenue threshold.<sup>4</sup> A restaurant must offer full course meal service at any time alcohol beverages are being served to qualify for a license.<sup>5</sup> A full course meal must contain a salad or vegetable, entrée, beverage, and bread.<sup>6</sup>

In 1970, the Legislature enacted ch. 70-718, Laws of Florida, to provide, at the time, lower requirements for the issuance of SRX licenses for restaurants in Hillsborough County.<sup>7</sup> The local exception specifies that restaurants must have a seating capacity of no less than 100 seats, an overall floor capacity of 4,000 square feet, and derive no less than 51 percent of gross income from the sale of food that is prepared, served, and consumed on the premises in order to qualify for the license. Additionally, DBPR is authorized to regulate and supervise the SRX licenses issued to restaurants and to revoke or suspend SRX licenses for violations of the Beverage Law.

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<sup>1</sup> s. 561.20(1), F.S.

<sup>2</sup> s. 565.02, F.S.

<sup>3</sup> s. 561.20(2)(a)4., F.S.

<sup>4</sup> Rule 61A-3.0141, F.A.C. This provision applies to all licenses issued after April 18, 1972. For licenses issued between September 1, 1969 and April 18, 1972, at least thirty percent of the restaurant's total gross revenue must be derived from the sale of food and non-alcoholic beverages; for licenses issued prior to September 1, 1969, there is no minimum gross revenue threshold, but the restaurant must be "bona fide" and meet the other requirements of the rule.

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

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

<sup>7</sup> In 1970, the general state law required a restaurant to have an overall floor capacity of 4,000 square feet, have a seating capacity of at least 200 seats, and derive at least 51 percent of gross income from the sale of food. The Hillsborough local exception only modified the seating capacity requirement. s.

## **Effect of Proposed Changes**

The bill amends ch. 70-718, Laws of Florida, by revising the space requirements for the issuance of SRX licenses to certain restaurants in Hillsborough County. Specifically, the bill reduces the overall required floor capacity from 4,000 square feet to no less than 2,500 square feet for a restaurant. Restaurants must still have a seating capacity of no less than 100 seats.

Additionally, the bill includes the sale of nonalcoholic beverages as part of the 51 percent or more of gross income required in order for a restaurant to receive the SRX license. Lastly, the bill specifies that the DABT is authorized to issue rules, supervise SRX licenses issued, and revoke or suspend the SRX licenses for violations of the Beverage Law.

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

Section 1 Amends ch. 70-718, Laws of Florida, by revising space and income requirements for the issuance of alcoholic beverage licenses to certain restaurants in Hillsborough County.

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

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 12, 2015

WHERE? *The Tampa Tribune*, a daily newspaper located in Hillsborough 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:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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

None.

Rep. Young  
HB 1417 LB

# The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

## NOTICE OF INTENT TO SEEK LEGISLATION

TO WHOM IT MAY CONCERN:

Notice is hereby provided pursuant to Section 11.02, Fla. Stat. and Section 10, Art. III, Fla. Const. that the undersigned has requested the Florida Legislature enact legislation at its regular session held in the year 2016, or at a subsequent special session, amending Chapter 70-718, Laws of Florida. The title of the proposed legislation reads substantially as follows:

An act relating to Hillsborough County; amending chapter 70-718, Laws of Florida; revising an exception for space and seating requirements for liquor licenses for restaurants in the county; providing an effective date.

Dated at Tampa, Florida, the 12th day of December, 2015.

Representative Dana Young/Senator Jeff Brandes  
Hillsborough County Legislative Delegation  
2909 W. Bay to Bay Blvd., Suite 202  
Tampa, FL 33629-8175

5276

12/12/2015

State of Florida }  
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published in Hillsborough County and distributed to Pinellas, Pasco, Polk, Hernando & Highlands Counties, Florida; that the attached copy of the advertising being a

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

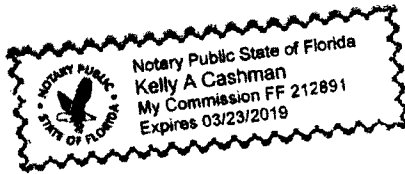
12/12/2015

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 12 day  
of Dec, A.D. 2015

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

Kelly A. Cashman



HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: Local Bill 6 HB 1417

SPONSOR(S): Rep. Young

RELATING TO: Hillsborough County  
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Hillsborough County

CONTACT PERSON: Sydney Ridley

PHONE NO.: (813) 407-0691 E-Mail: sydney.ridley@myfloridahouse.gov

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

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

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

YES  NO

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

YES  NO

Date hearing held: December 8th, 2015

Location: Amalie Arena

(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 12/12/15

Where? Tampa Tribune County Hillsborough



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)

1/4/16  
\_\_\_\_\_  
Date

Rep. Ross Spano  
\_\_\_\_\_  
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 #:** J-1 HB 1417  
**SPONSOR(S):** Representative Dana Young  
**RELATING TO:** Hillsborough County Requirements for SRX restaurant liquor licenses.  
[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>\$ positive</u>	<u>\$ positive</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.

This bill, and previous ones like it, have proven to be revenue positive from an increase in sales tax revenue perspective and licensing revenue, but impossible to quantify. Easing the restrictions on bona fide restaurant's ability to serve a full bar increases the opportunity to make a profit which in turn creates more jobs and sales tax revenue.

**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: More diverse dining options.  
\_\_\_\_\_  
\_\_\_\_\_
2. Advantages to Businesses: Increased likelihood of success in a very competitive field. Levels the playing field for smaller, independently owned businesses.  
\_\_\_\_\_
3. Advantages to Government: More sales tax revenue with no increase in services or staff. Higher license fee revenue: 2COP returns \$392 per year to state while a  
\_\_\_\_\_

Potential Disadvantages: 4COP/SRX returns \$1820 per year in Hillsborough County.

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:**

There is already staff in place to support this bill. The only change would be issuing more 4COP/SRX licenses and fewer 2COP licenses resulting in more license revenue for the state plus more sales tax revenue from the business.

**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.

Data from Department of Business and Professional Regulation website.



1                                   A bill to be entitled  
 2           An act relating to Hillsborough County; amending  
 3           chapter 70-718, Laws of Florida; revising space and  
 4           seating requirements for the issuance of alcoholic  
 5           beverage licenses to certain restaurants; providing an  
 6           effective date.

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

9  
 10           Section 1. Section 1 of chapter 70-718, Laws of Florida,  
 11           is amended to read:

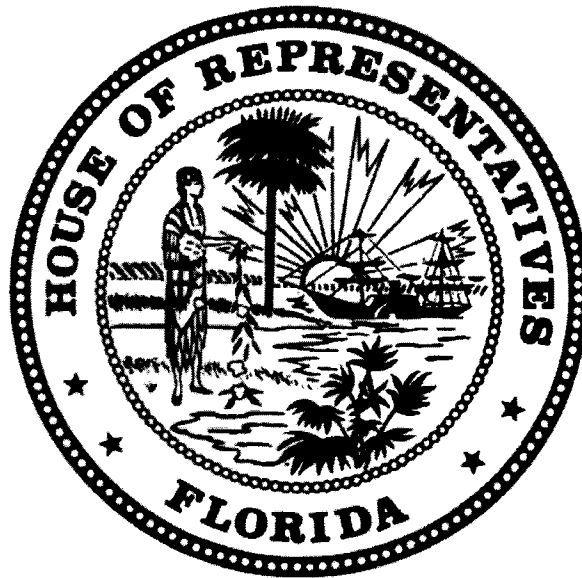
12           Section 1. The Division of Alcoholic Beverages and Tobacco  
 13           of the Department of Business and Professional Regulation may  
 14           ~~director of the beverage department of the State of Florida is~~  
 15           ~~hereby authorized to~~ issue special restaurant licenses under ~~the~~  
 16           ~~general provisions of~~ section 561.20, Florida Statutes, to ~~such~~  
 17           restaurants in Hillsborough County which have a seating capacity  
 18           of no fewer ~~less~~ than 100 ~~one hundred (100)~~ seats and, an  
 19           overall floor capacity of no less than 2,500 ~~four thousand~~  
 20           ~~(4,000)~~ square feet and which derive no less than 51 ~~fifty-one~~  
 21           percent ~~(51%)~~ of gross income from the sale of food and  
 22           nonalcoholic beverages that are ~~which is~~ prepared, served, and  
 23           consumed on such premises. The Division of Alcoholic Beverages  
 24           and Tobacco of the Department of Business and Professional  
 25           Regulation may ~~director of the beverage department of the State~~  
 26           ~~of Florida is authorized to~~ regulate and supervise restaurants

HB 1417

2016

27 to which such licenses have been issued under the rules  
28 ~~regulations~~ of the division ~~beverage department~~ and the general  
29 law not inconsistent herewith. The Division of Alcoholic  
30 Beverages and Tobacco of the Department of Business and  
31 Professional Regulation ~~may director of the beverage department~~  
32 ~~shall have the authority to~~ revoke or suspend any such license  
33 for violations of the Beverage Law and regulations of this state  
34 not inconsistent herewith.

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



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# **Local & Federal Affairs Committee**

## **Meeting Packet**

**Tuesday, February 9, 2016  
11:30 am – 02:30 pm  
Webster Hall (212 Knott)**

### **Addendum A**

**Steve Crisafulli  
Speaker**

**Dennis K. Baxley  
Chair**





Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative Nuñez offered the following:

4  
5  
6  
7  
8  
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10  
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12  
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15  
16

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) is added to subsection (5) of section 200.065, Florida Statutes, to read:

200.065 Method of fixing millage.—

(5) In each fiscal year:

(c) If the maximum millage rate as determined in paragraph  
(a) exceeds the limits set forth in s. 9(b), Art. VII of the  
State Constitution, the maximum millage rate shall be equal to  
the limit as set forth in s. 9(b), Art. VII of the State  
Constitution.



Amendment No.

17 Any unit of government operating under a home rule charter  
 18 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State  
 19 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 20 State Constitution of 1968, which is granted the authority in  
 21 the State Constitution to exercise all the powers conferred now  
 22 or hereafter by general law upon municipalities and which  
 23 exercises such powers in the unincorporated area shall be  
 24 recognized as a municipality under this subsection. For a  
 25 downtown development authority established before the effective  
 26 date of the 1968 State Constitution which has a millage that  
 27 must be approved by a municipality, the governing body of that  
 28 municipality shall be considered the governing body of the  
 29 downtown development authority for purposes of this subsection.

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

31  
 32 -----  
 33 **T I T L E A M E N D M E N T**

34 Remove everything before the enacting clause and insert:

35 A bill to be entitled

36 An act relating to determination of maximum millage rates;  
 37 amending s. 200.065, F.S.; specifying the maximum millage  
 38 rate under certain circumstances; providing an effective  
 39 date.