

Military & Local Affairs Policy Committee

**Wednesday, February 17, 2010
9:30 AM
306 HOB**

MEETING PACKET

**Larry Cretul
Speaker**

**Dorothy Hukill
Chair**



The Florida House of Representatives

Military & Local Affairs Policy Committee

Larry Cretul
Speaker

Dorothy L. Hukill
Chair

AGENDA

February 17, 2010
306 HOB
9:30 AM – 12:00 Noon

- I. Opening Comments by the Chair
- II. PCB MLA 10-01 – Formation of Local Governments
- III. PCB MLA 10-02 – Local Government Services
- IV. PCB MLA 10-03 – Urban Infill and Redevelopment
- V. PCB MLA 10-04 – Playgrounds and Recreation Centers
- VI. PCB MLA 10-05 – Florida Industrial Development Corporation
- VII. HB 395 – Direct Support Organization for the Department of Military Affairs by Representative Abruzzo
- VIII. HB 753 – Monroe County by Representative Saunders
- IX. HB 759 – Northern Palm Beach County Improvement District by Representative Domino
- X. Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB MLA 10-01 Formation of Local Governments
SPONSOR(S): Military & Local Affairs Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee		Nelson <i>JNS</i>	Hoagland <i>MK</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

This PCB removes obsolete language referencing the Department of Community Affairs from the "Formation of Municipalities Act." This law currently is limited to procedures for municipal incorporation which do not involve the Department.

There is no fiscal impact associated with this repeal.

The PCB has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 165, F.S., the "Formation of Local Governments Act" was created pursuant to ch. 74-192, L.O.F. The purpose of this legislation was to provide general law standards, direction and procedures for the formation and dissolution of municipalities and special districts in the state. The Department of Community Affairs was charged with:

- conducting studies of county, municipal and special district formation and boundary reorganization problems throughout the state;
- conducting studies relating to the need for, and the feasibility of, formation and service delivery adjustments that would strengthen the capability of local governments to provide and maintain essential public services in a fiscally equitable manner;
- determining whether the conditions prescribed by law had been met prior to consideration of any special law to incorporate, merge or dissolve a municipality;
- submitting a written report to the governor and legislature each year summarizing the studies conducted, their findings and recommendations, and any findings in respect to federal-state-county-municipal-special district relationships or problems;
- developing a census of local government relating to each county, municipality and special district in the state;
- conducting a continuing study of various governmental activities being conducted and services being provided by local governments in the state.

The act additionally provided language that empowered the Department of Community Affairs to request assistance in administering the act from all state, county, special district or municipal agencies, departments, bureaus or boards, and required the cooperation of these entities. It also provided a definition for the department.

The provisions relating to the general powers and duties of the Department in the "Formation of Local Governments Act" were repealed by ch. 84-192, L.O.F., except for the section allowing the Department to request assistance in the administration of the chapter.

The Legislature subsequently enacted the "Uniform Special District Accountability Act of 1989," ch. 189, F.S., to provide general provisions for the definition, creation and operation of special districts. This legislation, ch. 89-169, L.O.F., changed the title for ch. 165, F.S., to the "Formation of

Municipalities Act,” and simultaneously removed provisions for special districts from this law. The chapter currently is limited to procedures for municipal incorporation which do not involve the Department of Community Affairs.

At present, pursuant to ch. 189, F.S., the Department of Community Affairs performs extensive duties relating to special districts, such as compiling the official list of special districts, publishing a “Florida Special District Handbook,” administering the Special District Information Program, promulgating rules to implement the provisions of the chapter, and promoting special district accountability by monitoring financial report filings.

Effect of Proposed Changes

This PCB removes obsolete language from ch. 165, F.S., “The Formation of Municipalities Act,” which references the Department of Community Affairs.

The PCB has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1: Repeals subsection (6) of s. 165.031, F.S., providing a definition for the Department of Community Affairs.

Section 2: Repeals s. 165.093, F.S., relating to agency cooperation with the Department of Community Affairs.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB MLA 10-01

ORIGINAL

2010

1 A bill to be entitled
2 An act relating to the formation of local governments;
3 repealing subsection (6) of s. 165.031, F.S., providing a
4 definition for the Department of Community Affairs;
5 repealing s. 165.093, F.S., relating to the administration
6 of the chapter; providing an effective date.

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

9
10 Section 1. Subsection (6) of section 165.031, Florida
11 Statutes, is repealed.

12 Section 2. Section 165.093, Florida Statutes, is repealed.

13 Section 3. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB MLA 10-02 Local Government Services

SPONSOR(S): Military & Local Affairs Policy Committee

TIED BILLS: IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee		Nelson <i>JPN</i>	Hoagland <i>JK</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

This PCB repeals a section of law created in 1999 that provides a process for counties and municipalities to develop and adopt plans to improve the efficiency, accountability and coordination of the delivery of local government services. Local governments may accomplish the same results by entering into interlocal agreements, and do not use the procedure provided in this section.

There is no fiscal impact associated with this repeal.

The PCB provides an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 163.07, F.S., was created by ch. 99-378, L.O.F., relating to community revitalization. This legislation outlines an optional process for counties and municipalities to develop and adopt a plan to improve the delivery of local government services. Specifically, it provides for the initiation of an efficiency and accountability process:

- by resolution adopted by a majority vote of the governing body of each of the counties involved;
- by resolutions adopted by a majority vote of the governing bodies of a majority of the municipalities within each county; or
- by a combination of resolutions adopted by a majority vote of the governing bodies of the municipality or combination of municipalities representing a majority of the municipal population of each county.

The resolution is required to create a commission which is responsible for developing the plan, and to specify the composition of the commission, which must include representatives of:

- county and municipal governments;
- any affected special districts; and
- any relevant local government agencies.

The resolution must include a proposed timetable for the development of the plan and specify the local government support and personnel services that will be made available to representatives developing the plan.

When a resolution is adopted, the designated representatives must develop a plan for the delivery of local government services. This plan must:

- designate the areawide and local government services that are the subject of the plan;

- describe the existing organization of these services and the means of financing the services, and create a reorganization of such services and the financing to meet the goals of the section;
- designate the local agency that should be responsible for the delivery of each service;
- designate the services that should be delivered regionally or countywide;
- provide means to reduce the cost of providing local services and enhance the accountability of service providers;
- include a multi-year capital outlay plan for infrastructure;
- describe any expansion of municipal boundaries that would further the goals of the section;
- meet the standards for annexation provided in ch. 171, F.S, for any area proposed to be annexed;
- prohibit any provisions for contraction of municipal boundaries or elimination of any municipality;
- provide specific procedures for modification or termination of the plan; and
- specify the effective date of the plan.

A plan must be approved by a majority vote of the governing body of each county involved and by a majority vote of the governing bodies of a majority of the municipalities in each county, and by a majority vote of the governing bodies of the municipality or municipalities that represent a majority of the municipal population of each county.

After approval by the county and municipal governing bodies, a plan must be submitted for referendum approval in a countywide election in each county involved. A plan does not take effect unless approved by a majority of the electors of each county who vote in the referendum, and also by a majority of the municipal electors of the municipalities that represent a majority of the municipal population of each county.

Effect of Proposed Changes

This PCB repeals s. 163.07, F.S., relating to efficiency and accountability in local government services, and providing a process that allows any county or combination of counties, and the municipalities therein, to develop and adopt a plan to improve the efficiency, accountability and coordination of the delivery of local government services. Local governments do not require the authority provided in this section, and have not elected to use the complicated procedure.¹

Local governments may accomplish the same results by entering into interlocal agreements pursuant to s.163.01, F.S., the "Florida Interlocal Cooperation Act of 1969." The stated purpose of that section is to enable local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. Public agencies are thereby authorized to exercise jointly power, privilege or authority which such agencies share in common and which each can exercise separately. This joint exercise of power is made by contract in the form of an interlocal agreement which is filed with the clerk of the

¹ Both the League of Cities and the Association of Counties have indicated that their memberships do not use the process contained in 163.07, F.S.

circuit court of each county where a party to the agreement is located. The entire process is perceived as straightforward and flexible.

The PCB provides an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1: Repeals s. 163.07, F.S., relating to efficiency and accountability in local government.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB MLA 10-02

ORIGINAL

2010

1 A bill to be entitled
2 An act relating to efficiency and accountability in local
3 government services; repealing s. 163.07, F.S., relating to
4 a process for efficiency and accountability in local
5 government services; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 163.07, Florida Statutes, is repealed.
10 Section 2. This act shall take effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Urban Infill and Redevelopment Assistance Grant Program is administered by the Division of Housing and Community Development of the Department of Community Affairs. The grant program is linked to the "Growth Policy Act" passed in 1999 to address urban infill and redevelopment.

Under the grant program, a local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan.

The program requires that thirty percent of the general revenue appropriated for this program be made available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program must be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under \$50,000.

In fiscal year 2000-01, the Legislature appropriated \$2.5 million to the grant program. The Legislature has not appropriated any funds to the grant program in subsequent fiscal years. There are no remaining funds from the 2000-01 appropriation.

The Legislature directed OPPAGA in s.163.2526, F.S., to review and evaluate the Growth Policy Act. This review was concluded in 2004 and a report was issued. In its report, OPPAGA found that those local governments receiving such grants perceived them as useful. OPPAGA also noted that limited data was available at the time of their report and recommended that in the future, better reporting requirements should be established for grant programs to report on program activities and outcomes.

Effect of the Bill

The bill deletes s.163.2523, F.S., which provides for the establishment of the Urban Infill and Redevelopment Assistance Grant Program. The bill also deletes s.163.2526, F.S., which directs a 2004 OPPAGA review and evaluation of the Growth Policy Act. The bill also corrects several statutory cross-references.

The deletion of s.163.2526, F.S., will have no effect. The statutory responsibility of OPPAGA has been fulfilled. In addition the Urban Infill and Redevelopment Assistance Grant Program have not been funded since the 2000-2001 fiscal year.

B. SECTION DIRECTORY:

- Section 1. Repeals s.163.2523, F.S.
- Section 2. Repeals s. 163.2526, F.S.
- Section 3. Amends s.163.065, F.S., to conform statutory cross-references.
- Section 4. Amends s.163.2511, F.S., to conform statutory cross-references.
- Section 5. Amends s.163.2514, F.S., to conform statutory cross-references.
- Section 6. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

- 1. Applicability of Municipality/County Mandates Provision:
None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to urban infill and redevelopment; repealing s.
 3 163.2523, F.S.; relating to the Urban Infill and Redevelopment
 4 Assistance Grant Program; repealing s. 163.2526, F.S.; relating
 5 to the review and evaluation report; amending ss.; 163.065,
 6 163.2511, 163.2514; conforming cross references; providing an
 7 effective date.

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

10
 11 Section 1. Section 163.2523, Florida Statutes, is
 12 repealed.

13 Section 2. Section 163.2526, Florida Statutes, is
 14 repealed.

15 Section 3. Paragraph (a) of subsection (4) of section
 16 163.065, Florida Statutes, is amended to read:

17 163.065 Miami River Improvement Act.—

18 (4) PLAN.—The Miami River Commission, working with the
 19 City of Miami and Miami-Dade County, shall consider the merits
 20 of the following:

21 (a) Development and adoption of an urban infill and
 22 redevelopment plan, under ss. 163.2511-163.2520 ~~163.2511-~~
 23 ~~163.2526~~, and participating state and regional agencies shall
 24 review the proposed plan for the purposes of consistency with
 25 applicable law.

26 Section 4. Subsection (1) of section 163.2511, Florida
 27 Statutes, is amended to read:

28 163.2511 Urban infill and redevelopment.—

PCB MLA 10-03

ORIGINAL

2010

29 (1) Sections 163.2511-163.2520 ~~163.2511-163.2526~~ may be
 30 cited as the "Growth Policy Act."

31 Section 5. Section 163.2514, Florida Statutes, is amended
 32 to read:

33 163.2514 Growth Policy Act; definitions.—As used in ss.
 34 163.2511-163.2520 ~~163.2511-163.2526~~:

35 (1) "Local government" means any county or municipality.

36 (2) "Urban infill and redevelopment area" means an area or
 37 areas designated by a local government where:

38 (a) Public services such as water and wastewater,
 39 transportation, schools, and recreation are already available or
 40 are scheduled to be provided in an adopted 5-year schedule of
 41 capital improvements;

42 (b) The area, or one or more neighborhoods within the
 43 area, suffers from pervasive poverty, unemployment, and general
 44 distress as defined by s. 290.0058;

45 (c) The area exhibits a proportion of properties that are
 46 substandard, overcrowded, dilapidated, vacant or abandoned, or
 47 functionally obsolete which is higher than the average for the
 48 local government;

49 (d) More than 50 percent of the area is within 1/4 mile
 50 of a transit stop, or a sufficient number of such transit stops
 51 will be made available concurrent with the designation; and

52 (e) The area includes or is adjacent to community
 53 redevelopment areas, brownfields, enterprise zones, or Main
 54 Street programs, or has been designated by the state or Federal
 55 Government as an urban redevelopment, revitalization, or infill
 56 area under empowerment zone, enterprise community, or brownfield

PCB MLA 10-03

ORIGINAL

2010

57 | showcase community programs or similar programs.

58 | Section 6. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB MLA 10-04 Playgrounds and Recreation Centers
SPONSOR(S): Military & Local Affairs Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee		Fudge <i>of</i>	Hoagland <i>[Signature]</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Part 1, of ch. 418, F.S., was created in 1925, and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorizes cities and counties to establish a system of supervised recreation, which may include the creation of a playground and recreation board for such purpose. Cities and counties are authorized to finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.

Part 1 also prescribes the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection (DEP). While the bill deletes these provisions, DEP maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program (FRDAP).

The bill repeals Part 1, of ch. 418, F.S., ss. 418.01- 418.12, F.S., because it is obsolete.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Part 1, of ch. 418, F.S., was created in 1925, and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorizes cities and counties to establish a system of supervised recreation, which may include the creation of a playground and recreation board for such purpose. Cities and counties are authorized to finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.¹

Section 418.12 of Part 1, describes the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection.

Effect of Proposed Changes

The bill repeals Part 1, of ch. 418, F.S., ss. 418.01-418.12, F.S. As stated above Part 1 was enacted in 1925 the majority of which has not been amended since inception. The most recent amendment occurred in 1994 to s. 418.12, F.S., when the Department of Natural Resources was changed to Department of Environmental Protection. While the bill deletes this section, DEP maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program (FRDAP). Local governments can accomplish the provisions of Part 1 under their general authority.

B. SECTION DIRECTORY:

Section 1: Repeals s. 418.01, F.S., describing the scope of the chapter and providing definitions.

Section 2: Repeals s. 418.02, F.S., relating to recreation centers; use and acquisition of land; equipment and maintenance.

Section 3: Repeals s. 418.03, F.S., relating to supervision.

¹See s. 201.01(1)(c), F.S., for counties and s. 200.01(2)(c), F.S., for municipalities.

Section 4: Repeals s. 418.04, F.S., relating to playground and recreation board

Section 5: Repeals s. 418.05, F.S., relating to cooperation with other units and boards.

Section 6: Repeals s. 418.06, F.S., relating to gifts, grants, devises, and bequests.

Section 7: Repeals s. 418.07, F.S., relating to issuance of bonds.

Section 8: Repeals s. 418.08, F.S., relating to petition for referendum.

Section 9: Repeals s. 418.09, F.S., relating to resolution or ordinance providing for recreation system.

Section 10: Repeals s. 418.10, F.S., relating to tax levy.

Section 11: Repeals s. 418.11, F.S., relating to payment of expenses and custody of funds.

Section 12: Repeals s. 418.12, F.S., relating to duties and functions of division of recreation and parks

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

The tax levy authorized by s. 418.08, F.S., is subject to referendum and is therefore already included within the millages authorized for counties under s. 201.01(1)(c), F.S., and municipalities under s. 200.01(2)(c), F.S.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB MLA 10-04

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to playgrounds and recreation centers;
 3 repealing s. 418.01, F.S., relating to scope of chapter;
 4 definition; repealing s. 418.02, F.S., relating to
 5 recreation centers; use and acquisition of land; equipment
 6 and maintenance; repealing s. 418.03, F.S., relating to
 7 supervision; repealing s. 418.04, F.S., relating to
 8 playground and recreation board; repealing s. 418.05,
 9 F.S., relating to cooperation with other units and boards;
 10 repealing s. 418.06, F.S., relating to gifts, grants,
 11 devises, and bequests; repealing s. 418.07, F.S., relating
 12 to issuance of bonds; repealing s. 418.08, F.S., relating
 13 to petition for referendum; repealing s. 418.09, F.S.,
 14 relating to resolution or ordinance providing for
 15 recreation system; repealing s. 418.10, F.S., relating to
 16 tax levy; repealing s. 418.11, F.S., relating to payment
 17 of expenses and custody of funds; repealing s. 418.12,
 18 F.S., relating to duties and functions of division of
 19 recreation and parks; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

- 22
 23 Section 1. Section 418.01, Florida Statutes, is repealed.
 24 Section 2. Section 418.02, Florida Statutes, is repealed.
 25 Section 3. Section 418.03, Florida Statutes, is repealed.
 26 Section 4. Section 418.04, Florida Statutes, is repealed.
 27 Section 5. Section 418.05, Florida Statutes, is repealed.
 28 Section 6. Section 418.06, Florida Statutes, is repealed.

□

PCB MLA 10-04

ORIGINAL

YEAR

- 29 Section 7. Section 418.07, Florida Statutes, is repealed.
30 Section 8. Section 418.08, Florida Statutes, is repealed.
31 Section 9. Section 418.09, Florida Statutes, is repealed.
32 Section 10. Section 418.10, Florida Statutes, is repealed.
33 Section 11. Section 418.11, Florida Statutes, is repealed.
34 Section 12. Section 418.12, Florida Statutes, is repealed.
35 Section 13. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB MLA 10-05 Florida Industrial Development Corporation
SPONSOR(S): Military & Local Affairs Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee		Tait <i>MCT</i>	Hoagland <i>[Signature]</i>
1)				
2)				
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5)				

SUMMARY ANALYSIS

The bill repeals ch. 289, F.S., relating to the Florida Industrial Development Corporation. The corporation was created to promote, develop and advance the prosperity and economic welfare of the state. The bill removes the statutory provisions for the incorporation of an industrial development corporation, special corporate powers, authorized financial transactions, membership of financial institutions, powers of stockholders and members, procedures for amending the articles of incorporation, conduct of corporation business and affairs, requirements for saving a portion of annual earned surplus, meetings, corporative existence, dissolution, credit of state, Federal Small Business Investment Act, tax exemptions, credits, or privileges, required periodic examinations, and the occupational license tax for industrial development corporations.

The repeal of ch. 289, F.S., will not impact other economic development programs currently in existence, including, but not limited to, the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., and county development corporations. Three FDICs existed and were dissolved in 1973, 1980, and 1991, respectively.

The bill does not have a fiscal impact.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Chapter 289, F.S., was created in 1961, to provide for the creation of an industrial development corporation, with the purpose of promoting, developing and advancing the prosperity and economic welfare of the state. Industrial development corporations created under this statute encouraged and assisted new business and industry and rehabilitated existing business and industry through loans, investments or other business transactions. They were also charged with working with other public and private organizations to promote and advance industrial, commercial, agricultural, and recreational developments, and to provide financing for the promotion, development and conduct of all kinds of business activity in this state. The law contains provisions for the incorporation of an industrial development corporation, special corporate powers, authorized financial transactions, membership of financial institutions, powers of stockholders and members, procedures for amending the articles of incorporation, conduct of corporation business and affairs, requirements for saving a portion of annual earned surplus, meetings, corporative existence, dissolution, credit of state, Federal Small Business Investment Act, and tax exemptions, credits, or privileges. The corporation was to be reviewed at least once annually by the Office of Financial Regulation of the Financial Services Commission, and was required to pay an annual state occupational license tax of \$50. The last time any section of this chapter was amended was in 1980. Three FDICs existed and were dissolved in 1973, 1980, and 1991, respectively.

Proposed Changes

The bill repeals ch. 289, F.S., relating to the Florida Industrial Development Corporation. This removes the statutory provisions for the incorporation of an industrial development corporation, special corporate powers, authorized financial transactions, membership of financial institutions, powers of stockholders and members, procedures for amending the articles of incorporation, conduct of corporation business and affairs, requirements for saving a portion of annual earned surplus, meetings, corporative existence, dissolution, credit of state, Federal Small Business Investment Act, tax exemptions, credits, or privileges, required periodic examinations, and the occupational license tax for industrial development corporations.

The repeal of ch. 289, F.S., will not impact other economic development programs currently in existence, including, but not limited to, the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., and county development corporations.

To conform with changes made by the bills, cross references to the Florida Industrial Development Corporation are removed in ss. 212.08, 220.183, 220.62, 440.491, and 658.67, F.S.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

- Section 1. Repeals ch. 289, F.S., relating to the Florida Industrial Development Corporation.
- Section 2. Amends s. 212.08, F.S., to remove cross reference.
- Section 3. Amends s. 220.183, F.S., to remove cross reference.
- Section 4. Amends s. 220.62, F.S., to remove cross reference.
- Section 5. Amends s. 440.491, F.S., to remove cross reference.
- Section 6. Amends s. 658.67, F.S., to remove cross reference.
- Section 7. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

- 1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to the Florida Industrial Development
 3 Corporation; repealing ch. 289, F.S.; amending ss. 212.08,
 4 220.183, 220.62, 440.491, and 658.67, F.S.; removing
 5 references to conform to changes made by the act;
 6 providing an effective date.

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

9
 10 Section 1. Sections 289.011, 289.021, 289.031, 289.041,
 11 289.051, 289.061, 289.071, 289.081, 289.091, 289.101, 289.111,
 12 289.121, 289.131, 289.141, 289.151, 289.161, 289.171, 289.181,
 13 289.191, 289.201, Florida Statutes, are hereby repealed.

14 Section 2. Paragraph (p) of subsection (5) of section
 15 212.08, Florida Statutes, is amended to read:

16 212.08 Sales, rental, use, consumption, distribution, and
 17 storage tax; specified exemptions.—The sale at retail, the
 18 rental, the use, the consumption, the distribution, and the
 19 storage to be used or consumed in this state of the following
 20 are hereby specifically exempt from the tax imposed by this
 21 chapter.

22 (5) EXEMPTIONS; ACCOUNT OF USE.—

23 (p) Community contribution tax credit for donations.—

24 1. Authorization.—Persons who are registered with the
 25 department under s. 212.18 to collect or remit sales or use tax
 26 and who make donations to eligible sponsors are eligible for tax
 27 credits against their state sales and use tax liabilities as
 28 provided in this paragraph:

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29 a. The credit shall be computed as 50 percent of the
30 person's approved annual community contribution.

31 b. The credit shall be granted as a refund against state
32 sales and use taxes reported on returns and remitted in the 12
33 months preceding the date of application to the department for
34 the credit as required in sub-subparagraph 3.c. If the annual
35 credit is not fully used through such refund because of
36 insufficient tax payments during the applicable 12-month period,
37 the unused amount may be included in an application for a refund
38 made pursuant to sub-subparagraph 3.c. in subsequent years
39 against the total tax payments made for such year. Carryover
40 credits may be applied for a 3-year period without regard to any
41 time limitation that would otherwise apply under s. 215.26.

42 c. A person may not receive more than \$200,000 in annual
43 tax credits for all approved community contributions made in any
44 one year.

45 d. All proposals for the granting of the tax credit
46 require the prior approval of the Office of Tourism, Trade, and
47 Economic Development.

48 e. The total amount of tax credits which may be granted
49 for all programs approved under this paragraph, s. 220.183, and
50 s. 624.5105 is \$10.5 million annually for projects that provide
51 homeownership opportunities for low-income or very-low-income
52 households as defined in s. 420.9071(19) and (28) and \$3.5
53 million annually for all other projects.

54 f. A person who is eligible to receive the credit provided
55 for in this paragraph, s. 220.183, or s. 624.5105 may receive
56 the credit only under the one section of the person's choice.

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57 2. Eligibility requirements.--
 58 a. A community contribution by a person must be in the
 59 following form:
 60 (I) Cash or other liquid assets;
 61 (II) Real property;
 62 (III) Goods or inventory; or
 63 (IV) Other physical resources as identified by the Office
 64 of Tourism, Trade, and Economic Development.
 65 b. All community contributions must be reserved
 66 exclusively for use in a project. As used in this sub-
 67 subparagraph, the term "project" means any activity undertaken
 68 by an eligible sponsor which is designed to construct, improve,
 69 or substantially rehabilitate housing that is affordable to low-
 70 income or very-low-income households as defined in s.
 71 420.9071(19) and (28); designed to provide commercial,
 72 industrial, or public resources and facilities; or designed to
 73 improve entrepreneurial and job-development opportunities for
 74 low-income persons. A project may be the investment necessary to
 75 increase access to high-speed broadband capability in rural
 76 communities with enterprise zones, including projects that
 77 result in improvements to communications assets that are owned
 78 by a business. A project may include the provision of museum
 79 educational programs and materials that are directly related to
 80 any project approved between January 1, 1996, and December 31,
 81 1999, and located in an enterprise zone designated pursuant to
 82 s. 290.0065. This paragraph does not preclude projects that
 83 propose to construct or rehabilitate housing for low-income or
 84 very-low-income households on scattered sites. With respect to

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85 housing, contributions may be used to pay the following eligible
86 low-income and very-low-income housing-related activities:

87 (I) Project development impact and management fees for
88 low-income or very-low-income housing projects;

89 (II) Down payment and closing costs for eligible persons,
90 as defined in s. 420.9071(19) and (28);

91 (III) Administrative costs, including housing counseling
92 and marketing fees, not to exceed 10 percent of the community
93 contribution, directly related to low-income or very-low-income
94 projects; and

95 (IV) Removal of liens recorded against residential
96 property by municipal, county, or special district local
97 governments when satisfaction of the lien is a necessary
98 precedent to the transfer of the property to an eligible person,
99 as defined in s. 420.9071(19) and (28), for the purpose of
100 promoting home ownership. Contributions for lien removal must be
101 received from a nonrelated third party.

102 c. The project must be undertaken by an "eligible
103 sponsor," which includes:

104 (I) A community action program;

105 (II) A nonprofit community-based development organization
106 whose mission is the provision of housing for low-income or
107 very-low-income households or increasing entrepreneurial and
108 job-development opportunities for low-income persons;

109 (III) A neighborhood housing services corporation;

110 (IV) A local housing authority created under chapter 421;

111 (V) A community redevelopment agency created under s.
112 163.356;

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- 113 ~~(VI) The Florida Industrial Development Corporation;~~
 114 (VI~~F~~) A historic preservation district agency or
 115 organization;
 116 (VII~~F~~) A regional workforce board;
 117 (VIII~~I~~~~X~~) A direct-support organization as provided in s.
 118 1009.983;
 119 (IX) An enterprise zone development agency created under
 120 s. 290.0056;
 121 (X~~F~~) A community-based organization incorporated under
 122 chapter 617 which is recognized as educational, charitable, or
 123 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 124 and whose bylaws and articles of incorporation include
 125 affordable housing, economic development, or community
 126 development as the primary mission of the corporation;
 127 (XI~~F~~) Units of local government;
 128 (XII~~F~~) Units of state government; or
 129 (XIII~~I~~~~V~~) Any other agency that the Office of Tourism,
 130 Trade, and Economic Development designates by rule.

131
 132 In no event may a contributing person have a financial interest
 133 in the eligible sponsor.

134 d. The project must be located in an area designated an
 135 enterprise zone or a Front Porch Florida Community pursuant to
 136 s. 20.18(6), unless the project increases access to high-speed
 137 broadband capability for rural communities with enterprise zones
 138 but is physically located outside the designated rural zone
 139 boundaries. Any project designed to construct or rehabilitate
 140 housing for low-income or very-low-income households as defined

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141 in s. 420.9071(19) and (28) is exempt from the area requirement
 142 of this sub-subparagraph.

143 e.(I) If, during the first 10 business days of the state
 144 fiscal year, eligible tax credit applications for projects that
 145 provide homeownership opportunities for low-income or very-low-
 146 income households as defined in s. 420.9071(19) and (28) are
 147 received for less than the annual tax credits available for
 148 those projects, the Office of Tourism, Trade, and Economic
 149 Development shall grant tax credits for those applications and
 150 shall grant remaining tax credits on a first-come, first-served
 151 basis for any subsequent eligible applications received before
 152 the end of the state fiscal year. If, during the first 10
 153 business days of the state fiscal year, eligible tax credit
 154 applications for projects that provide homeownership
 155 opportunities for low-income or very-low-income households as
 156 defined in s. 420.9071(19) and (28) are received for more than
 157 the annual tax credits available for those projects, the office
 158 shall grant the tax credits for those applications as follows:

159 (A) If tax credit applications submitted for approved
 160 projects of an eligible sponsor do not exceed \$200,000 in total,
 161 the credits shall be granted in full if the tax credit
 162 applications are approved.

163 (B) If tax credit applications submitted for approved
 164 projects of an eligible sponsor exceed \$200,000 in total, the
 165 amount of tax credits granted pursuant to sub-sub-sub-
 166 subparagraph (A) shall be subtracted from the amount of
 167 available tax credits, and the remaining credits shall be
 168 granted to each approved tax credit application on a pro rata

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169 basis.

170 (II) If, during the first 10 business days of the state
 171 fiscal year, eligible tax credit applications for projects other
 172 than those that provide homeownership opportunities for low-
 173 income or very-low-income households as defined in s.
 174 420.9071(19) and (28) are received for less than the annual tax
 175 credits available for those projects, the office shall grant tax
 176 credits for those applications and shall grant remaining tax
 177 credits on a first-come, first-served basis for any subsequent
 178 eligible applications received before the end of the state
 179 fiscal year. If, during the first 10 business days of the state
 180 fiscal year, eligible tax credit applications for projects other
 181 than those that provide homeownership opportunities for low-
 182 income or very-low-income households as defined in s.
 183 420.9071(19) and (28) are received for more than the annual tax
 184 credits available for those projects, the office shall grant the
 185 tax credits for those applications on a pro rata basis.

186 3. Application requirements.-

187 a. Any eligible sponsor seeking to participate in this
 188 program must submit a proposal to the Office of Tourism, Trade,
 189 and Economic Development which sets forth the name of the
 190 sponsor, a description of the project, and the area in which the
 191 project is located, together with such supporting information as
 192 is prescribed by rule. The proposal must also contain a
 193 resolution from the local governmental unit in which the project
 194 is located certifying that the project is consistent with local
 195 plans and regulations.

196 b. Any person seeking to participate in this program must

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197 submit an application for tax credit to the office which sets
 198 forth the name of the sponsor, a description of the project, and
 199 the type, value, and purpose of the contribution. The sponsor
 200 shall verify the terms of the application and indicate its
 201 receipt of the contribution, which verification must be in
 202 writing and accompany the application for tax credit. The person
 203 must submit a separate tax credit application to the office for
 204 each individual contribution that it makes to each individual
 205 project.

206 c. Any person who has received notification from the
 207 office that a tax credit has been approved must apply to the
 208 department to receive the refund. Application must be made on
 209 the form prescribed for claiming refunds of sales and use taxes
 210 and be accompanied by a copy of the notification. A person may
 211 submit only one application for refund to the department within
 212 any 12-month period.

213 4. Administration.-

214 a. The Office of Tourism, Trade, and Economic Development
 215 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
 216 to administer this paragraph, including rules for the approval
 217 or disapproval of proposals by a person.

218 b. The decision of the office must be in writing, and, if
 219 approved, the notification shall state the maximum credit
 220 allowable to the person. Upon approval, the office shall
 221 transmit a copy of the decision to the Department of Revenue.

222 c. The office shall periodically monitor all projects in a
 223 manner consistent with available resources to ensure that
 224 resources are used in accordance with this paragraph; however,

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225 each project must be reviewed at least once every 2 years.

226 d. The office shall, in consultation with the Department
 227 of Community Affairs and the statewide and regional housing and
 228 financial intermediaries, market the availability of the
 229 community contribution tax credit program to community-based
 230 organizations.

231 5. Notwithstanding sub-subparagraph 1.e., and for the
 232 2008-2009 fiscal year only, the total amount of tax credit which
 233 may be granted for all programs approved under this section and
 234 ss. 220.183 and 624.5105 is \$13 million annually for projects
 235 that provide homeownership opportunities for low-income or very-
 236 low-income households as defined in s. 420.9071(19) and (28) and
 237 \$3.5 million annually for all other projects. This subparagraph
 238 expires June 30, 2009.

239 6. Expiration.—This paragraph expires June 30, 2015;
 240 however, any accrued credit carryover that is unused on that
 241 date may be used until the expiration of the 3-year carryover
 242 period for such credit.

243 Section 3. Paragraph (c) of subsection (2) of section
 244 220.183, Florida Statutes, is amended to read:

245 220.183 Community contribution tax credit.—

246 (2) ELIGIBILITY REQUIREMENTS.—

247 (c) The project must be undertaken by an "eligible
 248 sponsor," defined here as:

249 1. A community action program;

250 2. A nonprofit community-based development organization
 251 whose mission is the provision of housing for low-income or
 252 very-low-income households or increasing entrepreneurial and

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253 job-development opportunities for low-income persons;
 254 3. A neighborhood housing services corporation;
 255 4. A local housing authority, created pursuant to chapter
 256 421;
 257 5. A community redevelopment agency, created pursuant to
 258 s. 163.356;
 259 ~~6. The Florida Industrial Development Corporation;~~
 260 6.7. An historic preservation district agency or
 261 organization;
 262 7.8. A regional workforce board;
 263 8.9. A direct-support organization as provided in s.
 264 1009.983;
 265 9.10. An enterprise zone development agency created
 266 pursuant to s. 290.0056;
 267 10.11. A community-based organization incorporated under
 268 chapter 617 which is recognized as educational, charitable, or
 269 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 270 and whose bylaws and articles of incorporation include
 271 affordable housing, economic development, or community
 272 development as the primary mission of the corporation;
 273 11.12. Units of local government;
 274 12.13. Units of state government; or
 275 13.14. Such other agency as the Office of Tourism, Trade,
 276 and Economic Development may, from time to time, designate by
 277 rule.
 278
 279 In no event shall a contributing business firm have a financial
 280 interest in the eligible sponsor.

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281 Section 4. Subsection (1) of section 220.62, Florida
 282 Statutes, is amended to read:

283 220.62 Definitions.—For purposes of this part:

284 (1) The term "bank" means a bank holding company
 285 registered under the Bank Holding Company Act of 1956 of the
 286 United States, 12 U.S.C. ss. 1841-1849, as amended, or a bank or
 287 trust company incorporated and doing business under the laws of
 288 the United States (including laws relating to the District of
 289 Columbia), of any state, or of any territory, a substantial part
 290 of the business of which consists of receiving deposits and
 291 making loans and discounts or of exercising fiduciary powers
 292 similar to those permitted to national banks under authority of
 293 the Comptroller of the Currency and which is subject by law to
 294 supervision and examination by state, territorial, or federal
 295 authority having supervision over banking institutions. The term
 296 "bank" also includes any banking association, corporation, or
 297 other similar organization organized and operated under the laws
 298 of any foreign country, which banking association, corporation,
 299 or other organization is also operating in this state pursuant
 300 to chapter 663, ~~and further includes any corporation organized~~
 301 ~~under chapter 289.~~

302 Section 5. Paragraph (b) of subsection (5) of section
 303 440.491, Florida Statutes, is amended to read:

304 440.491 Reemployment of injured workers; rehabilitation.—

305 (5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

306 (b) If the rehabilitation provider concludes that training
 307 and education are necessary to return the employee to suitable
 308 gainful employment, or if the employee has not returned to

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309 | suitable gainful employment within 180 days after referral for
 310 | reemployment services or receives \$2,500 in reemployment
 311 | services, whichever comes first, the carrier must discontinue
 312 | reemployment services and refer the employee to the department
 313 | for a vocational evaluation. Notwithstanding any provision of
 314 | ~~chapter 289~~ or chapter 627, the cost of a reemployment
 315 | assessment and the first \$2,500 in reemployment services to an
 316 | injured employee must not be treated as loss adjustment expense
 317 | for workers' compensation ratemaking purposes.

318 | Section 6. Subsection (4) of section 658.67, Florida
 319 | Statutes, is amended to read:

320 | 658.67 Investment powers and limitations.—A bank may
 321 | invest its funds, and a trust company may invest its corporate
 322 | funds, subject to the following definitions, restrictions, and
 323 | limitations:

324 | (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
 325 | LESS OF CAPITAL ACCOUNTS.—

326 | (a) Up to 10 percent of the capital accounts of the
 327 | purchasing bank or trust company may be used to invest in any
 328 | single issue of industrial development bonds issued for the
 329 | benefit of a specified corporation.

330 | (b) Up to an aggregate of 10 percent of the capital
 331 | accounts of the purchasing bank or trust company may be used to
 332 | invest in tax lien certificates.

333 | (c) Up to 5 percent of the capital accounts of the
 334 | purchasing bank or trust company may be used to invest in or
 335 | purchase bonds or other evidences of indebtedness of the State
 336 | of Israel.

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337 (d) Up to 2 percent of the capital accounts of the
 338 purchasing bank or trust company may be used to invest in the
 339 stock of a community corporation organized to promote the
 340 physical, social, or moral well-being of the members of the
 341 community where the bank or trust company is located.

342 ~~(e) Up to 1 percent of the capital accounts of the~~
 343 ~~purchasing bank or trust company may be used to invest in the~~
 344 ~~stock of the Florida Industrial Development Corporation.~~

345 (ef) Up to 1 percent of the capital accounts of the
 346 purchasing bank or trust company may be used to invest in the
 347 stock of the Housing Development Corporation of Florida. The
 348 purchasing bank or trust company may thereafter deal in the
 349 securities or other evidences of debt of such corporation as
 350 provided for in chapter 420.

351 (fg) Up to 10 percent of the capital accounts of a bank or
 352 trust company may be invested in any capital participation
 353 instrument or evidence of indebtedness issued by the Florida
 354 Black Business Investment Board pursuant to the Florida Small
 355 and Minority Business Assistance Act.

356 Section 7. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 395
SPONSOR(S): Abruzzo
TIED BILLS:

Direct-support Organization for the Department of Military Affairs

IDEN./SIM. BILLS: SB 644

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Local Affairs Policy Committee		Fudge <i>df</i>	Hoagland <i>HK</i>
2) Governmental Affairs Policy Committee			
3) Government Operations Appropriations Committee			
4) Economic Development & Community Affairs Policy Council			
5)			

SUMMARY ANALYSIS

The bill creates s. 250.116, F.S., for the Soldiers and Airmen Assistance Program. The program would provide financial assistance and services to eligible servicemembers of the Florida National Guard and eligible members of their families. The program will be implemented through funding provided by the direct-support organization of the Department of Military Affairs. The bill also deletes provisions that specify the number of authorized direct-support organization board members, the terms of office, qualifications for appointment, and the board's authorization to remove any board member for cause and fill vacancies that occur.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2005, the Legislature created the Family Readiness Program under the Department of Military Affairs. The purpose of the program was to provide need-based assistance to families of members of the Florida National Guard on active duty serving in the Global War on Terrorism or Homeland Defense operations. The program was dependent on appropriation expressly provided for the program. Program funds could be used in emergency situations to purchase critically needed services, including, but not limited to, reasonable living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs and health care. Five million dollars was appropriated in 2005 and that amount has decreased each year to \$200,000 for fiscal year 2009.

The president of the board is appointed by the Adjutant General. The board president is authorized to appoint up to 15 board members who serve terms of office of 3 years. Qualifications for appointment include Florida residents who are highly knowledgeable about the United States military, its service personnel, its mission, and consideration is given to the potential member's background in community service. The board is authorized to remove a member for cause and fill vacancies that occur.

Effect of Proposed Changes

The bill creates s. 250.116, F.S., for the Soldiers and Airmen Assistance Program. The program would provide financial assistance and services to eligible servicemembers of the Florida National Guard and eligible members of their families.¹ The program will be implemented through funding provided by the direct-support organization authorized under s. 250.115, F.S. The assistance available under the program includes: housing assistance, living expenses, vehicles, health care, and other services.

The financial committee of the direct-support organization must conduct quarterly reviews of the financial transactions of the program and may request the Office of Inspector General to conduct additional reviews.

¹ Eligible individuals include servicemembers who are members of the Florida National Guard who are: on active duty serving in the Global War on terrorism or Overseas Contingency Operation or request assistance within 120 days after the termination of orders for such service and return to home of record; deployed by the Federal Government and participating in state operations for homeland defense or request assistance within 120 days after the termination of orders for such service and return to home of record; beneficiaries of an eligible servicemember designated on the United States Department of Defense Form 93; and individuals demonstrating a financial need for authorized assistance who are dependents or family members of an eligible servicemember.

The bill also revises the composition of the board of directors of the direct-support organization by removing the limitation on the number of members that may serve on the board as well as the terms of office and criteria for selecting members.

B. SECTION DIRECTORY:

Section 1: Amends s. 250.115, F.S., to authorize the direct-support organization of the Department of Military Affairs to administer the Soldiers and Airmen Assistance Program or similar programs and revises the composition of the board.

Section 2: Creates the Soldiers and Airmen Assistance Program.

Section 3: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. Provides privately funded alternative to a state funded program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Department of Military Affairs to adopt rules to administer the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill authorizes living expenses for eligible service members and their families including expenses for gasoline and transportation. Substituting a term such as "motor vehicle fuel" for the term "gasoline" would allow for the inclusion of other common fuels.

Generally, DSOs operate under the oversight of an agency through a written contract.² This oversight ensures that the DSO is operating consistent with the goals and purposes of the department and in the best interests of the state. Moreover, the contract can provide for reversion of money and property held by the DSO to the department if the DSO is no longer approved to operate for the department or if the DSO ceases to exist.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

² See e.g., ss. 430.82 and 267.1736, F.S.
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DATE: 1/13/2010

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A bill to be entitled
 An act relating to the direct-support organization for the
 Department of Military Affairs; amending s. 250.115, F.S.;
 authorizing the direct-support organization to administer
 the Soldiers and Airmen Assistance Program or similar
 programs; authorizing the president of the direct-support
 organization to appoint all members of the board of
 directors; requiring the direct-support organization to
 submit its annual budget and financial reports to the
 Department of Military Affairs; creating s. 250.116, F.S.;
 creating the Soldiers and Airmen Assistance Program;
 authorizing the program to provide specified types of
 assistance to certain members of the Florida National
 Guard and their families; providing for the review of
 requests for assistance; requiring the financial committee
 of the board of directors of the direct-support
 organization for the Department of Military Affairs to
 review the financial transactions of the program
 quarterly; authorizing the financial committee of the
 board of directors to request additional reviews by the
 Office of Inspector General; authorizing the Department of
 Military Affairs to adopt rules to administer the Soldiers
 and Airmen Assistance Program; providing an effective
 date.

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

Section 1. Section 250.115, Florida Statutes, is amended

29 to read:

30 250.115 Department of Military Affairs direct-support
31 organization.—

32 (1) DEFINITIONS.—As used in this section, the term:

33 (a) "Direct-support organization" means an organization
34 that is:

35 1. A Florida corporation not for profit, incorporated
36 under chapter 617, and approved by the Department of State.

37 2. Organized and operated exclusively to raise funds;
38 request and receive grants, gifts, and bequests of moneys;
39 acquire, receive, hold, invest, and administer in its own name
40 securities, funds, or property; administer the Soldiers and
41 Airmen Assistance Program or similar programs as directed by the
42 Adjutant General; and make expenditures to or for the direct or
43 indirect benefit of the Department of Military Affairs or the
44 Florida National Guard.

45 3. Determined by the Department of Military Affairs to be
46 operating in a manner consistent with the goals of the
47 Department of Military Affairs and the Florida National Guard
48 and in the best interest of the state. Any organization that is
49 denied certification by the Adjutant General may not use the
50 name of the Florida National Guard or the Department of Military
51 Affairs in any part of its name or its publications.

52 (b) "Personal services" includes full-time or part-time
53 personnel as well as payroll processing.

54 (2) BOARD OF DIRECTORS.—The organization shall be governed
55 by a board of directors. The Adjutant General, or his or her
56 designee, shall appoint a president of the board. The board of

57 | ~~directors shall consist of up to 15 members appointed by the~~
 58 | ~~president of the board. Up to 15 additional members may be~~
 59 | ~~appointed by the president of the board of directors. The terms~~
 60 | ~~of office of the members shall be 3 years. Members must be~~
 61 | ~~residents of the state and highly knowledgeable about the United~~
 62 | ~~States military, its service personnel, and its missions. In~~
 63 | ~~making appointments, the board must consider a potential~~
 64 | ~~member's background in community service. The board may remove~~
 65 | ~~any member for cause and shall fill vacancies that occur.~~

66 | (3) USE OF PROPERTY.—

67 | (a) The Department of Military Affairs may permit the use
 68 | of property, facilities, and personal services of the Department
 69 | of Military Affairs by the direct-support organization, subject
 70 | to the provisions of this section.

71 | (b) The Department of Military Affairs may prescribe by
 72 | rule any condition with which a direct-support organization
 73 | organized under this section must comply in order to use
 74 | property, facilities, or personal services of the Department of
 75 | Military Affairs.

76 | (c) The Department of Military Affairs may not permit the
 77 | use of its property, facilities, or personal services by any
 78 | direct-support organization organized under this section which
 79 | does not provide equal employment opportunities to all persons
 80 | regardless of race, color, national origin, gender, age, or
 81 | religion.

82 | (4) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
 83 | between the direct-support organization organized pursuant to
 84 | this section and another direct-support organization or center

85 of technology innovation designated under s. 1004.77 must be
 86 approved by the Department of Military Affairs.

87 (5) ANNUAL BUDGETS AND REPORTS.—The direct-support
 88 organization shall submit to the Department of Military Affairs
 89 its annual budget and financial reports, its federal Internal
 90 Revenue Service Application for Recognition of Exemption form
 91 (Form 1023), and its federal Internal Revenue Service Return of
 92 Organization Exempt from Income Tax form (Form 990).

93 (6) ANNUAL AUDIT.—The direct-support organization shall
 94 provide for an annual financial audit in accordance with s.
 95 215.981.

96 Section 2. Section 250.116, Florida Statutes, is created
 97 to read:

98 250.116 Soldiers and Airmen Assistance Program.—

99 (1) PROGRAM PURPOSE.—The purpose of the program is to
 100 provide financial assistance and services to eligible
 101 servicemembers of the Florida National Guard and eligible
 102 members of their families. The program shall be headed by a
 103 program director appointed by the direct-support organization
 104 authorized under s. 250.115.

105 (2) FUNDING.—The program shall be implemented through
 106 funding provided by the direct-support organization.

107 (3) AUTHORIZED ASSISTANCE.—The assistance available under
 108 the program may include:

109 (a) Housing.—The program may provide housing assistance.
 110 Housing assistance includes assistance with emergency repairs,
 111 renovations, or replacements that are needed for a
 112 servicemember's primary residential property in order to address

113 health or safety issues or meet disability needs. Housing
 114 assistance also includes assistance with lease deposits,
 115 mortgage payments, and rent payments.

116 (b) Living expenses.—The program may provide assistance
 117 for living expenses that are reasonable and necessary to meet
 118 basic needs for eligible members of the Florida National Guard
 119 and eligible members of their families. Living expenses include
 120 expenses for clothing, groceries, utility services, gasoline and
 121 transportation, insurance, and child care that is necessary to
 122 obtain or maintain employment.

123 (c) Vehicles.—The program may provide assistance for
 124 repairs or short-term rentals required to maintain the primary
 125 vehicle of a servicemember's family in a safe operating
 126 condition. If a repair will not restore the primary vehicle to a
 127 safe operating condition or if there is no vehicle, assistance
 128 with the purchase of a vehicle may be provided if such a vehicle
 129 is necessary.

130 (d) Health care.—The program may provide assistance for
 131 services that are documented by a medical authority as necessary
 132 for the health and welfare of the individual. Assistance is not
 133 available for elective procedures or medical care that is
 134 covered by insurance.

135 (e) Other services.—The program may provide assistance for
 136 a service or expense that is not specifically enumerated in this
 137 subsection if the service or expense is reasonable under the
 138 circumstances.

139 (4) ELIGIBILITY.—Persons eligible for assistance from the
 140 program include:

141 (a) Servicemembers who are members of the Florida National
 142 Guard who are:

143 1. On active duty serving in the Global War on Terrorism
 144 or Overseas Contingency Operation or request assistance within
 145 120 days after the termination of orders for such service and
 146 return to home of record.

147 2. Deployed by the Federal Government and participating in
 148 state operations for homeland defense or request assistance
 149 within 120 days after the termination of orders for such service
 150 and return to home of record.

151 (b)1. Beneficiaries of an eligible servicemember
 152 designated on the United States Department of Defense Form 93.

153 2. Individuals demonstrating a financial need for
 154 authorized assistance who are dependents or family members of an
 155 eligible servicemember.

156 (5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.-

157 (a) A request for assistance shall be reviewed and
 158 processed at the local level by an official designated by the
 159 Adjutant General. A recommendation from the local level for
 160 assistance shall be forwarded to the program director of the
 161 direct-support organization for final review and approval.

162 (b) Requests for assistance shall be reviewed and
 163 evaluated based on the following criteria:

164 1. The impact of a servicemember's absence and inability
 165 to assist in home and vehicle repairs or meet other family
 166 needs;

167 2. The economic impact of deployment;

168 3. The overall financial situation of the applicant;

169 4. The assistance authorized under the program; and

170 5. Other relevant information.

171 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
 172 the board of directors of the direct-support organization shall
 173 review financial transactions of the program each quarter. The
 174 financial committee may request the Office of Inspector General
 175 to conduct additional reviews.

176 (7) RULES.—The Department of Military Affairs may adopt
 177 rules to administer this section.

178 Section 3. This act shall take effect July 1, 2010.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 395 (2010)

Amendment No.

COUNCIL/COMMITTEE 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 Council/Committee hearing bill: Military & Local Affairs Policy
2 Committee

3 Representative Abruzzo offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 250.115, Florida Statutes, is amended

8 to read:

9 250.115 Department of Military Affairs direct-support
10 organization.—

11 (1) DEFINITIONS.—As used in this section, the term:

12 (a) "Direct-support organization" means an organization
13 that is:

14 1. A Florida corporation not for profit, incorporated
15 under chapter 617, and approved by the Department of State.

16 2. Organized and operated exclusively to raise funds;
17 request and receive grants, gifts, and bequests of moneys;
18 acquire, receive, hold, invest, and administer in its own name
19 securities, funds, or property; support the processing of

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 395 (2010)

Amendment No.

20 requests for assistance from the Soldiers and Airmen Assistance
21 Program or similar programs, as directed by the Adjutant
22 General; and make expenditures to or for the direct or indirect
23 benefit of the Department of Military Affairs or the Florida
24 National Guard.

25 3. Determined by the Department of Military Affairs to be
26 operating in a manner consistent with the goals of the
27 Department of Military Affairs and the Florida National Guard
28 and in the best interest of the state. Any organization that is
29 denied certification by the Adjutant General may not use the
30 name of the Florida National Guard or the Department of Military
31 Affairs in any part of its name or its publications.

32 (b) "Personal services" includes full-time or part-time
33 personnel as well as payroll processing.

34 (2) BOARD OF DIRECTORS.—The organization shall be governed
35 by a board of directors. The Adjutant General, or his or her
36 designee, shall appoint a president of the board. The board of
37 directors shall ~~consist of up to 15 members appointed by the~~
38 ~~president of the board. Up to 15 additional members may be~~
39 ~~appointed by the president of the board of directors. The terms~~
40 ~~of office of the members shall be 3 years. Members must be~~
41 ~~residents of the state and highly knowledgeable about the United~~
42 ~~States military, its service personnel, and its missions. In~~
43 ~~making appointments, the board must consider a potential~~
44 ~~member's background in community service. The board may remove~~
45 ~~any member for cause and shall fill vacancies that occur.~~

46 (3) USE OF PROPERTY.—

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 395 (2010)

Amendment No.

47 (a) The Department of Military Affairs may permit the use
48 of property, facilities, and personal services of the Department
49 of Military Affairs by the direct-support organization, subject
50 to the provisions of this section.

51 (b) The Department of Military Affairs may prescribe by
52 rule any condition with which a direct-support organization
53 organized under this section must comply in order to use
54 property, facilities, or personal services of the Department of
55 Military Affairs.

56 (c) The Department of Military Affairs may not permit the
57 use of its property, facilities, or personal services by any
58 direct-support organization organized under this section which
59 does not provide equal employment opportunities to all persons
60 regardless of race, color, national origin, gender, age, or
61 religion.

62 (4) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
63 between the direct-support organization organized pursuant to
64 this section and another direct-support organization or center
65 of technology innovation designated under s. 1004.77 must be
66 approved by the Department of Military Affairs.

67 (5) ANNUAL BUDGETS AND REPORTS.—The direct-support
68 organization shall submit to the Department of Military Affairs
69 its annual budget and financial reports, its federal Internal
70 Revenue Service Application for Recognition of Exemption form
71 (Form 1023), and its federal Internal Revenue Service Return of
72 Organization Exempt from Income Tax form (Form 990).

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 395 (2010)

Amendment No.

73 (6) ANNUAL AUDIT.—The direct-support organization shall
74 provide for an annual financial audit in accordance with s.
75 215.981.

76 Section 2. Section 250.116, Florida Statutes, is created
77 to read:

78 250.116 Soldiers and Airmen Assistance Program.—

79 (1) PROGRAM PURPOSE.—The purpose of the program is to
80 provide financial assistance and services to eligible
81 servicemembers of the Florida National Guard and eligible
82 members of their families. The program shall be administered by
83 the Director of Financial Management for the Department of
84 Military Affairs. The Director of Financial Management may be
85 assisted in the processing of applications and the administering
86 of the program by the direct-support organization authorized
87 under s. 250.115.

88 (2) FUNDING.—The program shall be implemented through
89 funding provided by the direct-support organization.

90 (3) AUTHORIZED ASSISTANCE.—The assistance available under
91 the program may include:

92 (a) Housing.—The program may provide housing assistance.
93 Housing assistance includes assistance with emergency repairs,
94 renovations, or replacements that are needed for a
95 servicemember's primary residential property in order to address
96 health or safety issues or meet disability needs. Housing
97 assistance also includes assistance with lease deposits,
98 mortgage payments, and rent payments.

99 (b) Living expenses.—The program may provide assistance
100 for living expenses that are reasonable and necessary to meet

Amendment No.

101 basic needs for eligible members of the Florida National Guard
102 and eligible members of their families. Living expenses include
103 expenses for clothing, groceries, utility services, gasoline and
104 transportation, insurance, and child care that is necessary to
105 obtain or maintain employment.

106 (c) Vehicles.—The program may provide assistance for
107 repairs or short-term rentals required to maintain the primary
108 vehicle of a servicemember's family in a safe operating
109 condition. If a repair will not restore the primary vehicle to a
110 safe operating condition, or if there is no vehicle, assistance
111 with the purchase of a vehicle may be provided if such a vehicle
112 is necessary.

113 (d) Health care.—The program may provide assistance for
114 services that are documented by a medical authority as necessary
115 for the health and welfare of the individual. Assistance is not
116 available for elective procedures or medical care that is
117 covered by insurance.

118 (e) Other services.—The program may provide assistance for
119 a service or expense that is not specifically enumerated in this
120 subsection if the service or expense is reasonable under the
121 circumstances.

122 (4) ELIGIBILITY.—Persons eligible for assistance from the
123 program include:

124 (a) Servicemembers who are members of the Florida National
125 Guard who are:

126 1. On active duty serving in the Global War on Terrorism
127 or Overseas Contingency Operation or who request assistance

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 395 (2010)

Amendment No.

128 within 120 days after the termination of orders for such service
129 and return to their home of record.

130 2. Deployed by the Federal Government and participating in
131 state operations for homeland defense or request assistance
132 within 120 days after the termination of orders for such service
133 and return to their home of record.

134 (b)1. Beneficiaries of an eligible servicemember
135 designated on United States Department of Defense Form 93.

136 2. Individuals demonstrating a financial need for
137 authorized assistance who are dependents or family members of an
138 eligible servicemember.

139 (5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.-

140 (a) A request for assistance shall be reviewed and
141 processed at the local level by an official designated by the
142 Adjutant General. During the initial review and processing of
143 the request, the Department of Military Affairs may accept
144 assistance from the direct-support organization. Final review
145 and approval of requests for assistance shall be made by the
146 Director of Financial Management for the Department of Military
147 Affairs.

148 (b) Requests for assistance shall be reviewed and
149 evaluated based on the following criteria:

150 1. The impact of a servicemember's absence and inability
151 to assist in home and vehicle repairs or meet other family
152 needs;

153 2. The economic impact of deployment;

154 3. The overall financial situation of the applicant;

155 4. The assistance authorized under the program; and

Amendment No.

156 5. Other relevant information.

157 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
158 the board of directors of the direct-support organization shall
159 review financial transactions of the program each quarter. This
160 review shall be provided to the Director of Financial Management
161 in order to determine whether the direct-support organization is
162 being operated in a manner that is consistent with the purposes
163 of the Soldiers and Airmen Assistance Fund, and in the best
164 interests of the Department of Military Affairs. The financial
165 committee may request the Office of Inspector General to conduct
166 additional reviews.

167 (7) RULES.—The Department of Military Affairs may adopt
168 rules to administer this section.

169 Section 3. This act shall take effect July 1, 2010.

170

171

172

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

173 Remove the entire title and insert:

174 A bill to be entitled

175 An act relating to the direct-support organization for the
176 Department of Military Affairs; amending s. 250.115, F.S.;
177 authorizing the direct-support organization to support the
178 processing of requests in the Soldiers and Airmen
179 Assistance Program or similar programs; authorizing the
180 president of the direct-support organization to appoint
181 all members of the board of directors; requiring the
182 direct-support organization to submit its annual budget
183

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 395 (2010)

Amendment No.

184 and financial reports to the Department of Military
185 Affairs; creating s. 250.116, F.S.; creating the Soldiers
186 and Airmen Assistance Program; authorizing the program to
187 provide specified types of assistance to certain members
188 of the Florida National Guard and their families;
189 providing for the review of requests for assistance;
190 requiring the financial committee of the board of
191 directors of the direct-support organization for the
192 Department of Military Affairs to review the financial
193 transactions of the program quarterly; authorizing the
194 financial committee of the board of directors to request
195 additional reviews by the Office of Inspector General;
196 authorizing the Department of Military Affairs to adopt
197 rules to administer the Soldiers and Airmen Assistance
198 Program; providing an effective date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 753
SPONSOR(S): Saunders
TIED BILLS:

Monroe County

IDEN./SIM. BILLS: SB 1226, SB 422

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Nelson <i>PN</i>	Hoagland <i>[Signature]</i>
2)	Agriculture & Natural Resources Policy Committee			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

This bill amends an uncodified section of law relating to sewage requirements in Monroe County. The bill provides criteria for the use of shallow injection wells to backup deep primary injection wells in wastewater facilities with the design capacity of one million gallons or greater per day.

Use of the shallow backup well is allowed only when the primary injection well is out of service as the result of equipment failure, power failure, or the need for mechanical integrity testing or repair. Operation of the backup well is limited to no more than 500 hours in any five-year period unless specifically authorized in writing by the Department of Environmental Protection, and fluid injected into the well must meet applicable treatment standards.

This bill does not appear to have a fiscal impact on state government. The bill appears to have a positive fiscal impact on wastewater facilities in Monroe County and their customers.

This bill has an effective date of upon becoming a law.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Injection Wells

The Department of Environmental Protection (DEP) is charged with protecting the State of Florida's underground sources of drinking water (USDW).¹ Billions of gallons of wastewater are produced in Florida every day, the improper disposal of which could impact public health and the environment.² One method employed for disposing of treated domestic wastewater is the underground injection well. An injection well is an open vertical hole at least 90 feet in depth, cased³ and grouted to at least 60 feet in depth, which is used to dispose of effluent from an onsite sewage treatment and disposal system.⁴ Injection wells are required to be constructed, maintained and operated so that the injected fluid remains in the injection zone, and the unapproved interchange of water between aquifers is prohibited.

There are five classes of injection wells:

- Class I wells are used to inject hazardous waste, nonhazardous waste, or municipal waste far below the lowermost USDW. The injection zone is deep (typically from 1,700 to more than 10,000 in depth) and separated from the USDWs by an impermeable "confining layer."⁵ There are more than 125 active Class I wells in Florida. The majority of these facilities dispose of nonhazardous, secondary-treated effluent from domestic wastewater treatment plants.

¹ Pursuant to Rule 62.528.200(66), F.A.C., a USDW is defined as an aquifer which supplies drinking water for human consumption, or contains a total dissolved solids concentration of less than 10,000 milligrams per liter of water.

² <http://www.dep.state.fl.us/water/wastewater/index.htm>.

³ Pursuant to Rule 62-528.200(8), F.A.C., "casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.

⁴ Section 381.0065(2)(f), F.S.

⁵ [Http://www.epa.gov/safewater/uic/wells_class1.html](http://www.epa.gov/safewater/uic/wells_class1.html).

- Class II wells inject fluids associated with the production of oil and natural gas or fluids used to enhance hydrocarbon recovery.
- Class III wells inject fluids for extraction of minerals. There are no Class III wells in Florida.
- Class IV wells are used to dispose of hazardous or radioactive wastes into or above USDW. These wells are banned in Florida.
- Class V injection wells generally inject nonhazardous fluid into or above a USDW. The fluid injected must meet appropriate criteria as determined by the classification of the receiving aquifer. Common types of Class V wells include air conditioning return flow wells, swimming pool drainage wells, storm water drainage wells, lake level control wells, domestic waste wells, and aquifer storage and recovery wells. There are more than 8,000 Class V wells in this state.⁶

The depth of the various classes of injection wells is not specified in law or rule. Rather, these wells are characterized by how they relate to the underground geology, how they are constructed in order to protect groundwater, what they discharge, and other defining criteria.

DEP requires sewage treatment plants—depending on the size, complexity and type(s) of their discharge—to meet certain reliability standards, including the ability to operate under emergency circumstances or during other conditions when normal operation isn't possible. Thus, all facilities must have an adequate "backup" discharge system, whether it be a secondary well(s), or the ability to utilize surface water discharge or reuse methods.⁷

Monroe County (The Florida Keys)

In 1979, the Legislature enacted s. 380.0552, F.S., designating the Florida Keys as an area of critical state concern. This law requires state, regional, and local agencies and units of government in the Florida Keys area to coordinate their plans and conduct their programs and regulatory activities consistent with a number of principles for guiding development which include the protection of the environment and the quality of water.

Chapter 99-395, L.O.F., originally was passed in large measure to bolster the area of critical state concern requirements. It was designed to improve nearshore water quality—which has been demonstrated to suffer from poor wastewater management practices—and to provide improved protection for the Keys' reef system given the uncertain affect of wastewater discharges.⁸ Wastewater in the Keys currently is subjected to advanced wastewater treatment, which includes the reduction of nutrients, toxicity, suspended solids and organics.

Section 6 of ch. 99-395, L.O.F., applies to all sewage treatment, reuse, and disposal facilities and all onsite sewage treatment and disposal systems in Monroe County. This uncodified section of law requires, in relevant part, that facilities discharging at least one million gallons per day utilizing Class V injection wells use wells that are cased to at least 2,000 feet deep or to such greater depth as may be required by DEP rule. Smaller facilities, with a design capacity of less than one million gallons per day, are authorized to use shallow Class V disposal wells that are at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as required by DEP rule.

As a result of the limited amount of land surface, wastewater facilities in Monroe County have few disposal options. Water discharges are prohibited, and reuse and other land disposal possibilities are generally unavailable. Consequently, injection wells often serve as the single practical option.

⁶ <http://www.dep.state.fl.us/water/uic/>.

⁷ February 11, 2010, telephone conversation with Geof Mansfield, Florida Department of Environmental Protection, Director of Compliance & Enforcement.

⁸ February 10, 2010, e-mail from Geof Mansfield, Florida Department of Environmental Protection, Director of Compliance & Enforcement

Class V injection wells are the prevailing domestic sewage disposal method for residential and commercial facilities in the Florida Keys. A typical Class V well in the Keys has 60 feet of casing and a depth of 90 feet. The injection formation is a very permeable limestone, either the Miami Oolite or Key Largo Limestone. The injected water, whether it is domestic effluent or stormwater, is much less dense than the native groundwater (which is sea water quality) and thus rises due to buoyancy. Potential effects on surface water are the reason that deep—or Class I—wells (which have confining strata between the injection zone—about 2500 feet deep—and the surface) have been installed at Key West and Key Largo.

Effect of bill

This bill amends s. 6, ch.99-395, L.O.F., relating to Monroe County. It provides the criteria for the use of shallow backup Class V injection wells at wastewater facilities with the design capacity of a million or more gallons per day. Such a backup injection well must meet the following criteria:

- The well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrating testing or repair.
- The well may not be used for a total of more than 500 hours during any five-year period, unless specifically authorized in writing by the DEP.
- It must be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by DEP rule.
- Fluids injected into the well must meet the same sewage discharge requirements as the primary injection well.

According to the DEP, the bill will provide significant cost savings as deep wells are extremely expensive to construct. By limiting the time period during which a shallow back-up well can be used, no adverse affects are expected to occur in adjacent ground or surface waters.⁹

It appears that this bill primarily will affect the Key Largo Wastewater Treatment District by allowing a shallow Class V well to be used as backup to their new Class I well. The district intends to have its Class I well operational by August of this year.¹⁰ The Key West facility should not be impacted by the bill as it currently has a deep injection backup well in place.

The Florida Keys Aqueduct Authority, the entity which supplies all potable water to the Keys through a pipeline from Dade County, currently has an advanced wastewater treatment plant project in the design phase (Cudjoe Regional) which may benefit from this legislation in the future. Potentially, the bill could also provide relief to other wastewater facilities as these entities are reconfigured and built in response to the changing dynamics in the Keys.

The bill provides an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amends s. 6, ch.99-395, L.O.F., relating to sewage requirements in Monroe County.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

⁹ Department of Environmental Protection Draft Bill Analysis for HB 1053 (2009).

¹⁰ February 10, 2010, telephone conversation with Chuck Fishburn, general manager of the Key Largo Wastewater Treatment District.

IF YES, WHEN? December 7, 2009

WHERE? *The Key West Citizen*, a daily newspaper of general circulation published in Monroe County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to DEP's estimates, local governments that own domestic wastewater facilities could experience savings of more than \$4 million in backup injection well construction costs and \$5,000 per year in reduced well testing costs.

There currently are no private utilities in the Florida Keys operating disposal wells associated with a wastewater treatment facility with a design capacity of greater than one million gallons per day. However, a private utility that installs or takes ownership of such a system will benefit from the reduced construction costs. A private utility also will benefit from the reduced testing requirements for a shallow well compared to a deep well.¹¹

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

HB 1053 (2009), a general bill which was identical to HB 753, was unanimously passed by both the Agriculture & Natural Resources Policy Committee and the General Government Policy Council, and passed the House on April 27, 2009. That bill died in Messages.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹¹ Department of Environmental Protection Draft Bill Analysis for HB 1053 (2009).

HB 753

2010

1 A bill to be entitled
 2 An act relating to Monroe County; amending chapter 99-395,
 3 Laws of Florida; providing exceptions to requirements of
 4 the Department of Environmental Protection regarding
 5 minimum casing for injection wells used by facilities that
 6 have a specified design capacity; providing requirements
 7 for an injection well used as a backup to a primary
 8 injection well; providing an effective date.

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

11
 12 Section 1. Subsection (7) of section 6 of chapter 99-395,
 13 Laws of Florida, is amended to read:

14 Section 6. Sewage requirements in Monroe County.—

15 (7) Class V injection wells, as defined by Department of
 16 Environmental Protection or Department of Health rule, shall
 17 meet the following requirements and shall otherwise comply with
 18 Department of Environmental Protection or Department of Health
 19 rules, as applicable:

20 (a) If the design capacity of the facility is less than
 21 1,000,000 gallons per day, the injection well shall be at least
 22 90 feet deep and cased to a minimum depth of 60 feet or to such
 23 greater cased depth and total well depth as may be required by
 24 Department of Environmental Protection rule.

25 (b) Except as provided in paragraph (c) for backup wells,
 26 if the design capacity of the facility is equal to or greater
 27 than 1,000,000 gallons per day, the injection well shall be
 28 cased to a minimum depth of 2,000 feet or to such greater depth

HB 753

2010

29 as may be required by Department of Environmental Protection
30 rule.

31 (c) If the injection well is used as a backup to a primary
32 injection well, the following conditions apply:

33 1. The backup well may be used only when the primary
34 injection well is out of service because of equipment failure,
35 power failure, or the need for mechanical integrity testing or
36 repair;

37 2. The backup well may not be used for a total of more
38 than 500 hours during any 5-year period, unless specifically
39 authorized in writing by the Department of Environmental
40 Protection;

41 3. The backup well shall be at least 90 feet deep and
42 cased to a minimum depth of 60 feet, or to such greater cased
43 depth and total well depth as may be required by rule of the
44 Department of Environmental Protection; and

45 4. Fluid injected into the backup well shall meet the
46 requirements of subsections (5) and (6).

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



STATE OF FLORIDA
COUNTY OF MONROE

Marsha F. Kirkwood
Advertising Coordinator

PO Box 1800
Key West Fl 33041
Office....305-292-7777
Extension.....x219
Fax.....305-295-8025
legals@keysnews.com

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Tel 305-853-7277
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Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Advertising Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida;

that the attached copy of advertisement, being a legal notice in the matter of

Notice of Legislation

was published in said newspaper in the issue(s) of

December 7, 2009

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe 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.

Signature of Affiant

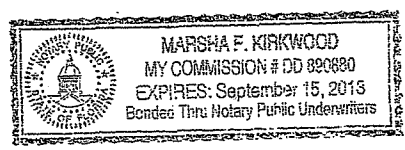
Sworn and subscribed before me this 7 day of December, 2009

Notary Public:

Marsha F. Kirkwood

Expires: September 15, 2013

Notary Seal



Personally Known x Produced Identification
Type of Identification Produced

Notice of Legislation

Notice is hereby given that the undersigned intends to apply to the legislature of the State of Florida at its 2010 legislative sessions, for the passage of a local bill amending ch. 99-395, Laws of Florida. The legislation will provide new standards for backup injection wells for disposal of treated wastewater from a wastewater treatment facility with a design capacity equal to or greater than 1,000,000 gallons/day. The proposed amendment will provide that the following conditions shall apply to a backup well: 1. The backup well shall be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair; 2. The backup well shall not be used for a total of more than 500 hours during any five-year period, unless specifically authorized in writing by the Department of Environmental Protection; 3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule; and 4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6) of ch. 99-395. The act shall take effect upon becoming a law.

Norman Higgins, Chairman
Key Largo Wastewater Treatment District

**HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM**

BILL #: _____
SPONSOR(S): Ron Saunders
RELATING TO: Monroe County
[Indicate Area Affected (City, County or Special District) and Subject]
NAME OF DELEGATION: Monroe County
CONTACT PERSON: Holly Merrill
PHONE NO.: (305) 853-1947 **E-Mail:** holly.merrill@myfloridahouse.gov

I. House local bill policy requires that three things occur before a council or a committee 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 Military & Local Affairs Policy Committee 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 7, 2010

Location: Murray Nelson Government Center, Key Largo 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** December 7, 2009

Where? Key Largo **County** Monroe

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

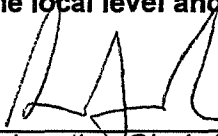
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [] NO [] NOT APPLICABLE [X]

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

YES [] NO [X]

Note: House policy also requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Military & Local Affairs Policy Committee.



Delegation Chair (Original Signature)

1/7/15

Date

Ron Saunders

Printed Name of Delegation Chair

Economic Impact Statement

HOUSE OF REPRESENTATIVES
2010 ECONOMIC IMPACT STATEMENT FORM

House local bill policy requires that no local bill will be considered by a council or a committee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL whether or not there is an economic impact. Please submit this completed, original form to the Military & Local Affairs Policy Committee as soon as possible after a bill is filed.

BILL #: awaiting #
SPONSOR(S): Ron Saunders
RELATING TO: Monroe County
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Expenditures:	<u>0</u>	<u>0</u>
<u>N/A</u>		

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Federal:	<u>0</u>	<u>0</u>
State:	<u>0</u>	<u>0</u>
Local:	<u>0</u>	<u>0</u>
<u>N/A</u>		

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Revenues:	<u>0</u>	<u>0</u>

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:
DEP estimates that local governments that own domestic wastewater facilities will save \$4 million in backup injection well construction costs and
Disadvantages: \$5,000 per year in reduced well testing costs.
None


Economic Impact Statement

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

There would be no impact upon competition and the open market for employment. This bill would be available for government and private utilities in Monroe County (even though there are no known private utilities using a facility over one million gallons per day.)

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

House and Senate Bill Analyses for SB 1438 and HB 1053 prepared in 2009.

PREPARED BY:  12-16-09
[Must be signed by Preparer] Date
TITLE: GEN. MGR.
REPRESENTING: Key Largo Wastewater Treatment District
PHONE: 305-451-4019
E-Mail Address: CFFISHBURN@AOL.COM

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 759

Northern Palm Beach County Improvement District, Palm Beach

County

SPONSOR(S): Domino

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Fudge <i>df</i>	Hoagland <i>BNH</i>
2)	Economic Development & Community Affairs Policy Council			
3)				
4)				
5)				

SUMMARY ANALYSIS

The Northern Palm Beach Improvement District was created in 1959 in Palm Beach County. Today the district provides a range of services which include: storm water control, drought protection, water quality control, utilities construction, environmental services, landscaping, roadway construction, street lights, and maintenance of canals, waterways and lakes. The district is governed by a five-member Board of Supervisors. Three Supervisors are elected by the landowners within the boundaries of the service area, while the remaining two are popularly elected.

The bill revises the procedures for election of board members and provides a process for transitioning from landowner elected to popularly elected supervisors. However, one supervisor will remain landowner elected. The bill also exempts from landowner elections publicly owned lands not subject to assessments, lands not currently subject to assessment and land for which assessments have not been paid for the previous year.

The bill is effective upon becoming law.

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.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Northern Palm Beach Improvement District was created in 1959 in Palm Beach County. Today the district provides a range of services which include: storm water control, drought protection, water quality control, utilities construction, environmental services, landscaping, roadway construction, street lights, and maintenance of canals, waterways and lakes. The district is funded from revenues generated from special assessments levied against only those lands where service is provided. The special assessments are included on landowners' property tax bills and are collected by the Palm Beach County Tax Collector. The district is governed by a five-member Board of Supervisors. Three Supervisors are elected by the landowners within the boundaries of the service area, while the remaining two are popularly elected. The district is governed by a five person board of supervisors who serve for four years. Seats 1, 3 and 4 are filled by landowner elections. Seats 2 and 5 are nonpartisan elected positions as defined by ch. 97, F.S.

Election of Supervisors

To qualify as a supervisor, a person must own property in the district and be a resident of the county in which the district is located, unless a district's special act provides otherwise. Section 298.11(2), Florida Statutes, provides that every acre of assessable land within a district represents one share, or vote. Each landowner within a district is entitled to one vote per acre of assessable land that he or she owns. Landowners owning less than one acre are entitled to one vote. The section allows proxy voting by landowners as well. Landowners owning more than one acre are entitled to one additional vote for any fraction of an acre greater than 1/2 acre, when all of the landowners' acreage has been aggregated for purposes of voting.

Section 298.76 Florida Statutes, authorizes special or local legislation:

- (a) Changing the method of voting for a board of supervisors for any water control district;
- (b) Providing a change in the term of office of the board of supervisors and changing the qualifications of the board of supervisors of any water control district; and
- (c) Changing the governing authority or governing board of any water control district.

In 2005, the district began transition the composition of the board from landowner elected to popularly elected by requiring that two of the board members be popularly elected. This bill continues that process by requiring four of the five board members be popularly elected.

Effect of Proposed Changes

The bill requires that the supervisors elected to seats 2 and 5 must be residents and electors of the District and sunsets, beginning in 2012, the requirement that the board member elected to seat 2 must reside south of PGA Boulevard and the member elected to seat 5 must reside north of PGA Boulevard.

Beginning with the landowner elections in 2010, those board members elected pursuant to landowner elections must be a resident of the State of Florida and either a resident of Palm Beach County or own, or have a beneficial interest in an entity that owns, real property within the district.

Beginning with the general election in 2012, seat 4 will be converted to a nonpartisan election and seats 4 and 5 must be residents of the district, must own, or have a beneficial interest in an entity that owns, real property within the district, and must be electors of the district.

Beginning with the general election in 2014, seat 3 will be converted to a nonpartisan elected position and seats 2 and 3 must be residents of the district, must own, or have a beneficial interest in an entity that owns, real property within the district, and must be electors of the district.

Upon conversion to nonpartisan elected positions, seats 2, 3, 4, and 5 shall qualify with the Palm Beach County Supervisor of elections pursuant to ch. 105, F.S., and be elected for a 4 year term by a plurality¹ of the electors within the jurisdictional boundary of the district who vote in their respective general elections. Each nonpartisan elected board member shall take office within 10 days after election. Candidates who do not collect campaign funds are not obligated to appoint a campaign treasurer pursuant to s. 106.021, F.S.² Any member who fails to maintain their residency requirement shall notify the district within 10 days. Any member who fails to reestablish residency within 30 days after such notice shall create an automatic vacancy for the member's seat. Any vacancies on the board shall be selected and appointed by a simple majority vote of the remaining members of the board.

The bill exempts from landowner elections: publicly owned lands not subject to assessments, lands not currently subject to assessment and land for which assessments have not been paid for the previous year.³

B. SECTION DIRECTORY:

Section 1: Amends the qualification and election procedures for members of the board of supervisors.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

¹ Allowing the plurality of votes to determine the winner would avoid the cost of a runoff election. For example, if there is more than one candidate for a position, a winner could be determined by who has the most votes, instead of requiring that the candidate receive a majority of the votes cast.

² This provision is similar to s. 99.061(3), F.S., which provides that "notwithstanding s. 106.021, a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository."

³ Section 298.12(1), F.S., provides that "[o]wners whose assessments have not been paid for the previous year are not entitled to vote."

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 11, 2009.

WHERE? In the *Palm Beach Post*, a daily newspaper published in Palm Beach County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Possible Exemption from General law

The bill provides that members of the board are elected by plurality vote of the electors. However, s. 105.051, F.S., requires a majority vote. This appears to be an exemption from general law.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

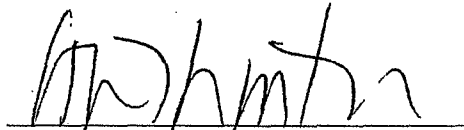
STATE OF FLORIDA
COUNTY OF PALM BEACH


Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Seek Legislation** was published in said newspaper in the issues of **November 11, 2009**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/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. Also published in Martin and St. Lucie Counties.

NO. 4847476
NOTICE OF INTENT TO
SEEK LEGISLATION
Pursuant to Section 11-02, Florida Statutes and Article III, Section 10 of the Florida Constitution, the Board of Supervisor of Northern Palm Beach County Improvement District hereby gives notice of its intention to seek legislation before the 2010 Florida Legislature. The substance of the legislation will clarify District election procedures, amend board member qualifications, convert two board seats to popularly elected, non-partisan positions, amend procedures for filling board vacancies, amend provisions relating to acreage voting and provide an effective date.
Deborah Andler, President
Board of Supervisor
Northern Palm Beach County
Improvement District
PUB: The Palm Beach Post
November 11, 2009

①

Sworn to and subscribed before 11th day of November, A.D. 2009.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 Karen M. McLinton
Commission # DD832672
Expires: NOV 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM

BILL #: _____
SPONSOR(S): Rep. Carl Domino
RELATING TO: Northern Palm Beach County Improvement District
[Indicate Area Affected (City, County, Special District) and Subject]
NAME OF DELEGATION: Palm Beach County
CONTACT PERSON: Ed Chase, Executive Director
PHONE # and E-MAIL: 561/355-2406 echase@pbcgov.org

I. House local bill policy requires that three things occur before a Council or Committee 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) a local public hearing by the legislative delegation must be held in the area affected; and (3) at or after any local public hearing, held for the purpose of hearing the local bill issue(s) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the legislative delegation. Local bills will not be considered by a Council or Committee without a completed, original Local Bill Certification Form.

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

YES [X] NO []

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

YES [X] NO []

Date hearing held: Friday, December 18, 2009
Location: West Palm Beach, FL

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

YES [] NO [] UNANIMOUSLY APPROVED [X]

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 in general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this Constitutional notice requirement been met?

Notice published: YES [X] NO [] **Date:** November 11, 2009

Where? Palm Beach Post **County:** Palm Beach

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

Date of Referendum: _____

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

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

YES [] NO [X] 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) in YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES [] NO [] NOT APPLICABLE []

Note: House policy requires that an Economic Impact Statement for Local Bills be prepared at the local level and be submitted to the Military and Local Affairs Policy Committee.


Delegation Chair (Original Signature) _____ Date 1-27-10

Rep. Maria Sachs
Printed Name of Delegation Chair

HOUSE MILITARY AND LOCAL AFFAIRS POLICY COMMITTEE
2010 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House of Representatives that no bill will be considered by a Council or Committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact.

BILL #: _____

SPONSOR(S): Representative Carl Domino

RELATING TO: Northern Palm Beach County Improvement District
[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Expenditures: (Non-recurring advertising, mailing and Attorney's Fees)	\$25,000	

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Federal:		
State:		
Local:	\$25,000	

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Revenues:	\$.00	\$.00

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:

Modifies election franchise within the District.

Disadvantages:

None.

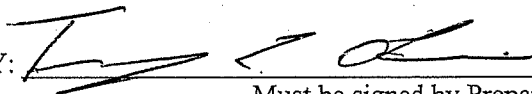
V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

None.

VI. DATA AND METHOD USED IN MAKING ESTIMATES (INCLUDE SOURCE[S] OF DATA):

Review of District Charter, review of cost data from previous local bills and discussions with District staff.

PREPARED BY:



Must be signed by Preparer]

Date

11/9/09

TITLE: Attorney

REPRESENTING: Northern Palm Beach County, Improvement District

PHONE: (561) 640-0820

E-Mail Address: tlewis@llw-law.com

1 A bill to be entitled
 2 An act relating to the Northern Palm Beach County
 3 Improvement District, Palm Beach County; amending chapter
 4 2000-467, Laws of Florida, as amended; revising procedures
 5 for the election of members of the district's board of
 6 supervisors; updating obsolete language; revising
 7 application of the definition of "electors"; revising
 8 board member qualification and residency requirements;
 9 excluding certain lands from those lands for which a
 10 landowner is entitled to a vote at a meeting of
 11 landowners; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Sections 4 and 6 of section 3 of chapter 2000-
 16 467, Laws of Florida, as amended by chapters 2005-302 and 2006-
 17 330, Laws of Florida, are amended to read:

18 Section 4. Board of Supervisors; election, organization,
 19 powers, duties, and terms of office.-

20 (A) There is hereby ~~herby~~ created a Board of Supervisors
 21 of Northern Palm Beach County Improvement District, which shall
 22 be the governing body of said District.

23 (B) Said Board of Supervisors shall consist of five
 24 persons, who, except as herein otherwise provided, shall hold
 25 office for the term of 4 years and until their successors shall
 26 be duly elected and qualified.

27 (C) The first Board of Supervisors of the District shall
 28 be composed of five persons, two of whom shall hold office for 4

29 | years from June 1, 1959, two of whom shall hold office for 3
 30 | years from June 1, 1959, and one of whom shall hold office for 2
 31 | years from June 1, 1959. Within 30 days after this Act becomes a
 32 | law, the Clerk of the Circuit Court of Palm Beach County shall
 33 | call a special meeting of landowners of Northern Palm Beach
 34 | County Improvement District for the purpose of electing the
 35 | first Board of Supervisors for Northern Palm Beach County
 36 | Improvement District as herein provided. Notice of such special
 37 | meeting of landowners shall be given by the Clerk of the Circuit
 38 | Court of Palm Beach County by causing publication thereof to be
 39 | made once a week for 2 consecutive weeks prior to such meeting
 40 | in some newspaper published in Palm Beach County. Such special
 41 | meeting of landowners shall be held in some public place in Palm
 42 | Beach County, and the place, date, and hour of holding such
 43 | meeting and the purpose thereof shall be stated in the notice.
 44 | The landowners when assembled shall organize by electing a Chair
 45 | who shall preside at the meeting and a Secretary thereof. At
 46 | such meeting, each and every acre, or any fraction thereof, of
 47 | land in the District shall represent one share and each owner
 48 | shall be entitled to one vote by person or by written proxy for
 49 | every acre of land, or any fraction thereof, owned by him or her
 50 | in the District. The landowners shall first vote for the
 51 | Supervisors who are to hold office for the term of 4 years as
 52 | herein provided, and the persons receiving the highest number of
 53 | votes for such Supervisors shall be declared and elected as such
 54 | Supervisors. Said landowners ~~land owners~~ shall next vote for the
 55 | Supervisors who are to hold office for the term of 3 years as
 56 | provided herein, and the persons receiving the highest number of

57 votes for such Supervisors shall be declared and elected as such
 58 Supervisors. Said landowners shall next vote for the Supervisor
 59 who is to hold office for the term of 2 years as herein
 60 provided, and the person receiving the highest number of votes
 61 for such Supervisor shall be declared and elected as such
 62 Supervisor.

63 (D) In 2005 ~~Upon the effective date of this act,~~ the
 64 following procedures were made applicable ~~shall apply~~ to the
 65 election of members, including appointees, to the Board of
 66 Supervisors of the District:

67 (1) The terms of two board members that expired ~~which~~
 68 ~~expire~~ in 2005 were ~~shall be~~ extended until the date of the
 69 general election in 2006. The seats were ~~shall be~~ numbered seats
 70 1 and 2, respectively. Seat 1 has ~~shall be filled for~~ a term of
 71 4 years and is filled pursuant to section 6(A) of this Act. Seat
 72 2 was ~~shall be~~ converted to a nonpartisan elected position ~~board~~
 73 ~~member~~ as defined in ~~by~~ chapter 97 105, Florida Statutes.
 74 Candidates for seat 2 ~~this position~~ shall qualify with the Palm
 75 Beach County Supervisor of Elections pursuant to chapter 105,
 76 Florida Statutes, and are ~~shall be~~ elected for a term of 4 years
 77 by a plurality of the ~~District~~ electors within the District's
 78 jurisdictional boundary who vote ~~voting~~ in said election. As
 79 used in this Act, "electors" means ~~shall mean~~ registered voters
 80 as defined in ~~by~~ section 97.041, Florida Statutes. The board
 81 members elected to seats 1 and 2 shall each take office within
 82 10 days after ~~of~~ election, and each shall serve until expiration
 83 of his or her ~~their~~ term, until his or her resignation or
 84 removal, or until the election of a new board member for that

85 position.

86 (2) The term of the board member that was to expire which
 87 ~~expires~~ in 2006 was ~~shall be~~ extended until the date of the
 88 general election in 2006. The seat was ~~shall be~~ numbered seat 3
 89 and has. ~~Seat 3 shall be filled for~~ a term of 4 years as
 90 prescribed by section 6(A) of this Act. The board member elected
 91 to seat 3 shall take office within 10 days after ~~of~~ election and
 92 shall serve until expiration of his or her term, until his or
 93 her resignation or, removal, or until the election of a new
 94 board member for that position.

95 (3) The terms of the two board members that were to expire
 96 in 2007 were ~~shall be~~ extended until the date of the general
 97 election in 2008. The seats were ~~shall be~~ numbered seats 4 and
 98 5, respectively. Seat 4 was ~~shall be filled for~~ a term of 4
 99 years as prescribed by section 6(A) of this Act. Seat 5 was
 100 ~~shall be~~ converted to a nonpartisan elected position ~~board~~
 101 ~~member~~ as defined in ~~by~~ chapter 97 ~~105~~, Florida Statutes.
 102 Candidates for seat 5 ~~this position~~ shall qualify with the Palm
 103 Beach County Supervisor of Elections pursuant to chapter 105,
 104 Florida Statutes, and are ~~shall be~~ elected for a term of 4 years
 105 by a plurality of the ~~District~~ electors within the District's
 106 jurisdictional boundary who vote ~~voting~~ in said election.
 107 ~~"Electors" shall mean registered voters as defined by section~~
 108 ~~97.041, Florida Statutes.~~ The board members elected to seats 4
 109 and 5 shall each take office within 10 days after ~~of~~ election,
 110 and each shall serve until expiration of his or her ~~their~~ term,
 111 until his or her resignation or, removal, or until the election
 112 of a new board member for that position.

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113 (E) Beginning with the general election in 2006, ~~Board of~~
 114 ~~Supervisor qualifications shall be:~~

115 ~~(1)~~ the two members of the board elected to seats 2 and 5
 116 by electors within the District's jurisdictional boundary must
 117 ~~shall~~ be residents of the District and electors of the District
 118 ~~as defined by section 3(D)(1) of this act.~~

119 (F) Starting with the general election in 2006 and until
 120 the day immediately preceding commencement of the qualifying
 121 period for the general election in 2012, the ~~one~~ board member
 122 elected to seat 5 must ~~shall~~ be a resident whose residence is
 123 located north of PGA Boulevard, and the ~~one~~ board member elected
 124 to seat 2 must ~~shall~~ be a resident whose residence is located
 125 south of PGA Boulevard. For candidates who reside within the
 126 District and west of the current terminus of PGA Boulevard at
 127 the Beeline Highway or east of the terminus of PGA Boulevard at
 128 U.S. Highway 1, residency location shall be determined by
 129 extending the center line of PGA Boulevard at the applicable
 130 point of terminus due west to Lake Okeechobee and due east to
 131 the Atlantic Ocean. The residency qualification provisions in
 132 this subsection shall expire upon commencement of the qualifying
 133 period for the general election in 2012.

134 (G) Beginning with the landowner election in 2010, any
 135 member of the board elected pursuant to section 6(A) of this Act
 136 must be a resident of the State of Florida and either be a
 137 resident of Palm Beach County or own, or have a beneficial
 138 interest in an entity that owns, real property within the
 139 District. Any member who fails to maintain such residency or
 140 ownership requirements shall notify the district within 10 days

141 after such loss of residency or ownership interest. Failure to
 142 cure the qualification deficiency within 30 days after the
 143 deadline for provision of such notice shall create an automatic
 144 vacancy for that member's seat.

145 (H) Commencing with the qualifying period for the general
 146 election in 2012, the qualification and election procedures for
 147 seats 2, 3, 4, and 5 shall be as follows:

148 (1) Beginning with the general election in 2012, seat 4
 149 shall be converted to a nonpartisan elected position.

150 (2) Members elected to seats 4 and 5 must be residents of
 151 the District, must own, or have a beneficial interest in an
 152 entity that owns, real property within the District, and must be
 153 electors of the District.

154 (3) Beginning with the general election in 2014, seat 3
 155 shall be converted to a nonpartisan elected position.

156 (4) Members elected to seats 2 and 3 must be residents of
 157 the District, must own, or have a beneficial interest in an
 158 entity that owns, real property within the District, and must be
 159 electors of the District.

160 (5) Candidates seeking election to seats 4 and 5 in 2012
 161 and seats 2 and 3 in 2014 shall qualify with the Palm Beach
 162 County Supervisor of Elections pursuant to chapter 105, Florida
 163 Statutes, and shall be elected for a term of 4 years by a
 164 plurality of the electors within the jurisdictional boundary of
 165 the District who vote in their respective general elections.

166 (6) Each nonpartisan elected board member shall take
 167 office within 10 days after election and shall serve until
 168 expiration of his or her term, until his or her resignation or

169 removal, or until the election of a new board member for that
 170 position.

171 (I) Candidates who do not collect campaign funds are not
 172 obligated to appoint a campaign treasurer or establish a
 173 depository pursuant to section 106.021, Florida Statutes.

174 (J) Any board member holding a nonpartisan elected seat
 175 who fails to maintain his or her seat's qualifying or residency
 176 requirements shall notify the District within 10 days after such
 177 failure. A member's failure to reestablish such qualifying or
 178 residency requirements within 30 days after the deadline for
 179 provision of such notice shall create an automatic vacancy for
 180 that member's seat.

181 (K) For purposes of this Act, residency shall be
 182 determined by the location at which the candidate or member then
 183 permanently resides and presently intends to continue to
 184 permanently reside. In the event any board member who is elected
 185 by the electors fails to maintain residency within the District,
 186 the member shall notify the District within 10 days of his or
 187 her loss of residency. Failure to reestablish residency within
 188 30 days of its loss will create an automatic vacancy for that
 189 Board of Supervisors position.

190 ~~(2) The three members of the board elected pursuant to~~
 191 ~~section 6(A) of this act shall be residents of the State of~~
 192 ~~Florida. The board member who is elected to seat 3 shall be a~~
 193 ~~resident of the District or own property within the District.~~
 194 ~~Failure to maintain residency or land ownership requirements as~~
 195 ~~stated herein requires notification of the District within 10~~
 196 ~~days of loss of residency or land ownership. Failure to cure the~~

197 | ~~qualification deficiency within 30 days of notice will create an~~
 198 | ~~automatic vacancy.~~

199 | ~~(3) Candidates who do not collect campaign funds shall not~~
 200 | ~~be obligated to appoint a campaign treasurer or establish a~~
 201 | ~~depository pursuant to section 106.021, Florida Statutes.~~

202 | ~~(L)(F)~~ In the event of any vacancy on the board, an a
 203 | qualified individual who satisfies that seat's then applicable
 204 | qualifying and residency requirements shall be selected and
 205 | appointed by a simple majority vote of the remaining members of
 206 | the board. The appointee shall serve until the next general
 207 | election if the seat is filled by electors or until the next
 208 | annual landowners' meeting if the seat is filled pursuant to
 209 | section 6(A) of this Act, at which time. ~~At that election,~~ the
 210 | position shall ~~either~~ be open for election for either a full
 211 | term or the remainder of the vacated seat's term ~~seat~~, whichever
 212 | is appropriate.

213 | ~~(M)(G)~~ As soon as practicable after each ~~their~~ election,
 214 | the Board of Supervisors of the District shall organize by
 215 | choosing one of their number President of the Board of
 216 | Supervisors and by electing some suitable person Secretary, who
 217 | may or may not be a member of said Board. The Secretary shall be
 218 | required to execute bond for the faithful performance of his or
 219 | her duties in such penal amount as the board may ~~my~~ determine.
 220 | The Board of Supervisors shall adopt a seal which shall be the
 221 | seal of the District. At each annual meeting of the landowners
 222 | of the District, the Board of Supervisors shall report all work
 223 | undertaken or completed during the preceding year, and the
 224 | status of the finances of the District.

225 ~~(N)(H)~~ All Supervisors shall hold office until their
 226 successors shall be elected and qualified. Whenever any election
 227 shall be authorized or required by this Act to be held ~~by the~~
 228 ~~landowners~~ at any particular or stated time or day, and if for
 229 any reason such election shall not or cannot be held at such
 230 time or on such day, then in such event and in all and every
 231 such event, the power or duty to hold such election shall not
 232 cease or lapse, but such election shall be held thereafter as
 233 soon as practicable and consistent with this Act.

234 Section 6. Meetings of landowners; elections.-

235 (A) Commencing in Each year during the month of November,
 236 ~~beginning with the month of November 2006,~~ a meeting of the
 237 landowners of the District shall be held annually in November
 238 for the purpose of ~~electing Supervisors and~~ hearing reports of
 239 the Board of Supervisors and, when applicable, the holding of a
 240 ~~provided, however, that a meeting of the landowners shall be~~
 241 ~~held during the month of November 2005, for the purpose of~~
 242 ~~receiving reports of the Board of Supervisors and considering~~
 243 ~~any matters upon which the Board of Supervisors~~ election may
 244 ~~request the advice and views of the landowners.~~ The Board of
 245 Supervisors shall have the power to call special meetings of the
 246 landowners at any time to receive reports of the Board of
 247 Supervisors or consider and act upon any matter upon which the
 248 Board of Supervisors may request advice. Notice of all meetings
 249 of the landowners shall be given by the Board of Supervisors by
 250 causing publication thereof to be made for 2 consecutive weeks
 251 prior to such meeting in some newspaper published in Palm Beach
 252 County. The meetings of the landowners shall be held in some

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253 public place in said County, and the place, day, and hour of
 254 holding such meetings shall be stated in the notice. The
 255 landowners when assembled shall organize by electing a Chair who
 256 shall preside at the meeting. The Secretary of the Board of
 257 Supervisors shall be the Secretary of such meeting. At all such
 258 meetings each and every acre, or any fraction thereof, of land
 259 in the District, ~~except publicly owned property against which~~
 260 ~~the District does not levy assessments,~~ shall represent one
 261 share, and each owner shall be entitled to one vote in person or
 262 by written proxy for every acre, or any fraction thereof, of
 263 land owned by him or her in the District, except for:

264 (1) Publicly owned lands against which the District does
 265 not levy assessments.

266 (2) Those lands that are not currently subject to the
 267 District's levy of assessments or lands for which assessments
 268 have not been paid for the previous year.

269
 270 The person receiving the highest number of votes for Supervisor
 271 shall be declared and elected as such Supervisor. Those
 272 landowners present or voting by proxy shall constitute a quorum
 273 at any meeting of the landowners.

274 (B) Guardians may represent their wards, and personal
 275 representatives may represent the estates of deceased persons.
 276 Trustees may represent lands held by them in trust, and private
 277 and municipal corporations may be represented by their officers
 278 or duly authorized agents. Guardians, personal representatives,
 279 trustees, and corporations may vote by proxy.

280 (C) To be eligible for election pursuant to this section,

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281 | a candidate for the office of Supervisor shall file a written
282 | notice of intention to be a candidate in the office of the
283 | District at least 30 days before the annual meeting of the
284 | landowners.

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