



Local Government Affairs Subcommittee

**Tuesday, February 17, 2015
1:00 PM
Webster Hall (212 Knott)**

Meeting Packet



The Florida House of Representatives

Local Government Affairs Subcommittee

Representative Steve Crisafulli
Speaker

Representative Debbie Mayfield
Chair

Meeting Agenda
Tuesday, February 17, 2015
212 Knott, Webster Hall
01:00 p.m. – 03:00 p.m.

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Welcome and Opening Remarks**
- V. Consideration of the Following Bill(s):**
 - HB 209 Emergency Fire Rescue Services and Facilities Surtax by Artiles**
 - HB 337 Local Government Services by Mayfield**
 - HB 365 Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain & Off-Road Bicycling by Gonzalez**
 - HB 485 Santa Rosa Island Authority, Escambia County by Ingram**
- VI. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 209 Emergency Fire Rescue Services and Facilities Surtax
SPONSOR(S): Artiles
TIED BILLS: IDEN./SIM. BILLS:

KVK

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden <i>[Signature]</i>	Miller <i>[Signature]</i>
2) Finance & Tax Committee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

Current law enables counties to adopt a discretionary sales surtax of up to one percent to help fund emergency fire and rescue services, subject to approval by a majority of the qualified electors in a referendum. The county must have an interlocal agreement with a majority of emergency fire rescue service providers within the county as a prerequisite to conducting the referendum on enacting an Emergency Fire Rescue Services and Facilities Surtax. Only service providers who are signatories to the interlocal agreement are entitled to the revenue generated by the sales surtax. Distribution of surtax revenues to each service provider depends either on the actual amounts collected within each participating jurisdiction or, if the county contains any special fire control districts, the proportion of each participating jurisdiction's expenditures for fire control and emergency services to the total of all such expenditures for all participating jurisdictions.

The bill amends the distribution formula for counties that have adopted an Emergency Fire Rescue Services and Facilities Surtax. The bill removes the requirement for the county government to enter into an interlocal agreement as a prerequisite for holding a referendum on the surtax. If the surtax is approved by referendum, the proceeds would instead be distributed to all local government entities providing emergency fire rescue services in the county. The bill amends the procedure for distributing revenue generated by the surtax, creating a uniform system of proportional allocation, with a pro rata distribution based on average annual spending on fire rescue services in the preceding five fiscal years by all entities in the county providing fire services. The bill amends and removes other language from the subsection related to interlocal agreements.

On Friday, February 6, 2015, the Revenue Estimating Impact Conference estimated that the provisions of this bill would have an indeterminate positive fiscal impact on county and municipal government revenue.

The effective date of the bill is July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Counties are only authorized to levy discretionary sales surtaxes for the purposes enumerated in s. 212.055, F.S.¹ The section contains a list of requirements for the enactment of a discretionary sales surtax by a county, including the purpose of the levy, the rate imposed, the maximum duration for collection of the levy, and the process used for obtaining voter approval.²

If not already imposing two discretionary sales surtaxes of indefinite duration, a county may pass an ordinance to levy a sales surtax of up to one percent for Emergency Fire Rescue Services and Facilities.³ The surtax may be used to fund “emergency fire rescue services,” which includes fire prevention and extinguishing, protection of life and property from natural or intentionally-created fires, and providing emergency medical treatment.⁴

Authorization for the Emergency Fire Rescue Services and Facilities Surtax was added in 2009.⁵ To levy the surtax, the county must pass an ordinance, which becomes effective upon approval by a majority of the qualified electors in a referendum.⁶ Since the passage of the statute, no county has levied the surtax.⁷

The proceeds of the surtax are distributed according to an interlocal agreement between the county and local government entities⁸ providing fire services in the county.⁹ The formula to be used for distribution is stated in s. 212.055(8)(d), F.S., which states the interlocal agreement shall only specify:

- The amount of surtax to be distributed to each participating government entity based on the actual amounts collected within the jurisdiction of that entity, as determined by Department of Revenue population allocations, or;
- If the county has one or more special fire control districts, the amount of surtax to be distributed to each participating municipality and fire control district, as based on those entities’ proportional spending on fire control and emergency rescue services from both ad valorem taxes and non-ad valorem assessments in the preceding five years.¹⁰

The Department of Revenue may retain an administrative fee, and the county may also charge an administrative fee equal to the lesser of actual costs or two percent of the sales surtax collected.¹¹ If a multicounty independent special district provides emergency fire rescue services inside a portion of the county, the county may not levy the Emergency Fire Rescue Services and Facilities Surtax inside the

¹ S. 212.054(1), F.S.

² S. 212.055, F.S.

³ S. 212.055(8)(a), F.S.

⁴ *Id.*

⁵ The Emergency Fire Rescue Services and Facilities Surtax was authorized initially by Chapter 2009-182, Laws of Florida.

⁶ S. 212.055(8)(b), F.S.

⁷ Office of Economic and Demographic Research, *2014 Local Government Financial Information Handbook*, 193.

⁸ Municipalities, dependent special districts, independent special districts, and/or municipal service taxing units.

⁹ S. 212.055(8)(c), F.S.

¹⁰ S. 212.055(8)(d), F.S. This provision does not apply, however, if the county and one or more participating local governments have an interlocal agreement prohibiting one or more other jurisdictions from providing pre-hospital medical treatment inside the prohibited jurisdiction’s boundaries, or if the county has issued a certificate of public convenience and necessity or its equivalent to a county department or dependent special district of the county. s. 212.055(8)(h), F.S.

¹¹ *Id.*

boundaries of that district.¹² The existence of the interlocal agreement is a prerequisite for holding a referendum to approve the ordinance.¹³

The interlocal agreement must include a majority of service providers within the county.¹⁴ If a local government entity providing fire control services is not part of the interlocal agreement, it is not entitled to any proceeds from the surtax.¹⁵

If one local government entity provides personnel or equipment to another on a long-term basis, the entity receiving personnel or equipment must agree to the distribution of its share of the surtax to the providing entity. The amount of this distribution cannot exceed the providing entity's costs for furnishing the services to the receiving entity.¹⁶

When collections of the surtax begin, the county and participating local governments must reduce ad valorem taxes and non-ad valorem assessments used to pay for fire control and emergency rescue services by the estimated amount of revenue provided by the surtax.¹⁷ If the revenue collected from the surtax is higher than the estimated amount, the surplus must be used to reduce ad valorem taxes the following year.¹⁸

The statute requires such excess collections to be applied as a "rebate to the final millage."¹⁹ From the context of the statute, this provision appears to state a procedure for the taxing authority to provide taxpayers with the required reduction of ad valorem taxes, rather than create an additional type of reimbursement amount.

The use of surtax proceeds does not relieve counties and participating local governments from the provisions of Chapter 200, F.S. or any other provision of law establishing millage caps or limiting undesignated budget reserves.²⁰

Effect of Proposed Changes

The bill removes the requirement for an interlocal agreement between the county and participating local government entities as a prerequisite to a referendum for imposition of an Emergency Fire Rescue Services and Facilities Surtax. If the county passed an ordinance to levy the surtax, subsequently approved by the electors in a referendum, all local government entities providing fire control and emergency rescue services within the county would share in the proceeds of the surtax based on the amended statutory formula. The bill provides for distributing the revenue generated from the surtax to local government entities in proportion to their average annual expenditures from ad valorem taxes and non-ad valorem assessments on fire control and emergency fire rescue services over the preceding five fiscal years. This formula would apply to all counties levying the surtax regardless of whether the county contained a special fire control district.

Since an interlocal agreement would no longer be required for the distribution of surtax revenues, the bill removes other references to such agreements. Local government entities still would be entitled to a share of the surtax proceeds when providing personnel and equipment on a long-term basis to another entity in the county. Local government entities also still would be required to reduce ad valorem taxes and non-ad valorem assessments for fire control and emergency rescue by the estimated amount of

¹² S. 212.055(8)(j), F.S..

¹³ S. 212.055(8)(b), F.S.

¹⁴ S. 212.055(8)(d), F.S.

¹⁵ S. 212.055(8)(g), F.S.

¹⁶ S. 212.055(8)(d), F.S.

¹⁷ S. 212.055(8)(e), F.S.

¹⁸ S. 212.055(8)(f), F.S.

¹⁹ *Id.*

²⁰ *Id.*

surtax revenue. These provisions, however, would apply to each local government entity (including the county) providing fire services in the county.²¹

At its meeting of February 6, 2015, the Revenue Estimating Conference determined the bill would have a "positive indeterminate" fiscal impact on local governments, specifically noting the bill removed the present statute text requiring any surtax collections in excess of the estimated surtax revenue be applied as a rebate to the final millage.²² The deleted language appears to be a procedure for providing taxpayers with the required additional reduction in ad valorem taxes due to actual surtax collections rather than a separate type of reimbursement. Accordingly, the bill continues to require each participating taxing authority to reduce ad valorem taxes and non-ad valorem assessments designated for fire control and emergency rescue services. by the projected amount to be received from the surtax and any actual excess surtax collections but does not provide a specific procedure to implement those requirements.

B. SECTION DIRECTORY:

Section 1: Amends s. 212.055(8), F.S., to remove a requirement for an interlocal agreement between counties and local government entities providing fire rescue service, and to adjust the distribution formula for revenues collected by the surtax.

Section 2: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may require the Department of Revenue to undertake an indeterminate non-recurring expense to implement the collection process for the surtax.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On Friday, February 6, 2015, the Revenue Estimating Impact Conference estimated that the provisions of this bill would have an indeterminate positive fiscal impact on county and municipal government revenue.²³

2. Expenditures:

Counties implementing the surtax would incur the cost of holding a referendum and other implementation expenses, offset in part by an administrative fee not to exceed two percent of the surtax collected.

²¹ The removal of the interlocal agreement requirement erases the distinction between participating and non-participating service providers.

²² Revenue Estimating Conference, *02/06/2015 Revenue Impact Results*, pp. 58-60 available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2015/_pdf/impact0206.pdf (accessed 2/11/2015).

²³ *Id.*

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals and businesses in counties implementing the surtax would face higher sales taxes, but would receive a reduction in ad valorem taxes and non-ad valorem assessments. The Revenue Estimating Impact Conference projects these changes will result in an indeterminate positive fiscal impact on county and municipal government revenue.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties and municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

By striking the present statute text as shown at lines 112-114, the bill apparently removes a procedure to implement the requirement for taxing authorities to reduce ad valorem taxes by the excess amounts actually collected from the surtax.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the emergency fire rescue services
 3 and facilities surtax; amending s. 212.055, F.S.;
 4 revising the distribution of surtax proceeds; deleting
 5 a provision requiring the county governing authority
 6 to develop and execute interlocal agreements with
 7 local government entities providing emergency fire and
 8 rescue services; requiring a local government entity
 9 requesting and receiving certain personnel or
 10 equipment from another service provider to pay for
 11 such personnel or equipment from its share of surtax
 12 proceeds; deleting a requirement that surtaxes
 13 collected in excess of projected collections be
 14 applied as a rebate to the final millage; deleting a
 15 provision requiring local government entities to enter
 16 into an interlocal agreement in order to receive
 17 surtax proceeds; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Paragraphs (b) through (j) of subsection (8) of
 22 section 212.055, Florida Statutes, are amended to read:

23 212.055 Discretionary sales surtaxes; legislative intent;
 24 authorization and use of proceeds.—It is the legislative intent
 25 that any authorization for imposition of a discretionary sales
 26 surtax shall be published in the Florida Statutes as a

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

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

37 (b) Upon the adoption of the ordinance, the levy of the
 38 surtax must be placed on the ballot by the governing authority
 39 of the county enacting the ordinance. The ordinance will take
 40 effect if approved by a majority of the electors of the county
 41 voting in a referendum held for such purpose. The referendum
 42 shall be placed on the ballot of a regularly scheduled election.
 43 The ballot for the referendum must conform to the requirements
 44 of s. 101.161. ~~The interlocal agreement required under paragraph~~
 45 ~~(d) is a condition precedent to holding the referendum.~~

46 (c) Pursuant to s. 212.054(4), the proceeds of the
 47 discretionary sales surtax collected under this subsection, less
 48 an administrative fee that may be retained by the Department of
 49 Revenue, shall be distributed by the department to the county.
 50 The county shall distribute the proceeds it receives from the
 51 department to each local government entity providing emergency
 52 fire rescue services in the county. The surtax proceeds, less an

53 administrative fee not to exceed 2 percent of the surtax
 54 collected, shall be distributed by the county based on the
 55 proportion of each entity's average annual expenditures of ad
 56 valorem taxes and non-ad valorem assessments for fire control
 57 and emergency fire rescue services in the preceding 5 fiscal
 58 years to the average annual total of the expenditures for all
 59 entities receiving such proceeds in the preceding 5 fiscal years
 60 ~~the participating jurisdictions that have entered into an~~
 61 ~~interlocal agreement with the county under this subsection. The~~
 62 ~~county may also charge an administrative fee for receiving and~~
 63 ~~distributing the surtax in the amount of the actual costs~~
 64 ~~incurred, not to exceed 2 percent of the surtax collected.~~

65 (d) If a local government entity requests ~~The county~~
 66 ~~governing authority must develop and execute an interlocal~~
 67 ~~agreement with participating jurisdictions, which are the~~
 68 ~~governing bodies of municipalities, dependent special districts,~~
 69 ~~independent special districts, or municipal service taxing units~~
 70 ~~that provide emergency fire and rescue services within the~~
 71 ~~county. The interlocal agreement must include a majority of the~~
 72 ~~service providers in the county.~~

73 1. ~~The interlocal agreement shall only specify that:~~
 74 a. ~~The amount of the surtax proceeds to be distributed by~~
 75 ~~the county to each participating jurisdiction is based on the~~
 76 ~~actual amounts collected within each participating jurisdiction~~
 77 ~~as determined by the Department of Revenue's population~~
 78 ~~allocations in accordance with s. 218.62; or~~

79 ~~b. If a county has special fire control districts and~~
 80 ~~rescue districts within its boundary, the county shall~~
 81 ~~distribute the surtax proceeds among the county and the~~
 82 ~~participating municipalities or special fire control and rescue~~
 83 ~~districts based on the proportion of each entity's expenditures~~
 84 ~~of ad valorem taxes and non-ad valorem assessments for fire~~
 85 ~~control and emergency rescue services in each of the immediately~~
 86 ~~preceding 5 fiscal years to the total of the expenditures for~~
 87 ~~all participating entities.~~

88 ~~2. Each participating jurisdiction shall agree that if a~~
 89 ~~participating jurisdiction is requested to provide personnel or~~
 90 ~~equipment from ~~to~~ any other service provider, on a long-term~~
 91 ~~basis and the personnel or equipment is provided pursuant to an~~
 92 ~~interlocal agreement, the local government entity jurisdiction~~
 93 ~~providing the service is entitled to payment from the requesting~~
 94 ~~service provider from that provider's share of the surtax~~
 95 ~~proceeds for all costs of the equipment or personnel.~~

96 (e) Upon the surtax taking effect and initiation of
 97 collections, each local government entity receiving a share of
 98 surtax proceeds ~~a county and any participating jurisdiction~~
 99 ~~entering into the interlocal agreement~~ shall reduce the ad
 100 valorem tax levy or any non-ad valorem assessment for fire
 101 control and emergency rescue services in its next and subsequent
 102 budgets by the estimated amount of revenue provided by the
 103 surtax.

104 (f) Use of surtax proceeds authorized under this

105 subsection does not relieve a local government from complying
 106 with ~~the provisions of~~ chapter 200 and any related provision of
 107 law that establishes millage caps or limits undesignated budget
 108 reserves and procedures for establishing rollback rates for ad
 109 valorem taxes and budget adoption. If surtax collections exceed
 110 projected collections in any fiscal year, any surplus
 111 distribution shall be used to further reduce ad valorem taxes in
 112 the next fiscal year. ~~These proceeds shall be applied as a~~
 113 ~~rebate to the final millage, after the TRIM notice is completed~~
 114 ~~in accordance with this provision.~~

115 ~~(g) Municipalities, special fire control and rescue~~
 116 ~~districts, and contract service providers that do not enter into~~
 117 ~~an interlocal agreement are not entitled to receive a portion of~~
 118 ~~the proceeds of the surtax collected under this subsection and~~
 119 ~~are not required to reduce ad valorem taxes or non-ad valorem~~
 120 ~~assessments pursuant to paragraph (c).~~

121 ~~(h) The provisions of sub-subparagraph (d)1.a. and~~
 122 ~~subparagraph (d)2. do not apply if:~~

123 ~~1. There is an interlocal agreement with the county and~~
 124 ~~one or more participating jurisdictions which prohibits one or~~
 125 ~~more jurisdictions from providing the same level of service for~~
 126 ~~prehospital emergency medical treatment within the prohibited~~
 127 ~~participating jurisdictions' boundaries; or~~

128 ~~2. The county has issued a certificate of public~~
 129 ~~convenience and necessity or its equivalent to a county~~
 130 ~~department or a dependent special district of the county.~~

131 (g)~~(i)~~ Surtax collections shall be initiated on January 1
 132 of the year following a successful referendum in order to
 133 coincide with s. 212.054(5).

134 (h)~~(j)~~ Notwithstanding s. 212.054, if a multicounty
 135 independent special district created pursuant to chapter 67-764,
 136 Laws of Florida, levies ad valorem taxes on district property to
 137 fund emergency fire rescue services within the district and is
 138 required by s. 2, Art. VII of the State Constitution to maintain
 139 a uniform ad valorem tax rate throughout the district, the
 140 county may not levy the discretionary sales surtax authorized by
 141 this subsection within the boundaries of the district.

142 Section 2. This act shall take effect July 1, 2015.



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 Government Affairs
 2 Subcommittee

3 Representative Artiles offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 112-114 and insert:

7 the next fiscal year. These proceeds shall be applied as a
 8 rebate to the final millage, after the TRIM notice is completed
 9 in accordance with this provision.

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

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Remove lines 12-14 and insert:

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proceeds; deleting a

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 337 Local Government Services

SPONSOR(S): Mayfield

TIED BILLS: IDEN./SIM. BILLS: SB 442

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Zaborske <i>Zaborske</i>	Miller <i>Miller</i>
2) Energy & Utilities Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

HB 337 amends ss. 153.03(1) and 180.02, F.S., relating to counties or municipalities providing water and sewage facilities or public works.

Currently, a county must have a municipality's permission to provide water or sewer facilities to a property already being furnished such facilities by a municipality. The bill expands that prohibition to include water or sewer services. The bill also allows a county to furnish such facilities or services outside the municipality's boundary, without the municipality's permission, if a prior consent agreement between the municipality and the county regarding such facilities or service has expired.

Current law allows municipalities to extend and execute their corporate powers outside their corporate limits as desirable or necessary for the promotion of the public health, safety, and welfare. The bill requires the express consent of county's board of county commissioners in order for a municipality to extend and apply such powers.

The bill has an indeterminate fiscal impact on state or local government revenues and expenditures.

The bill is effective on July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Counties

Article VIII, s. 1, of the State Constitution establishes the powers of non-charter counties and charter counties. Non-charter counties have the power of self-government as provided by general law or special law.¹ Charter counties have broader powers; these counties have all powers of local self-government not inconsistent with general law or special law approved by vote of the electors and may enact ordinances not inconsistent with general law.²

General law provides all counties the power to provide and regulate water and sewer utility services.³ However, a county may not construct, own, or operate any water or sewer facilities on property within the corporate limits of a municipality without the consent of the municipality's governing body.⁴ In addition, a county may not furnish such facilities to property already being furnished similar facilities by a municipality without the consent of the municipality's governing body, unless the county owned such facilities on the property before the property was included within the municipality's limits.⁵

Municipalities

Pursuant to Art. VIII, s. 2(b), of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act, with certain exceptions.⁶

Municipalities are authorized by general law to provide water and sewer utility services.⁷ With respect to public works projects, including water and sewer utility services,⁸ municipalities may extend and execute their corporate powers outside of their corporate limits as "desirable or necessary for the promotion of the public health, safety and welfare."⁹

¹ Art. VIII, s. 1(f), Fla. Const.

² Art. VIII, s. 1(g), Fla. Const.

³ S. 125.01(1)(k), F.S. (a county may "provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs"); s. 153.03(1), F.S. (authorizes counties to "purchase and/or construct and to improve, extend, enlarge, and reconstruct a water supply system or systems or sewage disposal system or systems within such county and any adjoining county or counties").

⁴ S. 153.03(1), F.S. An exception exists where such facilities were owned by the county on such property prior to the time such property was included within the corporate limits of such municipality.

⁵ *Id.*

⁶ Pursuant to s. 166.021(3)(a)-(d), F.S., a municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution.

⁷ Pursuant to s. 180.06, F.S., a municipality may "provide water and alternative water supplies;" "provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes;" and "construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works" to accomplish these purposes).

⁸ S. 180.06, F.S., authorizes other public works projects, including alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes.

⁹ S. 180.02(2), F.S.

Effect of Proposed Changes

Section 1

The bill expands the current prohibition against counties providing, absent the municipality's permission, water or sewer facilities to a property to which a municipality already furnishes such facilities to also include water or sewer services. Additionally, the bill allows a county, without a municipality's permission, to furnish such facilities or services outside the municipality's boundary if a prior consent agreement between the municipality and the county regarding such facilities or service has expired.

Section 2

The bill prohibits municipalities from extending and executing their corporate powers in relation to public works projects outside their corporate limits (i.e., the unincorporated areas of a county) without the express consent of the board of county commissioners, regardless of whether extending or executing such powers would be "desirable or necessary for the promotion of the public health, safety and welfare."¹⁰

B. SECTION DIRECTORY:

Section 1: Amends s. 153.03(1), F.S., related to the powers of counties to provide water and sewer services. Expands the current prohibition against counties, absent the municipality's permission, providing water or sewer facilities to a property to which a municipality already furnishes such facilities to also include water or sewer services. Allows a county, without a municipality's permission, to furnish such facilities or services outside the municipality's boundary if a prior consent agreement between the municipality and the county regarding such facilities or services has expired.

Section 2: Amends s. 180.02(2), F.S., related to the power of municipalities to provide public works by prohibiting municipalities from extending and executing their corporate powers in relation to public works projects outside their corporate limits without the express consent of the board of county commissioners.

Section 3: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹⁰ S. 180.02(2), F.S.
STORAGE NAME: h0337.LGAS.DOCX
DATE: 2/2/2015

Those municipalities currently providing water and wastewater facilities or services outside their municipal boundaries pursuant to a consent agreement between the municipality and the county may experience a reduction in revenues upon the expiration of a consent agreement.

2. Expenditures:

Municipalities and counties may incur costs associated with the bill's requirement that a county consent to the application or extension of municipal powers to provide public works in unincorporated areas of a county.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
 An act relating to local government services; amending
 s. 153.03, F.S.; authorizing a county to provide
 certain services and facilities outside the boundaries
 of a municipality without the express consent of the
 municipality's governing body under certain
 circumstances; amending s. 180.02, F.S.; prohibiting a
 municipality from extending its corporate powers
 within unincorporated areas of a county without the
 express consent of the county's governing body;
 providing an effective date.

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

Section 1. Subsection (1) of section 153.03, Florida
 Statutes, is amended to read:

153.03 General grant of power.—Any of the several counties
 of the state which may hereafter come under the provisions of
 this chapter as hereinafter provided is hereby authorized and
 empowered:

(1) To purchase and/or construct and to improve, extend,
 enlarge, and reconstruct a water supply system or systems or
 sewage disposal system or systems, or both, within such county
 and any adjoining county or counties and to purchase and/or
 construct or reconstruct water system improvements or sewer
 improvements, or both, within such county and any adjoining

27 | county or counties and to operate, manage and control all such
 28 | systems so purchased and/or constructed and all properties
 29 | pertaining thereto and to furnish and supply water and sewage
 30 | collection and disposal services to any of such counties and to
 31 | any municipalities and any persons, firms or corporations,
 32 | public or private, in any of such counties; provided, however,
 33 | that none of the facilities provided by this chapter may be
 34 | constructed, owned, operated or maintained by the county on
 35 | property located within the corporate limits of any municipality
 36 | without the consent of the council, commission or body having
 37 | general legislative authority in the government of such
 38 | municipality unless such facilities were owned by the county on
 39 | such property prior to the time such property was included
 40 | within the corporate limits of such municipality. A ~~No~~ county
 41 | may not shall furnish ~~any of the~~ facilities or services provided
 42 | by this chapter to a ~~any~~ property already being furnished such
 43 | like facilities or services by a ~~any~~ municipality without the
 44 | express consent of the council, commission, or body having
 45 | general legislative authority in the government of such
 46 | municipality unless the facilities or services will be provided
 47 | outside the boundary of that municipality and a prior consent
 48 | agreement between the parties related to the provision of
 49 | facilities or services outside the municipality boundary, has
 50 | expired.

51 | Section 2. Subsection (2) of section 180.02, Florida
 52 | Statutes, is amended to read:

53 180.02 Powers of municipalities.-
 54 (2) A ~~Any~~ municipality may extend and execute all of its
 55 corporate powers to accomplish ~~applicable for the accomplishment~~
 56 ~~of~~ the purposes of this chapter outside of its corporate limits,
 57 as hereinafter provided and as may be desirable or necessary to
 58 promote ~~for the promotion of~~ the public health, safety, and
 59 welfare or to accomplish ~~for the accomplishment of~~ the purposes
 60 of this chapter; provided, however, that such ~~said~~ corporate
 61 powers do ~~shall~~ not extend or apply within the corporate limits
 62 of another municipality or extend to or apply within the
 63 unincorporated areas of a county without the express consent of
 64 the board of county commissioners of such county.

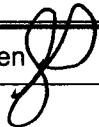

65 Section 3. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 365 Designated Areas for Skateboarding, Inline Skating, Paintball, or Freestyle or Mountain & Off-Road Bicycling

SPONSOR(S): Gonzalez

TIED BILLS: **IDEN./SIM. BILLS:** SB 408

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Civil Justice Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

Government entities may designate specific areas for the purposes of skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling. In those areas, the government entity is required to post a rule stating which activities are authorized in the area and that children under 17 years of age may not engage in the activity without written consent from the child's parents or legal guardians. A government entity's failure to obtain written consent potentially could create liability for injuries.

The bill removes the requirement that government entities obtain written consent from a parent or legal guardian before a child under the age of 17 can engage in skateboarding, inline skating, or freestyle bicycling in designated areas. The bill removes liability language for the failure of a government entity to obtain written consent from a parent or legal guardian before allowing a child under the age of 17 to engage in skateboarding, inline skating, or freestyle bicycling in designated areas. The bill also amends the written consent requirement for paintball and mountain and off-road bicycling to require the approval of one parent or legal guardian.

This bill does not have a fiscal impact on state or local government.

The effective date of the bill is July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Under current law, governmental entities¹ can designate specific areas of property they own or control for skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling.² Many of the largest cities in the state operate specific venues for skateboarding and inline skating.³ In those areas, the government entity is required to post a rule stating which activities are authorized in the area and that children under 17 years of age may not engage in the activity without written consent from the child's parents or legal guardians.⁴

Some government entities have expressed concern about the mechanics of obtaining written consent. Risk managers and attorneys representing local governments questioned who would secure the consent from the parent and what procedures can be used to verify the information.⁵ Governmental entities have also expressed concern over the level of protection from liability provided by the assumption of risk defense, since s. 316.0085, F.S., states parties engaging in the activity assume the inherent risk, regardless of age, but existence of the written consent requirement suggests the waiver is not applicable when concerning minors.⁶

A government entity or public employee may be held liable if there was:

- A failure to guard against or warn of a dangerous condition of which a participant does not and cannot reasonably be expected to have notice;⁷
- An act of gross negligence that is the proximate cause of the injury;⁸
- Failure of the governmental entity to obtain written consent from parents or legal guardians before allowing a child under 17 years of age to engage in the allowed activity in the designated area, unless the child's participation is in violation of posted rules.⁹

Public employees or government entities are not otherwise liable for injuries or damage to persons or property resulting from engaging in the permitted activity.¹⁰ The statute does not limit the liability for independent concessionaires and other parties, even if the party is in a contractual relationship with the governmental entity for use of the public property.¹¹

¹ The United States, the State of Florida, any county or municipality, or any department, agency, or other instrumentality thereof, school board, special authority, or other entity exercising governmental authority. *See* s. 316.0085(2), F.S.

² S. 316.0085(3), F.S.

³ *See* Joseph G. Jarret, *Skating on Thin Concrete: The Florida Legislature's Response to Skateboarders and Skaters*, Florida Bar Journal, November 2002, at 74. The cities of Gainesville, Jacksonville, Orlando, St. Petersburg, Tallahassee, and Tampa, among others, have constructed skate parks.

⁴ S. 316.0085(3), F.S.

⁵ Joseph G. Jarret, *Skating on Thin Concrete: The Florida Legislature's Response to Skateboarders and Skaters*, Florida Bar Journal, November 2002, at 74.

⁶ *Id.*

⁷ S. 316.0085(5)(a), F.S.

⁸ S. 316.0085(5)(b), F.S.

⁹ S. 316.0085(5)(c), F.S. For mountain or off-road bicycling, the parent or legal guardian must demonstrate written consent was given before the child entered the designated area.

¹⁰ S. 316.0085(4), F.S.

¹¹ S. 316.0085(6), F.S.

Participants and observers in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling assume the “inherent risk”¹² of the activities, regardless of age, and are therefore legally responsible for all damages, injuries, or deaths which result.¹³ Participants engaged in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling, whether in designated areas or not, are responsible for:

- Using equipment within the limits of his or her ability;¹⁴
- Using equipment as intended;¹⁵
- Maintaining control of his or herself and the equipment used;¹⁶ and
- Refraining from acting in a manner that could cause or contribute to the death or injury of any person.¹⁷

Government entities are not required to eliminate or limit the inherent risk in the activity.¹⁸ An insurance policy carried by a government entity which covers any activity described in the statute, regardless of the existence and limits of coverage, does not constitute a waiver of the protections provided by the statute.¹⁹

EFFECT OF PROPOSED CHANGES

The bill removes the requirement for a government entity providing a designated area for skateboarding, inline skating, or freestyle bicycling to obtain written consent from a parent or legal guardian before permitting a child under 17 years of age to engage in the allowed activity. The bill reaffirms the written consent requirement before a child engages in paintball or mountain and off-road bicycling in a designated area.

The bill amends the written consent requirement to require only the permission of one parent or legal guardian. The bill also removes the failure to obtain written consent from a parent or legal guardian before a child under the age of 17 engages in skateboarding, inline skating, or freestyle bicycling in a designated area from the portion of the law stating actions potentially exposing the governmental entity to further liability.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.0085, F.S., relating to designated areas for skateboarding, inline skating, paintball, or freestyle or mountain and off-roading bicycling, deleting the requirement that a governmental entity that provides a designated area for skateboarding, inline skating, or freestyle bicycling obtain the written consent of the parent or legal guardian of a child under a certain age before allowing the child to participate in these activities in such area.

Section 2: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹² S. 316.0085(2)(b), F.S. (“Those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, inline skating, paintball and freestyle or mountain and off-board bicycling”). Other statutes use the phrase “inherent risk” differently in different contexts. *See*, s. 744.031(3)(a), F.S.

¹³ S. 316.0085(7)(a), F.S.

¹⁴ S. 316.0085(7)(b)(1), F.S.

¹⁵ *Id.*

¹⁶ S. 316.0085(7)(b)(2), F.S.

¹⁷ S. 316.0085(7)(b)(3), F.S.

¹⁸ *Id.*

¹⁹ S. 316.0085(8), F.S.

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties and municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to designated areas for skateboarding,
 3 inline skating, paintball, or freestyle or mountain
 4 and off-roading bicycling; amending s. 316.0085, F.S.;
 5 deleting the requirement that a governmental entity
 6 that provides a designated area for skateboarding,
 7 inline skating, or freestyle bicycling obtain the
 8 written consent of the parent or legal guardian of a
 9 child under a certain age before allowing the child to
 10 participate in these activities in such area;
 11 requiring the governmental entity to post a rule
 12 indicating that consent forms are required for
 13 children under a certain age before participation in
 14 paintball or mountain and off-road bicycling;
 15 providing an effective date.

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

18
 19 Section 1. Subsection (3) and paragraph (c) of subsection
 20 (5) of section 316.0085, Florida Statutes, are amended to read:
 21 316.0085 Skateboarding; inline skating; freestyle or
 22 mountain and off-road bicycling; paintball; definitions;
 23 liability.-

24 (3) (a) This section does not grant authority or permission
 25 for a person to engage in skateboarding, inline skating,
 26 paintball, or freestyle or mountain and off-road bicycling on

27 | property owned or controlled by a governmental entity unless
 28 | such governmental entity has specifically designated such area
 29 | for skateboarding, inline skating, paintball, or freestyle or
 30 | mountain and off-road bicycling. Each governmental entity shall
 31 | post a rule in each specifically designated area that identifies
 32 | all authorized activities.

33 | **(b) Each governmental entity shall post a rule in each**
 34 | **specifically designated area for paintball or mountain and off-**
 35 | **road bicycling which** ~~and~~ indicates that a child under 17 years
 36 | of age may not engage in such ~~any of these~~ activities until the
 37 | governmental entity has obtained written consent, in a form
 38 | acceptable to the governmental entity, from the child's parent
 39 | or legal guardian ~~parents or legal guardians~~.

40 | (5) This section does not limit liability that would
 41 | otherwise exist for any of the following:

42 | (c) The failure of a governmental entity that provides a
 43 | designated area for ~~skateboarding, inline skating, paintball, or~~
 44 | ~~freestyle~~ or mountain and off-road bicycling to obtain the
 45 | written consent, in a form acceptable to the governmental
 46 | entity, from the parents or legal guardians of any child under
 47 | 17 years of age before allowing ~~authorizing~~ such child to
 48 | participate in ~~skateboarding, inline skating, paintball, or~~
 49 | ~~freestyle~~ or mountain and off-road bicycling in such designated
 50 | area, unless that child's participation is in violation of
 51 | posted rules governing the authorized use of the designated
 52 | area, except that a parent or legal guardian must demonstrate

53 | that written consent to engage in mountain or off-road bicycling
54 | in a designated area was provided to the governmental entity
55 | before entering the designated area.

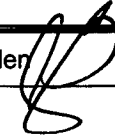

56 |

57 | Nothing in this subsection creates a duty of care or basis of
58 | liability for death, personal injury, or damage to personal
59 | property. Nothing in this section shall be deemed to be a waiver
60 | of sovereign immunity under any circumstances.

61 | Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 485 Santa Rosa Island Authority, Escambia County
SPONSOR(S): Ingram
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee		Darden 	Miller 
2) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The Escambia County Board of County Commissioners may authorize a monthly expense allowance of up to \$400 to members of the Santa Rosa Island Authority (Authority) for the purpose of conducting the duties of their office. The Santa Rosa Island Authority, an independent special district in Escambia County created by special act in 1947, guides the development of Pensacola Beach by leasing property on the island to individuals and businesses. The Authority is fully funded by rental fees.

The bill increases the authorized maximum monthly expense allowance for Authority members from \$400 to \$550 and allows for up to an additional \$100 for the chair of the Authority. The bill also removes language stating members of the Authority shall not receive compensation for their services.

This bill shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Santa Rosa Island Authority (Authority) is an independent special district¹ created by special act in 1947 to construct public infrastructure, adopt and enforce rules concerning building, health, and safety, and lease property on the portions of Santa Rosa Island owned by Escambia County.² The portions of the island governed by the Authority were previously owned by the federal government, but were transferred to Escambia County in 1946 to use or lease in a manner consistent with the public interest.³ The area today is synonymous with the unincorporated community of Pensacola Beach, which has 2,738 residents⁴ and is a significant tourist destination.⁵

The Authority is currently governed by a six member board.⁶ Five of the seats are filled by members selected by the Escambia County Board of County Commissioners.⁷ Each member of the commission selects one member, subject to approval by a majority vote of the commissioners.⁸ The final member is selected by the voters of Santa Rosa Island in a non-partisan election.⁹ The elected member must be both a resident and leaseholder on Santa Rosa Island.¹⁰

All land on the island is owned by Escambia County under the 1946 conveyance.¹¹ The Authority leases property on the island to individuals and businesses.¹² The Authority is fully funded by fees collected from the rentals.¹³ The rental fees generated \$8,084,978 in revenue for the fiscal year concluding September 30, 2014.¹⁴ Over the same period, the Authority spent \$5,963,462 on operating expenses and \$1,076,989 on bond payments.¹⁵

The Authority is required to submit an annual budget report to the Escambia County Board of County Commissioners.¹⁶ The budget does not require approval by the commission, with the Authority possessing responsibility for determining if excess revenues should be paid to Escambia County's general revenue fund.¹⁷

¹ See S. 189.012(3), F.S. (defining independent special district as any special district that is not a dependent special district under s. 189.012(2), F.S.). The Authority, with a membership of elected and appointed officials and having budgetary independence, does not meet any of the criteria for a dependent special district.

² Ch. 47-24500, Laws of Fla.

³ Pub. L. No. 79-564, H.R. 4486, 79th Cong. (July 30, 1946).

⁴ U.S. Census Bureau, *Demographic Profiles for Places in Florida*, available at <http://quickfacts.census.gov/cgi-bin/qfd/demolink?12> (last visited Feb. 10, 2015).

⁵ Pensacola Bay Area Convention & Visitors Bureau, *Visit Pensacola: Pensacola Beach and Perdido Key*, <http://www.visitpensacola.com/> (last visited Feb. 11, 2015).

⁶ Ch. 83-407, Laws of Fla.

⁷ Ch. 47-24500, Laws of Fla.

⁸ Ch. 70-680, Laws of Fla.; the Board of County Commissioners of Escambia County contains five members.

⁹ Ch. 83-407, Laws of Fla.

¹⁰ *Id.*

¹¹ See Pub. L. No. 79-564, H.R. 4486, 79th Cong. (July 30, 1946).; see also *State v. Escambia County*, 52 So. 2d 125 (Fla. 1951).

¹² Santa Rosa Island Authority, *What We Do*, <http://sria-fla.com/what-we-do.php> (last visited Feb. 11, 2015).

¹³ Santa Rosa Island Authority, *Who We Are*, <http://sria-fla.com/who-we-are.php> (last visited Feb. 11, 2015).

¹⁴ Santa Rosa Island Authority, *November 19, 2014 Committee Meeting Agenda/BU*, pp. 19-28, available at http://sria-fla.com/admin/documents/november_19_2014_committee_meeting_agenda_and_backup.pdf (last visited Feb. 11, 2015).

¹⁵ *Id.*

¹⁶ Ch. 47-24500, Laws of Fla.

¹⁷ *Id.*

Under current law, the members of the Authority are entitled to an expense allowance for attending to Authority business.¹⁸ The allowance is set by the Escambia County Board of County Commissioners, but may not exceed \$400 per month, including travel expenses.¹⁹ Under the initial charter, members were entitled to receive all "necessary expenses" incurred in the conduct of their duties.²⁰ The expense allowance was first capped in 1975, at \$250 per month,²¹ before being increased to \$400 in 1984.²² Members of the Authority are not otherwise entitled to compensation for their services.²³

Effect of Proposed Changes

The bill would increase the maximum authorized monthly allowance amount for members of the Santa Rosa Island Authority for \$400 per member to \$550. The bill also permits the Escambia County Board of County Commissioners to provide an additional \$100 per month expense allowance for the chair of the Authority.

The bill also removes the provision stating that members of the Authority shall receive no compensation for their services.²⁴

B. SECTION DIRECTORY:

Section 1: Amends Chapter 47-24500, Laws of Florida, as amended, to increase the authorized allowance for members of the Santa Rose Island Authority and to remove the prohibition against members of the Authority receiving compensation for their services.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 24, 2014

WHERE? *Pensacola News Journal*, a daily newspaper of general circulation, published in Escambia 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.

¹⁸ Ch. 47-24500, as amended by Ch. 84-426, Laws of Fla.

¹⁹ Ch. 84-426, Laws of Fla.

²⁰ Ch. 47-24500, Laws of Fla.

²¹ Ch. 75-366, Laws of Fla.

²² Ch. 84-426, Laws of Fla.

²³ Ch. 47-24500, Laws of Fla.

²⁴ Under current law, the Authority does not have the power to provide themselves with compensation.

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

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **Anna Hammes** who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

Notice Of Intent

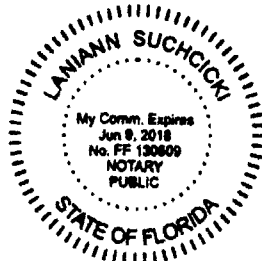
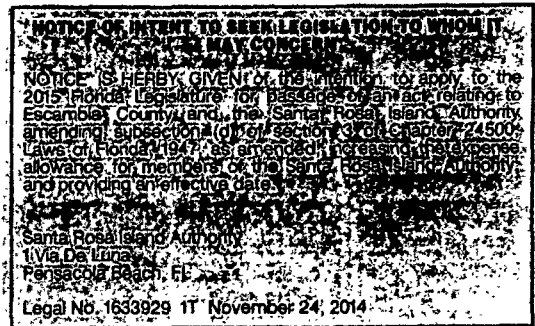
Was published in said newspaper in the issue(s) of:

November 24, 2014

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia 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.

Sworn to and subscribed before me this **24th** day of **November, 2014**, by **Anna Hammes**, who is personally known to me.

Anna Hammes Affiant
Lanann Suchcicki Notary Public



**HOUSE OF REPRESENTATIVES
2015 LOCAL BILL CERTIFICATION FORM**

BILL #: 485

SPONSOR(S): Representative Clay Ingram

RELATING TO: Santa Rosa Island Authority
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Escambia County

CONTACT PERSON: Jennifer Fudala

PHONE NO.: (850) 494-7330 **E-Mail:** Jennifer.fudala@myfloridahouse.gov

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

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

YES [X] NO []

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

YES [X] NO []

Date hearing held: 12/15/2014

Location: 1000 College Blvd., Pensacola, FL 32504

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

YES [X] NO []

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

Has this constitutional notice requirement been met?

Notice published: YES [X] NO [] **DATE** 11/24/2014

Where? Pensacola **County** Escambia

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

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

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

YES NO NOT APPLICABLE

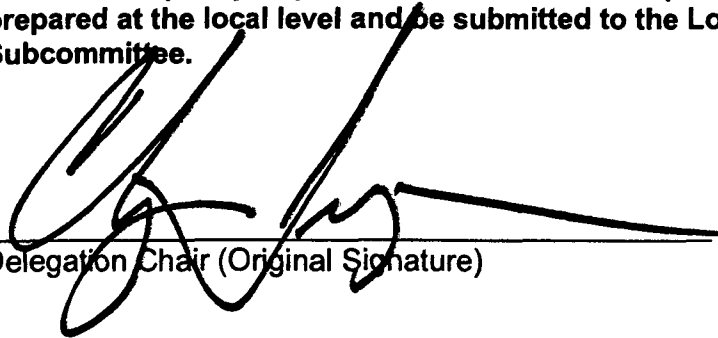
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

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

YES NO

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


Delegation Chair (Original Signature)

2/2/15
Date

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2015 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 #: 485

SPONSOR(S): Representative Clay Ingram

RELATING TO: Santa Rosa Island 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 15-16</u>	<u>FY 16-17</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 15-16</u>	<u>FY 16-17</u>
	\$ <u>\$12,000</u>	\$ <u>\$12,000</u>

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

Currently: 6 Board Members at \$400 = \$2,000 per month;

Requested change: 6 Board Members at \$550 per month = \$3,300 per month.

Difference is \$900 more per month (plus chair at additional \$100.00) = Total of \$1,000 per month.

Total for 12 months of \$12,000.

II. FUNDING SOURCE(S):

State the specific source 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 15-16</u>	<u>FY 16-17</u>
Local:	\$ <u>\$12,000</u>	\$ <u>\$12,000</u>
State:	\$ <u>0</u>	\$ <u>0</u>
Federal:	\$ <u>0</u>	\$ <u>0</u>

III. 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 Santa Rosa Island Authority is the designated
custodian of Pensacola Beach for the benefit of
residents and visitors.

2. Advantages to Businesses: Board works with Santa Rosa Island businesses to
help increase sales.

3. Advantages to Government: Fairly compensates Board members for their service
on the Santa Rosa Island Authority Board.

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

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

Include all changes for market participants, such as suppliers, employers, retailers and laborers. If the answer is "None," explain the reasons why. Also, state whether the bill may require a governmental entity to reduce the services it provides.

1. Impact on Competition:

No impact. The SRIA has reserved the amount to pay for increase.

2. Impact on the Open Market for Employment:

None

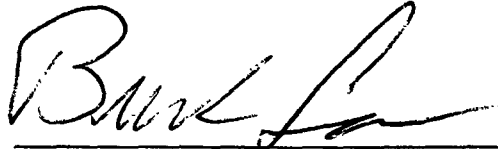
V. SPECIFIC DATA USED IN REACHING ESTIMATES:

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.

1975: The Florida Legislature authorized an allowance increase to \$250 per member per month.

1984: The Florida Legislature authorized an allowance increase to \$400 per member per month.

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name:

Buck Lee

Date

12/15/14

TITLE:

Executive Director

REPRESENTING:

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