

LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE

MEETING PACKET

**Tuesday, March 10, 2015
8:00 a.m.
Webster Hall (212 Knott)**



The Florida House of Representatives

Local Government Affairs Subcommittee

Representative Steve Crisafulli
Speaker



Representative Debbie Mayfield
Chair

Meeting Agenda
Tuesday, March 10, 2015
212 Knott, Webster Hall
08:00 a.m. – 11:00 a.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Welcome and Opening Remarks**
- V. Consideration of the Following Bill(s):**
 - HB 527 Public Works Projects by Van Zant**
 - HB 569 Agritourism by Combee, Raburn**
 - HB 593 City of Panacea, Wakulla County by Beshears**
 - HB 647 City of Jacksonville, Duval County by Ray**
 - HB 721 County and Municipal Parks by McGhee**
 - HB 725 City of Jacksonville, Duval County by Adkins**
 - HB 859 Greater Naples Fire Rescue District, Collier County by Passidomo**
 - HB 861 Greater Naples Fire Rescue District, Collier County by Passidomo**
 - HB 899 North Collier Fire Control and Rescue District, Collier County by Passidomo**
- VI. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 527 Public Works Projects
SPONSOR(S): Van Zant and others
TIED BILLS: IDEN./SIM. BILLS: SB 934

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	10 Y, 2 N	Harrington	Williamson
2) Local Government Affairs Subcommittee		Darden 	Miller 
3) Appropriations Committee			
4) State Affairs Committee			

SUMMARY ANALYSIS

Contracts for construction services over a specified, projected threshold cost must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the projected cost is in excess of \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register. In addition, working Floridians are guaranteed a minimum wage and the right to collectively bargain. However, such workers cannot be required to participate in a labor union or labor organization.

The bill creates an unnumbered section of law relating to public works projects. The bill defines the terms "political subdivision," "project labor agreement," and "public works." It prohibits the state or a political subdivision, except when required by state or federal law, from requiring that a contractor, subcontractor, or material supplier or carrier engaged in the public works:

- Pay employees a predetermined amount of wages or wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control or limit staffing;
- Recruit, train, or hire employees from a designated or single source;
- Designate any particular assignment of work for employees;
- Participate in proprietary training programs; or
- Enter into any type of project labor agreement.

The bill prohibits the state or a political subdivision that contracts for the construction, maintenance, repair, or improvement of public works from requiring a contractor, subcontractor, or material supplier or carrier to become a party to any agreement with employees, their representatives, or any labor organization, including any area-wide, regional, or state building or construction trade or crafts council, organization, association, or similar body, as a condition of bidding, negotiating, being awarded any bid or contract, or performing work on a public works project.

In addition, the bill provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier from submitting bids, being awarded a bid or contract, or performing work on a public works project if such individual is otherwise qualified to do the work described.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Federal Labor and Wage Laws

The National Labor Relations Act of 1935¹ and the Labor Management Relations Act of 1947² constitute a comprehensive scheme of regulations guaranteeing employees the right to organize, to bargain collectively through chosen representatives, and to engage in concerted activities to secure their rights in industries involved in or affected by interstate commerce.

The Fair Labor Standards Act (FLSA) establishes a federal minimum wage, which is the lowest hourly wage that can be paid in the United States.³ A state may set the rate higher than the federal minimum, but not lower.⁴ It also requires employers to pay time and a half to its employees for overtime hours worked,⁵ and establishes standards for recordkeeping⁶ and child labor.⁷ Over 135 million workers are covered under the act;⁸ most, but not all, jobs are covered by the FLSA. In addition, some jobs covered by the FLSA are considered “exempt” from the FLSA overtime requirements.⁹

On February 12, 2014, the President signed Executive Order 13658, which establishes a minimum wage for certain federal contractors.¹⁰ The Executive Order requires parties who contract with the federal government to pay workers performing work on or in connection with covered federal contracts at least \$10.10 per hour beginning on January 1, 2015. Beginning January 1, 2016, and annually thereafter, such workers must be paid an amount determined by the Secretary of Labor in accordance with the Executive Order. The order stated that “[r]aising the pay of low-wage workers increases their morale and the productivity and quality of their work, lowers turnover and its accompanying costs, and reduces supervisory costs.”¹¹

State Labor and Wage Regulations

Article I, s. 6 of the State Constitution creates a constitutional right to collectively bargain for all workers, including public sector employees. It provides, in pertinent part, that “[t]he right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain

¹ 29 U.S.C. ss. 151 to 169 (encouraging the practice and procedure of collective bargaining and protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection).

² 29 U.S.C. ss. 401 to 531 (prescribing the rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce).

³ 29 U.S.C. s. 206.

⁴ 29 U.S.C. s. 218(a).

⁵ 29 U.S.C. s. 207(a)(1).

⁶ 29 U.S.C. s. 211.

⁷ 29 U.S.C. s. 212.

⁸ United States Department of Labor, *Wage and Hour Division: Resources for Workers*, <http://www.dol.gov/whd/workers.htm> (last visited March 5, 2015).

⁹ 29 U.S.C. s. 213; United States Department of Labor, *Fact Sheet #14: Coverage Under the Fair Labor Standards Act (FLSA)*, www.dol.gov/whd/regs/compliance/whdfs14.pdf (last visited March 5, 2015).

¹⁰ Exec. Order 13658, 79 Fed. Reg. 9851 (Feb. 12, 2014). A copy of the Executive Order can be found online at: <http://www.whitehouse.gov/the-press-office/2014/02/12/executive-order-minimum-wage-contractors> (last visited March 5, 2015).

¹¹ *Id.*

collectively shall not be denied or abridged.” The Florida Supreme Court has held that public employees maintain the same rights to collectively bargain as do private employees.¹²

In addition, the State Constitution provides that “[a]ll working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.”¹³ The State Constitution requires employers to pay employees no less than the minimum wage for all hours worked in Florida.¹⁴ The current state minimum wage is \$8.05 per hour,¹⁵ which is higher than the federal rate.¹⁶

Procurement of Construction Services

Chapter 255, F.S., specifies the procedures to be followed in the procurement of construction services for public property and publicly owned buildings. The Department of Management Services is responsible for establishing by rule the following:¹⁷

- Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts;
- Procedures for awarding each state agency construction project to the lowest qualified bidder;
- Procedures to govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state; and
- Procedures for entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.¹⁸ Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the projected cost is in excess of \$300,000.¹⁹

Section 255.0525, F.S., requires the solicitation of competitive bids or proposals for any state construction project that is projected to cost more than \$200,000 to be publicly advertised in the Florida Administrative Register (FAR) at least 21 days prior to the established bid opening. If the construction project is projected to exceed \$500,000, the advertisement must be published at least 30 days prior to the bid opening in the FAR, and at least once 30 days prior to the bid opening in a newspaper of general circulation in the county where the project is located.²⁰

Florida law provides a preference for the employment of state residents in construction contracts funded by money appropriated with state funds. Such contracts must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work if state residents have substantially equal qualifications²¹ to those of non-residents.²² If a construction

¹² See *Hillsborough Cnty. Gov't Emps. Ass'n, Inc. v. Hillsborough Cnty. Aviation Auth.*, 522 So.2d 358 (Fla. 1988); *City of Tallahassee v. Public Employees Relations Comm'n*, 410 So.2d 487 (Fla. 1981); *Dade Cnty. Classroom Teachers Ass'n v. Legislature of Fla.*, 269 So.2d 684 (Fla. 1972).

¹³ Article X, s. 24(a), FLA. CONST. and s. 448.110, F.S.

¹⁴ Article X, s. 24(c), FLA. CONST.

¹⁵ <http://www.floridajobs.org/business-growth-and-partnerships/for-employers/display-posters-and-required-notice> (last visited February 11, 2015).

¹⁶ The federal minimum wage is \$7.25 per hour. The Florida minimum wage for 2015 is \$8.05 per hour. For more information about federal minimum wage provisions, see <http://www.dol.gov/whd/minimumwage.htm> (last visited February 11, 2015).

¹⁷ S. 255.29, F.S.

¹⁸ See ch. 60D-5.002 and 60D-5.0073, F.A.C.; see also s. 255.0525, F.S.

¹⁹ S. 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost more than \$75,000.

²⁰ For counties, municipalities, and political subdivisions, similar publishing provisions apply. S. 255.0525(2), F.S.

²¹ S. 255.099(1)(a), F.S., defines substantially equal qualifications as the “qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are better suited for the position than the qualifications held by the other person or persons.”

contract is funded by local funds, the contract may contain such a provision.²³ In addition, a contractor required to employ state residents must contact the Department of Economic Opportunity to post the contractor's employment needs in the state's job bank system.²⁴

Federal Project Labor Agreements

In 2009, the President signed Executive Order 13502 authorizing the use of project labor agreements for federal construction projects.²⁵ The Executive Order defines "project labor agreement" as "a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f)." The Executive Order provides that executive agencies may, on a project-by-project basis, require the use of a project labor agreement by a contractor where such an agreement will advance the federal government's goal of achieving economy and efficiency in the procurement, produce labor-management stability, and ensure compliance with laws and regulations concerning safety and health, equal employment opportunity, and labor and employment standards.

Federal Prevailing Wage Requirements

The Davis-Bacon Act applies to contractors and subcontractors performing work on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public works projects or public buildings.²⁶ The United States Department of Labor, Wage and Hour Division, issues two types of wage determinations: general determinations (also known as area determinations) and project determinations. The wage and fringe benefits²⁷ in the applicable Davis-Bacon wage determination must be the minimum paid by contractors and subcontractors to laborers and mechanics.²⁸

Effect of Proposed Changes

The bill creates an unnumbered section of law relating to public works projects. It defines the following terms:

- "Political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, tax district, water management district, board, public corporation, institution of higher education, or other public agency or body authorized to expend public funds for construction, maintenance, repair, or improvement of public works.
- "Project labor agreement" means an arrangement mentioned, detailed, or outlined within the project plans, the specifications, or any bidding document of a public works project that:
 - Imposes requirements, controls, or limitations on staffing, sources of employee referrals, assignments of work, sources of insurance or benefits, including health, life, and disability insurance and retirement pensions, training programs or standards, or wages; or
 - Requires a contractor to enter into any sort of agreement as a condition of submitting a bid that directly or indirectly limits or requires the contractor to recruit, train, or hire employees from a particular source to perform work on public works or a public works project.

²² S. 255.099(1), F.S.

²³ *Id.*

²⁴ S. 255.099(1)(b), F.S.

²⁵ Exec. Order 13502, 74 Fed. Reg. 6985 (Feb. 6, 2009). A copy of the Executive Order can be found online at:

http://www.whitehouse.gov/the_press_office/ExecutiveOrderUseofProjectLaborAgreementsforFederalConstructionProjects (last visited March 5, 2015); the Executive Order is codified in subpart 22.5 of the Federal Acquisition Regulation.

²⁶ 40 U.S.C. s. 3142(a).

²⁷ United States Department of Labor, *Davis-Bacon and Related Acts Frequently Asked Questions*,

<http://www.dol.gov/whd/programs/dbra/faqs/fringes.htm#Fringe> (last visited March 5, 2015) (examples of fringe benefits include life insurance, health insurance, pension, vacation, holidays, sick leave, and other "bona fide" fringe benefits).

²⁸ 40 U.S.C. s. 3142(b).

- “Public works” or “public works project” means a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof, including repair, renovation, or remodeling, owned, in whole or in part, by any political subdivision that is to be paid in whole or in part with state funds.

The bill provides that except if the payment of prevailing or minimum wages is required under federal law, or except as required by federal or state law, the state or any political subdivision that contracts for the construction, maintenance, repair, or improvement of public works may not require specified employment provisions. Specifically, the state or any political subdivision may not require a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair, or improvement of public works to:

- Pay employees a predetermined amount of wages or wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control or limit staffing;
- Recruit, train, or hire employees from a designated or single source;
- Designate any particular assignment of work for employees;
- Participate in proprietary training programs; or
- Enter into any type of project labor agreement.

The bill prohibits the state or a political subdivision that contracts for the construction, maintenance, repair, or improvement of public works from requiring a contractor, subcontractor, or material supplier or carrier to become a party to any agreement with employees, their representatives, or any labor organization, including any area-wide, regional, or state building or construction trade or crafts council, organization, association, or similar body, as a condition of bidding, negotiating, being awarded any bid or contract, or performing work on a public works project.

In addition, the bill provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier from submitting bids, being awarded a bid or contract, or performing work on a public works project if such individual is otherwise qualified to do the work described.

B. SECTION DIRECTORY:

Section 1 creates an unnumbered section of law relating to public works projects.

Section 2 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to impact state revenues.

2. Expenditures:

The bill does not appear to impact state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

The bill does not appear to impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

Right to Work

Florida is a "right to work" state. Article I, s. 6 of the State Constitution protects Florida citizens from employers' actions relating to their membership, or non-membership, in a labor union. This section also protects an employees' right to collectively bargain and prohibits public employees from striking. The Florida Supreme Court has stated that "[t]here is little question that Article I, section 6 was intended to, and does, benefit all employees, public or private."²⁹ The right to collectively bargain is a fundamental right vested in all Florida employees by the State Constitution and any government action attempting to restrict the enjoyment thereof is subject to strict scrutiny and must be justified by a compelling state interest.³⁰

B. RULE-MAKING AUTHORITY:

The bill neither provides rulemaking authority nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

²⁹ *Hillsborough Cty. Governmental Emps. Ass'n, Inc. v. Hillsborough Cty. Aviation Auth.*, 522 So.2d 358 (Fla. 1988).

³⁰ *Coastal Fla. Police Benevolent Ass'n, Inc. v. Williams*, 838 So.2d 543 (Fla. 2003).

26 (b) "Project labor agreement" means an arrangement
 27 mentioned, detailed, or outlined within the project plans, the
 28 specifications, or any bidding document of a public works
 29 project that:

30 1. Imposes requirements, controls, or limitations on
 31 staffing, sources of employee referrals, assignments of work,
 32 sources of insurance or benefits, including health, life, and
 33 disability insurance and retirement pensions, training programs
 34 or standards, or wages; or

35 2. Requires a contractor to enter into any sort of
 36 agreement as a condition of submitting a bid that directly or
 37 indirectly limits or requires the contractor to recruit, train,
 38 or hire employees from a particular source to perform work on
 39 public works or a public works project.

40 (c) "Public works" or "public works project" means a
 41 building, road, street, sewer, storm drain, water system, site
 42 development, irrigation system, reclamation project, gas or
 43 electrical distribution system, gas or electrical substation, or
 44 other facility, project, or portion thereof, including repair,
 45 renovation, or remodeling, owned, in whole or in part, by any
 46 political subdivision that is to be paid for in whole or in part
 47 with state funds.

48 (2)(a) Except as provided in paragraph (b) or as required
 49 by federal or state law, the state or any political subdivision
 50 that contracts for the construction, maintenance, repair, or
 51 improvement of public works may not require that a contractor,

52 subcontractor, or material supplier or carrier engaged in the
 53 construction, maintenance, repair, or improvement of public
 54 works:

55 1. Pay employees a predetermined amount of wages or wage
 56 rate;

57 2. Provide employees a specified type, amount, or rate of
 58 employee benefits;

59 3. Control or limit staffing;

60 4. Recruit, train, or hire employees from a designated or
 61 single source;

62 5. Designate any particular assignment of work for
 63 employees;

64 6. Participate in proprietary training programs; or

65 7. Enter into any type of project labor agreement.

66 (b) Paragraph (a) does not apply if the payment of
 67 prevailing or minimum wages to persons working on projects
 68 funded in whole or in part by federal funds is required under
 69 federal law.

70 (3) The state or any political subdivision that contracts
 71 for the construction, maintenance, repair, or improvement of
 72 public works shall not require that a contractor, subcontractor,
 73 or material supplier or carrier engaged in the construction,
 74 maintenance, repair, or improvement of public works execute or
 75 otherwise become a party to any agreement with employees, their
 76 representatives, or any labor organization as described in 29
 77 U.S.C. s. 152(5) and 42 U.S.C. s. 2000e(d), including any area-

78 | wide, regional, or state building or construction trade or
 79 | crafts council, organization, association, or similar body, as a
 80 | condition of bidding, negotiating, being awarded any bid or
 81 | contract, or performing work on a public works project.

82 | (4) The state or any political subdivision that contracts
 83 | for the construction, maintenance, repair, or improvement of any
 84 | public works project may not prohibit a contractor,
 85 | subcontractor, or material supplier or carrier engaged in the
 86 | construction, maintenance, repair, or improvement of public
 87 | works who is qualified, licensed, or certified to do any of the
 88 | work described in the bid documents from submitting bids, being
 89 | awarded any bid or contract, or performing work on a public
 90 | works project.

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



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	_____	

Committee/Subcommittee hearing bill: Local Government Affairs Subcommittee

Representative Van Zant offered the following:

Amendment

Remove line 64 and insert:

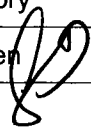
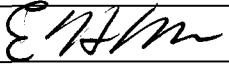
6. Participate in proprietary training programs, unless such training is a condition of a product warranty or guarantee; or

Remove lines 84-90 and insert:

public works project may not prohibit any contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair, or improvement of public works who is qualified, licensed, or certified as required by state law to perform such work from submitting a bid, being awarded a bid or contract upon being selected, negotiating a contract upon being awarded, or performing work on a public works project.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 569 . Agritourism
SPONSOR(S): Combee and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 594

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	13 Y, 0 N	Gregory	Blalock
2) Local Government Affairs Subcommittee		Darden 	Miller 
3) State Affairs Committee			

SUMMARY ANALYSIS

An "agritourism activity" is any agricultural related activity consistent with a bona fide farm or ranch or in a working forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions. In order to continue farming, operators of small and medium-sized farms must at times find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment. Agritourism is one of the many methods farmers use to diversify and increase their income.

In 2013, the Florida Legislature passed SB 1106, which prohibited local governments from adopting any ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land under Florida's greenbelt law. However, some local governments continue to enforce such laws that were adopted prior to the passage of SB 1106 in 2013.

The bill prohibits local governments from enforcing any ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under Florida's greenbelt law.

The bill may have an indeterminate negative fiscal impact on local governments by prohibiting them from enforcing ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land classified as agricultural under Florida's greenbelt law.

Article VII, section 18(b) of the Florida Constitution may apply because counties and municipalities may be unable to collect certain fees or fines pertaining to such regulations; however, it is likely the insignificant fiscal impact exemption applies, since very few jurisdictions have existing ordinances that would be unenforceable under this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

An "agritourism activity" is any agricultural related activity consistent with a bona fide farm or ranch or in a working forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions.¹ In order to continue farming, operators of small and medium-sized farms find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment.² Agritourism is one of the many methods farmers use to diversify and expand their income.

Agritourism has an extensive history in the United States. Farm-related recreation and tourism can be traced back to the late 1800s, when families visited farming relatives in an attempt to escape from the city's summer heat. Visiting the country became even more popular with the widespread use of the automobile in the 1920s. Rural recreation gained interest again in the 1930s and 1940s by people seeking an escape from the stresses of the Great Depression and World War II. These demands for rural recreation led to widespread interest in horseback riding, farm petting zoos, and farm nostalgia during the 1960s and 1970s. Farm vacations, bed and breakfasts, and commercial farm tours were popularized in the 1980s and 1990s.³

Today, agritourism may include farm tours or farm stays, fishing, hunting, festivals, historical recreations, workshops or educational activities, wildlife study, horseback riding, cannery tours, cooking classes, wine tastings, barn dances, and harvest-your-own activities. The use of these resources can have a positive effect on both the agricultural enterprise and the surrounding community. Not only does this tourism have the potential to add value to the operations themselves, but it also creates awareness about the importance of agriculture.⁴

Many states, including Florida, have adopted legislation to promote agritourism. In 2007, the Florida Legislature passed HB 1427 authorizing the Department of Agriculture and Consumer Services to provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following entities in their agritourism initiatives:

- Enterprise Florida, Inc.;
- Convention and visitor bureaus;
- Tourist development councils;
- Economic development organizations; and
- Local governments.⁵

In addition, the bill provided that conducting agritourism activities on a bona fide farm or on lands classified as agricultural pursuant to s. 193.461, F.S., would not result in the property owner having his or her agricultural land classification limited, restricted, or divested.⁶ Section 193.461, F.S., also known as Florida's "greenbelt law," allows properties classified as a bona fide agricultural operation to be

¹ S. 570.86(1), F.S.

² Wendy Francesconi and Taylor Stein, *Expanding Florida's Farming Business to Incorporate Tourism*, University of Florida Institute of Food and Agricultural Sciences available at: <http://edis.ifas.ufl.edu/fr242> (last visited March 6, 2015).

³ Considering an Agritainment Enterprise in Tennessee (Agricultural Extension Service, The University of Tennessee, PB 1648) available at: http://trace.tennessee.edu/utk_agexmkt/12/ (last visited March 6, 2015).

⁴ Analysis of SB 2754 (2007).

⁵ Ch. 2007-244, Laws of Fla., codified as s. 570.85, F.S.

⁶ S. 570.87(1), F.S.

taxed according to the "use" value of the agricultural operation, rather than the development value. Generally, tax assessments for qualifying lands are lower than tax assessments for other uses.

In 2013, the Florida Legislature passed SB 1106, which provided the intent of the Legislature to eliminate duplication of regulatory authority over agritourism.⁷ The bill prohibited a local government from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land under Florida's greenbelt law.⁸ The bill also provided limited liability protection for landowners conducting agritourism activities on their property.⁹

However, while local governments may not adopt laws that limit agritourism activities on land classified as agricultural land under Florida's greenbelt law, some local governments continue to enforce such laws that were adopted prior to the passage of SB 1106 in 2013.

Effect of Proposed Changes

The bill amends s. 570.85, F.S., to prohibit local governments from enforcing any ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under Florida's greenbelt law.

B. SECTION DIRECTORY:

Section 1. Amending s. 570.85, F.S., relating to regulation of agritourism activities.

Section 2. Providing an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have an indeterminate negative fiscal impact on local governments by prohibiting them from enforcing ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land classified as agricultural under Florida's greenbelt law. Thus, counties and municipalities may be unable to collect certain fees or fines pertaining to such regulations.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

⁷ Ch. 2013-179, Laws of Fla., codified as s. 570.86, F.S.

⁸ S. 570.85, F.S.

⁹ S. 570.88, F.S.

The bill encourages agritourism by lessening the regulations on agricultural land owners who engage in agritourism activities.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill reduces the authority of counties and municipalities to raise revenues by prohibiting them from enforcing ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land classified as agricultural under Florida's greenbelt law. Thus, counties and municipalities may be unable to collect certain fees or fines pertaining to such regulations. Article VII, section 18(b) of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature in order to enact a general law that reduces the authority of municipalities and counties to raise revenues in the aggregate. Article VII, section 18(d) of the Florida Constitution provides an exemption if the law is determined to have an insignificant fiscal impact. An insignificant fiscal impact means an amount not greater than the average statewide population for the applicable fiscal year times ten cents.¹⁰ A fiscal estimate is not available for this bill. If it is determined that this bill has more than an insignificant fiscal impact, the bill will require a two-thirds vote of the membership of each house of the Legislature for passage.

2. Other:

While the Florida Constitution grants local governments broad regulatory authority under home rule powers, such ordinances must yield to state statutes.¹¹ Legislation limiting the regulatory powers of counties and municipalities has been previously found to be within the powers of the Legislature.¹²

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

None.

¹⁰ The total state population is estimated to be 19,507,369. University of Florida, Bureau of Economic and Business Research, Florida Estimates of Population, available at <http://www.bebr.ufl.edu/data/state/Florida> (last visited February 2, 2015).

¹¹ Fla. Const. art. VIII, s 2(b); *Masone v. City of Aventura*, 147 So.3d 492, 494 (Fla. 2014).

¹² See *Cross Key Waterways v. Askew*, 351 So. 2d 1062, 1065 (Fla. 1st DCA1977) (power exercised by counties and municipalities is a delegation of state power); compare *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018-1019 (Fla. 2d DCA 2005) (state preemption must be stated with clear language of intent).



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 Government Affairs
 2 Subcommittee

3 Representative Combee offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove line 18 and insert:
 7 local government any not adopt or enforce any local an ordiance,
 8

9 -----

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

11 Remove line 3 and insert:
 12 F.S.; prohibiting a local government from enforcing any local

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 593 City of Panacea, Wakulla County
SPONSOR(S): Beshears
TIED BILLS: IDEN./SIM. **BILLS:**

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

SUMMARY ANALYSIS

HB 593 creates the City of Panacea in Wakulla County and sets out the City's charter. The charter provides the following information, authority, powers, and duties of the City:

- Corporate name; purpose of the charter; creation and establishment of the City of Panacea;
- Powers of the City;
- Corporate boundaries of the City;
- A council-manager form of government;
- City council, mayor, and vice mayor; powers and duties, composition of the council, eligibility, terms, compensation, council meetings, vacancies, forfeitures, judge of qualifications, and investigations;
- Administration by a City manager, provision for City attorney, City clerk, departments, personnel; planning;
- Ordinances and resolutions;
- Financial management, including budget administration and amendment; capital program; public records; annual audits; shortfalls;
- Nominations and qualifications; nonpartisan elections; five at large council seats;
- Powers of initiative and referendum;
- Amendments to the charter; severability; and
- Referendum election; initial council election; transition provisions; eligibility for state-shared revenues; local revenue sources; local option gas tax revenues; contractual services and facilities, including existing solid waste contracts; municipal services district.

The bill provides that the act takes effect only upon its approval by a majority vote of qualified electors residing within the corporate limits of the proposed city.

According to the Economic Impact Statement, the projected cost of funding the City government and municipal services will be \$144,929 for Fiscal Year 2015-2016 and \$147,828 for Fiscal Year 2016-2017.¹ Anticipated sources of combined local and state funding are projected to be \$239,965 for Fiscal Year 2015-2016 and \$244,764 for Fiscal Year 2016-2017.

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

¹ The actual total of the itemized services and costs listed in the EIS filed on March 3, 2015 is \$199,168 for FY 2015-2016. Assuming the 2% cost increase for the following FY 2016-2017 as used in the EIS, the projected costs for that fiscal year would be \$203,151. On March 8, 2015, the proponents filed a revised EIS in which the total of the itemized costs now equals the stated total of \$144,929. The proponents attributed the inconsistency in the first EIS to a scrivener's error.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Provisions of Law Controlling Municipal Incorporation

Constitutional Provisions

The Florida Constitution states municipalities² may be established or abolished and their charters amended pursuant to general or special law. Municipalities are constitutionally granted all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services. Additionally, municipalities are constitutionally authorized to exercise any power for municipal purposes except when expressly prohibited by general or special law.³ The power to tax is granted only by general law.⁴ The legislative body of a municipal government is constitutionally required to be elected.⁵

Municipal Home Rule Powers Act

The Municipal Home Rule Powers Act (Powers Act)⁶ acknowledges the constitutional grant of municipal powers and authorizations. Nothing in the Powers Act may be construed to permit any change in a special law or municipal charter without approval by referendum⁷ if the change affects any of the following:⁸

- The exercise of extraterritorial powers;
- An area that includes lands within and without a municipality;
- The creation or existence of a municipality;
- The terms of elected officers and their manner of election, except for the selection of election dates and qualifying periods for candidates and for changes in terms necessitated by change in election dates;
- The distribution of powers among elected officers;
- Matters prescribed by charter relating to appointive boards;
- Any change in form of government; or
- Any rights of municipal employees.

Formation of Municipalities Act

Florida law governing the formation and dissolution of municipal governments is found in the Formation of Municipalities Act (Formation Act).⁹ The stated purpose of the Formation Act is to provide standards, direction, and procedures for the incorporation, merger, and dissolution of municipalities so as to achieve the following:

- Orderly patterns of urban growth and land use;
- Adequate quality and quantity of local public services;
- Financial integrity of municipalities;

² Art. VIII, s. 2(a), Fla. Const. A municipality is a local government entity, located within a county that is created to perform additional functions and provide additional services for the particular benefit of the population within the municipality. The term "municipality" can be used interchangeably with the terms "city," "town," and "village."

³ Art. VIII, s. 2(b), Fla. Const.

⁴ Art. VII, s. 9(a), Fla. Const.

⁵ Art. VIII, s. 2(b), Fla. Const.

⁶ Chapter 166, F.S.

⁷ As provided in s. 166.031, F.S.

⁸ S. 166.021(4), F.S.

⁹ Chapter 165, F.S.

- The elimination or reduction of avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions; and
- Equity in the financing of municipal services.

Under the Formation Act, a municipal government may be established where no such government exists only if the Legislature adopts the municipal charter by special act after determining the appropriate standards have been met.¹⁰

Physical Requirements for Municipal Incorporation¹¹

The area proposed for incorporation must meet the following conditions in order to be eligible for incorporation:

- Be compact, contiguous, and amenable to separate municipal government.
- Have a total population, as determined in the latest official state census, special census or estimate of population, of at least 1,500 persons in counties with a population of less than 75,000, and of at least 5,000 persons in counties with a population of more than 75,000.
- Have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.
- Have a minimum distance of at least two miles from the boundaries of an existing municipality within the county. Alternatively, it must have an extraordinary natural boundary that requires separate municipal governments.
- Have a proposed municipal charter that prescribes the form of government and clearly defines the responsibility for legislative and executive functions, and does not prohibit the legislative body from exercising its power to levy any tax authorized by the Florida Constitution or general law.
- Have a plan for incorporation honoring existing contracts for solid waste collection services in the affected areas for the shorter of five years or the remainder of the contract term.¹²

Procedural Requirements for Municipal Incorporation

Special Act

The Legislature has chosen to create the charter for a new municipality only by special act.¹³ Special acts are initiated as local bills in the House. A local bill is legislation relating to (or designed to operate only in) a specifically indicated part of the state or purporting to operate within classified territory when such classification is not permissible or legal in a general bill.¹⁴ To incorporate a municipality, the special act must include a proposed municipal charter prescribing the form of government and clearly defining the legislative and executive functions of city government. The special act may not prohibit or limit tax levies otherwise authorized by law.¹⁵

Unless conditioned to become effective only upon approval by qualified electors, no special act may be passed without prior publication of intent to seek such enactment.¹⁶ The notice of intent to file must be published in the manner provided by general law.¹⁷ The Legislature has required special acts creating

¹⁰ An exception to this principle is the home rule authority of Miami-Dade County, where the board of county commissioners has been granted the exclusive power to create municipalities within that county through the Florida Constitution. See s. 165.022, F.S., and Art. VIII, s. 6(e), Fla. Const. Adopted in 1957, the Miami-Dade County Home Rule Charter provides for the creation of new municipalities at Art. 6, s. 6.05.

¹¹ S.165.061, F.S.

¹² In accordance with Art. I, s. 10, Fla. Const.

¹³ S. 165.041(1)(a), F.S.

¹⁴ *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla.1934).

¹⁵ S. 165.061(1)(e)2., F.S.

¹⁶ Art. III, s. 10, Fla. Const.

¹⁷ S. 11.02, F.S., specifies the publication of notice must occur one time, at least 30 days prior to introduction of the local bill in the Legislature.

municipal incorporations to be subject to a referendum. A bill proposing creation of a municipality will be reviewed based on the statutory standards for municipal incorporation.¹⁸

Local Bill Process

As a local bill, a proposed municipal incorporation also must meet the House of Representatives' Local Bill Policy, which provides that no local bill may be considered by the Local Government Affairs Subcommittee – or other House committees or subcommittees – prior to the receipt of an original Economic Impact Statement and a Local Bill Certification Form.¹⁹ The Economic Impact Statement should assess the cost of implementation, state who will bear such cost, and identify who will benefit from the passage of the special act. The Local Bill Certification Form certifies the purpose of the bill cannot be accomplished locally, a public hearing has been held, all statutory and constitutional requirements have been met, and a majority of the local legislative delegation²⁰ approves the bill.

Feasibility Study

A feasibility study and a local bill proposing the municipal government charter must be submitted for consideration of incorporation. The feasibility study is a survey of the proposed area to be incorporated. The purpose of the study is to enable the Legislature to determine whether (1) the area meets the statutory requirements for incorporation, and (2) incorporation is financially feasible. The feasibility study must be completed and submitted to the Legislature no later than the first Monday after September 1 of the year before the regular legislative session during which the municipal charter would be enacted.²¹

In 1999, the Legislature revised s.165.041, F.S., by adding new, detailed requirements for the preparation of the required feasibility study for any area requesting incorporation. Specifically, the study must include:

- The general location of territory subject to a boundary change and a map of the area that identifies the proposed change.
- The major reasons for proposing the boundary change.
- The following characteristics of the area:
 - A list of the current land use designations applied to the subject area in the county comprehensive plan.
 - A list of the current county zoning designations applied to the subject area.
 - A general statement of present land use characteristics of the area.
 - A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.
- A list of all public agencies, such as local governments, school districts, and special districts, whose current boundaries fall within the boundary of the territory proposed for the change or reorganization.
- A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each current service.
- A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services.
- The names and addresses of three officers or persons submitting the proposal.
- Evidence of fiscal capacity and an organizational plan that, at a minimum, includes:

¹⁸ S. 165.061, F.S.

¹⁹ Florida House of Representatives, Local Government Affairs Subcommittee, Local Bill Policies and Procedures Manual 2015-2016 (Tallahassee, Florida: The Florida House of Representatives, published annually).

²⁰ A legislative delegation is a group of legislators representing the same county.

²¹ Se. 165.041(1)(b), F.S. For any proposed incorporations to be considered during the 2015 Legislative Session, this deadline fell on September 8, 2014.

- Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.
- A five-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets.
- Data and analysis to support the conclusion that incorporation is necessary and financially feasible, including population projections and population density calculations, and an explanation concerning methodologies used for such analysis.
- Evaluation of the alternatives available to the area to address its policy concerns.
- Evidence that the proposed municipality meets the standards for incorporation in s. 165.061, F.S.

In counties that have adopted a municipal overlay for municipal incorporation,²² such information must also be submitted to the Legislature. This information should be used to evaluate the feasibility of a proposed municipal incorporation in the geographic area.

The Proposed City of Panacea²³

Panacea is a historic fishing and tourist waterfront village on Florida's Gulf Coast. Located 28 miles southwest of Tallahassee in southwestern Wakulla County, Panacea is surrounded on the north and west by the St. Marks National Wildlife Refuge, to the east by Dickerson and Levy Bays, and to the south by marshlands merging into Ochlockonee Bay. According to the 2010 U.S. Census, the population of this Census Designated Place was 816.

Founded in 1895, Panacea takes its name from a number of small sulfurous mineral springs in the area purported to have healing properties. After a constitutional ban on fishing nets exceeding 500 square feet was adopted in 1994, the seafood industry in the area declined. After application was made by Wakulla County, in 2001 Panacea was designated a Waterfront Florida Partnership Community. Since that time interested parties have implemented the Partnership Committee as part of the Waterfront Florida designation, developed the Vision 2020 strategic document, and formed the current advocate for municipal incorporation, Panacea Waterfronts Florida Partnership, Inc.

The Panacea 2020 strategic planning document projected three economic engines for the community:

- Sustainable fishing village for commercial, sport, and recreational fishing/tourism;
- Ecological-friendly retirement/vacation community; and
- High value seafood.

Feasibility of the Proposed City of Panacea

Introduction

This section examines whether the proposed city meets the statutory criteria for the form and structure of the proposed municipal government and demonstrates sufficient fiscal integrity for self-governance.

The 2014 Feasibility Study: Evaluation and Responses

The proponents of municipal incorporation submitted their first feasibility study in 2013, which was found to contain a number of deficiencies. A revised feasibility study (2014 Study) was submitted timely in September 2014, evaluated by staff, and evaluations of the study were requested from the

²² Pursuant to s. 163.3217, F.S.

²³ The information in this section is drawn from the feasibility study, A Study of Municipal Incorporation of Panacea, Florida (rev. Aug. 2014), prepared by the Conservation Clinic at the University of Florida, Levin College of Law; Waterfronts Florida Partnership Program, Community Case Studies (2009), 64-69, at <http://www.floridajobs.org/Search?q=waterfronts>, and that memorandum submitted to Subcommittee staff by the Dept. of Economic Opportunity dated 1/29/2015.

Departments of Revenue (DOR) and of Economic Opportunity (DEO) and from the Office of Economic and Demographic Research (EDR).

As discussed in greater detail below, the 2014 Study provided information on each element required by statute.²⁴ However, while the draft municipal charter for the most part appeared to provide the elements required for municipal governance, one section providing for a private, non-profit entity to choose the interim city commission to serve from the date of incorporation until the general election of 2016 appeared problematic.²⁵ The timing of electing and seating the initial city commission affects the ability of DOR to distribute revenue sharing funds.²⁶

After the initial review by House staff, DOR, DEO, and EDR were requested to review and evaluate the 2014 Study and provide responses by February 1, 2015. Responses to the 2014 Study were received from DOR,²⁷ DEO,²⁸ and EDR.²⁹

HB 593 was filed on 2/4/2015 with a revised proposed charter providing for a special election of an interim city commission shortly after the referendum on incorporation. Because of the potential impact of this change on the evaluation of revenue sharing by DOR, a supplemental response was requested from the agency. DOR provided a supplement drawn to the filed bill³⁰ and a standard agency evaluation of pending legislation.³¹

After reviewing the agency responses and the initial Economic Impact Statement (First EIS) filed for the bill,³² the incorporation proponents were requested to provide additional information on the ability of the proposed City to meet its financial commitments and annual fiscal reporting obligations. The proponents' responses and additional materials were received by staff on 3/2, 3/4, and 3/5 and used in preparing this analysis.³³

Meeting the Statutory Criteria for Municipal Incorporation

The following chart summarizes the required statutory criteria for municipal incorporation and how each element is addressed in the 2014 Study.

Statute	Requirement	Provision in 2014 Feasibility Study	Page no.
165.041(1)(b)1.	The location of territory subject to boundary change and a map of the area which identifies the proposed change.	Full legal description of area proposed for incorporation, recited at lines 75-148 of the bill, together with boundary map. A copy of the general boundary map is attached to this analysis as Appendix B.	6-7
165.041(1)(b)2.	The major reasons for proposing the boundary change.	Due to its relatively isolated location in the county, the area seeks greater control over land use, planning, zoning, and economic development decisions.	7-10
165.041(1)(b)3.a.	A list of the current land use designations applied to the subject area in the county comprehensive plan.	As listed in the Wakulla County Comprehensive Plan, the area has property designated as Rural-2, Urban-1, Urban-2, and Public.	10

²⁴ Ss. 165.041(1)(b) & 165.061(1), F.S.

²⁵ Article III, section 11(a)(12), of the Florida Constitution prohibits any special law creating a private corporation or granting a privilege to a private corporation.

²⁶ S. 218.21(3), F.S.

²⁷ DOR Memorandum on Proposed Incorporation – City of Panacea (1/22/2015) (herein 2015 DOR Initial MM).

²⁸ Dept. of Economic Opportunity, Memorandum on Municipal Incorporation Feasibility Study for Panacea (1/29/2015) (herein 2015 DEO Response).

²⁹ Office of Economic and Demographic Research, Letter to Local and Federal Affairs Committee (2/2/2015, Feb. 1 having fallen on a Sunday) (herein 2015 EDR Response).

³⁰ DOR Supplemental Memorandum on Proposed Incorporation – City of Panacea (2/23/2015) (herein 2015 DOR Supplemental MM).

³¹ 2015 Department of Revenue Legislative Bill Analysis for HB 593 (2/27/2015) (herein 2015 DOR Bill Analysis).

³² Two EIS forms have been completed and filed. The First EIS on 3/3/2015 and the Second EIS on 3/8/2015.

³³ A list of materials received is attached as Appendix A to this Analysis.

Statute	Requirement	Provision in 2014 Feasibility Study	Page no.
165.041(1)(b)3.b.	A list of the current county zoning designations applied to the subject area.	Land within the proposed boundaries is zoned as: Conservation (P-2) Agriculture (AG) Rural Residential (RR-5) Semi-Rural Residential (RR-1 or RSU-1) Single-Family Residential (R-1) Multifamily Residential (R-3) Mobile Home Residential (RMH-1) Travel Trailer Park Commercial (CTTP) General Commercial (C-2) Heavy Commercial (C-3) Downtown Commercial (C-4) Light Industrial (I-1) Planned Unit Development Dist. (PUD)	11
165.041(1)(b)3.c.	A general statement of present land use characteristics of the area.	Subdivided lands with existing roadways, utilities; primarily residential and low density urban/commercial development.	11
165.041(1)(b)3.d.	A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.	None at this time.	12
165.041(1)(b)4.	A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization.	<p>Wakulla County</p> <ul style="list-style-type: none"> • Under County Commission: <ul style="list-style-type: none"> ➤ Emergency Medical Services ➤ Fire & Rescue ➤ Parks & Recreation ➤ Planning, Zoning, Development ➤ Solid Waste (Waste Pro) ➤ Road maintenance & repair ➤ Wastewater • Sheriff • Property Appraiser • Supervisor of Elections • Tax Collector • Clerk of Court • School District <p>NW Fla. Water Management Dist. Opportunity Florida, Inc. Apalachee Regional Planning Council Capital Region Transportation Planning Agency Apalachee Region Metropolitan Planning Organization FWC Fla. DEP Fla. DOT</p>	12
165.041(1)(b)5.	A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each current service.	<p>The following services are, and will continue to be, provided by Wakulla County at no increased costs to residents or the City:</p> <p>EMS – Area annual cost \$21,402 Fire/Rescue – Volunteer, funded by County MSBU; annual rates \$75/residential unit, \$0.06/ft² commercial, \$0.17/acre undeveloped land. Area annual cost \$40,275. Law Enforc. – Sheriff’s Office; area annual cost \$265,824. Solid Waste – County contract with Waste Pro, annual County assessment of \$196/residential unit. Area annual cost \$102,252. Transportation – Road maintenance by County, area does not benefit from other transportation</p>	12-17

Statute	Requirement	Provision in 2014 Feasibility Study	Page no.
		services such as transit. Area annual cost \$44,295. Wastewater – County-wide sewer system, paid through water bills. Area annual cost \$134,412. Potable Water – Panacea Area Water System, Inc. Area annual cost \$161,100. Services to be assumed by City: Parks & Recreation – Area annual cost \$15,590. Planning & Development – Area annual costs \$7,800.	
165.041(1)(b)6.	A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services.	Present services provided by County will continue with the exception of Parks & Recreation and Planning & Development. Proposed City services and projected annual costs: Parks & Recreation - \$24,000 Planning & Development - \$7,800 Part-time City Attorney - \$24,000 City Manager - \$36,000 General Operations <ul style="list-style-type: none"> • PT admin. assistant - \$24,000 • Gen. Liab. Ins. - \$5,346 • Workers' Comp Ins. - \$360 • Proposed City Hall (will use existing facility) <ul style="list-style-type: none"> ➢ Utilities/Communications - \$5,000 ➢ Website & records - \$2,100 ➢ Facility, furniture, supplies - \$7,000 Equipment Lease/Purchase - \$18,000 Elections - \$2,700 biennially	17-22
165.041(1)(b)7	The names and addresses of three officers or persons submitting the proposal.	Information fully provided for Walter B. Dickson, Mark Mitchell, Fred Crum.	23
165.041(1)(b)8.a.	Evidence of fiscal capacity and an organizational plan as it relates to the area seeking incorporation: -Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.	[Note: The following are estimates of annual revenues provided in the 2014 Study, projected to begin in FY 2015-2016 except as otherwise noted. Further analysis provided by DOR is discussed below.] State Shared Half-Cent Sales Taxes: \$26,283 <u>Participation will require waiver of reqs. of s. 218.63(1), F.S.</u> Communications Services Tax: \$27,259 (beginning in FY 2016-2017; per DOR analysis these collections would begin in FY 2017-2018). Public Services Taxes: \$95,880 Franchise Fees - \$64,442 State Revenue Sharing: \$12,610 Initial 3 mill levy of City ad valorem taxes: \$95,900 Business Taxes - \$4,303 Planning & Development Fees - \$7,687 Gas Taxes – revenues to which City could be entitled would instead continue to go to Wakulla County for continued road maintenance, per proposed interlocal agreement.	23-28
165.041(1)(b)8.b.	Evidence of fiscal capacity and an organizational plan as it relates to the area seeking incorporation: -A five-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets.	Estimated revenues and expenses for first 5 years after incorporation project revenues to exceed expenses by at least \$100,000 annually, increasing City reserves each year.	28-30

Statute	Requirement	Provision in 2014 Feasibility Study	Page no.
165.041(1)(b)9	Data and analysis to support the conclusions that incorporation is necessary and financially feasible, including population projections and population density calculations, and an explanation concerning methodologies used for such analysis.	Sufficient detail provided. Projected area population for 2015 is 852 and population density is 0.36 person/acre. As discussed under s. 165.061(1)(b) & (c), F.S., below, and in the discussion, incorporation will require exemptions from these general legal reqs.	30-31
165.041(1)(b)10.	Evaluation of the alternatives available to the area to address its policy concerns.	The alternatives are to continue relying on the county to address local issues or to rely more on private entities to address these concerns. Neither provide the same degree of local control over fiscal and planning policies as does municipal incorporation.	31-32
165.041(1)(b)11./ 165.061(1)(a)	Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061: -New municipality is compact and contiguous and amenable to separate municipal government.	S. 165.041(1)(b)11., F.S., incorporates the statutory criteria for new municipal incorporations. As shown in the map attached as Appendix B, the area proposed for incorporation is contiguous and compact, with no outlying enclaves.	32
165.041(1)(b)11./ 165.061(1)(b)	Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061: -New municipality has a total population, as determined in the latest official state census, special census, or estimate of population, in the area proposed to be incorporated of at least 1,500 persons in counties with a population of 75,000 or less, and of at least 5,000 population in counties with a population of more than 75,000.	The area proposed for municipal incorporation does not meet this element, as the population is estimated at 852. The 2014 Study notes the population of Wakulla County overall is 30,776, and the proposed City of Panacea would have a population greater than the two present incorporated municipalities in the county. As of the 2010 U.S. Census, Sopchoppy had a population of 457 and St. Marks a population of 293. <u>Incorporation would require a waiver of this statutory requirement.</u>	33-34
165.041(1)(b)11./ 165.061(1)(c)	Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061: -New municipality has an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.	The area proposed for municipal incorporation does not meet this element, as the population density of the area is 0.38 person/acre. The population density of the other two municipalities in the county is 0.48 person/acre for Sopchoppy, and 0.24 person/acre for St. Marks. <u>Incorporation would require a waiver of this statutory requirement.</u>	34
165.041(1)(b)11./ 165.061(1)(d)	Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061: -New municipality has a minimum distance of any part of the area proposed for incorporation from the boundaries of an existing municipality within the county of at least two miles or has an extraordinary natural boundary which requires separate municipal government.	The area is not within two miles of any existing municipality. The City of Sopchoppy is nearest and is over nine miles away.	35
165.041(1)(b)11./ 165.061(1)(e)1.	Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061: -Proposed charter prescribes the form of government and clearly defines the responsibility for legislative and executive functions.	The 2014 Study incorporated a proposed charter as an appendix. The proposed municipal charter now is set out in HB 593.	35
165.041(1)(b)11./ 165.061(1)(e)2.	Evidence that the proposed municipality meets the requirements for incorporation	Neither the 2014 Study nor HB 593 prohibits the city commission of the proposed City from levying	35

Statute	Requirement	Provision in 2014 Feasibility Study	Page no.
	pursuant to s. 165.061: -Proposed charter does NOT prohibit the legislative body of the municipality from exercising its powers to levy any tax authorized by the Constitution or general law.	any authorized tax.	
165.041(1)(b)11./ 165.061(1)(f)	Per s. 10, Art. I, Fla. Const., plan honors existing solid-waste contracts in the affected geographic area subject to incorporation. (May provide for existing contracts for solid-waste-collection services to be honored only for five years or the remainder of the contract term, whichever is less, and may require that a copy of the pertinent portion of the contract or other written evidence of the duration of the contract, excluding any automatic renewals or evergreen provisions, be provided to the municipality within a reasonable time after a written request to do so.)	As indicated in the sections on municipal services, the proposed City will continue to honor and rely upon the County's present contract for solid-waste services.	35
165.041(1)(c)	Incorporates information on county's municipal overlay adopted per s. 163.3217, F.S.	N/A ³⁴	N/A

To determine if the 2014 Study showed the proposed City would meet the necessary requirements for municipal incorporation, particularly as to sufficiency of revenue for services, DOR, DEO, and EDR were asked to evaluate the sufficiency and soundness of the proposal. Unless noted otherwise below, the responses of DEO³⁵ and EDR³⁶ indicated the provisions in the 2014 Study did not raise concerns and appeared to comply with the statute specified. For some cost components EDR was concerned the provisions of the 2014 Study were based on older data; the proponents were asked to address this concern and their responses are noted. The comments of DOR on the 2014 Study were limited to revenue issues;³⁷ on HB 593, DOR commented primarily on bill sections 9 and 10.³⁸

Section 165.041(1)(b)1., F.S. – Location and Boundaries

DEO and EDR concluded the 2014 Study adequately addressed this requirement and DOR had no comment.

Section 165.041(1)(b)2., F.S. – Major Reasons for Boundary Change

DEO concluded the 2014 Study adequately addressed this requirement, EDR found no significant issue, and DOR had no comment.

Section 165.041(1)(b)3., F.S. – Land Use, Zoning Designations

DEO concluded the 2014 Study adequately addressed this requirement, EDR deferred to DEO's evaluation, and DOR had no comment.

³⁴ Wakulla County does not have a municipal overlay for the Panacea area. See Wakulla County Code of Ordinances at https://www.municode.com/library/fl/wakulla_county/codes/code_of_ordinances?nodeId=PTILADECO (accessed 3/7/2015). Apparently, a Special Municipal Overlay was considered for the area but not presently in effect. See, https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.mywakulla.com%2Fdocument_center%2F02_04_08_Panacea_Special_Overlay.doc (accessed 3/7/2015).

³⁵ 2015 DEO Response.

³⁶ 2015 EDR Response.

³⁷ 2015 DOR Initial MM; 2015 DOR Supplemental MM.

³⁸ 2015 DOR Bill Analysis.

Section 165.041(1)(b)4., F.S. – Public Entities Currently Within the Incorporation Area

DEO and EDR concluded the list in the 2014 Study appeared complete and adequately addressed this requirement, and DOR had no comment.

Section 165.041(1)(b)5., F.S. – Current Services and Costs

DEO concluded the 2014 Study adequately addressed this requirement and DOR had no comment. EDR expressed concern that the cost data appeared out of date and possibly unreliable.

Responding to a staff request for additional information based on EDR's concerns,³⁹ the proponents reviewed the data sources suggested by EDR and revised the cost of services information for the proposed City based on 2014-2015 Wakulla County Budget data, as follows:

Service	2014 Study Estimate	3/2/2015 Estimate	Net Change
Emergency Medical	\$21,402	\$24,421	+ \$3,019
Fire/Rescue	\$40,275	\$34,447	- \$5,828
Law Enforcement	\$265,655	\$268,655	+ \$3,000
Parks & Recreation	\$15,549	\$14,608	- \$941
Planning & Development	\$7,800	\$7,909	+ \$109
Solid Waste Collection	\$105,252	\$104,761	- \$490
Transportation/Road Maintenance	\$44,295	\$49,332	+ \$5,037

The changes in the updated figures are attributed to an increase in overall county population and the impact of that change on per capita expenses for each item. Although the revised amounts indicate an overall increase of \$3,906 for the delivery of services in the Panacea area, the resulting adjustment in costs for those services the new City will take over responsibility (Parks & Recreation, Planning & Development) was actually lower by \$832 annually.⁴⁰

EDR also noted the 2014 Study presumed the majority of public services currently provided by the county would continue after incorporation with no additional cost to the Panacea residents. Unless and until the residents approve creation of the City and elect a board of city commissioners, there is no basis for an interlocal agreement⁴¹ for continuing provision of services.

Section 165.041(1)(b)6., F.S. – Proposed Services and Costs

DEO concluded the 2014 Study adequately addressed this requirement and DOR had no comment. EDR expressed concern that the cost data appeared out of date and possibly unreliable.

The First EIS, dated 3/3/2015, and the Second EIS, dated 3/8/2015, both attached to this analysis, state the following projected cost budgets for the indicated services:

Service	Budgeted Cost in First EIS	Budgeted Cost in Second EIS
Legal	\$24,000	\$24,000
Managerial	\$36,000	\$36,000

³⁹ Letter from Jon C. Moyle, Attorney for the Proponents (3/2/2015), including "Updated Financial Information from Wakulla County's 2014-5 Budget."

⁴⁰ Id.

⁴¹ An interlocal agreement is one entered into by a local government with one or more other agencies or local governments to provide services and facilities on the basis of mutual advantage and the most efficient use of their respective powers. S. 163.01(2), (3)(a), F.S. Such an agreement requires a duly authorized and existing local government exists to negotiate and enter such an agreement.

Service	Budgeted Cost in First EIS	Budgeted Cost in Second EIS
Planning	\$7,603	\$7,603
Parks & Recreation	\$46,314	\$24,000
General Operation	\$24,000	\$24,000
Utilities	\$49,931	\$4,931
Record Maintenance	\$2,081	\$2,081
Services & Supplies	\$1,040	\$1,040
Insurance	\$5,598	\$5,598
Elections	\$2,601	\$2,601
Contingency Fund	\$0	\$13,075
Total	\$199,168⁴²	\$144,929

For the following listed services or operations of the proposed City, the 2014 Study and the First EIS state different estimates, while the Second EIS estimates slightly lower costs than the 2014 Study:

Service	2014 Study Actual Present Cost	2014 Study Projected City Cost	3/2/2015 Response Actual Present Cost	First EIS Projected City Cost	Second EIS Projected City Cost
Admin. Assistant	N/A ⁴³	\$24,000	N/A	--	
General Operation	N/A	--	N/A	\$24,000	\$24,000
Parks & Recreation	\$15,549	\$24,000	\$14,608	\$46,314	\$24,000
Planning	\$7,800	\$7,800	\$7,909	\$7,603	\$7,603
Utilities	N/A	\$5,000	N/A	\$49,931	\$4,931
Total Projected City Costs for These Services	--	\$60,800	--	\$127,848	\$60,534

Section 165.041(1)(b)7., F.S. – Names of 3 Persons Submitting the Proposal

Other than an apparent misspelling, DEO and EDR concluded the list in the 2014 Study appeared complete and adequately addressed this requirement, and DOR had no comment.

Section 165.041(1)(b)8.a. & 8.b., F.S. – Fiscal Capacity and Organizational Plan

DEO concluded the 2014 Study adequately addressed this requirement as to both components. EDR deferred to DOR to comment on the revenue projections⁴⁴ but expressed concern that the cost data appeared out of date and possibly unreliable. EDR also noted the proposed five-year plan in the 2014 Study did not clearly show funding directed to local control over future economic growth and other stated goals for the proposed incorporation:

The Study (p. 2) also states that one of the important conclusions is that “the overarching catalyst for Panacea residents seeking formal municipal incorporation is to more directly influence and increase local authority over the future economic growth and community viability of Panacea, including waterfront and other small business development, expansion of tourism-based industries, significant infrastructure and other capital improvements, and community beautification efforts.” ***Funding for these community goals does not seem to be reflected in the five-year operational plan. An indication of which goals the community will attempt to achieve within the first five years and the associated expenses would help alleviate this***

⁴² As explained above in note 1, the EIS stated the total costs for the City in FY 2015-2016 would be \$144,929, but the actual total of the itemized services and costs listed in the EIS is \$199,168.

⁴³ “N/A” = not applicable because the City does not yet exist.

⁴⁴ 2015 EDR Response, p. 4.

concern. Further, an indication of the additional revenues that would be imposed and collected to pay for these expenses is necessary, if they are included in the operational plan. Absent answers to these questions, the validity of the revenue and expense figures presented in this element cannot be substantiated. The incorporation proponents and/or the Study's authors should consider correcting these deficiencies.⁴⁵

DOR extensively analyzed the fiscal capacity of the proposed City. The initial response focused on potential conflicts between the initial dates of eligibility for state revenue sharing and other tax distributions and when DOR could actually transmit such funds to the proposed City.⁴⁶ DOR also provided a table of estimated revenue sharing distributions to which the City would be entitled upon meeting (or waiving) the requirements of s. 218.23, F.S., as well as the impact of these distributions on the revenues of Wakulla County and the cities of St. Marks and Sopchoppy.⁴⁷

Revenue Sharing

To be eligible for revenue sharing, a municipality not only must exist but must have elected and seated its legislative body.⁴⁸ As a unit of local government, the municipality also must comply with the requirements of s. 218.23, F.S., including reporting its finances for its most recently completed fiscal year⁴⁹ and either levied ad valorem taxes of at least 3 mills or collected revenue from specified other sources equivalent to what would be raised by such an ad valorem assessment.⁵⁰

DOR noted the bill provides for the City to be eligible for revenue sharing beginning July 1, 2015, and waives the requirements of s. 218.23(1), F.S., through December 31, 2019. The bill also waives the financial reporting and annual audit of City financial accounts through fiscal year 2015-2016.⁵¹

Half-Cent Sales Tax

A newly-incorporated municipality not only must meet the statutory requirements for revenue sharing to participate in the local government half-cent sales tax distribution but also all applicable criteria for incorporation under s. 165.061, F.S.⁵² Although the proposed City does not meet the minimum levels for population⁵³ and population density,⁵⁴ DOR interprets the waivers of these requirements in the bill as meeting the criteria for the City to receive this distribution.

Gas Tax Revenues

A newly-created municipality entitled to receive distributions under ch. 218, Parts II (Revenue Sharing) and VI (Half-Cent Sales Tax), F.S., is entitled to receive distributions of certain gas taxes if levied by the county.⁵⁵ These distributions cannot begin until the new municipality's first full fiscal year.⁵⁶

Wakulla County imposes local option gas taxes⁵⁷ in which the City would be entitled to share. The 2014 Study states revenue from gas taxes is not estimated because the intent of the City would be for the

⁴⁵ 2015 EDR Response, p. 4 (emphasis in original).

⁴⁶ 2015 DOR Initial Response, p. 2-4.

⁴⁷ A copy of the table is attached to this analysis as Appendix C. In its supplemental response DOR affirmed the continuing accuracy of these estimates. 2015 DOR Supplemental Response, p. 4.

⁴⁸ S. 218.21(3), F.S.

⁴⁹ S. 218.23(1)(a), F.S. This report is submitted to the Dept. of Financial Services. S. 218.32, F.S.

⁵⁰ S. 218.23(1)(c), F.S.

⁵¹ 2015 DOR Supplemental Response, p. 2. DOR noted its uncertainty whether the bill referred to the fiscal year of the state or the City, since the City's fiscal year would run Oct. 1 – Sept. 30. As s. 218.23(1)(a), F.S., requires a local government report "for its most recently completed fiscal year," it would seem this waiver would be through September 30, 2016.

⁵² S. 218.63(1), F.S.

⁵³ S. 165.061(1)(b), F.S., requires a minimum population of 1,500 for municipal incorporation in counties with a population less than 75,000.

⁵⁴ S. 165.061(1)(c), F.S., requires a minimum population density of 1.5 person/acre.

⁵⁵ S. 336.025(4)(b), F.S.

⁵⁶ *Id.*

County to retain all such funds and continue to perform all road maintenance and repair. However, DOR noted a potential problem because the bill provides for the City to be entitled to receive such revenues beginning July 1, 2015. As the City otherwise would not be entitled to receive distributions until October 1, 2015, and as the city council will not be elected and seated until September 15, rather than create uncertainties as to what funds may accrue and be distributed DOR suggested the bill be revised to provide the entitlement to local option gas taxes begins on October 1, 2015.

Local Communications Services Tax

Counties and municipalities by ordinance may levy a tax on communication services⁵⁸ which applies to taxable services after January 1 of a given year.⁵⁹ A municipality adopting, repealing, or changing such a tax must notify DOR by September 1 preceding the January 1 in which the change would go into effect.⁶⁰ Because of these requirements, and because the initial City commission meeting is scheduled for September 15, 2015, the City may not be able to adopt an ordinance imposing the tax in time to qualify for the tax to go into effect on January 1, 2016. If so, the earliest the City could begin to receive revenues from a communications services tax imposed by City ordinance would be after January 1, 2017.⁶¹ However, in the past DOR has accommodated municipalities adopting a taxing ordinance even in September because the necessary data would be updated effective as of the following January 1. If so, a tax ordinance adopted in September 2015 could be effective as of January 1, 2016.

DOR further noted the bill provides for the present tax imposed by Wakulla County to be shared with the City in proportion of the projected population of the City to the population of the unincorporated portion of the county before the incorporation took effect. For such an arrangement the county and City must update data on service addresses with DOR by September 1, 2015.⁶² However, because the present rate imposed in unincorporated Wakulla County is .0582 and the rate for the City likely would be .0060 because of the applicable statutory conversion rate,⁶³ the sharing plan in the bill could actually result in lower revenues both for the City and the unincorporated area.⁶⁴

Discretionary Sales Surtax

DOR noted neither the 2014 Study nor the proposed charter discussed the 1% Infrastructure Sales Surtax imposed by Wakulla County, which tax expires in December 2017 and currently is shared with the two existing cities, St. Marks and Sopchoppy.

The following table summarizes DOR's estimates of revenue sharing distributions to which the City would be entitled in state fiscal year 2014-2015.⁶⁵

Type of Distribution	Estimated Amount
Municipal Revenue Sharing	\$15,903
Half-Cent Sales Tax	\$27,933
Total	\$43,836

The EIS projects combined local and state funding for FY 2015-2016 to be \$239,965 and for FY 2015-2016 to be \$244,764.

Section 165.041(1)(b)9, F.S. – Data and Analysis Showing Incorporation is Necessary and Feasible

⁵⁷ Wakulla County Code of Ordinances, Ch. 29, Art. II.

⁵⁸ S. 202.19(1), F.S. "Communication services" are defined by s. 202.11(1), F.S., with a number of exclusions such as one for internet access, electronic mail, or similar online computer services. S. 202.11(1)(h), F.S.

⁵⁹ S. 202.21, F.S.

⁶⁰ *Id.*

⁶¹ 2015 DOR Supplemental MM, p. 3.

⁶² 2015 DIR Supplemental MM, p. 3.

⁶³ Ss. 212.054 & 212.055, F.S.

⁶⁴ 2015 DOR Bill Analysis, p. 5-6.

⁶⁵ From Appendix C.

DEO concluded the 2014 Study included sufficient data and analysis to show incorporation was both necessary and feasible. EDR generally concurred but again noted the reliance on older data in other calculations called into question the reliability of this analysis. DOR had no opinion.

Section 165.041(1)(b)10. – Evaluation of Alternatives to Incorporation

DEO found the 2014 Study adequately met this requirement, EDR took no position because this was a determination subject to the opinion of the reader,⁶⁶ and DOR took no position.

Section 165.041(1)(b)11., F.S. – Evidence the Proposed Municipality Meets the Requirements for Incorporation under s. 165.061(1), F.S.

Section 165.061(1)(a), F.S. – Compact, Contiguous, Amenable to Municipal Gov't.

DEO and EDR concurred the area proposed for incorporation met this requirement. DOR took no position.

Section 165.061(1)(b), F.S. – Minimum Population

A municipality created in a county with a population less than 75,000 must have a minimum population of 1,500 under this statute. As of April 1, 2014, the estimated population of Wakulla County was 31,285.⁶⁷ The 2014 Study estimates the population of the proposed City at 862. DEO, EDR, and DOR concur that the proposed City does not meet this requirement. A waiver will be required in order for the City to access certain revenue sharing distributions, as explained above.

Section 165.061(1)(c), F.S. – Minimum Population Density

Barring extraordinary circumstances, a proposed municipality must have an average population density of 1.5 persons/acre. The Panacea area has an estimated population density of 0.38 persons/acre. Both DEO and EDR note the proposed area does not meet the population density requirement. DEO observes “a community’s commitment to improving its economy, especially based on its existing assets ... could be considered ‘extraordinary conditions.’” A waiver will be required in order for the City to access certain half-cent sales tax distributions, as explained above.

Section 165.061(1)(d), F.S. – Minimum Distance from Existing Municipalities

DEO and EDR concurred the Panacea area is greater than two miles from an existing municipality. DOR took no position.

Section 165.061(1)(e)1. & (e)2. – Proposed Municipal Charter

DEO concluded the proposed charter both prescribed the form of government and did not prohibit the City commission from exercising its power to levy any tax authorized by the Florida Constitution or general law. EDR deferred to DEO; DOR took no position.

It appears the proposed charter established by the bill complies with this requirement.

Section 165.061(1)(f), F.S. – Solid Waste Contracts

Concerning existing contracts for solid waste disposal, the statute expressly incorporates the constitutional prohibition against any law impairing contracts.⁶⁸ The 2014 Study stated existing solid waste contracts would be honored and the bill takes no action to impair such contracts.

⁶⁶ 2015 EDR Response, p. 5.

⁶⁷ Bureau of Economic and Business Research, University of Florida, *Florida Estimates of Population 2014*, p. 21, at <http://edr.state.fl.us/Content/population-demographics/reports/index.cfm> (accessed 3/8/2015).

⁶⁸ Art. I, s. 10, Fla. Const.

Section 165.041(1)(c), F.S. – Information on County Municipal Overlay

Wakulla County does not have a municipal overlay for the Panacea area.⁶⁹

Ability of Proposed City to Meet Annual Financial Reporting Requirements

As a local government entity, the City will be required to file with the Dept. of Financial Services a copy of its annual financial report for the previous fiscal year.⁷⁰ If the City's total revenues, or total expenditures and expenses, exceed \$250,000, it will have to have an annual financial audit by an independent certified public accountant.⁷¹

The proponents were asked to provide information on the proposed City's ability to meet its annual financial reporting obligations. The proponents state sufficient funds are included within the general operation expense item reported on the EIS (amount of \$24,000) to pay for the expenses necessary to prepare and file the annual financial report.⁷²

Effect of Proposed Changes

The bill creates the City of Panacea in a previously unincorporated area of Wakulla County, Florida, and provides a charter structuring the city government, providing powers and authority, and providing for a transition to the fully-functioning city government.

The charter provides for a council-manager form of government, with 5 city council members serving 4 year terms, elected in non-partisan elections. After each election the council will select two of their members to serve 2 year terms as mayor and vice-mayor, respectively. Council members are elected to 5 at large seats.

The council is the sole judge of the qualifications of the members, including forfeiture of office. Procedures are provided for determining and filling vacancies on the council. Council members are entitled to reimbursement as provided in general law for travel and per diem expenses. No compensation is established initially but the council is authorized to provide for compensation of its members; however, no such compensation may take effect until after the terms of members elected at the next regular election.

The council will employ a city manager, who serves as the chief administrative officer of the City, serves at the pleasure of the council, and who may also serve as city clerk. The city manager acts under the supervision of the council. The administrative section of the charter also provides for the office and duties of the city clerk, authorizes expenditures of City funds only on due appropriation, and authorizes the council to create or terminate boards and agencies.

The legislative power of the City is vested in the council. The city council is to conduct regular public meetings on due notice. Special meetings may be conducted on the call of the mayor or a majority of council members. Meetings of the council may not begin before 7:00 a.m. or after 10:00 p.m. The council exercises this authority through the adoption of ordinances and resolutions.

The charter provides for a fiscal year of October 1 – September 30. Under the City budget process, a minimum of 2 public hearings on the budget must be held before the council may adopt it. The City is authorized to issue bonds and revenue bonds, and is required to perform an annual independent audit of all financial accounts.

The charter provides for an initial special election on August 18, 2015, to elect 5 council members. Those elected to seats 1, 3, and 5 will serve the remainder of 2 year terms ending in November 2016.

⁶⁹ See, n. 34, supra.

⁷⁰ S. 218.32(1)(a), F.S.

⁷¹ S. 218.39(1), F.S.

⁷² Letter of Jon Moyle, Esq. (3/4/2015).

Those elected to seats 2 and 4 will serve the remainder of 4 year terms ending in November 2018. Beginning with the general election in November 2016 city council members will be elected to full 4 year terms.

The referendum on creating the City will be held on June 30, 2015. If approved, the City is created and incorporated effective July 1, 2015.

The bill provides the following waivers of general law necessary to complete the incorporation and for the operation of this City:

- Waives the requirements of s. 218.23(1), F.S., from the date of incorporation (7/1/2015) to December 31, 2019, in order for the City to be eligible to receive revenue sharing funds.
- Waives the requirements of s. 218.23(1), F.S., for the purpose of auditing and financial reporting for fiscal year 2015-206.
- Waives the minimum population requirement of s. 165.061(1)(b), F.S., based on the historic coastal character of the area.
- Waives the minimum population density requirement of s. 165.061(1)(c), F.S., for the same purpose.

The bill will result in new distributions of revenue sharing and half-cent sales tax funds to the new City, reducing certain amounts currently distributed to Wakulla County and the cities of St. Marks and Sopchoppy (see Appendix C). The bill will also provide authority for the City to impose ad valorem taxes of 3 mills within its boundaries to fund operations. The 2014 Study relies on imposing and collecting such additional tax revenues to support the financial viability of the proposed city.⁷³

B. SECTION DIRECTORY:

- Section 1. Creates the City of Panacea, provides the charter for the City, establishes the form of government, and provides boundaries. The charter is divided into the following numbered subsections:
- (1) Creates the City, establishes the charter, and states the purposes for incorporation and the charter.
 - (2) Establishes the council-manager form of government.
 - (3) Establishes the physical boundaries of the City.
 - (4) Provides the broad municipal powers of the City.
- Section 2. Also divided into numbered subsections, provides for the city council, mayor, and vice-mayor.
- (1) Creates the 5 member city council, which exercises all charter powers of the City.
 - (2) Requires the city council, at the first regular meeting after each election, to choose one of the council members to serve as mayor for a 2 year term. Provides duties of the mayor.
 - (3) Requires the city council, at the first regular meeting after each election, to choose one of the council members to serve as vice-mayor for a 2 year term. Provides vice-mayor shall serve as acting mayor in absence of mayor.
- Section 3. Provides for election and term of office of city council members, with the exception of the initial special election provided in Section 7.
- (1) Provides 4 year terms for city council members, to be sworn in the 4th Tuesday of November.
 - (2) Divides council into 5 at large seats.
 - (3) States the qualifications necessary to run for a council seat.
 - (4) Describes the circumstances under which vacancies may arise in the office of mayor, vice-mayor, or city council member, including forfeiture of office. Establishes procedures to council to determine the qualifications of members, filling of vacancies on the council. Provides for reimbursement of travel expenses or per diem as

according to general law. Authorizes council to provide for compensation of members but such compensation does not go into effect until after the next regular election.

- Section 4. Provides for City administration.
- (1) Designates city manager and city attorney as charter officers.
 - (2) Provides for appointment, removal, compensation, and filling vacancy of charter officers. Prohibits charter officers from being a council member or candidate for city council while serving as officer.
 - (3) Establishes the office of city manager, who serves at the pleasure of the council. Provides full administrative power to the city manager.
 - (4) Establishes the qualifications of the city attorney and provides duties and responsibilities.
 - (5) Provides for duties of city clerk and authorizes city manager to retain an employee or management firm or to perform the duties of clerk.
 - (6) Requires proper appropriation for expenditure of City funds.
 - (7) Authorizes the city council to establish or terminate boards and agencies.
- Section 5. Provides for the legislative authority of the city council.
- (1) The council shall hold regular meetings that are public meetings.
 - (2) Provides for special meetings at the call of the mayor or a majority of council members and notice for such meetings.
 - (3) Limits the time of day during which a council meeting may begin.
 - (4) Authorizes the council to set its own rules and order of business.
 - (5) Provides a majority of council members is a quorum.
 - (6) Actions of council are valid only by majority vote of the full council.
 - (7) Vests the legislative powers of the City in the council.
 - (8) Authorizes establishing City departments by ordinance.
 - (9) Provides for adopting codes of technical regulations through the ordinance process.
 - (10) Authorizes and provides process for emergency ordinances to meet matters affecting life, health, property, or public peace.
 - (11) Authorizes emergency appropriations by resolution when necessary to meet an emergency affecting life, health, property, or public peace.
 - (12) Requires recording full minutes of all council meetings as a public record. Provides for codification of City ordinances. Requires all ordinances be signed by council members and the city clerk.
 - (13) Prohibits elected City officials from being employed by the City.
 - (14) Prohibits council members from interfering with City employees in the course of their duties.
- Section 6. Provides authority and process for adopting and implementing City budget.
- (1) Sets City fiscal year as 10/1 – 9/30.
 - (2) Provides for adopting annual City budget after at least 2 public hearings. The resolution adopting the budget shall also act as appropriation of the necessary amounts.
 - (3) Budgeted expenditures cannot exceed budgeted revenues.
 - (4) Provides authority and restrictions on supplemental budgeting of revenue surpluses, actions necessary to revise budget in the event of revenue shortfalls. Prohibits reduction in amounts appropriated for debt service.
 - (5) Authorizes city council to issue bonds subject to all legal requirements.
 - (6) Authorizes issuing revenue bonds as provided in law.
 - (7) Requires independent annual audit of all City accounts.
- Section 7. Provides authority and requirements for all elections under the charter.
- (1) Defines City electors as resident of the City.
 - (2) Requires all elections for city council to be nonpartisan.

- (3) Sets dates for elections. On August 18, 2015, a special election will be held to fill seats 1, 3, and 5 for the remainder of 2 year terms, ending in 2016. Seats 2 and 4 will be filled for the remainder of 4 year terms ending in 2018. Beginning in 2016, council members will be elected to 4 year terms.
- (4) Provides procedures to resolve elections where no person receives a majority of votes cast.
- (5) Creates the City canvassing board.
- (6) Provides for special elections, for which the city council will set the time by ordinance.
- (7) Provides requirements and procedures for general elections. Provides oath of office for all elected officers. Provides for recall of council members by general law.

Section 8. Provides general provisions and authority.

- (1) Provides for severability of any charter provision held invalid by the courts.
- (2) Requires city manager to establish city personnel procedures.
- (3) City cannot make any charitable contributions without council authorization.
- (4) Provides for conforming language and interpretation.
- (5) Defines "day" to mean "calendar day."
- (6) Authorizes charter amendments as provided by law.
- (7) Authorizes charter amendments by City elector initiative.
- (8) Directs city council to use best efforts to preserve educational facilities and museums.

Section 9. Creates the transition schedule to implement the charter after the City is created.

- (1) Provides for the referendum on creating the City to be held on June 30, 2015. Provides the ballot question. If approved, the City is created and established as of July 1, 2015.
- (2) Provides for all codes, ordinances, and resolutions of Wakulla County applicable to the City to continue in effect as municipal codes, etc. until otherwise modified or replaced by the city council.
- (3) Provides for initial special election of council members. Seats 1, 3, 5 will be elected to the remainder of 2 year terms ending in 2016. Seats 2 and 4 will be elected to the remainder of 4 year terms ending in 2018. Provides for qualifications of candidates in the special election. Provides procedures for the election.
- (4) Specifies the creation of the City as of July 1, 2015, for purposes of s. 200.066, F.S.
- (5) Authorizes the city council to borrow money for first year expenses of government.
- (6) Provides for continuation of county ordinances, rules, regulations, as municipal ordinances, rules, regulations until revised or rescinded by city council. Prohibits any alteration, amendment, or repeal of county ordinances, rules, regulations existing as of September 1, which would affect the City, without the approval of the city council.
- (7) Provides authority for temporary emergency ordinances, of limited duration, to implement the transition.
- (8) Provides for continuation of county comprehensive plan and land use ordinances as the City's transitional plan and ordinances. Requires all planning functions, duties, and authority, on vote of 4 city council members, to be vested in the city council. Limits amendments, revisions, rescinding provisions of county comprehensive plan applicable to City.
- (9) Provides for revenues under Wakulla County communication services tax to be shared with City on a proportionate basis.
- (10) Provides City is entitled to participate in state revenue sharing beginning on July 1, 2015. Waives requirements of s. 218.23(1), F.S. from date of incorporation through December 31, 2019, for the purpose of City receiving revenue sharing funds. Provides for information on population estimates.
- (11) Provides City is entitled to receive local option gas tax revenues beginning July 1, 2015.
- (12) Waives the requirements of s. 218.23(1), F.S., for purpose of conducting audits and financial reporting through fiscal year 2015-2016.

- Section 10. Provides for continuation, merger, dissolution of existing districts and service providers.
 (1) Provides that portion of the Wakulla County Fire Rescue Municipal Service Taxing Unit within the boundaries of the City shall continue until City adopts a contrary ordinance. Provides City shall not establish a fire department without referendum.
 (2) Provides Wakulla County Sheriff's Office will continue providing law enforcement services until City adopts a contrary ordinance.
- Section 11. Finds requirements for incorporation have been met except for two conditions.
 (1) Waives the minimum population requirement of s. 165.061(1)(b), F.S.
 (2) Waives the minimum population density requirement of s. 165.061(1)(c), F.S.
- Section 12. Provides act takes effect upon approval by majority of qualified electors voting in June 30 referendum. Provides section 9, subsection (1), and section 12 take effect upon act becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? June 30, 2015

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

II. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides rulemaking authority nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

At line 79 the bill apparently includes a stray parentheses in the legal description of the area proposed for incorporation. While this does not appear to create a substantive problem in the legal description, the reference could lead to some confusion in subsequent interpretation.

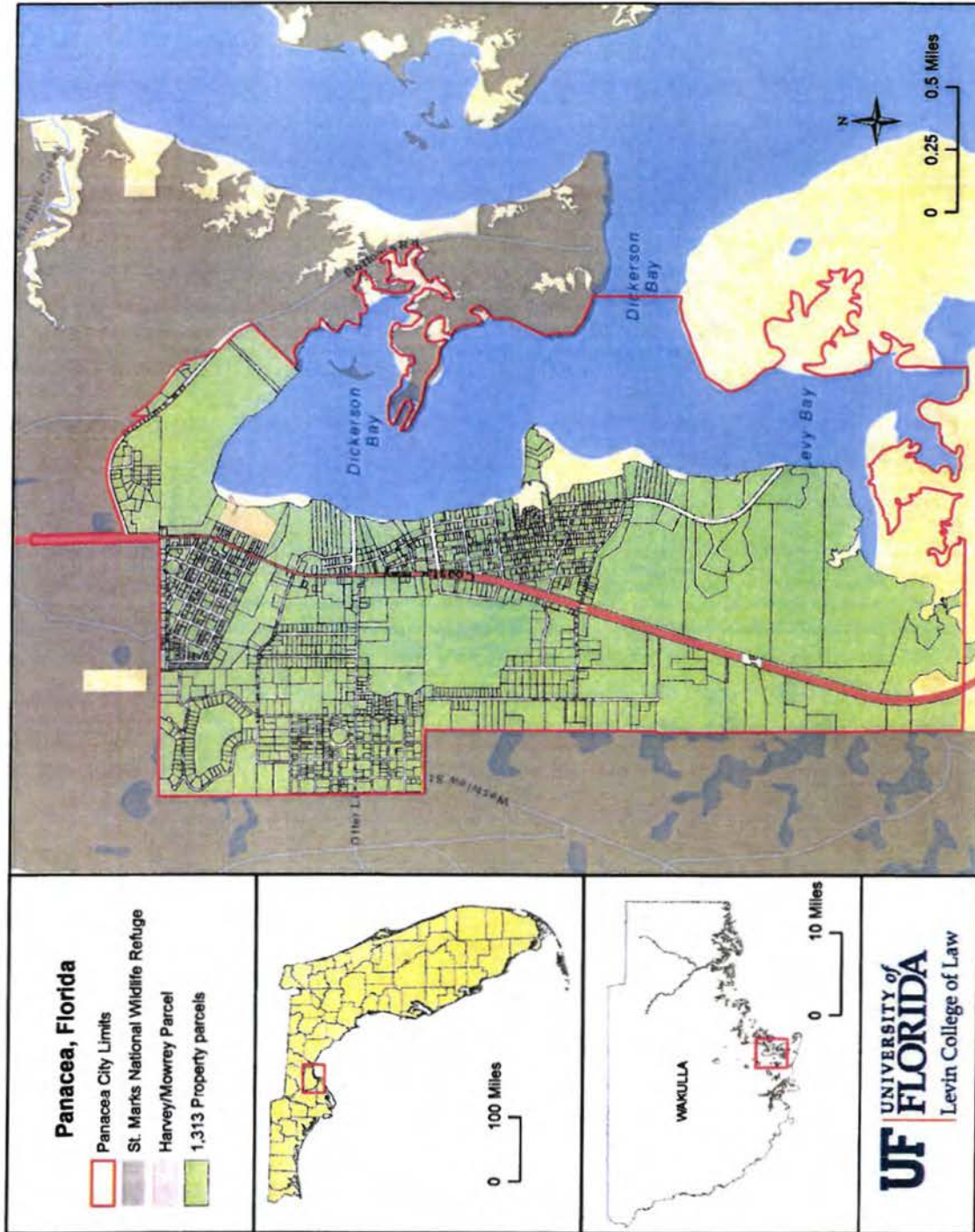
IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

APPENDIX A
MATERIALS RECEIVED

Document	Date	Author
A Study of Municipal Incorporation of Panacea, Florida (rev. 8/2014)	8/2014	Conservation Clinic at the University of Florida, Levin College of Law
Memorandum: Proposed Incorporation – City of Panacea, Wakulla County	1/22/2015	Dept. of Revenue
Memorandum: Municipal Incorporation Feasibility Study for Panacea	1/29/2015	Dept. of Economic Opportunity
Response to Request for Evaluation of 2014 Study	2/2/2015	Office of Economic and Demographic Research
Memorandum: Proposed Incorporation – City of Panacea, Wakulla County (Requested Supplement)	2/23/2015	Dept. of Revenue
2015 Department of Revenue Legislative Bill Analysis – HB 593	2/27/2015	Dept. of Revenue
Response to Comments Regarding HB 593	3/2/2015	Jon C. Moyle, Esq. Counsel for Proponents
First Economic Impact Statement	3/3/2015	Panacea Waterfronts Partnership, Inc.
Response to Questions Regarding HB 593	3/4/2015	Jon C. Moyle, Esq. Counsel for Proponents
Statement supporting incorporation fiscal feasibility	3/4/2015 (rec'd 3/5/2015)	William F. Underwood, II
Second Economic Impact Statement	3/8/2015	Panacea Waterfronts Partnership, Inc.

APPENDIX B
Map of Proposed City of Panacea (From 2014 Feasibility Study)

Panacea, Florida



Conservation Clinic / Levin College of Law / University of Florida

Appendix C
DOR Incorporation of Panacea Revenue Sharing Estimates

Any projections of state shared revenues beyond the current state fiscal year (2014-2015), are based on assumptions or projections independent of the Department of Revenue.

**Incorporation of Panacea Revenue Sharing Estimates (Subject to meeting requirements of 218.23, F.S.)
State Fiscal Year - 2014-2015 (Annual Estimates)**

	4/1/2013 Revenue Sharing Population			Estimated 2014-2015 1/2 Cent Distributions			Estimated 2014-15 Discretionary Surtax 1%		
	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.
Wakulla									
County's Share				\$918,028	\$890,585	(\$27,443)	\$2,079,908	\$2,079,908	\$0
Unincorporated	26,668	25,825	-843						
St. Marks	285	285	0	\$9,634	\$9,444	(\$190)	\$0	\$0	\$0
Sopchoppy	450	450	0	\$15,211	\$14,911	(\$300)	\$0	\$0	\$0
Panacea	0	843	843	\$0	\$27,933	\$27,933	\$0	\$0	\$0
Totals	27,403	27,403	0	\$942,873	\$942,873	\$0	\$2,079,908	\$2,079,908	\$0

	Estimated 2014-15 Municipal Revenue Sharing			Estimated 2014-15 County Revenue Sharing			Total of Revenue Sources Estimated 2014-15		
	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.	Before Incorporation	After Incorporation	Diff.
Wakulla									
County's Share	n/a	n/a	n/a	\$602,179	\$591,158	(\$11,021)	\$1,520,207	\$1,481,743	(\$38,464)
Unincorporated									
St. Marks	\$25,816	\$25,816	(\$0)	n/a	n/a	n/a	\$35,450	\$35,260	(\$190)
Sopchoppy	\$34,165	\$34,165	(\$0)	n/a	n/a	n/a	\$49,376	\$49,076	(\$300)
Panacea	\$0	\$15,903	\$15,903				\$0	\$43,836	\$43,836
Totals	\$59,982	\$75,884	\$15,902	\$602,179	\$591,158	(\$11,021)	\$1,605,034	\$1,609,915	\$4,881

Assumptions provided by Feasibility Study Panacea
 population = 843
 taxable value = 33351806

* Source: Local Government Information Handbook 2014

HOUSE OF REPRESENTATIVES
2015 LOCAL BILL CERTIFICATION FORM

BILL #: 593
SPONSOR(S): Rep. Halsey Beshears
RELATING TO: City of Panama, Wakulla County
(Indicate Area Affected (City, County, or Special District) and Subject)
NAME OF DELEGATION: Wakulla County Delegation
CONTACT PERSON: Rep. Halsey Beshears
PHONE NO.: (850) 717-5007 E-Mail: halsey.beshears@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 NO

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

YES NO

Date hearing held: January 13, 2015

Location: County Commission Chambers, Crawfordville, FL

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum June 30, 2015

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)


Date

Bill Montford
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 #: 593
SPONSOR(S): Rep. Halsey Beshears
RELATING TO: Incorporation of the City of Panacea
(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:	\$ _____	\$ _____
Revenue increase due to bill:	\$ <u>199,082</u>	\$ <u>192,864</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>144,929</u>	\$ <u>147,828</u>

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

Legal Services 24,000, Managenial Services 36,000
Planning Services 7,603, Parks & Recreation 46,314
General Operation 24,000, Utilities 49,931
Record Maintenance 2,081
Services and Supplies \$1,040, Ins 5,598
Election \$2,601

III. 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>201,072</u>	\$ <u>205,093</u>
State:	\$ <u>38,893</u>	\$ <u>39,691</u>
Federal:	\$ _____	\$ _____

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: Panacea is an isolated area of Wakulla Co. The businesses and the people of this area do not receive the county gov. service that the other
2. Advantages to Businesses: area in the county receive. By incorporating Panacea,
3. Advantages to Government: we can help our businesses grow. Our town was founded on the seafood industry and together as a city we can enhance the growth of the seafood industry and create more jobs

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 will be no decreases in taxes. Increased tax Revenue will create more services for the citizens and Businesses of Panama,
2. Disadvantages to Businesses: Government closest to the People can provide more services for them.
3. Disadvantages to Government: _____

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:

We anticipate our local government (City of Panama) will help the seafood industry by doing so we can create more jobs.

2. Impact on the Open Market for Employment:

Same as #1

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.

The data used to create the revenue ^{sources} and and
the amount came from the Wakulla
County Clerk's Office, County Administrative
Office and the Florida Dept. of Revenue

PREPARED BY:

Walter Dickson
[Must be signed by Preparer]

Print preparer's name:

Walter Dickson

3-3-15
Date

TITLE:

President

(Examples - Executive Director, Actuary, Chief Accountant, or Budget Director)

REPRESENTING:

Panacea Waterfronts Partnership, Inc

PHONE:

850-599-6724

E-MAIL ADDRESS:

pancoast01@yahoo.com

**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 #: 593
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 RELATING TO: Incorporation of the City of Panacea
(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:	\$ _____	\$ _____
Revenue increase due to bill:	\$ <u>189,082</u>	\$ <u>192,864</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>144,929</u>	\$ <u>147,828</u>

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

Legal Services - \$24,000, Managerial Services - \$36,000,
Planning Services - \$7,603, Parks & Recreation - \$24,000,
General Operation - \$24,000, Utilities - \$4,931,
Record Maintenance - \$2,081, Services & Supplies -
\$1,040, Insurance - \$5,598, Election - \$2,601, Contingency
Fund - \$13,075

III. 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>201,072</u>	\$ <u>205,093</u>
State:	\$ <u>38,893</u>	\$ <u>39,631</u>
Federal:	\$ _____	\$ _____

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: Panacea is an isolated area of Wakulla County. The businesses and the people of this area do not receive the county government services that the other areas in the
2. Advantages to Businesses: county receive. By incorporating Panacea, we can help our businesses grow. Our town was founded on the seafood industry and together as a city we can enhance
3. Advantages to Government: the growth of the seafood industry and create more jobs.

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. Advantages to Individuals: There will be no decrease in taxes. Increased tax Revenue will create more services for the citizens and Businesses of Panacea. Government closet to the People
2. Advantages to Businesses: can provide more services for them.

3. Advantages to Government: _____

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:

We anticipate our local government (City of Panacea) will help the seafood industry by doing so we can create more jobs.

2. Impact on the Open Market for Employment:

Same as #1

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.

The data used to create the revenue sources and the amounts came from the Wakulla County Clerk's Office, County Administrative Office and the Florida Department of Revenue.

PREPARED BY:

Walter B. Dickson
[Must be signed by Preparer]

Print preparer's name:

Walter B. Dickson

3-8-15

Date

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

President

REPRESENTING:

Panacea Waterfronts Partnership, Inc.

PHONE:

850-599-6724

E-MAIL ADDRESS:

pancoast01@yahoo.com

27 providing for limitations; providing for an annual
 28 financial audit; providing for nonpartisan elections
 29 and matters relating thereto; providing for recall;
 30 providing for charter amendments; providing for
 31 standards of conduct in office; providing for
 32 severability; providing for a city personnel system;
 33 prohibiting charitable contributions unless authorized
 34 by the council; providing for land use changes;
 35 providing the city a transitional schedule and
 36 procedures for its first election; providing for
 37 first-year expenses; providing for adoption of
 38 transitional ordinances, resolutions, a comprehensive
 39 plan, and local development regulations; providing for
 40 sharing of revenues from the communications services
 41 tax; providing for accelerated entitlement to state-
 42 shared revenues; providing for receipt and
 43 distribution of gas tax revenues; providing for
 44 continuation of the Wakulla County Fire Rescue
 45 Municipal Service Taxing Unit; providing for law
 46 enforcement; providing for waivers; requiring a
 47 referendum; providing an effective date.

48

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

50

51 Section 1. Charter; creation; form of government;
 52 boundaries and powers.-

53 (1) CHARTER; CREATION.-

54 (a) This act, together with any future amendments thereto,
 55 may be known as the "Charter of the City of Panacea" (the
 56 "charter"), and the City of Panacea (the "city") is created.

57 (b) The Panacea area in Wakulla County includes a compact
 58 and contiguous coastal community of approximately 850 persons
 59 who seek to preserve their coastal community and environment.
 60 The residents within the proposed city seek to control the
 61 future development of the area and preserve the historic coastal
 62 community.

63 (c) It is in the best interests of the public health,
 64 safety, and welfare of the residents of the Panacea area to form
 65 a separate municipality for the Panacea area with all the powers
 66 and authority necessary to provide adequate and efficient
 67 municipal services to its residents.

68 (d) It is the intent of this charter and the incorporation
 69 of the city to secure the benefits of self-determination and
 70 affirm the values of representative democracy, citizen
 71 participation, strong community leadership, professional
 72 management, and regional cooperation.

73 (2) FORM OF GOVERNMENT.-The city shall have a council-
 74 manager form of government.

75 (3) CORPORATE BOUNDARIES.-The corporate boundaries of the
 76 city shall be as described as follows:

77

78 Begin at the Northwest corner of the Northeast Quarter

79 of Section 23, Township 5 South, Range 2 West, (also
 80 being the Northwest corner of Lot 42, Block "A", Twin
 81 Lakes Estates Unit No. 1, a subdivision as per map or
 82 plat thereof recorded in Plat Book 2, Page 16, of the
 83 Public Records of Wakulla County, Florida, and thence
 84 run Easterly along the North line of said Section 23
 85 to the Northeast corner of said Section 23 (also being
 86 the Northeast corner of Lot 26, Block "A", of said
 87 Twin Lakes Estates Unit No. 1 and the Southeast corner
 88 of Section 14, Township 5 South, Range 2 West), thence
 89 run East along the North boundary of said Section 24
 90 to the Westerly right-of-way boundary of Coastal
 91 Highway (U.S. Highway No. 98), thence run Northerly
 92 along the Westerly right-of-way boundary of said
 93 Coastal Highway to a distance 0.5 miles North thence
 94 following the Easterly right-of-way boundary of said
 95 Coastal Highway South to the intersection with the
 96 Northerly right-of-way boundary of Bottoms Road and
 97 the South boundary of the St. Marks National Wildlife
 98 Refuge being in Section 13, Township 5 South, Range 2
 99 West, thence run Easterly and Southeasterly said
 100 Northerly right-of-way boundary and along said South
 101 boundary of said St. Marks National Wildlife Refuge to
 102 a point on the East boundary line of said Section 13,
 103 Township 5 South, Range 2 West (also the West boundary
 104 line of Range 1 West in an unnumbered lot in the

105 | Hartsfield Survey of Lands in Wakulla County, Florida)
 106 | also being the Southwest corner of the property
 107 | described in Official Records Book 829, Page 235 of
 108 | said County, thence run North along said Section line
 109 | and along the West boundary of said property described
 110 | in Official Records Book 829, Page 235 to the
 111 | Northwest corner of said property and also on the
 112 | boundary of said St. Marks National Wildlife Refuge
 113 | lying in said Range 1 West of an unnumbered lot,
 114 | thence run Southeasterly along the boundary of said
 115 | Refuge to a point marking the Southeast corner (also
 116 | the most Easterly corner) of property described in
 117 | Official Records Book 265, Page 284, of the Public
 118 | Records of said County, thence continue Southeasterly
 119 | along said line to a point lying on the Southerly
 120 | right-of-way boundary of said Bottoms Road, thence run
 121 | Southeasterly along said Southerly right-of-way
 122 | boundary to the Northeast corner of the property
 123 | described in Official Records Book 434, Page 351 of
 124 | the Public Records of Wakulla County, Florida, thence
 125 | run Southwesterly along the Southeasterly boundary of
 126 | said property described in Official Records Book 434,
 127 | Page 351 to the approximate mean high water line of
 128 | Dickerson Bay, thence run Southeasterly along said
 129 | mean high water line to the Northern boundary of the
 130 | inlet to Dickerson Bay thence crossing the inlet to

131 the Southern boundary and running Southwesterly along
 132 said mean high water line to the Southeast corner of
 133 Section 36, Township 5 South, Range 2 West, thence run
 134 West along the South boundary of Township 5 South to
 135 the Southeast corner of the said St. Marks National
 136 Wildlife Refuge lying in Section 35, Township 5 South,
 137 Range 2 West, thence run North along the East boundary
 138 of said Refuge to the Northeast corner of said Refuge
 139 lying in Section 26, Township 5 South, Range 2 West
 140 (also on the South boundary of Panacea Park, a
 141 subdivision as per map or plat thereof recorded in
 142 said county), thence run West along the North boundary
 143 of said Refuge to the intersection with the East
 144 boundary of said Refuge being in Section 23, Township
 145 5 South, Range 2 West (also being the Southwest corner
 146 of said Panacea Park), thence run North along the East
 147 boundary of said Refuge to the POINT OF BEGINNING
 148 containing 2743 acres, more or less.

149
 150 The city shall have the power to change its boundaries as
 151 authorized by general law.

152 (4) MUNICIPAL POWERS.—The city shall be a body corporate
 153 and politic and shall have all available governmental,
 154 corporate, and proprietary powers of a municipality under the
 155 State Constitution and laws of the state, as fully and
 156 completely as though such powers were specifically enumerated in

157 this charter, and may exercise such powers, except when
 158 prohibited by law. Through the adoption of this charter, it is
 159 the intent of the electors of the city that the municipal
 160 government established by this charter have the broadest
 161 exercise of home rule powers permitted under the State
 162 Constitution and laws of the state. This charter and the powers
 163 of the city shall be construed liberally in favor of the city.
 164 It is recognized that certain services within the municipal
 165 boundaries are provided by independent special districts created
 166 by special acts of the Legislature and by Wakulla County.

167 Section 2. Council; mayor and vice mayor.-

168 (1) CITY COUNCIL.-There shall be a five-member city
 169 council ("council") vested with all legislative powers of the
 170 city, consisting of five members ("council members"), each
 171 elected from and representing the city at large. Unless
 172 otherwise stated in this charter, all charter powers shall be
 173 exercised by the council.

174 (2) THE MAYOR; POWERS AND DUTIES.-

175 (a) The council, at its first regular meeting after each
 176 election, shall elect from its members a mayor who shall serve
 177 for a period of 2 years and who shall have the same legislative
 178 powers and duties as any other council member, except as
 179 provided in this charter.

180 (b) In addition to carrying out the regular duties of a
 181 council member, the mayor shall preside at the meetings of the
 182 council and shall be recognized as the head of city government

183 | for service of process, ceremonial matters, and the signature or
 184 | execution of ordinances, contracts, deeds, bonds, and other
 185 | instruments and documents and for purposes of military law. The
 186 | mayor shall also serve as the ceremonial head of the city and
 187 | the city official designated to represent the city when dealing
 188 | with other entities. The mayor shall have no administrative
 189 | duties other than those necessary to accomplish these actions,
 190 | or such other actions as may be authorized by the city council,
 191 | consistent with general or special law.

192 | (3) THE VICE MAYOR.—

193 | (a) The council, at its first regular meeting after each
 194 | election, shall elect from its members a vice mayor who shall
 195 | serve for a period of 2 years and who shall have the same
 196 | legislative powers and duties while serving as any other council
 197 | member.

198 | (b) The vice mayor shall serve as acting mayor during the
 199 | absence or disability of the mayor. In the absence of the mayor
 200 | and the vice mayor, the remaining council members shall select a
 201 | council member to serve as acting mayor.

202 | Section 3. Election and terms of office.—

203 | (1) TERM OF OFFICE.—Except as detailed in subsection (3)
 204 | of section 7 for the initial election, each council member shall
 205 | be elected at large for a 4-year term by the electors of the
 206 | city in the manner provided in section 9. Except for the initial
 207 | election, council members shall be sworn into office at the
 208 | first regularly scheduled meeting after the fourth Tuesday of

209 November after the election. Each council member shall remain in
 210 office until his or her successor is elected and assumes the
 211 duties of the position.

212 (2) SEATS.—The city council shall be divided into five
 213 separate council seats to be designated as seats 1, 2, 3, 4, and
 214 5, to be voted on citywide, with each qualified elector entitled
 215 to vote for one candidate for each seat.

216 (3) QUALIFICATION.—Candidates for each council seat must
 217 qualify for council elections by seat in accordance with
 218 applicable general law, and the council members elected to those
 219 seats shall hold seats 1 through 5, respectively. To qualify for
 220 office:

221 (a) Filing.—Each candidate for council member shall file a
 222 written notice of candidacy with the city clerk at such time and
 223 in such manner as may be prescribed by this charter, and shall
 224 make payment to the city of qualifying fees that may be required
 225 by general law.

226 (b) Registered elector.—Each candidate for council member
 227 shall be a registered elector in the state.

228 (c) Residency.—Each candidate for council member shall
 229 have maintained his or her domicile within the boundaries of the
 230 city for a period of 1 year before qualifying for election and,
 231 if elected, shall maintain such residency throughout his or her
 232 term of office.

233 (d) Deadline.—A resident of the city who wishes to become
 234 a candidate for a council member seat shall qualify with the

235 city clerk no sooner than July 2, nor later than July 12, of the
 236 year in which the election is to be held.

237 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING
 238 OF VACANCIES.—

239 (a) Vacancies.—A vacancy in the office of mayor, vice
 240 mayor, or council member shall occur upon the death of the
 241 incumbent, removal from office as authorized by law,
 242 resignation, appointment to other public office which creates
 243 dual office holding, judicially determined incompetence, or
 244 forfeiture of office as described in paragraph (b).

245 (b) Forfeiture of office.—A council member shall forfeit
 246 his or her office upon determination by the council, acting as a
 247 body, at a duly noticed public meeting that he or she:

248 1. Lacks at any time, or fails to maintain during his or
 249 her term of office, any qualification for the office prescribed
 250 by this charter or otherwise required by law;

251 2. Is convicted of a felony or enters a plea of guilty or
 252 nolo contendere to a crime punishable as a felony, even if
 253 adjudication is withheld;

254 3. Is convicted of a misdemeanor of the first degree
 255 arising directly out of his or her official conduct or duties,
 256 or enters a plea of guilty or nolo contendere thereto, even if
 257 adjudication of guilt has been withheld;

258 4. Is found to have violated any standard of conduct or
 259 code of ethics established by law for public officials and has
 260 been suspended from office by the Governor, unless subsequently

261 reinstated as provided by law; or

262 5. Is absent from three consecutive regular council
 263 meetings without good cause, or for any other reason established
 264 in this charter.

265
 266 The council shall be the sole judge of the qualifications of its
 267 members and shall hear all questions relating to forfeiture of a
 268 council member's office, including whether good cause for
 269 absence has been or may be established. The burden of
 270 establishing good cause shall be on the council member in
 271 question; however, a council member may at any time during a
 272 duly held meeting move to establish good cause for his or her
 273 absence or the absence of any other council member from a past,
 274 present, or future meeting or meetings, which motion, if
 275 carried, shall be conclusive. A council member whose
 276 qualifications are in question or who is otherwise subject to
 277 forfeiture of his or her office shall not vote on such matters.
 278 The council member in question shall be entitled to a public
 279 hearing on request regarding an alleged forfeiture of office. If
 280 a public hearing is requested, notice of the hearing shall be
 281 published in one or more newspapers of general circulation in
 282 the city at least 1 week before the hearing. A final
 283 determination by the council that a council member has forfeited
 284 his or her office shall be made by resolution. All votes and
 285 other acts of the council member in question before the
 286 effective date of such resolution shall be valid regardless of

287 the grounds of forfeiture.

288 (c) Suspension from office.—A council member shall be
 289 suspended from office upon return of an indictment or issuance
 290 of any information charging the council member with a crime that
 291 is punishable as a felony or with a crime arising out of his or
 292 her official duties which is punishable as a misdemeanor of the
 293 first degree.

294 1. During a period of suspension, a council member shall
 295 not perform an official act, duty, or function or receive any
 296 pay, allowance, emolument, or privilege of office.

297 2. If the council member is subsequently found not guilty
 298 of the charge, or if the charge is otherwise dismissed, reduced,
 299 or altered in such a manner that suspension would no longer be
 300 required as provided in this section, the suspension shall be
 301 lifted and the council member shall be entitled to receive full
 302 back pay and such other emoluments or allowances as he or she
 303 would have been entitled to had the suspension not occurred.

304 (d) Filling of vacancies.—

305 1. If a vacancy occurs in the office of a council member
 306 and the remainder of the unexpired term is less than 1 year and
 307 81 days, the remaining council members shall, within 30 days
 308 after the occurrence of such vacancy, by majority vote, appoint
 309 a person to fill the vacancy for the remainder of the unexpired
 310 term.

311 2. If a vacancy occurs in the office of a council member
 312 and the remainder of the unexpired term is equal to or exceeds 1

313 year and 81 days, the remaining council members shall, within 30
 314 days after the occurrence of such vacancy, by majority vote,
 315 appoint a person to fill the vacancy until the next regularly
 316 scheduled city election, at which time an election shall be held
 317 to fill the vacancy.

318 3. If a vacancy occurs in the office of mayor and fewer
 319 than 120 days remain in the term of the council member who was
 320 elected mayor, the vice mayor shall serve as mayor until a new
 321 mayor is elected by the council and assumes the duties of his or
 322 her office. If a vacancy occurs in the office of mayor and 120
 323 days or more remain in the term of the mayor, the vice mayor
 324 shall serve as mayor until a new council member is elected and
 325 the council elects a new mayor and vice mayor as provided by
 326 this charter.

327 4. A person appointed to fill a vacancy on the council
 328 shall be required to meet the qualifications of the seat to
 329 which he or she is appointed.

330 5. Notwithstanding the quorum requirements established in
 331 section 5, if at any time the full membership of the council is
 332 reduced to less than a quorum, the remaining members may, by
 333 majority vote, appoint additional members to the extent
 334 otherwise permitted or required under this subsection.

335 6. In the event that all of the council members are
 336 removed by death, disability, recall, forfeiture of office, or
 337 resignation, the Governor shall appoint interim council members
 338 who shall call a special election at least 30 days, but no more

339 than 60 days, after such appointment. Such election shall be
 340 held in the same manner as the initial elections under this
 341 charter. However, if there are fewer than 6 months remaining in
 342 any unexpired terms, the interim council appointed by the
 343 Governor shall serve out the unexpired terms. Appointees must
 344 meet all requirements for candidates as provided in this
 345 charter.

346 (e) Compensation and expenses.-

347 1. City council members shall be entitled to receive
 348 reimbursement in accordance with general law for authorized
 349 travel and per diem expenses incurred in the performance of
 350 their official duties if such policy is approved by the city
 351 council as an ordinance.

352 2. The city council, by at least four affirmative votes,
 353 may elect to provide for compensation and any increase in such
 354 compensation by ordinance. However, no such ordinance increasing
 355 compensation shall take effect until the date of commencement of
 356 the terms of council members elected at the next regular
 357 election after the adoption of such ordinance.

358 Section 4. Administrative.-

359 (1) DESIGNATION OF CHARTER OFFICERS.-The city manager and
 360 the city attorney are designated as charter officers, except
 361 that the office of city attorney may be contracted to an
 362 attorney or law firm.

363 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
 364 VACANCIES.-

365 (a) The charter officers shall be appointed by a majority
 366 vote of the full council and shall serve at the pleasure of the
 367 council.

368 (b) The charter officers shall be removed from office only
 369 by a super majority vote of the full council. Upon demand by a
 370 charter officer, a public hearing shall be held before such
 371 removal.

372 (c) The compensation of the charter officers shall be
 373 fixed by the city council through the approval of an acceptable
 374 employment contract.

375 (d) The city council shall begin the process to fill a
 376 vacancy in a charter office within 90 days after the vacancy. An
 377 acting city manager or an acting city attorney may be appointed
 378 by the council during a vacancy in such charter office.

379 (e) A charter officer shall not be a member of the city
 380 council or a candidate for city council while holding a charter
 381 officer position.

382 (3) CITY MANAGER.—The city manager shall be the chief
 383 administrative officer of the city. The city manager may also
 384 serve as the city clerk.

385 (a) The city council shall appoint a city manager who
 386 shall be the administrative head of the municipal government
 387 under the direction and supervision of the city council. The
 388 city manager shall hold office at the pleasure of the city
 389 council. The city manager shall be appointed by resolution
 390 approving an employment contract between the city and the city

391 manager. The city manager shall receive such compensation as
 392 determined by the city council through the adoption of an
 393 appropriate resolution.

394 (b) During the absence or disability of the city manager,
 395 the city council may by resolution designate a properly
 396 qualified person to temporarily execute the functions of the
 397 city manager. The person thus designated shall have the same
 398 powers and duties as the city manager and shall be known while
 399 serving as acting city manager. The city manager or acting city
 400 manager may be removed by the city council at any time.

401 (c) As the chief administrative officer, the city manager
 402 shall:

403 1. Direct and supervise the administration of all
 404 departments, offices, and agencies of the city, except the
 405 office of city attorney, and except as otherwise provided by
 406 this charter or by law.

407 2. Appoint, suspend, or remove an employee of the city or
 408 appointive administrative officer provided for, by, or under
 409 this charter, except the office of city attorney, and except as
 410 may otherwise be provided by law, this charter, or personnel
 411 rules adopted pursuant to this charter. The city manager may
 412 authorize an administrative officer who is subject to his or her
 413 direction and supervision to exercise these powers with respect
 414 to subordinates in that officer's department, office, or agency.

415 3. Ensure that all laws, provisions of this charter, and
 416 acts of the council are faithfully executed.

417 4. Prepare and submit the annual budget and capital
 418 improvement plan to the council in the form prescribed by
 419 ordinance. The council shall consider the recommended budget and
 420 accept or modify the proposed budget. The city manager shall be
 421 responsible for implementing the budget as approved by the
 422 council.

423 5. Attend meetings of the city council.

424 6. Draw and sign vouchers upon depositories as provided by
 425 ordinance and keep, or cause to be kept, a true and accurate
 426 account of same.

427 7. Sign all licenses issued by the city, issue receipts
 428 for all moneys paid to the city, and deposit such moneys in the
 429 proper depositories on the first banking day after receipt. The
 430 city manager may delegate the responsibilities of this
 431 subparagraph to an appropriate city employee who shall be
 432 bonded.

433 8. Provide administrative services in support of the
 434 official duties of the mayor and the council.

435 9. Keep the council advised as to the financial condition
 436 and future needs of the city and make recommendations to the
 437 council concerning the affairs of the city.

438 10. Submit to the council, and make available to the
 439 public, a complete report on finances and administrative
 440 activities of the city as of the end of each fiscal year.

441 11. Sign contracts on behalf of the city to the extent
 442 authorized by ordinance.

443 12. Perform such other duties as are specified in this
 444 charter or as may be required by the council.

445 (4) CITY ATTORNEY.—

446 (a) The city attorney shall be employed under terms and
 447 conditions deemed advisable by the city council, which may
 448 include the appointment of a law firm.

449 (b) The city attorney shall be a member in good standing
 450 with The Florida Bar, have been admitted to practice in the
 451 state for at least 5 years, and have at least 2 years'
 452 experience in the practice of local government or administrative
 453 law.

454 (c) The city attorney has sole discretion to appoint,
 455 promote, suspend, demote, remove, or terminate deputy and
 456 assistant city attorneys, subject to the city's annual budget.

457 (d) The city attorney shall perform the following
 458 functions in addition to other functions as designated by the
 459 city council:

460 1. Serve as chief legal advisor to the council, the
 461 charter officers, and all city departments, offices, and
 462 agencies.

463 2. Attend all regular and special city council meetings,
 464 unless excused by the city council, and perform such
 465 professional duties as may be required by general law or by the
 466 council in furtherance of the law.

467 3. Approve all contracts, bonds, and other instruments in
 468 which the city is concerned and endorse on each his or her

469 approval of the form and correctness thereof. No contract with
 470 the city shall take effect until his or her approval is endorsed
 471 on the contract.

472 4. When requested to do so by the council, prosecute and
 473 defend on behalf of the city all complaints, suits, and
 474 controversies in which the city is a party.

475 5. Perform such other professional duties as required of
 476 him or her by resolution of the council or as prescribed for
 477 municipal attorneys in general law which are not inconsistent
 478 with this charter.

479 6. Prepare an annual budget for the operation of the
 480 office of the city attorney and submit this budget to the city
 481 manager for inclusion in the annual city budget, in accordance
 482 with uniform city procedures.

483 (5) CITY CLERK.—The city manager may appoint a city clerk
 484 or management firm to serve as city clerk (the "clerk") or may
 485 assume the role of city clerk. The clerk shall give notice of
 486 council meetings to its members and the public, keep minutes of
 487 its proceedings, and perform such other duties as the council or
 488 city manager may prescribe from time to time. The clerk shall
 489 report to the city manager or the council, as directed by the
 490 council.

491 (6) EXPENDITURE OF CITY FUNDS.—No city funds shall be
 492 expended except pursuant to duly approved appropriations or for
 493 the payment of bonds, notes, or other indebtedness duly
 494 authorized by the council and only from such funds so

495 authorized.

496 (7) CITY BOARDS AND AGENCIES.—Except as otherwise provided
 497 by law, the council may establish or terminate such boards and
 498 agencies as it may deem advisable from time to time. The boards
 499 and agencies shall report to the council. Members of boards and
 500 agencies shall be appointed by the council by resolution. The
 501 council shall appoint at least three members to any board or
 502 agency it creates.

503 Section 5. Legislative.—

504 (1) REGULAR MEETINGS.—The council shall conduct regular
 505 meetings at such times and places as the council shall prescribe
 506 by resolution. Such meetings shall be public meetings within the
 507 meaning of state law and shall be subject to notice and other
 508 requirements of law applicable to public meetings.

509 (2) SPECIAL MEETINGS.—Special meetings may be held at the
 510 call of the mayor or, in his or her absence, at the call of the
 511 vice mayor. Special meetings may also be called upon the request
 512 of a majority of the council members. Unless the meeting is of
 513 an emergency nature, the person or persons calling such a
 514 meeting shall provide at least 72 hours' notice of the meeting
 515 to the public.

516 (3) COMMENCEMENT.—All meetings shall be scheduled to
 517 commence no earlier than 7 a.m. and no later than 10 p.m.

518 (4) RULES; ORDER OF BUSINESS.—The council shall determine
 519 its own rules and order of business.

520 (5) QUORUM.—A majority of the full council shall

521 constitute a quorum.

522 (6) VALIDITY OF ACTION.—No action of the council shall be
 523 valid unless adopted by an affirmative vote of the majority of
 524 the full council, unless otherwise provided by law.

525 (7) LEGISLATIVE POWERS.—Except as otherwise prescribed by
 526 this charter or as provided by law, the legislative powers of
 527 the city shall be vested in the council. The council shall
 528 provide for the exercise of its powers and for the performance
 529 of all duties and obligations imposed on the city by law.

530 (8) DEPARTMENTS.—The council may establish such other
 531 departments as it determines necessary for the efficient
 532 administration and operation of the city. Such departments shall
 533 be established by ordinance.

534 (9) CODE.—The council may adopt any standard code of
 535 technical regulations by reference thereto in an adopting
 536 ordinance and may amend the code in the adopting ordinance or
 537 later amendatory ordinance. The procedures and requirements
 538 governing such an adopting ordinance shall be as prescribed for
 539 ordinances generally, except that:

540 (a) Requirements regarding distributing and filing copies
 541 of the ordinance shall not be construed to require distributing
 542 and filing copies of the adopted code of technical regulations.

543 (b) A copy of each adopted code of technical regulations,
 544 as well as a copy of the adopting ordinance, shall be
 545 authenticated and recorded by the city clerk.

546 (10) EMERGENCY ORDINANCES.—

547 (a) To meet a public emergency affecting life, health,
 548 property, or the public peace, the council may adopt, in the
 549 manner provided by general law, one or more emergency
 550 ordinances, but such ordinances may not enact or amend a land
 551 use plan or rezone private property; levy taxes; grant, renew,
 552 or extend any municipal franchise; set service or user charges
 553 for any municipal services; or authorize the borrowing of money,
 554 except as provided under the emergency appropriations provisions
 555 of this charter, if applicable. An emergency ordinance shall be
 556 introduced in the form and manner prescribed for ordinances
 557 generally, except that it shall be plainly designated in a
 558 preamble as an emergency ordinance and shall contain, after the
 559 enacting clause, a declaration stating that an emergency exists
 560 and describing the emergency in clear and specific terms.

561 (b) Upon the affirmative vote of four council members, an
 562 emergency ordinance may be adopted with or without amendment or
 563 rejected at the meeting at which it is introduced. After the
 564 emergency ordinance is adopted, the ordinance shall be
 565 advertised and printed as prescribed for other ordinances.

566 (c) Emergency ordinances shall become effective upon
 567 adoption or at such other date as may be specified in the
 568 ordinance.

569 (d) Every emergency ordinance, except emergency
 570 appropriation ordinances, shall automatically be repealed as of
 571 the 61st day after its effective date, but this shall not
 572 prevent reenactment of the ordinance under regular procedures

573 or, if the emergency still exists, in the manner specified in
 574 this section. An emergency ordinance may also be repealed by
 575 adoption of a repealing ordinance in the same manner specified
 576 in this section for adoption of emergency ordinances.

577 (11) EMERGENCY APPROPRIATIONS.—To meet a public emergency
 578 affecting life, health, property, or the public peace, the
 579 council, by resolution, may make emergency appropriations. To
 580 the extent that there are no unappropriated revenues to meet
 581 such appropriation, the council may by such emergency resolution
 582 authorize the issuance of emergency notes, which may be renewed
 583 from time to time, but the emergency notes and renewals in any
 584 fiscal year shall be paid not later than the last day of the
 585 fiscal year succeeding that in which the emergency
 586 appropriations were made.

587 (12) RECORDKEEPING.—The council shall, in a properly
 588 indexed book kept for such purpose, provide for the
 589 authentication and recording in full of all minutes of meetings
 590 and all ordinances and resolutions adopted by the council, and
 591 the same shall at all times be a public record. The council
 592 shall further maintain a current codification of all ordinances.
 593 Such codification shall be printed and shall be made available
 594 for distribution to the public on a continuing basis. All
 595 ordinances or resolutions of the council shall be signed by all
 596 council members and attested to by the city clerk.

597 (13) DUAL OFFICE HOLDING.—No presently elected city
 598 official shall hold any compensated appointed office or be

599 employed by the city while in office, nor shall any former
 600 council member be employed by the city until 1 year after
 601 leaving office.

602 (14) NONINTERFERENCE BY CITY COUNCIL.—Except for the
 603 purposes of inquiry and information, council members are
 604 expressly prohibited from interfering with the performance of
 605 the duties of an employee of the city government who is under
 606 the direct or indirect supervision of the city manager or city
 607 attorney. Such action shall be malfeasance within the meaning of
 608 s. 112.51, Florida Statutes. Recommendations for improvements in
 609 the city government operations shall come through the city
 610 manager, but each member of the council shall be free to discuss
 611 or recommend improvements to the city manager, and the council
 612 is free to direct the city manager to implement specific
 613 recommendations for improvement in city government operations.

614 Section 6. Budget and appropriations.—

615 (1) FISCAL YEAR.—The city's fiscal year shall begin on the
 616 first day of October and shall end on the last day of September
 617 of the next calendar year, unless otherwise defined by general
 618 law. Such fiscal year shall also constitute the annual budget
 619 and accounting year.

620 (2) BUDGET ADOPTION.—The council shall adopt a budget in
 621 accordance with applicable general law, after a minimum of two
 622 public hearings on the proposed budget. A resolution adopting
 623 the annual budget shall constitute appropriation of the amounts
 624 specified therein as expenditures from funds indicated.

625 (3) EXPENDITURES.—The budget shall not provide for
 626 expenditures in an amount greater than the revenues budgeted.

627 (4) APPROPRIATIONS.—

628 (a) If, during the fiscal year, revenues in excess of such
 629 revenues estimated in the budget are available for
 630 appropriation, the council by resolution may make supplemental
 631 appropriations for the year in an amount not to exceed such
 632 excess.

633 (b) If, at any time during the fiscal year, it appears
 634 probable to the city manager that the revenues available will be
 635 insufficient to meet the amount appropriated, the city manager
 636 shall report to the council without delay, indicating the
 637 estimated amount of the deficit, any remedial action taken, and
 638 recommendations as to any other steps that should be taken. The
 639 council shall then take such further action as it deems
 640 necessary to prevent or minimize any deficit and, for that
 641 purpose, the council may by resolution reduce one or more
 642 appropriations accordingly.

643 (c) No appropriation for debt service may be reduced or
 644 transferred, and no appropriation may be reduced below any
 645 amount required by law to be appropriated, or by more than the
 646 unencumbered balance thereof. Notwithstanding any other
 647 provision of law, the supplemental and emergency appropriations
 648 and reduction or transfer of appropriations authorized by this
 649 section may be made effective immediately upon adoption.

650 (5) BONDS; INDEBTEDNESS.—

651 (a) Subject to the referendum requirements of the State
 652 Constitution, if applicable, the city may from time to time
 653 borrow money and issue bonds or other obligations or evidence of
 654 indebtedness (collectively, "bonds") of any type or character
 655 for any of the purposes for which the city is now or hereafter
 656 authorized by law to borrow money, including to finance the cost
 657 of any capital or other project and to refund any and all
 658 previous issues of bonds at or before maturity. Such bonds may
 659 be issued pursuant to one or more resolutions adopted by a
 660 majority of the council.

661 (b) The city may assume all outstanding indebtedness
 662 related to facilities that it acquires from other units of local
 663 government and be liable for payment of such indebtedness in
 664 accordance with its terms.

665 (6) REVENUE BONDS.—Revenue bonds may be issued by the city
 666 as authorized by law.

667 (7) ANNUAL AUDIT.—The council shall provide for an
 668 independent annual financial audit of all city accounts and may
 669 provide for more frequent audits as it deems necessary. Such
 670 audits shall be made by a certified public accountant or a firm
 671 of such accountants who have no personal interest, directly or
 672 indirectly, in the fiscal affairs of the city government or in
 673 any of its officers. Residency in the city shall not be
 674 construed as a prohibited interest.

675 Section 7. Elections.—

676 (1) ELECTORS.—A person who is a resident of the city, who

677 has qualified as an elector of this state, and who registers in
 678 the manner prescribed by law shall be an elector of the city.

679 (2) NONPARTISAN ELECTIONS.—All elections for the city
 680 council members shall be conducted on a nonpartisan basis
 681 without any designation of political party affiliation.

682 (3) ELECTION DATES.—An initial special election shall be
 683 held on August 18, 2015, and after the initial special election,
 684 regular elections shall be held on the second Tuesday in
 685 November of each even-numbered election year, provided as
 686 follows:

687 (a) The initial special election held on August 18, 2015,
 688 shall fill all five seats. Council members elected to seats 1,
 689 3, and 5 shall initially serve the remainder of 2-year terms and
 690 council members elected to seats 2 and 4 shall initially serve
 691 the remainder of 4-year terms.

692 (b) After the initial special election, seats 1, 3, and 5
 693 shall next be filled in November 2016 and council members
 694 elected to those seats shall serve 4-year terms, and those seats
 695 shall be filled by election every 4 years thereafter.

696 (c) Seats 2 and 4 shall be filled in November 2018 and
 697 council members elected to those seats shall serve 4-year terms,
 698 and those seats shall be filled by election every 4 years
 699 thereafter.

700 (d) Such city elections shall be general city elections.

701 (4) ELECTIONS.—In the event no candidate for an office
 702 receives a majority of the votes cast for such office, the

703 person receiving the largest number of votes cast shall be
 704 elected. In the event two candidates receive an equal number of
 705 votes, a coin toss shall be used to break the tie and determine
 706 the winner.

707 (5) CITY CANVASSING BOARD.—The city canvassing board shall
 708 be composed of those members of the city council who are not
 709 candidates for reelection and the city clerk, who shall act as
 710 chair. At the close of the polls of a city election, or as soon
 711 thereafter as practicable, the canvassing board shall meet at a
 712 time and place designated by the chair and shall proceed to
 713 publicly canvass the vote as shown by the returns then on file
 714 in the office of the city clerk, and then shall publicly canvass
 715 the absentee elector ballots. The canvassing board shall prepare
 716 and sign a certificate containing the total number of votes cast
 717 for each candidate or other measure voted upon. The certificate
 718 shall be placed on file with the city clerk.

719 (6) SPECIAL ELECTIONS.—Special municipal elections, when
 720 required, shall be held in the same manner as regular elections,
 721 except that the city council, by ordinance, shall fix the time
 722 for holding such elections consistent with this charter and
 723 state law.

724 (7) GENERAL ELECTION.—

725 (a) The ballot for the general election shall contain the
 726 names of all qualified candidates for each respective council
 727 member seat and shall instruct electors to cast one vote for
 728 each council member seat, with a maximum of one vote per

729 candidate. The candidate for each council member seat receiving
 730 the most votes shall be the duly elected council member for that
 731 designated council member seat.

732 (b) No election for a council member seat shall be
 733 required in an election if there is only one duly qualified
 734 candidate for the council member seat.

735 (c) If more than one candidate for a designated council
 736 member seat receives an equal and highest number of votes, the
 737 candidates for the office receiving the highest vote in the
 738 general election shall determine the winner by coin toss.

739 (d) The candidate receiving the highest number of votes
 740 cast for the designated council member seat in the runoff
 741 election shall be elected to the designated council member seat.

742 (e) The term of office of an elected official shall
 743 commence immediately after the election.

744 (f) All elected officers, before entering upon their
 745 duties, shall take and subscribe to the following oath of
 746 office: "I do solemnly swear (or affirm) that I will support,
 747 protect, and defend the Constitution and Government of the
 748 United States and of the state, and the charter of the City of
 749 Panacea; that I am duly qualified to hold office under the
 750 Constitution of the State and the charter of the City of
 751 Panacea; and that I will well and faithfully perform the duties
 752 of council member upon which I am now about to enter."

753 (g) The election laws of the state shall apply to all
 754 elections.

755 (h) A member of the city council may be removed from
 756 office by the electors of the city following the procedures for
 757 recall established by general law.

758 Section 8. General provisions.—

759 (1) SEVERABILITY.—If a section or part of a section of
 760 this charter is held invalid by a court of competent
 761 jurisdiction, such holding shall not affect the remainder of
 762 this charter or the context in which such section or part of a
 763 section so held invalid may appear, except to the extent that an
 764 entire section or part of a section may be inseparably connected
 765 in meaning and effect with the section or part of a section to
 766 which such holding shall directly apply.

767 (2) CITY PERSONNEL SYSTEM.—All new employments,
 768 appointments, and promotions of city officers and employees
 769 shall be made pursuant to personnel procedures to be established
 770 by the city manager from time to time.

771 (3) CHARITABLE CONTRIBUTIONS.—The city shall not make a
 772 charitable contribution to a person or entity unless authorized
 773 by the council.

774 (4) VARIATION OF PRONOUNS.—All pronouns and any variations
 775 thereof used in this charter shall be deemed to refer to
 776 masculine, feminine, neutral, singular, or plural as the
 777 identity of the person or persons shall require and are not
 778 intended to describe, interpret, define, or limit the scope,
 779 extent, or intent of this charter.

780 (5) CALENDAR DAY.—For the purpose of this charter, a day

781 shall mean a calendar day.

782 (6) CHARTER AMENDMENTS.—This charter may be amended in
 783 accordance with the provisions for charter amendments as
 784 specified in general law or as may otherwise be provided by
 785 general law. The form, content, and certification of a petition
 786 to amend shall be established by ordinance.

787 (7) INITIATION BY PETITION.—The electors of the city may
 788 propose amendments to this charter by petition to be submitted
 789 to the council to be placed before the electors, as provided by
 790 general law.

791 (8) EDUCATIONAL FACILITIES AND MUSEUMS.—The city values
 792 educational facilities and museums that are located in its
 793 jurisdiction and shall use its best efforts to protect and
 794 preserve such establishments when addressing issues that impact
 795 educational facilities and museums.

796 Section 9. Transition schedule.—

797 (1) REFERENDUM.—The Supervisor of Elections of Wakulla
 798 County shall hold the referendum election called for by this act
 799 on June 30, 2015, at which time the following question shall be
 800 placed upon the ballot:

801 "Shall the creation of the City of Panacea and its
 802 charter be approved?"

803 Yes

804 No

805

806 For the purpose of compliance with general law, the city is

807 created and established on July 1, 2015, if approved at the June
 808 30, 2015, election and upon the filing of the election results
 809 with the Secretary of State in the manner prescribed by law.

810 (2) Until otherwise modified or replaced by this charter
 811 or the city commission, all codes, ordinances, and resolutions
 812 of Wakulla County in effect on the day of adoption of this
 813 charter shall, to the extent applicable to the city, remain in
 814 force and effect as municipal codes, ordinances, and resolutions
 815 of the city. Until otherwise determined by the city commission,
 816 such codes, ordinances, and resolutions shall be applied,
 817 interpreted, and implemented by the city in a manner consistent
 818 with established policies of Wakulla County on the date of the
 819 adoption of this charter.

820 (3) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.-

821 (a) After the adoption of this charter, the Supervisor of
 822 Elections of Wakulla County shall call a special election to be
 823 held on August 18, 2015. Candidates for the election shall
 824 qualify for seat 1, seat 2, seat 3, seat 4, and seat 5. The
 825 candidate receiving the highest number of votes for each seat
 826 shall be elected. If more than one candidate for a designated
 827 council member seat receives an equal and highest number of
 828 votes, the candidates receiving the highest votes shall
 829 determine the winner by coin toss.

830 (b) An individual who wishes to run for one of the five
 831 initial council seats on the council shall qualify as a
 832 candidate with the Supervisor of Elections of Wakulla County in

833 accordance with the provisions of this charter and general law.

834 (c) The Board of County Commissioners of Wakulla County
 835 shall appoint a canvassing board that shall certify the results
 836 of the election.

837 (d) Those candidates who are elected on August 18, 2015,
 838 shall be sworn in and take office at the initial city council
 839 meeting, which shall be held at 7 p.m. on September 15, 2015.

840 (4) CREATION AND ESTABLISHMENT OF THE CITY.—For the
 841 purpose of compliance with s. 200.066, Florida Statutes, the
 842 city is created and established effective July 1, 2015.

843 (5) FIRST YEAR EXPENSES.—The council, in order to provide
 844 moneys for the expenses and support of the city, shall have the
 845 power to borrow money necessary for the operation of city
 846 government until such time as a budget is adopted and revenues
 847 are raised in accordance with the provisions of this charter.

848 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—All
 849 applicable county ordinances currently in place at the time of
 850 passage of the referendum, unless specifically referenced in
 851 this charter, shall remain in place unless and until rescinded
 852 by action of the city council, except that a county ordinance,
 853 rule, or regulation that is in conflict with an ordinance, rule,
 854 or regulation of the city shall not be effective to the extent
 855 of such conflict.

856
 857 Any existing Wakulla County ordinances, rules, and regulations
 858 as of September 1, 2015, shall not be altered, changed,

859 rescinded, or added to, nor shall any variance be granted
 860 thereto insofar as such action would affect the city without the
 861 approval of the city council.

862 (7) TEMPORARY EMERGENCY ORDINANCES.—The city council may
 863 adopt ordinances and resolutions required to effect the
 864 transition. Ordinances adopted within 60 days after the first
 865 council meeting may be passed as emergency ordinances. These
 866 transitional ordinances, passed as emergency ordinances, shall
 867 be effective for no longer than 90 days after adoption and
 868 thereafter may be readopted, renewed, or otherwise continued
 869 only in the manner normally prescribed for ordinances.

870 (8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
 871 REGULATIONS.—

872 (a) Until such time as the city adopts a comprehensive
 873 plan , the Wakulla County Future Land Use Map, the Wakulla
 874 County Zoning Map, and all other provisions applicable to the
 875 city, of the Comprehensive Plan and Land Development Regulations
 876 of Wakulla County, as they exist on the day that the city
 877 commences corporate existence, shall remain in effect as the
 878 city's transitional comprehensive plan and land development
 879 regulations. However, all planning functions, duties, and
 880 authority may, upon a vote of four members of the city council,
 881 be vested in the Panacea City Council, which shall also be
 882 deemed the local planning agency until the council establishes a
 883 separate local planning agency.

884 (b) Upon this act becoming a law, no changes in the future

885 land use map or the zoning districts within the boundaries of
 886 the city shall be considered for alteration, amendment, or other
 887 modification in any way until such time as the city adopts
 888 appropriate procedures as referenced in this act.

889 (c) All powers and duties of the planning commission,
 890 zoning authority, any boards of adjustment, and the Board of
 891 County Commissioners of Wakulla County, as set forth in these
 892 transitional zoning and land use regulations, shall be vested in
 893 the City Council of Panacea until such time as the city council
 894 delegates all or a portion thereof to another entity.

895 (d) Upon the passage of this act, no subsequent amendment
 896 of the comprehensive plan or land development regulations
 897 enacted by the Board of County Commissioners of Wakulla County
 898 shall be deemed as an amendment of the city's transitional
 899 comprehensive plan or land development regulations or otherwise
 900 take effect within the city's corporate limits, except in
 901 accordance with the requirements and upon adoption of the
 902 procedures specified in this act.

903 (9) COMMUNICATIONS SERVICES TAX.—The communications
 904 services tax imposed under s. 202.19, Florida Statutes, by
 905 Wakulla County shall continue within the city boundaries during
 906 the period commencing with the date of incorporation. Revenues
 907 from the tax shall be shared by Wakulla County with the city in
 908 proportion to the projected city population estimate of the
 909 Wakulla County Planning Division compared with the
 910 unincorporated population of Wakulla County before the

911 incorporation of the City of Panacea.

912 (10) STATE-SHARED REVENUES.—The City of Panacea shall be
 913 entitled to participate in all shared revenue programs of the
 914 state available to municipalities effective July 1, 2015. The
 915 provisions of s. 218.23(1), Florida Statutes, shall be waived
 916 for the purpose of eligibility to receive revenue-sharing funds
 917 from the date of incorporation through December 31, 2019.
 918 Initial population estimates for calculating eligibility for
 919 shared revenues shall be determined by the University of Florida
 920 Bureau of Economic and Business Research. If the bureau is
 921 unable to provide an appropriate population estimate, the
 922 Wakulla County Planning Division estimate shall be used. For the
 923 purposes of qualifying for municipal revenue sharing, the
 924 following revenue sources shall be considered: municipal service
 925 taxing units, water control district revenues, occupational
 926 license taxes, public utility service taxes, communications
 927 services tax, and franchise fees.

928 (11) GAS TAX REVENUES.—Notwithstanding the requirements of
 929 s. 336.025, Florida Statutes, the city shall be entitled to
 930 receive local option gas tax revenues beginning on July 1, 2015.
 931 These revenues shall be distributed in accordance with general
 932 law or by any interlocal agreement negotiated with Wakulla
 933 County.

934 (12) WAIVER.—The provisions of s. 218.23(1), Florida
 935 Statutes, shall be waived for the purpose of conducting audits
 936 and financial reporting through fiscal year 2015-2016.

937 Section 10. Continuation, merger, and dissolution of
 938 existing districts and service providers.-

939 (1) WAKULLA COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
 940 UNIT; CONTINUATION.-Notwithstanding the incorporation of the
 941 City of Panacea, that portion of the Wakulla County Fire Rescue
 942 Municipal Service Taxing Unit, a special taxing district created
 943 by the Board of County Commissioners of Wakulla County that
 944 lies within the boundaries of the City of Panacea, is authorized
 945 to continue in existence until the city adopts an ordinance to
 946 the contrary. However, the city shall not establish a city fire
 947 department without a referendum.

948 (2) LAW ENFORCEMENT.-Law enforcement services shall be
 949 provided by the Wakulla County Sheriff's Office until the city
 950 adopts an ordinance to the contrary.

951 Section 11. Waivers.-The thresholds established by s.
 952 165.061, Florida Statutes, for incorporation have been met with
 953 the following exceptions:

954 (1) A waiver is granted to the provisions of s.
 955 165.061(1)(b), Florida Statutes, relating to requirements for a
 956 minimum population of 1,500, due to the historic coastal
 957 character of the city.

958 (2) A waiver is granted to the provisions of s.
 959 165.061(1)(c), Florida Statutes, relating to requirements for a
 960 minimum average population density of 1.5 persons per acre, to
 961 protect the historic, coastal character of the city.

HB 593

2015

962 Section 12. This act shall take effect upon approval by a
 963 majority of those qualified electors residing within the
 964 proposed corporate limits of the proposed City of Panacea as
 965 described in section 1 voting in a referendum election to be
 966 called by the Supervisor of Elections of Wakulla County and to
 967 be held on June 30, 2015, in accordance with the provisions
 968 relating to elections currently in force, except that subsection
 969 (1) of section 9 and this section shall take effect upon this
 970 act becoming a law.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 593 (2015)

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 Government Affairs
 2 Subcommittee

3 Representative Beshears offered the following:

4
5 **Amendment**

6 Remove line 79 and insert:
7 of Section 23, Township 5 South, Range 2 West, also

8
9 Remove line 930 and insert:
10 receive local option gas tax revenues beginning on October 1,
11 2015.

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

Prior to consideration of a substantive amendment to a local bill, the chair of the legislative delegation must certify, by signing this Amendment Form, that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive committee, subcommittee, and floor amendments must be accompanied by a completed original Amendment Form which has been provided to and reviewed by Local Government Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: 593

SPONSOR(S): Rep. Beshears

RELATING TO: City of Panacea

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

SPONSOR OF AMENDMENT: Rep. Beshears

CONTACT PERSON: Vicky Summerhill

PHONE NO: 717-5007 **E-MAIL:** Vicky.Summerhill@myfloridahouse.gov

REVIEWED BY STAFF OF THE LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE
Must Be Checked

BRIEF DESCRIPTION OF AMENDMENT:

(Attach additional page(s) if necessary)

Makes changes to effective date of collection of gas tax as recommended by the Florida Department of Revenue

I. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Changing the effective date will facilitate the administration of the gas tax funds by the Florida Department of Revenue. Changing the date does not materially impact the revenues the City expects to receive.

II. NOTICE REQUIREMENTS

A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?

YES NO NOT APPLICABLE

B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?

YES NO NOT APPLICABLE


DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

NOTE: If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted to the Local Government Affairs Subcommittee prior to consideration of the amendment.

III. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

YES NO UNANIMOUSLY APPROVED


Delegation Chair (Original Signature)

March 9, 2015
Date

Senator Bill Montford
Print Name of Delegation Chair

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 647 City of Jacksonville, Duval County
SPONSOR(S): Ray
TIED BILLS: **IDEN./SIM. BILLS:**

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

SUMMARY ANALYSIS

HB 647 is a local bill amending provisions of the Charter of the City of Jacksonville relating to the civil service board. Because City of Jacksonville's Civil Service and Personnel Rules and Regulations (Rules and Regulations) have been updated periodically, HB 647 makes changes to the Charter for the purpose of reconciling contradictions between the Charter and the Rules and Regulations. HB 647 amends provisions relating to the duties of the City of Jacksonville's civil service board (CSB) by:

- Providing that the CSB hears appeals initiated by *permanent* employees covered by the Rules and Regulations and charged with violations of the personnel provisions of the rules and regulations.
- Clarifying that the CSB hears and determines appeals concerning disciplinary action that *violates* the Rules and Regulations, rather than disciplinary action that is *inconsistent* with them.
- Providing that the CSB hears and determines complaints *initiated by any person covered by* the Rules and Regulations, rather than complaints by employees and prospective employees.
- Clarifying that the CSB hears complaints concerning alleged violations of *grievable* rules or regulations, rather than alleged violations of Rules and Regulations relating to hiring and promotion.
- Providing that if the CSB determines a violation of any grievable Rules and Regulations exists, then it is to order compliance with those Rules and Regulations.
- Providing that the CSB hears and determines grievances initiated by a person covered by the Rules and Regulations, rather than any person who simply may be entitled to be covered by them.
- Clarifying that grievances initiated by a person covered by the Rules and Regulations regarding action taken in the administration of *grievable* Rules and Regulations which pertain to employment or employment rights, *including hiring and promotions*, and that if the CSB determines the action is inconsistent with *grievable* Rules and Regulations then its order provides that the action be modified to comply with the *grievable* Rules and Regulations.

The bill will have an insignificant fiscal impact on the City of Jacksonville.

The act shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Charter of the City of Jacksonville – Civil Service Board Duties

The Legislature created the Charter of the City of Jacksonville in 1967.¹ The Charter was amended in 1978,² and in 1992 it was codified.³ Article 17 of the Charter, as codified, establishes a civil service system for the employees of the “consolidated” government.⁴ The Charter provides that a civil service board will be comprised of 7 elected members, serving 4-year terms⁵ and sets forth the duties of the civil service board (CSB). The Charter sets forth the following CSB member duties:

- Periodically reviewing the operation and effect of the Charter’s personnel provisions, the classification plan, and the pay plan, and reporting its findings to the council and the mayor.
- Hearing and determining appeals initiated by employees charged with violations of the personnel provisions the Charter and the civil service regulations authorized by ordinance or adopted civil service rules. If after review the CSB determines that the disciplinary action is inconsistent with such provisions, rules, or regulations, or concludes it is manifestly unjust under the circumstances, it shall order that the disciplinary action be increased or decreased, or provide such other action as it deems appropriate, and set forth in its final order the specific reasons for its action.
- Hearing and determining complaints by employees and prospective employees concerning alleged violations of civil service rules or regulations with respect to hiring and promotion. If after review the CSB determines that such a violation exists, it shall order such action as it deems appropriate to ensure compliance with such rules or regulations pertaining to hiring and promotion.
- Hearing and determining the grievance of any person covered by the civil service rules or regulations or the grievance of any person who may be entitled to be covered by such civil service rules or regulations concerning any action taken in the administration of such rules and regulations pertaining to employment or employment rights. If after review the CSB determines the action taken is inconsistent with the rules or regulations, it shall order the action be modified by the appropriate office, department, board, or independent agency in order to ensure consistency and compliance with such rules and regulations.
- Performing such further duties and responsibilities as prescribed by ordinance.

City of Jacksonville’s Civil Service and Personnel Rules and Regulations

The Charter grants the personnel department, subject to CSB and City Council approval, the authority to adopt rules and regulations in accordance with the Charter and ordinances of the city.⁶ Pursuant to this authority, the City of Jacksonville’s Civil Service and Personnel Rules and Regulations (Rules and Regulations) have been promulgated.⁷ The Rules and Regulations, which have been amended numerous times over the year, set forth comprehensive policies and procedures for the Board relating

¹ Ch. 67-1320, Laws of Fla.

² Ch. 78-536, Laws of Fla.

³ Ch. 92-341, Laws of Fla.

⁴ Ch. 93-341, s. 1, at Art. 17, Laws of Fla.

⁵ Ch. 93-341, s. 1, at s. 17.02, Laws of Fla.

⁶ Ch. 93-341, s. 1, at s. 17.05(d), Laws of Fla.

⁷ City of Jacksonville’s Civil Service and Personnel Rules and Regulations, <http://www.coj.net/departments/employee-services/civil-service-and-personnel-rules-and-regulations.aspx> (last visited 03/03/2015).

to civil service positions and employees within the City of Jacksonville, as authorized by the Charter and the Jacksonville Ordinance Code.⁸ The Rules and Regulations govern unless a contrary provision is negotiated as part of a collective bargaining agreement.⁹

Pursuant to the Rules and Regulations, upon any appointment to a classified position under Civil Service, an employee is classified as probationary, provisional, or permanent.¹⁰ For permanent employees all of the Rules and Regulations generally apply, but for another class of employee or a prospective employee only those Rules and Regulations specifically designated as applicable to those employees apply. Once an employee attains permanent status in a class upon satisfactory completion of the required probationary period, and once an employee has attained permanent status in any class, the employee has permanent status throughout the period of continuous employment in the Civil Service.¹¹ For permanent employees, the Rules and Regulations designate one instance as not grievable and another as not subject to review by the CSB.¹² For probationary employees, the Rules and Regulations specifically designate as “grievable” the instance where an employee who is serving in a class with probationary status is separated from the class for any reason which would justify discipline under another rule without the right to appeal the CSB and the separation is undocumented.¹³

CSB Confusion Because of Conflicts Between Charter and Rules and Regulations

The Circuit Court of the Fourth Judicial Circuit, Duval County, has held that the City of Jacksonville’s CSB violated individuals’ due process rights where the CSB, relying on provisions in the Rules and Regulations which were narrower than those set forth in the Charter, refused to review the grievances.¹⁴ In one case, for example, the CSB dismissed a grievance seeking review of a promotional examination because the grieving employee, as part of the timed examination, had to complete a section that another individual was not required to complete because the section was eliminated.¹⁵ The CSB dismissed the grievance for lack of jurisdiction because the Rules and Regulations gave the head of personnel discretion in voiding or declaring an examination invalid, thereby giving the head of personnel final authority to decide the validity of examinations.¹⁶ However, the court held that because the Charter provided that the CSB “shall . . . [h]ear and determine complaints by employees and prospective employees concerning alleged violations of civil services rules or regulations with respect to hiring and promotion,” the individual was entitled to file a grievance.¹⁷

Effect of Proposed Changes

HB 647 amends the provisions of the Charter of the City of Jacksonville relating to the duties of the CSB with the objective of reconciling contradictions between the Charter and the rules and regulations. Specifically, HB 647:

⁸ *Id.* at s. .01.

⁹ *Id.*

¹⁰ *Id.* at 6.01.

¹¹ *Id.* at 6.03.

¹² *Id.* at ss. 7.02(4)(f) and 4.03(4)(a)2.

¹³ *Id.* at s. 6.03(1)(f).

¹⁴ *Toliver v. Jacksonville Sheriff's Office*, Case No. 2014-CA-005550 (Fla 4th Cir. Ct. Nov. 10, 2014); *James v. The City of Jacksonville*, Case No. 16-2007-6247 (Fla. 4th Cir. Ct. June 23, 2009).

¹⁵ *James v. The City of Jacksonville*, Case No. 16-2007-6247, at p. 3 (Fla. 4th Cir. Ct. June 23, 2009).

¹⁶ *Id.*

¹⁷ *Id.*, citing Charter of the City of Jacksonville, Fla., s. 17.04(c) (2006) (internal quotation marks omitted).

- Provides that the civil service board hears appeals initiated by any *permanent* employee covered by the civil service rules and regulations who is charged with violations of the personnel provisions of the civil service rules and regulations.
- Clarifies the civil service board hears and determines appeals concerning disciplinary action *violates* the rules or regulations, rather than disciplinary action that is *inconsistent* with the regulations.
- Provides that the board hears and determines complaints *initiated by any person covered by the civil service rules and regulations*, rather than complaints by employees and prospective employees.
- Clarifies that the board hears complaints concerning alleged violations of *grievable* civil service rules or regulations authorized by ordinance or civil service rules adopted pursuant to section 17.05 of the Charter, rather than alleged violations of those civil service rules or regulations related to hiring and promotion.
- Clarifies that if the board determines a violation exists the order should ensure compliance with *grievable* rules or regulations, rather than ensuring compliance with rules and regulations pertaining to hiring and promotion.
- Provides the board hears and determines the grievance *authorized by ordinance or civil service rules adopted pursuant to section 17.05 and initiated by a person covered by the civil service rules or regulations*, rather than any person who simply may be entitled to be covered by the civil service rules or regulations.
- Clarifies that such grievances concern an action taken in the administration of *grievable* rules and regulations which pertain to his or her employment or employment rights, *including hiring and promotions*, and that if the board determines the action is inconsistent with *grievable* rules or regulations then the board will order the action be modified to comply with the *grievable* rules and regulations.

B. SECTION DIRECTORY:

Section 1: Amends the Charter of the City of Jacksonville, s. 17.04, Ch. 92-341, Laws of Fla., relating to the duties of the civil service board.

Section 2: The act shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 18, 2014

WHERE? Daily Record, Jacksonville, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Charter provides that "[t]here shall be a civil service system for the *employees* of the consolidated government which shall promote the effective, efficient, and fair conduct of the public business."¹⁸ The Rules and Regulations allow prospective employees to appeal to the CSB. It is unclear whether the CSB, currently or with the amendments under HB 647, has the requisite authority to hear such appeals.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹⁸ Ch. 93-341, s. 1, at Art. 17.01, Laws of Fla.
STORAGE NAME: h0647.LGAS.DOCX
DATE: 3/5/2015

247

FINANCIAL NEWS &

Daily Record

PROOF OF PUBLICATION

(Published Daily Except Saturday and Sunday)
Jacksonville, Duval County, Florida

STATE OF FLORIDA, }
 } SS:
COUNTY OF DUVAL, }

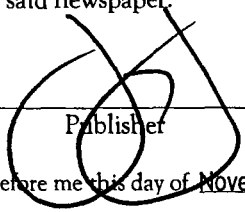
Before the undersigned authority personally appeared James F. Bailey, Jr., who on oath says that he is the Publisher of FINANCIAL NEWS and DAILY RECORD, a daily (except Saturday and Sunday) newspaper published at Jacksonville, in Duval County, Florida; that the attached copy of advertisement, being a

Notice of Intention to Seek Local Legislation

in the matter of A bill to be entitled (J3)

in the _____ Court, of Duval County, Florida, was published in said newspaper in the issues of November 18, 2014

Affiant further says that the said FINANCIAL NEWS and DAILY RECORD is a newspaper at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, each day (except Saturday and Sunday) and has been entered as periodicals matter at the post office in Jacksonville, in said Duval County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.



Publisher

Sworn to and subscribed before me this day of November 18, 2014

ANGELA CAMPBELL
Notary Public, State of Florida
My Comm. Expires April 10, 2017
Commission No. EE 871981



Notary Signature

Angela Campbell
Notary Public
EE871981

seal James F. Bailey, Jr. personally known to me



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

BILL #: J-3
SPONSOR(S): Representative Lake Ray
RELATING TO: City of Jacksonville Civil Service Board
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Duval County Legislative Delegation
CONTACT PERSON: Paula Shoup
PHONE NO.: (904) 630-1680 **E-Mail:** paulas@coj.net

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 NO

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

YES NO

Date hearing held: January 15, 2015

Location: Council Chambers, City Hall, 117 W. Duval St. Jacksonville, FL 32202

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** November 18, 2014

Where? Daily Record **County** Duval

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES [] NO [x] NOT APPLICABLE []

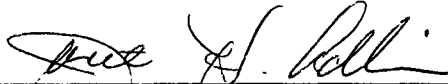
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [] NO [x] NOT APPLICABLE []

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

YES [] NO []

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



Delegation Chair (Original Signature)

1/15/15
Date

Janet H. Adkins

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 & Federal Affairs Committee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL#: J-3

SPONSOR(S): Representative Lake Ray

RELATING TO: City of Jacksonville Civil Service Board
[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>\$0.00</u>	<u>\$0.00</u>
Revenue increase due to bill:	<u>\$0.00</u>	<u>\$0.00</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>FY15-16</u>	<u>FY 16-17</u>
	<u>\$ 0.00</u>	<u>\$0.00</u>

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

III. 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>\$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>

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 Bill coordinates the expectations of covered employees with the obligations of the Board and the historic Civil Service and Personnel Rules and Regulations by providing efficient review as authorized by ordinance or the Civil Service and Personnel rules and regulations adopted pursuant to § 17.05, Charter.
2. Advantages to Businesses: N/A
3. Advantages to Government: The Bill removes undue delay and expense associated with unauthorized deliberations by streamlining the Board's docket to focus on acts authorized and not otherwise prohibited from review by ordinance or rules and regulations adopted pursuant to § 17.05, Charter.

Potential Disadvantages:

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

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

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

1. Disadvantages to Individuals: N/A

2. Disadvantages to Businesses: N/A

3. Disadvantages to Government: N/A

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:

None

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.

None

PREPARED BY:



[Must be signed by Preparer]

Print preparer's name: Derrel Q. Chatmon
January 14, 2015

Date

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

Chief Deputy General Counsel

REPRESENTING : Jacksonville Civil Service Board

PHONE: 904-630-1719

E-MAIL ADDRESS : DChatmon@coj.net

Miller, Eric

From: Miller, Eric
Sent: Tuesday, February 10, 2015 1:23 PM
To: Kiner, Kerrington
Subject: FW: J-3: Duval County local bill (Civil Service Charter alignment)
Attachments: EIS 2014 (01142015).pdf

FYI, the statement below provides sufficient verification for the EIS for this bill.

Eric H. Miller, Policy Chief
Florida Bar Board Certified in State & Federal Government & Administrative Practice
Local Government Affairs Subcommittee
317 House Office Bldg.
(850) 717-5681 (Office)
(850) 717-4861 (Main)

Written communications to or from state officials regarding state business, including e-mail communications, are public records and may be subject to public disclosure.

From: Hays, Carol
Sent: Tuesday, February 10, 2015 1:12 PM
To: Adams, James
Cc: Miller, Eric
Subject: FW: J-3: Duval County local bill (Civil Service Charter alignment)

Please add this document to the package for the J-3 bill in regards to the signature on the Economic Impact Statement. Hopefully this statement will suffice and no additional clarification will be required.
Eric Miller has been copied as well.

Carol Hays; District Senior Secretary
Representative Janet H. Adkins, District 11
905 S. 8th Street | Fernandina Beach, FL 32034
904.491.3664 (office) | 904.491.3666 (fax)
www.myfloridahouse.gov

Follow Representative Janet H. Adkins



From: Chatmon, Derrel [<mailto:DChatmon@coj.net>]
Sent: Tuesday, February 10, 2015 11:28 AM
To: Hays, Carol
Cc: Chatmon, Derrel; Bird, Diane; Jim Register (jim.register.g2k4@statefarm.com); Lloyd, Mark; Shoup, Paula
Subject: RE: J-3: Duval County local bill (Civil Service Charter alignment)

Good morning, Carol-

Pursuant to our discussion, I certainly understand the initial desire to clarify the basis of information within the Economic Impact Statement authored by attorneys. HB 647, the proposed amendments to Section 17.04 of the

Jacksonville Charter, will merely align the jurisdictional scope of the Jacksonville Civil Service Board pursuant to the Charter with the Board's historic rules and procedures. Being the lead attorney involved with realigning Section 17.04 *without altering* the Board's operations or administration as experienced by covered employees, I have a good faith belief that by both intent and design the representation of HB 647 as *not having an economic impact* upon either the City of Jacksonville or the Civil Service Board is true and correct. Following your review and should additional information be deemed necessary, please do not hesitate to contact me at your leisure. Otherwise, have a great day.

Derrel Q. Chatman

Chief Deputy General Counsel
Office of General Counsel
117 West Duval Street, Ste. 480
Jacksonville, Florida 32202

(904) 630-1719
(904) 630-1316 (fax)

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From: Hays, Carol [<mailto:Carol.Hays@myfloridahouse.gov>]
Sent: Monday, February 09, 2015 5:17 PM
To: Chatmon, Derrel
Subject: RE: J-3: Duval County local bill (Civil Service Charter alignment)

Sorry I did not get back with you today. I am in tomorrow and will give you a call in the morning.

Carol Hays; District Senior Secretary
Representative Janet H. Adkins, District 11
905 S. 8th Street | Fernandina Beach, FL 32034
904.491.3664 (office) | 904.491.3666 (fax)
www.myfloridahouse.gov

Follow Representative Janet H. Adkins



From: Chatmon, Derrel [<mailto:DChatmon@coj.net>]
Sent: Monday, February 09, 2015 1:50 PM
To: Hays, Carol

Cc: Chatmon, Derrel
Subject: J-3: Duval County local bill (Civil Service Charter alignment)

Mrs. Hays-

Hoping all is well this wet Monday afternoon. Understanding from Duval Delegation Coordinator P. Shoup that supplemental information is needed to process J-3 with regards to its Economic Impact Statement. See attached. Could you please call me at your leisure so as I may appropriately supplement the attached as needed by the sub-committee in a timely manner. Thank you, in advance.

Derrel Q. Chatman

Chief Deputy General Counsel
Office of General Counsel
117 West Duval Street, Ste. 480
Jacksonville, Florida 32202

(904) 630-1719
(904) 630-1316 (fax)

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Connect with Mayor Brown and the City of Jacksonville!

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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For general information, contact [630-CITY \(2489\)](tel:630-CITY(2489)).

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A bill to be entitled
An act relating to the City of Jacksonville, Duval
County; amending chapter 92-341, Laws of Florida, as
amended; revising the authority of the civil service
board to hear appeals, complaints, and grievances;
providing an effective date.

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

Section 1. Section 17.04 of chapter 92-341, Laws of
Florida, as amended, is amended to read:

Section 17.04. Duties of civil service board.—The civil
service board shall:

(a) Periodically review the operation and effect of the
personnel provisions of this charter, the classification plan,
and the pay plan, and report their findings to the council and
the mayor.

(b) Hear and determine appeals initiated by any permanent
employee covered by the civil service rules and regulations
~~employees~~ who is ~~are~~ charged with violations of the personnel
provisions of ~~this chapter and~~ the civil service rules and
regulations authorized by ordinance or civil service rules
adopted pursuant to section 17.05. If after review the civil
service board determines that the disciplinary action violates
~~is inconsistent with~~ such ~~provisions,~~ ~~rules,~~ or regulations, or
concludes that the disciplinary action is manifestly unjust

27 | under the circumstances, it shall order the reduction or
 28 | increase of the disciplinary action or provide such other action
 29 | as it deems appropriate. Should the board order a reduction,
 30 | increase, or other action with respect to the disciplinary
 31 | action, then the specific reasons for the board's actions shall
 32 | be set forth in the board's final order rendered at the appeal
 33 | hearing.

34 | (c) Hear and determine complaints initiated by any person
 35 | covered by the civil service rules and regulations ~~employees and~~
 36 | ~~prospective employees~~ concerning alleged violations of grievable
 37 | civil service rules or regulations authorized by ordinance or
 38 | civil service rules adopted pursuant to section 17.05 ~~with~~
 39 | ~~respect to hiring and promotion~~. If after review the civil
 40 | service board determines that such a violation exists, it shall
 41 | order such action as it deems appropriate in order to ensure
 42 | compliance with grievable ~~such~~ rules or regulations ~~pertaining~~
 43 | ~~to hiring and promotion~~.

44 | (d) Hear and determine the grievance authorized by
 45 | ordinance or civil service rules adopted pursuant to section
 46 | 17.05 which was initiated by ~~of~~ any person covered by the civil
 47 | service rules or regulations ~~of the consolidated government or~~
 48 | ~~the grievance of any person who may be entitled to be covered by~~
 49 | ~~such civil service rules or regulations~~ concerning any action
 50 | taken in the administration of grievable ~~such~~ rules and
 51 | regulations which pertain ~~pertains~~ to his or her employment or
 52 | employment rights, including hiring and promotions. If after

HB 647

2015

53 | review the civil service board determines the action taken to be
 54 | inconsistent with the grievable rules or regulations, it shall
 55 | order the modification of the action taken by the appropriate
 56 | office, department, board, or independent agency in order to
 57 | ensure consistency and compliance with such grievable rules and
 58 | regulations.

59 | (e) Issue subpoenas to compel the attendance of witnesses
 60 | and the production of books, papers, and records at hearings
 61 | before the Civil Service Board. By Civil Service Board
 62 | procedure, the Board may delegate the power to issue subpoenas
 63 | to the Chairperson of the Civil Service Board, the Chief
 64 | Administrative Officer, or other such Civil Service Board
 65 | employee as the Board may specifically designate.

66 | (f) Perform such further duties and responsibilities as
 67 | may be hereafter prescribed by ordinance.



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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 721 County and Municipal Parks

SPONSOR(S): McGhee

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	12 Y, 0 N	Thompson	Kiner
2) Local Government Affairs Subcommittee		Thompson 	Miller 
3) Local & Federal Affairs Committee			

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 counties and municipalities to provide discounts on local park entrance fees to such individuals who present written documentation satisfactory to the county or municipal department, which evidences the individual's eligibility. Specifically, the bill requires county and municipal parks and recreation departments to provide a full or partial discount on park entrance fees to the following individuals:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty.

The bill does not require Florida residency.

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 in accordance with its financial circumstances; and
- Narrowly defines a "park entrance fee" to exclude fees for the use of campgrounds, aquatic facilities, stadiums or arenas, special events, and other expanded amenity fees.

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.

In 2014, the Revenue Estimating Conference estimated that the provisions of an identical bill would have an indeterminate, but likely insignificant fiscal impact on county and municipal government revenue. Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill.

The bill has an effective date of July 1, 2015.

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

STORAGE NAME: h0721b.LGAS.DOCX

DATE: 3/6/2015

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Military and Veteran Presence in Florida

Florida is home to over 61,000 active-duty military servicemembers,¹ over 36,000 Reservists,² and over 1.5 million veterans.³ Approximately 285,000 of Florida's 1.5 million plus veterans are service-disabled.⁴

The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 National Guard personnel and 2,000 Air National Guard personnel.⁵

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.⁶ Florida state parks and trails welcomed more than 27 million visitors during the 2013-2014 fiscal year.⁷ During this same time period, Florida state parks and trails generated over \$2.1 billion in direct economic impact, and over \$140 million in increased sales tax revenue.⁸

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.⁹ Typically, these fees are categorized as entrance fees and activity fees, although other fees may be charged in some cases.¹⁰ 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.¹¹ Annual entrance passes are also available.¹² The regular price for an annual entrance pass is \$60 for an individual and \$120 for a family.¹³

¹ 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 February 20, 2015).

² Office of the Deputy Assistant Secretary of Defense (Military Community and Family Policy), under contract with ICF International, "2013 Demographics, PROFILE OF THE MILITARY COMMUNITY", at page v, available at:

<http://www.militaryonesource.mil/12038/MOS/Reports/2013-Demographics-Report.pdf> (Last visited February 20, 2015). 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.

³ FDVA, Annual Report Fiscal Year 2013-2014, page 6, available at: <http://floridavets.org/wp-content/uploads/2012/08/Annual-Report-2013-14-Final-11-11-14.pdf> (Last visited February 20, 2015).

⁴ U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2013, page 29 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf> (Last visited February 20, 2015).

⁵ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (Last viewed February 20, 2015).

⁶ Florida Department of Environmental Protection website, available at: <http://www.dep.state.fl.us/parks/> (Last visited February 20, 2015).

⁷ Florida Department of Environmental Protection, Fiscal Year 2013-2014 Economic Impact Assessment for the Florida State Park System, October 23, 2014.

⁸ 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."

⁹ s. 258.014, F.S.

¹⁰ 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 February 20, 2015).

¹¹ Florida State Parks Fee Schedule, available at:

<https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf> (Last visited February 20, 2015).

¹² Id.

¹³ Id.

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.¹⁴

An honorably discharged veteran who has a service-connected disability is eligible to receive lifetime family annual entrance passes at no charge.¹⁵ 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.

Discount Type	Estimated Passes Sold¹⁶	Value
Individual Entrance Pass (25% discount: active-duty servicemembers and veterans)	1,295	\$19,425
Family Annual Entrance Pass (25% discount: active-duty servicemembers and veterans)	4,103	\$123,090
Lifetime Family Annual Entrance Pass (Full discount: disabled veterans; the spouse and parents of a fallen military servicemember, law enforcement officer, or firefighter)	9,804	\$1,176,480
Total for FY 2013-2014	15,202	\$1,318,995

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.

Effect of Proposed Changes

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 veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty.

¹⁴ s. 258.0145(1), F.S.

¹⁵ s. 258.0145(2), F.S.

¹⁶ DEP provided the estimated sales information to the Veteran & Military Affairs Subcommittee on February 24, 2015.

In order to take advantage of the discount, a park visitor must present written documentation satisfactory to the county or municipal department, which evidences the individual's eligibility. Typically, sufficient written documentation for an active duty military servicemember includes a current, valid military identification card, which may include the Common Access Cards (CAC).¹⁷ The CAC card is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.¹⁸

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,¹⁹ which allows access to various military service benefits or privileges.²⁰ There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.²¹

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.

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.

B. SECTION DIRECTORY:

Section 1: Creates s. 125.028, F.S., requiring a county department of parks and recreation to provide discounts on entrance fees at county parks to military servicemembers, veterans, and certain family members of deceased military servicemembers, law enforcement officers, and firefighters; defines the term "park entrance fees."

Section 2: Creates s. 166.0447, F.S., requiring a municipal department of parks and recreation to provide discounts on entrance fees at municipal parks to military servicemembers,

¹⁷ 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/>

¹⁸ Department of Defense website on Common Access Cards, (last visited February 9, 2015) available at <http://www.cac.mil/common-access-card/>

¹⁹ 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/>

²⁰ Department of Defense website on Uniformed Services ID Cards, (last visited February 9, 2015) available at <http://www.cac.mil/uniformed-services-id-card/>

²¹ *Id.*

veterans, and certain family members of deceased military servicemembers, law enforcement officers, and firefighters; defines the term "park entrance fees."

Section 3: 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:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

In 2014, the Revenue Estimating Conference estimated that the provisions of an identical bill would have an indeterminate, but likely insignificant fiscal impact on county and municipal government revenue. Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill.

To the extent that county and municipal parks charge park entrance fees at all, 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.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Park fee discounts at county and municipal parks will be available to certain active-duty military servicemembers, honorably discharged veterans, disabled veterans, and certain family members of servicemembers who have died during combat. The surviving spouse or parent of a law enforcement officer or firefighter who has died while in the line of duty is also included.

D. FISCAL COMMENTS:

None.

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.

In 2014, the Revenue Estimating Conference estimated that the provisions of an identical bill would have an indeterminate, but likely insignificant fiscal impact on county and municipal government revenue. Although it is likely to have an insignificant negative fiscal impact to local government revenues, the Revenue Estimating Conference has not yet provided an estimate of this bill.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

The bill neither provides rulemaking authority nor requires implementation through executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to county and municipal parks;
 3 creating ss. 125.028 and 166.0447, F.S.; requiring
 4 counties and municipalities to provide discounts on
 5 public park entrance fees to military servicemembers,
 6 veterans, and spouses and parents of certain deceased
 7 military servicemembers, law enforcement officers, and
 8 firefighters; defining the term "park entrance fees";
 9 providing an effective date.

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

12
 13 Section 1. Section 125.028, Florida Statutes, is created
 14 to read:

15 125.028 Military, law enforcement, and firefighter county
 16 park fee discounts.—

17 (1) A county park or recreation department shall provide a
 18 partial or full discount on park entrance fees to an individual
 19 who presents written documentation satisfactory to the county
 20 department that evidences that the individual is:

21 (a) A current member of the United States Armed Forces,
 22 their reserve components, or the National Guard.

23 (b) An honorably discharged veteran of the United States
 24 Armed Forces, their reserve components, or the National Guard.

25 (c) A veteran of the United States Armed Forces, their
 26 reserve components, or the National Guard, who has a service-

27 connected disability as determined by the United States
 28 Department of Veterans Affairs.

29 (d) A surviving spouse or parent of a deceased member of
 30 the United States Armed Forces, their reserve components, or the
 31 National Guard, who died in the line of duty under combat-
 32 related conditions.

33 (e) A surviving spouse or parent of a law enforcement
 34 officer, as defined in s. 943.10, or a firefighter, as defined
 35 in s. 633.102, who died in the line of duty.

36 (2) As used in this section, the term "park entrance fees"
 37 means fees charged to access lands managed by a county park or
 38 recreation department. The term does not include additional fees
 39 for amenities, such as campgrounds, aquatic facilities, stadiums
 40 or arenas, facility rentals, special events, boat launching,
 41 golf, zoos, museums, gardens, or programs taking place within
 42 public lands.

43 Section 2. Section 166.0447, Florida Statutes, is created
 44 to read:

45 166.0447 Military, law enforcement, and firefighter
 46 municipal park fee discounts.—

47 (1) A municipal park or recreation department shall
 48 provide a partial or full discount on park entrance fees to an
 49 individual who presents written documentation satisfactory to
 50 the municipal department that evidences that the individual is:

51 (a) A current member of the United States Armed Forces,
 52 their reserve components, or the National Guard.

53 (b) An honorably discharged veteran of the United States
 54 Armed Forces, their reserve components, or the National Guard.

55 (c) A veteran of the United States Armed Forces, their
 56 reserve components, or the National Guard, who has a service-
 57 connected disability as determined by the United States
 58 Department of Veterans Affairs.

59 (d) A surviving spouse or parent of a deceased member of
 60 the United States Armed Forces, their reserve components, or the
 61 National Guard, who died in the line of duty under combat-
 62 related conditions.

63 (e) A surviving spouse or parent of a law enforcement
 64 officer, as defined in s. 943.10, or a firefighter, as defined
 65 in s. 633.102, who died in the line of duty.

66 (2) As used in this section, the term "park entrance fees"
 67 means fees charged to access lands managed by a municipal park
 68 or recreation department. The term does not include additional
 69 fees for amenities, such as campgrounds, aquatic facilities,
 70 stadiums or arenas, facility rentals, special events, boat
 71 launching, golf, zoos, museums, gardens, or programs taking
 72 place within public lands.

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



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 Government Affairs
2 Subcommittee

3 Representative McGhee offered the following:
4

5 **Amendment**

6 Remove lines 19-50 and insert:

7 who presents information satisfactory to the county department
8 that the individual is:

9 (a) A current member of the United States Armed Forces,
10 their reserve components, or the National Guard.

11 (b) An honorably discharged veteran of the United States
12 Armed Forces, their reserve components, or the National Guard.

13 (c) A veteran of the United States Armed Forces, their
14 reserve components, or the National Guard, who has a service-
15 connected disability as determined by the United States
16 Department of Veterans Affairs.



Amendment No.

17 (d) A surviving spouse or parent of a deceased member of
18 the United States Armed Forces, their reserve components, or the
19 National Guard, who died in the line of duty under combat-
20 related conditions.

21 (e) A surviving spouse or parent of a law enforcement
22 officer, as defined in s. 943.10, or a firefighter, as defined
23 in s. 633.102, who died in the line of duty.

24 (2) As used in this section, the term "park entrance fees"
25 means fees charged to access lands managed by a county park or
26 recreation department. The term does not include additional fees
27 for amenities, such as campgrounds, aquatic facilities, stadiums
28 or arenas, facility rentals, special events, boat launching,
29 golf, zoos, museums, gardens, or programs taking place within
30 public lands.

31 Section 2. Section 166.0447, Florida Statutes, is created
32 to read:

33 166.0447 Military, law enforcement, and firefighter
34 municipal park fee discounts.-

35 (1) A municipal park or recreation department shall
36 provide a partial or full discount on park entrance fees to an
37 individual who presents information satisfactory to the
38 municipal department that the individual is:

39



COMMITTEE/SUBCOMMITTEE AMENDMENT

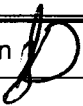

Bill No. HB 721 (2015)

Amendment No. 2

20 Remove lines 7-8 and insert:
21 military servicemembers and first responders; defining the
22 term "park entrance fees";

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 725 City of Jacksonville, Duval County
SPONSOR(S): Adkins
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

Section 327.37(6), F.S. prohibits kiteboarding and kitesurfing within an area extending one mile from the centerline of an airport runway.

The bill provides an exception to s. 327.37(6) for kiteboarding and kitesurfing in Huguenot Memorial Park, in the city of Jacksonville, Duval County. The park is within an area extending one mile from an active airport runway. The bill will generate additional revenue for the City of Jacksonville in the form of increased park fees and will benefit the manufacturers and sellers of sporting equipment by bolstering demand.

This bill will take effect upon becoming law.

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

Regulations on Kiteboarding and Kitesurfing

Kiteboarding and kitesurfing together are defined by statute as an “activity in which a kiteboard or surfboard is tethered to a kite so as to harness the power of the wind and propel the board across a body of water.”¹ Kite is further defined for the purposes of the statute as having the same meaning as under Federal regulations.²

Federal Aviation Administration (FAA) regulations concerning kites apply to any kite that weighs more than five pounds and is intended to be attached to a rope or cable.³ Federal regulations prohibit the use of kites in the area less than 500 feet from the base of any cloud, more than 500 feet above the surface of the earth, in an area where ground visibility is less than three miles, or within five miles of the boundary of any airport.⁴ Kiteboarders and kitesurfers are propelled by wind-power and are tethered to kites with lines of sixty to seventy feet.⁵ Kiteboarding and kitesurfing are not allowed in the federally restricted areas, unless the participant receives a waiver from the FAA.⁶

Federal regulations require the mooring line of a kite to have colored pennants or streamers, visible for one mile, every fifty feet starting at 150 feet above the earth’s surface.⁷ Further regulations restrict the use of kites between sunset and sunrise, requiring the mooring line to be lighted in the same manner as required for obstructions to air navigation.⁸ Florida law may be more restrictive on this matter, prohibiting persons from engaging in “water skiing... or any similar activity” from thirty minutes after sunset to thirty minutes before sunrise.⁹

Under current Florida law, kiteboarding and kitesurfing are prohibited within an area of one-half mile from a direct line extending one mile from the centerline of an airport runway.¹⁰

Kiteboarding in Huguenot Memorial Park

Huguenot Memorial Park is located in northeast Jacksonville, nestled between Fort George Inlet to the north, the Atlantic Ocean to the east, and the St. Johns River to the south.¹¹ The park has been

¹ S. 327.02, F.S.

² S. 327.02(14), F.S.; Cf 14 C.F.R. s.101.1(2) (2015) (“any kite that weighs more than 5 pounds and is intended to be flown at the end of a rope or cable”).

³ 14 C.F.R. s. 101.1(2) (2015).

⁴ 14 C.F.R. s. 101.13 (2015).

⁵ Matt Soergel, *Huguenot Park likely to remain a haven for kiteboarders, despite new state law*, Florida Times-Union, June 17, 2014, available at <http://jacksonville.com/news/metro/2014-06-17/story/huguenot-park-likely-remain-haven-kiteboarders-despite-new-state-law> (accessed 3/4/2015).

⁶ 14 C.F.R. s. 101.5 (2015); see also Federal Aviation Administration, *Air Traffic Bulletin*, April 2012 (explaining waiver process for parasailing).

⁷ 14 C.F.R. s. 101.17 (2015).

⁸ Id.

⁹ S. 327.37 (2)(a), F.S. (kiteboarding and kitesailing are not specifically enumerated, but may be considered “similar activity”).

¹⁰ S. 327.37(6), F.S.

¹¹ See City of Jacksonville, *Huguenot Memorial Park*, <http://www.coj.net/departments/parks-and-recreation/recreation-and-community-programming/huguenot-memorial-park.aspx> (last visited March 3, 2015).

described as the “prime kiteboarding spot in Northeast Florida.”¹² The park is located across the St. Johns River from Naval Station Mayport.¹³ The runway at Naval Station Mayport is located on the northern end of the installation.¹⁴

Areas of Huguenot Memorial Park within one mile of the base’s runway include a flat-water lagoon area that had been frequently used for training beginners in the sport.¹⁵ This lagoon area, referred to “The Pond,” is seen by the kiteboarding community as an important space for ensuring beginners can learn the sport without posing excessive risk to themselves and other beachgoers.¹⁶ Areas of the park where kiteboarding are still permitted are seen as too challenging for beginners and present a heightened risk of injury.¹⁷

Officials at Naval Station Mayport have not seen kiteboarding and kitesurfing as a cause for concern, stating the topic has “never been an issue on our scope.”¹⁸ Officials from the base have since reiterated this position, while also noting the importance of continued monitoring “to ensure the safety, health, and welfare of our community, and the operational integrity of the installation mission.”¹⁹

Effect of Proposed Changes

The bill provides an exemption to s. 327.37(6), F.S. for kitesurfing and kiteboarding in Huguenot Memorial Park, in the city of Jacksonville, Duval County. The bill also describes the boundaries of Huguenot Memorial Park. Participants will still be responsible to apply for any waivers required by federal law, including from the Federal Aviation Administration.

According to the economic impact statement (EIS), the bill will result in increased usage of Huguenot Memorial Park, resulting in the collection of additional park fees and thereby increasing revenues for the City of Jacksonville. The EIS also states the bill would benefit water sports vendors and other outdoor activity equipment manufacturers and retailers by increasing demand for kiteboarding and kitesurfing paraphernalia.

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.

B. SECTION DIRECTORY:

¹² Matt Soergel, *Huguenot Park kiteboarders worry they’ll no longer fly high at oceanfront park*, Florida Times-Union, May 27, 2014, available at <http://jacksonville.com/news/metro/2014-05-27/story/huguenot-park-kiteboarders-worry-theyll-no-longer-fly-high-oceanfront> (accessed 3/4/2015).

¹³ *Id.*

¹⁴ See The Periscope Kings Bay, Georgia, *Important Info About Your Drinking Water*, <http://kingsbayperiscope.jacksonville.com/military/mayport-mirror/2013-11-06/story/important-info-about-your-drinking-water> (last visited March 4, 2015) (containing map of Naval Station Mayport). See also FAA Airport Diagrams, *Mayport NS (ADM David L. McDonald Field)*, <https://nfdc.faa.gov/nfdcApps/airportLookup/airportDisplay.jsp?airportId=NRB> (last visited March 4, 2015). The general remarks about Mayport NS at this site caution that large vessels with masts of up to 150 feet frequently transit the channel of the St. Johns River immediately adjacent to the approach end of runway 23. As the river channel is closer to the Naval Station than Huguenot Park, this caution indicates the air traffic apparently would exceed an altitude of at least 150 feet or more above the park.

¹⁵ Soergel, *supra* note 10.

¹⁶ *Id.*

¹⁷ Steve Patterson, *Huguenot fans want to exempt Jacksonville park from state law limiting kite-surfing*, Florida Times-Union, October 16, 2014, available at <http://jacksonville.com/news/metro/2014-10-16/story/huguenot-fans-want-exempt-jacksonville-park-state-law-limiting-kite>.

¹⁸ *Id.* (Statement from Mike Andrews, spokesman for the commander of Navy Region Southeast).

¹⁹ Email from Matt Schellhorn, Community Planning and Liaison for Naval Station Mayport to Scott Shine, Member of the Jacksonville Waterways Commission, RE: Waterways (09/15/2014). Email retained by House Local Government Affairs Subcommittee staff.

- Section 1: Creates an exemption to s. 327.37(6) for kiteboarding and kitesurfing in Huguenot Memorial Park, City of Jacksonville, Duval County; and describes the boundaries of Huguenot Memorial Park.
- 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? November 18, 2014

WHERE? *Financial News & Daily Record*, a daily (except Saturday and Sunday) newspaper published in Duval 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:

On the evening of March 4, 2015, a representative of the Fish and Wildlife Conservation Commission (FWC) contacted the sponsor's office with concerns about the property description. FWC is charged with enforcement of Ch. 327, F.S. in the waters adjacent to Huguenot Park and stated that a description of the land boundaries of the park would not provide sufficient guidance for enforcement.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

Prior to consideration of a substantive amendment to a local bill, the chair of the legislative delegation must certify, by signing this Amendment Form, that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive committee, subcommittee, and floor amendments must be accompanied by a completed original Amendment Form which has been provided to and reviewed by Local Government Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB725

SPONSOR(S): Representative Janet Adkins

RELATING TO: City of Jacksonville, Duval County; Kitesurfing and Kiteboarding
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Representative Janet Adkins

CONTACT PERSON: Jim Adams

PHONE NO: (904) 402-1992 **E-MAIL:** james.adams@myfloridahouse.gov

REVIEWED BY STAFF OF THE LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE
Must Be Checked

BRIEF DESCRIPTION OF AMENDMENT:
(Attach additional page(s) if necessary)

Amendment is being added to account for the waters surrounding Huguenot Park.

I. REASON/NEED FOR AMENDMENT:
(Attach additional page(s) if necessary)

FWC is charged with enforcement of Ch.327, F.S. and stated that a description of the boundaries of the park would not provide sufficient guidance for enforcement. Notwithstanding s. 327.37(6), Florida Statutes, kiteboarding and kitesurfing activities, as defined in s. 327.02, Florida Statutes, are allowed within the waters surrounding and adjacent to the Huguenot Memorial Park in the City of Jacksonville, Duval County except for those waters identified as the Saint Johns River.

II. NOTICE REQUIREMENTS

- A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?
YES NO NOT APPLICABLE
- B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?
YES NO NOT APPLICABLE

DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

NOTE: If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted to the Local Government Affairs Subcommittee prior to consideration of the amendment.

III. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

YES NO UNANIMOUSLY APPROVED


Delegation Chair (Original Signature)

3-9-15
Date

Janet H. Adkins
Print Name of Delegation Chair

Daily Record

PROOF OF PUBLICATION

(Published Daily Except Saturday and Sunday)

Jacksonville, Duval County, Florida

STATE OF FLORIDA, }
 } SS:
COUNTY OF DUVAL, }

Before the undersigned authority personally appeared James F. Bailey, Jr., who on oath says that he is the Publisher of FINANCIAL NEWS and DAILY RECORD, a daily (except Saturday and Sunday) newspaper published at Jacksonville, in Duval County, Florida; that the attached copy of advertisement, being a

Notice of Intention to Seek Local Legislation

in the matter of A bill to be entitled (J2)

in the _____ Court, of Duval County, Florida, was published

in said newspaper in the issues of November 18, 2014

Affiant further says that the said FINANCIAL NEWS and DAILY RECORD is a newspaper at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, each day (except Saturday and Sunday) and has been entered as periodicals matter at the post office in Jacksonville, in said Duval County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Publisher

Sworn to and subscribed before me this day of November 18, 2014



ANGELA CAMPBELL
Notary Public, State of Florida
My Comm. Expires April 10, 2017
Commission No. EE 871981

Angela Campbell

Notary Signature

Angela Campbell
Notary Public
EE871981

seal

James F. Bailey, Jr. personally known to me

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

BILL #: J-2
SPONSOR(S): Representative Janet H. Adkins
RELATING TO: Exemption from requirements of Sec 327.37 (6), F.S. (Ch. 2014-70, Laws of Florida) for
kiteboarding in Huguenot Park, City of Jacksonville
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Duval County Legislation Delegation
CONTACT PERSON: Paula Shoup
PHONE NO.: (904) 630-1680 **E-Mail:** paulas@coj.net

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 NO

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

YES NO

Date hearing held: January 15, 2015

Location: Council Chambers, City Hall, 117 W. Duval St, Jacksonville FL, 32202

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** November 18, 2014

Where? Daily Record **County** Duval

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES [] NO [x] NOT APPLICABLE []

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

YES [] NO [x] NOT APPLICABLE []

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

YES [] NO []

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


Delegation Chair (Original Signature)

1/15/15
Date

Janet H. Adkins
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2014 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 & Federal Affairs Committee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: J-2
SPONSOR(S): Representative Janet H. Adkins
RELATING TO: Exemption from requirements of Section 327.37(6), F.S. (Ch. 2014-70, Laws of Florida) for kite boarding in Huguenot Park, City of Jacksonville.
[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 14-15</u>	<u>FY 15-16</u>
Revenue decrease due to bill:	\$ <u>N/A</u>	\$ <u>N/A</u>
Revenue increase due to bill:	\$ <u>N/A</u>	\$ <u>N/A</u>

II. COST:

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

Expenditures for Implementation, Administration and Enforcement:

	<u>FY14-15</u>	<u>FY 15-16</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.

There should be no negative impact as a result of the subject legislation. If anything, the

subject legislation will result in maintaining revenues that the City of Jacksonville would

receive from park fees for residents and vistors who enter Huguenot Park to engage

in kite boarding or kite surfing activities.

III. 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 14-15</u>	<u>FY 15-16</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>

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: Residents and vistors will be able to take advantage of a public park for intended purposes of outdoor enjoyment without unnecessary government regulation.
2. Advantages to Businesses: Water sport vendors or those specializing in outdoor activities equipment may benefit from subject legislation as it would permit activities in locations not permitted by SB 320.
3. Advantages to Government: With the regulation, residents and vistors may not visit Huguenot Park because they are limited in kite surfing locations, which would result in a decrease in park revenues. Without the regulation the park will not lose those revenues.

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: Should be no disadvantage as it allows for open access to Huguenot Park for outdoor watersports.
2. Disadvantages to Businesses: Should be no disadvantage because allows business sales for potential activities not now permitted with the implementation of SB 320.
3. Disadvantages to Government: Should be no disadvantage; disadvantage would only be if regulation is continued in Huguenot Park, which could result in lost revenues for park fees.

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:

None. The only impact on competition would be if the subject bill were not approved and SB 320 as currently written was implemented as it restricts kite boarding activities which have been permitted prior in Huguenot Park.

2. Impact on the Open Market for Employment:

None. There would be a potential negative impact on open market for employment without the proposed legislation, as SB 320 in current form, limits activities in certain locations currently used for kite boarding or kite surfing.

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.

No data used.

PREPARED BY:


[Must be signed by Preparer]

Print preparer's name:

Paige H. Johnston

10/2/14

Date

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

Assistant General Counsel

REPRESENTING:

City Council Member - Jim Love (District 14)

PHONE:

(904) 630-3671

E-MAIL ADDRESS:

pjohnston@coj.net

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A bill to be entitled
An act relating to the City of Jacksonville, Duval
County; providing an exception to general law;
allowing kiteboarding and kitesurfing within a
specified area; providing an effective date.

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

Section 1. Notwithstanding s. 327.37(6), Florida Statutes,
kiteboarding and kitesurfing activities, as defined in s.
327.02, Florida Statutes, are allowed within Huguenot Memorial
Park in the City of Jacksonville, Duval County, more
specifically described as follows:

Those accreted lands lying within Section 20 and
unsurveyed Section 17, Township 1 South, Range 29
East, Duval County, Florida, southeasterly of Fort
George Inlet, and northerly of and adjacent to the
northerly line of those lands described in Board of
Trustees of the Internal Improvement Trust Fund Deed
No. 18,471 as recorded in Deed Book 817, Page 308,
Public Records of Duval County, Florida, said
northerly line being described as follows:

Commence at the Northwest corner of said Section 20,
thence South 0°47'31" East along the westerly line of

27 said Section 20 a distance of 2396.6 feet; thence
 28 North 89°12'29" East a distance of 2,439 feet to a
 29 point on the axis of the North Jetty, said point being
 30 the Point of Beginning of those lands described in
 31 Deed Book 817, Page 308; thence North 17°20'09" East
 32 along the westerly line of said lands a distance of
 33 500.00 feet to the Northwest corner of said lands and
 34 the POINT OF BEGINNING of said northerly line; thence
 35 South 72°39'51" East along said northerly line a
 36 distance of 6,450 feet to an angle point in the
 37 northerly boundary of said lands and the POINT OF
 38 TERMINATION of the herein described line.

39
 40 And

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 42 That portion of Government Lots Seven (7) and Eight
 43 (8) lying Southeasterly of Hecksher Drive (State Road
 44 No. 105) and Easterly of Haulover Creek, Section 19,
 45 Township 1 South, Range 29 East, Jacksonville, Duval
 46 County, Florida, excepting therefrom that portion of
 47 said Government Lot Eight (8) deeded to the State of
 48 Florida and described as Parcel No. 21 in deed
 49 recorded in the public records of said County in Deed
 50 Book 1058, pages 113 through 117.

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 52 And

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All that portion of the lands described and recorded
in Eng Form 1736 by the Department of the Army Lease
Agreement, Project No. DACW17-1-80-2, dated 1 June
1980. Excepting therefrom all that portion lying
northerly of the north line of that 100 foot tract
described and recorded in Deed Book 527, page 349 of
the current public records of Duval County, Florida.
 Section 2. This act shall take effect upon becoming a law.



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 Government Affairs
 2 Subcommittee

3 Representative Adkins offered the following:

Amendment

6 Remove lines 11-12 and insert:

7 s. 327.02, Florida Statutes, are allowed within Huguenot
 8 Memorial Park in the City of Jacksonville, Duval County, and the
 9 submerged lands together with their covering waters surrounding
 10 and adjacent to Huguenot Memorial Park, including those
 11 submerged lands and waters identified as the Fort George Inlet
 12 and those submerged lands and waters extending from the mean
 13 high water mark seaward into the Atlantic Ocean for a distance
 14 of three nautical miles, but excluding those submerged lands and
 15 waters identified as the St. Johns River lying to the south of
 16 Huguenot Memorial Park, which Park is more

Miller, Eric

From: Adams, James
Sent: Tuesday, February 10, 2015 6:32 PM
To: Miller, Eric
Subject: RE: J-2 Kiteboarding- Economic Impact Statement

yes

From: Miller, Eric
Sent: Tuesday, February 10, 2015 2:31 PM
To: Adams, James
Cc: Kiner, Kerrington
Subject: RE: J-2 Kiteboarding- Economic Impact Statement

James: Thank you for having the District Office forward this to me. Does the expanded statement below accurately reflect the understanding, views, and conclusions of the Duval Delegation concerning proposed bill J-2? Thanks.

Eric H. Miller, Policy Chief
Florida Bar Board Certified in State & Federal Government & Administrative Practice
Local Government Affairs Subcommittee
317 House Office Bldg.
(850) 717-5681 (Office)
(850) 717-4861 (Main)

Written communications to or from state officials regarding state business, including e-mail communications, are public records and may be subject to public disclosure.

From: Hays, Carol
Sent: Tuesday, February 10, 2015 1:11 PM
To: Adams, James
Cc: Miller, Eric
Subject: FW: J-2 Kiteboarding- Economic Impact Statement

Jim,
Please add this document to the package for the J-2 bill in regards to the signature on the Economic Impact Statement. Hopefully this statement will suffice and no additional clarification will be required.
Eric Miller has been copied as well.

Carol Hays; District Senior Secretary
Representative Janet H. Adkins, District 11
905 S. 8th Street | Fernandina Beach, FL 32034
904.491.3664 (office) | 904.491.3666 (fax)
www.myfloridahouse.gov

Follow Representative Janet H. Adkins



From: Shoup, Paula [mailto:PaulaS@coj.net]
Sent: Tuesday, February 10, 2015 12:59 PM
To: Hays, Carol
Subject: FW: J-2 Kiteboarding- Economic Impact Statement

Hi Carol,
Please see below

From: Johnston, Paige
Sent: Tuesday, February 10, 2015 12:59 PM
To: Shoup, Paula
Subject: FW: J-2 Kiteboarding- Economic Impact Statement

The email I sent to Ms. Hays was returned as undeliverable. Could you please forward this to her address?

Paige Hobbs Johnston
Assistant General Counsel
Office of General Counsel
117 W. Duval Street, Suite 480
Jacksonville, FL 32202
(904) 630-3671 – direct
(904) 630-1731 – fax
E-mail – Pjohnston@coj.net
<http://generalcounsel.coj.com>

From: Johnston, Paige
Sent: Tuesday, February 10, 2015 11:44 AM
To: 'Carol.Hays@myfloridahouse.gov'
Cc: Shoup, Paula
Subject: J-2 Kiteboarding- Economic Impact Statement

Carol,

Paula Shoup requested that I write to you regarding the 2014 Economic Impact Statement Form I prepared for Bill J-2, which pertains to kiteboarding in Huguenot Memorial Park in Jacksonville. A little background may be helpful. Last year, Senate Bill 320, which primarily pertains to the regulation of commercial parasailing, also included a provision which as enacted, prohibits kiteboarding in locations 1 mile long and ½ mile wide from the end of an airport runway. The bill became effective on October 1, 2014. The result of the bill was that several existing kiteboarding locations (or a portion thereof) throughout Florida would be no longer permitted because of their proximity to an airport.

A small of portion of Huguenot Memorial Park falls into the prohibited area under Senate Bill 320 due to the park's proximity to Naval Air Station Mayport in Northeast Jacksonville. Shortly after its enactment, the kiteboarding provision of the bill was brought to the attention of the Jacksonville Waterways Commission. At the monthly meeting, one of the Commissioners, Scott Shine, discussed the impact of this prohibition to Huguenot Memorial Park. He stated that the area in Huguenot Memorial Park that would be affected by Senate Bill 320, is particularly designated for novice kiteboarders so in limiting their ability to utilize this area would be a detriment to the kiteboarding community. The Commission also discussed the fact that kiteboarders pay park fees to come to Huguenot Memorial Park to kiteboard and some of those park fees may be lost if people are restricted from kiteboarding there.

As a result of the conversation, Council Member Love, a City Council member and one of the Council designates for the Waterways Commission, agreed to sponsor a local bill which would exempt Huguenot Memorial Park from Senate Bill

320. As attorney for the Waterways Commission and the City Council, I was tasked with preparing the local bill and the accompanying documents.



While I do not possess expertise in the compilation of fiscal data, I do not think it is necessary in this case. I believe that the economic impact of this local bill is commonsensical based on the testimony heard at the Waterways Commission and that of Park Department staff. If the local bill is approved, kiteboarding will be allowed to continue at all locations of Huguenot Memorial Park as has been the practice over the last many years. Thus, there will be no financial impact to the City or the State. If it is not approved, then kiteboarding will only be allowed in a portion of the park. This may result in decreased revenues for the City's park but I do not believe this can be calculated with any authority at this time as the Parks Department does not currently track fees based on particular use at the park. There may also be decreases in revenues to commercial vendors at this park based on the limitation on kiteboarding but this is speculative at this time.

Please let me know if you have any additional questions for me.

Paige Hobbs Johnston
Assistant General Counsel
Office of General Counsel
117 W. Duval Street, Suite 480
Jacksonville, FL 32202
(904) 630-3671 – direct
(904) 630-1731 – fax
E-mail – Pjohnston@coj.net
<http://generalcounsel.coj.com>

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 859 Greater Naples Fire Rescue District, Collier County
SPONSOR(S): Passidomo
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

The Greater Naples Fire Rescue District (District) was formed in 2014 by the merger of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District. The District serves approximately 150,000 residents in an area of 283 square miles.

The bill annexes additional territory into the Golden Gate Division of the District, subject to approval in a referendum by a majority of resident electors in the affected area. The bill will result in a reduced tax burden for residents in the annexed area and improved response time.

The bill provides for a referendum to be held in conjunction with the next general, special, or other election in Collier County. The bill takes effect only upon approval by the majority of the resident electors in the area to be annexed into the district, except for the provision for the referendum, which takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Independent Special Fire Control Districts

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

- general powers;⁶
- special powers;⁷
- authority and procedures for the assessment and collection of ad valorem taxes;⁸
- authority and procedures for the imposition, levy and collection of non-ad valorem assessments, charges, and fees;⁹ and
- issuance of district bonds and evidence of debt.¹⁰

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

- Creating special districts that do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;¹⁴
- Exempting district elections from the requirements of s. 189.04, F.S.;¹⁵

¹ A "special district" is "a local unit of special purpose... government within a limited boundary, 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 defined as any district that is not a "dependent special district" (a special district where the membership is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality). S. 189.012(3), F.S.

² S. 191.003(5), F.S.

³ S. 191.002, F.S.

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

⁵ S. 191.005(1)(a), F.S. A fire control district may continue to be governed by a 3 member board if authorized by special act adopted in or after 1997.

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

⁷ S. 191.008, F.S.

⁸ S. 191.006(14) & 191.009(1), F.S.

⁹ S. 191.006(11), (15), 191.009(2), (3), (4), 191.011, F.S.

¹⁰ S. 191.012, F.S.

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

¹² S. 189.031, F.S.

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

¹⁴ S. 189.031(2)(a), F.S.

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

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

Greater Naples Fire Rescue District: Creation and Today

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

The East Naples Fire Control and Rescue District (ENFD) was created in 1961.²⁴ ENFD contained approximately 70,000 residents in a territory spanning 150 square miles.²⁵ ENFD had 75 employees, including 56 shift personnel manning five fire stations and responded to 10,235 emergency calls annually. The district levied ad valorem taxes at a millage rate of 1.5, with projected revenues of \$10,251,760 in FY 2013-2014.²⁶

The Golden Gate Fire Control (GGFD) was created in 1967.²⁷ GGFD contained approximately 77,000 residents in a territory spanning 133 square miles.²⁸ GGFD had 75 employees, including 65 shift personnel manning four fire stations and responded to 6,056 emergency calls annually. The district

¹⁵ S. 189.031(2)(b), F.S.

¹⁶ S. 189.031(2)(c), F.S.

¹⁷ S. 189.031(2)(d), F.S.

¹⁸ S. 189.031(2)(e), F.S.

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

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

²¹ Art. VII, s. 9(b), Fla. Const.

²² Ch. 2014-240, Laws of Fla.

²³ Collier County Supervisor of Elections, *2014 General Election*, <http://www.colliervotes.com/?id=240> (accessed March 4, 2015). Residents of the East Naples Fire Control District approved of the merger 67.5 percent to 32.5 percent, while the residents of the Golden Gate Fire Control District approved 70 percent to 30 percent.

²⁴ Ch. 61-2034, Laws of Fla.

²⁵ East Naples – Golden Gate Fire Control and Rescue Districts, *Golden Gate/East Naples Merger Playbook*, <http://www.consolidatefirenow.com/fire-merger-playbook/> (accessed March 4, 2015). (herein Merger Playbook).

²⁶ Id.

²⁷ Ch. 67-1240, Laws of Fla., later codified in Ch. 2000-392, s. 2, Laws of Fla.

²⁸ Merger Playbook, supra note 4.

levied ad valorem taxes at a millage rate of 1.5, with projected revenues of \$6,760,747 in FY 2013-2014.²⁹

Before the merger, ENFD and GGFD had operated for a year under an interlocal agreement as a consolidated entity.³⁰ In the first year of operation under the interlocal agreement, the districts saved \$612,998.³¹

The GNFD today contains the former territories of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District.³² The merged entity receives approximately 1,400 emergency calls per month.³³ The district is currently administered by an eight-member Board of Fire Commissioners.³⁴ The size of the board will change from eight members to five members after elections in November 2018, consistent with s. 191.005(1)(a).³⁵ The GNFD charter maintains a distinction between former territory of the East Naples and Golden Gate special fire control districts for the purpose of interim board elections.³⁶

The area to be annexed, known as Fiddler's Creek, contains 288 homes and approximately 550 residents.³⁷ Fiddler's Creek is currently located in the Isles of Capri municipal service taxing unit (MSTU).³⁸ The area averages four emergency calls per year.³⁹

Effect of Proposed Changes

The bill expands the boundaries of the district to include the northern half of Section 22, Township 51 South, Range 26 East as part of the "Golden Gate Division." This will bring people in the area under the service duties and taxing authority of the district. The bill also provides for a referendum of qualified electors living the annexed area at the time of the next general, special, or other election held in Collier County. Unless a majority of the electors in the affected area vote to approve the expansion, the remainder of the bill will not go into effect.

The bill will result in improved response time for residents of the annexed area. An average response time for the Isles of Capri MSTU in the service area is approximately seven minutes, while the GNFD can provide response in approximately three minutes.⁴⁰ As the "closest unit response" for Fiddler's Creek, the GNFD currently provides coverage for the "most significant emergency incidents" in the area to be annexed.⁴¹

²⁹ Id.

³⁰ Id.

³¹ Id.

³² CS/HB 949 (2014) authorized the annexation of the Isles of Capri Fire & Rescue District into the East Naples Fire Control & Rescue District, subject to voter approval. The bill passed and was signed by the Governor, but was rejected by the residents of Isles of Capri Fire & Rescue District on August 26, 2014. Collier County Supervisor of Elections, *2014 Primary Election*, <http://www.colliervotes.com/?id=239> (accessed March 4, 2015).

³³ See Greater Naples Fire Rescue, *Welcome to the Greater Naples Fire Rescue District*, <http://enfd.org/index.html> (accessed March 4, 2015) (chart of call volumes from April 2014 to December 2014).

³⁴ Article IV, Section 4.01, Charter of Greater Naples Fire Rescue District, as codified in s.4, Ch. 2014-240, Laws of Fla. (herein Greater Naples Fire Charter).

³⁵ Id. S. 191.004(1)(a) requires independent special fire control districts to have a five member board.

³⁶ See Article II, Section 2.01, Greater Naples Fire Charter (drawing a distinction between the "Golden Gate Division" and "East Naples Division") and Article IV, Section 4.01, Greater Naples Fire Charter (reserving board seats for each previous district's territory on an interim basis).

³⁷ Email from Tara Bishop, Deputy Director, Greater Naples Fire Rescue District, to Kevin Comerer, RE: Amendment to HB 859 (03/06/2015). Email retained by House Local Government Affairs Subcommittee staff.

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

The bill will also result in a reduction in tax burden for the residents of the annexed area. Collier County currently levies a millage rate of 2.0 on residents of the Isles of Capri MSTU. The millage rate of the GNFD is 1.5 mills, a twenty-five percent reduction.

B. SECTION DIRECTORY:

Section 1: Amends Section 2.01 of Article 2 of Section 4 of Ch. 2014-240, Laws of Florida, describing the boundaries of the Greater Naples Fire Rescue District, to expand the boundaries of the district.

Section 2: Provides Section 1 of the bill takes effect only upon approval by a majority of the resident electors in the area to be annexed into the district in a referendum to be held in conjunction with the next general, special, or other election in Collier County. However, Section 2 of the bill takes effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In conjunction with next general, special or other election in Collier County after the date the bill becomes law.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not include a ballot question for the referendum called pursuant to Section 2 of the bill.

The description of the area to be annexed is included inadvertently in the description of the Golden Gate Division but should be included in the East Naples Division.⁴² The annexed lands being in the Golden Gate Division instead of the East Naples Division would change the voting rights of residents after annexation.

⁴² Email from Tara Bishop, Deputy Director, Greater Naples Fire Rescue District, to Kevin Comerer, RE: Greater Naples Fire Rescue District Local Bills (02/17/2015). Email retained by House Local Government Affairs Subcommittee staff.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

Prior to consideration of a substantive amendment to a local bill, the chair of the legislative delegation must certify, by signing this Amendment Form, that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive committee, subcommittee, and floor amendments must be accompanied by a completed original Amendment Form which has been provided to and reviewed by Local Government Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 859

SPONSOR(S): Rep. Kathleen Passidomo

RELATING TO: Greater Naples Fire Rescue District
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Rep. Kathleen Passidomo

CONTACT PERSON: Paria Shirzadi / Tara Bishop

PHONE NO: 813-514-4700/239-348-7540 **E-MAIL:** pshirzadi@mansonbolves.com/ tbishop@gnfire.org

REVIEWED BY STAFF OF THE LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE
Must Be Checked

BRIEF DESCRIPTION OF AMENDMENT:
(Attach additional page(s) if necessary)

Move lines 34- 36 to a new subsection B to incorporate the annexation area in the "East Naples Division" of the Greater Naples Fire Rescue District boundaries.

I. REASON/NEED FOR AMENDMENT:
(Attach additional page(s) if necessary)

This change would have a substantive effect on the voting rights and representation of the affected people.

II. NOTICE REQUIREMENTS

- A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?
YES NO NOT APPLICABLE
- B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?
YES NO NOT APPLICABLE

DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

NOTE: If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted to the Local Government Affairs Subcommittee prior to consideration of the amendment.

III. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

YES NO UNANIMOUSLY APPROVED



Delegation Chair (Original Signature)

03/09/2015

Date

Kathleen Passidomo

Print Name of Delegation Chair

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

BILL #: 859
SPONSOR(S): Rep. Kathleen Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Collier
CONTACT PERSON: Kevin Comerer
PHONE NO.: (407) 949-2336 **E-Mail:** kevin.comerer@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 NO

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

YES NO

Date hearing held: December 4, 2014

Location: City Council Chambers, City of Naples, Florida

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum Next General or Special Election

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

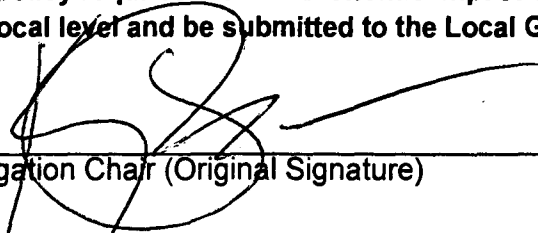
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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)

3/5/15

Date

Rep. Kathleen Pasidano

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2014 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 & Federal Affairs Committee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: 859
SPONSOR(S): Rep. Kathleen Passidomo
RELATING TO: Greater Naples Fire Rescue 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.

Current ad valorem revenue will go to Isle of Capri Fire and Rescue District and be reduced to \$93,000 [from approx. \$124,000] due to lower millage rate.

Revenue decrease due to bill: \$ _____ \$ _____

Revenue increase due to bill: \$ _____ \$ _____

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>FY14-15</u>	<u>FY 15-16</u>
\$ <u>0</u>	\$ <u>0</u>

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

III. FUNDING SOURCE(S):

State the specific 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 14-15</u>	<u>FY 15-16</u>
Local: Ad Valorem	<u>\$ 93,000</u>	<u>\$ 93,000</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: Reduced ad valorem assessment (from 2.0 to 1.5 mil)
and reduce response time (from approximately 6
minutes to less than 3 minutes)
2. Advantages to Businesses: Same as Above

3. Advantages to Government: None

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: Approximately \$124,000 reduction in ad
valorem revenue for Isles of Capri Fire and
Rescue District

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:

None are expected as the change is simply a transfer of the service
area from Isle of Capri to Greater Naples Fire Control District.

2. Impact on the Open Market for Employment:

Same as above

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.

Fire service for the proposed area is handled under a service

~~agreement which identifies the millage rate at 2.0. Greater Naples Fire Rescue is operating under a set milage rate of 1.5.~~

PREPARED BY:


(Must be signed by Preparer)

Print preparer's name:

Tara Lynn Bishop

11/14/2014

Date

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

Deputy Director

REPRESENTING:

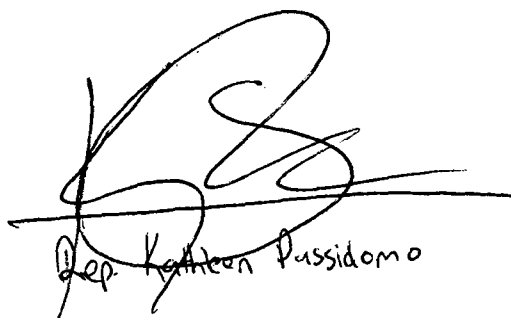
Greater Naples Fire Rescue District

PHONE:

239-348-7540

E-MAIL ADDRESS:

tbishop@enfd.org


Rep. Kathleen Passidomo

3/5/15

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

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

9
10 Section 1. Section 2.01 of Article II of section 4 of
11 chapter 2014-240, Laws of Florida, is amended to read:

12
13 ARTICLE II
14 BOUNDARIES OF THE DISTRICT

15
16 Section 2.01 The lands to be incorporated within the
17 Greater Naples Fire Rescue District consist of the following
18 described lands in Collier County:

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

27 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
 28 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49
 29 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
 30 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township
 31 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
 32 14, 15, 16.

33

34 TOGETHER WITH:

35 The North 1/2 (N 1/2) of Section 22, Township 51
 36 South, Range 26 East.

37

38 Hereinafter referred to as the "Golden Gate Division;"

39

40 and also,

41

42 B. Beginning at the northeast corner of the Northwest
 43 quarter of Section 27, Township 49 South, Range 25
 44 East, thence along the north line of said Section 27,
 45 east 45 feet to the east right-of-way line of C-851
 46 (also known as Goodlette-Frank Road), (which right-of-
 47 way line lies 45 feet east of, measured at right
 48 angles to, and parallel with the north and south
 49 quarter section line of said Section 27), to the north
 50 line of Lot 11, Naples Improvement Company's Little
 51 Farms, Plat Book 2, Page 2; thence east to the east
 52 section line of Section 27, Township 49 South, Range

53 25 East; then north along the east line of said
 54 Section 27 to the northeast corner of said Section 27;
 55 said point also being the southeast corner of Section
 56 23 Township 49 South, Range 25 East thence east along
 57 the north line of Section 26, Township 49 South, Range
 58 25 East to a point 990.0 feet west of the west right-
 59 of-way line of Airport-Pulling Road; thence south
 60 01°30'00" East, 1320.0 feet; thence north 89°25'40"
 61 East, 660.0 feet; thence north 01°30'00" West, 1320.0
 62 feet to the north line of said Section 26; thence east
 63 along said north line of Section 26 to the west right-
 64 of-way line of Airport-Pulling Road; to the south line
 65 of said Section 26 (said right-of-way line lying 50
 66 feet west of the southeast corner of said Section 26);
 67 thence westerly along said south line to the southwest
 68 corner of said Section 26; thence northerly along the
 69 west line of said Section 26; to the southerly right-
 70 of-way line of Golden Gate Parkway (100 feet wide);
 71 thence easterly along said southerly right-of-way line
 72 to a point lying 1220.00 feet west of the west line of
 73 said Airport-Pulling Road; thence northerly parallel
 74 with said west right-of-way line to the northerly
 75 right-of-way line of said Golden Gate Parkway; thence
 76 westerly along the north right-of-way of Golden Gate
 77 Parkway to a point 620 feet east and 235.46 feet south
 78 of the northwest corner of Lot 8, Naples Improvement

79 Company's Little Farms; thence north 235.46 feet to
 80 the north line of Lot 8; thence west along said north
 81 line 620 feet to the northwest corner of said Lot 8;
 82 thence southerly to that angle point in said east
 83 right-of-way line which lies on a line 400.00 feet
 84 northerly of (measured at right angles to) and
 85 parallel with the north line of Section 34, Township
 86 49 South, Range 25 East; thence continuing along said
 87 east right-of-way to the north line of Gordon River
 88 Homes Subdivision; thence east along the north line of
 89 Lots 50, 49, and 48 to a point 22.5 feet east of the
 90 northwest corner of Lot 48; thence south parallel to
 91 the west line of Lot 48 to the south line of Lot 48;
 92 thence west along the south line of Lots 48, 49, and
 93 50 to the east right-of-way line of Goodlette-Frank
 94 Road; thence continuing along said east right-of-way
 95 line, which line lies 100.00 feet east of, measured at
 96 right angles to, and parallel with the north and south
 97 quarter section line of said Section 34; thence
 98 continuing along said east right-of-way line to a
 99 point on the north line of the southwest quarter of
 100 the northeast quarter of Section 34, Township 49
 101 South, Range 25 East; thence continue on said right of
 102 way line 460.0 feet; thence north $89^{\circ}41'30''$ East
 103 494.99 feet; thence south $0^{\circ}34'06''$ East 615.88 feet to
 104 a point of curvature; thence southwesterly 343.97 feet

105 along the arc of a tangential circular curve, concave
 106 to the northwest have a radius of 243.97 feet and
 107 subtended by a chord which bears south 44°33'25" West
 108 345.84 feet; thence south 89°41'30" West 250.0 feet to
 109 the easterly right of way line of Goodlette-Frank
 110 Road; thence south along said right-of-way line to a
 111 point 48.41 feet south of the north line of the south
 112 half of Section 34, Township 49 South, Range 25 East;
 113 thence north 89°56'59" East 249.79 feet; thence
 114 northeasterly 173.98 feet along the arc of a circular
 115 curve concave to the northwest having a radius of
 116 293.97 feet and being subtended by a chord which bears
 117 north 72°59'41" East 171.46 feet; thence south
 118 89°47'31" East 808.79 feet; thence north 89°55'05"
 119 East 993.64 feet to a point on that bulkhead line as
 120 shown on Plate recorded in Bulkhead Line Plan Book 1,
 121 Page 25 Collier County Public Records, Collier County,
 122 Florida; thence run the following courses along the
 123 said Bulkhead line, 47.27 feet along the arc of a non-
 124 tangential circular curve concave to the west, having
 125 a radius of 32.68 feet and subtended by a chord having
 126 a bearing of south 14°08'50" East and a length of
 127 43.26 feet to a point of tangency; south 27°17'25"
 128 West for 202.44 feet to a point of curvature; 296.89
 129 feet along the arc of a curve concave to the
 130 southeast, having a radius of 679.46 feet and

131 subtended by a chord having a bearing of south
 132 14°46'21" West and a length of 294.54 feet to a point
 133 of reverse curvature; 157.10 feet along the arc of a
 134 curve concave to the northwest, having a radius of
 135 541.70 feet, and subtended by a chord having a bearing
 136 of south 10°33'47" West and a length of 156.55 feet to
 137 a point of reverse curvature; 307.67 feet along the
 138 arc of a curve concave to the northeast; having a
 139 radius of 278.30 feet, and subtended by a chord having
 140 a bearing of south 12°47'59" East and a length of
 141 292.24 feet to a point of reverse curvature; 135.31
 142 feet along the arc of a curve concave to the southwest
 143 having a radius of 100.00 feet and subtended by a
 144 chord having a bearing of south 05°42'27" East and a
 145 length of 125.21 feet to a point of tangency; thence
 146 South 33°03'21" West for 295.10 feet; and South
 147 33°27'51" West 1.93 feet to the north line of the
 148 River Park East Subdivision which is also the north
 149 line of the south half of the southeast quarter of
 150 Section 34, Township 49 South, Range 25 East; thence
 151 along the north line of the south half of the
 152 southeast quarter of said Section 34, easterly to the
 153 west line of Section 35, Township 49 South, Range 25
 154 East; thence along the west line of said Section 35,
 155 northerly 1320 feet more or less to the northwest
 156 corner of the south half of said Section 35; thence

157 | along the north line of the south half of said Section
 158 | 35, easterly to the west right-of-way line of State
 159 | Road No. 31 (Airport Road), which right-of-way lies
 160 | 50.0 feet west of, measured at right angles to, and
 161 | parallel with the east line of said Section 35; thence
 162 | along said right-of-way line of State Road No. 31,
 163 | south 00°13'57" West 1800 feet more or less to a point
 164 | on said west right-of-way line, which lies north
 165 | 00°13'57" East 848.02 feet and south 89°46'03" West
 166 | 50.00 feet from the southeast corner of said Section
 167 | 35; thence continuing along said west right-of-way
 168 | line southerly 325.02 feet along the arc of a
 169 | tangential circular curve concave to the east, radius
 170 | 2914.93 feet, subtended by a chord which bears south
 171 | 2°57'43" East 324.87 feet; thence continuing along
 172 | said west right-of-way line, tangentially south
 173 | 6°09'22" East 3.13 feet, thence southerly along a
 174 | curve concave to the southwest, having a central angle
 175 | of 6°23'18" and a radius of 1860.08 feet, a distance
 176 | of 207.34 feet; thence south 0°13'57" West 313.03 feet
 177 | more or less to a point on the north line of and 20
 178 | feet west of the northeast corner of Section 2,
 179 | Township 50 South, Range 25 East; thence
 180 | southeasterly, 300.7 feet more or less to a point on
 181 | the east line of said Section 2 which point lies 300.0
 182 | feet south of the northeast corner of said Section 2;

183 thence along the east line of the north half of said
 184 Section 2, southerly to the southeast corner of the
 185 north half of said Section 2; thence along the south
 186 line of the north half of said Section 2; westerly to
 187 the northeast corner of the southeast quarter of
 188 Section 3, Township 50 South, Range 25 East; thence
 189 southerly along the east line of the southeast corner
 190 of said Section 3 for a distance of 2013.98 feet;
 191 thence North 89°37'20" East 662.04 feet; thence South
 192 00°17'20" East 119.26 feet; thence South 89°27'40"
 193 West 322.00 feet; thence South 00°17'20" East 10.00
 194 feet; thence South 89°27'40" West 68.00 feet; thence
 195 South 00°17'20" East 361.00 feet; thence North
 196 89°27'40" East 68.00 feet; thence South 00°17'20" East
 197 140.00 feet; thence South 89°27'40" West 221.81 feet;
 198 thence North 01°05'56" West 6.99 feet; thence westerly
 199 along the arc of a non-tangential circular curve
 200 concave to the north having a radius of 370.00 feet
 201 through a central angle of 18°34'13" and being
 202 subtended by a chord which bears North 81°50'17" West
 203 119.40 feet for a distance of 119.92 feet to a point
 204 on the east line of said Section 3; thence southerly
 205 along the east line of Section 3, and along the east
 206 lines of Sections 10, 15, 22, and 27, all in Township
 207 50 South, Range 25 East, to the southeast corner of
 208 said Section 27, Township 50 South, Range 25 East;

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

223 |
 224 | C. All those lands in Collier County described as:
 225 | Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 226 | Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 227 | 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 228 | and 36, Township 51 South, Range 26 East; Sections 1,
 229 | 2, 3 and those portions of Sections 10, 11, 12, and
 230 | 13, Township 52 South, Range 26 East, that lie North
 231 | of the Marco River; those portions of Sections 5, 6, 7
 232 | and 18, Township 52 South, Range 27 East, that lie
 233 | West and North of State Road 92; and Sections 7, 8,
 234 | 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,

235 Township 51 South, Range 27 East, and those portions
 236 of Sections 32 and 33, Township 51 South, Range 27
 237 East, that lie west and North of State Road 92,

238
 239 D. Less and except the North 1/2 of Section 2 of
 240 Township 50 South, Range 25 East and the South 1/2 of
 241 Section 35 of Township 49 South, Range 25 East.

242
 243 E. Less and except approximately 21.99 acres, more or
 244 less: A portion of Lots 7 through 9 of Naples
 245 Improvement Company's Little Farms as recorded in Plat
 246 Book 2 at page 2 of the Public Records of Collier
 247 County, Florida, being more particularly described as
 248 follows:

249
 250 Commence at the intersection of the East right-of-way
 251 of Goodlette-Frank Road (C.R. 851) and the South
 252 right-of-way of Golden Gate Parkway; thence run along
 253 said South right-of-way for the following four (4)
 254 courses:

255
 256 (1) Thence run North 44°42'45" East, for a distance
 257 of 35.36 feet;

258
 259 (2) Thence run North 89°42'45" East, for a distance
 260 of 122.57 feet;

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

(4) To a point on a circular curve concave northwest, whose radius point bears North 11°26'26" West, a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 22°36'33", subtended by a chord of 319.10 feet at a bearing of North 67°15'18" East, for an arc length of 321.18 feet to the intersection of the South right-of-way of said Golden Gate Parkway and the West line of the East 338.24 feet of the West 958.34 feet of Lot 7 of Naples Improvements Company's Little Farms Subdivision as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, also being the point of beginning of the parcel of land herein described; thence run South 00°16'32" East, along the West line of the East 338.24 feet of the West 958.34 feet of said Lot 7, for a distance of 302.90 feet to a point on the South line of said Lot 7; thence run along said South line for the following two (2) courses:

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

288
 289 (2) Thence run North 89°50'24" East, for
 290 approximately 850 feet to a point on the mean high
 291 water line of the west bank of Gordon River, said
 292 point herein called Point "A", thence return to the
 293 aforementioned point of beginning, thence run along
 294 the south right-of-way of said Golden Gate Parkway for
 295 the following four (4) courses:

296
 297 (1) Beginning at a point on a circular curve concave
 298 northwest, whose radius point bears North 34°02'58"
 299 West a distance of 813.94 feet therefrom; thence run
 300 Northeasterly along the arc of said curve to the left,
 301 having a radius of 813.94 feet, through a central
 302 angle of 05°09'09", subtended by a chord of 73.17 feet
 303 at a bearing of North 53°22'27" East, for an arc
 304 length of 73.20 feet to the end of said curve;

305
 306 (2) Thence run North 50°47'53" East, for a distance
 307 of 459.55 feet

308
 309 (3) To the beginning of a tangential circular curve
 310 concave south; thence run Easterly along the arc of
 311 said curve to the right, having a radius of 713.94

312 feet; through a central angle of 38°52'20"; subtended
 313 by a chord of 475.13 feet at a bearing of North
 314 70°14'03" East, for an arc length of 484.37 feet to
 315 the end of said curve;

316
 317 (4) Thence run North 89°40'13" East, for
 318 approximately 724 feet to a point on the mean high
 319 water line of the west bank of Gordon River; thence
 320 meander Southwesterly along the mean high water line
 321 for approximately 900 feet to the aforementioned Point
 322 "A" and the point of ending.

323
 324 F. Less and except approximately 112.82 acres, more
 325 or less: All of East Naples Industrial Park, according
 326 to the plat thereof recorded in Plat Book 10, Pages
 327 114 and 115, of the Public Records of Collier County,
 328 Florida; all of East Naples Industrial Park Replat No.
 329 1, according to the Plat thereof recorded in Plat Book
 330 17, Pages 38 and 39, of the Public Records of Collier
 331 County, Florida; and the Northerly 200 feet of the
 332 Southerly 510 feet of the Easterly 250 feet of the
 333 Northeast 1/4 of Section 35, Township 49 South, Range
 334 25 East, Collier County, Florida, less and excepting
 335 the Easterly 50 feet thereof.

336

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

343
 344 Commencing at the Southwest corner of Lot 12, thence
 345 along the South line of said Lot 12, North 89°26'51"
 346 East 20.00 feet to the East right-of-way line of
 347 Goodlette-Frank Road; thence along the East right-of-
 348 way line North 00°39'49" East 10.00 feet to the Point
 349 of Beginning of the herein described parcel; thence
 350 continue along said East right-of-way North 00°39'49"
 351 West 580.00 feet; thence leaving said East right-of-
 352 way North 89°20'11" East 260.12 feet; thence North
 353 59°31'13" East, 153.66 feet; thence South 30°28'42"
 354 East, 119.01 feet; thence South 00°33'09" East, 554.02
 355 feet to a line lying 10 feet North of and parallel
 356 with said South line of Lot 12; thence along the said
 357 parallel line South 89°26'51" West, 451.54 feet to the
 358 point of beginning of the herein described parcel.

359
 360 Bearings are based on the said East line Goodlette-
 361 Frank Road being North 00°33'49" East.

362

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

377
 378 TOGETHER WITH:

379
 380 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 381 to plat in Plat Book 1, Page 32, Public Records of
 382 Collier County, Florida.

383
 384 LESS AND EXCEPT

385
 386 Those parcels described in Official Records Book 1969,
 387 Page 977, and Official Records Book 2119, Page 1344
 388 both of the Public Records of Collier County, Florida.

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

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

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

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

415 Thence continue South 00°20'09" East 406.67 feet;
 416 Thence North 89°24'29" West 660.00 feet;
 417
 418 Thence North 00°20'09" West 406.66 feet to a point on
 419 the boundary of Golf Course Tract 1 of said Estuary at
 420 Grey Oaks Tract B;

421
 422 Thence along said boundary South 89°24'33" East 660.00
 423 feet to the Point of Beginning of the parcel herein
 424 described;

425
 426 Bearings are based on the west line of said Tract M
 427 being South 00°20'09" East.

428
 429 Hereinafter referred to as the "East Naples Division."
 430 Section 2. This act shall take effect only upon its
 431 approval by a majority vote of those qualified electors residing
 432 within the area being transferred from Collier County to the
 433 Greater Naples Fire Rescue District as described in section 1
 434 voting in a referendum to be held in conjunction with the next
 435 general, special, or other election to be held in Collier
 436 County, except that this section shall take effect upon this act
 437 becoming a law.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 859 (2015)

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 Government Affairs
2 Subcommittee

3 Representative Passidomo offered the following:

4
5 **Amendment**

6 Remove lines 34-37



7
8 Remove line 42 and insert:

9 B. The North 1/2 (N 1/2) of Section 22, Township 51 South, Range
10 26 East.

11
12 C.B. Beginning at the northeast corner of the Northwest

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 861 Greater Naples Fire Rescue District, Collier County
SPONSOR(S): Passidomo
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

The Greater Naples Fire Rescue District (District) was formed in 2014 by the merger of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District. The District serves approximately 150,000 residents in an area of 283 square miles.

The bill annexes additional territory into the East Naples Division of the District, subject to approval in a referendum by a majority of resident electors in the affected area. The bill will result in a reduced tax burden for residents in the annexed area and improved response time.

The bill provides for a referendum to be held in conjunction with the next general, special, or other election in Collier County. The bill takes effect only upon approval by the majority of the resident electors in the area to be annexed into the district, except for the provision for the referendum, which takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Independent Special Fire Control Districts

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

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

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

- Creating special districts that do not conform with the minimum requirements for district charters under s. 189.031(3), F.S.;¹⁴
- Exempting district elections from the requirements of s. 189.04, F.S.;¹⁵

¹ A "special district" is "a local unit of special purpose...government within a limited boundary, 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 defined as any district that is not a "dependent special district" (a special district where the membership is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality). S. 189.012(3), F.S.

² S. 191.003(5), F.S.

³ S. 191.002, F.S.

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

⁵ S. 191.005(1)(a), F.S. A fire control district may continue to be governed by a 3 member board if authorized by special act adopted in or after 1997.

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

⁷ S. 191.008, F.S.

⁸ S. 191.006(14) & 191.009(1), F.S.

⁹ S. 191.006(11), (15), 191.009(2), (3), (4), 191.011, F.S.

¹⁰ S. 191.012, F.S.

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

¹² S. 189.031, F.S.

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

¹⁴ S. 189.031(2)(a), F.S.

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

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

Greater Naples Fire Rescue District: Creation and Today

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

The East Naples Fire Control and Rescue District (ENFD) was created in 1961.²⁴ ENFD contained approximately 70,000 residents in a territory spanning 150 square miles.²⁵ ENFD had 75 employees, including 56 shift personnel manning five fire stations and responded to 10,235 emergency calls annually. The district levied ad valorem taxes at a millage rate of 1.5, with projected revenues of \$10,251,760 in FY 2013-2014.²⁶

The Golden Gate Fire Control (GGFD) was created in 1967.²⁷ GGFD contained approximately 77,000 residents in a territory spanning 133 square miles.²⁸ GGFD had 75 employees, including 65 shift personnel manning four fire stations and responded to 6,056 emergency calls annually. The district

¹⁵ S. 189.031(2)(b), F.S.

¹⁶ S. 189.031(2)(c), F.S.

¹⁷ S. 189.031(2)(d), F.S.

¹⁸ S. 189.031(2)(e), F.S.

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

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

²¹ Art. VII, s. 9(b), Fla. Const.

²² Ch. 2014-240, Laws of Fla.

²³ Collier County Supervisor of Elections, *2014 General Election*, <http://www.colliervotes.com/?id=240> (accessed March 4, 2015). Residents of the East Naples Fire Control District approved of the merger 67.5 percent to 32.5 percent, while the residents of the Golden Gate Fire Control District approved 70 percent to 30 percent.

²⁴ Ch. 61-2034, Laws of Fla.

²⁵ East Naples – Golden Gate Fire Control and Rescue Districts, *Golden Gate/East Naples Merger Playbook*, <http://www.consolidatefirenow.com/fire-merger-playbook/> (accessed March 4, 2015). (herein Merger Playbook).

²⁶ *Id.*

²⁷ Ch. 67-1240, Laws of Fla., later codified in Ch. 2000-392, s. 2, Laws of Fla.

²⁸ Merger Playbook, supra note 4.

levied ad valorem taxes at a millage rate of 1.5, with projected revenues of \$6,760,747 in FY 2013-2014.²⁹

Before the merger, ENFD and GGFD had operated for a year under an interlocal agreement as a consolidated entity.³⁰ In the first year of operation under the interlocal agreement, the districts saved \$612,998.³¹

The GNFD today contains the former territories of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District.³² The merged entity receives approximately 1,400 emergency calls per month.³³ The district is currently administered by an eight-member Board of Fire Commissioners.³⁴ The size of the board will change from eight members to five members after elections in November 2018, consistent with s. 191.005(1)(a).³⁵ The GNFD charter maintains a distinction between former territory of the East Naples and Golden Gate special fire control districts for the purpose of interim board elections.³⁶

The area to be annexed currently has no permanent residents, but a development of 1,154 homes is expected to be completed by the end of 2015.³⁷ The area is currently located in the Collier County Fire Control municipal service taxing unit (MSTU).³⁸

Effect of Proposed Changes

The bill expands the boundaries of the district to include all of Section 1, Township 51 South, Range 26 East as part of the “East Naples Division.” This will bring people in the area under the service duties and taxing authority of the district. The bill also provides for a referendum of qualified electors living the annexed area at the time of the next general, special, or other election held in Collier County. Unless a majority of the electors in the affected area vote to approve the expansion, the remainder of the bill will not go into effect.

The bill will enable the GNFD to continue to provide current levels of service after the development on the annexed land is completed. The bill will enable GNFD to collect impact fees to construct a new fire rescue facility that will better be able to provide resources to the annexed area.³⁹

The bill will also result in a reduced tax burden. The developer of the property is currently paying 2.0 mills to the Collier County Fire Control MSTU. The millage rate of the GNFD is 1.5 mills, a twenty-five percent reduction.

B. SECTION DIRECTORY:

²⁹ Id.

³⁰ Id.

³¹ Id.

³² CS/HB 949 (2014) authorized the annexation of the Isles of Capri Fire & Rescue District into the East Naples Fire Control & Rescue District, subject to voter approval. The bill passed and was signed by the Governor, but was rejected by the residents of Isles of Capri Fire & Rescue District on August 26, 2014. Collier County Supervisor of Elections, *2014 Primary Election*, <http://www.colliervotes.com/?id=239> (accessed March 4, 2015).

³³ See Greater Naples Fire Rescue, *Welcome to the Greater Naples Fire Rescue District*, <http://enfd.org/index.html> (accessed March 4, 2015) (chart of call volumes from April 2014 to December 2014).

³⁴ Article IV, Section 4.01, Charter of Greater Naples Fire Rescue District, as codified in s.4, Ch. 2014-240, Laws of Fla. (herein Greater Naples Fire Charter).

³⁵ Id. S. 191.004(1)(a) requires independent special fire control districts to have a five member board.

³⁶ See Article II, Section 2.01, Greater Naples Fire Charter (drawing a distinction between the “Golden Gate Division” and “East Naples Division”) and Article IV, Section 4.01, Greater Naples Fire Charter (reserving board seats for each previous district’s territory on an interim basis).

³⁷ Email from Tara Bishop, Deputy Director, Greater Naples Fire Rescue District, to Kevin Comerer, RE: Amendment to HB 859 (03/06/2015). Email retained by House Local Government Affairs Subcommittee staff.

³⁸ Id.

³⁹ Id.

Section 1: Amends Section 2.01 of Article 2 of Section 4 of Ch. 2014-240, Laws of Florida, describing the boundaries of the Greater Naples Fire Rescue District, to expand the boundaries of the district.

Section 2: Provides Section 1 of the bill takes effect only upon approval by a majority of the resident electors in the area to be annexed into the district in a referendum to be held in conjunction with the next general, special, or other election in Collier County. However, Section 2 of the bill takes effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In conjunction with next general, special or other election in Collier County after the date the bill becomes law.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not include a ballot question for the referendum called pursuant to Section 2 of the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

BILL #: 861
SPONSOR(S): Rep. Kathleen Passidomo
RELATING TO: Greater Naples Fire Rescue District, Collier County
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Collier
CONTACT PERSON: Kevin Comerer
PHONE NO.: (407) 949-2336 **E-Mail:** kevin.comerer@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 NO

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

YES NO

Date hearing held: December 4, 2014

Location: City Council Chambers, City of Naples, Florida

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** _____

Where? _____ **County** _____

Referendum in lieu of publication: YES NO

Date of Referendum Next General or Special Election

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

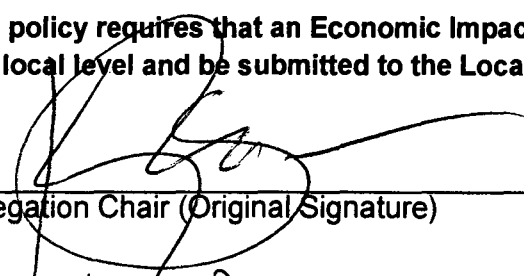
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

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)

3/5/15

Date

Kathleen Passidomo

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2014 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 & Federal Affairs Committee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: 861
SPONSOR(S): Rep. Kathleen Passidomo
RELATING TO: Greater Naples Fire Rescue 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.

Indeterminate	<u>FY 14-15</u>	<u>FY 15-16</u>
Revenue decrease due to bill:	\$ _____	\$ _____
Current Ad Valorum reduction from 2.0 to 1.5 Mills.		
Revenue increase due to bill:	\$ _____	\$ _____
New development will have Impact fee and Ad Valorum tax revenue charged upon permitting.		

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>FY14-15</u>	<u>FY 15-16</u>
\$ 0	\$ 0

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

III. 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 14-15</u>	<u>FY 15-16</u>
Local: Ad Valorem (Indeterminate as property is pre-construction)	_____	_____
State:	\$ _____	\$ _____
Federal:	\$ _____	\$ _____

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.

- Advantages to Individuals: Reduced ad valorem assessment
(from 2.0 to 1.5 mil)

Potential reduced ISO rating
Same as Above

- Advantages to Businesses: _____

None

- Advantages to Government: _____

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: Current collected Ad Valorum would be

transferred to Greater Naples Fire
reducing revenue for Isles of Capri Fire
and Ochopee Fire Rescue.

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:

None are expected as the change is simply a transfer of the service
area from a Service agreement with Collier County.

2. Impact on the Open Market for Employment:

Same as above

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.

Using prior year tax assessments and applying the lower millage from Greater Naples Fire Rescue District. Data was obtained from the Collier County Tax Collector and Property Appraiser databases.

PREPARED BY:


[Must be signed by Preparer]

Print preparer's name:

Tara Lynn Bishop

11/12/2014

Date

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

Deputy Director

REPRESENTING:

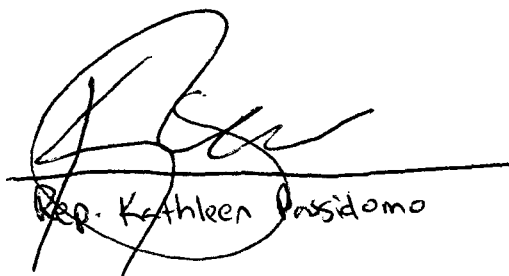
Greater Naples Fire Rescue District

PHONE:

239-348-7540

E-MAIL ADDRESS:

tbishop@enfd.org


Rep. Kathleen Pasidomo

3/5/15

date

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

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

9
10 Section 1. Section 2.01 of Article II of section 4 of
11 chapter 2014-240, Laws of Florida, is amended to read:

12
13 ARTICLE II
14 BOUNDARIES OF THE DISTRICT

15
16 Section 2.01 The lands to be incorporated within the
17 Greater Naples Fire Rescue District consist of the following
18 described lands in Collier County:

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

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

27 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
 28 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49
 29 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
 30 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township
 31 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
 32 14, 15, 16.

33
 34 Hereinafter referred to as the "Golden Gate Division;"

35
 36 and also,

37
 38 B. All of Section 1, Township 51 South, Range 26,
 39 East.

40
 41 C.B. Beginning at the northeast corner of the
 42 Northwest quarter of Section 27, Township 49 South,
 43 Range 25 East, thence along the north line of said
 44 Section 27, east 45 feet to the east right-of-way line
 45 of C-851 (also known as Goodlette-Frank Road), (which
 46 right-of-way line lies 45 feet east of, measured at
 47 right angles to, and parallel with the north and south
 48 quarter section line of said Section 27), to the north
 49 line of Lot 11, Naples Improvement Company's Little
 50 Farms, Plat Book 2, Page 2; thence east to the east
 51 section line of Section 27, Township 49 South, Range
 52 25 East; then north along the east line of said

53 Section 27 to the northeast corner of said Section 27;
 54 said point also being the southeast corner of Section
 55 23 Township 49 South, Range 25 East thence east along
 56 the north line of Section 26, Township 49 South, Range
 57 25 East to a point 990.0 feet west of the west right-
 58 of-way line of Airport-Pulling Road; thence south
 59 01°30'00" East, 1320.0 feet; thence north 89°25'40"
 60 East, 660.0 feet; thence north 01°30'00" West, 1320.0
 61 feet to the north line of said Section 26; thence east
 62 along said north line of Section 26 to the west right-
 63 of-way line of Airport-Pulling Road; to the south line
 64 of said Section 26 (said right-of-way line lying 50
 65 feet west of the southeast corner of said Section 26);
 66 thence westerly along said south line to the southwest
 67 corner of said Section 26; thence northerly along the
 68 west line of said Section 26; to the southerly right-
 69 of-way line of Golden Gate Parkway (100 feet wide);
 70 thence easterly along said southerly right-of-way line
 71 to a point lying 1220.00 feet west of the west line of
 72 said Airport-Pulling Road; thence northerly parallel
 73 with said west right-of-way line to the northerly
 74 right-of-way line of said Golden Gate Parkway; thence
 75 westerly along the north right-of-way of Golden Gate
 76 Parkway to a point 620 feet east and 235.46 feet south
 77 of the northwest corner of Lot 8, Naples Improvement
 78 Company's Little Farms; thence north 235.46 feet to

79 | the north line of Lot 8; thence west along said north
80 | line 620 feet to the northwest corner of said Lot 8;
81 | thence southerly to that angle point in said east
82 | right-of-way line which lies on a line 400.00 feet
83 | northerly of (measured at right angles to) and
84 | parallel with the north line of Section 34, Township
85 | 49 South, Range 25 East; thence continuing along said
86 | east right-of-way to the north line of Gordon River
87 | Homes Subdivision; thence east along the north line of
88 | Lots 50, 49, and 48 to a point 22.5 feet east of the
89 | northwest corner of Lot 48; thence south parallel to
90 | the west line of Lot 48 to the south line of Lot 48;
91 | thence west along the south line of Lots 48, 49, and
92 | 50 to the east right-of-way line of Goodlette-Frank
93 | Road; thence continuing along said east right-of-way
94 | line, which line lies 100.00 feet east of, measured at
95 | right angles to, and parallel with the north and south
96 | quarter section line of said Section 34; thence
97 | continuing along said east right-of-way line to a
98 | point on the north line of the southwest quarter of
99 | the northeast quarter of Section 34, Township 49
100 | South, Range 25 East; thence continue on said right of
101 | way line 460.0 feet; thence north $89^{\circ}41'30''$ East
102 | 494.99 feet; thence south $0^{\circ}34'06''$ East 615.88 feet to
103 | a point of curvature; thence southwesterly 343.97 feet
104 | along the arc of a tangential circular curve, concave

105 | to the northwest have a radius of 243.97 feet and
 106 | subtended by a chord which bears south 44°33'25" West
 107 | 345.84 feet; thence south 89°41'30" West 250.0 feet to
 108 | the easterly right of way line of Goodlette-Frank
 109 | Road; thence south along said right-of-way line to a
 110 | point 48.41 feet south of the north line of the south
 111 | half of Section 34, Township 49 South, Range 25 East;
 112 | thence north 89°56'59" East 249.79 feet; thence
 113 | northeasterly 173.98 feet along the arc of a circular
 114 | curve concave to the northwest having a radius of
 115 | 293.97 feet and being subtended by a chord which bears
 116 | north 72°59'41" East 171.46 feet; thence south
 117 | 89°47'31" East 808.79 feet; thence north 89°55'05"
 118 | East 993.64 feet to a point on that bulkhead line as
 119 | shown on Plate recorded in Bulkhead Line Plan Book 1,
 120 | Page 25 Collier County Public Records, Collier County,
 121 | Florida; thence run the following courses along the
 122 | said Bulkhead line, 47.27 feet along the arc of a non-
 123 | tangential circular curve concave to the west, having
 124 | a radius of 32.68 feet and subtended by a chord having
 125 | a bearing of south 14°08'50" East and a length of
 126 | 43.26 feet to a point of tangency; south 27°17'25"
 127 | West for 202.44 feet to a point of curvature; 296.89
 128 | feet along the arc of a curve concave to the
 129 | southeast, having a radius of 679.46 feet and
 130 | subtended by a chord having a bearing of south

131 14°46'21" West and a length of 294.54 feet to a point
 132 of reverse curvature; 157.10 feet along the arc of a
 133 curve concave to the northwest, having a radius of
 134 541.70 feet, and subtended by a chord having a bearing
 135 of south 10°33'47" West and a length of 156.55 feet to
 136 a point of reverse curvature; 307.67 feet along the
 137 arc of a curve concave to the northeast; having a
 138 radius of 278.30 feet, and subtended by a chord having
 139 a bearing of south 12°47'59" East and a length of
 140 292.24 feet to a point of reverse curvature; 135.31
 141 feet along the arc of a curve concave to the southwest
 142 having a radius of 100.00 feet and subtended by a
 143 chord having a bearing of south 05°42'27" East and a
 144 length of 125.21 feet to a point of tangency; thence
 145 South 33°03'21" West for 295.10 feet; and South
 146 33°27'51" West 1.93 feet to the north line of the
 147 River Park East Subdivision which is also the north
 148 line of the south half of the southeast quarter of
 149 Section 34, Township 49 South, Range 25 East; thence
 150 along the north line of the south half of the
 151 southeast quarter of said Section 34, easterly to the
 152 west line of Section 35, Township 49 South, Range 25
 153 East; thence along the west line of said Section 35,
 154 northerly 1320 feet more or less to the northwest
 155 corner of the south half of said Section 35; thence
 156 along the north line of the south half of said Section

157 35, easterly to the west right-of-way line of State
 158 Road No. 31 (Airport Road), which right-of-way lies
 159 50.0 feet west of, measured at right angles to, and
 160 parallel with the east line of said Section 35; thence
 161 along said right-of-way line of State Road No. 31,
 162 south 00°13'57" West 1800 feet more or less to a point
 163 on said west right-of-way line, which lies north
 164 00°13'57" East 848.02 feet and south 89°46'03" West
 165 50.00 feet from the southeast corner of said Section
 166 35; thence continuing along said west right-of-way
 167 line southerly 325.02 feet along the arc of a
 168 tangential circular curve concave to the east, radius
 169 2914.93 feet, subtended by a chord which bears south
 170 2°57'43" East 324.87 feet; thence continuing along
 171 said west right-of-way line, tangentially south
 172 6°09'22" East 3.13 feet, thence southerly along a
 173 curve concave to the southwest, having a central angle
 174 of 6°23'18" and a radius of 1860.08 feet, a distance
 175 of 207.34 feet; thence south 0°13'57" West 313.03 feet
 176 more or less to a point on the north line of and 20
 177 feet west of the northeast corner of Section 2,
 178 Township 50 South, Range 25 East; thence
 179 southeasterly, 300.7 feet more or less to a point on
 180 the east line of said Section 2 which point lies 300.0
 181 feet south of the northeast corner of said Section 2;
 182 thence along the east line of the north half of said

183 Section 2, southerly to the southeast corner of the
 184 north half of said Section 2; thence along the south
 185 line of the north half of said Section 2; westerly to
 186 the northeast corner of the southeast quarter of
 187 Section 3, Township 50 South, Range 25 East; thence
 188 southerly along the east line of the southeast corner
 189 of said Section 3 for a distance of 2013.98 feet;
 190 thence North 89°37'20" East 662.04 feet; thence South
 191 00°17'20" East 119.26 feet; thence South 89°27'40"
 192 West 322.00 feet; thence South 00°17'20" East 10.00
 193 feet; thence South 89°27'40" West 68.00 feet; thence
 194 South 00°17'20" East 361.00 feet; thence North
 195 89°27'40" East 68.00 feet; thence South 00°17'20" East
 196 140.00 feet; thence South 89°27'40" West 221.81 feet;
 197 thence North 01°05'56" West 6.99 feet; thence westerly
 198 along the arc of a non-tangential circular curve
 199 concave to the north having a radius of 370.00 feet
 200 through a central angle of 18°34'13" and being
 201 subtended by a chord which bears North 81°50'17" West
 202 119.40 feet for a distance of 119.92 feet to a point
 203 on the east line of said Section 3; thence southerly
 204 along the east line of Section 3, and along the east
 205 lines of Sections 10, 15, 22, and 27, all in Township
 206 50 South, Range 25 East, to the southeast corner of
 207 said Section 27, Township 50 South, Range 25 East;
 208 thence westerly along the south line of said Section

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

222
 223 D.C. All those lands in Collier County described as:
 224 Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 225 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 226 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 227 and 36, Township 51 South, Range 26 East; Sections 1,
 228 2, 3 and those portions of Sections 10, 11, 12, and
 229 13, Township 52 South, Range 26 East, that lie North
 230 of the Marco River; those portions of Sections 5, 6, 7
 231 and 18, Township 52 South, Range 27 East, that lie
 232 West and North of State Road 92; and Sections 7, 8,
 233 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 234 Township 51 South, Range 27 East, and those portions

235 of Sections 32 and 33, Township 51 South, Range 27
 236 East, that lie west and North of State Road 92,

237

238 E.D. Less and except the North 1/2 of Section 2 of
 239 Township 50 South, Range 25 East and the South 1/2 of
 240 Section 35 of Township 49 South, Range 25 East.

241

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

248

249 Commence at the intersection of the East right-of-way
 250 of Goodlette-Frank Road (C.R. 851) and the South
 251 right-of-way of Golden Gate Parkway; thence run along
 252 said South right-of-way for the following four (4)
 253 courses:

254

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

257

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

260

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

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

284
 285 (1) Thence run North 89°41'51" East, for a distance
 286 of 338.41 feet;

287
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312

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

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

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

(3) To the beginning of a tangential circular curve concave south; thence run Easterly along the arc of said curve to the right, having a radius of 713.94 feet; through a central angle of 38°52'20"; subtended by a chord of 475.13 feet at a bearing of North

313 70°14'03" East, for an arc length of 484.37 feet to
 314 the end of said curve;

315
 316 (4) Thence run North 89°40'13" East, for
 317 approximately 724 feet to a point on the mean high
 318 water line of the west bank of Gordon River; thence
 319 meander Southwesterly along the mean high water line
 320 for approximately 900 feet to the aforementioned Point
 321 "A" and the point of ending.

322
 323 G.F. Less and except approximately 112.82 acres, more
 324 or less: All of East Naples Industrial Park, according
 325 to the plat thereof recorded in Plat Book 10, Pages
 326 114 and 115, of the Public Records of Collier County,
 327 Florida; all of East Naples Industrial Park Replat No.
 328 1, according to the Plat thereof recorded in Plat Book
 329 17, Pages 38 and 39, of the Public Records of Collier
 330 County, Florida; and the Northerly 200 feet of the
 331 Southerly 510 feet of the Easterly 250 feet of the
 332 Northeast 1/4 of Section 35, Township 49 South, Range
 333 25 East, Collier County, Florida, less and excepting
 334 the Easterly 50 feet thereof.

335
 336 H.G. Less and except approximately 6.17 acres, more
 337 or less: All that part of Lots 12, 13, and 14, Naples
 338 Improvement Company's Little Farms, as recorded in

339 Plat Book 2, Page 2 of the Public Records of Collier
 340 County, Florida, being more particularly described as
 341 follows:

342
 343 Commencing at the Southwest corner of Lot 12, thence
 344 along the South line of said Lot 12, North 89°26'51"
 345 East 20.00 feet to the East right-of-way line of
 346 Goodlette-Frank Road; thence along the East right-of-
 347 way line North 00°39'49" East 10.00 feet to the Point
 348 of Beginning of the herein described parcel; thence
 349 continue along said East right-of-way North 00°39'49"
 350 West 580.00 feet; thence leaving said East right-of-
 351 way North 89°20'11" East 260.12 feet; thence North
 352 59°31'13" East, 153.66 feet; thence South 30°28'42"
 353 East, 119.01 feet; thence South 00°33'09" East, 554.02
 354 feet to a line lying 10 feet North of and parallel
 355 with said South line of Lot 12; thence along the said
 356 parallel line South 89°26'51" West, 451.54 feet to the
 357 point of beginning of the herein described parcel.

358
 359 Bearings are based on the said East line Goodlette-
 360 Frank Road being North 00°33'49" East.

361
 362 I.H. Less and except approximately 12.77 acres, more
 363 or less: The West one-half (W 1/2) of the Northwest
 364 one-quarter (NW 1/4) of the Northwest one-quarter (NW

365 1/4) of Section 11, Township 50 South, Range 25 East,
 366 lying South of State Road 90 (Tamiami Trail, U.S. 41),
 367 in Collier County, Florida, except the South 264 feet,
 368 and All that part of the South 264 feet of the
 369 Southwest one-quarter (SW 1/4) of the Northwest one-
 370 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
 371 of Section 11, Township 50 South, Range 25 East, in
 372 Collier County, Florida, lying north of the north line
 373 of Walker's Subdivision as delineated on a Plat of
 374 record in plat book 1, at page 36, of the Public
 375 Records of Collier County, Florida.

376

377 TOGETHER WITH:

378

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

382

383 LESS AND EXCEPT

384

385 Those parcels described in Official Records Book 1969,
 386 Page 977, and Official Records Book 2119, Page 1344
 387 both of the Public Records of Collier County, Florida.

388

389 J.I. Less and except approximately 6.16 acres, more
 390 or less: Being a part of Estuary at Grey Oaks Roadway,

391 Clubhouse and Maintenance Facility Tract, Plat Book
 392 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
 393 Book 37, pages 13-18 and part of Section 26, Township
 394 49 South, Range 25 East, Collier County, Florida.

395
 396 All that part of Estuary at Grey Oaks Roadway,
 397 Clubhouse and Maintenance Facility Tracts according to
 398 the plat thereof as recorded in Plat Book 36, pages 9-
 399 16, Estuary at Grey Oaks Tract B according to the plat
 400 thereof as recorded in Plat Book 37, pages 13-18,
 401 Public Records of Collier County, Florida, and part of
 402 Section 26, Township 49 South, Range 25 East, Collier
 403 County, Florida being more particularly described as
 404 follows:

405
 406 Commencing at the northwest corner of Tract M of said
 407 Estuary at Grey Oaks Roadway, Clubhouse and
 408 Maintenance Facility Tracts;

409
 410 Thence along the west line of said Tract M South
 411 00°East 613.48 feet to the Point of Beginning of the
 412 parcel herein described;

413
 414 Thence continue South 00°20'09" East 406.67 feet;
 415 Thence North 89°24'29" West 660.00 feet;

416

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

420
 421 Thence along said boundary South 89°24'33" East 660.00
 422 feet to the Point of Beginning of the parcel herein
 423 described;

424
 425 Bearings are based on the west line of said Tract M
 426 being South 00°20'09" East.

427
 428 Hereinafter referred to as the "East Naples Division."

429 Section 2. This act shall take effect only upon its
 430 approval by a majority vote of those qualified electors residing
 431 within the area being transferred from Collier County to the
 432 Greater Naples Fire Rescue District as described in section 1
 433 voting in a referendum to be held in conjunction with the next
 434 general, special, or other election to be held in Collier
 435 County, except that this section shall take effect upon this act
 436 becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 899 North Collier Fire Control and Rescue District, Collier County
SPONSOR(S): Passidomo
TIED BILLS: IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

HB 899 constitutes the unified charter of the North Collier Fire Control and Rescue District. The North Collier Fire Control and Rescue District was created on January 1, 2015, through the voluntary merger of the North Collier Fire Control and Rescue District and the Big Corkscrew Island Fire Control and Rescue District. The electors of each district approved the merger by a referendum vote on November 4, 2014.

The proposed charter for the North Collier Fire Control and Rescue District satisfies the requirements in s. 189.074(4)(a), F.S. It accurately combines the charter for the North Collier Fire Control and Rescue District, as amended, and the charter for the Big Corkscrew Island Fire Control and Rescue District into a unified charter, and includes any additional requirements in s. 189.074, F.S.

HB 899 also repeals chapter 99-450, 2000-395, and 2006-353, Laws of Fla., which set forth the charters for the North Collier Fire Control and Rescue District, the charter for the Big Corkscrew Island Fire Control and Rescue District, and an amendment to the charter for the North Collier Fire Control and Rescue District, respectively.

The merger of the independent special districts is projected to result in over \$2 million in cost savings over the first five years and no increase in the current millage rate for the component independent special districts comprising the merged district.

The act shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background

Independent Special Fire Control Districts

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

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

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

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

¹ A "special district" is "a local unit of special purpose. . . government within a limited boundary, 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 defined as any district that is not a "dependent special district" (a special district where the membership is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality). S. 189.012(3), F.S.

² S. 191.003(5), F.S.

³ S. 191.002, F.S.

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

⁵ S. 191.005(1)(a), F.S. (fire control district may continue to be governed by a 3 member board if authorized by special act adopted in or after 1997).

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

⁷ S. 191.008, F.S.

⁸ S. 191.006(14) & 191.009(1), F.S.

⁹ S. 191.006(11), (15), 191.009(2), (3), (4), 191.011, F.S.

¹⁰ S. 191.012, F.S.

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

¹² S. 189.031, F.S.

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

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

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

Voluntary Merger of Special Districts

Independent special districts may merge voluntarily.²² This 2012 legislation was proposed after a 2010 report by the Senate Committee on Community Affairs that mergers and consolidations of independent special districts can provide increased government efficiency while saving taxpayers money.²³ The 2012 legislation, codified in ch. 189, F.S., provides for various forms of merger,²⁴ including the voluntary merger of independent special districts.²⁵

Merger proceedings for the voluntary merger of two or more contiguous independent special districts may be commenced by a joint resolution of the governing bodies of each district endorsing a proposed joint merger plan or by a qualified elector initiative.²⁶ Statute prescribes what the joint merger plan by resolution must specify.²⁷ The merger plan²⁸ sets forth the effective date of the merger and is not contingent upon the future act of the Legislature.²⁹

When independent special districts voluntarily merge, on or after the effective date of a merger the district is treated and considered for all purposes as one entity and all rights and assets that each

¹⁴ S. 189.031(2)(a), F.S.

¹⁵ S. 189.031(2)(b), F.S.

¹⁶ S. 189.031(2)(c), F.S.

¹⁷ S. 189.031(2)(d), F.S.

¹⁸ S. 189.031(2)(e), F.S.

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

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

²¹ Art. VII, s. 9(b), Fla. Const.

²² Ch. 2012-16, s. 1, Laws of Fla.

²³ The Florida Senate, Committee on Community Affairs, *Merger of Independent Special Districts*, Interim Report 2011-110, Oct. 2010, available at <http://www.flsenate.gov/Committees/InterimReports/2011/2011-110ca.pdf> (last visited on 3/8/2015).

²⁴ S. 189.071, F.S. (merger of dependent special districts by ordinance or special act); s. 189.073, F.S. (legislative merger of independent special districts by special act); s. 189.075, F.S. (involuntary merger of independent special districts).

²⁵ S. 189.074, F.S.

²⁶ S. 198.074(a)(a)-(b), F.S. See s. 189.07(5) (defining "[j]oint merger plan"); s. 189.087(11), F.S. (defining "[q]ualified elector"); s. 189.07(4), F.S. (defining "[i]nitiative").

²⁷ S. 189.074(2), F.S.

²⁸ A "[m]erger plan" is defined as "a written document that contains the terms, agreements, and information regarding the merger of two or more independent special districts." S. 189.07(8), F.S.

²⁹ S. 189.074(4), F.S.

separate district had before the merger are deemed transferred to and vested in the merged independent district.³⁰ Specifically, upon the effective date of the merger:

- The rights, privileges, and franchises of each district and all assets, real and personal property, books, records, papers, seals, and equipment, as well as other things in action, belonging to each district before the merger are deemed as transferred to and vested in the merged district without further act or deed.³¹
- All property, rights-of-way, and other interests the property of the merged district and the title to real estate, by deed or otherwise, vested in any district before the merger may not be deemed to revert or be in any way impaired by reason of the merger.³²
- The merged district in all respects is subject to all obligations and liabilities imposed, and possesses all the rights, powers, and privileges vested by law in other similar entities.³³
- The merger plan is subordinate in all respects to the contract rights of all holders of any securities or obligations of the districts outstanding at the effective date of the merger.³⁴
- The new registration of electors is not necessary as a result of the merger.³⁵

The governing body³⁶ of a merged independent district from the effective date of the merger until the next general election is required to be comprised of the governing body members of the districts that were merged.³⁷ With the next general election after the effective date of the merger the governing body must be comprised of 5 members and they shall serve unequal terms of 2 and 4 years, with each seat having a designated number (1, 2, 3, 4, or 5), with seats 1, 3, and 5, designated for 4-year terms and 2 and 4 for 2-year terms.³⁸ After the first general election all subsequent governing body members are to serve 4-year terms.³⁹

In general, upon the effective date of merger, the terms of the joint merger plan or elector-initiated merger plan apply to all appointive offices and positions existing in the districts involved in the merger.⁴⁰

All valid and lawful debts and liabilities existing against a merged district, or which may arise or accrue against the merged district, which but for merger would be valid and lawful debts or liabilities against any of the districts that were merged, are debts against or liabilities of the merged district.⁴¹ The merged district must defray and answer the debts and liabilities of the component individual special districts⁴² to the same extent, and not more, as the districts would have been bound without a merger.⁴³ Creditors' rights and all liens upon property prior to the merger are preserved unimpaired and the respective component districts are deemed to continue in existence to preserve such rights and liens.⁴⁴ All debts, liabilities, and duties of any of the component districts attach to the merged independent

³⁰ S. 189.074(6)(a)-(b), F.S. See s. 189.07(6), F.S. (defining "[m]erged independent district").

³¹ S. 189.074(6)(a), F.S.

³² S. 189.074(6)(b), F.S.

³³ S. 189.074(6)(c), F.S.

³⁴ S. 189.074(6)(d), F.S.

³⁵ S. 189.074(6)(e), F.S.

³⁶ See s. 189.07(3), F.S. (defining "[g]overning body").

³⁷ S. 189.074(7)(a), F.S.

³⁸ S. 189.074(7)(b), F.S.

³⁹ S. 189.074(7)(c), F.S.

⁴⁰ S. 189.074(8), F.S. The merger plan will not apply to the extent law provides otherwise or to those officials and employees protected by tenure of office, civil service provisions, or a collective bargaining agreement. *Id.* Chapter 447, F.S., applies to those employees who are members of a bargaining unit certified by the Public Employees Relations Commission. *Id.* The merger plan may address duplicative positions and other matters such as varying lengths of employee contracts, varying pay levels or benefits, different civil service regulations in the constituent entities, and differing ranks and position classifications for similar positions. *Id.*

⁴¹ S. 189.074(9)(a), F.S.

⁴² A "[c]omponent independent special district" is defined as "an independent special district that proposes to be merged into a merged independent district, or an independent special district as it existed before its merger into the merged independent district of which it is now a part." S. 189.07(a), F.S.

⁴³ *Id.*

⁴⁴ S. 189.074(9)(b), F.S.

district.⁴⁵ All bonds, contracts, and obligations of the districts that were merged are obligations of the merged independent district, and are issued or entered into by and in the name of the merged district.⁴⁶

Chapter 171, F.S., continues to apply to all annexations by a city within the component independent special districts' boundaries after merger occurs.⁴⁷ Any moneys owed to a district prior to the merger pursuant to s. 171.093, F.S., or any interlocal service boundary agreement as a result of annexation predating the merger, shall be paid to the merged district after merger.⁴⁸

If on the effective date of the merger a district was a party to a pending action or proceeding, the merged district may be substituted as a party and the action or proceeding may be prosecuted to judgment as if merger had not taken place.⁴⁹ Lawsuits may be brought and maintained against a merged independent district in the same manner as against any other independent special district.⁵⁰ The merged district is authorized to continue or conclude procedures under ch. 200, F.S., on behalf of the component independent special districts, and must make the calculations required by ch. 200, F.S., for each component individual special district separately.⁵¹

As soon as practicable after the effective date of the merger, the merged district must submit to the Legislature a unified charter of the district.⁵² The unified charter must be consistent within the merged independent district and repeal the special acts of the districts which existed before the merger.⁵³

Big Corkscrew Island Fire Control and Rescue District

The Big Corkscrew Island Fire Control and Rescue District, an independent fire control district, was created in 1977.⁵⁴ In 2000, all special acts relating to the Big Corkscrew Island Fire Control and Rescue District were codified and repealed, and the charter for the independent special district was re-created and reenacted.⁵⁵ The district's charter⁵⁶ provides in summary:

- Section 1 sets forth the district's boundaries.
- Section 2 provides that it is an independent special district.
- Section 3 provides that the district was created by the Legislature in 1977 and its charter may only be amended by special act of the Legislature.
- Section 4 provides that the district will have a 3-member board of district residents to be elected as provided in ch. 191, F.S.
- Section 5 sets forth the officer positions and provides that the district and board may exercise all the general and special powers and duties in the charter and ch. 189 and 191, F.S.
- Section 6 provides that the board may adopt policies and regulations for the prevention of fire and for fire control in the district and provides a posting requirement for their effectiveness.
- Section 7 provides that the board will annually prepare, consider and adopt a budget pursuant to the requirements in ch. 200, F.S.
- Section 8 provides that the district may levy against the taxable property in the district a tax not to exceed 2.0 mills except as provided by ch. 191, F.S.
- Section 9 provides:

⁴⁵ *Id.*

⁴⁶ S. 189.074(9)(c), F.S.

⁴⁷ S. 189.074(11), F.S.

⁴⁸ *Id.*

⁴⁹ S. 189.074(10), F.S.

⁵⁰ *Id.*

⁵¹ S. 189.074(12), F.S.

⁵² S. 189.074(4)(a), F.S.

⁵³ *Id.*

⁵⁴ Ch. 77-585, Laws of Fla.

⁵⁵ Ch. 2000-395, Laws of Fla.

⁵⁶ Ch. 2000-395, s. 3, Laws of Fla.

- The district has all powers, functions and duties set forth in ch. 189 and 191, F.S., regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates for non-ad valorem assessments, and contractual agreements.
- The district may finance the district using any financing method established in the charter, ch. 189 or 191, F.S., or any other general or special law.
- Non-ad valorem assessments, fees, or service charges will be assessed and collected as provided in ch. 170, 189, 191, or 197, F.S.
- Financial disclosures, meeting notices, reporting requirements, public records maintenance, and per diem expenses for officers and employees will be as provided in ch. 112, 119, 189, 191, and 286, F.S.
- The district's planning requirements are as provided in the charter and ch. 189 and 191, F.S.

North Collier Fire Control and Rescue District

The North Collier Fire Control and Rescue District, an independent fire control district, was created in 1984.⁵⁷ In 1999, all special acts relating to the North Collier Fire Control and Rescue District were codified and repealed, and the charter for the independent special district was re-created and reenacted.⁵⁸ The district's charter provides in summary:

- Article I provides the charter's preamble.
- Article II names the district the North Collier Fire Control and Rescue District and provides that it is an independent special district.
- Article III states the district's boundaries and the method for adding any lands to the district, as well as the method by which any future annexed property may be assessed ad valorem taxes.
- Article IV sets forth the powers of the district, providing in summary:
 - Section 1 provides that the district will have the authority to establish, equip, operate, and maintain a fire department and rescue squad within the district and may buy, lease, sell, exchange, or otherwise acquire and dispose of firefighting and rescue equipment and other property it deems necessary to prevent and extinguish fires or provide rescue services.⁵⁹ It also gives the board the authority to extend services outside the district when providing cooperation with another governmental entity.
 - Section 2 provides that the district may establish and maintain emergency medical and rescue response services, consistent with the requirements of this section.
 - Section 3 provides that, in addition to the other borrowing powers in the charter, the district may borrow sufficient funds to provide 3 months' operating expenses with the loan to be repaid from anticipated revenues.
 - Section 4 provides that the district may inspect and investigate all property for fire hazards and that the board, by a duly adopted resolution, may assess fees for fire inspection and maintenance and replacement of hydrants and create a lien or civil enforcement of the assessments.
 - Section 5 provides that the district may promulgate rules and regulations for the prevention of fire and for fire control in the district and provides a posting requirement for their effectiveness.
 - Section 6 provides that the board's duties and powers are as set forth in the charter and ch. 191, F.S.
- Article V pertains to the governing body:
 - Section 1 provides that a 4-commissioner board of district residents will govern the district as provided in s. 191.005, F.S.

⁵⁷ Ch. 84-816, Laws of Fla.

⁵⁸ Ch. 99-450, s. 3, Laws of Fla.

⁵⁹ In 2006, Section 1 of Article IV was amended by a special act of the Legislature, giving the district the authority to provide housing or housing assistance for its employed personnel. Ch. 2006-353, s. 1, Laws of Fla.

- Section 2 sets forth the board positions.
- Section 3 provides that each commissioner may not receive more than \$500 in compensation per month.
- Section 4 provides that board members will be reimbursed for travel and per diem expenses as provided in s. 112.061, F.S.
- Section 5 sets forth when a commissioner may be removed.
- Section 6 provides that the board will operate procedurally in accordance with the charter and ch. 189 and 191, F.S., and any other applicable general or special law.
- Article VI pertains to the district's finances:
 - Section 1 provides that the district's powers, functions, and duties regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates for non-ad valorem assessments, and contractual agreements, and the methods for financing the district and for collecting non-ad valorem assessments, fees, or service charges are as provided in the charter, ch. 170, 189, 191, and 197, F.S., and any applicable general or special law.
 - Section 2 provides that the board will annually, in June, make an itemized estimate of the money needed to carry out its duties and stating the purpose for which the moneys are required and the amount necessary to be raised by taxation within the district, and that the budget and proposed millage rate must be noticed, heard and adopted in accordance with ch. 192 through 200, F.S.
 - Section 3 provides that the total millage for the district will not exceed 1 mill in any one fiscal year, but the total millage may be increased pursuant to s. 191.009, F.S., after the increase is approved by a referendum.
 - Section 4 provides that taxes will be assessed and collected in the same manner and form as the assessment and county taxes are collected, except as provided differently in the charter.
 - Section 5 provides that when the tax collector, after collecting taxes provided in the charter, must report the collection to the board.
 - Section 6 provides that the board's secretary-treasurer pays any warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the board.
 - Section 7 provides that the district has the power to issue general obligation bonds, assessment bonds, bond anticipation notes, notes, or certificates or other evidences of indebtedness pledging the district's full faith, credit, and taxing power for capital projects consistent with the district's purpose and in accordance with s. 191.012, F.S., and other applicable law. It also sets forth specific authority, procedures, and requirements regarding such bonds.
 - Section 8 provides that the board may allow the assessment and collection of impact fees for capital improvement on new construction within the district. It also sets forth several declarations regarding impact fees, provides impact fee amounts, requirements relating to how impact fees are calculated, against which types of construction they will be assessed, how they may be used, the maximum amount that may be assessed in any one fiscal year, and allows for a reduction of the amount assess when fire sprinklers are installed.
- Article VII provides that the district will reimburse the county for the costs of any referendum or special election required by the charter, and that the procedures for conducting any election and the qualifications of an elector are as set forth in ch. 189 and 191, F.S.
- Article VIII provides that the district has the authority to exercise the power of eminent domain, pursuant to ch. 73, 74, and 191, F.S., over any property, except governmental property, located within the district for the purpose of acquiring property to locate fire stations.
- Article IX sets forth miscellaneous provisions, including a requirement that all financial disclosures, meeting notices, reporting, public records maintenance, and planning will be as provided in ch. 189, 191, and 286, F.S.

Voluntary Merger of Districts

In November 2010, the electors of the Big Corkscrew Island Fire Control and Rescue District and of the North Collier Fire Control and Rescue District voted in favor of consolidation of the fire districts.⁶⁰

On February 6, 2014, the governing boards for each district approved an interlocal agreement setting forth the terms and conditions to consolidate administrative operations.⁶¹ In addition, the Big Corkscrew Island Fire Control and Rescue District adopted Resolution 14-001, and the North Collier Fire Control and Rescue District adopted Resolution 14-003, each supporting a voluntary merger of the two districts with the resulting entity to be named the North Collier Fire Control and Rescue District.⁶²

The August 2014 merger plan for the Big Corkscrew Island Fire Control and Rescue District and the North Collier Fire Control and Rescue District, Collier County, projects in the first five years \$974,084 in savings for the Big Corkscrew Island Fire Control and Rescue District delivery area and \$1,329,126 for the North Collier Fire Control and Rescue District delivery area.⁶³

On November 4, 2014, in separate referenda, the electors of each district approved the merger.⁶⁴

On January 1, 2015, the North Collier Fire Control and Rescue District, Collier County, was created and commenced operations.

Effect of Proposed Changes

HB 899 constitutes the unified charter of the North Collier Fire Control and Rescue District, with Section 3 of HB 899 setting forth the charter.

The unified charter is consistent within the merged independent districts and repeals the special acts of the districts which existed before the merger. The unified charter incorporates into one document the charters for the Big Corkscrew Island Fire Control and Rescue District and the North Collier Fire Control and Rescue District as they existed at the time of the effective date of the merger. Section 3 of HB 899, the unified charter for the North Collier Fire Control and Rescue District, provides in summary:

- Section 1 sets forth the charter's preamble, combining the preamble in Article I of the North Collier Fire Control and Rescue District charter and Section 2 of the charter for the Big Corkscrew Island Fire Control and Rescue District.
- Section 2 sets forth the new district's name, the "North Collier Fire Control and Rescue District" and provides that it is an independent special district.
- Section 3 sets forth the district's boundaries, combining the boundaries of the Big Corkscrew Island Fire Control and Rescue District, set forth in Section 1 of its charter, and the North Collier Fire Control and Rescue District, set forth in Article III of its charter, and setting forth a legal description of the combined boundaries. The combined district, at line 138 of HB 899, excludes two areas previously not excluded from the North Collier Fire Control and Rescue District, "Hole in the Wall" and "Moorings Park." The property descriptions otherwise are identical to the property descriptions set forth in the charters for the districts before they merged.
- Section 4 sets forth the powers of the district, incorporating all of the powers set forth in Article IV of the charter for the North Collier Fire Control and Rescue District, as amended,

⁶⁰ Merger Plan for the Big Corkscrew Island Fire Control and Rescue District and the North Collier Fire Control and Rescue District (dated August 14, 2014) at p. 4, available at <http://www.northcollierfire.com/merger-update/> (last visited 03/08/2015).

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* at p. 22.

⁶⁴ Fire District Merger – Big Corkscrew & North Naples Big Corkscrew Fire District Election Results for November 4, 2014, available at <http://www.colliervotes.com/index.php?id=240> (last visited 03/08/2015).

and those set forth in Sections 6 and 9 of the charter for the Big Corkscrew Island Fire Control and Rescue District.

- Section 5 provides the governing board for the merged district, setting forth the election method as prescribed in s. 189.074(7), F.S. It otherwise combines Article V of the charter for the North Collier Fire Control and Rescue District and Sections 4 and 5 of the charter for the Big Corkscrew Island Fire Control and Rescue District. The charter for the merged district also defines a quorum and that official action requires a majority affirmative vote of present voting members. The charters for the individual districts prior to the merger do not expressly contain such a requirement.
- Section 6 provides for the district's financing, granting it all of the powers set forth in Article VI of the charter for the North Collier Fire Control and Rescue District and Section 8 and 9 of the charter for the Big Corkscrew Island Fire Control and Rescue District. The millage calculations comport with the requirement that the merged district make the calculations required by ch. 200 for each component individual special district separately.⁶⁵ Each service delivery area is a separate taxing unit, and the merged district may levy a millage rate up to 1 mill in the North Naples Service Delivery area and up to 3.75 mills in the Big Corkscrew Island Service Delivery Area, subject to Section 7 of the charter, which concerns referenda or special elections.⁶⁶
- Section 7 combines Article VII of the charter for the North Collier Fire Control and Rescue District and Section 4 of the charter for the Big Corkscrew Island Fire Control and Rescue District regarding referenda or special elections.
- Section 8 incorporates Article VIII of the charter for the North Collier Fire Control and Rescue District regarding eminent domain.
- Section 9 sets forth the miscellaneous provisions in Article IX of the charter for the North Collier Fire Control and Rescue District and Section 9 of the charter for the Big Corkscrew Island Fire Control and Rescue District.

B. SECTION DIRECTORY:

- Section 1: Provides that the act constitutes the unified charter of the North Collier Fire Control and Rescue District, Collier County.
- Section 2: Provides that the incorporated lands described in section 3 of the charter shall be incorporated into the North Collier Fire Control and Rescue District, Collier County.
- Section 3: Creates the charter for the North Collier Fire Control and Rescue District, Collier County. The charter names district as an independent special fire and rescue district in Collier County, describes the lands to be incorporated in the district, describes the powers of the district, creates the structure and organization of the district governing board, describes the powers, functions, and duties pertaining to the financing and authority of district, and requires compliance with existing law pertaining to financial disclosure, meeting notices, reporting, public records, and reimbursement of per diem expenses to officers and employees.
- Section 3: Provides the charter will be liberally construed to effectively carry out the purposes of the act.
- Section 4: Provides the act shall control if there is a conflict between any provision of the act and another act.
- Section 5: Sets forth the millage previously approved by referendum for the special districts before they were combined shall remain the millage rate and that the millage rate for the North Naples Service Delivery Area may only increase upon approval at a referendum.

⁶⁵ S. 189.074(12), F.S.

⁶⁶ Whether this structure is constitutional is discussed below in the section addressing constitutional issues.

Section 6: Repeals chapters 99-450, 200-395, and 2006-353, Laws of Fla.

Section 7: The act shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 2, 2015

WHERE? Naples Daily News

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:

The State Constitution provides that "special districts may[] be authorized by law to levy ad valorem taxes."⁶⁷ A "[m]erged independent district" is defined as "a single independent special district that results from a successful merger of two or more independent special districts."⁶⁸ A "[s]pecial district" is defined as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary."⁶⁹ As a special district, the North Collier Fire Control and Rescue District is "a unit of local government"⁷⁰ and it is authorized to levy ad valorem taxes.

The State Constitution requires that "[a]ll ad valorem taxation . . . be at a uniform rate within each taxing unit."⁷¹ Historically, "[t]he uniformity of taxation required by the constitution relates to uniformity in each of the many taxing units severally in the State and does not require collective uniformity of taxation for all taxation units; viz., ad valorem taxation for State purposes must be uniform throughout the State, for county purposes throughout the county, and for district purposes throughout the district, each severally."⁷² In a case challenging a tax as violating the uniform rate requirement, the Florida Supreme Court held, in the context of a municipal service taxing unit (MSTU), that the county could assess a rate within the MSTU, comprised of the unincorporated area of the county, different from the county-wide ad valorem taxing rate and without voter approval, so long as the rate within the MSTU was uniform.⁷³

⁶⁷ Art. VII, s. 9(a), Fla. Const.

⁶⁸ S. 189.07(6), F.S.

⁶⁹ S. 189.012(6), F.S.

⁷⁰ S. 189.012(6), F.S.

⁷¹ Art. VII, s. 2, Fla. Const.

⁷² *W.J. Howey Co. v. Williams*, 142 Fla. 415, 418-19 (Fla. 1940) (decided under predecessor to Art. VII, s. 2, Fla. Const.).

⁷³ *Gallant v. Stephens*, 358 So. 2d 536 (Fla. 1978).

Current law authorizes a “merged independent special district . . . to continue or conclude procedures under chapter 200 on behalf of the component independent special districts [and provides that t]he merged independent special district shall make the calculations required by chapter 200 for each component individual special district separately.”⁷⁴ Accordingly, the unified charter provides that each service delivery area (described in Section 3 of the charter as the “Big Corkscrew Island Service Delivery Area” and the “North Naples Service Delivery Area”) is a separate taxing unit, and the merged district may levy a millage rate up to 1 mill in the North Naples Service Delivery area and up to 3.75 mills in the Big Corkscrew Island Service Delivery Area, subject to Section 7 of the charter, which concerns referenda or special elections. The rates vary within the district as a unit, but not within component taxing units within the unit of local government. No court has addressed the constitutionality of differing rates between the component units comprising a merged independent special district, where the rates are uniform, voter-approved rates.

B. RULE-MAKING AUTHORITY:

The bill continues the provision for necessary internal regulation-making within the district but neither authorizes nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

HB 899 inadvertently contains two sections designated as “Section 3” at lines 72 and 914. “Section 3” at line 914 should be changed to “Section 4” and the sections thereafter should be renumbered as Sections 5, 6, 7, 8, and 9.

Section 3 of HB 899, at lines 138-139 excludes two areas, “Hole in the Wall” and “Moorings Park,” that previously were not excluded from the boundary description for the service delivery area for the North Naples Service Delivery Area within the North Collier Fire Control and Rescue District. They are excluded because, prior to the merger of the independent special districts, “Hole in the Wall” and “Moorings Park” were annexed into the City of Naples and excluded from the service delivery responsibilities of the North Naples Fire Control and Rescue District.⁷⁵

Section 3 of HB 899 at lines 777-779 defines a quorum and requires that official action requires a majority affirmative vote of present voting members even though no such requirement is expressly provided in the charter for either component independent special district.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁷⁴ S. 189.074(12), F.S.

⁷⁵ See Interlocal Service Boundary Agreement (between Collier County and the North Naples Fire Control and Rescue District), at Ex. 3, City of Naples Ordinance No. 07-11886 (amending the Charter of the City of Naples to annex “Hole in the Wall”), recorded in the Official Records for Collier County at OR4353, PG 1838, available at <https://www.collierclerk.com/records-search/official-land-records-search> (last visited 03/09/2015); City of Naples Resolution No. 05-11077 (resolution to assume special district service responsibilities of the North Naples Fire Control and Rescue District in the annexed area of “Moorings Park”), available at <http://www.naplesgov.com/DocumentCenter/Index/123> (lasted visited 03/09/2015).

Naples Daily News
Naples, FL 34110

Affidavit of Publication
Naples Daily News

NORTH NAPLES FIRE CONTROL
& RESCUE DISTRICT
1885 VETERANS PARK DR
NAPLES FL 34109-0492

REFERENCE: 010175
59760463 NOTICE OF INTENT TO

State of Florida
Counties of Collier and Lee

Before the undersigned authority, personally appeared Dan McDermott, says that he serves as the Inside Sales Supervisor, of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 01/02

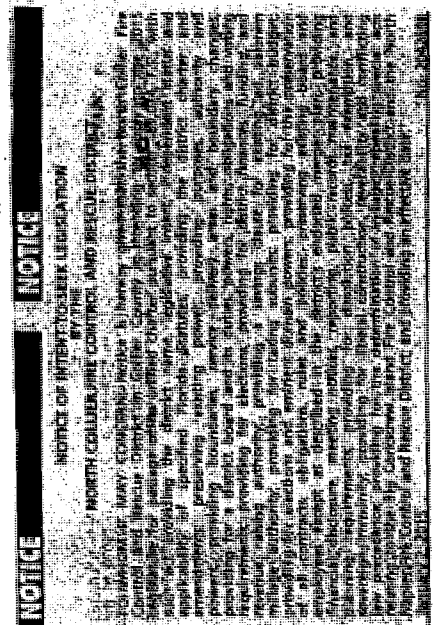
AD SPACE: 50 LINE
FILED ON: 01/05/15

Signature of Affiant

[Handwritten signature]

Sworn to and Subscribed before me this 9th day of January 2015

Personally known by me *[Handwritten signature]*



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

BILL #: 899
SPONSOR(S): Rep. Kathleen Passidomo
RELATING TO: North Collier Fire Control & Rescue District, Collier County
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Collier
CONTACT PERSON: Kevin Comerer
PHONE NO.: (407) 949-2336 **E-Mail:** kevin.comerer@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 NO

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

YES NO

Date hearing held: December 4, 2014

Location: City Council Chambers, City of Naples, Florida

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** January 2, 2015

Where? Naples Daily News **County** Collier

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

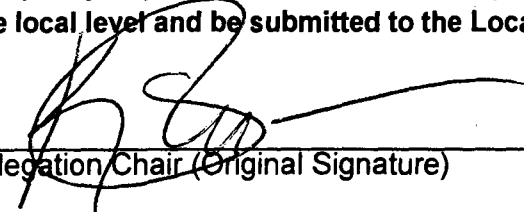
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

3/5/15

Date

Kathleen Prosidomo

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2015 ECONOMIC IMPACT STATEMENT FORM**

BILL #: 899
SPONSOR(S): Representative Passidomo
RELATING TO: North Collier Fire Control and Rescue District, Collier County
[Indicate Area Affected (City, County, or Special District) and Subject]

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.

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>12.720</u>	\$ <u>0</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.
The only costs associated with the local bill are related to the drafting and passage of the unified charter required by section 189.074, Florida Statutes, for the new district that was created by voluntary merger on January 1, 2015.

III. 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>0</u>	\$ <u>0</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: None as this bill solely provides the unified charter for the new district created on January 1, 2015. Notwithstanding, the voluntary merger of the two independent special fire control districts has positive economic benefits by creating efficiencies and streamlining operations through the merger of two independent special fire control districts into a single consolidated district on January 1, 2015.

2. Advantages to Businesses: same as 1.

3. Advantages to Government: same as 1.

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 as this bill solely provides the unified charter for the new district created on January 1, 2015.

2. Advantages to Businesses: same as 1.

3. Advantages to Government: same as 1.

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:
None as this bill solely provides the unified charter for the new district created on January 1, 2015.

2. Impact on the Open Market for Employment:
None as this bill solely provides the unified charter for the new district created on January 1, 2015.

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.
Financial documentation from the North Collier Fire Control & Rescue

PREPARED BY: Rebecah Bronsdon
[Must be signed by Preparer]

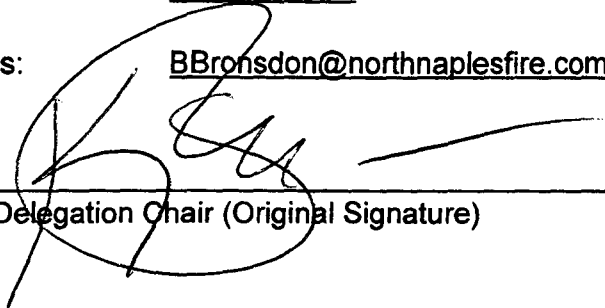
Print preparer's name: Rebecah Bronsdon
Date: January 13, 2015

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):
Assistant Chief of Administrative Services

REPRESENTING: North Collier Fire Control & Rescue District

PHONE: 239-597-3222

E-Mail Address: BBronsdon@northnaplesfire.com


Delegation Chair (Original Signature)

3/5/2015
Date

Rep. Kathleen Passidomo
Printed Name of Delegation Chair

27 non-ad valorem assessments, fees, and service charges;
 28 providing for bonds; providing for collection and
 29 disbursement of impact fees; providing for elections;
 30 providing for eminent domain powers; providing for the
 31 preservation of all contracts, obligations, rules,
 32 resolutions, and policies; preserving existing board
 33 and employees except as described in the district's
 34 endorsed merger plan; providing financial disclosure,
 35 meeting notices, reporting, public records
 36 maintenance, and planning requirements; providing a
 37 dissolution process; providing for exemption from
 38 taxation; providing for immunity from tort liability;
 39 providing for liberal construction; providing that the
 40 act shall take precedence over any conflicting law to
 41 the extent of such conflict; providing for the
 42 determination of millage; repealing chapters 99-450,
 43 2000-395, and 2006-353, Laws of Florida; providing an
 44 effective date.

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

Section 1. This act constitutes the unified charter of the North Collier Fire Control and Rescue District, Collier County, which was created on January 1, 2015, through the voluntary merger of the Big Corkscrew Island Fire Control and Rescue District and the North Naples Fire Control and Rescue District

53 approved at referendum by the electors of each district on
54 November 4, 2014. It is the intent of the Legislature to provide
55 a single, comprehensive special act charter for the district,
56 including all current legislative authority granted to the Big
57 Corkscrew Island Fire Control and Rescue District and the North
58 Naples Fire Control and Rescue District by its several
59 legislative enactments, including the authority to annually
60 assess and levy against the taxable property within the district
61 and to conform the charter to chapter 191, Florida Statutes, the
62 Independent Special Fire Control District Act, and other
63 provisions of general law.

64 Section 2. All of the incorporated lands in Collier County
65 described in section 3 of the charter shall be incorporated into
66 the district under the name of the North Collier Fire Control
67 and Rescue District. The district is an independent special fire
68 control and rescue district in Collier County. It is organized
69 and exists for all purposes and shall hold all powers set forth
70 in this act and chapters 189 and 191, Florida Statutes. The
71 charter may be amended only by special act of the Legislature.

72 Section 3. The charter for the North Collier Fire Control
73 and Rescue District is created to read:

74 Section 1. Preamble.—

75 (1) This act establishes a charter for the North Collier
76 Fire Control and Rescue District ("district"), an independent
77 special district in Collier County that was created on January
78 1, 2015, through the voluntary merger of the Big Corkscrew

79 Island Fire Control and Rescue District and the North Naples
 80 Fire Control and Rescue District, which was approved at
 81 referendum on November 4, 2014.

82 (2) This act supersedes and repeals all previous special
 83 acts relating to the Big Corkscrew Island Fire Control and
 84 Rescue District and the North Naples Fire Control and Rescue
 85 District and sets forth within this charter those matters, as
 86 applicable, which are covered by such previous special acts.
 87 Amendments to this charter may be made only by special act of
 88 the Legislature. This act shall be construed so as to preserve
 89 all powers previously granted to the district.

90 (3) The district is organized and exists for all purposes
 91 set forth in this act and chapter 191, Florida Statutes.

92 (4) There shall be a service delivery area within the
 93 district that corresponds to the boundaries of each of the
 94 independent special fire control and rescue districts, otherwise
 95 known as component independent special districts.

96 Section 2. District name.-

97 (1) The name of the district shall be the "North Collier
 98 Fire Control and Rescue District."

99 (2) The district shall be an independent special district
 100 of the State of Florida and a body corporate and politic.

101 Section 3. Boundaries.-

102 (1) The lands to be incorporated within the North Collier
 103 Fire Control and Rescue District consist of the following
 104 described lands in Collier County:

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(a) Big Corkscrew Island Service Delivery Area
Range 27 East, Township 47 South; Range 28 East,
Township 47 South; Range 27 East, except Sections 29,
30, 31, and 32, Township 48 South; Range 28 East,
Township 48 South; Range 29 East, except Sections 1,
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, and 18, Township 48 South; Range 28 East, except
Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25,
26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36,
Township 49 South; Range 29 East, except Sections 25,
26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36,
Township 49 South;

Hereinafter referred to as the "Big Corkscrew Island
Service Delivery Area"

(b) North Naples Service Delivery Area
Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
32, 33, 34, 35, and 36, Township 48 South, Range 25
East; Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13,
14, 15, 16, 21, 22, 23, and 24, Township 49 South,
Range 25 East; Sections 7, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31,
and 32, Township 48 South, Range 26 East; Sections 5,

131 6, 7, 8, 18, and 19, Township 49 South, Range 26 East;
 132 but not including any lands presently within the
 133 corporate boundaries of the City of Naples.

134
 135 The foregoing description notwithstanding, the
 136 following area, commonly known as "Seagate", "Park
 137 Shore Unit 2", "Park Shore Unit 5", "Naples Cay",
 138 "Hole in the Wall" and "Moorings Park" shall be
 139 excluded from the district: That part of government
 140 lot one, Section 16, Township 49 South, Range 25 East,
 141 Collier County, Florida, described as follows:
 142 Commencing at the North quarter corner of Section 16,
 143 Township 49 South, Range 25 East, a 4 x 4 concrete
 144 monument with brass cap set by the county engineer,
 145 also being the northeast corner of government lot one
 146 and being the point of beginning: Thence run South 00
 147 degrees 45 minutes 40 seconds east for 1327.70 feet to
 148 a concrete monument the southeast corner of the
 149 northeast quarter of the northwest quarter of Section
 150 16 also being the southeast corner of government lot
 151 one, thence south 89 degrees 23 minutes 20 seconds
 152 west for 1650.75 feet to a concrete monument, thence
 153 north 00 degrees 36 minutes 40 seconds west for 70.00
 154 feet to a concrete monument, thence north 07 degrees
 155 42 minutes 20 seconds east for 153.60 feet to concrete
 156 monument set at the water line of a canal, thence

157 | north 64 degrees 11 minutes 00 seconds east for 130.27
 158 | feet to a concrete monument set at the water line of a
 159 | canal, thence north 04 degrees 11 minutes 05 seconds
 160 | east for 38.77 feet to the point of curve, thence
 161 | along the arc of said curve having a radius of 1545
 162 | feet, a tangent of 176.03 feet, a delta angle of 13
 163 | degrees right for the arc distance of 350.57 feet to
 164 | the point of curve of a reverse curve, thence along
 165 | the arc of curve having a radius of 765.00 feet, a
 166 | tangent of 286.02 feet, a delta angle of 41 degrees
 167 | left for the arc distance of 560.33 feet to the point
 168 | of tangent, thence north 15 degrees 37 minutes 05
 169 | seconds west for 70.85 feet to a concrete monument set
 170 | at the water line of a canal, thence north 15 degrees
 171 | 57 minutes 05 seconds west for 98.80 feet to a
 172 | concrete monument, thence north 89 degrees 28 minutes
 173 | 40 seconds east along the North boundary of Section
 174 | 16, also being the north line of government lot one,
 175 | for 1776.65 feet to a concrete monument with brass
 176 | cap, the north quarter corner of Section 16, also the
 177 | northeast corner of government lot one and the point
 178 | of beginning.

179 |
 180 | Commencing at the East 1/4 of Section 21, Township 49
 181 | South, Range 25 East, Collier County, Florida; thence
 182 | along the East and West 1/4 line of said Section 21,

183 South 89 degrees 26 minutes 20 seconds west 3665.68
 184 feet to the southwest corner of Park Shore Unit No. 1
 185 according to the plat thereof as recorded in Plat Book
 186 8, pages 43 and 44, Collier County Public Records,
 187 Collier County, Florida, and the place of beginning of
 188 this description:

189
 190 thence north 0 degrees 31 minutes 40 seconds west
 191 1709.98 feet; thence north 7 degrees 46 minutes 00
 192 seconds east 918.77 feet; thence north 541.25 feet;
 193 thence north 84 degrees 00 minutes 00 seconds west
 194 570.17 feet; thence north 2 degrees 25 minutes 00
 195 seconds west 97.35 feet; thence south 87 degrees 35
 196 minutes 00 seconds west 110.00 feet; thence south 87
 197 degrees 00 minutes 00 seconds west 1160 feet more or
 198 less to the Mean High Water Line of the Gulf of
 199 Mexico; thence along said Mean High Water Line,
 200 southerly 3275 feet more or less to the east and west
 201 1/4 line of said Section 21; thence along said east
 202 and west 1/4 line of Section 21; north 89 degrees 28
 203 minutes 20 seconds east 1540 feet more or less to the
 204 place of beginning: being a subdivision of part of the
 205 south 1/3 of Section 16 and of part of the north 1/2
 206 of Section 21, Township 49 South, Range 25 East,
 207 Collier County, Florida.
 208

209 Commencing at the northeast corner of government Lot 2
 210 of Section 16, Township 49 South, Range 25 East,
 211 Collier County, Florida said corner being also the
 212 northeast corner of Lot 8 of Block 35 of Park Shore
 213 Unit No. 4 according to the plat thereof as recorded
 214 in Plat Book 10, pages 101, 102, and 103, Collier
 215 County Public Records, Collier County, Florida; thence
 216 along the north line of said government Lot 2, along
 217 the north line of said Park Shore Unit No. 4, and
 218 along the south line of Seagate Subdivision Unit No. 1
 219 according to the plat thereof as recorded in Plat Book
 220 3, Page 85, Collier County Public Records, Collier
 221 County, Florida, South 89 degrees 25 minutes 50
 222 seconds west 1330.53 feet to the west line of said
 223 Park Shore Unit No. 4 and the place of beginning of
 224 the parcel herein described; thence along the west
 225 line of said Park Shore Unit No. 4 in the following
 226 described courses:
 227
 228 South 37 degrees 25 minutes 50 seconds west 250.89
 229 feet, south 0 degrees 34 minutes 10 seconds east
 230 225.44 feet, south 26 degrees 45 minutes 30 seconds
 231 east 632.19 feet and south 5 degrees 09 minutes 00
 232 seconds east 580.72 feet to the northwest corner of
 233 Park Shore Unit No. 3 according to plat thereof as
 234 recorded in Plat Book 8, pages 59 and 60, Collier

235 County Public Records, Collier County, Florida; thence
 236 along the west line of said Park Shore Unit No. 3,
 237 South 5 degrees 09 minutes 00 seconds east 1879.04
 238 feet to the north line of Park Shore Unit No. 2
 239 according to the plat thereof as recorded in Plat Book
 240 8, pages 54 and 55, Collier County Public Records,
 241 Collier County, Florida; thence along the northerly
 242 line of said Park Shore Unit No. 2, in the following
 243 described courses: north 84 degrees 00 minutes 00
 244 seconds west 433.28 feet, north 2 degrees 25 minutes
 245 00 seconds west 97.35 feet, south 87 degrees 35
 246 minutes 00 seconds west 110.00 feet, and south 87
 247 degrees 00 minutes 00 seconds west 1160 feet more or
 248 less to the Mean High Water Line of the Gulf of
 249 Mexico; thence along said Mean High Water Line,
 250 northerly 3350 feet more or less to a point on the
 251 westerly extension of the south line of said Seagate
 252 Subdivision which south line bears south 89 degrees 25
 253 minutes 50 seconds west and passes through the place
 254 of beginning; thence along said south line and the
 255 westerly extension thereof, north 89 degrees 25
 256 minutes 50 seconds east 1450 feet more or less to the
 257 place of beginning; being a part of the west 1/2
 258 Section 16, Township 49 South, Range 25 East, Collier
 259 County, Florida, containing 118 acres more or less.
 260

261 Commencing at the northwest corner of the northwest
 262 1/4 of the northeast 1/4 of section 16, Township 49
 263 South, Range 25 East; thence North 89 degrees 24
 264 minutes 40 seconds East, 1650.75 feet along the north
 265 line of Parkshore Unit 4 and Unit 5 to the place of
 266 beginning; thence North 89 Degrees 24 minutes 40
 267 seconds East along said north line of Parkshore Unit
 268 5, 740.98 feet; thence North 4 degrees 40 minutes 20
 269 seconds West, 125.32 feet; thence North 89 degrees 24
 270 minutes 40 seconds East, 4.73 feet; thence North 4
 271 degrees 40 minutes 20 seconds West, 350.89 feet;
 272 thence North 89 degrees 24 minutes 40 seconds East,
 273 197.19 feet to a concrete monument on the coastal
 274 construction line; thence west to the mean high water
 275 line of the Gulf of Mexico; thence northerly along
 276 said mean high water line to the North line of Section
 277 16, Township 49 South, Range 25 East; thence East
 278 along the north line of said Section 16 to the
 279 northwest corner of Seagate Subdivision; thence
 280 southerly along the west line of said Seagate
 281 Subdivision to the place of beginning less the
 282 following described lands:

283
 284 Parcel 2 in O.R. Book 14, Page 195 and 196; that
 285 parcel conveyed to Jane Homer Lee as described in O.R.
 286 Book 34, Page 301 and 302; that parcel conveyed to

287 | Seagate, Inc., as described in O.R. Book 182, Page 248
 288 | and 249. Subject to existing easements and rights of
 289 | ingress and egress.

290 |
 291 | A parcel of land described as all of Lots 23 through
 292 | 32 of Naples Improvement Company's Little Farms
 293 | according to the Plat thereof and recorded in Plat
 294 | Book 2 Page 2 Collier County Public Records, Collier
 295 | County, Florida and the Westerly 198.00 feet of the
 296 | Southwest quarter of the Northwest quarter of Section
 297 | 23 Township 49 South Range 25 East and all of parcels
 298 | "C" and "D" as recorded in O.R. Book 3537 page 4108
 299 | through 4113, less and except the right of way for
 300 | Goodlette Road and less and except parcels "A" and "B"
 301 | as recorded in O.R. Book 3537 page 4102 through 4107,
 302 | Collier County Public Records, Collier County,
 303 | Florida; said parcel being more particularly described
 304 | as follows:
 305 | Commencing at the Northeast Corner of Section 22,
 306 | Township 49 South Range 25 East Collier County,
 307 | Florida;
 308 | thence South 01 degrees 04 minutes 01 seconds East
 309 | along the East line of the Northeast quarter of said
 310 | Section 22 a distance of 666.42 feet to the Northeast
 311 | corner of Lot 32 of said Naples Improvement Company's

312 Little Farms and the Point of Beginning of the parcel
313 herein being described;
314
315 thence South 89 degrees 24 minutes 38 seconds West
316 along the North line of said Lot 32 a distance of
317 2591.92 feet to an intersection with the Easterly
318 Right-of-Way line of the aforementioned Goodlette
319 Frank Road;
320 thence South 00 degrees 57 minutes 59 seconds East
321 along said Easterly Right-of-Way line a distance of
322 3311.14 feet to an intersection with the Southerly
323 line of the aforementioned Lot 23;
324 thence North 89 degrees 51 minutes 56 seconds East
325 along said Southerly Line A distance of 2597.74 feet
326 to the Southeast corner of said Lot 23;
327 thence North 01 degree 04 minutes 22 seconds West
328 along the Easterly line of the aforementioned Lots 23
329 through 26 a distance of 1205.47 feet;
330 thence leaving said line North 36 degrees 04 minutes
331 54 seconds East along the boundary of parcel "D" as
332 recorded in O.R. Book 3537 pages 4108 through 4113,
333 Collier County Public Records, Collier County,
334 Florida, a distance of 137.45 feet;
335 thence continuing along said boundary North 38 degrees
336 45 minutes 50 seconds East a distance of 21.60 feet;

337 thence leaving said line North 88 degrees 54 minutes
 338 01 seconds East a distance of 35.74 feet;
 339 thence North 35 degrees 32 minutes 50 seconds East
 340 along the boundary of parcel "B" as recorded in O.R.
 341 Book 3537 pages 4102 through 4107, Collier County
 342 Public Records, Collier County, Florida, a distance of
 343 35.89 feet;
 344 thence continuing along said boundary North 32 degrees
 345 01 minutes 31 seconds East a distance of 25.39 feet;
 346 thence continuing along said boundary North 24 degrees
 347 05 minutes 47 seconds East a distance of 46.76 feet;
 348 thence continuing along said boundary North 27 degrees
 349 00 minutes 26 seconds East, a distance of 21.88 feet;
 350 thence leaving said boundary North 01 degrees 03
 351 minutes 02 seconds West along the Easterly boundary of
 352 the Westerly 198.00 feet of the Southwest quarter of
 353 the Northwest quarter of Section 23 Township 49 South
 354 Range 25 East Collier County, Florida, a distance of
 355 121.79 feet;
 356 thence leaving said line North 13 degrees 42 minutes
 357 35 seconds East along the boundary of parcel "C" as
 358 recorded in the O.R. Book 3537 pages 4108 through
 359 4113, Collier County Public Records, Collier County,
 360 Florida, a distance of 32.39 feet;
 361 thence continuing along said boundary of parcel "C"
 362 for the following 20 courses;

363 | thence North 26 degrees 08 minutes 47 seconds East a
 364 | distance of 43.29 feet;
 365 | thence North 51 degrees 45 minutes 44 seconds East a
 366 | distance of 49.62 feet;
 367 | thence North 24 degrees 49 minutes 56 seconds East a
 368 | distance of 48.02 feet;
 369 | thence North 07 degrees 46 minutes 47 seconds East a
 370 | distance of 21.12 feet;
 371 | thence North 18 degrees 07 minutes 01 seconds West a
 372 | distance of 35.65 feet;
 373 | thence North 59 degrees 17 minutes 51 seconds West a
 374 | distance of 11.23 feet;
 375 | thence North 13 degrees 55 minutes 41 seconds West a
 376 | distance of 23.82 feet;
 377 | thence North 12 degrees 53 minutes 05 seconds East a
 378 | distance of 39.20 feet;
 379 | thence North 23 degrees 26 minutes 05 seconds West a
 380 | distance of 11.48 feet;
 381 | thence North 46 degrees 31 minutes 46 seconds West a
 382 | distance of 9.64 feet;
 383 | thence North 21 degrees 12 minutes 44 seconds West a
 384 | distance of 81.61 feet;
 385 | thence North 11 degrees 17 minutes 34 seconds West a
 386 | distance of 41.72 feet;
 387 | thence North 00 degrees 16 minutes 46 seconds West a
 388 | distance of 52.13 feet;

389 thence North 10 degrees 22 minutes 33 seconds East a
 390 distance of 35.20 feet;
 391 thence North 10 degrees 15 minutes 09 seconds West a
 392 distance of 31.07 feet;
 393 thence North 12 degrees 45 minutes 32 seconds East a
 394 distance of 27.21 feet;
 395 thence North 03 degrees 05 minutes 53 seconds East a
 396 distance of 25.26 feet;
 397 thence North 33 degrees 51 minutes 45 seconds West a
 398 distance of 21.85 feet;
 399 thence North 12 degrees 19 minutes 53 seconds West a
 400 distance of 136.08 feet;
 401 thence North 07 degrees 10 minutes 32 seconds West a
 402 distance of 15.60 feet;
 403 thence leaving said boundary of parcel "C" North 01
 404 degrees 03 minutes 02 seconds West along the Easterly
 405 boundary of the Westerly 198.00 feet of the Southwest
 406 quarter of the Northwest quarter of Section 23
 407 Township 49 South Range 25 East Collier County,
 408 Florida, a distance of 92.29 feet;
 409 thence North 53 degrees 25 minutes 20 seconds West
 410 along the boundary of parcel "A" as recorded in the
 411 O.R. Book 3537 pages 4102 through 4107 Collier County
 412 Public Records, Collier County, Florida, a distance of
 413 33.78 feet;

414 thence continuing along said boundary of parcel "A"
 415 for the following 18 courses;
 416 thence North 54 degrees 24 minutes 44 seconds West a
 417 distance of 30.62 feet;
 418 thence North 31 degrees 33 minutes 28 seconds West a
 419 distance of 58.27 feet;
 420 thence North 04 degrees 11 minutes 51 seconds East a
 421 distance of 11.28 feet;
 422 thence North 47 degrees 04 minutes 38 seconds East a
 423 distance of 9.16 feet;
 424 thence North 47 degrees 30 minutes 05 seconds East a
 425 distance of 34.95 feet;
 426 thence North 58 degrees 17 minutes 59 seconds West a
 427 distance of 18.87 feet;
 428 thence North 89 degrees 41 minutes 10 seconds West a
 429 distance of 10.73 feet;
 430 thence North 32 degrees 14 minutes 57 seconds West a
 431 distance of 8.80 feet;
 432 thence North 04 degrees 43 minutes 32 seconds West a
 433 distance of 9.48 feet;
 434 thence North 20 degrees 23 minutes 21 seconds West a
 435 distance of 41.72 feet;
 436 thence North 51 degrees 04 minutes 36 seconds West a
 437 distance of 32.24 feet;
 438 thence North 68 degrees 43 minutes 18 seconds West a
 439 distance of 15.23 feet;

440 thence North 72 degrees 40 minutes 24 seconds West a
 441 distance of 21.96 feet;
 442 thence North 63 degrees 49 minutes 18 seconds West a
 443 distance of 18.83 feet;
 444 thence North 31 degrees 13 minutes 48 seconds West a
 445 distance of 21.70 feet;
 446 thence North 07 degrees 59 minutes 10 seconds West a
 447 distance of 9.96 feet;
 448 thence North 20 degrees 35 minutes 44 seconds West a
 449 distance of 29.93 feet;
 450 thence South 88 degrees 47 minutes 48 seconds West a
 451 distance of 34.14 feet;
 452 thence leaving said boundary of parcel "A" North 01
 453 degrees 04 minutes 01 seconds West along the Easterly
 454 line of the aforesaid plat and along the Easterly line
 455 of Lots 31 and 32 a distance of 666.42 feet to the
 456 point of beginning of the parcel herein described;
 457 containing 204.19 acres of land more or less;
 458
 459 Together with parcels "A" and "B" as recorded in O.R.
 460 Book 3537 pages 4102 through 4108, Collier County
 461 Public Records, Collier County, Florida and being more
 462 particularly described as follows:
 463
 464 All that part of the West 198 feet of the Southwest
 465 1/4 of the Northwest 1/4 of Section 23, Township 49

466 South, Range 25 East, Collier County, Florida, being
467 more particularly described as follows:
468 Commencing at the Northwest corner of the Southwest
469 1/4 of the Northwest 1/4 of said Section 23; thence
470 North 88 degrees 47 minutes 48 seconds East along the
471 quarter section line a distance of 34.14 feet to an
472 intersection with the Easterly top of bank of Gordon
473 River Drainage Ditch, said intersection being the
474 point of beginning of the parcel herein described;
475 thence continue along said quarter section line North
476 88 degrees 47 minutes 48 seconds East 163.86 feet to
477 an intersection with the Easterly line of said West
478 198 feet;
479 thence South 01 degrees 03 minutes 02 seconds East
480 along said Easterly line a distance of 273.03 feet to
481 an intersection with said Easterly top of bank of said
482 drainage ditch;
483 thence leaving said Easterly line along said Easterly
484 top of bank of said ditch on the following (15)
485 described courses:
486 thence North 53 degrees 25 minutes 20 seconds West
487 33.78 feet;
488 thence North 31 degrees 33 minutes 28 seconds West
489 53.27 feet;
490 thence North 04 degrees 11 minutes 51 seconds East
491 11.28 feet;

492 thence North 47 degrees 24 minutes 49 seconds East
 493 44.09 feet;
 494 thence North 58 degrees 17 minutes 59 seconds West
 495 18.87 feet;
 496 thence South 89 degrees 41 minutes 10 seconds West
 497 10.73 feet;
 498 thence North 32 degrees 14 minutes 57 seconds West
 499 8.80 feet;
 500 thence North 04 degrees 43 minutes 32 seconds West
 501 9.48 feet;
 502 thence North 20 degrees 23 minutes 31 seconds West
 503 41.72 feet;
 504 thence North 51 degrees 04 minutes 36 seconds West
 505 32.24 feet;
 506 thence North 71 degrees 03 minutes 18 seconds West
 507 37.17 feet;
 508 thence North 63 degrees 49 minutes 18 seconds West
 509 18.83 feet;
 510 thence North 31 degrees 13 minutes 48 seconds West
 511 21.70 feet;
 512 thence North 07 degrees 59 minutes 10 seconds West
 513 9.96 feet;
 514 thence North 20 degrees 35 minutes 44 seconds West
 515 29.93 feet to the point of beginning of the parcel
 516 herein described; containing 0.46 acres of land more
 517 or less.

518
 519 All that part of the West 198 feet of the Southwest
 520 1/4 of the Northwest 1/4 of Section 23, Township 49
 521 South, Range 25 East, Collier County, Florida, being
 522 more particularly described as follows:
 523 Commencing at the Northwest corner of the Southwest
 524 1/4 of the Northwest 1/4 of said Section 23; thence
 525 South 01 degrees 03 minutes 02 seconds East along the
 526 Westerly line of said Southwest 1/4 of said Northwest
 527 1/4 a distance of 133.83 feet to an intersection with
 528 the Southerly line of said Southwest 1/4 of said
 529 Northwest 1/4; thence North 83 degrees 54 minutes 01
 530 seconds East along Southerly line a distance of 132.59
 531 feet to an intersection with the Easterly top of bank
 532 of Gordon River Drainage Ditch, said intersection
 533 being the point of beginning of the parcel herein
 534 being described;
 535 thence continue along said Southerly line of said
 536 Southwest 1/4 of said Northwest 1/4 North 88 degrees
 537 54 minutes 01 seconds East 65.41 feet to an
 538 intersection with the Easterly line of said West 198
 539 feet;
 540 thence North 01 degrees 03 minutes 02 seconds West
 541 along said Easterly line a distance of 111.67 feet to
 542 an intersection with said Easterly top of bank of said
 543 drainage ditch;

544 thence leaving said Easterly line along said Easterly
 545 top of bank of said ditch on the following (4)
 546 described courses:
 547 thence South 27 degrees 00 minutes 26 seconds West
 548 21.88 feet;
 549 thence South 24 degrees 05 minutes 47 seconds West
 550 46.76 feet;
 551 thence South 32 degrees 01 minutes 31 seconds West
 552 25.39 feet;
 553 thence South 35 degrees 32 minutes 50 seconds West
 554 35.89 feet to the point of beginning of the parcel
 555 herein described; containing 3,319 square feet (.0762
 556 acres) of land more or less.

557
 558 All that part of Section 15, Township 49 South, Range
 559 25 East, and being a part of Lots 37 through 49 of
 560 Naples Improvement Company's Little Farms, according
 561 to the Plat thereof as recorded in Plat Book 2, page
 562 2, Collier County Public Records, Collier County,
 563 Florida and being more particularly described as
 564 follows: commencing at the Northwest corner of the
 565 Northeast 1/4 of Section 15, Township 49 South, Range
 566 25 East; thence along the North line of said Section
 567 15, North 89 degrees 55 minutes 30 seconds East 45.00
 568 feet; thence 45 Easterly of and parallel with the
 569 North/South 1/4 Section line of said Section 15, South

570 0 degrees 00 minutes 29 seconds East 50.00 feet to the
 571 South line of a Road Right-of-Way as recorded in O.R.
 572 Book 156, page 66 and 67, Collier County Public
 573 Records, Collier County, Florida; thence along the
 574 East line of a Road Right-of-Way as recorded in O.R.
 575 Book 41, page 592 and 593 and O.R. Book 41, page 531
 576 and 532, Collier County Public Records, Collier
 577 County, Florida; South 0 degrees 00 minutes 29 seconds
 578 East 810.00 feet to the POINT OF BEGINNING of the
 579 Parcel herein described;
 580 thence Easterly and Northeasterly 723.15 feet along
 581 the arc of a non-tangential circular curve concave to
 582 the Northwest, having a radius of 1100.00 feet and
 583 being subtended by a chord which bears North 71
 584 degrees 09 minutes 31 seconds East 710.20 feet to a
 585 Point of Reverse Curvature;
 586 thence Northeasterly 287.16 feet along the arc of a
 587 circular curve concave to the Southeast, having a
 588 radius of 546.28 feet and being subtended by a chord
 589 which bears North 67 degrees 23 minutes 06 seconds
 590 East 283.86 feet to the lands described in O.R. 228,
 591 pages 789 thru 798 inclusive and O.R. 645, pages 241
 592 thru 246 inclusive, Collier County Public Records,
 593 Collier County, Florida;
 594 thence along said lands the following courses;

595 | thence South 4 degrees 37 minutes 26 seconds West
 596 | 198.19 feet;
 597 | thence South 4 degrees 22 minutes 19 seconds East
 598 | 467.18 feet;
 599 | thence South 8 degrees 26 minutes 00 seconds East
 600 | 418.40 feet;
 601 | thence South 33 degrees 31 minutes 22 seconds East
 602 | 570.24 feet;
 603 | thence South 44 degrees 56 minutes 05 seconds West
 604 | 82.02 feet;
 605 | thence South 60 degrees 26 minutes 33 seconds West
 606 | 100.60 feet;
 607 | thence South 71 degrees 15 minutes 21 seconds West
 608 | 269.34 feet;
 609 | thence South 54 degrees 31 minutes 14 seconds West
 610 | 74.33 feet;
 611 | thence South 0 degrees 00 minutes 40 seconds East
 612 | 336.35 feet;
 613 | thence South 0 degrees 39 minutes 20 seconds East
 614 | 1211.22 feet;
 615 | thence South 5 degrees 13 minutes 24 seconds East
 616 | 461.74 feet;
 617 | thence South 16 degrees 25 minutes 03 seconds East
 618 | 198.14 feet;
 619 | thence leaving said lands South 89 degrees 43 minutes
 620 | 00 seconds West 980.54 feet to the East line of a Road

621 Right-of-Way as recorded in O.R. Book 167, page 522
 622 and 523, Collier County Public Records, Collier
 623 County, Florida;
 624 thence along said East Right-of-Way line and the East
 625 line of a Road Right-of-Way as Recorded in O.R. Book
 626 41, page 531 and 532, Collier County Public Records,
 627 Collier County, Florida, North 0 degrees 00 minutes 29
 628 seconds West 3653.72 feet to the Point of Beginning of
 629 the Parcel herein described;
 630 containing 82.946 acres of land more or less.

631
 632 Hereinafter referred to as the "North Naples Service
 633 Delivery Area"

634
 635 (2) Chapter 171, Florida Statutes, applies to all
 636 annexations by a municipality within the district's boundaries.

637 (3) Additional lands shall be included in the district
 638 only upon amendment of subsection (1). Subsection (1) may be
 639 amended only by special act, and such amendment shall only
 640 become effective upon approval of the inclusion of such
 641 additional lands in the district by a majority of the qualified
 642 electors residing in the area proposed to be included voting in
 643 a special election called for such purpose.

644 Section 4. Powers of the district.-

645 (1) The district is authorized to establish, equip,
 646 operate, and maintain a fire department and rescue squad within

647 the district and may buy, lease, sell, exchange, or otherwise
648 acquire and dispose of firefighting and rescue equipment and
649 other property, real, personal, or mixed, that it may from time
650 to time deem necessary to prevent and extinguish fires or
651 provide rescue services. This shall include, but is not limited
652 to, the authority to hire and fire necessary firefighters and
653 other personnel; to provide water, water supply, water stations,
654 and other necessary buildings; to accept gifts or donations of
655 equipment or money for the use of the district; to provide fire
656 hydrants or other types of water supply, buildings for housing
657 fire equipment and personnel, training facilities for fire and
658 rescue, and other buildings deemed necessary by the district
659 board to provide adequate protection from unwanted fire and to
660 carry out rescue operations; and to do all things necessary to
661 provide adequate water supply, fire prevention, and proper fire
662 protection for the district. Recognizing that the dramatically
663 increasing housing costs in Collier County may have a
664 detrimental impact on the ability to hire and retain personnel
665 needed for the provision of fire protection services to district
666 residents, the district is authorized also to provide housing or
667 housing assistance for its employed personnel, with use of such
668 funds being deemed to be in the public interest. In addition,
669 the district is authorized to extend its services beyond the
670 district boundaries, provided it is in cooperation with another
671 governmental entity, whether federal, state, county, municipal,
672 or special district.

673 (2) The district is authorized to provide a paid staff to
 674 carry out its responsibilities. Such staff shall serve at the
 675 pleasure of the district board.

676 (3) The district may establish and maintain emergency
 677 medical and rescue response services consistent with s.
 678 191.008(1), Florida Statutes, chapter 401, Florida Statutes, and
 679 any certificate of public convenience and necessity or its
 680 equivalent issued thereunder.

681 (4) In addition to any other power to borrow money as may
 682 be provided by this charter or by general law, the district may
 683 borrow sufficient funds to provide for 3 months' operating
 684 expenses, with such loan to be repaid from anticipated revenues.

685 (5) The district is authorized to inspect and investigate
 686 all property for fire hazards. The district board, by resolution
 687 duly adopted, may assess fees for fire inspection and
 688 maintenance and replacement of hydrants in an amount reasonably
 689 related to the cost thereof and may adopt provisions creating a
 690 lien or providing for civil enforcement of such assessments.

691 (6) The district is authorized to adopt rules and
 692 regulations for the prevention of fire and for fire control in
 693 the district, which shall have the same force and effect as law
 694 10 days after copies thereof executed by the chair and secretary
 695 of the board have been posted in at least three places.

696 (7) The district shall have all powers and duties granted
 697 by this charter and chapters 189 and 191, Florida Statutes.

698 Section 5. Governing board.—

699 | (1) The business and affairs of the district shall be
 700 | conducted and administered by a board of fire commissioners
 701 | elected pursuant to chapter 191, Florida Statutes, by the
 702 | electors of the district in a nonpartisan election held at the
 703 | time and in the manner prescribed for holding general elections
 704 | in s. 189.04, Florida Statutes. Except as expressly provided in
 705 | this charter, each member of the board shall be elected for a
 706 | term of 4 years and shall serve until his or her successor
 707 | assumes office.

708 | (2) (a) The office of each board member is designated as a
 709 | seat on the board, distinguished from each of the other seats by
 710 | a numeral. Each candidate must designate, at the time he or she
 711 | qualifies, the seat on the board for which he or she is
 712 | qualifying. The name of each candidate who qualifies shall be
 713 | included on the ballot in a way that clearly indicates the seat
 714 | for which he or she is a candidate. The candidate for each seat
 715 | who receives the most votes shall be elected to the board. The
 716 | cost of such elections shall be paid from funds of the district.

717 | (b) As of January 1, 2015, the effective date of the
 718 | merger, the district is governed by an eight-member board of
 719 | fire commissioners, which consists of the boards of fire
 720 | commissioners of the Big Corkscrew Island Fire Control and
 721 | Rescue District and the North Naples Fire Control and Rescue
 722 | District. The eight commissioners shall serve until the
 723 | governing body members elected at the next general election take
 724 | office.

725 (c) In the 2016 general election, the board of fire
 726 commissioners shall be reduced to five members. Seat 1 shall be
 727 elected from the Big Corkscrew Island Service Delivery Area,
 728 with each candidate for such seat being required to be a
 729 qualified elector residing in the Big Corkscrew Island Service
 730 Delivery Area and being elected from only those electors of that
 731 service delivery area. Seat 3 shall be elected from the North
 732 Naples Service Delivery Area, with each candidate for such seat
 733 being required to be a qualified elector residing in the North
 734 Naples Service Delivery Area and being elected from only those
 735 electors of that service delivery area. Seats 2, 4, and 5 shall
 736 be elected as at-large seats for the merged district as a whole.
 737 The commissioners holding seats 1, 3, and 5 shall have initial
 738 terms that expire in November 2020. Commissioners holding seats
 739 2 and 4 shall have initial terms that expire in November 2018.

740 (d) In the 2020 general election, seats 1 and 3 shall be
 741 elected as at-large seats for the district as a whole, and the
 742 requirements to reside within and be elected from the specified
 743 service delivery area as provided for in paragraph (c) are
 744 eliminated.

745 (3) In accordance with chapter 191, Florida Statutes, each
 746 member of the board must be a qualified elector at the time he
 747 or she qualifies and continually throughout his or her term.

748 (4) Each elected member shall assume office 10 days after
 749 the member's election. Within 60 days after the newly elected
 750 members have taken office, the board shall meet and elect from

751 its membership a chair, vice chair, secretary, and treasurer.
752 The positions of secretary and treasurer may be held by one
753 member.

754 (5) In accordance with s. 191.005, Florida Statutes, each
755 member of the board may be paid, from the funds of the district,
756 a salary or honorarium for his or her services in an amount not
757 to exceed \$500 per month. If applicable, the secretary-treasurer
758 may be paid an additional sum for his or her services so long as
759 the total compensation does not exceed \$500 per month. In
760 addition, members may be reimbursed for travel and per diem
761 expenses as provided in s. 112.061, Florida Statutes.

762 (6) If a vacancy occurs on the board due to the
763 resignation, death, or removal of a board member or the failure
764 of anyone to qualify for a board seat, the remaining members may
765 appoint a qualified person to fill the seat until the next
766 general election, at which time an election shall be held to
767 fill the vacancy for the remaining term, if any. The board shall
768 remove any member who has three consecutive, unexcused absences
769 from regularly scheduled meetings. The board shall adopt
770 policies by resolution defining excused and unexcused absences.

771 (7) The procedures for conducting district elections or
772 referenda and for qualification of electors shall be pursuant to
773 chapters 189 and 191, Florida Statutes.

774 (8) The board shall have those administrative duties set
775 forth in this charter and chapters 189 and 191, Florida
776 Statutes.

777 (9) A quorum of the board shall be a majority of its
 778 members. In order to take official action, an affirmative vote
 779 of a majority of those voting members present shall be required.

780 Section 6. Finances.-

781 (1) The district shall hold all powers, functions, and
 782 duties set forth in chapters 189 and 191, Florida Statutes,
 783 regarding ad valorem taxation, bond issuance, other revenue
 784 raising capabilities, budget preparation and approval, liens and
 785 foreclosure of liens, use of tax deeds and tax certificates as
 786 appropriate for non-ad valorem assessments, and contractual
 787 agreements. The district may be financed by any method
 788 established in this charter, chapter 189 or chapter 191, Florida
 789 Statutes, or any other applicable general or special law.

790 (2)(a) The district shall levy and collect ad valorem
 791 taxes in accordance with s. 191.009, Florida Statutes, and
 792 chapter 200, Florida Statutes. The taxes levied and assessed by
 793 the district shall be a lien upon the land so assessed along
 794 with the county taxes assessed against such land until such
 795 assessments and taxes have been paid, and if the taxes levied by
 796 the district become delinquent, such taxes shall be considered a
 797 part of the county tax subject to the same penalties, charges,
 798 fees, and remedies for enforcement and collection and shall be
 799 enforced and collected as provided by general law for the
 800 collection of such taxes.

801 (b) Each service delivery area shall be a separate taxing
 802 unit. The district is authorized to levy a millage rate up to 1

803 mill in the North Naples Service Delivery Area and up to 3.75
 804 mills in the Big Corkscrew Island Service Delivery Area, subject
 805 to section 7.

806 (3)(a) The board shall annually prepare, consider, and
 807 adopt a district budget pursuant to the applicable requirements
 808 of chapters 189 and 191, Florida Statutes. The fiscal year shall
 809 be from October 1 through September 30. The budget shall state
 810 the purpose for which the money is required and the amount
 811 necessary to be raised by taxation within the district. Such
 812 budget and proposed millage rate shall be noticed, heard, and
 813 adopted in accordance with chapters 189, 192, and 200, Florida
 814 Statutes.

815 (b) The budget of the district shall be comprised of
 816 separate budgets of the Big Corkscrew Island Service Delivery
 817 Area and the North Naples Service Delivery Area until such time
 818 as there is one millage rate levied districtwide and the taxing
 819 subunits have been eliminated. Until such time, a cost
 820 allocation methodology shall be used and there shall be separate
 821 budgets and cash reserves for each service delivery area. The
 822 budgets will be administered and reported, and the financial
 823 reporting will continue individually as required by s. 189.074,
 824 Florida Statutes, as separate subunits until there is one
 825 millage rate levied districtwide and the taxing subunits have
 826 been eliminated.

827 (4) The district is authorized to continue or conclude
 828 procedures under chapter 200, Florida Statutes, on behalf of the

829 Big Corkscrew Island Service Delivery Area and the North Naples
 830 Service Delivery Area. The district shall make the calculations
 831 required by chapter 200, Florida Statutes, for each service
 832 delivery area separately.

833 (5) All warrants for the payment of labor, equipment,
 834 materials, and other allowable expenses incurred by the district
 835 board in carrying out this charter shall be payable on accounts
 836 and vouchers approved by the district board.

837 (6) The methods for assessing and collecting non-ad
 838 valorem assessments, fees, or service charges shall be as set
 839 forth in this charter and chapter 170, chapter 189, chapter 191,
 840 or chapter 197, Florida Statutes.

841 (7) The district shall have the power to issue general
 842 obligation bonds, assessment bonds, bond anticipation notes,
 843 notes, or certificates or other evidences of indebtedness
 844 ("bonds") pledging the full faith, credit, and taxing power of
 845 the district for capital projects consistent with the purposes
 846 of the district in accordance with s. 191.012, Florida Statutes,
 847 and other applicable general law.

848 (8)(a) The district is authorized to charge and collect
 849 impact fees for capital improvements on new construction within
 850 the district as prescribed in chapter 191, Florida Statutes, or
 851 any other applicable general law.

852 (b) The district shall comply with ss. 163.31801 and
 853 191.009(4), Florida Statutes, in its collection and use of

854 impact fees. New facilities and equipment shall be as provided
 855 for in s. 191.009(4), Florida Statutes.

856 (c) The district is authorized to enter into agreements
 857 regarding the collection of impact fees.

858 Section 7. Elections.-

859 (1) When a referendum or special election is required
 860 under this charter, the district shall reimburse the county for
 861 the costs of such election.

862 (2) The procedures for conducting any district elections
 863 or referenda required and the qualifications of an elector of
 864 the district shall be as set forth in chapters 189 and 191,
 865 Florida Statutes.

866 Section 8. Eminent domain.-The district is authorized to
 867 exercise the power of eminent domain, pursuant to chapters 73,
 868 74, and 191, Florida Statutes, over any property located within
 869 the district, except municipal, county, state, and federal
 870 property, for the purpose of acquiring property for the location
 871 of fire stations. The location and construction of fire stations
 872 shall comply with applicable Collier County ordinances.

873 Section 9. Miscellaneous.-

874 (1) All contracts, obligations, rules, resolutions, or
 875 policies of any nature existing on effective date of this
 876 charter shall remain in full force and effect, and this act
 877 shall in no way affect the validity of such contracts,
 878 obligations, rules, resolutions, or policies.

879 (2) This act does not affect the terms of office of the
880 present district board, except as provided for in section 5, nor
881 does it affect the terms and conditions of employment of any
882 employee of the district except for the elimination of chief
883 officer positions as identified in the endorsed merger plan that
884 was approved by the Boards of Fire Commissioners of the North
885 Naples Fire Control and Rescue District and the Big Corkscrew
886 Island Fire Control and Rescue District on August 14, 2014.

887 (3) Requirements for financial disclosure, meeting
888 notices, reporting, public records maintenance, and planning
889 shall be as set forth in chapters 189, 191, and 286, Florida
890 Statutes.

891 (4) The district shall exist until the Legislature
892 approves a special act providing for its dissolution, and such
893 special act is contingent upon approval at referendum by the
894 electors of the district.

895 (5) The district's property and assets are exempt from
896 taxation pursuant to s. 191.007, Florida Statutes.

897 (6)(a) The district and its officers, agents, and
898 employees shall have the same immunity from tort liability as
899 other agencies and subdivisions of the state. Chapter 768,
900 Florida Statutes, applies to all claims asserted against the
901 district.

902 (b) The district commissioners and all officers, agents,
903 and employees of the district shall have the same immunity and

904 exemption from personal liability as provided in chapter 768,
 905 Florida Statutes.

906 (c) In accordance with chapter 768, Florida Statutes, the
 907 district shall defend all claims against the district
 908 commissioners and officers, agents, and employees of the
 909 district which arise within the scope of employment or purposes
 910 of the district and shall pay all judgments against such
 911 persons, except where such persons acted in bad faith or with
 912 malicious purpose or in a manner exhibiting wanton and willful
 913 disregard of human rights, safety, or property.

914 Section 3. Liberal construction.—This act shall be
 915 liberally construed in order to effectively carry out the
 916 purposes of this act in the interest of the public health,
 917 welfare, and safety of the citizens served by the district.

918 Section 4. Conflict.—In the event of a conflict of any
 919 provision of this act with the provisions of any other act, the
 920 provisions of this act shall control to the extent of such
 921 conflict.

922 Section 5. Determination of millage.—The district shall
 923 maintain the authority to levy a millage rate up to 3.75 mills
 924 within the Big Corkscrew Island Service Delivery Area that was
 925 previously approved by referendum in the Big Corkscrew Island
 926 Fire Control and Rescue District as required by the State
 927 Constitution and chapter 191, Florida Statutes. The maximum
 928 millage rate within the Big Corkscrew Island Service Delivery
 929 Area may only increase upon approval at a referendum as required

930 by the State Constitution and this act. The district shall
 931 maintain the authority to levy a millage rate up to 1 mill
 932 within the North Naples Service Delivery Area that was
 933 previously approved by referendum in the North Naples Fire
 934 Control and Rescue District as required by the State
 935 Constitution and chapter 191, Florida Statutes. The maximum
 936 millage rate approved within the North Naples Service Delivery
 937 Area may only increase upon approval at a referendum as required
 938 by the State Constitution and this act. The district is
 939 authorized to continue or conclude procedures under chapter 200,
 940 Florida Statutes, on behalf of the component independent special
 941 districts.

942 Section 6. Chapters 99-450, 2000-395, and 2006-353, Laws
 943 of Florida, are repealed.

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



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 899 (2015)

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 Government Affairs
 2 Subcommittee

3 Representative Passidomo offered the following:

4

5 **Amendment**

6 Remove line 914 and insert:

7 Section 4. Liberal construction.—This act shall be