

Military & Local Affairs Policy Committee

**Thursday, April 8, 2010
1:00 PM
Webster Hall (212 Knott)**

MEETING PACKET

**Larry Cretul
Speaker**

**Dorothy Hukill
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Military & Local Affairs Policy Committee

Start Date and Time: Thursday, April 08, 2010 01:00 pm

End Date and Time: Thursday, April 08, 2010 03:00 pm

Location: Webster Hall (212 Knott)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 363 Relief/Erskin Bell, II/City of Altamonte Springs by Adams
CS/HB 1017 Relief/Edwidge Valymr Gabriel/City of North Miami by Civil Justice & Courts Policy Committee, Galvano
HB 1129 City of Tamarac, Broward County by Porth, Clarke-Reed
HB 1155 Relief/Madonna Castillo/ City of Hialeah by Gonzalez
HB 1209 City of Fort Lauderdale, Broward County by Porth
CS/HB 1303 Relief/Lois Lacava/Munroe Regional Health System by Civil Justice & Courts Policy Committee, Fresen
HB 1467 Pinellas Park Water Management District Authority, Pinellas County by Long
HB 1473 Manatee County by Fitzgerald
HB 1483 Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County by Schenck
HB 1487 Spring Lake Improvement District, Highlands County by Grimsley
HB 1629 Hillsborough County by Glorioso
HB 1631 Lake Padgett Estates Independent Special District, Pasco County by Weatherford
HB 1633 Martin County by Fetterman
HB 1635 Panama City-Bay County Airport and Industrial District by Coley

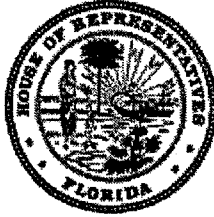
Consideration of the following proposed committee substitute(s):

PCS for HB 511 -- Collier County
PCS for HB 1227 -- Children's Services
PCS for HB 1425 -- Broward County
PCS for HB 1621 -- North Springs Improvement District, Broward County

Pursuant to rule 7.13, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 pm, Wednesday, April 7, 2010.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, Wednesday, April 7, 2010.

NOTICE FINALIZED on 04/06/2010 16:19 by Dickens.Mary



STORAGE NAME: h0363a.CJCP.doc
DATE: 3/29/2010

Florida House of Representatives
Summary Claim Bill Report

Bill #: HB 363; Relief of Erskin Bell, II/City of Altamonte Springs
Sponsor: Representative Adams
Companion Bill: SB 54 by Senator Gardiner
Special Master: Nicole DeZego

Basic Information:

Claimants: Erskin Bell, II

Respondent: City of Altamonte Springs

Amount Requested: \$150,000

Type of Claim: Local equitable claim; result of a settlement agreement.

Respondent's Position: Agrees that the settlement in this matter and the passage of this claim bill is appropriate. The City has agreed not to oppose and to fully cooperate with the claim process.

Collateral Sources: Personal health insurance paid approximately \$100,000 of the \$500,000 in medical bills.

Attorney's/Lobbying Fees: The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.

Prior Legislative History: This is the first year that this claim bill has been brought before the Legislature.

Procedural Summary: On April 20, 2009, Mr. Bell, Sr., as guardian of Mr. Bell, II, entered into a settlement agreement with the City of Altamonte Springs for \$2,100,000. This settlement was approved by the court on April 21, 2009. Of the settled amount, \$1,950,000 has already been paid, which includes the statutory cap of \$100,000 under s. 768.28, F.S. The money was paid by the Florida League of Cities, which provided insurance coverage to the City of Altamonte Springs at the time of the accident.

A Special Master hearing was held on this claim bill on October 9, 2009, via video-teleconference between Tallahassee and Orlando. The Claimant's father was present at the hearing as guardian, and both parties were represented by counsel. Special Masters were present on behalf of both the House of Representatives and the Senate.

Facts of Case: On November 30, 2008, at 12:15 a.m., Erskin Bell, II, was the front-seat passenger in a 2001 Honda Civic driven by Jennifer Hernandez. The vehicle was stopped at a red light in the left turn lane at the intersection of Maitland Boulevard and Bear Lake Road. While stopped, the vehicle was struck from behind by an Altamonte Springs police vehicle driven by Officer Mark Maupin. Officer Maupin struck the Civic at an estimated speed of 100 mph with the right side of his vehicle. The impact crumpled the back seat of the Civic and pushed it an estimated 250 feet through the intersection.

The accident occurred at night on a slightly curved road. The vehicles were traveling west on Maitland Boulevard, and at the time of the accident, signs were posted east of the site of impact advising of a construction zone ahead. These signs included a temporary speed limit and a warning that speeding fines would be doubled in the construction zone. These signs would have been visible to Officer Maupin prior to losing control of his vehicle.

Prior to the accident, Officer Maupin had been conducting speed enforcement. However, there was no proof that Officer Maupin was pursuing an alleged or suspected violator at the time of the accident. He did not have on his lights or siren; he did not report that he was in pursuit of a violator; and he did not receive instructions to pursue anyone at the time of the accident. Officer Maupin is unable to recall the events surrounding the accident due to a head injury he suffered as a result of the impact.

Mr. Bell and Ms. Hernandez were airlifted to Orlando Regional Medical Center following the accident. Mr. Bell lost consciousness and was in a coma upon arrival at the hospital, where he was diagnosed with multiple injuries. These included in part an open skull fracture with pneumocephalus¹, scalp and facial lacerations, intracranial hemorrhage, diffuse axonal injury, and left L1 to L5 fractures. Mr. Bell never regained consciousness after the accident and is still comatose.

A consulting physician at Orlando Regional Medical Center found Mr. Bell's prognosis to be extremely poor and the likelihood of him having a functional recovery to be less than one percent. An independent Life Care Plan estimated that he will remain dependent throughout the remainder of his life. Mr. Bell's parents have retrofitted their home to accommodate his special needs. Constant care is provided by home care nurses and Mrs. Bell, who is a registered nurse. The estimated present value of Mr. Bell's loss of income and the cost of continual care was determined to be between \$21,000,000 and \$26,000,000.

An investigation by the Florida Highway Patrol estimated that Officer Maupin was driving 104 mph at the time of impact. A separate internal investigation by the Altamonte Springs Police Department estimated that Officer Maupin was driving 102 mph at the time of impact. Based on its investigation, the Florida Highway Patrol issued Officer Maupin two citations: one for failure to drive with due care² and one for failure to wear a seat belt.³ An internal inquiry by the Altamonte Springs Police Department found that Officer Maupin had violated internal police policies and concluded that he had demonstrated a reckless disregard for the safety of others and a failure to drive with due regard.

Officer Maupin owed a duty under s. 316.183(1), F.S., to use due care and not drive "at a speed greater than is reasonable and prudent under the conditions...having regard [for] the actual and potential hazards then existing."⁴ Officer Maupin breached this duty by driving above 100 mph, and that breach was the proximate cause of the accident and Mr. Bell's injuries.

¹ Pneumocephalus is the presence of air or gas within the cranial cavity.

² Section 316.183(1), F.S.

³ Section 316.614(4)b., F.S.

⁴ Officer Maupin was not pursuing an alleged or suspected violator at the time of the accident; therefore s. 316.183(1), F.S., applies. However, even if Officer Maupin had been pursuing a violator at the time of the accident, he still owed a duty to drive with due regard for the safety of all persons under s. 316.072(5), F.S.

Damages: As a result of the settlement agreement between Mr. Bell's estate and the City of Altamonte Springs, \$1,950,000 was paid by the Florida League of Cities. The City of Altamonte Springs had a contract with the Florida League of Cities at the time of the accident for \$2,000,000 in insurance coverage, which paid for the settlement amount to date. Of that amount, \$527,350 was paid to the Claimant's attorney for costs and fees, and \$500,000 was set aside to settle health care liens. The Claimant received \$922,649, which was deposited into a special needs trust to pay for medical expenses not covered by Medicaid. After the settlement of the liens, Mr. Bell, Sr., estimates that the trust will be funded with a total of \$1,280,000.

There is no reason to believe that Mr. Bell would not have led a long and productive life. I find that the settlement in this case is a reasonable amount.

Source of Funds: Any funds paid by the City of Altamonte Springs for this claim bill will come from the City's General Fund. The settlement agreement between the parties and the bill as filed call for \$150,000 to be paid under this claim bill.

Drafting Comments: While Mr. Bell had previously attended a church function on the day of the accident, he was not returning from a church function at the time of the accident. The bill should be amended to reflect this.

Recommendation: Accordingly, based on the foregoing, I recommend this claim be reported FAVORABLY, with the changes suggested above.

 for 3/29/10
Nicole DeZego, Special Master Date

cc: Representative Adams, House Sponsor
Senator Gardiner, Senate Sponsor
Judge Bram D. E. Canter, Senate Special Master

Orlando Sentinel

Published Daily

State of Florida } s.s.
COUNTY OF ORANGE

Before the undersigned authority personally appeared Tamela Vargas, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Orlando in Orange County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of Erksin Bell, II in the Orange County, was published in said newspaper in the issue; of 10/13/09

Affiant further says that the said Orlando Sentinel is a newspaper published at Orlando, in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Orlando in said Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she 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.

Tamela Vargas

The foregoing instrument was acknowledge before me this 13 day of October, 2009, by Tamela Vargas, who is personally known to me and who did take an oath.

[Signature]

(SEAL) DEBORAH M TONEY
Comm# DD0482759
Expires 11/18/2009
Florida Notary Assn., Inc

Order# 1025923

NOTICE OF PUBLICATION
TO WHOM IT MAY CONCERN:
Notice is hereby given of the intention to apply to the 2010 Regular Session of the 2010 Regular Session of the 2010 of the Florida Legislature for passage of an act for the relief of Erksin Bell, II providing an appropriation of \$150,000 to compensate him for injuries arising out of a motor vehicle collision on November 30, 2008, which occurred when the vehicle he was traveling in was struck from behind by a vehicle driven by Alfonso Springs Police Officer Mark Maupin, and providing an effective date.
Nathan F. Carter
Esquire of Collins Gilbert Wright & Carter
801 N. Orange Ave. Suite 630
Orlando, FL 32801
Telephone: (407) 712-7300
Facsimile: (407) 425-9171
Florida Bar # 008364
Attorneys for Plaintiff
COR1025923

1 A bill to be entitled
2 An act for the relief of Erskin Bell, II, by the City of
3 Altamonte Springs; providing an appropriation to
4 compensate him for injuries and damages sustained as the
5 result of negligence by the City of Altamonte Springs;
6 providing a limitation on the payment of fees and costs;
7 providing an effective date.

8
9 WHEREAS, in the fall of 2008, Erskin Bell, II, was a 20-
10 year-old college student studying to be an air traffic
11 controller, and

12 WHEREAS, on November 30, 2008, Mr. Bell was a passenger in
13 a 2001 Honda Civic driven by his friend, 18-year-old Jennifer
14 Hernandez. Returning from a church function, Ms. Hernandez and
15 Mr. Bell were stopped at a red light at the intersection of
16 Maitland Boulevard and Bear Lake Road just southwest of
17 Altamonte Springs, in Orlando. While stopped at the traffic
18 signal, their vehicle was struck from behind by an Altamonte
19 Springs police car driven by Officer Mark Edward Maupin, and

20 WHEREAS, Officer Maupin was traveling at more than 100
21 miles per hour when he hit the rear of the vehicle occupied by
22 Ms. Hernandez and Mr. Bell. The force of the resulting wreck was
23 so severe that it demolished the car occupied by Ms. Hernandez
24 and Mr. Bell. Mr. Bell was rendered unconscious by the impact
25 and both Mr. Bell and Ms. Hernandez were airlifted to Orlando
26 Regional Medical Center. Mr. Bell sustained catastrophic
27 injuries, including massive skull fractures to his head and
28 face, intracranial hemorrhaging, massive bilateral brain damage,

29 and numerous internal injuries. Ms. Hernandez was hospitalized
30 with a skull fracture. Officer Maupin also suffered a skull
31 fracture and was taken to Florida Hospital South, and

32 WHEREAS, Erskin Bell has never regained consciousness and
33 remains in a coma, requires 24-hour care, and the professional
34 Life Care Plan estimates that about \$30 million will be required
35 to provide care for Mr. Bell for his remaining life expectancy,
36 and

37 WHEREAS, the City of Altamonte Springs entered into a
38 settlement agreement with Erskin Bell's father, as guardian for
39 his son, to pay the \$100,000 allowed under s. 768.28, Florida
40 Statutes, relating to sovereign immunity, and an additional \$2
41 million, which is the limit of the city's municipal trust
42 coverage through the Florida League of Cities, to cover the cost
43 of Mr. Bell's current and future health care, and

44 WHEREAS, due to the need to expeditiously establish a
45 Special Needs Trust to cover those costs, the City of Altamonte
46 Springs has already paid \$1.95 million to establish the Special
47 Needs Trust, and

48 WHEREAS, the City of Altamonte Springs has agreed to
49 support a claim bill by the Legislature in the amount of
50 \$150,000 in favor of Erskin Bell, II, to pay the remainder of
51 the agreed amount, NOW, THEREFORE,

52

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

54

55 Section 1. The facts stated in the preamble to this act
56 are found and declared to be true.

HB 363

2010

57 Section 2. The City of Altamonte Springs is directed to
58 appropriate from funds of the city not otherwise appropriated
59 and to draw a warrant in the sum of \$150,000, payable to the
60 Special Needs Trust created for the exclusive use and benefit of
61 Erskin Bell, II, as compensation for injuries and damages
62 sustained.

63 Section 3. The amount paid by the City of Altamonte
64 Springs pursuant to the settlement agreement between Erskin
65 Bell, II, and the City of Altamonte Springs and the amount
66 awarded under this act are intended to provide the sole
67 compensation for all present and future claims against the City
68 of Altamonte Springs or the City of Altamonte Springs Police
69 Department arising out of the factual situation described in
70 this act which resulted in the injuries and damages to Erskin
71 Bell, II. The total amount paid for attorney's fees, lobbying
72 fees, costs, and other similar expenses relating to this claim
73 may not exceed 25 percent of the total amount awarded under this
74 act.

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

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 363 (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(s) Adams offered the following:

4

5 **Amendment**

6 Remove line 14 and insert:

7 Hernandez. Ms. Hernandez and



STORAGE NAME: h1017a.CJCP.doc
DATE: 3/29/2010

Florida House of Representatives
Summary Claim Bill Report

Bill #: HB 1017; Relief of Edwidge Valmyr/City of North Miami
Sponsor: Representative Galvano
Companion Bill: SB 46 by Senator Peaden
Special Master: Tom Thomas

Basic Information:

Claimants: Edwidge Valmyr

Respondent: City of North Miami

Amount Requested: \$750,000, plus up to an additional \$40,000 for payment towards any medical lien.

Type of Claim: Local equitable claim; result of a settlement agreement.

Respondent's Position: Agrees that the settlement in this matter and the passage of this claim bill is appropriate. The City has agreed to support the passage of the Claim Bill through the submission of a letter, which is on file with the Special Master.

Collateral Sources: None

Attorney's/Lobbying Fees: The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.

Prior Legislative History: This is the first year that this claim bill has been brought before the Legislature.

Procedural Summary: On April 25, 2008, Edwidge Valmyr, as Personal Representative of the estate of Stanley Valmyr, a deceased minor, and on her own behalf as surviving mother, sued the City of North Miami in the 11th Judicial Circuit in and for Miami-Dade County, alleging wrongful death. Prior to trial, the parties entered into a settlement agreement for \$950,000, plus a provision that the City would also pay half of the negotiated medical lien, up to \$40,000. Of this settled amount, \$200,000 has already been paid to the claimant pursuant to the statutory cap on liability imposed by section 768.28, Florida Statutes. This \$200,000 remains in the trust account of the Claimant's attorney.

The settlement also requires the city to make permanent a policy at the Thomas Sasso Pool that at least two lifeguards shall, at all times, be on duty and seated in a lifeguard chair with at least one additional lifeguard roving around the perimeter of the pool. This policy is to be named after Stanley Valmyr in honor of his memory.

A Special Master hearing was held on this claim bill on October 5, 2009, via video-teleconference between Tallahassee and Miami. The Claimant was present at the hearing and both parties were represented by counsel. Special Masters were present on behalf of both the House of Representatives and the Senate.

Facts of Case: On March 28, 2007, Edwidge Valmyr registered her six year-old son, Stanley Valmyr, for a "Fun Day Camp" run by the City of North Miami. The "Fun Day Camp" was to be held two days later and was to consist of art and crafts activities at the community center. On the day of the "Fun Day Camp," March 30, 2007, at approximately 8:00 a.m., Ms. Valmyr took her son to the community center, only to learn that the day's activities had been changed to include a trip to the Thomas Sasso pool, a pool owned and operated by the City. No one, including parents and camp counselors, had been notified of the change. Though Stanley did not have a swimsuit, he did have a change of clothes, including basketball shorts. The camp counselors also did not have swimsuits. Stanley's Mother decided to let Stanley stay and attend the "Fun Day Camp," including going to the pool.

Ten children were taken to the pool where they were given swim tests. Stanley, along with some of the others, was unable to swim and these children were sent to the shallow area of the pool. Because the counselors did not have their swimsuits, they did not get into the pool with the children as they would typically have done.

The City had four lifeguards on duty that day. While the children swam, only one lifeguard was outside by the pool in the lifeguard chair furthest from the area where the non-swimmer children were wading. At some point, one of the other children called out to the counselors that something was wrong with Stanley. Stanley was submerged under water and the other child pulled Stanley to the side of the pool where the counselors pulled him out of the pool and began to administer CPR. Fire Rescue was called to the scene. A counselor called Ms. Valmyr and told her that something was wrong with Stanley and that she should come to the pool right away.

When Fire Rescue arrived, Stanley's pulse was weak and he was not breathing. Stanley was intubated by Fire Rescue for manual respiration and was transported to Parkway/Jackson North Hospital. Once Stanley was stabilized with assisted respiration, he was transported to Joe DiMaggio Hospital. These efforts were not successful and Stanley remained unconscious until his death four months later on July 26, 2007.

The City of North Miami owed a duty of reasonable care to Stanley Valmyr to provide a safe camp experience and safe premises.¹ The City had the duty to provide supervision through counselors and lifeguards. The City breached that duty and that breach was the proximate cause of his drowning and resulting death.

The City was deficient in several areas which support the ultimate finding that its negligence was the proximate cause of Stanley's death. While some of these factors may have contributed more than others, it is clear that if none of these deficiencies existed, Stanley most likely would not have drowned that day. These deficiencies are: 1) at least two lifeguards should have been outside by the pool; 2) the counselors should have been told to bring their swimsuits that day so they could be in the pool with the children; and 3) the lifeguard and counselors should have better supervised the children so that Stanley's situation would have been observed immediately.

¹ See Breaux v. City of Miami Beach, 899 So.2d 1059, Fla. 2005), and Avallone v. Board of County Commissioners of Citrus County, 493 So.2d 1002 (Fla. 1986).

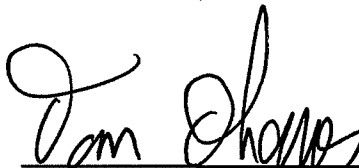
Claimant's Counsel submitted an affidavit of Diligent Search for the father of Stanley Valmyr, Edgar Osias. The search was unable to locate Mr. Osias. The search was made for purposes of this claim as well as for administration of the estate in Probate Court.

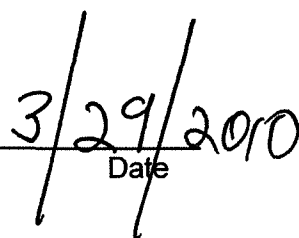
Damages: This case has been settled for \$950,000, plus up to an additional \$40,000 for payment towards any medical lien. This amount is clearly low compared to what a jury would likely award in a wrongful death case of a six year-old child. There is no reason to believe that Stanley would not have led a long and productive life. In addition, the pain and suffering to his family is enormous and ongoing. I find that the settlement in this case is a reasonable amount.

Source of Funds: The City of North Miami does not have insurance to cover this type of claim and it has not set aside any funds to pay for such lawsuits. Any funds paid by the City for this claim will come from the City's general operating budget. The settlement agreement between the parties and the bill as filed call for the \$750,000 to be paid in eight annual payments of \$93,750, plus up to an additional \$40,000 for payment towards any medical lien.

Drafting Comments: The bill should be amended to reflect the final amount of payment owed by the City due to the negotiated medical lien. Further, the bill should be amended to reflect the Claimant's legal name since her marriage – "Edwidge Valmyr-Gabriel."

Recommendation: Accordingly, based on the foregoing, I recommended this claim be reported FAVORABLY, with the changes suggested above.


Tom Thomas, Special Master


Date

cc: Representative Galvano, House Sponsor
Senator Peadar Kirby, Senate Sponsor
Judge John G. VanLaningham, Senate Special Master



PUBLISHED DAILY
MIAMI-DADE-FLORIDA

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before the undersigned authority personally
appeared:

ORFINDA MORENO

Who on oath says that he/she is

CUSTODIAN OF RECORDS

of The Miami Herald, a daily newspaper published at
Miami in Miami-Dade County, Florida; that the
attached copy of advertisement was published in said
newspaper in the issues of:

December 2, 2009

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

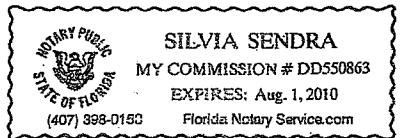
[Handwritten Signature]

Sworn to and subscribed before me this
2nd day of December 2009

My Commission
Expires: August 1, 2010

[Handwritten Signature]
Notary

**NOTICE OF PUBLICATION
TO WHOM IT MAY CONCERN**
Notice is hereby given of the
intention to apply to the 2010
session of the Florida
Legislature for the passage of
a law for the relief of Edwidge
Valmyr, as Personal
Representative of the Estate of
Stanley Valmyr, deceased,
providing an appropriation to
compensate her for the
wrongful death of Stanley
Valmyr, her son, sustained as a
result of the negligence of the
City of North Miami.
Seth A. Miles, Esquire,
Grossman Rollins P.A.
2525 Ponce de Leon Blvd.
Suite 1150
Coral Gables, FL 33134
Attorneys for Plaintiffs



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act for the relief of Edwidge Valmyr Gabriel, as parent and natural guardian of her son, Stanley Valmyr, a minor, and as personal representative of the Estate of Stanley Valmyr, deceased, by the City of North Miami; providing for an appropriation to compensate her for the wrongful death of her son, Stanley Valmyr, as a result of the negligence of the City of North Miami; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on March 28, 2007, Edwidge Valmyr Gabriel registered her son, Stanley Valmyr, who was 7 years of age, for a Fun Day camp operated by the City of North Miami, and

WHEREAS, the Fun Day camp was supposed to consist of various arts and crafts activities at the community center, and

WHEREAS, before March 30, 2007, which was the day on which the Fun Day was scheduled, the City of North Miami planned a day at the Thomas Sasso Pool located in the City of North Miami, and

WHEREAS, on March 30, 2007, at approximately 8 a.m., Edwidge Valmyr Gabriel took Stanley to the camp, and

WHEREAS, the children who were taken to the pool were given swim tests, and

WHEREAS, Stanley and many other children who were unable to swim were sent to a more shallow area of the pool, and

WHEREAS, if the camp counselors had known that they were bringing the children to the pool that day, they would have been in the pool to observe and protect the children, and

CS/HB 1017

2010

29 WHEREAS, the City of North Miami had four lifeguards on
30 duty that day at the Thomas Sasso Pool, and

31 WHEREAS, while the children swam in the pool, three of
32 those four lifeguards were in the administrative office, rather
33 than observing the children, and

34 WHEREAS, one lifeguard was sitting in the lifeguard chair
35 furthest from the area where the children were swimming, and

36 WHEREAS, Stanley Valmyr drowned in the Thomas Sasso Pool on
37 March 30, 2007, and died on July 26, 2007, as a result of
38 injuries sustained from drowning, and

39 WHEREAS, the City of North Miami was negligent in its
40 actions, which directly resulted in the death of Stanley Valmyr,
41 and

42 WHEREAS, a tort claim was filed on behalf of Edwidge Valmyr
43 Gabriel, as parent and natural guardian of her son, Stanley
44 Valmyr, a minor, and as personal representative of his estate,
45 case number 08-22810(13), in the Circuit Court for the Eleventh
46 Judicial Circuit, and

47 WHEREAS, the claim against the City of North Miami was
48 settled prior to trial, and

49 WHEREAS, the City of North Miami has agreed to pay \$200,000
50 to Edwidge Valmyr Gabriel, pursuant to the statutory limits of
51 liability set forth in s. 768.28, Florida Statutes, and

52 WHEREAS, the settlement agreement provides for the entry of
53 a consent judgment in the amount of \$750,000 to be paid in eight
54 equal payments beginning on the first anniversary of the passage
55 of this claims bill, and each year thereafter, and

56 WHEREAS, the City of North Miami has agreed to pay 50

CS/HB 1017

2010

57 | percent of the negotiated medical lien asserted by Jackson
 58 | Memorial Hospital, up to \$40,000, and

59 | WHEREAS, the amount of the medical lien asserted by
 60 | Medicare is resolved, and

61 | WHEREAS, the total amount of the medical lien is
 62 | \$134,007.61, and

63 | WHEREAS, Medicare has agreed to installments until the lien
 64 | is satisfied, and

65 | WHEREAS, the prior attorneys for Edwidge Valmyr Gabriel
 66 | asserted a charging lien, the charging lien has been satisfied,
 67 | and the total amount of attorney's fees to be paid by Edwidge
 68 | Valmyr Gabriel will not exceed 25 percent of the recovery, and

69 | WHEREAS, pursuant to the settlement, the City of North
 70 | Miami agrees that the passage of this act is appropriate and
 71 | agrees to pay in accordance with this act, NOW, THEREFORE,

72 |

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

74 |

75 | Section 1. The facts stated in the preamble to this act
 76 | are found and declared to be true.

77 | Section 2. The City of North Miami is authorized and
 78 | directed to appropriate from funds of the city not otherwise
 79 | appropriated and draw a warrant payable to Edwidge Valmyr
 80 | Gabriel, as natural parent and guardian of her son, Stanley
 81 | Valmyr, a minor, and personal representative of his estate, in
 82 | the sum of \$750,000 to be paid in eight equal payments of
 83 | \$93,750, beginning on the first anniversary of the passage of
 84 | this claim bill and each year thereafter, plus an additional

CS/HB 1017

2010

85 \$4,185.50 to be included in the first warrant as payment for 50
 86 percent of the negotiated medical lien asserted by Jackson
 87 Memorial Hospital, as compensation for the death of Stanley
 88 Valmyr due to the negligence of the City of North Miami.

89 Section 3. The amount paid by the City of North Miami
 90 pursuant to s. 768.28, Florida Statutes, and the amount awarded
 91 under this act are intended to provide the sole compensation for
 92 all present and future claims arising out of the factual
 93 situation described in this act which resulted in the death of
 94 Stanley Valmyr. The total amount paid for attorney's fees,
 95 lobbying fees, costs, and other similar expenses relating to
 96 this claim may not exceed 25 percent of the amount awarded under
 97 this act.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1129

City of Tamarac, Broward County

SPONSOR(S): Porth

TIED BILLS:

IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

The City of Tamarac was incorporated in 1963, and is comprised of 12 square miles located in central Broward County. The approximate population of the municipality is 60,000.

HB 1129 enlarges the corporate limits of the City of Tamarac to include contiguous, unincorporated land known as "Prospect Bend." The bill provides that this annexation will be effective on September 15, 2010. The bill also: requires an interlocal agreement between the city and Broward County to be executed prior to the annexation; provides for the land use and zoning governance of the annexed area; provides residency requirements for municipal office candidates; contains language that supports the preservation of existing contracts; and provides for the transfer of public roads and rights-of-way.

The bill is effective upon becoming law.

According to the Economic Impact Statement, it is estimated that the City of Tamarac's cost for the annexation will be negligible due to the fact that the city currently provides municipal services to the neighborhoods immediately surrounding and adjacent to the Prospect Bend property. It is estimated that the city will raise \$351,804 in Fiscal Years 2010-2011 and 2011-2012 in ad valorem taxes, non-ad valorem fire assessments and residential stormwater fees for the purpose of providing municipal services to the area at issue.

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:

Present Situation

Constitutional/Statutory Provisions Relating to Annexation¹

Section 2 (c), of Art. VIII of the State Constitution provides that “[m]unicipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.” This provision authorizes the Legislature to annex unincorporated property into a municipality by special act.² It also authorizes the Legislature to establish procedures in general law for the annexation of property.

The Legislature established local annexation procedures by general law in 1974, with the enactment of ch. 171, F. S., the “Municipal Annexation or Contraction Act.” Chapter 171, F. S., describes the ways that property can be annexed or deannexed by cities without passage of an act by the Legislature. In 2006, this chapter was expanded to provide an alternative process for annexation that allows counties and municipalities to jointly determine how services are provided to residents and property.³

Requirements for Annexation

Before local annexation procedures may begin, pursuant to s. 171.042, F.S., the governing body of the municipality must prepare a report containing plans for providing urban services to any area to be annexed. A copy of the report must be filed with the board of county commissioners where the municipality is located. This report must include appropriate maps, plans for extending municipal services, timetables and financing methodologies. It must certify that the area proposed to be annexed is appropriate for annexation because it meets the following standards and requirements described by s. 171.043, F.S.:

- The area to be annexed must be an unincorporated area that is contiguous to the boundary of the annexing municipality.⁴

¹ The term “annexation” is defined in the Florida Statutes to mean “the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.” See, s. 171.031(1), F.S.

² Miami-Dade County, however, has exclusive jurisdiction over its municipal annexations under ss. 11(1)(c), (5) and (6), Art. VIII of the 1885 State Constitution, as adopted by reference in s. 6(e), Art. VIII of the State Constitution.

³ See, part II of ch. 171, F.S., the “Interlocal Service Boundary Agreement Act.”

⁴ This means that a substantial part of the boundary of the area to be annexed has a common boundary with the municipality. There are specified exceptions for cases in which an area is separated from the city's boundary by a publicly owned county park, right-of-way or body of water.

- The area to be annexed must be reasonably compact.⁵
- No part of the area to be annexed may fall within the boundary of another incorporated municipality.
- Part or all of the land to be annexed must be developed for urban purposes.⁶
- Alternatively, if the proposed area is not developed for urban purposes, it can either border at least 60 percent of a developed area, or provide a necessary bridge between two urban areas for the extension of municipal services.

Annexed areas are declared to be subject to taxation (and existing indebtedness) for the current year on the effective date of the annexation, unless the annexation takes place after the municipal governing body levies such tax for that year. In the case of municipal contractions, the city and county must reach agreement on the transfer of indebtedness or property—the amount to be assumed, its fair value and the manner of transfer and financing.⁷

Types of Annexations

Voluntary Annexation

If the property owners of a reasonably compact, unincorporated area desire annexation into a contiguous municipality, they can initiate voluntary annexation proceedings. Section 171.044 (4), F. S., provides that the procedures for voluntary annexation are “supplemental to any other procedure provided by general law or special law.” The following process governs voluntary annexations in every county, except for those counties with charters providing an exclusive method for municipal annexation:

- submission of a petition—signed by all property owners in the area proposed to be annexed—to the municipal governing body; and
- adoption of an ordinance by the governing body of the municipality to annex the property after publication of a notice—which sets forth the proposed ordinance in full—at least once a week for two consecutive weeks.

The governing body of the municipality also must provide a copy of the notice to the board of county commissioners of the county where the municipality is located.

Land cannot be annexed through voluntary annexation when the process results in the creation of an enclave.⁸

Involuntary Annexation

A municipality may annex property where the property owners have not petitioned for annexation pursuant to s. 171.0413, F. S. This process is referred to as “involuntary” annexation. In general, the requirements for an involuntary annexation are:

- the adoption of an annexation ordinance by the annexing municipality's governing body;
- at least two advertised public hearings held by the governing body of the municipality prior to the adoption of the ordinance, with the first hearing on a weekday at least seven days after

⁵ Section 171.031(12), F.S., defines “compactness” as concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state is required to be designed in such a manner as to ensure that the area will be reasonably compact.

⁶ An area developed for urban purposes is defined as an area which meets any one of the following standards: (a) a total resident population equal to at least two persons per acre; (b) a total resident population equal to at least one person per acre, with at least 60 percent of subdivided lots one acre or less; or (c) at least 60 percent of the total lots used for urban purposes, with at least 60 percent of the total urban residential acreage divided into lots of five acres or less.

⁷ See, s. 171.061, F.S.

⁸ An enclave is: (a) any unincorporated, improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated, improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. Section 171.031(13), F.S.

the first advertisement and the second hearing held on a weekday at least five days after the first advertisement;⁹ and

- submission of the ordinance to a vote of the registered electors of the area proposed for annexation once the governing body has adopted the ordinance.¹⁰

Any parcel of land which is owned by one individual, corporation or legal entity, or owned collectively by one or more individuals, corporations or legal entities, proposed to be annexed cannot be severed, separated, divided or partitioned by the provisions of the ordinance, unless the owner of such property waives this requirement.

If there is a majority vote in favor of annexation in the area proposed to be annexed, the area becomes part of the city. If there is no majority vote, the area cannot be made the subject of another annexation proposal for two years from the date of the referendum.

If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations or legal entities which are not registered electors of such area, the area cannot be annexed unless the owners of more than 50 percent of the land in such area consent to the annexation. This consent must be obtained by the parties proposing the annexation prior to the referendum.

If the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. The area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body does not choose to hold a referendum of the annexing municipality, then the property owner consents must be obtained by the parties proposing the annexation prior to the final adoption of the ordinance.

Effect of Annexation on an Area

Upon the effective date of an annexation, the area becomes subject to all laws, ordinances and regulations in force in the annexing municipality. An exception occurs pursuant to s. 171.062(2), F.S., in that if the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in effect until the municipality adopts a comprehensive plan amendment that includes the annexed area. In contractions, excluded territory is immediately subject to county laws, ordinances and regulations.

Any changes in municipal boundaries require revision of the boundary section of the municipality's charter. Such changes must be filed as a charter revision with the Department of State within 30 days of the annexation or contraction.¹¹

Appeal of Annexation or Contraction

Affected persons who believe they will suffer material injury because of the failure of a city to comply with annexation or contraction laws as applied to their property can appeal the annexation ordinance. They may file a petition within 30 days following the passage of the ordinance with the circuit court for the county in which the municipality is located seeking the court's review by certiorari. If an appeal is won, the petitioner is entitled to reasonable costs and attorney's fees.¹²

⁹ This requirement was passed by the 1999 Legislature.

¹⁰ In 1999, the Florida Legislature removed the requirement of a dual referendum in specific circumstances. Previously, in addition to a vote by the electors in the proposed annexed area, the annexation ordinance was submitted to a separate vote of the registered electors of the annexing municipality if the total area annexed by a municipality during any one calendar year period cumulatively exceeded more than five percent of the total land area of the municipality or cumulatively exceeded more than five percent of the municipal population. The holding of a dual referendum is now at the discretion of the governing body of the annexing municipality.

¹¹ Section 171.091, F.S.

¹² Section 171.081, F.S.

Broward County Annexations

Broward County is located on Florida's South Atlantic coast and consists of nearly 1,200 square miles with a population of approximately 1.8 million residents. Broward County currently contains 31 municipalities, the majority of which achieved their current corporate boundaries through a multitude of annexations.

The 1996 Florida Legislature adopted a special act¹³ which describes Broward County has having "numerous scattered unincorporated pockets which reflect the haphazard manner in which annexation into municipalities has taken place over the years by the application of general annexation laws of the state...." This law requires that any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to ch. 171, F.S., first must be considered at a public hearing conducted by the Broward County Legislative Delegation, pursuant to its adopted rules. The annexation is not effective until the 15th day of September following adjournment sine die of the next regular legislative session following the completion of all necessary procedures for annexation.

That same year, in cooperation with the Broward County Board of County Commissioners, the Broward County Legislative Delegation created the "Ad Hoc Committee on Annexation Policy." The delegation charged the committee with the responsibility of developing and recommending policy regarding future annexations. The committee recommended that annexation of all unincorporated areas of Broward County be encouraged to occur by the year 2010, and that any remaining unincorporated areas would be subject to annexation by the Florida Legislature. In 2001, this goal was changed to the year 2005.

The Broward County Legislative Delegation sponsors several local annexation bills each year.

The City of Tamarac

The City of Tamarac was incorporated in 1963, and is comprised of 12 square miles located in central Broward County. The approximate population of the municipality is 60,000.

Effect of Proposed Changes

HB 1129 provides that the unincorporated Prospect Bend area in Broward County will be annexed into the City of Tamarac effective September 15, 2010. The area at issue is approximately 78 acres, and is estimated by the Broward County Planning Services Division to have a population of 331.

This property was the subject of a 2007 local act (ch. 2007-294, L.O.F.) that provided for its annexation into the City of Tamarac. Nonetheless, no electors voted in the subsequent referendum. This issue was again the subject of a local act in 2009 (ch. 2009-252, L.O.F.), which provided for the exclusive use of mail ballots. Only 10 voters participated in this referendum—five in favor of the annexation and five against the annexation.¹⁴ There is opposition to this local bill by certain commercial and residential property owners within the area.

The bill requires that an interlocal agreement must be developed and executed between the governing bodies of Broward County and the City of Tamarac prior to the effective date of the annexation. The agreement is required to address infrastructure improvement projects and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways and employees.

Upon annexation into the City of Tamarac, the Prospect Bend area will be governed as follows:

- The annexed property will be subject to the relevant land use and zoning provisions of the City of Tamarac's Code of Ordinances.
- Any change of zoning districts or land use designations may only be accomplished by a supermajority vote of the full governing body of the municipality.

¹³ Chapter 96-542, L.O.F., as amended by ch. 99-447, L.O.F.

¹⁴ February 23, 2010, letter from Sandy Harris, Executive Director of the Broward Legislative Delegation.

- Any use, building or structure that is legally in existence at the time of annexation may not be made a prohibited use by the City of Tamarac, as long as the use continues and is not voluntarily abandoned.

The bill also provides that any resident of the area annexed into the City of Tamarac is deemed to satisfy residency requirements for municipal office candidacy.

The bill further provides that nothing in it is to be construed to affect or abrogate the rights of parties to any contract which is in effect prior to the annexation, whether the contract be between Broward County and a third party or between nongovernmental entities.

Finally, the bill provides that all public roads and associated rights-of-way associated in the Broward County Road System, lying within the area subject to annexation, are transferred from Broward County's jurisdiction to the jurisdiction of the City of Tamarac. All rights, title, interests and responsibilities for any transferred roads, including, but not limited to, the ownership, operation, maintenance, planning, design and construction of such roads and rights-of-way transfer from Broward County jurisdiction and ownership to the jurisdiction and ownership of the City of Tamarac on the effective date of the annexation.

The act takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Provides for annexation of described property.

Section 2: Provides for an interlocal agreement.

Section 3: Provides for land use and zoning governance, and continued uses.

Section 4: Provides for qualification for candidacies for municipal office.

Section 5: Provides applicability to existing contracts.

Section 6: Provides for transfer of public roads and rights-of-way.

Section 7: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 22, 2010

WHERE? The *Sun-Sentinel*, a daily newspaper published in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to Economic Impact Statement, it is estimated that Tamarac's cost for the annexation will be negligible due to the fact that the city currently provides municipal services to the neighborhood immediately surrounding and adjacent to the proposed annexation sites. It is estimated that the city will raise \$351,804 in Fiscal Years 2010-2011 and 2011-2012¹⁵ in ad valorem taxes; non-ad valorem fire assessments and residential stormwater fees for the purpose of providing municipal services to the area at issue.

The City of Tamarac will benefit from increased revenues. Broward County will benefit by no longer having to provide municipal services to the proposed annexation site. Each individual taxpayer within the proposed annexation sites will benefit from Tamarac's localized municipal services and also will be represented in a municipal government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

House Rule 5.5(b) states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill may create an exemption to s. 171.062(1), F.S., which provides that an area annexed to a municipality shall be subject to all laws, ordinances and regulations in force in that municipality, via the "continued use" provisions contained in Section 3.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹⁵ Due to current economic conditions and annual property devaluation, no growth factor was applied in calculating these figures.

SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED LINDA HALL, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A:

NOTICE OF LEGISLATION

THE MATTER OF:

2010 LEGISLATIVE SESSION OF THE FLORIDA
LEGISLATURE

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

FEBRUARY, 22, 2010

13851404

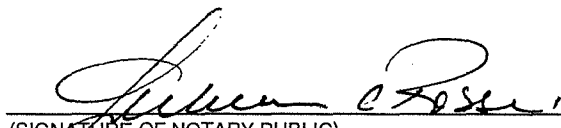
NOTICE OF LEGISLATION
Notice is hereby given that the following bill will be presented to the 2010 Legislative Session of the Florida Legislature for consideration and enactment.
A bill to be entitled:
"An act relating to city of tamarac, Broward County, extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits, providing for an effective date of annexation, providing for an interlocal agreement, land use and zoning governance, and residency qualification for candidates for municipal office, providing applicability to existing contracts, providing for transfer of public roads and rights-of-way, providing an effective date."
February 22, 2010

AFFIANT FURTHER SAYS THAT THE SAID SUN-SENTINEL IS A NEWSPAPER PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS HERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MATTER AT THE POST OFFICE IN FORT LAUDERDALE, IN SAID BROWARD COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF ATTACHED COPY OF ADVERTISEMENT: AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID, NOR PROMISED, ANY PERSON, FIRM, OR CORPORATION, ANY DISCOUNT, REBATE, COMMISSION, OR REFUND, FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN SAID NEWSPAPER.

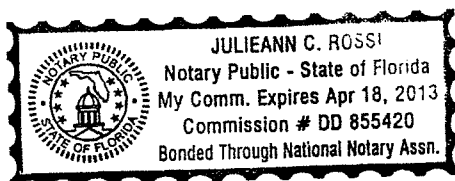


(SIGNATURE OF LINDA HALL, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 22 FEBRUARY 2010, A.D.



(SIGNATURE OF NOTARY PUBLIC)



(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM

BILL #: 1129

SPONSOR(S): Representative Ari Porth

RELATING TO: Prospect Bend Area Annexation
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Broward

CONTACT PERSON: Sandy Harris

PHONE NO.: 954-260-8894 E-Mail: saharris@broward.org

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 5, 2010

Location: Nova Southeastern University

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE January 18, 2010

Where? Sun Sentinel County Broward

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

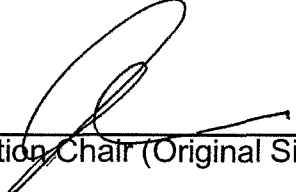
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

2-22-10

Date

Ari Porth

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES

2010 ECONOMIC IMPACT STATEMENT FORM

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

BILL #: Prospect Bend
SPONSOR(S):
RELATING TO: Proposed annexation by the City of Tamarac of the Prospect Park Neighborhood
[Indicate Area Affected (City, County or Special District) and Subject]

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

Table with 3 columns: Expenditures, FY 10-11, FY11-12. Values: N/A, N/A

It is estimated that Tamarac's incremental cost for the annexation will be negligible due to the fact the City already provides municipal services to the neighborhoods immediately surrounding and adjacent to the proposed annexation sites.

II. ANTICIPATED SOURCE(S) OF FUNDING:

Table with 3 columns: Source, FY 10-11, FY11-12. Rows: Federal (N/A, N/A), State (N/A, N/A), Local (Ad Valorem Taxes, Non Ad Valorem Fire Assessment Fees and Stormwater Fees) (\$351,804, \$351,804)

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Table with 3 columns: Revenues, FY 10-11, FY11-12. Value: \$351,804, \$351,804

It is estimated that Tamarac will raise \$351,804 in Ad-Valorem taxes, Non-Ad Valorem Fire Assessments and residential Stormwater Fees for the purpose of providing municipal services to the proposed annexation sites.

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

Advantages:

The City of Tamarac will benefit from increased revenues. Broward County will benefit by no longer having to provide municipal services to the proposed annexation sites. Each individual taxpayer within the proposed annexation sites will benefit from Tamarac's high level of localized municipal services and will also be represented in a municipal government.

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]:

The estimated zero incremental cost to provide municipal services to the proposed annexation sites was developed based on Tamarac's adjacency to the sites and the logistical ease with which all services could be provided. Tamarac currently services most of the surrounding areas with police and fire services.

Revenues were calculated applying for FY2010 by applying the City's current millage rates (Ad Valorem Taxes) along with the City's current Fire Assessment Rates (Non-Ad Valorem Fire Assessments). Due to current economic conditions and annual property devaluation, no growth factor was applied for FY2011 and FY2012.

PREPARED BY:  1-4-2010
[Must be signed by Preparer] Date

TITLE: Deputy City Manager/Interim Director of Financial Services

REPRESENTING: City of Tamarac

PHONE: (954) 597-3516

E-Mail Address: michaelc@tamarac.org

HOUSE OF REPRESENTATIVES
2010 LOCAL BILL AMENDMENT FORM

Prior to consideration of a substantive amendment to a local bill, the chair of a legislative delegation must certify by signing this Amendment Form that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive council, committee and floor amendments must be accompanied by a completed, original Amendment Form and reviewed by appropriate House staff prior to consideration. An Amendment Form is not required for technical, conforming or clarifying amendments.

BILL NUMBER: 1129

SPONSOR(S): Rep. Ari Porth

RELATING TO: Broward County, City of Tamarac
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: _____

CONTACT PERSON: Sandy Harris

PHONE NO: 954 260-8894 E-MAIL: saharris@broward.org

REVIEWED BY STAFF OF THE MILITARY & LOCAL AFFAIRS POLICY COMMITTEE
Must Be Checked

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

This amendment will protect the zoning for the commercial property owners in the area to be annexed into the City of Tamarac. It also provides a partial exemption from fire rescue special assessments for the area.

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

The City of Tamarac has requested this amendment in response to the commercial property owners in the area.

III. NOTICE REQUIREMENTS

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

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

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

YES NO UNANIMOUSLY APPROVED



Delegation Chair (Original Signature)

03/10/10

Date

Rep. Ari Porth

Print Name of Delegation Chair

1 A bill to be entitled
 2 An act relating to City of Tamarac, Broward County;
 3 extending and enlarging the corporate limits of the City
 4 of Tamarac to include specified unincorporated lands
 5 within such corporate limits; providing for an effective
 6 date of annexation; providing for an interlocal agreement,
 7 land use and zoning governance, and residency
 8 qualification for candidacies for municipal office;
 9 providing applicability to existing contracts; providing
 10 for transfer of public roads and rights-of-way; providing
 11 an effective date.

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

14
 15 Section 1. The following described lands shall be annexed
 16 into and a part of the City of Tamarac effective September 15,
 17 2010:

18
 19 Prospect Field Road/West Commercial Boulevard
 20 Annexation Boundary is described as follows:

21
 22 A portion of Section 17, Township 49 South, Range 42
 23 East, Broward County, Florida, more particularly
 24 described as follows: BEGIN at the point of
 25 intersection of the North line of the Southeast One-
 26 Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4)
 27 of said Section 17 with the East line of the West One-
 28 Half (W 1/2) of the Southeast One-Quarter (SE 1/4) of

29 the Northeast One-Quarter (NE 1/4) of said Section 17,
 30 said point being on the municipal boundary of the City
 31 of Tamarac, as established by Ordinance No. 0-81-17
 32 of the City of Tamarac; Thence along said municipal
 33 boundary the following 3 courses; Thence Westerly,
 34 along said North line, to a point 50.00 feet East of
 35 the West line of the Southeast One-Quarter (SE 1/4) of
 36 the Northeast One-Quarter (NE 1/4) of said Section 17;
 37 Thence Southerly, along a line 50.00 feet East of and
 38 parallel with the West line of the Southeast One-
 39 Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4)
 40 of said section 17, said line being the East right of
 41 way line of Prospect Field Road, to a point of
 42 intersection with the South line of the North One-Half
 43 (N 1/2) of the Northwest One-Quarter (NW 1/4) of the
 44 Southeast One-Quarter (SE 1/4) of the Northeast One-
 45 Quarter (NE 1/4) of said Section 17; Thence Easterly,
 46 along said South line, to the Southeast corner of the
 47 North One-Half (N 1/2) of the Northwest One-Quarter
 48 (NW 1/4) of the Southeast One-Quarter (SE 1/4) of the
 49 Northeast One-Quarter (NE 1/4) of said Section 17,
 50 said point being on the municipal boundary of the City
 51 of Fort Lauderdale, as established by Chapter 71-640,
 52 Laws of Florida; Thence Northerly, along the East line
 53 of the Northwest One-Quarter (NW 1/4) of the Southeast
 54 One-Quarter (SE 1/4) of the Northeast One-Quarter (NE
 55 1/4) of said Section 17, and along said municipal
 56 boundary to the POINT OF BEGINNING.

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

Prospect Field Road/N.W. 31st Avenue Annexation
Boundary is described as follows:

A portion of Sections 8 and 17, Township 49 South,
Range 42 East, Broward County, Florida, described as
follows: BEGIN at the point of intersection of the
North right of way line of Prospect Field Road with
a line 264 feet East of and parallel with the West
line of said Section 8, said point being on the
municipal boundary of the City of Fort Lauderdale, as
established by Chapter 71-640, Laws of Florida;
Thence along said municipal boundary the following 3
courses; Thence Easterly, along said North right of
way line, to the North line of said Section 17; Thence
Easterly, along said North line of Section 17, to the
West line of Lot 11 of, LITTLE FARMS, according to the
plat thereof, as recorded in Plat Book 27, Page 29 of
the Public Records of Broward County, Florida; Thence
Southerly, along said West line and the Southerly
prolongation thereof, to the centerline of Orange
Street as shown on said plat of, LITTLE FARMS, said
point being on the municipal boundary of the City of
Fort Lauderdale, as established by Ordinance No. C-
87-10 of the City of Fort Lauderdale; Thence
Southerly, along the West line of Lot 30 of said plat
and the Northerly prolongation thereof and said
municipal boundary, to a point on the South line of

85 the Northwest One-Quarter (NW 1/4) of the Northwest
86 One-Quarter (NW 1/4) of the Northeast One-Quarter (NE
87 1/4) of said Section 17, said point being on the
88 municipal boundary of the City of Tamarac, as
89 established by Ordinance No. 0-81-17 of the City of
90 Tamarac. Thence along said municipal boundary of the
91 City of Tamarac the following 3 courses; Thence
92 Westerly, along said South line, to the Southwest
93 corner of the Northeast One-Quarter (NE 1/4) of the
94 Northeast One-Quarter (NE 1/4) of the Northwest One-
95 Quarter (NW 1/4) of said Section 17; Thence Southerly
96 to the Southeast corner of the Southwest One-Quarter
97 (SW1/4) of the Northeast One-Quarter (NE 1/4) of the
98 Northwest One-Quarter (NW 1/4) of said Section 17;
99 Thence Westerly to the Southwest corner of the
100 Southwest One-Quarter (SW1/4) of the Northeast One-
101 Quarter (NE 1/4) of the Northwest One-Quarter (NW 1/4)
102 of said Section 17, said point being on the municipal
103 boundary of the City of Fort Lauderdale, as
104 established by Ordinance No. C-72-22 of the City of
105 Fort Lauderdale; Thence along said municipal boundary
106 the following 4 courses; Thence Westerly, along the
107 South line of the Northwest One-Quarter (NW 1/4) of
108 the Northwest One-Quarter (NW 1/4) of said Section 17,
109 to the West line of said Section 17; Thence Northerly,
110 along said West line, to the South line of the West
111 264 feet of the North One-Half (N 1/2) of the North
112 One-Half (N 1/2) of the Northwest One-Quarter (NW 1/4)

113 of the Northwest One-Quarter (NW 1/4) of said Section
 114 17; Thence Easterly, along said South line, to the
 115 Southeast corner thereof;

116
 117 Thence Northerly, along the East line thereof, to the
 118 POINT OF BEGINNING.

119 Section 2. An interlocal agreement shall be developed
 120 between the governing bodies of Broward County and the City of
 121 Tamarac and executed prior to the effective date of the
 122 annexation as specified in Section 1. The agreement shall
 123 address infrastructure improvement projects and include a
 124 financially feasible plan for transitioning county services,
 125 buildings, infrastructure, waterways, and employees.

126 Section 3. Upon annexation into the municipality, the
 127 areas described in Section 1 shall be governed by the relevant
 128 land use and zoning provisions of the City of Tamarac's Code of
 129 Ordinances. Any change of zoning districts or land use
 130 designations may be accomplished only by enactment of the vote
 131 of the majority of the full governing body of the municipality
 132 plus one. Any use, building, or structure that is legally in
 133 existence at the time of annexation may not be made a prohibited
 134 use by the City of Tamarac, on the property of such use, for as
 135 long as the use continues and is not voluntarily abandoned.

136 Section 4. Any resident in the area to be annexed by this
 137 act into the City of Tamarac shall be deemed to have met any
 138 residency requirements for candidacy for municipal office.

139 Section 5. Nothing in this act may be construed to affect
 140 or abrogate the rights of parties to any contracts, whether they

HB 1129

2010

141 be between Broward County and a third party or between
142 nongovernmental entities, which contracts are in effect prior to
143 the effective date of the annexation.

144 Section 6. All public roads, and the public rights-of-way
145 associated therewith, in the Broward County Road System, lying
146 within the limits of the lands subject to annexation in this act
147 as described in Section 1, are transferred from the jurisdiction
148 of Broward County to the jurisdiction of the City of Tamarac on
149 the effective date of the annexation. All rights, title,
150 interests, and responsibilities for any transferred roads,
151 including, but not limited to, the ownership, operation,
152 maintenance, planning, design, and construction of such roads
153 and the rights-of-way associated therewith, shall transfer from
154 the jurisdiction and ownership of Broward County to the
155 jurisdiction and ownership of the City of Tamarac on the
156 effective date of the annexation.

157 Section 7. This act shall take effect upon becoming a law.

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 Porth offered the following:

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

6 Remove lines 126-138 and insert:

7 Section 3. Upon annexation into the municipality, the
8 areas described in Section 1 shall be governed by the zoning
9 regulations of Broward County as amended through March 1, 2010,
10 which shall apply to all areas described in Section 1, which is
11 Zone M-3 Heavy Manufacturing. In applying the adopted provisions
12 of the Broward County Zoning Code, each reference to a
13 commission, board, or employee of Broward County shall be
14 construed to refer to its nearest counterpart in the City of
15 Tamarac. The Broward County Zoning Code shall be interpreted and
16 applied to the maximum extent possible. The city may codify the
17 applicable Broward County zoning regulations in effect as of
18 March 1, 2010, into the city's own zoning regulations, provided
19 that such codification is done without any changes other than

Amendment No.

20 chapter and section numbers or references to any applicable city
21 commission, board, or employee. Any change of zoning districts
22 or land use designations may be accomplished only by enactment
23 of the vote of the majority of the full governing body of the
24 municipality plus one. Any use, building, or structure that is
25 legally in existence at the time of annexation within the area
26 described in Section 1 shall not be made a prohibited use by the
27 City of Tamarac.

28 Section 4. The Legislature finds that it is fair and
29 reasonable to provide for a partial exemption from any fire
30 rescue special assessment levied by the City of Tamarac to all
31 parcels within the area described in Section 1 in order that the
32 amounts collected from these parcels are equal to the amounts
33 that were collected from these parcels by Broward County for the
34 provision of fire rescue services prior to annexation. The area
35 described in Section 1 includes a zoning category and uses that
36 are materially different from those currently existing within
37 the city and that may not be addressed in the city's current
38 fire rescue special assessment methodology. These new uses will
39 provide economic diversity and opportunities to the city that
40 presently do not exist. Moreover, the annexation of these
41 parcels into the city will provide economic benefits not
42 otherwise available to the city, including, without limitation,
43 increased ad valorem tax revenue paid directly by the annexed
44 parcels, which will fund and enhance other city services
45 provided citywide which, if not for the enhanced revenues
46 received from the annexed parcels, would have to be funded
47 through existing revenues. The exemption shall be equal to the

Amendment No.

48 amount of the special assessment levied by the City of Tamarac
49 on the parcels within the area described in Section 1 in excess
50 of the amount that would have been charged the same parcels by
51 Broward County through its fire assessment had the area
52 described in Section 1 remained an unincorporated area of
53 Broward County. This partial exemption shall remain in place,
54 notwithstanding any other statute or ordinance regarding non-ad
55 valorem assessments. If Broward County discontinues its fire
56 rescue special assessment, the exemption shall remain in place
57 using the amount collected by the City of Fort Lauderdale had
58 the area been part of Fort Lauderdale, and if both Broward
59 County and Fort Lauderdale cease to levy fire rescue special
60 assessments, the assessment levied by the City of Tamarac shall
61 then be collected from the parcels within the area described in
62 Section 1. Any shortfall in revenues by the city as a result of
63 this exemption shall be funded by any available funding sources
64 other than the fire rescue special assessment. The city shall
65 complete an assessment methodology review and report for its
66 fire rescue special assessment, to include an analysis of the
67 parcels within the area described in Section 1, within 1 year
68 after the effective date of the annexation.

69 Section 5. The City of Tamarac may not charge any impact
70 fees to any parcel within the area described in Section 1 for
71 any uses or development existing as of the effective date of the
72 annexation that under the city's ordinances would have been due
73 to the city for the existing uses had they been developed under
74 the city's code. Development and uses that commence on or after

Amendment No.

75 | the effective date of the annexation shall be subject to the
76 | city's impact fees.

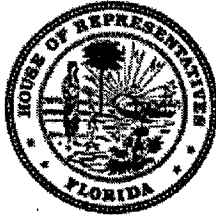
77 |
78 |

79 | -----

80 | **T I T L E A M E N D M E N T**

81 | Remove lines 6-8 and insert:

82 | date of annexation; providing for an interlocal agreement;
83 | providing for land use and zoning governance; providing
84 | legislative findings; providing requirements for the levying of
85 | fire rescue special assessments; providing for an assessment
86 | methodology review and report on the fire rescue special
87 | assessment; prohibiting the charging of certain impact fees;



STORAGE NAME: h1155a.CJCP.doc
DATE: 3/29/2010

Florida House of Representatives
Summary Claim Bill Report

Bill #: HB 1155; Relief/Madonna Castillo/City of Hialeah
Sponsor: Representative Gonzalez
Companion Bill:
Special Master: Tom Thomas

Basic Information:

Claimants:	Madonna Castillo
Respondent:	City of Hialeah
Amount Requested:	\$500,000
Type of Claim:	Local equitable claim; result of a settlement agreement.
Respondent's Position:	Agreed not to oppose and to fully cooperate with the claim bill process.
Collateral Sources:	Pursuant to injuries sustained as a result of a July 3, 1998 swimming pool incident, the health insurer of the minor's mother tendered payment of \$30,311.20 for medical care.
Attorney's/Lobbying Fees:	The claimants' attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.
Prior Legislative History:	This claim was filed by Representative Planas as HB 67 in 2009. The House bill died on Third Reading. SB 56 was filed by Senator Rich in 2009 and died in the Senate Committee on Community Affairs.

Procedural Summary: On September 28, 2000, Reyna Castillo, as legal guardian of Madonna Castillo, a minor, sued the City of Hialeah in the Circuit Court in and for Dade County, alleging negligence. At the conclusion of the trial, the jury awarded the Plaintiff \$5,856,480.60, \$4,737,180.60 of which was apportioned to the City, for negligence. Of this amount, \$200,000 has already been paid to claimants pursuant to the statutory cap on liability imposed by section 768.28, Florida Statutes. Of this \$200,000, the claimant received, after paying attorney's fees and costs, and outstanding medical bills, \$122,407.25.

Facts of Case: On July 3, 1998, Claimant Madonna Castillo, who was 12 years old at the time, was swimming at Milander Pool located in the City of Hialeah, Florida. She was situated in the shallow end of the pool with a group of children of approximately the same age as her. While there, her sister warned her of a swimmer of approximately 17 to 19 years of age who was swimming right behind. Upon this warning, Ms. Castillo turned around and was struck in the right eye by this swimmer.

Upon being struck in the eye, her sister removed her from the pool and brought her to the Head Lifeguard's office, where Fire Rescue was called. She was bleeding from her eye, and was taken to the Hospital by Fire Rescue. Ultimately, she was rendered completely blind in the right eye, as a result of the high speed impact. This impact caused a vitreous hemorrhage that resulted in neurovascular glaucoma. Ms. Castillo underwent multiple aggressive procedures in an effort to relieve her eye pressure, but those were unsuccessful due to the nature of the injury.

In terms of future treatment and care, testimony indicates that Ms. Castillo will require a complete surgical removal of her eye and multiple prosthetic devices over the course of her lifetime. There's also some concern of a potential sympathetic problem developing in her left, undamaged eye.

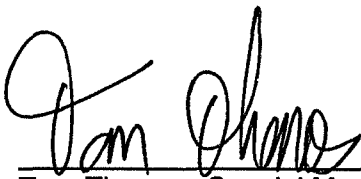
The City was deemed negligent because of a lack of safety protocol and procedures and a lack of appropriate supervision by the lifeguards on duty. According to testimony, the swimmer who injured Ms. Castillo had been previously warned to stop various banned activities, including horseplay. This horseplay should have, according to the Chief Lifeguard, put the lifeguards on notice to continue to watch that swimmer while he was in the pool.

Damages: The parties agreed to settle for \$700,000, after the jury verdict had been awarded, in exchange for the City dropping their appeal. The settlement agreement included a clause that the City agreed to support a claims bill in the amount of \$500,000.

Source of Funds: Any funds paid by the City of Hialeah for this claim bill will come from the City's General Fund.

Drafting Comments: None.

Recommendation: I recommend this claim be reported FAVORABLY.



Tom Thomas, Special Master

3/29/2010

Date

cc: Representative Gonzalez, House Sponsor
Senator Rich, Senate Sponsor
Judge John G. VanLaningham, Senate Special Master

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

00-25622 CA 13
NOTICE BY PUBLICATION - MADONNA CASTILLO, ETC.
VS. CITY OF HIALEAH

in the CIRCUIT Court,
was published in said newspaper in the issues of

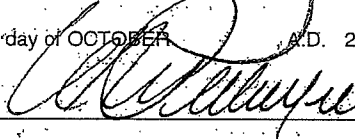
10/27/2009

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this

27 day of OCTOBER, A.D. 2009

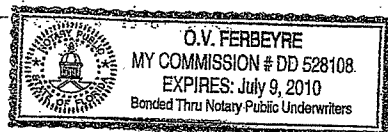


(SEAL)

V. PEREZ personally known to me

10/27/2009

10/27/2009



NOTICE BY PUBLICATION
IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY,
FLORIDA
GENERAL JURISDICTION
DIVISION
CASE NO. 00-25622 CA 13
MADONNA CASTILLO A MINOR BY
HER MOTHER AND NATURAL
GUARDIAN REYNA CASTILLO
and REYNA CASTILLO Individually
Plaintiffs
CITY OF HIALEAH a political
subdivision of the State of Florida
Defendant
to Whom it May Concern
NOTICE IS HEREBY GIVEN of
the intention to apply to the 2010
Regular Session or subsequent
sessions held in 2010 of the Florida
Legislature for passage of an act for
the relief of MADONNA CASTILLO
by the City of Hialeah providing for
an appropriation of \$600,000 to
compensate her for an injury in
which she suffered the loss of an
eye, pain and suffering and provid-
ing for an effective date. Should you
have any questions, please contact
RONALD D. RODMAN, ESQ.
FRIEDMAN, RODMAN & FRANK,
P.A., attorney for Plaintiff whose ad-
dress is 3636 West Flagler Street,
Miami, Florida 33135.
FRIEDMAN, RODMAN & FRANK,
P.A.
3636 West Flagler Street
Miami, FL 33135
10/27/09 09-4-102/1335009M

1 A bill to be entitled
2 An act for the relief of Madonna Castillo by the City of
3 Hialeah; providing for an appropriation to compensate her
4 for injuries and damages that she sustained as a result of
5 the negligence of the City of Hialeah; providing a
6 limitation on the payment of fees and costs; providing an
7 effective date.

8
9 WHEREAS, on July 3, 1998, Madonna Castillo, a minor, was
10 swimming in the public pool at Milander Park in the City of
11 Hialeah, and

12 WHEREAS, the City of Hialeah managed and operated the pool
13 at Milander Park, and

14 WHEREAS, city employees allowed swimmers to be rowdy in and
15 around areas of the pool in which others were swimming, and

16 WHEREAS, the lifeguard on duty had abandoned his post, and

17 WHEREAS, while Madonna Castillo was standing in the pool
18 talking to her sister, Madonna Castillo was struck in the eye by
19 another swimmer, and

20 WHEREAS, as a result of the incident, Madonna Castillo
21 suffered total vision loss in her right eye and underwent two
22 surgeries, including the insertion of a microvalve to regulate
23 intraocular pressure, and

24 WHEREAS, Madonna Castillo's injuries will require the
25 eventual removal of her right eye and the insertion of a
26 prosthetic eye, and

27 WHEREAS, after a jury trial resulting in a verdict in favor
28 of Madonna Castillo, the City of Hialeah initiated appellate
29 proceedings, and

30 WHEREAS, the parties entered into a settlement agreement,
31 pursuant to which, on April 2, 2004, the City of Hialeah paid to
32 Madonna Castillo the sum of \$200,000, and agreed to support a
33 claim bill by the Legislature in the amount of \$500,000 in favor
34 of Madonna Castillo, NOW, THEREFORE,

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. The facts stated in the preamble to this act
39 are found and declared to be true.

40 Section 2. The City of Hialeah is authorized and directed
41 to appropriate from funds of the city not otherwise appropriated
42 and to draw ten consecutive annual warrants in the amount of
43 \$50,000 each, for a total settlement of \$500,000, pursuant to
44 the settlement agreement, payable to Friedman, Rodman, & Frank
45 Trust and Madonna Castillo, which sum is inclusive of costs and
46 attorney's fees as limited in accordance with s. 768.28, Florida
47 Statutes, as compensation for the injuries sustained by Madonna
48 Castillo due to the negligence of the City of Hialeah. The first
49 of the ten annual installments shall be paid on July 1, 2010,
50 with annual installments to be paid each subsequent year on July
51 1, concluding with the final installment to be paid on July 1,
52 2019.

53 Section 3. The amounts paid by the City of Hialeah
54 pursuant to s. 768.28, Florida Statutes, and the amount awarded

HB 1155

2010

55 under this act are intended to provide the sole compensation for
56 all present and future claims arising out of the factual
57 situation described in the preamble to this act which resulted
58 in the injuries sustained by Madonna Castillo. The total amount
59 paid for attorney's fees, lobbying fees, costs, and other
60 similar expenses relating to this claim may not exceed 25
61 percent of the amount awarded under this act.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

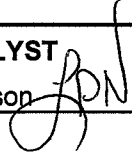

BILL #: HB 1209

City of Fort Lauderdale, Broward County

SPONSOR(S): Porth

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Nelson 	Hoagland 
2)	Finance & Tax Council			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

HB 1209 enlarges the corporate limits of the City of Fort Lauderdale in Broward County to include several unincorporated areas. It provides for: an effective date of annexation; an interlocal agreement; land use and zoning governance of the annexed areas; residency requirements for municipal office candidates; preservation of existing contracts; and the transfer of public roads and rights-of-way.

The Economic Impact Statement provides that the estimated cost of administration, implementation and enforcement of the bill will be \$42,416 in Fiscal Year 2010-2011 and \$43,265 in Fiscal Year 2011-2012. Anticipated sources of funding for both fiscal years are \$30,627 in state revenues and \$164,404 in local revenues.

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:

Present Situation

Constitutional/Statutory Provisions Relating to Annexation¹

Section 2 (c), of Art. VIII of the State Constitution provides that “[m]unicipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.” This provision authorizes the Legislature to annex unincorporated property into a municipality by special act.² It also authorizes the Legislature to establish procedures in general law for the annexation of property.

The Legislature established local annexation procedures by general law in 1974, with the enactment of ch. 171, F. S., the “Municipal Annexation or Contraction Act.” Chapter 171, F. S., describes the ways that property can be annexed or deannexed by cities without passage of an act by the Legislature. In 2006, this chapter was expanded to provide an alternative process for annexation that allows counties and municipalities to jointly determine how services are provided to residents and property.³

Requirements for Annexation

Before local annexation procedures may begin, pursuant to s. 171.042, F.S., the governing body of the municipality must prepare a report containing plans for providing urban services to any area to be annexed. A copy of the report must be filed with the board of county commissioners where the municipality is located. This report must include appropriate maps, plans for extending municipal services, timetables and financing methodologies. It must certify that the area proposed to be annexed is appropriate for annexation because it meets the following standards and requirements described by s. 171.043, F.S.:

- The area to be annexed must be an unincorporated area that is contiguous to the boundary of the annexing municipality.⁴
- The area to be annexed must be reasonably compact.⁵

¹ The term “annexation” is defined in the Florida Statutes to mean “the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.” See, s. 171.031(1), F.S.

² Miami-Dade County, however, has exclusive jurisdiction over its municipal annexations under ss. 11(1)(c), (5) and (6), Art. VIII of the 1885 State Constitution, as adopted by reference in s. 6(e), Art. VIII of the State Constitution.

³ See, part II of ch. 171, F.S., the “Interlocal Service Boundary Agreement Act.”

⁴ This means that a substantial part of the boundary of the area to be annexed has a common boundary with the municipality. There are specified exceptions for cases in which an area is separated from the city's boundary by a publicly owned county park, right-of-way or body of water.

- No part of the area to be annexed may fall within the boundary of another incorporated municipality.
- Part or all of the land to be annexed must be developed for urban purposes.⁶
- Alternatively, if the proposed area is not developed for urban purposes, it can either border at least 60 percent of a developed area, or provide a necessary bridge between two urban areas for the extension of municipal services.

Annexed areas are declared to be subject to taxation (and existing indebtedness) for the current year on the effective date of the annexation, unless the annexation takes place after the municipal governing body levies such tax for that year. In the case of municipal contractions, the city and county must reach agreement on the transfer of indebtedness or property—the amount to be assumed, its fair value and the manner of transfer and financing.⁷

Types of Annexations

Voluntary Annexation

If the property owners of a reasonably compact, unincorporated area desire annexation into a contiguous municipality, they can initiate voluntary annexation proceedings. Section 171.044 (4), F. S., provides that the procedures for voluntary annexation are “supplemental to any other procedure provided by general law or special law.” The following process governs voluntary annexations in every county, except for those counties with charters providing an exclusive method for municipal annexation:

- submission of a petition—signed by all property owners in the area proposed to be annexed—to the municipal governing body; and
- adoption of an ordinance by the governing body of the municipality to annex the property after publication of a notice—which sets forth the proposed ordinance in full—at least once a week for two consecutive weeks.

The governing body of the municipality also must provide a copy of the notice to the board of county commissioners of the county where the municipality is located.

Land cannot be annexed through voluntary annexation when the process results in the creation of an enclave.⁸

Involuntary Annexation

A municipality may annex property where the property owners have not petitioned for annexation pursuant to s. 171.0413, F. S. This process is referred to as “involuntary” annexation. In general, the requirements for an involuntary annexation are:

- the adoption of an annexation ordinance by the annexing municipality's governing body;
- at least two advertised public hearings held by the governing body of the municipality prior to the adoption of the ordinance, with the first hearing on a weekday at least seven days after the first advertisement and the second hearing held on a weekday at least five days after the first advertisement;⁹ and

⁵ Section 171.031(12), F.S., defines “compactness” as concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state is required to be designed in such a manner as to ensure that the area will be reasonably compact.

⁶ An area developed for urban purposes is defined as an area which meets any one of the following standards: (a) a total resident population equal to at least two persons per acre; (b) a total resident population equal to at least one person per acre, with at least 60 percent of subdivided lots one acre or less; or (c) at least 60 percent of the total lots used for urban purposes, with at least 60 percent of the total urban residential acreage divided into lots of five acres or less.

⁷ See, s. 171.061, F.S.

⁸ An enclave is: (a) any unincorporated, improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated, improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. Section 171.031(13), F.S.

⁹ This new requirement was passed by the 1999 Legislature.

- submission of the ordinance to a vote of the registered electors of the area proposed for annexation once the governing body has adopted the ordinance.¹⁰

Any parcel of land which is owned by one individual, corporation or legal entity, or owned collectively by one or more individuals, corporations or legal entities, proposed to be annexed cannot be severed, separated, divided or partitioned by the provisions of the ordinance, unless the owner of such property waives this requirement.

If there is a majority vote in favor of annexation in the area proposed to be annexed, the area becomes part of the city. If there is no majority vote, the area cannot be made the subject of another annexation proposal for two years from the date of the referendum.

If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations or legal entities which are not registered electors of such area, the area cannot be annexed unless the owners of more than 50 percent of the land in such area consent to the annexation. This consent must be obtained by the parties proposing the annexation prior to the referendum.

If the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. The area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body does not choose to hold a referendum of the annexing municipality, then the property owner consents must be obtained by the parties proposing the annexation prior to the final adoption of the ordinance.

Effect of Annexation on an Area

Upon the effective date of an annexation, the area becomes subject to all laws, ordinances and regulations in force in the annexing municipality. An exception occurs pursuant to s. 171.062(2), F.S., in that if the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in effect until the municipality adopts a comprehensive plan amendment that includes the annexed area. In contractions, excluded territory is immediately subject to county laws, ordinances and regulations.

Any changes in municipal boundaries require revision of the boundary section of the municipality's charter. Such changes must be filed as a charter revision with the Department of State within 30 days of the annexation or contraction.¹¹

Appeal of Annexation or Contraction

Affected persons who believe they will suffer material injury because of the failure of a city to comply with annexation or contraction laws as applied to their property can appeal the annexation ordinance. They may file a petition within 30 days following the passage of the ordinance with the circuit court for the county in which the municipality is located seeking the court's review by certiorari. If an appeal is won, the petitioner is entitled to reasonable costs and attorney's fees.¹²

¹⁰ In 1999, the Florida Legislature removed the requirement of a dual referendum in specific circumstances. Previously, in addition to a vote by the electors in the proposed annexed area, the annexation ordinance was submitted to a separate vote of the registered electors of the annexing municipality if the total area annexed by a municipality during any one calendar year period cumulatively exceeded more than five percent of the total land area of the municipality or cumulatively exceeded more than five percent of the municipal population. The holding of a dual referendum is now at the discretion of the governing body of the annexing municipality.

¹¹ Section 171.091, F.S.

¹² Section 171.081, F.S.

Broward County Annexations

Broward County is located on Florida's South Atlantic coast and consists of nearly 1,200 square miles with a population of approximately 1.8 million residents. Broward County currently contains 31 municipalities, the majority of which achieved their current corporate boundaries through a multitude of annexations.

The 1996 Florida Legislature adopted a special act¹³ which describes Broward County has having "numerous scattered unincorporated pockets which reflect the haphazard manner in which annexation into municipalities has taken place over the years by the application of general annexation laws of the state...." This law requires that any annexation of unincorporated property within Broward County proposed to be accomplished pursuant to ch. 171, F.S., first must be considered at a public hearing conducted by the Broward County Legislative Delegation, pursuant to its adopted rules. The annexation is not effective until the 15th day of September following adjournment sine die of the next regular legislative session following the completion of all necessary procedures for annexation.

That same year, in cooperation with the Broward County Board of County Commissioners, the Broward County Legislative Delegation created the "Ad Hoc Committee on Annexation Policy." The delegation charged the committee with the responsibility of developing and recommending policy regarding future annexations. The committee recommended that annexation of all unincorporated areas of Broward County be encouraged to occur by the year 2010, and that any remaining unincorporated areas would be subject to annexation by the Florida Legislature. In 2001, this goal was changed to the year 2005.

The Broward County Legislative Delegation sponsors several local annexation bills each year.

Effect of Proposed Changes

The City of Fort Lauderdale was incorporated in 1911. Encompassing more than 33 square miles with a population of nearly 180,000, Fort Lauderdale is the largest of Broward County's 30 municipalities and the seventh largest city in Florida.¹⁴

HB 1209 provides for the annexation of unincorporated Broward County property into the City of Ft. Lauderdale. According to the Executive Director of the Broward Legislative Delegation, this annexation includes road rights-of-way and commercial properties along with a portion of a mobile home park that was "left out" of a previous annexation. Apparently, the residents of the mobile home park believed that they were part of the city and have been receiving services from the city.¹⁵

The areas to be annexed are known as: Cypress Creek Road-A, Cypress Creek Road-B, Andrews/NE 62 Street North and Andrews/NE 62 Street South:

Cypress Creek Road-A consists of 4.83 acres. It has no residents, and one commercial property (a gas station) and a right-of-way.

Cypress Creek Road-B consists of 7.38 acres. It has an estimated population of eight. The area contains four mobile homes and two commercial properties (one gas station and a shopping center).

Andrews/NE 62 Street North and Andrews/NE 62 Street South consist of 5.59 acres. There are no residents, one commercial property (a 28-unit office condominium) and a road right-of-way.

This annexation is effective on September 15, 2010, and does not require a referendum. All of the property owners within the affected areas have been notified twice of the proposed annexation. The City of Fort Lauderdale has received no objections from these individuals.

An interlocal agreement must be developed and executed between the governing bodies of Broward

¹³ Chapter 96-542, L.O.F., as amended by ch. 99-447, L.O.F.

¹⁴ <http://ci.ftlaud.fl.us/about.htm>.

¹⁵ February 23, 2010, correspondence from Sandy Harris, Broward Legislative Delegation.

County and the City of Ft. Lauderdale prior to the effective date of the annexation. The agreement is required to address infrastructure improvement projects and include a financially feasible plan for transitioning county services, buildings, infrastructure, waterways and employees.

Upon annexation into the City of Ft. Lauderdale, the areas will be governed as follows:

- (1) The annexed property will be governed by the relevant land use and zoning provisions of the City of Ft. Lauderdale's Code of Ordinances.
- (2) Any change of zoning districts or land use designations may only be accomplished by a supermajority vote of the full governing body of the municipality.
- (3) Any use, building or structure that is legally in existence at the time of annexation may not be made a prohibited use by the City of Ft. Lauderdale, as long as the use continues and is not voluntarily abandoned.

After the effective date of the act, no change in land use designation or zoning can take place within the limits of the areas subject to annexation until the area has been annexed into the City of Fort Lauderdale. No annexation within the area by any municipality can occur during the time period between the effective date of the act and the effective date of the annexation.

After the effective date of the annexation, any resident of the areas annexed into the City of Ft. Lauderdale is deemed to satisfy residency requirements for candidacy for municipal office. The bill further provides that nothing in it shall be construed to affect or abrogate the rights of parties to any contract which is in effect prior to the annexation, whether the contract be between Broward County and a third party or between nongovernmental entities.

Finally, the bill provides that all public roads and associated rights-of-way associated in the Broward County Road System, lying within the area subject to annexation, are transferred from Broward County's jurisdiction to the jurisdiction of Ft. Lauderdale. All rights, title, interests and responsibilities for any transferred roads, including, but not limited to, the ownership, operation, maintenance, planning, design and construction of such roads and rights-of-way transfer from Broward County jurisdiction and ownership to the jurisdiction and ownership of Ft. Lauderdale on the effective date of the annexation.

The act takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Provides a legal description of property to be annexed.

Section 2: Provides an effective date for annexation.

Section 3: Provides for an interlocal agreement.

Section 4: Provides for land use and zoning governance, and continued uses.

Section 5: Provides for continuation of land use and zoning governance, and prohibition of annexation.

Section 6: Provides residency qualification for candidates for municipal office.

Section 7: Provides for continuation of existing contracts.

Section 8: Provides for transfer of public roads and rights-of-way.

Section 9: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 18, 2010

WHERE? The *Sun-Sentinel*, a daily newspaper published in Broward County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

The Economic Impact Statement provides that the estimated cost of administration, implementation and enforcement of the bill will be \$42,416 in Fiscal Year 2010-2011 and \$43,265 in Fiscal Year 2011-2012. Anticipated sources of funding for both fiscal years are \$30,627 in state revenues and \$164,404 in local revenues. No details as to the sources of the amounts have been provided.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

House Rule 5.5(b) states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill may create an exemption to s. 171.062(1), F.S., which provides that an area annexed to a municipality shall be subject to all laws, ordinances and regulations in force in that municipality, via the "continued use" provisions contained in Section 4. The bill additionally may create an exemption to s. 125.01, F.S., which gives counties the authority to prepare and enforce comprehensive plans, and establish and enforce zoning ordinances, as well as the Local Government Comprehensive Planning and Land Development Regulation Act found at part II of ch. 163, F.S., in that Section 5 prevents the county from changing land use designations or zoning in the area proposed for annexation after the effective date of the act.

SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED LINDA HALL, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A:

NOTICE OF LEGISLATION

THE MATTER OF: BROWARD LEGISLATIVE
RE: BROWARD COUNTY ENLARGING THE CORPORATE LIMITS OF
THE CITY FORT LAUDERDALE

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

JANUARY 18, 2010

13838011

AFFIANT FURTHER SAYS THAT THE SAID SUN-SENTINEL IS A NEWSPAPER PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS HERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MATTER AT THE POST OFFICE IN FORT LAUDERDALE, IN SAID BROWARD COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF ATTACHED COPY OF ADVERTISEMENT: AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID, NOR PROMISED, ANY PERSON, FIRM, OR CORPORATION, ANY DISCOUNT, REBATE, COMMISSION, OR REFUND, FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN SAID NEWSPAPER.

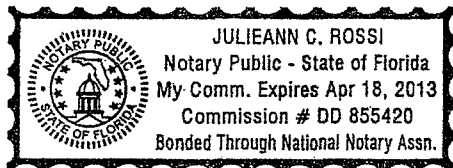
Linda Hall

(SIGNATURE OF LINDA HALL, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 18 JANUARY 2010, A.D.

Julieann C. Rossi

(SIGNATURE OF NOTARY PUBLIC)



(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

NOTICE OF LEGISLATION
Notice is hereby given that the following bill will be presented to the 2010 Legislative Session of the Florida Legislature for consideration and enactment.
A bill to be entitled
An act relating to Broward County, extending and enlarging the corporate limits of the City of Fort Lauderdale to include specified unincorporated lands within said corporate limits, providing for an election, providing for and effective date of annexation, providing for transfer of public roads and rights-of-way, providing for an effective date.
BROWARD COUNTY LEGISLATIVE DELEGATION
REPRESENTATIVE AND OF HIGH AIR CONTACT: Sandy Harris
954-357-6553
January 18, 2010

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

BILL #: # 1209

SPONSOR(S): Representative Ari Porth

RELATING TO: City of Fort Lauderdale Annexation
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Broward

CONTACT PERSON: Sandy Harris

PHONE NO.: 954-260-8894 E-Mail: saharris@broward.org

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 5, 2010

Location: Nova Southeastern University

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE January 18, 2010

Where? Sun Sentinel County Broward

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

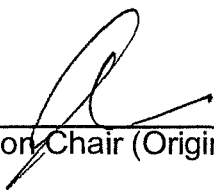
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

2-22-10

Date

Ari Porth

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2010 ECONOMIC IMPACT STATEMENT FORM

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

BILL #: 1209
SPONSOR(S): Rep. Porth
RELATING TO: Broward County/City of Fort Lauderdale
[Indicate Area Affected (City, County or Special District) and Subject]

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

	<u>FY 10-11</u>	<u>FY11-12</u>
Expenditures:	\$ 42,416	\$ 43,265

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY11-12</u>
Federal:		
State:	\$ 30,627	\$ 30,627
Local:	\$164,404	\$164,404

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 10-11</u>	<u>FY11-12</u>
Revenues:		
Anticipate decrease in property taxes from FY09-10 to FY 10-11 by 15.0% and remain flat for next two fiscal years.		

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

Advantages: Localized municipal service will be provided now that the area will be incorporated into the City of Fort Lauderdale

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]:

Revenue

Property Taxes were based on Tax Year 2009 property valuations

Other sources of revenue based City's historical revenue levels and forecasted levels for FY 09-10 and applying a proportionate share to annexed properties using property valuation, population and proportionate formulas.

PREPARED BY:

Lynne C. Kyn
[Must be signed by Preparer]

12/16/10
Date

TITLE:

Interim Finance Director / Treasurer

REPRESENTING:

City of Fort Lauderdale

PHONE:

954-828-5167

1 A bill to be entitled
 2 An act relating to the City of Fort Lauderdale, Broward
 3 County; extending and enlarging the corporate limits of
 4 the City of Fort Lauderdale to include specified
 5 unincorporated lands within such corporate limits;
 6 providing for an effective date of annexation; providing
 7 for an interlocal agreement, land use and zoning
 8 governance, and residency qualification for candidacies
 9 for municipal office; providing applicability to existing
 10 contracts; providing for transfer of public roads and
 11 rights-of-way; providing an effective date.

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

14
 15 Section 1. The following areas shall be annexed into the
 16 City of Fort Lauderdale subject to the provisions of this act:

17
 18 CYPRESS CREEK ROAD - A

19
 20 That portion of Section 11 Township 49 South, Range 42
 21 East, Broward County, Florida, described as follows:

22
 23 BEGIN at the Northwest corner of HARRAH PLAT,
 24 according to the plat thereof, as recorded in Plat
 25 Book 100, Page 25, of the Public Records of Broward
 26 County, Florida said point also being on the South
 27 right of way line of Cypress Creek Road and the

28 municipal boundary of the City of Fort Lauderdale, as
 29 established by Ordinance No. C-94-16;

31 The next six courses being along said municipal
 32 boundary;

34 Thence North 88°46'54" East, a distance of 256.04 feet
 35 to the point of curvature of a non-tangent curve,
 36 concave to the North, having a radius of 5784.58 feet,
 37 a central angle of 01°48'28" and a radial bearing of
 38 North 03°35'16" East;

40 Thence Easterly along said curve, a distance of 182.51
 41 feet to the most Northerly Northeast corner of Parcel
 42 "A" of said HARRAH PLAT;

44 Thence South 01°30'49" East, a distance of 12.02 feet
 45 to the Northwest corner of Parcel "A" of AMOCO S.S.
 46 7002 PLAT, according to the plat thereof, as recorded
 47 in Plat Book 133, Page 29, of the Public Records of
 48 Broward County, Florida;

50 Thence continue South 01°30'49" East, a distance of
 51 175.90 feet;

53 Thence North 88°46'54" East, a distance of 195.00 feet;
 54

55 Thence South 01°30'49" East a distance of 98.25 feet to
 56 the Southeast corner of Parcel "A" of said HARRAH PLAT
 57 said point being on the municipal boundary of the City
 58 of Oakland Park, as established by House Bill 1485,
 59 2004 Legislature;

61 Thence North 88°44'00" East along said municipal
 62 boundary and the South line of said HARRAH PLAT to the
 63 Southeast corner of said Plat, said point being on the
 64 municipal boundary of the City of Oakland Park, as
 65 established by House Bill 2177, 1975 Legislature;

67 Thence North along said municipal boundary to the
 68 North right of way line of Cypress Creek Road, said
 69 point being on the municipal boundary of the City of
 70 Fort Lauderdale as established by Ordinance No. C-94-
 71 16 and on a curve concave to the North having a radius
 72 of 5674.58 feet and a central angle of 05°49'13";

74 The next two courses being along said municipal
 75 boundary per Ordinance No. C-94-16 and said North
 76 right of way line;

78 Thence Westerly along said curve, a distance of 576.44
 79 feet to a point of reverse curvature of a curve
 80 concave to the South, having a radius of 5784.58 feet,

81 a central angle of 00°35'37" and a radial bearing of
 82 South 05°38'37" West;

83
 84 Thence Westerly along said curve, a distance of 59.93
 85 feet to the Southeast corner of "SHELL AT I-95",
 86 according to the plat thereof, as recorded in Plat
 87 Book 102, Page 25, of the Public Records of Broward
 88 County, Florida, said point being on the municipal
 89 boundary of the City of Fort Lauderdale, as
 90 established by Ordinance No. C-95-6;

91
 92 The next three courses being along said municipal
 93 boundary per Ordinance No. C-95-6 and said North right
 94 of way line;

95
 96 Thence continue Westerly along said curve, a distance
 97 of 337.88 feet;

98
 99 Thence North 80°31'09" West, a distance of 201.82 feet;

100
 101 Thence South 89°06'33" West, a distance of 125.00 feet
 102 to a point on the municipal boundary of the City of
 103 Oakland Park, as established by House Bill 931, 1983
 104 Legislature and the East right of way line of
 105 Interstate Ninety-five (I-95);
 106

107 Thence Southerly along said municipal boundary and
 108 said East right of way line to the South line of
 109 Cypress Creek Road, said point being on the municipal
 110 boundary of the City of Oakland Park, as established
 111 by House Bill 1485, 2004 Legislature;

112
 113 Thence Easterly along said municipal boundary to the
 114 POINT OF BEGINNING.

115
 116 CYPRESS CREEK ROAD - B

117
 118 That portion of Section 11, Township 49 South, Range
 119 42 East, Broward County, Florida, described as
 120 follows:

121
 122 BEGIN at the intersection of the Easterly prolongation
 123 of the North limits line of CYPRESS CREEK I-95
 124 INTERCHANGE PROPERTY, as recorded in Plat Book 88,
 125 Page 3, of the Public Records of Broward County,
 126 Florida with the East right of way line of the Florida
 127 East Coast Railroad and the present corporate limits
 128 of the City of Fort Lauderdale, as established by
 129 House Bill 2512, 1965 Legislature;

130
 131 Thence Southerly along said East right of way line and
 132 said corporate limits to the North right of way line
 133 of Northeast 62nd Street, said point being on the

134 municipal boundary of the City of Oakland Park, as
 135 established by House Bill 1244, 1988 Legislature;

136
 137 Thence West along said North right of way line and
 138 said municipal boundary, as established by House Bill
 139 1244, to the West right of way line of the Florida
 140 East Coast Railroad and a point on the municipal
 141 boundary of the City of Oakland Park, as established
 142 by House Bill 2177, 1975 Legislature;

143
 144 Thence West along said North right of way line and
 145 said municipal boundary, as established by House Bill
 146 2177, to a point on the Southeast corner of Tract "A",
 147 PHILLIPS TRACT, according to the plat thereof, as
 148 recorded in Plat Book 124, Page 9, of Broward County,
 149 Florida, said point being on the municipal boundary of
 150 the City of Fort Lauderdale, as established by
 151 Ordinance No. C-94-16;

152
 153 Thence continuing along said municipal boundary, as
 154 established by Ordinance No. C-94-16, the following 4
 155 courses;

156
 157 Thence North 42°58'19" East, a distance of 42.63 feet;

158
 159 Thence North 04°34'07" East, a distance of 100.31 feet
 160 to the Northeast corner of said Tract "A", the last

161 two courses being along the Easterly line of said
 162 Tract "A";
 163
 164 Thence South 88°20'37" West, a distance of 120.11 feet
 165 to the Northwest corner of said Tract "A";
 166
 167 Thence South 02°18'05" East, a distance of 130.20 feet
 168 to the Southwest corner of said Tract "A", said point
 169 being on the North right of way line of Northeast 62nd
 170 Street and on said municipal boundary of the City of
 171 Oakland Park, as established by House Bill 2177, 1975
 172 Legislature;
 173
 174 Thence Westerly along said North right of way line and
 175 said municipal boundary, as established by House Bill
 176 2177, to the West right of way line of Northeast 9th
 177 Avenue, said point being on the municipal boundary of
 178 the City of Fort Lauderdale, as established by
 179 Ordinance No. C-94-16;
 180
 181 Thence continuing along said municipal boundary, as
 182 established by Ordinance No. C-94-16, the following 36
 183 courses;
 184
 185 Thence North 01°27'01" West, along said municipal
 186 boundary, a distance of 94.04 feet to the Southeast
 187 corner of Lot 118 of the Tax Assessor's Map of

188 "CYPRESS CREEK TRAILER CITY", as recorded in
 189 Miscellaneous Plat Book 2, Page 17, of the Public
 190 Records of Broward County, Florida;
 191
 192 Thence South 88°46'54" West, along the South line of
 193 said "CYPRESS CREEK TRAILER CITY", a distance of
 194 119.56 feet;
 195
 196 Thence North 28°46'54" East, a distance of 56.23 feet;
 197
 198 Thence North 26°13'06" West, a distance of 20.00 feet;
 199
 200 Thence South 43°46'54" West, a distance of 20.00 feet;
 201
 202 Thence North 46°13'06" West, a distance of 16.00 feet;
 203
 204 Thence North 43°46'54" East, a distance of 31.71 feet;
 205
 206 Thence North 13°46'54" East, a distance of 34.76 feet
 207 to the Northeast corner of Lot 121 of said "CYPRESS
 208 CREEK TRAILER CITY";
 209
 210 Thence North 01°13'06" West, a distance of 40.00 feet;
 211
 212 Thence North 88°46'54" East, along the North line of
 213 Caravan Circle, as shown on said "CYPRESS CREEK
 214 TRAILER CITY", a distance of 93.29 feet to intersect

215 the West line of N.E. 10th Avenue (now N.E. 9th
 216 Avenue), as shown on said map;
 217
 218 Thence North 01°27'01" West, along said West line and
 219 the Northerly extension thereof, a distance of 160.00
 220 feet;
 221
 222 Thence North 88°46'54" East, along the North line of
 223 said Caravan Circle, a distance of 185.18 feet;
 224
 225 Thence North 01°07'04" West, a distance of 218.42 feet;
 226
 227 Thence North 88°52'56" East, along the North line of
 228 Justamere Terrace, as shown on said map, a distance of
 229 232.19 feet to the Southeast corner of Lot 56 of said
 230 "CYPRESS CREEK TRAILER CITY";
 231
 232 Thence North 13°52'56" East, a distance of 26.47 feet;
 233
 234 Thence North 26°07'04" West, a distance of 39.27 feet;
 235
 236 Thence North 63°52'56" East, a distance of 24.00 feet
 237 to the Westernmost corner of Lot 82, of said "CYPRESS
 238 CREEK TRAILER CITY";
 239

240 Thence North 08°52'56" East, a distance of 49.45 feet
 241 to a point on the South right of way line of Cypress
 242 Creek Canal (C-14);
 243

244 Thence North 88°52'56" East, along said South right of
 245 way line, a distance of 40.96 feet;
 246

247 Thence South 18°37'04" East, a distance of 61.70 feet;
 248

249 Thence South 88°52'56" West, a distance of 39.35 feet,
 250 the last four courses being coincident with the
 251 perimeter of said Lot 82;
 252

253 Thence South 46°07'04" East, a distance of 7.30 feet;
 254

255 Thence South 43°52'56" West, a distance of 31.71 feet;
 256

257 Thence South 13°52'56" West, a distance of 34.76 feet;
 258

259 Thence South 01°07'04" East, a distance of 35.00 feet;
 260

261 Thence South 88°52'56" West, along the South line of
 262 said Justamere Terrace, a distance of 206.69 feet;
 263

264 Thence South 01°07'04" East, a distance of 95.00 feet
 265 to the Northwest corner of Lot 31 of said "CYPRESS
 266 CREEK TRAILER CITY";

267
268 Thence North 88°52'56" East, a distance of 76.41 feet;
269
270 Thence South 28°52'56" West, a distance of 56.23 feet;
271
272 Thence South 63°52'29" West, a distance of 24.00 feet;
273
274 Thence South 88°52'56" West, a distance of 26.55 feet
275 to the Southwest corner of said Lot 31, the last four
276 courses being along the boundary of said Lot 31;
277
278 Thence South 01°07'04" East, a distance of 36.16 feet;
279
280 Thence South 61°35'26" West, a distance of 72.97 feet;
281
282 Thence South 88°46'54" West, a distance of 100.10 feet;
283
284 Thence South 01°27'01" East, along the East line of
285 said N.E. 10th Avenue (now N.E. 9th Avenue), a
286 distance of 98.23 feet;
287
288 Thence North 88°20'37" East, along the North limits and
289 the Easterly extension thereof, of the Plat of
290 "CYPRESS CREEK I-95 INTERCHANGE PROPERTY", as recorded
291 in Plat Book 88, Page 3, of the Public Records of
292 Broward County, Florida, a distance of 940.93 feet to
293 the POINT OF BEGINNING.

294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321

ANDREWS - NE 62 STREET - NORTH

A portion of Section 10, Township 49 South, Range 42 East, Broward County, Florida, described as follows:

BEGIN at the intersection of the West right-of-way line of State Road 9, (I-95) with the East right-of-way line of North Andrews Avenue Extension as shown on, "CHARTER PLAT", as recorded in Plat Book 92, Page 23 of the Public Records of Broward County, Florida, said point also being on the municipal boundary of the City of Fort Lauderdale, established by Ordinance No. C-84-33 of the City of Fort Lauderdale;

Thence along said municipal boundary the following 4 courses;

Thence Northerly on said East right-of-way line to intersect the South line of the North One-Half (N 1/2), of the Southwest One-Quarter (SW 1/4), of the Southwest One-Quarter (SW 1/4), of the Northeast One-Quarter (NE 1/4) of Section 10, Township 49 South, Range 42 East;

Thence South 88°38'01" West on said South line to a point on the West line of the Northeast One-Quarter (NE 1/4) of said Section 10;

322
 323 Thence South 88°36'42" West on the South line of the
 324 North One-Half (N 1/2), of the Southeast One-Quarter
 325 (SE 1/4), of the Southeast One-Quarter (SE 1/4), of
 326 the Northwest One-Quarter (NW 1/4) of said Section 10,
 327 a distance of 225.47 feet to intersect the East right-
 328 of-way line of North Andrews Avenue realigned shown on
 329 "STEAK & ALE OF FLA." as recorded in Plat Book 96,
 330 Page 16, of the Public Records of Broward County,
 331 Florida;

332
 333 Thence Southerly on said East right-of-way line to
 334 intersect the North right-of-way line of Northeast
 335 62nd Street (Cypress Creek Road), said point being on
 336 the municipal boundary of the City of Oakland Park, as
 337 established by House Bill 931, 1983 Legislature;

338
 339 Thence Easterly, Northerly, Easterly and Northeasterly
 340 along said North right of way line and along said
 341 municipal boundary, to the POINT OF BEGINNING.

342
 343 ANDREWS - NE/NW STREET - SOUTH

344
 345 A portion of Section 10, Township 49 South, Range 42 East,
 346 Broward County, Florida, described as follows:

347
 348 BEGIN at the Southwest corner of, CYPRESS FINANCIAL
 349 CENTER, according to the plat thereof, as recorded in

350 Plat Book 125, Page 48 of the Public Records of
 351 Broward County, Florida, said point being on the
 352 municipal boundary of the City of Fort Lauderdale, as
 353 established by Ordinance C-95-43 of the City of Fort
 354 Lauderdale;

355
 356 Thence along said municipal boundary the following 8
 357 courses;

358
 359 Thence North 01°55'43" West, a distance of 89.24 feet;

360
 361 Thence North 43°04'17" East, a distance of 42.43 feet;

362
 363 Thence North 88°04'17" East, along the south right-of-
 364 way line of Northwest 60th Street, a distance of 13.16
 365 feet;

366
 367 Thence North 01°55'43" West, a distance of 60.00 feet;

368
 369 Thence North 40°23'11" West, a distance of 39.14 feet
 370 to the point of intersection with the arc of a
 371 circular curve, concave to the Southeast, whose radius
 372 point bears South 78°50'36" East from said point;

373
 374 Thence Northerly, along the arc of said curve, having
 375 a radius of 882.93 feet, a central angle of 04°47'41"
 376 and an arc distance of 73.89 feet, to the point of
 377 tangency;

378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405

Thence North 15°57'05" East, a distance of 312.64 feet;

Thence North 52°13'39" East, a distance of 41.42 feet to the Northwest corner of Parcel "A", CYPRESS CREEK CENTER, according to the plat thereof, as recorded in Plat Book 104, Page 13 of the Public Records of Broward County, Florida, said point being on the municipal boundary of the City of Oakland Park, as established by House Bill 931, 1983 Legislature;

Thence Northerly, along said municipal boundary, to the Southwest corner of, CHARTER PLAT, according to the plat thereof, as recorded in Plat Book 92, Page 23 of the Public Records of Broward County, Florida, said point being on the North right-of-way line of Northeast 62 Street (Cypress Creek Road) and the municipal boundary of the City of Fort Lauderdale, as established by Ordinance C-84-33 of the City of Fort Lauderdale;

Thence West, along said North right-of-way line and said municipal boundary, to intersect the West line of the Southeast One-Quarter (SE 1/4), of the Southeast One-Quarter (SE 1/4), of the Northwest One-Quarter (NW 1/4) of said Section 10;

406 Thence North 01°56'19" West, along said West line and
 407 said municipal boundary, 262.64 feet to a point on the
 408 Easterly right-of-way line of the Seaboard System
 409 Railroad, said point being on the municipal boundary
 410 of the City of Fort Lauderdale, as established by
 411 House Bill 1499, 1979 Legislature;

412
 413 Thence Southerly, along said East right-of-way line
 414 and said municipal boundary, to a point on the South
 415 right-of-way line of Cypress Creek Road, said point
 416 being on the municipal boundary of the City of Fort
 417 Lauderdale, as established by Ordinance C-94-15 of the
 418 City of Fort Lauderdale;

419
 420 Thence along said municipal boundary the following 6
 421 courses;

422
 423 Thence North 88°30'11" East, along the South right-of-
 424 way line of Cypress Creek Road, a distance of 183.77
 425 feet to a point on the West right-of-way line of North
 426 Andrews Avenue, as shown on the Florida Department of
 427 Transportation right-of-way map section 86070-2497,
 428 sheet 1 of 1, dated 02/87;

429
 430 Thence South 64°38'08" East, a distance of 69.17 feet;

431
 432 Thence South 10°54'48" East, a distance of 64.81 feet;

433

434 Thence South 15°57'06" West, a distance of 191.81 feet
 435 to the point of curvature of a curve concave to the
 436 East;

437
 438 Thence Southerly along said curve, having a radius of
 439 1,014.93 feet, a central angle of 6°29'43", for a
 440 distance of 115.06 feet to a point on a non-tangent
 441 line;

442
 443 Thence South 16°02'01" West, to a point of
 444 intersection with the South line of the North One-Half
 445 (N 1/2), of the North One-Half (N 1/2), of the
 446 Southwest One-Quarter (SW 1/4) of said Section 10,
 447 said point being on the municipal boundary of the City
 448 of Oakland Park, as established by House Bill 931,
 449 1983 Legislature;

450
 451 Thence Easterly, along said municipal boundary, to the
 452 POINT OF BEGINNING.

453 Section 2. The areas described in Section 1 shall be
 454 deemed a part of the City of Fort Lauderdale on September 15,
 455 2010, pursuant to section 171.062, Florida Statutes, except as
 456 provided for in this act.

457 Section 3. An interlocal agreement shall be developed
 458 between the governing bodies of Broward County and the City of
 459 Fort Lauderdale and executed prior to the effective date of the
 460 annexation of the property described in Section 1. The agreement
 461 shall address infrastructure improvement projects and include a

462 financially feasible plan for transitioning county services,
 463 buildings, infrastructure, waterways, and employees.

464 Section 4. Upon annexation into the City of Fort
 465 Lauderdale, the area described in Section 1 shall be governed as
 466 follows:

467 (1) The annexed property shall be governed by the relevant
 468 land use and zoning provisions of the City of Fort Lauderdale
 469 Code of Ordinances.

470 (2) Any change of the zoning districts or land use
 471 designations may be accomplished only by enactment of the vote
 472 of the majority of the full governing body of the municipality
 473 plus one.

474 (3) Notwithstanding subsections (1) and (2), any use,
 475 building, or structure that is legally in existence at the time
 476 an area becomes a part of the City of Fort Lauderdale may not be
 477 made a prohibited use by the City of Fort Lauderdale, on the
 478 property of such use, for as long as the use continues and is
 479 not voluntarily abandoned.

480 Section 5. After the effective date of this act, no change
 481 in land use designation or zoning shall be effective within the
 482 limits of the lands subject to annexation in this act until the
 483 subject area has been annexed into the City of Fort Lauderdale
 484 and no annexation within the subject area by any other
 485 municipality shall occur during the time period between the
 486 effective date of this act and the effective date of the
 487 annexation.

488 Section 6. Any resident in the area to be annexed by this
 489 act into the City of Fort Lauderdale shall be deemed to have met
 490 any residency requirements for candidacy for municipal office.

491 Section 7. Nothing in this act may be construed to affect
 492 or abrogate the rights of parties to any contracts, whether they
 493 be between Broward County and a third party or between
 494 nongovernmental entities, which contracts are in effect prior to
 495 the effective date of the annexation.

496 Section 8. All public roads, and the public rights-of-way
 497 associated therewith, in the Broward County Road System, lying
 498 within the limits of the lands subject to annexation in this
 499 act, as described in Section 1, are transferred from the
 500 jurisdiction of Broward County to the jurisdiction of the City
 501 of Fort Lauderdale on the effective date of annexation. All
 502 rights, title, interests, and responsibilities for any
 503 transferred roads, including, but not limited to, the ownership,
 504 operation, maintenance, planning, design, and construction of
 505 such roads and the rights-of-way associated therewith, shall
 506 transfer from the jurisdiction and ownership of Broward County
 507 to the jurisdiction and ownership of the City of Fort Lauderdale
 508 on the effective date of annexation.

509 Section 9. This act shall take effect upon becoming a law.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1209 (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 Porth offered the following:

4
5 **Amendment**

6 Remove lines 343-501 and insert:

7 ANDREWS - NE/NW 62nd STREET - SOUTH

8
9 A portion of Section 10, Township 49 South, Range 42 East,
10 Broward County, Florida, described as follows:

11
12 BEGIN at the Southwest corner of, CYPRESS FINANCIAL
13 CENTER, according to the plat thereof, as recorded in
14 Plat Book 125, Page 48 of the Public Records of
15 Broward County, Florida, said point being on the
16 municipal boundary of the City of Fort Lauderdale, as
17 established by Ordinance C-95-43 of the City of Fort
18 Lauderdale;
19

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1209 (2010)

Amendment No.

20 Thence along said municipal boundary the following 8
21 courses;
22
23 Thence North 01°55'43" West, a distance of 89.24 feet;
24
25 Thence North 43°04'17" East, a distance of 42.43 feet;
26
27 Thence North 88°04'17" East, along the south right-of-
28 way line of Northwest 60th Street, a distance of 13.16
29 feet;
30
31 Thence North 01°55'43" West, a distance of 60.00 feet;
32
33 Thence North 40°23'11" West, a distance of 39.14 feet
34 to the point of intersection with the arc of a
35 circular curve, concave to the Southeast, whose radius
36 point bears South 78°50'36" East from said point;
37
38 Thence Northerly, along the arc of said curve, having
39 a radius of 882.93 feet, a central angle of 04°47'41"
40 and an arc distance of 73.89 feet, to the point of
41 tangency;
42
43 Thence North 15°57'05" East, a distance of 312.64
44 feet;
45
46 Thence North 52°13'39" East, a distance of 41.42 feet
47 to the Northwest corner of Parcel "A", CYPRESS CREEK

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1209 (2010)

Amendment No.

48 CENTER, according to the plat thereof, as recorded in
49 Plat Book 104, Page 13 of the Public Records of
50 Broward County, Florida, said point being on the
51 municipal boundary of the City of Oakland Park, as
52 established by House Bill 931, 1983 Legislature;

53
54 Thence Northerly, along said municipal boundary, to
55 the Southwest corner of, CHARTER PLAT, according to
56 the plat thereof, as recorded in Plat Book 92, Page 23
57 of the Public Records of Broward County, Florida, said
58 point being on the North right-of-way line of
59 Northeast 62 Street (Cypress Creek Road) and the
60 municipal boundary of the City of Fort Lauderdale, as
61 established by Ordinance C-84-33 of the City of Fort
62 Lauderdale;

63
64 Thence West, along said North right-of-way line and
65 said municipal boundary, to intersect the West line of
66 the Southeast One-Quarter (SE 1/4), of the Southeast
67 One-Quarter (SE 1/4), of the Northwest One-Quarter (NW
68 1/4) of said Section 10;

69
70 Thence North 01°56'19" West, along said West line and
71 said municipal boundary, 262.64 feet to a point on the
72 Easterly right-of-way line of the Seaboard System
73 Railroad, said point being on the municipal boundary
74 of the City of Fort Lauderdale, as established by
75 House Bill 1499, 1979 Legislature;

Amendment No.

76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103

Thence Southerly, along said East right-of-way line and said municipal boundary, to a point on the South right-of-way line of Cypress Creek Road, said point being on the municipal boundary of the City of Fort Lauderdale, as established by Ordinance C-94-15 of the City of Fort Lauderdale;

Thence along said municipal boundary the following 6 courses;

Thence North 88°30'11" East, along the South right-of-way line of Cypress Creek Road, a distance of 183.77 feet to a point on the West right-of-way line of North Andrews Avenue, as shown on the Florida Department of Transportation right-of-way map section 86070-2497, sheet 1 of 1, dated 02/87;

Thence South 64°38'08" East, a distance of 69.17 feet;

Thence South 10°54'48" East, a distance of 64.81 feet;

Thence South 15°57'06" West, a distance of 191.81 feet to the point of curvature of a curve concave to the East;

Thence Southerly along said curve, having a radius of 1,014.93 feet, a central angle of 6°29'43", for a

Amendment No.

104 distance of 115.06 feet to a point on a non-tangent
105 line;

106
107 Thence South 16°02'01" West, to a point of
108 intersection with the South line of the North One-Half
109 (N 1/2), of the North One-Half (N 1/2), of the
110 Southwest One-Quarter (SW 1/4) of said Section 10,
111 said point being on the municipal boundary of the City
112 of Oakland Park, as established by House Bill 931,
113 1983 Legislature;

114
115 Thence Easterly, along said municipal boundary, to the
116 POINT OF BEGINNING.

117 Section 2. The areas described in Section 1 shall be
118 deemed a part of the City of Fort Lauderdale on September 15,
119 2010, pursuant to section 171.062, Florida Statutes, except as
120 provided for in this act.

121 Section 3. An interlocal agreement shall be developed
122 between the governing bodies of Broward County and the City of
123 Fort Lauderdale and executed prior to the effective date of the
124 annexation of the property described in Section 1. The agreement
125 shall address infrastructure improvement projects and include a
126 financially feasible plan for transitioning county services,
127 buildings, infrastructure, waterways, and employees.

128 Section 4. Upon annexation into the City of Fort
129 Lauderdale, the area described in Section 1 shall be governed as
130 follows:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1209 (2010)

Amendment No.

131 (1) The annexed property shall be governed by the relevant
132 land use and zoning provisions of the City of Fort Lauderdale
133 Code of Ordinances.

134 (2) Any change of the zoning districts or land use
135 designations may be accomplished only by enactment of the vote
136 of the majority of the full governing body of the municipality
137 plus one.

138 (3) Notwithstanding subsections (1) and (2), any use,
139 building, or structure that is legally in existence at the time
140 an area becomes a part of the City of Fort Lauderdale may not be
141 made a prohibited use by the City of Fort Lauderdale, on the
142 property of such use, for as long as the use continues and is
143 not voluntarily abandoned.

144 Section 5. After the effective date of this act, no change
145 in land use designation or zoning shall be effective within the
146 limits of the lands subject to annexation in this act until the
147 subject area has been annexed into the City of Fort Lauderdale
148 and no annexation within the subject area by any other
149 municipality shall occur during the time period between the
150 effective date of this act and the effective date of the
151 annexation.

152 Section 6. Any resident in the area to be annexed by this
153 act into the City of Fort Lauderdale shall be deemed to have met
154 any residency requirements for candidacy for municipal office.

155 Section 7. Nothing in this act may be construed to affect
156 or abrogate the rights of parties to any contracts, whether they
157 be between Broward County and a third party or between

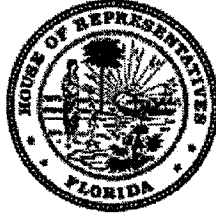
COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1209 (2010)

Amendment No.

158 | nongovernmental entities, which contracts are in effect prior to
159 | the effective date of the annexation.

160 | Section 8. All public roads, and the public rights-of-way
161 | associated therewith, in the Broward County Road System, lying
162 | within the limits of the lands subject to annexation in this
163 | act, as described in Section 1, are transferred from the
164 | jurisdiction of Broward County to the jurisdiction of the City
165 | of Fort Lauderdale, except those portions of Cypress Creek Road
166 | (NE/NW 62nd Street) and Andrews Avenue lying within the
167 | annexation area, on the effective date of annexation. All



STORAGE NAME: h1303a.CJCP.doc
DATE: 3/29/2010

Florida House of Representatives
Summary Claim Bill Report

Bill #: HB 1303; Relief of Lois Lacava/Munroe Regional Health System
Sponsor: Fresen
Companion Bill:
Special Master: Tom Thomas

Basic Information:

Claimants: Lois Lacava

Respondent: Munroe Regional Health System

Amount Requested: \$250,000

Type of Claim: Local equitable claim; result of a settlement agreement.

Respondent's Position: Munroe Regional Health System supports and agrees to cooperate with the Legislative approval of the consent judgment and to support the passage of a claims bill.

Collateral Sources: Pursuant to injuries sustained as a result of this incident, claimant received a payment from Medicare. This payment has been repaid from damages already recovered. The claimant also filed suit against Dr. Brill individually. That case was settled in the amount of \$245,000.

Attorney's/Lobbying Fees: The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that any lobbying fees will be included in the 25% fee cap.

Prior Legislative History: This is the first year that this claims bill has been brought before the Legislature.

Procedural Summary: Lois Lacava sued Munroe Regional Health System alleging negligence. Prior to trial, the parties agreed to a consent judgment against Munroe Regional Health System in the amount of \$450,000. Of this amount, \$200,000 has already been paid to the claimant pursuant to the statutory cap on liability imposed by section 768.28, Florida Statutes. The remaining \$250,000 balance is stipulated to be paid in consecutive amounts of \$125,000 in consecutive years.

Facts of Case: On September 3, 2005, Claimant Lois Lacava fell at her home and fractured her right hip. Ms. Lacava went to the emergency room at Munroe Regional Medical Center (MRMC) for treatment. Dr. Robert Brill (Brill) was assigned by MRMC to treat Ms. Lacava's fracture. Brill admitted

Ms. Lacava to the hospital and performed surgery on her injured right hip. In the weeks following the surgery, the fracture did not form a union and Brill decided to readmit Ms. Lacava for a partial hip replacement surgery.

Dr. Brill previously suffered a stroke that left him with permanent brain damage and limited use of his left arm. The State of Florida Physicians Recovery Network permitted Dr. Brill to continue seeing patients under limited circumstances. These restrictions prohibited Dr. Brill from performing emergency room services and prohibited Dr. Brill from operating on any patient after noon.

The hip replacement surgery was elective. At the time of her admission to MRMC for the hip replacement surgery, Ms. Lacava was without pain and could bear her total weight on her injured hip. On November 10, 2005, Brill attempted the partial hip replacement surgery. During the course of the surgery, Brill decided to perform a total hip replacement. The surgery began in the late afternoon and ended at 6:06 P.M. Brill reported that the surgery was successful and without complication. The post-operative X-ray showed that the prosthetic hip was dislocated and there were new fractures in the hip and acetabulum as a result of the surgery. No action was taken to follow-up on the dislocation or the new fractures.

On November 11, 2005, the day following the operation, additional x-rays were ordered that also showed problems with Ms. Lacava's right hip. No follow up treatment was provided to address the dislocation or new fractures. Additionally, MRMC nursing staff failed to perform appropriate neurovascular assessments of the right leg. At this time, Ms. Lacava was experiencing a loss of sensation in her right leg, which is a symptom of an arterial blockage. Appropriate neurovascular assessment would likely have discovered the symptoms associated with the arterial blockage.

On November 12, 2005, another doctor employed by MRMC, Dr. Mehra, examined Ms. Lacava and discovered her right leg was cold below the knee to her toes. Additionally, Ms. Lacava had decreased movement in her right leg and discoloration in her right toes. Dr. Mehra ordered an arterial Doppler test be performed STAT. The arterial Doppler test measures the blood flow in the arteries in a patient's leg. The next day, hospital staff informed Dr. Mehra that a venous Doppler test was performed and the results were negative. The Doppler technician did not perform an arterial Doppler because of issues involving the coding procedure of the computer used in conjunction with the Doppler test. The coding procedure required a venous Doppler test be performed prior to an arterial Doppler test, even if no venous Doppler test was necessary. A venous Doppler test was subsequently requested STAT so that an arterial Doppler test could be performed. Another venous Doppler test was performed, which was negative in accordance with the initial test. The arterial Doppler test still was not performed. Had the arterial Doppler test been performed, it is likely that it would have revealed that there was a femoral artery occlusion that blocked blood flow to Ms. Lacava's right leg.

Upon learning of the second failure to perform the arterial Doppler test, Dr. Mehra ordered a vascular surgery evaluation. The vascular surgeon ordered a STAT angiogram which revealed a right femoral artery occlusion that was related to a stretching injury at the time of the initial surgery. At this time, Ms. Lacava's right foot was purple from the lack of blood flow and her leg was cold from mid-one third of the right leg downwards.

Ms. Lacava was scheduled for emergency surgery. Brill performed another hip replacement surgery because the initial hip prosthesis was still dislocated. Brill began this surgery in the late evening and finished at 9:00 P.M. A vascular surgeon then repaired a tear in Ms. Lacava's right femoral artery. By this point, Ms. Lacava's right leg had been without blood flow for so long that gangrene set in. As a result, Ms. Lacava had to have her right leg amputated above the knee.

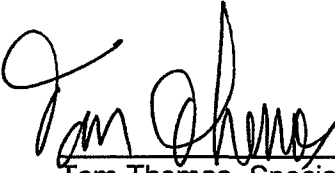
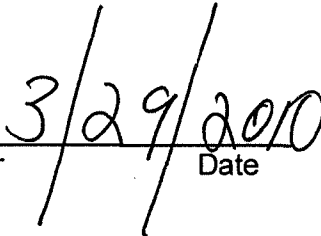
X-rays performed following the amputation revealed that Ms. Lacava's right hip was still dislocated and that she still had fractures of the superior pubic ramus. Brill attempted a fourth repair of Ms. Lacava's right hip, which was unsuccessful.

Ms. Lacava still suffers from a dislocated right hip. Ms. Lacava is confined to a wheelchair and will never walk again as a result of the amputation of her right leg. Ms. Lacava is not able to use a prosthetic leg because the site of the amputation is high on her leg above the knee. Ms. Lacava currently lives in Rhode Island with her sister. Ms. Lacava receives social security income of \$1,097 per month.

Lois Lacava sued Munroe Regional Health System alleging negligence. Prior to trial, the parties agreed to a consent judgment against Munroe Regional Health System in the amount of \$450,000. Of this amount, \$200,000 has already been paid to the claimant pursuant to the statutory cap on liability imposed by section 768.28, Florida Statutes. The remaining \$250,000 balance is stipulated to be paid in consecutive amounts of \$125,000 in consecutive years. Ms. Lacava also filed suit against Brill alleging medical malpractice. That case settled prior to trial for the amount of \$245,000.

The bill is not consistent with the settlement agreement with respect to the phasing of the payments. The parties agree, and I recommend that the bill be amended to require the claim to be paid in two equal amounts of \$125,000 in consecutive years.

Recommendation: Accordingly, based on the foregoing, I recommend this claim be reported FAVORABLY, with the changes suggested above.

 
Tom Thomas, Special Master Date

cc: Representative Fresen, House Sponsor
Senator Dean, Senate Sponsor
Judge Bram D. E. Canter, Senate Special Master

AFFIDAVIT OF PUBLICATION

Star-Banner
Published – Daily
Ocala, Marion County, Florida

STATE OF FLORIDA
COUNTY OF MARION

Before the undersigned, a Notary Public of Said County and State, Melba Salice who on oath says that they are an authorized employee of the Star-Banner, a daily newspaper published at Ocala, in Marion County, Florida, that the attached copy of advertisement, being a notice in the matter of

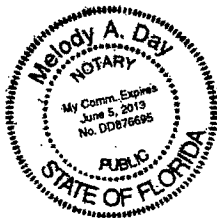
NOTICE OF PUBLICATION TO WHOM IT MAY CONCERN: Notice is hereby given of intention to apply to the 2010 Regular Session or subsequent sessions held in 2010 of the Florida Legislature for passage of an act for the relief of LOIS LACAVA, providing an appropriation to compensate her for injuries sustained arising out of an accident on or about November 10, 2005, while LOIS LACAVA was a patient at Munroe Regional Medical Center in Marion County, Florida, and providing an effective date.

was published in said newspaper in the issues of:

7/24 1x

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

Sworn to and subscribed before me this 24th day of July, A.D., 2009



Melody A. Day
Notary Public
Melody Ann Day

(Print, Type or Stamp Name of Notary Public)

Ad #: A000573051



1 A bill to be entitled
 2 An act for the relief of Lois H. Lacava by the Munroe
 3 Regional Health System, Inc.; providing for an
 4 appropriation to compensate her for injuries sustained as
 5 a result of the negligence of the Munroe Regional Medical
 6 Center; providing a limitation on the payment of fees and
 7 costs; providing an effective date.

8
 9 WHEREAS, on November 8, 2005, Lois H. Lacava was admitted
 10 to the Munroe Regional Medical Center in Ocala, Florida, with an
 11 admitted diagnosis of a malunion of the right hip which was
 12 related to a prior fracture of the neck of the femur bone in her
 13 leg, and

14 WHEREAS, on November 11, 2005, Ms. Lacava had a total right
 15 hip arthroplasty along with hardware removal, and the following
 16 day Dr. Mehra examined Ms. Lacava and noticed that her right leg
 17 below the knee to her toes was cold to the touch and that her
 18 toes were discolored, and

19 WHEREAS, Dr. Mehra brought these observations to the
 20 attention of the nursing staff, ordered an arterial Doppler test
 21 to be performed immediately, and advised the nurse to continue
 22 to daily monitor Ms. Lacava's production of red blood cells and
 23 the effectiveness of a blood-thinning drug that Ms. Lacava was
 24 prescribed, and

25 WHEREAS, an arterial Doppler test is a blood pressure test
 26 that measures the lack of blood flow which may be caused by a
 27 blockage in the arteries in the legs, and

28 WHEREAS, Dr. Mehra was not on call on the evening of

29 November 12, but the next morning he was paged by the nurse
 30 taking care of Ms. Lacava and told that her venous Doppler test,
 31 a test used to check the circulation in the large veins in the
 32 legs, was negative for deep venous thrombosis, and

33 WHEREAS, upon further questioning, Dr. Mehra realized that
 34 the arterial Doppler test had not been performed even though he
 35 had ordered a nurse to conduct the test, and

36 WHEREAS, the Doppler technician, upon hearing the clinical
 37 features and history of the patient, had been reluctant to
 38 perform an arterial Doppler test because the technician thought
 39 there was a venous problem in Ms. Lacava's leg, and

40 WHEREAS, a computer loading error required a venous Doppler
 41 test to be performed before an arterial Doppler test and, for
 42 unexplained reasons, the arterial Doppler test was never
 43 performed, and

44 WHEREAS, even though the venous Doppler test did not reveal
 45 any deep venous thrombosis, the lack of the arterial Doppler
 46 test prevented a femoral artery occlusion from being timely
 47 diagnosed, and

48 WHEREAS, Dr. Mehra ordered an evaluation for vascular
 49 surgery by Dr. Swaminathan and another arterial Doppler test to
 50 be performed immediately, and

51 WHEREAS, Dr. Swaminathan evaluated Ms. Lacava and ordered
 52 an angiogram, which revealed a blockage of the right femoral
 53 artery and dislocation of the right hip prosthesis, and Ms.
 54 Lacava was taken to the emergency operating room where Dr. Brill
 55 performed a right total hip arthroplasty revision and Dr.
 56 Swaminathan performed an excision of a blood clot of the right

57 femoral vein, with repair to the right femoral artery, and
 58 WHEREAS, Dr. Swaminathan also removed a blockage in the
 59 right tibial artery and cut the soft tissue component of the
 60 connective tissue in order to relieve tension or pressure within
 61 the right leg; however, Ms. Lacava ultimately experienced
 62 irreversible necrosis of her right lower leg, which required
 63 that her leg be amputated above the knee, and

64 WHEREAS, after her surgeries Ms. Lacava developed
 65 tachycardia secondary to toxemia from the gangrene of her right
 66 foot and lower leg, suffered a fracture of her superior pubic
 67 ramus and femoral prosthesis, acquired a staphylococcus
 68 infection, and developed diarrhea, and

69 WHEREAS, it was determined that Ms. Lacava was not a
 70 suitable candidate for a prosthesis due to her medical
 71 conditions that included an above-the-knee amputation of her
 72 right leg and a dislocated prosthetic hip, and

73 WHEREAS, a consent final judgment was entered in favor of
 74 Ms. Lacava against the Munroe Regional Health System, Inc., by
 75 the Circuit Court of the Fifth Judicial Circuit in and for
 76 Marion County for \$450,000, wherein \$200,000 was paid to Ms.
 77 Lacava within 30 days after entry of the consent final judgment,
 78 and the remaining balance of \$250,000, pursuant to the agreement
 79 by the parties, would be reported to the Florida Legislature for
 80 its consideration as a claim bill, NOW, THEREFORE,

81
 82 Be It Enacted by the Legislature of the State of Florida:

83
 84 Section 1. The facts stated in the preamble to this act

CS/HB 1303

2010

85 are found and declared to be true.

86 Section 2. Munroe Regional Health System, Inc., is
 87 authorized and directed to appropriate from funds not otherwise
 88 appropriated and to pay the sum of \$125,000 to Lois H. Lacava
 89 within 30 days after the effective date of this act and to make
 90 a second payment of \$125,000 to Lois H. Lacava within 365 days
 91 after the initial payment, as compensation for injuries and
 92 damages sustained as a result of the negligence of Munroe
 93 Regional Medical Center.

94 Section 3. The amount paid by Munroe Regional Health
 95 System, Inc., pursuant to s. 768.28, Florida Statutes, and the
 96 amount awarded under this act are intended to provide the sole
 97 compensation for all present and future claims arising out of
 98 the factual situation described in this act which resulted in
 99 injury to Lois H. Lacava. The total amount paid for attorney's
 100 fees, lobbying fees, costs, and other similar expenses relating
 101 to this claim may not exceed 25 percent of the total amount
 102 awarded under this act.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1467

Pinellas Park Water Management District Authority, Pinellas County

SPONSOR(S): Long

TIED BILLS:

IDEN./SIM. BILLS: SB 2760

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Local Affairs Policy Committee		Fudge <i>RF</i>	Hoagland <i>WH</i>
2) Agriculture & Natural Resources Policy Committee			
3) Economic Development & Community Affairs Policy Council			
4)			
5)			

SUMMARY ANALYSIS

The Pinellas Park Water Management District was created in 1976 to alleviate flooding by retaining runoff from storm events. The district is governed by a three member board and consists of approximately 15 square miles. The district's current millage rate is 1.99 mills, although it has the authority to assess up to 3 mills.

In 2008 the Joint Legislative Auditing Committee asked the Office of Program Policy and Analysis of Government Accountability (OPPAGA) to examine legislative options regarding the district. OPPAGA issued a Research Memorandum on the district. The memorandum indicates that district staff expects all of the projects for improving the district's primary drainage system will be completed by Fiscal Year 2010-11.

HB 1467 reduces the ad valorem millage cap of the district from 3 mills to 1.5 mills, subject to a referendum held in conjunction with the November 2010 general election. The bill also houses the district within the City of Pinellas Park for administrative purposes, increases the number of board members, revises the qualification of board members, and deletes the provisions requiring the secretary and treasurer be elected.

The bill is effective upon becoming law, except for the reduction in millage which is subject to referendum.

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 Pinellas Park Water Management District was created in 1976 to alleviate flooding by retaining runoff from storm events. The district is governed by a three member board. Two are appointed by the City Council of Pinellas Park while the other member is appointed by the Pinellas County Commission. The district consists of approximately 15 square miles. The District has the authority to assess up to 3 mills; however the district's current millage rate is 1.99 mills.

In 2008 the Joint Legislative Auditing Committee asked the Office of Program Policy and Analysis of Government Accountability to examine legislative options regarding the district. On August 29, 2008, OPPAGA issued a Research Memorandum on the district. The memorandum indicates that district staff expects all of the projects for improving the district's primary drainage system will be completed by Fiscal Year 2010-11. Once these outstanding capital improvements projects are completed, the district intends to focus on maintaining its primary channel system and reduce its millage rate sufficient to pay for its maintenance costs. It is estimated that a millage rate of 0.4 mills would generate sufficient funds to cover these costs.¹

The Memorandum indicates that if the district is dissolved, two issues would need to be addressed. First, the local governments must determine what entity would be responsible for maintaining and repairing the channels. Second, the local governments would need to develop funding sources to pay for services currently provided by the district.²

¹ The memorandum states that "[t]his estimate assumes that the taxable value of properties within the district will remain at the 2007 level. Any changes in the value of the district's tax base would affect the millage rate estimate. The estimate also does not consider the district maintaining a reserve fund to pay for unexpected repairs or other emergencies nor does it consider the district's administrative costs." Memorandum pg. 6 fn. 5.

² The Memorandum states: "For example, the City of Pinellas Park currently charges a monthly stormwater fee of \$2 per home and \$4 per business to operate its drainage and stormwater program. However, city officials estimated that the city would have to raise this monthly fee to \$12-15 in order to pay for maintaining the district's primary drainage system. Further, Pinellas County does not currently have a dedicated revenue source to fund its stormwater improvements. The county could fund maintenance activities through a variety of mechanisms such as charging a stormwater fee or establishing a municipal service taxing unit." Memorandum pg. 9.

Effect of Proposed Changes

The bill houses the district within the City of Pinellas Park for administrative purposes. The number of board members is increased from three to five, whereby three members are selected by the Mayor and City Council of the City of Pinellas Park from its members, one member selected by the Mayor and City Council of the City of St. Petersburg from its members, and one member selected by the Pinellas County Board of County Commissioners from its members. Three members now constitute a quorum. The term of board members is increased from 3 to 4 years, or the balance of the member's term in their respective office. Moreover, because each board member holds an underlying local government office, the provision authorizing removal for misconduct, malfeasance, misfeasance, or nonfeasance, is deleted.

The bill eliminates the requirement that board members be qualified electors of the district, eliminates the requirement that the secretary and treasurer be elected, and makes the appointment of an engineer permissive.

The bill reduces the district's millage from 3 mills to 1.5 mills upon approval of the lower millage cap by a majority vote of the qualified electors voting of the district in a referendum³ conducted in conjunction with the November 2010 general election.

B. SECTION DIRECTORY:

Section 1: Places the district within the City of Pinellas Park for administrative purposes, increases the membership of the board, prescribes how members are selected, and reduces the millage from 3 mills to 1.5 mills subject to referendum.

Section 2: Requires that a referendum be held in conjunction with the November 2010 general election to approve either the lowering of the millage cap to 1.5 mills or retaining the current millage cap of 3 mills.

Section 3: Provides an effective date of upon become law, except for those provisions subject to referendum.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 22, 2010.

WHERE? In the *Gulf Coast Business Review*, a weekly newspaper published in Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? November 2010 general election.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

³ Article VII section 9(b), authorizes ad valorem taxes "for all other special districts a millage authorized by law approved by vote of the electors . . ." It has been the practice of the House Bill Drafting Service to also advise that referendum approval be included in acts which reduce the rate of such authorized millage, since this too is a millage "authorized by law," arguably within the intent of the constitutional provision.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

GULF COAST BUSINESS REVIEW

Published Weekly
Clearwater, Pinellas County, Florida

RECEIVED
BILL DRAFTING
FLORIDA SENATE

10 FEB -2 PM 1:30

COUNTY OF PINELLAS

S.S.

STATE OF FLORIDA

Before the undersigned authority personally appeared Matt Walsh
who on oath says that he is Publisher of the Gulf Coast Business Review, a weekly
newspaper published at Clearwater in Pinellas County, Florida; that the attached
copy of advertisement,

being a Notice of Legislation
on the matter of Pinellas Park Water Management District in Pinellas

in the _____ Court, was published in said newspaper in the
issues of January 22, 2010

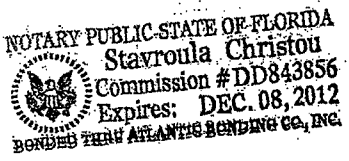
Affiant further says that the said Gulf Coast Business Review is a newspaper
published at Clearwater, Pinellas County, Florida, and that said newspaper has
heretofore been continuously published and has been entered as periodicals matter
at the Post Office in Clearwater in said Pinellas County, Florida, for a period of
one year next preceding the first publication of the attached copy of advertisement;
and affiant further says that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the purpose of securing
his advertisement for publication in said newspaper.

NOTICE OF LEGISLATION
TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to
the 2010 Legislature for passage of a local bill relating to the Pinellas Park
Water Management District in Pinellas County, Florida stating that the dis-
trict will reduce the ad valorem millage cap from 3mills to 1.5mills,
approved by a referendum by a majority vote of the electors of the Pinellas
Park Water Management District, increase and revise membership of the
authority, move the management of the District under the umbrella of the
City of Pinellas Park's Public Works Department. (Amending Ch. 2001-325
Laws of Florida) effective upon becoming laws.
January 22, 2010 10-008

Matt Walsh
Matt Walsh

Sworn to and subscribed before me this
2nd day of January A.D. 2010,
by Matt Walsh, who is personally known to me.

Stavroula Christou
Stavroula Christou Notary Public, State of Florida
(SEAL)



HOUSE OF REPRESENTATIVES

2010 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1467
SPONSOR(S): Representative Janet Long, Senator Dennis Jones
RELATING TO: Pinellas Park Water Management District
NAME OF DELEGATION: Pinellas County Legislative Delegation
CONTACT PERSON: Emily Worden
PHONE NO.: (727) 545-1242 E-Mail: emily.worden@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.

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

YES [X] NO []

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

YES [X] NO []

Date hearing held: 12/14/2010

Location: Saint Petersburg City Hall

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

YES [X] NO []

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

Has this constitutional notice requirement been met?

Notice published: YES [X] NO [] DATE 1/22/2010

Where? Gulf Coast Business Review County Pinellas

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

Date of Referendum November 2010 General Election

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

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

YES [] NO [X] NOT APPLICABLE []

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

YES NO NOT APPLICABLE

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

YES NO

Note: House policy 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.

Arthenia L. Jouner
Delegation Chair (Original Signature)

3-2-10
Date

Arthenia L. Jouner, Dist 18
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 #: HB 1467
SPONSOR(S): Rep. Janet Long & Sen. Dennis Jones
RELATING TO: Pinellas Park Water Management District
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures:	FY 10-11	FY 11-12
Operating	\$1,809,000	\$1,860,000
Capital Project & Reserves	\$900,000	\$690,000

II. ANTICIPATED SOURCE(S) OF FUNDING:

	FY 10-11	FY 11-12
Federal: None	—	—
State: None	—	—
Local: Ad Valorem Tax	\$2,700,000 \$3,383,000	\$2,550,000

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:	FY 10-11	FY 11-12
Based on projected 6.5 mills	\$0	\$833,000

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

Advantages: More responsive to taxpayers.
More cost effective.

Disadvantages:

Economic Impact Statement

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

Current District personnel will be City employees.
Some positions could be eliminated and some contracted services could be provided by City staff.

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

Revenue based on this year's budget at 1.5 mills.
Assumes a 12% discount property values for FY 10-11 and 5% for FY 11-12.

PREPARED BY: Emily Worden 3/10/2010
[Must be signed by Preparer] Date

TITLE: Legislative Aide

REPRESENTING: Rep. Janet Long

PHONE: (850) 488-6197

E-Mail Address: emily.worden@myfloridahouse.gov

1 A bill to be entitled
 2 An act relating to Pinellas Park Water Management District
 3 Authority, Pinellas County; amending chapter 2001-325,
 4 Laws of Florida; reducing the ad valorem millage cap,
 5 subject to a referendum; specifying that the authority is
 6 housed within the City of Pinellas Park for administrative
 7 purposes; increasing and revising membership of the
 8 authority; increasing the term for each member; deleting
 9 provisions requiring a secretary and treasurer to be
 10 elected and the treasurer to post a surety bond; deleting
 11 other provisions to conform to changes made by the act;
 12 providing for a referendum; providing effective dates.

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

15
 16 Section 1. Section 1, and sections 3 and 8 of section 3,
 17 of chapter 2001-325, Laws of Florida, are amended to read:

18 Section 1. Pursuant to section 189.429, Florida Statutes,
 19 this act constitutes the codification of all special acts
 20 relating to Pinellas Park Water Management District Authority.
 21 It is the intent of the Legislature to provide a single,
 22 comprehensive special act charter for the authority including
 23 all current legislative authority granted to it by its several
 24 legislative enactments and any additional authority granted by
 25 this act and chapter 189, Florida Statutes, as it may be amended
 26 from time to time. It is further the intent of this act to
 27 preserve all authority powers, including the power to annually
 28 assess and levy against the taxable property in the district a

29 tax not to exceed 1.5 ~~3~~ mills on the dollar of assessed
 30 valuation.

31 Section 3. Pinellas Park Water Management District
 32 Authority.—

33 (1) The Pinellas Park Water Management District Authority
 34 was created as the Pinellas Park Water Management District by
 35 special act of the Legislature in 1975. Its charter may be
 36 amended only by special act of the Legislature. The authority
 37 shall be housed within the City of Pinellas Park for
 38 administrative purposes.

39 (2) The governing body of the authority shall consist of
 40 five ~~three~~ members, ~~serving and selected as provided herein.~~
 41 Three members shall be selected by the Mayor and City Council of
 42 the City of Pinellas Park from the members of the council, one
 43 member shall be selected by the Mayor and City Council of the
 44 City of St. Petersburg from among the members of the council,
 45 ~~Two members shall be appointed by the City Council of Pinellas~~
 46 ~~Park and one member shall be selected~~ appointed by the Pinellas
 47 County Board of County Commissioners from the members of the
 48 commission. The term of each appointed member shall be for 4 ~~3~~
 49 years, or the balance of the member's term as mayor, city
 50 council member, or county commission member under the Charter of
 51 the City of Pinellas Park, the Charter of Pinellas County, or
 52 the Charter of the City of St. Petersburg, respectively. Each
 53 selected ~~appointed~~ member shall hold office until his or her
 54 successor has been selected ~~appointed~~ and qualified. A vacancy
 55 occurring during a term shall be filled only for the balance of
 56 the unexpired term. ~~If any selection is not made by the~~

57 ~~municipality as provided herein, the county commissioners shall~~
 58 ~~appoint an eligible person to the authority with like effect as~~
 59 ~~if the selection were made by the municipality. Any member of~~
 60 ~~the authority shall be eligible for reappointment.~~

61 ~~(3) Each appointed member of the authority shall be a~~
 62 ~~person who is a qualified elector of the district with an~~
 63 ~~outstanding reputation for civic pride, interest, integrity,~~
 64 ~~responsibility, and business ability. No person who is an~~
 65 ~~officer or employee of any city or of the county in any~~
 66 ~~capacity, except elected officials, shall be an appointed member~~
 67 ~~of the authority.~~

68 ~~(3)~~(4) The authority shall annually elect one of its
 69 members as chair of the authority and one as a vice chair. ~~At~~
 70 ~~the same time, a secretary and treasurer shall be elected who~~
 71 ~~may or may not be members of the authority, and they shall serve~~
 72 ~~at the will of the authority. The treasurer shall post a good~~
 73 ~~and sufficient surety bond in an amount approved by the Board of~~
 74 ~~County Commissioners. Three ~~Two~~ members shall constitute a~~
 75 ~~quorum and the vote of two members shall be necessary for any~~
 76 ~~action taken by the authority. No vacancy in the authority shall~~
 77 ~~impair the right of a quorum of the authority to exercise all of~~
 78 ~~the rights and perform all of the duties of the authority. Upon~~
 79 ~~the effective date of his or her appointment or, as soon~~
 80 ~~thereafter as possible, each appointed member of the authority~~
 81 ~~shall enter upon his or her duties.~~

82 ~~(4)~~(5) The district ~~may~~ shall appoint an engineer who
 83 shall be a person of recognized ability and experience to serve
 84 at the pleasure of the authority. The district may also appoint

85 or employ such employees as may be necessary for the proper
 86 performance of its duties and functions, and may determine the
 87 qualifications and fix the compensation of such persons; also,
 88 the authority may contract for the services of attorneys,
 89 engineers, consultants, and agents for any purpose of the
 90 authority, including engineering, management feasibility, and
 91 other studies concerning the acquisition, construction,
 92 extension, operation, maintenance, regulation, consolidation,
 93 and financing of the system in the area.

94 (5)~~(6)~~ Members of the authority shall be entitled to
 95 receive from the authority their traveling and other necessary
 96 expenses incurred in connection with the business of the
 97 authority, as provided in section 112.061, Florida Statutes, but
 98 they shall receive no salaries or other compensation, with the
 99 exception of the benefits described in subsection (6) ~~(7)~~.

100 ~~During the unexpired term of any member of the authority, that~~
 101 ~~member may be removed for misconduct, malfeasance, misfeasance,~~
 102 ~~or nonfeasance in office by a two thirds vote of both appointing~~
 103 ~~governing bodies.~~

104 (6)~~(7)~~ Words importing singular number shall include the
 105 plural number in each case and vice versa, and the words
 106 importing persons shall include firms and corporations.

107 Section 8. Independent special district taxation.—The
 108 Pinellas Park Water Management District shall be deemed an
 109 independent special district and is authorized to levy ad
 110 valorem tax on the taxable real property in the district at a
 111 rate sufficient to produce an amount that may be necessary for
 112 the purposes of this act, not to exceed 1.5 ~~3~~ mills, provided

113 such millage limit is approved by a vote of the electors who are
 114 not wholly exempt from taxation. Property taxes determined and
 115 levied under this section shall be certified by the authority to
 116 the county auditor, extended, assessed, and collected in like
 117 manner as provided by law for regular property taxes for the
 118 county or municipalities and in accordance with chapter 200,
 119 Florida Statutes. The proceeds under this section shall be
 120 remitted by the tax collector to the treasurer of the authority
 121 who shall credit them to the funds of the authority for use of
 122 the purposes of this law. At any time after making a tax levy
 123 under this section and certifying the same to the county, the
 124 authority may issue tax anticipation notes of indebtedness in
 125 anticipation of the collection of such taxes. If property in the
 126 district is not receiving or will not receive any benefit from
 127 the district's works or activities, such property may be removed
 128 from the district by amendment to section 5 of the district's
 129 enabling act, pursuant to the requirements of section 11.02,
 130 Florida Statutes, and section 10, Article III of the State
 131 Constitution.

132 Section 2. The amendments to section 1, and section 8 of
 133 section 3, of chapter 2001-325, Laws of Florida, which lower the
 134 cap on the levy of ad valorem taxation to 1.5 mills shall take
 135 effect only upon approval to lower the millage cap by a majority
 136 vote of those qualified electors of the Pinellas Park Water
 137 Management District Authority voting in a referendum to be held
 138 by the Pinellas County Board of County Commissioners in
 139 conjunction with the November 2010 general election. The
 140 question presented to the electors voting in that referendum

HB 1467

2010

141 shall be expressed as an option to approve either the lowering
142 of the millage cap to 1.5 mills or the retaining of the current
143 millage cap of 3 mills.

144 Section 3. Except as otherwise provided by this act, this
145 act shall take effect upon becoming a law.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1467 (2010)

Amendment No. 1

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(s) Long offered the following:

4
5 **Amendment**

6 Remove lines 98-106 and insert:

7 they shall receive no salaries or other compensation. ~~with the~~
8 ~~exception of the benefits described in subsection (7). During~~
9 ~~the unexpired term of any member of the authority, that member~~
10 ~~may be removed for misconduct, malfeasance, misfeasance, or~~
11 ~~nonfeasance in office by a two-thirds vote of both appointing~~
12 ~~bodies.~~

13 ~~(7) In accordance with section 112.08, Florida Statutes,~~
14 ~~the authority may provide and pay all or part of the premiums~~
15 ~~out of its available funds for insurance benefits to its board~~
16 ~~members that are equivalent to the insurance benefits provided~~
17 ~~to the authority's employees under the authority's group~~
18 ~~insurance plan.~~

HB 1473

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1473
SPONSOR(S): Fitzgerald
TIED BILLS:

Manatee County

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Local Affairs Policy Committee		Nelson <i>JPN</i>	Hoagland <i>[Signature]</i>
2) Finance & Tax Council			
3) Economic Development & Community Affairs Policy Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 1473 amends the charter of the City of Anna Maria to correct the legal description of the city, and annex described submerged property into the city limits. The bill additionally amends the charter of the City of Holmes Beach to add a boat ramp.

According to the Economic Impact Statement, this bill will not have a fiscal effect.

The bill has an effective date of upon becoming law.

HB 1473 may not comply with s.6 of Art. III of the State Constitution. See, III. COMMENTS, A. CONSTITUTIONAL ISSUES, of this analysis.

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

Constitutional/Statutory Provisions Relating to Annexation¹

Section 2 (c), of Art. VIII of the State Constitution provides that “[m]unicipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.” This provision authorizes the Legislature to annex unincorporated property into a municipality by special act.² It also authorizes the Legislature to establish procedures in general law for the annexation of property.

The Legislature established local annexation procedures by general law in 1974, with the enactment of ch. 171, F. S., the “Municipal Annexation or Contraction Act.” Chapter 171, F. S., describes the ways that property can be annexed or deannexed by cities without passage of an act by the Legislature.

Effect of Proposed Changes

The City of Anna Maria

The City of Anna Maria was incorporated by ch. 9675, L.O.F. (1923). The last time the boundaries of the city were changed was in 2002. See, ch. 2002-384, L.O.F., amending ch. 30561, L.O.F. (1955). HB 1473 amends the charter of the City of Anna Maria to correct what is thought to be a scrivener’s error in the legal description of the city. This discrepancy was recognized by a surveyor doing work for the census. The property is approximately a quarter mile square and has always been considered to be part of the City of Holmes Beach by the local governments, the residents, the police and the tax collector. There are no records which serve to explain why the subject property was included in the legal descriptions for both cities.³

Article II, Sec. 2.01 of the City of Anna Maria’s charter provides, in relevant part:

¹ The term “annexation” is defined in the Florida Statutes to mean “the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.” See, s. 171.031(1), F.S.

² Miami-Dade County, however, has exclusive jurisdiction over its municipal annexations under ss. 11(1)(c), (5) and (6), Art. VIII of the 1885 State Constitution, as adopted by reference in s. 6(e), Art. VIII of the State Constitution.

³ March 15, 2010, e-mail from James Dye, attorney for the City of Anna Maria.

... the City shall have the power to change its boundaries in the manner hereinafter or as otherwise defined by the laws of the State of Florida.

Article VIII, Sec. 8.01 of the charter provides:

The Commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the Commission and shall not be subject to a vote of the electors except as provided by general law.

Article VIII, Sec. 8.03 further provides:

The City Commission may, by a unanimously voted ordinance, amend this Charter to correct typographical errors....

Thus, the city could correct the error to their charter at the local level, with no need for a referendum. It is noted that Rule 5.5(a) of the House of Representatives provides:

If the substance of a local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum, no council or committee may report the bill favorably.

The bill also annexes described submerged land into the city limits, extending the Anna Maria city limits on the Gulf and Tampa Bay shorelines to the mean low water line⁴ plus 10 feet. This change is based on the recognition that the fact that the city limits stop at the mean high water line⁵ creates several hardships at a regulatory and practical level.

The current city description consists of several U.S. lots, which are a surveyor's tool for describing parcels that are irregular and have water boundaries. The government lots' boundaries end at the mean high water line. Anna Maria has concluded that it cannot police or regulate anything beyond the mean high water line because this area is not within the city limits. This issue came to the forefront recently when the city was pursuing a code enforcement case against a property owner for building several boat docks without proper permitting. The property owner relied on the fact that the docks were actually located in unincorporated Manatee County because they extended into the water. Until this dispute, the city had conducted all permitting, policing and provision of governmental service for docks and other near-shore situations.

The mean high water line is often near the point between the dry and wet sand. This creates an additional problematic situation where only a part of the beach is within the city's jurisdiction.⁶

The city's attorney suggested that Manatee County issue building permits, conduct inspections, and provide certificates of occupancy for private boat docks originating on land within the city boundaries. The county declined to duplicate the work of city building officials.⁷

⁴ Pursuant to s. 177.27(16), F.S., "mean low water" means the average height of the low waters over a 19-year period. For shorter periods of observation, "mean low water" means the average height of low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of mean 19-year value. "Mean low-water line" means the intersection of the tidal plane of mean low water with the shore. Section 177.27(17), F.S.

⁵ Section 177.27(14), F.S. provides that "[m]ean high water" means the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value. "Mean high-water line" means the intersection of the tidal plane of mean high water with the shore. Section 177.27 (15), F.S.

⁶ March 15, 2010, e-mail from James Dye, attorney for the City of Anna Maria.

⁷ March 15, 2010, e-mail from Maureen Sikora, Deputy County Attorney.

City of Holmes Beach

The City of Holmes Beach was created in 1950. It is the largest of three island communities (the others being Anna Maria and Bradenton Beach) on Anna Maria Island, which is located on the Gulf of Mexico just south of the mouth of Tampa Bay.

HB 1473 additionally amends the charter of the City of Holmes Beach to add a boat ramp. The bill provides that, in the exercise of police powers and jurisdictional authority within this property, the City of Holmes Beach is required to apply Manatee County codes, ordinances, resolutions, rules and regulations.

This property, known as the "Kingfish Boat Ramp," is adjacent to the city, and also consists of a picnic and parking area. The property is owned by the state Department of Transportation, and a portion of it is leased to Manatee County for a public use recreation area.

The City of Holmes Beach has been policing this recreational area through an interlocal agreement with the county, which has to be re-executed every two years. This bill would eliminate the need for the interlocal agreement.

Legal staff of the Department of Transportation has reviewed this matter and has no concerns as the annexation will not affect its lease with the county.⁸

The act has an effective date of upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Amends the boundaries of the City of Anna Maria.

Section 2: Amends the boundaries of the City of Holmes Beach.

Section 3: Provides for police powers and jurisdictional authority.

Section 4: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 30, 2009.

WHERE? The *Bradenton Herald*, a daily newspaper published in Manatee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

⁸ April 5, 2010, telephone conversation with Eva Baxter, Chief of Staff/Legislative Programs Administrator for the Department of Transportation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

This bill may not comply with s.6 of Art. III of the State Constitution, which provides in relevant part:

Every law shall embrace but one subject and matter properly connected herewith....

Generally, local bills are contained to a single governmental unit. In this case, while both cities at issue are located in Manatee County, there is no connection between the annexations in the individual municipal jurisdictions.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

Manatee County Board of County Commissioners

On February 23, 2010, the consent agenda for the Manatee County Board of County Commissioners contained a recommendation from the county administrator that this local bill be supported contingent upon additional language that provides for Manatee County to be exempt from any city codes, ordinances, resolutions, rules and regulations relating to construction, installation, placement, or location of County structures, signage, markers, navigation aids, and other facilities and improvements within the waters annexed by the city.

The Florida Department of Environmental Protection

The Department of Environmental Protection indicates that this bill "sits natural with our position."⁹

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

⁹ March 12, 2010, e-mail from Katherine Goletz, Legislative Specialist.

BRADENTON HERALD

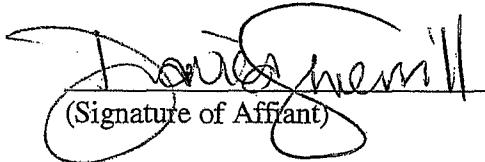
WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
Ph: 941-745-7066
Fax: 941-708-7758

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

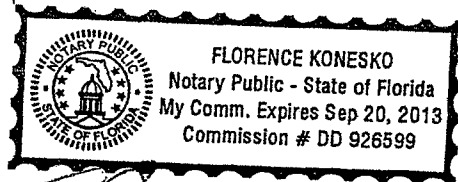
STATE OF FLORIDA
COUNTY OF MANATEE


Before the undersigned authority personally appeared Danica Sherrill, who, on oath, says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, **LEGAL NOTICE** as published in said newspaper in the issue **12/30/2009**.

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
12 Day of Jan, 2010




SEAL & Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

BRADENTON HERALD

CLASSIFIED ADVERTISING

Order:	131942221	Pubs:	1,9	Rate:	LE
Phone:	9417085800	Class:	4995	Charges:	\$ 0.00
Account:	4082	Start Date:	12/30/2009	List Price:	\$ 45.57
Name:	CITY,	Stop Date:	12/30/2009	Payments:	\$ 0.00
Firm:	CITY HOLMES BEACH	Insertions:	2	Balance:	\$ 45.57

**PROPOSED CONSTITUTIONAL
NOTICE ADVERTISEMENT
CITY OF HOLMES BEACH
LOCAL BILL 2010**

**NOTICE OF INTENT TO SEEK
LEGISLATION**

TO WHOM IT MAY CONCERN:
Notice is hereby given of the intent of the City of Holmes Beach to apply to the 2010 Legislature for passage of an act relating to Manatee County, modifying the boundaries of the City of Anna Maria and City of Holmes Beach, and providing for regulation and governance over such amended properties.

12/30/2009

**PROPOSED CONSTITUTIONAL
NOTICE ADVERTISEMENT
CITY OF HOLMES BEACH
LOCAL BILL 2010**

**NOTICE OF INTENT TO SEEK
LEGISLATION**

TO WHOM IT MAY CONCERN:
Notice is hereby given of the intent of the City of Holmes Beach to apply to the 2010 Legislature for passage of an act relating to Manatee County, modifying the boundaries of the City of Anna Maria and City of Holmes Beach, and providing for regulation and governance over such amended properties.

12/30/2009

HOUSE OF REPRESENTATIVES

2010 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1473
 SPONSOR(S): Rep. ~~John~~ Fitzgerald
 RELATING TO: Manatee County, City of Anna Maria, City of Holmes Beach
(Indicate Area Affected (City, County or Special District) and Subject)
 NAME OF DELEGATION: Manatee County
 CONTACT PERSON: David Ramba, Ramba Law Group
 PHONE NO.: (850) 727-7087 E-Mail: david@rambalaw.com

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: December 15, 2009

Location: Renaissance on 9th Center, 1816 9th St. West, Bradenton

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

YES [] NO []

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

Has this constitutional notice requirement been met?

Notice published: YES [] NO [] DATE _____

Where? _____ County _____

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

Date of Referendum N/A

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

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

YES [] NO [] NOT APPLICABLE []

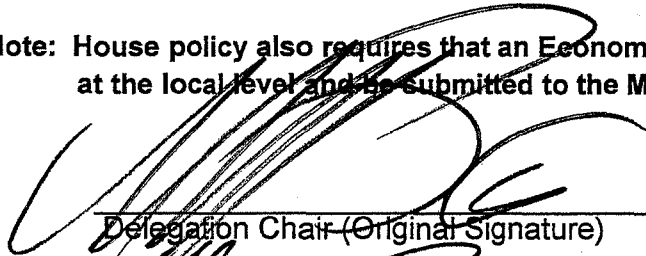
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [] NO [] NOT APPLICABLE []

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

YES [] NO []

Note: House policy 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)

2/2/10

Date

MICHAEL BENNETT

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 #: HB 1473
SPONSOR(S): ~~Rep. Cantano, Sen. Bennett~~ Rep. Fitzgerald
RELATING TO: Manatee County, Holmes Beach, Anna Maria boundaries
[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:		
<i>No additional expenditures will be required as a result of this legislation.</i>	<i>0</i>	<i>0</i>

II. ANTICIPATED SOURCE(S) OF FUNDING:

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

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Revenues:		
	<i>N/A</i>	<i>N/A</i>

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

Advantages:
Provide for streamlined enforcement of state law at public recreational area.

Disadvantages:
None.

Economic Impact Statement

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]:

Prior experience and knowledge in working with municipalities, including information gathered from local counsel and city and county employees.

PREPARED BY: David E. Rambo 12/9/2009
[Must be signed by Preparer] Date

TITLE: Special Counsel

REPRESENTING: City of Holmes Beach

PHONE: 850. 727. 7087

E-Mail Address: david @ rambalaw.com

1 A bill to be entitled
 2 An act relating to Manatee County; revising the legal
 3 boundaries of the City of Anna Maria to remove land from
 4 the city that is currently included in the boundaries of
 5 the City of Anna Maria and the City of Holmes Beach, with
 6 the land remaining in the City of Holmes Beach; amending
 7 the boundaries of the City of Holmes Beach to include
 8 unincorporated land to streamline provision of police
 9 protection and provision of county codes to property
 10 leased by the county and to all facilities, improvements,
 11 operations, and activities located on or occurring at such
 12 leased property; providing an effective date.

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

15
 16 Section 1. Section 2.01 of article II of the Charter of
 17 the City of Anna Maria is amended to read:

18 ARTICLE II. CORPORATE LIMITS

19 Sec. 2.01. Corporate limits description.

20 The municipal boundaries and included land areas of the City of
 21 Anna Maria are described as follows:

22 All of that land comprising Anna Maria Island embraced
 23 in U.S. Lot I in Section 7; Lots 1, 2, 3, 4, and 5 in
 24 Section 18; and Lot 2 ~~Lots 2, 3 and 4~~ in Section 17;
 25 all being in Township 34 South, Range 16 East; along
 26 with all that land comprising Anna Maria Island
 27 embraced in ~~Section 12~~, Township 34 South, Range 15
 28 East; along with all lands which have either been

29 | artificially added or naturally accreted to these
 30 | described lands, and all contiguous submerged lands
 31 | described herein, all being within Manatee County,
 32 | Florida.

33 |
 34 | Being more particularly described as follows:

35 |
 36 | Begin at the Southeasterly corner of U.S. Government
 37 | Lot 5, Section 18, Township 34 South, Range 16 East;
 38 | thence Westerly along the Southerly line of said
 39 | Section 18 to the intersection with the most seaward
 40 | mean lower low water line for The Gulf of Mexico;
 41 | thence North-Northwesterly along the sinousities of
 42 | the said mean lower low waterline to the most
 43 | northerly tip of Anna Maria Island; thence North,
 44 | perpendicular to the mean lower low waterline, a
 45 | distance of 10 feet; thence Easterly and Southeasterly
 46 | along a line 10 feet waterward of, and parallel to,
 47 | the sinousities of the mean lower low waterline of
 48 | Tampa Bay to the intersection with a line 50 feet
 49 | Northwesterly of, and parallel to, the center of the
 50 | Rod and Reel Pier; thence N.36°13'E., along said
 51 | parallel line, a distance of 270 feet more or less;
 52 | thence S.53°47'E., a distance of 100 feet; thence
 53 | S.36°13'W., a distance of 270 feet more or less to a
 54 | point 10 feet waterward from the mean lower low
 55 | waterline; thence Southeasterly along said line 10
 56 | feet waterward of, and parallel to, the sinousities of

57 the mean lower low waterline of Tampa Bay, a distance
58 of 2450 feet more or less to the intersection with a
59 line 600 feet Northwesterly of, and parallel to, the
60 centerline of the City Pier; thence N.36°44'E., along
61 said parallel line, a distance of 400 feet more or
62 less; thence S.53°16'E., a distance of 500 feet;
63 thence N.36°44'E., parallel to and 100 feet from the
64 centerline of City Pier, a distance of 360 feet;
65 thence S.53°16'E., 50 feet Northeasterly of the
66 northeasterly end of said Pier, a distance of 211
67 feet; thence S36°44'W., a distance of 162 feet; thence
68 N.53°16'W., a distance of 57 feet: thence S36°44'W.
69 along a line parallel to and 50 southeasterly of the
70 centerline of said Pier, a distance of 530 feet more
71 or less to a point 10 feet waterward from the mean
72 lower low waterline; thence Southeasterly along a line
73 10 feet waterward of, and parallel to, the sinousities
74 of the mean lower low waterline of Tampa Bay, and into
75 the to the Mouth of the inlet to Bimini Bay; thence in
76 southwestery direction to a point of tangency with a
77 line 30 feet waterward of the mean lower low water
78 line of the spoil island located to the southwest of a
79 Galati's Marina; thence Westerly along said line 30
80 feet waterward of, and parallel to, the sinousities of
81 the mean lower low waterline of Bimini Bay, and the
82 projection thereof to a line 30 westerly of the said
83 Marina's docks to a point 30 feet waterward from the
84 mean lower low waterline of Bimini Bay; thence

85 Westerly along said line 30 feet waterward of, and
 86 parallel to, the sinousities of the mean lower low
 87 waterline of Bimini Bay, said line shall run outside
 88 of any canal system and shall project across and not
 89 being influenced by the entrances to said canals to
 90 the intersection of the Easterly line of Section 18,
 91 Township 34 South, Range 16 East; thence Southerly
 92 along said Section line a distance of 2600 feet more
 93 or less to the point of beginning. Containing 550
 94 acres more or less.

95
 96 Provided, however, that the City shall have the power to
 97 change its boundaries in the manner hereinafter or as
 98 otherwise defined by the laws of the State of Florida.

99 Section 2. Section 2.01 of article II of the Charter of
 100 the City of Holmes Beach is amended to read:

101 ARTICLE II. CORPORATE LIMITS

102 Sec. 2.01. Corporate limits description.

103 The municipal boundaries and included land areas of the City of
 104 Holmes Beach are described as follows:

105
 106 U.S. Lot 1, Section 16, U.S. Lots 1, 3, 4, Section 17,
 107 U.S. Lot 1, Section 19, U.S. Lots 1, 2, 3, 4, 5, 6, 7,
 108 Section 20, U.S. Lots 1, 2, Section 21, U.S. Lot 1,
 109 Section 29, U.S. Lots 1, 2, 3, together with that
 110 portion of the causeway for State Road 64 lying
 111 immediately East of the eastern boundary of U.S. Lot
 112 3, bounded on the west by said eastern boundary of

113 U.S. Lot 3 and bounded on the north, east and south by
 114 the mean high water line of Anna Maria Sound (Sarasota
 115 Pass), Section 28, U.S. Lot 1, Section 33 all in
 116 Township 34 South, Range 16E with a southern boundary
 117 described as follows: Starting at Sarasota Pass
 118 continuing westerly along the entire southern boundary
 119 as shown on the Sunrise Park Plat (page 31, Plat Book
 120 10, County of Manatee 1957) continuing westerly along
 121 the south line of Lots 20 and 1 of Block 33 of the
 122 Ilexhurst Plat (page 154 Plat Book 1, County of
 123 Manatee, 1911) to Gulf Drive thence northerly along
 124 Gulf Drive approximately 50 ft. thence westerly
 125 approximately 100 ft. along the south line of Lot 19
 126 Block 34 Ilexhurst Plat thence northerly approximately
 127 100 ft. along the west line of Lots 19 and 18, Block
 128 34 Ilexhurst Plat thence westerly to the Gulf of
 129 Mexico. Such property being otherwise described as
 130 beginning at the City Limits of the City of Anna Maria
 131 on the north and continuing easterly and southerly
 132 from said city limits to the above described southern
 133 boundary otherwise described as the northern boundary
 134 of the City of Bradenton Beach.

135
 136 Provided, however, that the said city shall have power to
 137 change its boundaries in the manner hereinafter or as
 138 otherwise by the laws of the State of Florida provided.

139 Section 3. The additional property described in section 2
 140 is owned by the Department of Transportation and leased to

HB 1473

2010

141 Manatee County for a public use recreation area. In the exercise
 142 of police powers and jurisdictional authority within the
 143 property added in section 2, the City of Holmes Beach shall
 144 apply the provisions of the Manatee County Comprehensive Plan,
 145 Manatee County Land Development Code, Manatee County Code of
 146 Ordinances, and Manatee County codes, ordinances, resolutions,
 147 rules, and regulations to this property and all facilities,
 148 improvements, operations, and activities located on or occurring
 149 at the property that is leased by Manatee County from the
 150 Department of Transportation or its successor during the term of
 151 any lease agreement and any renewal of such lease agreement.

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

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1473 (2010)

Amendment No. 1

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(s) Fitzgerald offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 6 of chapter 30561(1995), Laws of
8 Florida, as amended, ~~Section 2.01 of article II of the Charter~~
9 ~~of the City of Anna Maria~~ is amended to read:

10 ARTICLE I

11 GENERAL PROVISIONS

12 Section 6. The boundaries of the area which shall be included
13 in the territory of the City of Anna Maria Island, also known as
14 the City of Anna Maria, in Manatee County, Florida, shall be as
15 follows:

16 All of that land comprising Anna Maria Island embraced
17 in U.S. Lot I in Section 7; Lots 1, 2, 3, 4, and 5 in
18 Section 18; and Lot 2 ~~Lots 2, 3 and 4~~ in Section 17;
19 all being in Township 34 South, Range 16 East; along

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1473 (2010)

Amendment No. 1

20 with all that land comprising Anna Maria Island
21 embraced in ~~Section 12~~, Township 34 South, Range 15
22 East; along with all lands which have either been
23 artificially added or naturally accreted to these
24 described lands, and all contiguous submerged lands
25 described herein, all being within Manatee County,
26 Florida.

27
28 Being more particularly described as follows:

29
30 Begin at the Southeasterly corner of U.S. Government
31 Lot 5, Section 18, Township 34 South, Range 16 East;
32 thence Westerly along the Southerly line of said
33 Section 18 to the intersection with the most seaward
34 mean lower low water line for The Gulf of Mexico;
35 thence North-Northwesterly along the sinousities of
36 the said mean lower low waterline to the most
37 northerly tip of Anna Maria Island; thence North,
38 perpendicular to the mean lower low waterline, a
39 distance of 10 feet; thence Easterly and Southeasterly
40 along a line 10 feet waterward of, and parallel to,
41 the sinousities of the mean lower low waterline of
42 Tampa Bay to the intersection with a line 50 feet
43 Northwesterly of, and parallel to, the center of the
44 Rod and Reel Pier; thence N.36°13'E., along said
45 parallel line, a distance of 270 feet more or less;
46 thence S.53°47'E., a distance of 100 feet; thence
47 S.36°13'W., a distance of 270 feet more or less to a

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1473 (2010)

Amendment No. 1

48 point 10 feet waterward from the mean lower low
49 waterline; thence Southeasterly along said line 10
50 feet waterward of, and parallel to, the sinousities of
51 the mean lower low waterline of Tampa Bay, a distance
52 of 2450 feet more or less to the intersection with a
53 line 600 feet Northwesterly of, and parallel to, the
54 centerline of the City Pier; thence N.36°44'E., along
55 said parallel line, a distance of 400 feet more or
56 less; thence S.53°16'E., a distance of 500 feet;
57 thence N.36°44'E., parallel to and 100 feet from the
58 centerline of City Pier, a distance of 360 feet;
59 thence S.53°16E., 50 feet Northeasterly of the
60 northeasterly end of said Pier, a distance of 211
61 feet; thence S36°44'W., a distance of 162 feet; thence
62 N.53°16'W., a distance of 57 feet: thence S36°44'W.
63 along a line parallel to and 50 southeasterly of the
64 centerline of said Pier, a distance of 530 feet more
65 or less to a point 10 feet waterward from the mean
66 lower low waterline; thence Southeasterly along a line
67 10 feet waterward of, and parallel to, the sinousities
68 of the mean lower low waterline of Tampa Bay, and into
69 the to the Mouth of the inlet to Bimini Bay; thence in
70 southwestery direction to a point of tangency with a
71 line 30 feet waterward of the mean lower low water
72 line of the spoil island located to the southwest of a
73 Galati's Marina; thence Westerly along said line 30
74 feet waterward of, and parallel to, the sinousities of
75 the mean lower low waterline of Bimini Bay, and the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1473 (2010)

Amendment No. 1

76 projection thereof to a line 30 westerly of the said
77 Marina's docks to a point 30 feet waterward from the
78 mean lower low waterline of Bimini Bay; thence
79 Westerly along said line 30 feet waterward of, and
80 parallel to, the sinousities of the mean lower low
81 waterline of Bimini Bay, said line shall run outside
82 of any canal system and shall project across and not
83 being influenced by the entrances to said canals to
84 the intersection of the Easterly line of Section 18,
85 Township 34 South, Range 16 East; thence Southerly
86 along said Section line a distance of 2600 feet more
87 or less to the point of beginning. Containing 550
88 acres more or less.

89
90 Provided, however, that the City shall have the power to
91 change its boundaries in the manner hereinafter or as
92 otherwise defined by the laws of the State of Florida.

93 Section 2. Nothwithstanding the foregoing, Manatee County,
94 Florida, shall be exempt from any codes, ordinances,
95 resolutions, rules, and regulations of the City of Anna Maria
96 relating to construction, installation, placement, or location
97 of County structures, signage, markers, navigation aids, and
98 other facilities and improvements within waters which were
99 previously under the jurisdiction of Manatee County prior to the
100 effective date of this act.

101 Section 3. Section 2.01 of article II of the Charter of
102 the City of Holmes Beach is amended to read:

103 ARTICLE II. CORPORATE LIMITS

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1473 (2010)

Amendment No. 1

104 Sec. 2.01. Corporate limits description.
105 The municipal boundaries and included land areas of the City of
106 Holmes Beach are described as follows:

107

108 U.S. Lot 1, Section 16, U.S. Lots 1, 3, 4, Section 17,
109 U.S. Lot 1, Section 19, U.S. Lots 1, 2, 3, 4, 5, 6, 7,
110 Section 20, U.S. Lots 1, 2, Section 21, U.S. Lot 1,
111 Section 29, U.S. Lots 1, 2, 3, together with that
112 portion of the causeway for State Road 64 lying
113 immediately East of the eastern boundary of U.S. Lot
114 3, bounded on the west by said eastern boundary of
115 U.S. Lot 3 and bounded on the north, east and south by
116 the mean high water line of Anna Maria Sound (Sarasota
117 Pass), Section 28, U.S. Lot 1, Section 33 all in
118 Township 34 South, Range 16E with a southern boundary
119 described as follows: Starting at Sarasota Pass
120 continuing westerly along the entire southern boundary
121 as shown on the Sunrise Park Plat (page 31, Plat Book
122 10, County of Manatee 1957) continuing westerly along
123 the south line of Lots 20 and 1 of Block 33 of the
124 Ilexhurst Plat (page 154 Plat Book 1, County of
125 Manatee, 1911) to Gulf Drive thence northerly along
126 Gulf Drive approximately 50 ft. thence westerly
127 approximately 100 ft. along the south line of Lot 19
128 Block 34 Ilexhurst Plat thence northerly approximately
129 100 ft. along the west line of Lots 19 and 18, Block
130 34 Ilexhurst Plat thence westerly to the Gulf of
131 Mexico. Such property being otherwise described as

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1473 (2010)

Amendment No. 1

132 beginning at the City Limits of the City of Anna Maria
133 on the north and continuing easterly and southerly
134 from said city limits to the above described southern
135 boundary otherwise described as the northern boundary
136 of the City of Bradenton Beach.

137
138 Provided, however, that the said city shall have power to
139 change its boundaries in the manner hereinafter or as
140 otherwise by the laws of the State of Florida provided.

141 Section 4. The additional property described in section 3
142 is owned by the Department of Transportation and a portion is
143 leased to Manatee County for a public use recreation area. In
144 the exercise of police powers and jurisdictional authority
145 within the property added in section 3, the City of Holmes Beach
146 shall apply the provisions of the Manatee County Comprehensive
147 Plan, Manatee County Land Development Code, Manatee County Code
148 of Ordinances, and Manatee County codes, ordinances,
149 resolutions, rules, and regulations to this property and all
150 facilities, improvements, operations, and activities located on
151 or occurring at the property that is leased by Manatee County
152 from the Department of Transportation or its successor during
153 the term of any lease agreement and any renewal of such lease
154 agreement.

155 Section 5. This act shall take effect upon becoming a law.
156
157
158
159

Amendment No. 1

160
161
162
163
164
165
166
167
168
169
170
171
172
173

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

Remove the entire title and insert:
An act relating to Manatee County; revising the legal boundaries of the City of Anna Maria to remove land that is currently included in the boundaries of the City of Holmes Beach; amending the boundaries of the City of Anna Maria to include described submerged land; exempting Manatee County from regulation by the City of Anna Marie within submerged land; amending the boundaries of the City of Holmes Beach to include unincorporated land owned by the Department of Transportation; providing an effective date.

HB 1483

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1483
Hernando County

Spring Hill Fire Rescue and Emergency Medical Services District,

SPONSOR(S): Schenck

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Rojas <i>[Signature]</i>	Hoagland <i>[Signature]</i>
2)	Finance & Tax Council			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The Spring Hill Fire Rescue and Emergency Medical Services District of Hernando County was created in 2009 by ch. 2009-261, L.O.F. The district was created as an independent special fire control district, with all powers under ch. 189 and 191, F.S., within the district's boundaries.

However, due to a scrivener's error, ch. 2009-261, L.O.F., did not accurately record the legal description of the district. The Hernando County Property Appraiser's Office identified discrepancies in the district boundaries provided in the original act. The boundaries used to levy the ad valorem tax for the district for the last four decades, as a dependent district, are slightly different from the boundaries described in the act.

The county has been able to determine that the affected residents participated in the November 4, 2008, election in which the electors of the district voted for the district to become independent.

The bill is effective upon becoming 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:

Background

The Spring Hill Fire Department was established in 1968. In January of 1974, after a special referendum election, the Spring Hill Fire Department became the Spring Hill Fire & Rescue District. This was a special fire tax district, voted for by the citizens and making Spring Hill Fire & Rescue, still today, the first and only government body in Spring Hill.

In the early 1990's the department was part of the county's total millage cap. The county then transformed the area of the district into a Municipal Service Taxing Unit. Near this time, the county, also allowed the district to become independent, however the measure was rejected at election. During this period the district essentially operated as a quasi-dependent district. On November 4, 2008, the electors of the district voted for the district to become independent.

Chapter 2009-261, L.O.F., created the Spring Hill Fire Rescue and Emergency Medical Services District (the district) as an independent special fire control district, in Hernando County, Florida.

Boundary Change

However, due to a scrivener's error, ch. 2009-261, L.O.F., did not accurately record the legal description of the district. The Hernando County Property Appraiser's Office identified discrepancies in the district boundaries provided in the original act. The boundaries used to levy the ad valorem tax for district for the last four decades, as a dependent district, are slightly different from the boundaries described in the act.

In a combined effort with the Hernando County Property Appraiser's Office, the Hernando County Office of Management and Budget, and the district, the actual boundaries have been identified and submitted to the Legislature for correction. The county has been able to determine that the affected residents participated in the November 4, 2008, election in which the electors of the district voted for the district to become independent¹.

¹ Per written communication with the Hernando County Property Appraiser's Office, Hernando County Supervisor of Elections Office, and the Spring Hill Fire Rescue and Emergency Medical Services District Fire Chief.

Section 191.014, F.S., provides that boundaries of a district may be modified, extended, or enlarged only upon approval or ratification by the Legislature. The merger of a district with all or portions of other independent special districts or dependent fire control districts is effective only upon ratification by the Legislature. A district may not, solely by reason of a merger with another governmental entity, increase ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless approved by the electors of the district by referendum.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2009-261, L.O.F., to correct district boundary.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 30, 2010

WHERE?

Hernando Today/ Hernando Sunday, a newspaper published in Brookesville in Hernando County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

Legal Notice

TO WHOM IT MAY CONCERN:

Notice is hereby given of intent to apply to the 2010 Legislature for the passage of an act relating to Hernando County, amending chapter 2009-261, Laws of Florida, amending the Spring Hill Fire Rescue and Emergency Medical Services District boundaries, limiting the ability to levy tangible personal property tax, providing an effective date.

January 30, 2010

Hernando Today

Published Daily

Brooksville, Hernando County, Florida

State of Florida }
County of Hernando } SS.

Before the undersigned authority personally appeared Judy Warnock, who on oath says that he/ she is the Legal Ad Coordinator of the Hernando Today / Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida, that the attached copy of advertisement being a

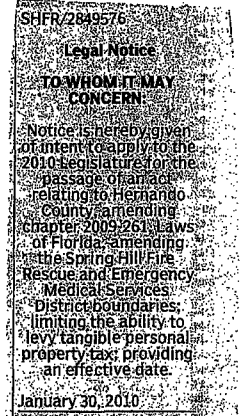
Legal Ads IN THE Hernando Today

In the matter of Legal Notices

In the Court, was published in said newspaper in the issues of

01/30/2010

Affiant further says that the said Hernando Today / Hernando Sunday is a newspaper published at Brooksville in said Hernando County, Florida, and that the said newspaper has heretofore been continuously published in said Hernando County, Florida, each week and has been entered as second class mail matter at the post office in Brooksville, in said Hernando County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/ she 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.

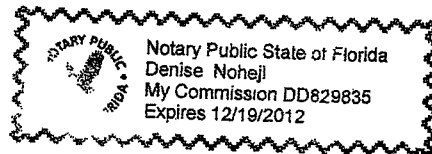


Judy Warnock (handwritten signature)

Sworn to and subscribed by me, this 30 day of January, A.D. 2010

Personally Known [checked] or Produced Identification
Type of Identification Produced

Denise Nohej (handwritten signature)



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

BILL #: 1483

SPONSOR(S): Rep. Schenck

RELATING TO: Spring Hill Fire Rescue Boundaries
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Hernando County Delegation

CONTACT PERSON: Ryan Anderson

PHONE NO.: 850-488-6641 **E-Mail:** ryan.anderson@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: 12/1/09

Location: Hernando County Commission Chambers

(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** 1/30/10

Where? Hernando Today Newspaper **County** Hernando

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

3/11/10

Date



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 #: HB 1483

SPONSOR(S): Schenck

RELATING TO: Spring Hill Fire Rescue and Emergency Medical Services District
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures: FY 10-11 FY 11-12

None

II. ANTICIPATED SOURCE(S) OF FUNDING:

Federal: FY 10-11 FY 11-12

State:

Local:

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues: FY 10-11 FY 11-12

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

Advantages:
No Impact

Disadvantages:
No Impact

Economic Impact Statement

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]:

None

PREPARED BY:  3/10/2010
[Must be signed by Preparer] Date

TITLE: Finance Director

REPRESENTING: Spring Hill Fire Rescue and Emergency Medical Services District

PHONE: 352-754-5816

E-Mail Address: tmcclanahan@springhillfire.com

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

Prior to consideration of a substantive amendment to a local bill, the chair of a legislative delegation must certify by signing this Amendment Form that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive council, committee and floor amendments must be accompanied by a completed, original Amendment Form and reviewed by appropriate House staff prior to consideration. An Amendment Form is not required for technical, conforming or clarifying amendments.

BILL NUMBER: 1483

SPONSOR(S): Rep. Schenck

RELATING TO: Spring Hill Fire Rescue Boundaries
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Rep. Schenck

CONTACT PERSON: Ryan Anderson

PHONE NO: 850-488-6641 **E-MAIL:** ryan.anderson@myfloridahouse.gov

REVIEWED BY STAFF OF THE MILITARY & LOCAL AFFAIRS POLICY COMMITTEE
Must Be Checked

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

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

III. NOTICE REQUIREMENTS

- A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?
- YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

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

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

YES NO UNANIMOUSLY APPROVED



Delegation Chair (Original Signature)

3/11/10
Date



Print Name of Delegation Chair

1 A bill to be entitled
 2 An act relating to the Spring Hill Fire Rescue and
 3 Emergency Medical Services District, Hernando County;
 4 amending chapter 2009-261, Laws of Florida; revising
 5 district boundaries; providing an effective date.

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

8
 9 Section 1. Subsection (2) of section 2 of chapter 2009-
 10 261, Laws of Florida, is amended to read:

11 Section 2. Creation; status; charter amendments;
 12 boundaries; district purposes.-

13 (2) The lands to be included within the district are the
 14 following described lands of Spring Hill, in Hernando County, to
 15 wit:

16
 17 For a Point of Beginning (POB), commence at the
 18 intersection of the East Section line of Section 34,
 19 Township 23, Range 18 East projected South and the
 20 Centerline of the Right-of-Way of County Line Road.

21
 22 Thence; Go Northerly along the aforementioned East
 23 Section line of Section 34, Township 23, Range 18
 24 East, Section 27, Township 23, Range 18 East.

25
 26 Thence; proceed East along the North Section line of
 27 Section 26, Township 23, Range 18 East, terminating at

28 | the North East corner of the West 1/2 of Section 26,
 29 | Township 23, Range 18 East.

30 |
 31 | Thence; proceed Northerly along the East lines of the
 32 | West 1/2 of Sections 23 and 14, Township 23, Range 18
 33 | East terminating at the intersection of said line and
 34 | the southwest corner of a parcel described in ORB 612
 35 | page 589.

36 |
 37 | Thence proceed easterly along the south boundary line
 38 | of said parcel continuing to the intersection of that
 39 | line with the Centerline of Spring Hill Drive.

40 |
 41 | Thence; Easterly along the Centerline of the Right-of-
 42 | Way of Spring Hill Drive to a point of intersection
 43 | constructed by extending the East boundary of Candy
 44 | Road, in a Southerly direction.

45 |
 46 | Thence; Northerly along the Eastern boundary of Candy
 47 | Lane to the limits of the plat of Quail Meadows, Phase
 48 | I.

49 |
 50 | Thence; Southwesterly along the rear property lines of
 51 | Lots 13 - 22 inclusive of Quail Meadows, Phase I, to
 52 | the Northern boundary of Atwater Drive.

53 |
 54 | Thence; Westerly along said Northern boundary of
 55 | Atwater Drive to the limits of the plat of Quail

56 Meadows, Phase I, said point being the West Section
 57 line of Section 13, Township 23 South, Range 18 East.

58
 59 Thence; Northerly along said West Section line to the
 60 North.

61
 62 Thence; Northerly along the aforementioned West
 63 Section line to a point of intersection with the
 64 Centerline of Powell Road and said Section line.

65
 66 Thence; Westerly along Powell Road to a point of
 67 intersection with the East line of the West 1/2 of
 68 Section 10, Township 23 South, Range 18 East.

69
 70 Thence; Northerly along aforementioned Section line
 71 terminating at the North line of said Section 10,
 72 Township 23 South, Range 18 East.

73
 74 Thence; Westerly along the North Section line of
 75 Section 10, Township 23 South, Range 18 East
 76 continuing Westerly along the South Section line of
 77 Section 4, Township 23 South, Range 18 East;
 78 terminating at a point, constructed by the
 79 intersection of said Section line and the East
 80 Boundary line of Spring Hill Unit 18, 19, 20; Plat
 81 Book 17, Page 30, sheet 2 of 6 as recorded in the
 82 Public Records of Hernando County;

83

84 Thence; Northerly along the East Boundary line of the
 85 aforementioned Plat.

86
 87 Thence; Northerly along the East Boundary line of Plat
 88 Book #17, Page 69 as :recorded in Hernando County
 89 Public Records.

90
 91 Thence; Northerly along the East Boundary line as
 92 shown in Plat Book 9, Page 69, Spring Hill Unit 20.

93
 94 Thence; Easterly along the South Boundary line as
 95 shown in Plat Book 9, Sheet 9, of Spring Hill Unit 20.

96
 97 Thence; Run Northerly along the West Right-of-Way line
 98 of the Florida Power Corporation Easement as shown on
 99 Sheet 9, Sheet 10, and Sheet 12, Plat Book 9; Spring
 100 Hill Unit 20, as recorded in Hernando County Public
 101 Records.

102
 103 Thence; Run S89°38'00"W, a distance of 377.25 feet
 104 from. the North East corner of the Platted Boundary as
 105 recorded in Plat Book 9, Page 76.

106
 107 Thence; N00°07'10"W, a distance of 944.51 feet.

108
 109 Thence; N89°44'10"W, a distance of 1,324.27 feet.
 110

111 Thence; N00°06'12"E; 942.14 feet along the East line
 112 of the West 1/2 of Section 33, Township 22 South,
 113 Range 18 East.

114
 115 Thence; N00°05'42"W, 1,848.49 feet to the South Right-
 116 of-Way line of State Road #50.

117
 118 Thence; Westerly along the South Right-of-Way line of
 119 State Road #50; S89°31'17"W a distance of 1,322.86
 120 feet.

121
 122 Thence; S00°02'58"E, a distance of 916.82 feet;
 123 S89°50'34"W, a distance of 1,323.56 feet; S00°00'12"E,
 124 a distance of 909.40 feet to the Centerline of the
 125 Florida Power Corp. Right-of-way.

126
 127 Thence; Westerly along the South centerline of a
 128 Florida Power Right-of-Way line as described in O.R.
 129 Book #713, Pages 20 & 22.

130
 131 Thence; Northerly along the West Boundary line of
 132 aforementioned O.R. Book #713, to the South Right-of-
 133 Way line of State Road #50.

134
 135 Thence; Approximately 1,015.00 feet, Westerly along
 136 the South Right-of-Way line of State Road #50.

137
 138 Thence; South approximately 750.00 feet.

139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166

Thence; West approximately 2,500.00 feet.

Thence; North approximately 750 feet to the South
Right-of-Way line of State Road #50.

Thence; In a Westerly direction follow the South
Right-of-Way line of State Road #50 to the
intersection of said line and the easterly boundary of
a parcel described in ORB 301 page 72.

Thence proceed southerly, along the eastern perimeter
of said parcel to its intersection with a parcel
described in ORB 732 page 1907.

Thence proceed easterly, southwesterly, west and
northerly around the outer perimeter of said parcels
to the intersection of said line and State Road #50.

Thence proceed westerly following the South Right-of-
Way line of State Road #50 to the intersection of said
line with the East Section line of Section 2, Township
23 South, Range 17 East.

Thence; Run Southerly along the aforementioned East
Section line to the North Boundary line of Spring Hill
Unit 22, Replat, Block 1484, Plat Book 12, Page 81, as
recorded in Hernando County Public Records.

167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194

Thence; Westerly along the aforementioned Boundary line to the East Right-of-Way line of U.S. 19.

Thence; Southerly along the East Right-of-Way line of U.S. 19, to the Centerline of the Right-of-Way of Northcliffe Boulevard.

Thence; Southerly along the Centerline of the Right-of-Way of Northcliffe Boulevard to the West Boundary line of Spring Hill Unit #26.

Thence; Southerly along the West Boundary line of Spring Hill Unit #26, terminating at the Southeast corner of Section 10, Township 23 South, Range 17 East.

Thence west along the aforesaid south section line to the south west comer of section 9.

Thence proceed south along the west boundary of section 16 to the southwest corner of said section.

Thence proceed west along the northern section line of section 20 to the northwest corner of said section.

Thence proceed south along the west line of section 20 and section 29 to its intersection with the boundary

195 of the South Hernando US #19 Commerce Center as
 196 recorded in plat book 17, pages 11-16.

197
 198 Thence proceed south westerly along said boundary to
 199 its intersection with the north section line of
 200 section 31.

201
 202 Thence proceed west along said northern section line
 203 to the northwest corner of said section.

204
 205 Thence proceed southerly along the west boundary line
 206 of said section to the southwest corner of said
 207 section 31.

208
 209 Thence proceed east along the south boundaries of
 210 Township 23 South Ranges 17 and 18 East to the
 211 intersection of the East Section line of Section 34,
 212 Township 23, Range 18 East projected South and the
 213 Centerline of the Right-of-Way of County Line Road
 214 (POB).

215
 216 ~~For a Point of Beginning (P.O.B.), commence at the~~
 217 ~~intersection of the East Section line of Section 34,~~
 218 ~~Township 23, Range 18 East projected South and the~~
 219 ~~Centerline of the Right of Way of County Line Road.~~

220

221 ~~Thence; Go Northerly along the aforementioned East~~
 222 ~~Section line of Section 34, Township 23, Range 18~~
 223 ~~East, Section 27, Township 23, Range 18 East.~~

224
 225 ~~Thence; East along the North Section line of Section~~
 226 ~~26, Township 23, Range 18 East, terminating at the~~
 227 ~~North East comer of the West V2 of Section 26,~~
 228 ~~Township 23, Range 18 East.~~

229
 230 ~~Thence; Northerly along the East Section line of the~~
 231 ~~West 1/2 of Section 23, Township 23, Range 18 East~~
 232 ~~terminating at the intersection of that line and the~~
 233 ~~centerline of the Right of Way of Spring Hill Drive.~~

234
 235 ~~Thence; Easterly along the centerline of the Right of~~
 236 ~~Way of Spring Hill Drive to a point of intersection~~
 237 ~~constructed by extending the East boundary of Candy~~
 238 ~~Road, in a Southerly direction.~~

239
 240 ~~Thence; Northerly along the Eastern boundary of Candy~~
 241 ~~Lane to the limits of the plat of Quail Meadows, Phase~~
 242 ~~I.~~

243
 244 ~~Thence; Southwesterly along the rear property lines of~~
 245 ~~Lots 13-22 inclusive of Quail Meadows, Phase I, to the~~
 246 ~~Northern boundary of Atwater Drive.~~

247

248 ~~Thence; Westerly along said Northern boundary of~~
 249 ~~Atwater Drive to the limits of the plat of Quail~~
 250 ~~Meadows, Phase I, said point being the West Section~~
 251 ~~line of Section 13, Township 23 South, Range 18 East.~~

252
 253 ~~Thence; Northerly along said West Section line to the~~
 254 ~~North.~~

255
 256 ~~Thence; Northerly along the aforementioned West~~
 257 ~~Section line to a point of intersection with the~~
 258 ~~centerline of Powell Road and said Section line.~~

259
 260 ~~Thence; Westerly along Powell Rd. to a point of~~
 261 ~~intersection with the East line of the West 1/2 of~~
 262 ~~Section 10, Township 23 South, Range 18 East.~~

263
 264 ~~Thence; Northerly along aforementioned Section line~~
 265 ~~commencing at the North line of said Section 10,~~
 266 ~~Township 23 South, Range 18 East.~~

267
 268 ~~Thence; Westerly along the North Section line of~~
 269 ~~Section 10, Township 23 South, Range 18 East~~
 270 ~~continuing Westerly along the South Section line of~~
 271 ~~Section 4, Township 23 South, Range 18 East;~~
 272 ~~terminating at a point, constructed by the~~
 273 ~~intersection of said Section line and the East~~
 274 ~~Boundary line of Spring Hill Unit 18-2; Plat Book 17,~~

275 | ~~Page 30, sheet 2 of 6 as recorded in the Public~~
 276 | ~~Records of Hernando County;~~
 277 |
 278 | ~~Thence; Northerly along the East Boundary line of the~~
 279 | ~~aforementioned Plat Book 17, Page 30;~~
 280 |
 281 | ~~Thence; Northerly along the East Boundary line of Plat~~
 282 | ~~Book #17, Page 69 as recorded in Hernando County~~
 283 | ~~Public Record. (To PB9 65 80)~~
 284 |
 285 | ~~Thence: Northerly along the East Boundary line as~~
 286 | ~~shown in Plat Book 9, Page 69, Spring Hill Unit 20.~~
 287 |
 288 | ~~Thence; Easterly along the South Boundary line as~~
 289 | ~~shown in Plat Book 9, Sheet 9, of Spring Hill Unit 20.~~
 290 |
 291 | ~~Thence; Run Northerly along the West Right of Way line~~
 292 | ~~of the Florida Power Corporation Easement as shown on~~
 293 | ~~Sheet 9, Sheet 10, and Sheet 12, Plat Book 9; Spring~~
 294 | ~~Hill Unit 20, as recorded in Hernando County Public~~
 295 | ~~Records.~~
 296 |
 297 | ~~Thence; Run S89°38'00"W, a distance of 377.25 feet~~
 298 | ~~from the North East corner of the Platted Boundary as~~
 299 | ~~recorded in Plat Book 9, Page 76.~~
 300 |
 301 | ~~Thence; N00°07'10"W, a distance of 944.51 feet,~~
 302 |

303 ~~Thence; N89°44'10"W, a distance of 1,324.27 feet~~
 304
 305 ~~Thence; N00°06'12"E, 942.14 feet along the East line~~
 306 ~~of the West 1/2 of Section 33, Township 22 South,~~
 307 ~~Range 18 East.~~
 308
 309 ~~Thence; N00°05'42"W, 1,848.49 feet to the South Right~~
 310 ~~of Way line of State Road #50.~~
 311
 312 ~~Thence; Westerly along the South Right of Way line of~~
 313 ~~State Road #50; S89°31'17"W a distance of 1,322.86~~
 314 ~~feet.~~
 315
 316 ~~Thence; S00°02'58"E, a distance of 916.82 feet;~~
 317 ~~S89°50'34"W, a distance of 1,323.56 feet; S00°00'12"E,~~
 318 ~~a distance of 909.40 feet to the Centerline of the~~
 319 ~~Florida Power Corp. Right of way.~~
 320
 321 ~~Thence; Westerly along the South centerline of a~~
 322 ~~Florida Power Right of Way line as described in O.R.~~
 323 ~~Book #713, Pages 20 & 22. (Attached)~~
 324
 325 ~~Thence; Northerly along the West Boundary line of~~
 326 ~~aforementioned O.R. Book #713, to the South Right of~~
 327 ~~Way line of State Road #50.~~
 328
 329 ~~Thence; Approximately 1,015.00 feet, Westerly along~~
 330 ~~the South Right of Way line of State Road #50.~~

331
 332 ~~Thence; South approximately 750.00 feet.~~
 333
 334 ~~Thence; West approximately 2,500.00 feet.~~
 335
 336 ~~Thence; North approximately 750 feet to the South~~
 337 ~~Right of Way line of State Road #50.~~
 338
 339 ~~Thence; In a Westerly direction follow the South~~
 340 ~~Right of Way line of State Road #50 to the~~
 341 ~~intersection of said line and the East Section line of~~
 342 ~~Section 2, Township 23 South, Range 17 East.~~
 343
 344 ~~Thence; Run Southerly along the aforementioned East~~
 345 ~~Section line to the North Boundary line of Spring Hill~~
 346 ~~Unit 22, Replat, Block 1484, Plat Book 12, Page 81, as~~
 347 ~~recorded in Hernando County Public Records.~~
 348
 349 ~~Thence; Westerly along the aforementioned Boundary~~
 350 ~~line to the East Right of Way line of U.S. 19.~~
 351
 352 ~~Thence; Southerly along the East Right of Way line of~~
 353 ~~U.S. 19, to the Centerline of the Right of Way of~~
 354 ~~Northcliffe Boulevard.~~
 355
 356 ~~Thence; Southerly along the centerline of the Right~~
 357 ~~of Way of Northcliffe Boulevard to the West Boundary~~
 358 ~~line of Spring Hill Unit #26.~~

359
 360 ~~Thence; Southerly along the West Boundary line of~~
 361 ~~Spring Hill Unit #26, commencing at the South Section~~
 362 ~~line of Section 10, Township 23 South, Range 117 East.~~

363
 364 ~~Thence; West along the aforementioned South Section~~
 365 ~~line, Westerly to the centerline of the Right of Way~~
 366 ~~of U.S. 19.~~

367
 368 ~~Thence; South along the centerline of the Right of Way~~
 369 ~~of U.S. 19 to a point, constructed by extending the~~
 370 ~~Centerline of Greenleaf Way and the aforementioned~~
 371 ~~centerline of Right of Way of U.S. 19.~~

372
 373 ~~Thence; Westerly from said point to the West Boundary~~
 374 ~~line of Weeki Wachee Woodlands Unit 2, Plat Book #7,~~
 375 ~~Page 10.~~

376
 377 ~~Thence; Southerly along the said West Boundary line to~~
 378 ~~the North Boundary line of Weeki Wachee Acres Unit 2,~~
 379 ~~Plat Book 6; Page 46;~~

380
 381 ~~Thence; Westerly along aforementioned North Boundary~~
 382 ~~line;~~

383
 384 ~~Thence; Southerly along the West Boundary line of~~
 385 ~~aforementioned Weeki Wachee Acres Unit 2;~~

386

387 ~~Thence; 240.00 feet East, to the centerline of the~~
 388 ~~Right of Way of U.S. 19.~~
 389
 390 ~~Thence; South along the centerline of the Right of Way~~
 391 ~~of U.S. 19 to the Intersection of said Right of Way~~
 392 ~~and Trenton Avenue.~~
 393
 394 ~~Thence; Southerly along Trenton Avenue to a point on~~
 395 ~~the South Section line of Section 20, Township 23~~
 396 ~~South, Range 17 East;~~
 397
 398 ~~Thence; Westerly along said Section line to the~~
 399 ~~centerline of the Right of Way of U.S. 19.~~
 400
 401 ~~Thence; South along the centerline of the Right of Way~~
 402 ~~of U.S. 19, to a point of Intersection with the North~~
 403 ~~Boundary line of South Hernando U.S. 19, Commerce~~
 404 ~~Center; Plat Book #17, Pages 11 through 15.~~
 405
 406 ~~Thence; West from the aforementioned point; to the~~
 407 ~~West Boundary line of South Hernando U.S. 19, Commerce~~
 408 ~~Center.~~
 409
 410 ~~Thence; Southerly along the West Boundary line, to the~~
 411 ~~S.W. corner of aforementioned Plat;~~
 412
 413 ~~Thence; Easterly to the centerline of the Right of Way~~
 414 ~~of U.S. 19.~~

415
 416 ~~Thence; South along the centerline of the Right of Way~~
 417 ~~of U.S. 19, to a point of intersection with the North~~
 418 ~~Boundary of South Hernando U.S. 19 Commerce Center~~
 419 ~~Plat Book #17, Pages 11 thru 16.~~

420
 421 ~~Thence; Westerly from said point, along the North~~
 422 ~~Boundary line.~~

423
 424 ~~Thence; Southerly along the West Boundary line of the~~
 425 ~~forementioned Plat;~~

426
 427 ~~Thence; Easterly along the South Boundary line of said~~
 428 ~~Plat terminating at the centerline of the Right of Way~~
 429 ~~of U.S. #19.~~

430
 431 ~~Thence; Southerly along the centerline of the Right~~
 432 ~~of Way of U.S. 19 terminating at the Intersection of~~
 433 ~~said Right of Way and the centerline of the Right of~~
 434 ~~Way of County Line Road.~~

435
 436 ~~Thence; Easterly from aforementioned said point along~~
 437 ~~the centerline of the Right of Way of County Line~~
 438 ~~Road.~~

439
 440 ~~Thence; Easterly, from the aforementioned terminus,~~
 441 ~~along the centerline of the Right of Way of County~~

442 ~~Line Road, to a point of Intersection of the West~~
 443 ~~Boundary line of Arkays Park Subdivision.~~
 444
 445 ~~Thence; Northerly along the aforementioned West~~
 446 ~~Boundary line.~~
 447
 448 ~~Thence; Easterly along the aforementioned North~~
 449 ~~Boundary line,~~
 450
 451 ~~Thence; Southerly along the East Boundary line of the~~
 452 ~~aforementioned Plat terminating at the intersection of~~
 453 ~~that line and the centerline of the Right of Way of~~
 454 ~~County Line Road.~~
 455
 456 ~~Thence; Easterly, from that terminus point, along the~~
 457 ~~centerline of the Right of Way of County Line Road and~~
 458 ~~returning to the Point of Beginning. P.O.B.~~
 459
 460 ~~LESS:~~
 461
 462 ~~West 11.5A of Northwest 1/4 of Northwest 1/4 Section~~
 463 ~~4, Township 23, Range 8~~
 464
 465 ~~Southwest 1/4 of Southwest 1/4 less North 292 feet of~~
 466 ~~East 825 feet, Section 29, Township 23, Range 17~~
 467
 468 ~~5 acres in Northwest 1/4 of Northeast 1/4 of Section~~
 469 ~~32, Township 23, Range 17~~

HB 1483

2010

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

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 Schenck offered the following:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Amendment (with directory and title amendments)

Between lines 469 and 470, insert:

Section 6. Ad valorem taxes.-

(1) The board shall have the authority to levy ad valorem
taxes annually against all taxable property, except tangible
personal property, within the district to provide funds for the
purposes of the district only upon the approval by a majority
vote of those qualified electors of the district voting in a
referendum election authorizing the use of ad valorem taxation
not to exceed 2.5 mills.

D I R E C T O R Y A M E N D M E N T

Remove lines 9-10 and insert:

Amendment No.

20 Section 1. Subsection (2) of section 2 and subsection (1)
21 of section 6 of chapter 2009-261, Laws of Florida, are amended
22 to read:

23

24

25

26

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

27

Remove line 5 and insert:

28

district boundaries; providing that the district may not levy a

29

tangible personal property tax; providing an effective date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1487

Spring Lake Improvement District, Highlands County

SPONSOR(S): Grimsley

TIED BILLS:

IDEN./SIM. BILLS: SB 2756

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Fudge <i>[Signature]</i>	Hoagland <i>[Signature]</i>
2)	Finance & Tax Council			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

Spring Lake Improvement District (district) is an independent water control district located in Highlands County. The district was created in 1971 pursuant to ch. 71-669, L.O.F.

The bill amends and repeals the district charter to remove obsolete and redundant language. The compensation of the board is increased from \$100 per month to \$250 per month. The district is authorized to acquire by purchase, gift, or condemnation real and personal property outside the district. The bill authorizes the district to:

- Construct and maintain roadways including roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system;
- Establish facilities for providing transportation throughout the district, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the district activities;
- Provide public safety, including security, guardhouses, and patrol cars, when authorized by proper governmental agencies; except the district may not exercise any police power;
- Establish and create departments, committees, boards, or other agencies, including a public relations committee;
- Conduct mosquito control,
- Conduct fire control and emergency medical services with county approval;
- Construct and maintain school facilities which may be leased or sold to the school district when authorized by the district school board; and
- Enforce deed restrictions for defunct homeowners associations.

The bill is effective 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:

Current Situation

Spring Lake Improvement District (district) is an independent water control district located in Highlands County which was created in 1971 pursuant to ch. 71-669, L.O.F. The district consists of 3,359 acres and serves approximately 3,500 residents.

The district is governed by five member board of supervisors. Three supervisors are elected on a one-acre one-vote basis, two are popularly elected. Each supervisor receives \$100 month.

Powers of the District

The district has all powers of a water control district created pursuant to ch. 298, F.S., to construct, operate, and maintain water control systems within the district and to levy assessments and issue bonds to finance such water control systems. The district currently levies \$293 per acre, or if a parcel is smaller than an acre, \$293 per parcel. The district has an annual budget of \$1.935 million that funds all operations including drainage, mosquito control, parks, streetlights, and maintenance of road ways.

The district has the power:

- To contract and be contracted with; to sue and be sued; to adopt a seal; to acquire real or personal property.
- To adopt a water control plan.
- To provide for a district office and the storage and maintenance of the district's equipment.
- To drain and reclaim lands within the district.
- To regulate drainage requirements and set forth conditions to be met for plats to be recorded.
- To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness of the district.
- To build improvements and to acquire equipment.
- To construct bridges, culverts, and roads.
- To hold easements, reservations, or dedications.

- To impose an ad valorem tax, a drainage tax, and a maintenance tax.
- To impose and foreclose special assessment liens.
- To regulate all structures and things which come into contact with or are a part of a district facility.
- To enforce the provisions herein by the promulgation of rules and regulations.
- To cooperate with other drainage districts or governmental agencies.
- To hire employees.
- To exercise all powers necessary.
- To construct, improve, and maintain roadways.
- To make use of public easements.
- To enter into leases.
- To regulate the supply of water within the district.
- To own and operate water and sewer systems.
- To own and operate parks and other recreational facilities.
- To issue bonds.
- To install and operate streetlights.
- To require underground utilities.
- To require district landowners to maintain their property.
- To exercise all powers conferred by ch. 298, F.S.

Enforcement of Deed Restrictions

Section 190.012(4), F.S., allows community development districts to enforce deed restrictions that govern the use and operation of real property and, for which there is no homeowners' association or property owner's association having respective enforcement powers unless, with respect to a homeowners' association whose board is under member control, the association and the district agree in writing to enforcement by the district. The CDD can adopt rules to enforce the deed restrictions only when all of the following conditions exist:

1. The district was in existence on the effective date of this subsection, or is located within a development that consists of multiple developments of regional impact and a Florida Quality Development.
2. For residential districts, the majority of the board has been elected by qualified electors pursuant to the provisions of s. 190.006, F.S.
3. For residential districts, less than 25 percent of residential units are in a homeowners' association.
4. The declarant in any applicable declarations of covenants and restrictions has provided the board with a written agreement that such rules may be adopted. A memorandum of the agreement shall be recorded in the public records.

Effect of Proposed Changes

The bill amends the charter of the district by removing repetitive language already contained in chs. 189 and 298, F.S. The elections provisions of the district's charter are clarified to reflect that there are two popularly elected Board members. The compensation of the Board is increased from \$100 per month to \$250 per month, provided such salary is approved by a super majority of the Board. The

district is authorized to acquire by purchase, gift, or condemnation real and personal property outside the district.¹

Powers of the District

The bill authorizes the district to:

- Construct and maintain roadways including roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system;
- Establish facilities for providing transportation throughout the district, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the district activities;
- Provide public safety, including security, guardhouses, and patrol cars, when authorized by proper governmental agencies; except the district may not exercise any police power;
- Establish and create departments, committees, boards, or other agencies, including a public relations committee;
- Conduct mosquito control,
- Conduct fire control and emergency medical services with county approval; and
- Construct and maintain school facilities which may be leased or sold to the school district when authorized by the district school board.

The compensation of the property appraiser, tax collector, and clerk of the circuit court for services performed in connection with taxes and assessments shall be in accordance with general law.² The levies of non-ad valorem assessments on land less than one acre are assessed as one acre while those parcels over one acre shall be assessed at the nearest whole number of acres. All taxes and assessments of the district are levied, collected, and enforced in the same manner as county taxes.³

Pursuant to ch. 298, F.S., the act, and applicable general law, the district has the power to issue assessment bonds and revenue bonds, without limitation to amount, for financing those systems and facilities contained in section 3.⁴

The bill also requires that all purchases shall be made in compliance with the competitive bid or negotiation provisions of ss. 255.20 and 287.055, F.S., ch. 298, F.S., and applicable general law, and the policies of the district board of supervisors.

Enforcement of Deed Restrictions

The bill authorizes the district to adopt rules necessary to enforce "deed restrictions" within the district. The term "deed restrictions" is defined to include covenants, conditions, restrictions, compliance mechanisms, and enforcement remedies contained in any applicable declarations of covenants and restrictions that govern the use and operation of real property within the district, and for which there is no homeowners' association or property owner's association having enforcement powers or an association having such enforcement powers has not held a meeting within the previous 12 months or

¹ Section 298.22(7), F.S., provides that water control districts "may condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court as identified in the engineer's report, and shall follow the procedure set out in chapter 73. Such powers to condemn or acquire any land or property within or without the district shall also be available for implementing requirements imposed on those districts subject to s. 373.4592."

² Section 43 of the charter.

³ Id.

⁴ The district's current bonding authority is found in subsection 9 of section 2 and subsection 23 of section 10, and sections 22, 23, 24, 28, 29, 30, 31.

the the association and district agree in writing to enforcement by the district. The district may adopt rules pertaining to the deed restrictions that apply only to external appearances or uses and are deemed to be generally beneficial for the district's landowners; are consistent with a development order or regulatory agency permit, or are consistent with the district's water control plan.

B. SECTION DIRECTORY:

- Section 1: Revises the powers of the district.
- Section 2: Repeals various sections of the district's charter.
- Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 13, 2009.

WHERE? In *The News-Sun*, a tri-weekly newspaper published in Highlands County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Constitutional Notice Requirement for Local Bills

Section 10, Art. III of the State Constitution provides that "[n]o special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law."

Section 11.02, F.S., implements the constitutional notice requirement, and requires that such notice "...state the substance of the contemplated law as required by s. 10, Art III of the State Constitution." The advertisement provided with the bill states that the legislation will "codify, reenact, amend and repeal the district's special acts, incorporate chapter 298, Florida Statutes, provide for minimum charter requirements provide powers, provide for applicability of other laws, provide for severability, and provide an effective date."

The bill provides powers to the district which would allow: the district to conduct fire control and emergency medical services with county approval, construct and maintain school facilities which may be leased or sold to the school district when authorized by the district school board, and enforce deed restrictions for defunct homeowners associations for issues such as maintenance and upkeep of homes and landscaping for properties in foreclosure.

While a person whose interests may be affected by these additional powers may not have been made aware of these changes, "the constitution requires only that notice be given of the Subject of the proposed legislation, not that the Object of such legislation be defined in the notice."⁵

B. RULE-MAKING AUTHORITY:

Yes, the district can adopt rules

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

Line 108 includes a period that results in an incomplete sentence.

Line 577 refers to "those systems and facilities provided for in section 3". The correct reference is section 8.

Other Comments

The bill authorizes the district to enforce deed restrictions of defunct homeowners' associations. While this provision is patterned after s. 190.012(4), F.S., cited above, that section does not authorize the enforcement of deed restrictions for defunct homeowners' associations. Moreover, the district cannot satisfy two of those requirements: majority of the board has been elected by qualified electors; and less than 25 percent of residential units are in a homeowners' association.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

⁵ *North Ridge General Hospital, Inc. v. City of Oakland Park*, 374 So.2d 461, 463 (Fla. 1979).

THE NEWS-SUN
2227 U.S. 27 SOUTH
Published three (3) times weekly
SEBRING, HIGHLANDS COUNTY, FLORIDA

**STATE OF FLORIDA,
COUNTY OF HIGHLANDS:**

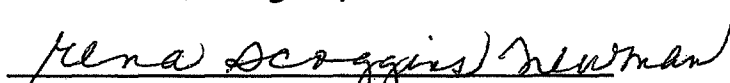
Before the undersigned authority personally appeared Romona Washington, who on oath says that she is Publisher of the News-Sun, a tri-weekly newspaper published at Sebring, in Highlands County, Florida; that the attached copy of advertisement, being a Proof of Publication in the matter of:

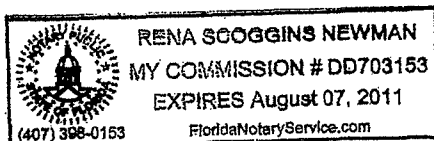
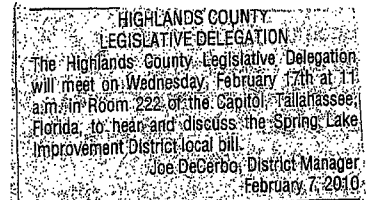
HIGHLANDS COUNTY LEGISLATIVE DELEGATION
FEBRUARY 17, 2010

FEBRUARY 7, 2010

Affiant further says the News-Sun is a newspaper published at Sebring, in Highlands County, Florida, and that the said newspaper has heretofore been continuously published in said County, Florida, Wednesday, Friday and/or Sunday and has been entered as a second class mail matter at the post office Sebring, in said county, Florida, for a period of one year next preceding the first publication of the attached copy of paid nor promised any person, firm or corporation any discount, advertisement; and affiant further says that she has neither rebate, commission or refund of the purchase of securing this advertisement of publication in the said newspaper.


Romona Washington, Publisher


Swore to and subscribed before me
on this 12th day of February A.D. 2010
Notary Public, State of Florida



HOUSE OF REPRESENTATIVES

2010 LOCAL BILL CERTIFICATION FORM

BILL #: HB 1487

SPONSOR(S): Rep. Grimsley

RELATING TO: Spring Lake Improvement District, Highlands County
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Highlands

CONTACT PERSON: Chris Lyon

PHONE NO.: 850-222-5702 E-Mail: clyon@llw-law.com

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: February 17, 2010

Location: Room 221, The Capitol, Tallahassee, Florida

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE December 13, 2009

Where? The News-Sun County Highlands

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

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

YES NO

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


Delegation Chair (Original Signature)

3/9/10
Date

Rep. Denise Grimsley
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 #: HB 1487

SPONSOR(S): Rep. Grimsley

RELATING TO: Spring Lake Improvement District, Highlands County
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures:	<u>FY 10-11</u>	<u>FY 11-12</u>
	\$0	\$0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Federal:	\$0	\$0
State:	\$0	\$0
Local:	\$0	\$0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

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

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

Advantages:

The bill will provide an indeterminate positive economic impact through the streamlining of the District's charter.

Disadvantages:

None.

Economic Impact Statement

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 general and special laws relating to Spring Lake Improvement District, information from the district staff and attorney, and prior experience representing special districts.

PREPARED BY:  3/5/10
[Must be signed by Preparer] Date

TITLE: Legislative Counsel

REPRESENTING: Spring Lake Improvement District

PHONE: 850-222-5702

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

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

Prior to consideration of a substantive amendment to a local bill, the chair of a legislative delegation must certify by signing this Amendment Form that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive council, committee and floor amendments must be accompanied by a completed, original Amendment Form and reviewed by appropriate House staff prior to consideration. An Amendment Form is not required for technical, conforming or clarifying amendments.

BILL NUMBER: HB 1487

SPONSOR(S): Rep. Grimsley

RELATING TO: Spring Lake Improvement District, Highlands County
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Rep. Grimsley

CONTACT PERSON: Chris Lyon

PHONE NO: 850-222-5702 E-MAIL: clyon@llw-law.com

REVIEWED BY STAFF OF THE MILITARY & LOCAL AFFAIRS POLICY COMMITTEE
Must Be Checked

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

Makes technical changes, removes the proposed power for the District to enforce deed restrictions for inactive homeowners associations and requires that the District's resident approve the bill by majority vote at a referendum before it becomes law.

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

To cure any potential deficiencies in the published notice of intent to seek legislation.

III. NOTICE REQUIREMENTS

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

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

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

YES NO UNANIMOUSLY APPROVED


Delegation Chair (Original Signature)

April 7, 2010
Date

Rep. Denise Grimsley
Print Name of Delegation Chair

HB 1487

2010

1 A bill to be entitled
 2 An act relating to Spring Lake Improvement District,
 3 Highlands County; amending chapter 2005-342, Laws of
 4 Florida; deleting obsolete language and language
 5 inconsistent with or repetitive of general law; providing
 6 for minimum charter requirements; amending board,
 7 election, and term of office provisions; amending the
 8 compensation for board members to comply with general law;
 9 deleting obsolete district powers and providing additional
 10 district powers including mosquito control, fire and
 11 emergency services, construction and maintenance of school
 12 facilities, and enforcement of deed restrictions;
 13 providing for applicability of general laws; providing an
 14 effective date.

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

17
 18 Section 1. Subsections (1), (3), (12), (13), and (14) of
 19 section 1, section 4, subsections (1) and (9) of section 5, and
 20 present sections 6, 9, 10, 19, 20, 22, and 48 of section 3 of
 21 chapter 2005-342, Laws of Florida, are amended, and new sections
 22 10, 11, and 12 are added to that section, to read:

23 Section 1. Minimum charter requirements.—In accordance
 24 with section 189.404(3), Florida Statutes, the following are the
 25 minimum requirements for the charter of the Spring Lake
 26 Improvement District:

27 (1) The district is organized and exists for all purposes
 28 set forth in this act and chapter 298, Florida Statutes, as they

29 may be amended from time to time, and applicable general law
 30 except as herein otherwise provided.

31 (3) The district was created by the process contained in
 32 chapter 298, Florida Statutes, and its powers supplemented by
 33 special act.

34 ~~(12) In accordance with this act and chapter 298, Florida~~
 35 ~~Statutes, the district may continue to levy upon all of the real~~
 36 ~~taxable property in the district a special tax each year as~~
 37 ~~maintenance tax.~~

38 ~~(13) The method for collecting non ad valorem assessments,~~
 39 ~~fees, or service charges shall be as set forth in this act and~~
 40 ~~chapters 197 and 298, Florida Statutes, as they may be amended~~
 41 ~~from time to time.~~

42 (12)~~(14)~~ The district's planning requirements shall be as
 43 set forth in chapters 189 and 298, Florida Statutes, as they may
 44 be amended from time to time.

45 Section 4. Applicability ~~of certain provisions~~ of chapter
 46 298, Florida Statutes, to the Spring Lake Improvement District;
 47 inconsistent laws inapplicable.—The provisions of chapter 298,
 48 Florida Statutes, and all amendments thereto, now existing or
 49 hereafter enacted, are declared to be applicable to the Spring
 50 Lake Improvement District insofar as not inconsistent with the
 51 provisions of this act or any subsequent special acts relating
 52 to the Spring Lake Improvement District. ~~Notwithstanding the~~
 53 ~~foregoing, the provisions of sections 298.11, 298.12, 298.14,~~
 54 ~~298.15, 298.17, 298.18, 298.19, 298.20, 298.23, 298.24, 298.25,~~
 55 ~~298.365, 298.366, 298.401, 298.41, 298.465, 298.48, 298.52,~~
 56 ~~298.54, 298.56, 298.57, 298.61, 298.70, 298.71, 298.72, 298.73,~~

HB 1487

2010

57 ~~and 298.74, Florida Statutes, and amendments thereto, shall not~~
 58 ~~be applicable to the Spring Lake Improvement District.~~

59 Section 5. Definitions.—Unless the context indicates
 60 otherwise, the following words as used in this act shall have
 61 the following meanings:

62 (1) "Assessable improvements" includes, without
 63 limitation, any and all ~~drainage and land reclamation works and,~~
 64 ~~facilities, sewer systems, storm sewers and drains, water~~
 65 ~~systems, streets, roads,~~ or other projects of the district, or
 66 that portion or portions thereof, ~~local in nature and~~ of special
 67 benefit to the premises or lands served thereby, and any and all
 68 modifications, improvements, and enlargements thereof.

69 (9) "Water management and flood control facilities" means
 70 any canals, ditches, or other drainage facilities, reservoirs,
 71 dams, levees, sluiceways, dredging holding basins, floodways,
 72 pumping stations, or any other works, structures, or facilities
 73 for the conservation, control, development, utilization, and
 74 disposal of water, and any purposes appurtenant, necessary, or
 75 incidental thereto, and includes all real and personal property
 76 and any interest therein, rights, easements, and franchises of
 77 any nature relating to any such water and flood control
 78 facilities or necessary or convenient for the acquisition,
 79 construction, reconstruction, operation, or maintenance thereof.

80 Section 6. Board; election; organization, terms of office,
 81 quorum; report and minutes.—

82 (1) The board of the district shall be elected and shall
 83 exercise the powers granted to the district under this act and
 84 under chapter 298, Florida Statutes. ~~The board shall consist of~~

85 ~~the number of members, and each member shall hold office for the~~
 86 ~~term of years until his or her successor shall be chosen and~~
 87 ~~shall qualify, as set forth in section 189.4051, Florida~~
 88 ~~Statutes. All members of the board shall be landowners within~~
 89 ~~the district.~~

90 (2) The district is governed by a five-member board of
 91 supervisors. The composition of the board, as well as the terms
 92 of office and qualification of supervisors, shall be determined
 93 pursuant to section 189.4051, Florida Statutes. All supervisors
 94 shall be landowners within the district.

95 (3) Those supervisors elected on a one-acre one-vote basis
 96 shall be elected at a meeting of the landowners to be held in
 97 the month of November of each year. All landowners' meetings
 98 shall be held pursuant to sections 298.11 and 298.12, Florida
 99 Statutes. The remaining supervisors shall be elected pursuant to
 100 section 189.4051, Florida Statutes, and shall be district
 101 residents and registered voters.

102 (4) The terms of office for those supervisors elected on a
 103 one-acre one-vote basis shall begin with the next regularly
 104 scheduled board meeting following the election. The terms of
 105 office for all other supervisors shall begin with the next
 106 regularly scheduled board meeting after certification of the
 107 election by the Highlands County Supervisor of Elections. Before
 108 entering upon his or her official duties, all supervisors.

109 ~~(2) In the month of November of each year commencing~~
 110 ~~November of 1992, there shall be held a meeting of the~~
 111 ~~landowners of the district at a location within the district in~~
 112 ~~Highlands County for the purpose of electing one supervisor for~~

113 ~~a term of 3 years. The president of the board at the time of the~~
 114 ~~November 1992 election shall have his or her term extended until~~
 115 ~~the November 1994 election. The secretary of the board at the~~
 116 ~~time of the November 1992 election shall have his or her term~~
 117 ~~extended until the November 1993 election. The remaining~~
 118 ~~position of supervisor shall stand for election at the November~~
 119 ~~1992 meeting of landowners. Notice of said landowners meeting~~
 120 ~~shall be published once a week for 2 consecutive weeks in a~~
 121 ~~newspaper in Highlands County which is in general circulation~~
 122 ~~within the district, the last said publication to be not less~~
 123 ~~than 14 days nor more than 28 days before the date of the~~
 124 ~~election. The landowners when assembled at such meeting shall~~
 125 ~~organize by electing a chair who shall conduct the meeting. At~~
 126 ~~such meeting each landowner shall be entitled to cast one vote~~
 127 ~~per acre of land owned by him or her and located within the~~
 128 ~~district, for each person to be elected. A landowner may vote in~~
 129 ~~person or by proxy in writing. Fractions of an acre shall be~~
 130 ~~treated as 1 acre, entitling the landowner to one vote with~~
 131 ~~respect thereto. The person receiving the highest number of~~
 132 ~~votes for the office of supervisor shall be declared elected as~~
 133 ~~such supervisor. The owners and proxy holders of district~~
 134 ~~acreage who are present at a duly noticed landowners meeting~~
 135 ~~shall constitute a quorum for the purpose of holding such~~
 136 ~~election or any election thereafter. The provisions of this~~
 137 ~~section do not exempt the district from the election provisions~~
 138 ~~of section 189.4051, Florida Statutes.~~

139 ~~(3) Each supervisor before entering upon his or her~~
 140 ~~official duties shall take and subscribe to an oath of office as~~

141 prescribed in section 298.13, Florida Statutes.

142 (5)~~(4)~~ All supervisors shall hold office for the terms for
 143 which they are elected or appointed and until their successors
 144 shall be chosen and qualify. In case of a vacancy in the office
 145 of any supervisor the remaining supervisor or supervisors (even
 146 though less than a quorum) may fill such vacancy by appointment
 147 of a new supervisor or supervisors for the unexpired term of the
 148 supervisor who vacated his or her office.

149 (6)~~(5)~~ As soon as practicable after each election, the
 150 board shall organize by choosing one of their number as
 151 president of the board and by electing a secretary, who need not
 152 be a member of the board.

153 (7)~~(6)~~ A majority of the members of the board shall
 154 constitute a quorum.

155 ~~(7) The board shall keep a permanent record book entitled~~
 156 ~~"Record of Proceedings of Spring Lake Improvement District," in~~
 157 ~~which the minutes of all meetings, resolutions, proceedings,~~
 158 ~~certificates, bonds given by all employees, and any and all~~
 159 ~~corporate acts, shall be recorded. Such record book shall at~~
 160 ~~reasonable times be open to the inspection of any landowner,~~
 161 ~~taxpayer, resident, or bondholder of the district, and such~~
 162 ~~other persons as the board may determine to have a proper~~
 163 ~~interest in the proceedings of the board. Such record book shall~~
 164 ~~be kept at any office or other regular place of business~~
 165 ~~maintained by the board in Highlands County.~~

166 (8) Whenever any election shall be authorized or required
 167 by this act to be held by the landowners at any particular or
 168 stated time or day, and if for any reason such election is not

169 held at such time or on such day, then in such event the power
 170 or duty to hold such election shall not cease or lapse, but such
 171 election shall be held thereafter when practicable, and in
 172 accordance with the procedures provided by this act.

173 Section 7.9.- Compensation of board.-Each supervisor shall
 174 be entitled to receive for his or her services an amount not to
 175 exceed \$250 per month, provided such salary is approved by a
 176 super majority of the board \$100 per month. In addition, each
 177 supervisor shall receive reasonable traveling expenses for
 178 attending the place of meeting from his or her residence. Unless
 179 the board by resolution otherwise provides, such traveling
 180 expenses shall not be in excess of the amounts provided by law
 181 for state and county officials.

182 Section 8.10.- Powers of the district.-The district shall
 183 have, and the board may exercise, any or all of the following
 184 powers:

185 (1) The district shall have the following powers:

186 (a) To contract and be contracted with; to sue and be sued
 187 by its in the name in any court of law or in equity, to make
 188 contracts, and of the district; to adopt and use a corporate
 189 seal and to alter the same at pleasure.

190 (b) To acquire by purchase, gift, or condemnation devise,
 191 eminent domain, (except as limited herein), or otherwise,
 192 property, real and or personal, property, either or both any
 193 estate therein, within or without the district, and to convey
 194 and dispose be used for any of such real and personal property,
 195 either or both, as may be necessary or convenient to carry out
 196 the purposes, or any of the purposes, of this act and chapters

197 | 189 and 298, Florida Statutes.

198 | (c) To finance, fund, construct, operate, and maintain
 199 | canals, ditches, drains, levees, lakes, ponds, and other works
 200 | for water management and control purposes.

201 | ~~(2) To adopt a water control plan; and to establish,~~
 202 | ~~construct, operate, and maintain a system of main and lateral~~
 203 | ~~canals, drains, ditches, levees, dikes, dams, sluices, locks,~~
 204 | ~~revetments, reservoirs, holding basins, floodways, pumping~~
 205 | ~~stations, syphons, culverts, and storm sewers to drain and~~
 206 | ~~reclaim the lands within the district and to connect some or any~~
 207 | ~~of them with roads and bridges as in the judgment of the board~~
 208 | ~~is deemed advisable to provide access to such facilities.~~

209 | ~~(3) To acquire and maintain appropriate sites for storage~~
 210 | ~~and maintenance of the equipment of the district and to acquire,~~
 211 | ~~maintain, and construct a suitable building to house the office~~
 212 | ~~and records of the district.~~

213 | ~~(4) To clean out, straighten, widen, open up, or change~~
 214 | ~~the courses and flow, alter, or deepen any canal, ditch, drain,~~
 215 | ~~river, water course, or natural stream as within the judgment of~~
 216 | ~~the board is deemed advisable to drain and reclaim lands within~~
 217 | ~~the district; to~~

218 | (d) To finance, fund, acquire, purchase, operate, and
 219 | maintain pumps, plants, and pumping systems for water management
 220 | and control drainage purposes. ~~and~~

221 | (e) To finance, fund, construct, operate, and maintain
 222 | irrigation works, and machinery, and plants in connection with
 223 | the purposes herein set forth.

224 | ~~(5) To regulate and set forth by appropriate resolution~~

225 ~~the drainage requirements and conditions to be met for plats to~~
226 ~~be entitled to record on any land within the district, including~~
227 ~~authority to require as a condition precedent for any platting~~
228 ~~that good and sufficient bond be posted to ensure proper~~
229 ~~drainage for the area to be platted.~~

230 ~~(6) To borrow money and issue bonds, certificates,~~
231 ~~warrants, notes, or other evidences of indebtedness of the~~
232 ~~district as hereinafter provided.~~

233 ~~(7) To build and construct any other works and~~
234 ~~improvements deemed necessary to preserve and maintain the works~~
235 ~~in or out of the district; to acquire, construct, operate,~~
236 ~~maintain, use, sell convey, transfer, or otherwise provide for~~
237 ~~machines and equipment for any purpose authorized by this act or~~
238 ~~chapter 298, Florida Statutes; and to contract for the purchase,~~
239 ~~construction, operation, maintenance, use, sale, conveyance, and~~
240 ~~transfer of said machinery and equipment.~~

241 ~~(8) To construct or enlarge, or cause to be constructed or~~
242 ~~enlarged, any and all bridges or culverts that may be needed in~~
243 ~~or out of the district, across any drain, ditch, canal,~~
244 ~~floodway, holding basin, excavation, public highway, tract,~~
245 ~~grade, fill, or cut; to construct roadways over levees and~~
246 ~~embankments; to construct any and all of said works and~~
247 ~~improvements across, through, or over any public right of way,~~
248 ~~highway, grade, fill, or cut in or out of the district.~~

249 ~~(9) To hold, control, and acquire by donation, purchase,~~
250 ~~or condemnation, any easement, reservation, or dedication in the~~
251 ~~district, for any of the purposes herein provided. To condemn as~~
252 ~~provided by chapters 73 and 74, Florida Statutes, or acquire, by~~

253 ~~purchase or grant for use in the district, any land or property~~
 254 ~~within the district necessary for the purposes of this act.~~

255 ~~(10) To access and impose an ad valorem tax, an annual~~
 256 ~~drainage tax, and a maintenance tax as hereinafter provided.~~

257 ~~(11) To impose and foreclose special assessment liens as~~
 258 ~~hereinafter provided.~~

259 ~~(12) To prohibit, regulate, and restrict by appropriate~~
 260 ~~resolution all structures, materials, and things, whether solid,~~
 261 ~~liquid, or gas, whether permanent or temporary in nature, which~~
 262 ~~come upon, come into, connect to, or be a part of any facility~~
 263 ~~owned or operated by the district.~~

264 ~~(13) To administer and provide for the enforcement of all~~
 265 ~~of the provisions herein, including the making, adopting,~~
 266 ~~promulgating, amending, and repealing of all rules and~~
 267 ~~regulations necessary or convenient for the carrying out of the~~
 268 ~~duties, obligations, and powers conferred on the district~~
 269 ~~created hereby.~~

270 ~~(14) To cooperate with or contract with other drainage~~
 271 ~~districts or other governmental agencies as may be necessary,~~
 272 ~~convenient, incidental, or proper in connection with any of the~~
 273 ~~powers, duties, or purposes of the district as stated in this~~
 274 ~~act.~~

275 ~~(15) To employ engineers, attorneys, agents, employees,~~
 276 ~~and representatives as the board of supervisors may from time to~~
 277 ~~time determine necessary and to fix their compensation and~~
 278 ~~duties.~~

279 ~~(16) To exercise all of the powers necessary, convenient,~~
 280 ~~incidental, or proper in connection with any of the powers,~~

281 ~~duties, or purposes of said district as stated in this act.~~

282 (f) ~~(17)~~ To finance, fund, construct, improve, pave, and
 283 maintain roadways and roads necessary and convenient for the
 284 exercise of the powers or duties or any of the powers or duties
 285 of the district or the supervisors thereof; and to include as a
 286 component of roads, parkways, bridges, landscaping, irrigation,
 287 bicycle and jogging paths, street lighting, traffic signals,
 288 road striping, and all other customary elements of a modern road
 289 system ~~to provide access to and efficient development of areas~~
 290 ~~made suitable and available for cultivation, settlement, urban~~
 291 ~~subdivision, homesites, and other beneficial developments as a~~
 292 ~~result of the drainage operations of the district.~~

293 ~~(18)~~ To make use of any public easements, dedications to
 294 public use, platted reservations for public purposes, or any
 295 reservations for drainage purposes within the boundaries of the
 296 district.

297 ~~(19)~~ To lease as lessor or lessee to or from any person,
 298 firm, corporation, association, or body, public or private, any
 299 projects of the type that the district is authorized to
 300 undertake and facilities or property of any nature for the use
 301 of the district to carry out any of the purposes of this act.

302 ~~(20)~~ To regulate the supply and level of water within the
 303 district; to divert waters from one area, lake, pond, river,
 304 stream, basin, or drainage or water flood control facility to
 305 any other area, lake, pond, river, stream, basin, or drainage
 306 and water flood control facility; to regulate control and
 307 restrict the development and use of natural or artificial
 308 streams or bodies of water, lakes, or ponds; and to take all

309 ~~measures determined by the board to be necessary or desirable to~~
 310 ~~prevent or alleviate land erosion. The powers granted to the~~
 311 ~~district by this subsection shall be concurrent within the~~
 312 ~~boundaries of the district with other public bodies, agencies,~~
 313 ~~or authorities as may be authorized by law. The district is~~
 314 ~~eligible to receive moneys, disbursements, and assistance from~~
 315 ~~the state available to flood control or water management~~
 316 ~~districts and the navigation districts or agencies.~~

317 (g) (21) To finance, fund, plan, establish own, acquire,
 318 construct or, reconstruct, enlarge or extend, equip, operate,
 319 and maintain, extend, and improve water systems and facilities
 320 for providing transportation throughout the district, including
 321 private or contract carriers, buses, vehicles, railroads, and
 322 other transportation facilities, to meet the transportation
 323 requirements of the district activities conducted within the
 324 district sewer systems or combined water and sewer systems; to
 325 ~~regulate the use of sewers and the supply of water within the~~
 326 ~~district and to prohibit or regulate the use and maintenance of~~
 327 ~~outhouses, privies, septic tanks, or other sanitary structures~~
 328 ~~or appliances within the district; to prescribe methods of~~
 329 ~~pretreatment of wastes not amenable to treatment with domestic~~
 330 ~~sewage before accepting such wastes for treatment and to refuse~~
 331 ~~to accept such wastes when not sufficiently pretreated as may be~~
 332 ~~prescribed, and to prescribe penalties for the refusal of any~~
 333 ~~person or corporation to so pretreat such wastes; to sell or~~
 334 ~~otherwise dispose of the effluent, sludge, or other byproducts~~
 335 ~~as a result of sewage treatment; and to construct and operate~~
 336 ~~connecting, intercepting, or outlet sewers and sewer mains and~~

337 ~~pipes and water mains, conduits, or pipelines in, along, or~~
 338 ~~under any street, alleys, highways, or other public places or~~
 339 ~~ways within or without the district, when deemed necessary or~~
 340 ~~desirable by the board. The plans for any water or sewer system~~
 341 ~~shall be subject to the approval of the State Board of Health.~~

342 (h)(22) To own, finance, fund, plan, establish, acquire,
 343 construct or reconstruct, enlarge or extend, equip, operate, and
 344 maintain parking facilities within the district boundaries.

345 (i) To finance, fund, plan, establish, acquire, construct
 346 or reconstruct, enlarge or extend, equip, operate, and maintain
 347 additional systems and facilities for parks and facilities for
 348 indoor and outdoor recreational recreation, cultural, and
 349 educational uses including buildings and equipment for such
 350 uses, playgrounds, picnic grounds, camping facilities, and water
 351 recreation facilities within or without the district.

352 (j) To acquire, construct, finance, fund, operate, and
 353 maintain water plants and systems to produce, purify, and
 354 distribute water for consumption.

355 (k) To acquire, construct, finance, fund, operate, and
 356 maintain sewer systems for the collection, disposal, and reuse
 357 of waste and to prevent water pollution in the district.

358 (l) To levy non-ad valorem assessments; to prescribe, fix,
 359 establish, and collect rates, fees, rentals, fares, or other
 360 charges, and to revise the same from time to time, for the
 361 facilities and services furnished or to be furnished by the
 362 district; and to recover the cost of making connection to any
 363 district facility or system.

364 (m) To provide for the discontinuance of service and

HB 1487

2010

365 reasonable penalties, including attorney's fees, against any
366 user or property for any such rates, fees, rentals, fares, or
367 other charges that become delinquent and require collection.
368 However, no charges or fees shall be established until after a
369 public hearing of the board at the district at which all
370 affected persons shall be given an opportunity to be heard.

371 (n) To enter into agreements with any person, firm, or
372 corporation for the furnishing by such person, firm, or
373 corporation of any facilities and services of the type provided
374 for in this act.

375 (o) To construct and maintain facilities for and take
376 measures to control mosquitoes and other arthropods of public
377 health importance.

378 (p) To finance, fund, plan, establish, acquire, construct
379 or reconstruct, enlarge or extend, equip, operate, and maintain
380 additional systems and facilities for conservation areas,
381 mitigation areas, and wildlife habitat, including the
382 maintenance of any plant or animal species, and any related
383 interest in real or personal property.

384 (q) To borrow money and issue negotiable or other bonds of
385 the district as hereinafter provided; to borrow money, from time
386 to time, and issue negotiable or other notes of the district
387 therefore, bearing interest at an amount not to exceed the
388 maximum interest allowable by law, in anticipation of the
389 collection of taxes and assessments or revenues of the district;
390 and to pledge or hypothecate such taxes, assessments, and
391 revenues to secure such bonds, notes, or obligations, and to
392 sell, discount, negotiate, and dispose of the same.

HB 1487

2010

393 (r) To provide public safety, including, but not limited
394 to, security, guardhouses, fences and gates, electronic
395 intrusion detection systems, and patrol cars, when authorized by
396 proper governmental agencies; except that the district may not
397 exercise any police power, but may contract with the appropriate
398 local general-purpose government agencies for an increased level
399 of such service within the district boundaries.

400 (s) To provide systems and facilities for fire prevention
401 and control and emergency medical services, including the
402 construction or purchase of fire stations, water mains and
403 plugs, fire trucks, and other vehicles and equipment consistent
404 with any adopted Highlands County ordinances, rules, or
405 regulations.

406 (t) To finance, fund, plan, establish, acquire, construct
407 or reconstruct, enlarge or extend, equip, and maintain
408 additional systems and facilities for school buildings and
409 related structures pursuant to this act and chapter 1013,
410 Florida Statutes, which may be leased, sold, or donated to the
411 school district for use in the educational system when
412 authorized by the district school board.

413 (u) To adopt rules necessary for the district to enforce
414 certain deed restrictions pertaining to the use and operation of
415 real property within the district. For the purpose of this
416 subsection, the term "deed restrictions" means those covenants,
417 conditions, restrictions, compliance mechanisms, and enforcement
418 remedies contained in any applicable declarations of covenants
419 and restrictions that govern the use and operation of real
420 property within the district and, for which covenants,

HB 1487

2010

421 conditions, and restrictions, there is no homeowners'
422 association or property owner's association having respective
423 enforcement powers or an association with such enforcement
424 powers has not held a publicly noticed regular or special
425 meeting within the previous 12 months unless, with respect to a
426 homeowners' association whose board is under member control and
427 which has held a publicly noticed regular or special meeting
428 within the previous 12 months, the association and the district
429 agree in writing to enforcement by the district. The district
430 may adopt by rule all or certain portions of the deed
431 restrictions that:

432 1. Relate to limitations, or prohibitions, compliance
433 mechanisms, or enforcement remedies that apply only to external
434 appearances or uses and are deemed by the district to be
435 generally beneficial for the district's landowners and for which
436 enforcement by the district is appropriate, as determined by the
437 district's governing board;

438 2. Are consistent with the requirements of a development
439 order or regulatory agency permit; or

440 3. Are consistent with the district's water control plan.

441 ~~(23) To issue general obligation bonds, revenue bonds,~~
442 ~~assessment bonds, or any other bonds or obligations authorized~~
443 ~~by the provisions of this act or any other law, or any~~
444 ~~combination of the foregoing, to pay all or part of the cost of~~
445 ~~the acquisition, construction, reconstruction, extension,~~
446 ~~repair, improvement, maintenance, or operation of any project or~~
447 ~~combination of projects, to provide for any facility, service,~~
448 ~~or other activity of the district and to provide for the~~

HB 1487

2010

449 ~~retirement or refunding of any bonds or obligations of the~~
 450 ~~district, or for any combination of the foregoing purposes.~~

451 ~~(24) To build, install, maintain, and operate~~
 452 ~~streetlights.~~

453 (v) ~~(25)~~ To require that all new and existing public and
 454 private utilities and services used for local distribution
 455 purposes, excluding primary feeders, be constructed underground;
 456 to construct, alter, and maintain said underground utilities;
 457 and, to the extent allowed by law, to regulate and restrict by
 458 appropriate resolution the location, type, construction, and
 459 maintenance by others of said underground utilities.

460 (w) To establish and create such departments, committees,
 461 boards, or other agencies, including a public relations
 462 committee, as from time to time the board of supervisors may
 463 deem necessary or desirable in the performance of this act or
 464 other things necessary to the exercise of the powers provided in
 465 this act, and to delegate to such departments, boards, or other
 466 agencies such administrative duties and other powers as the
 467 board of supervisors may deem necessary or desirable.

468 (x) ~~(26)~~ To require every landowner within the district to
 469 maintain his or her respective property in a neat and attractive
 470 condition, free of high grass, weeds, underbrush, and refuse; to
 471 regulate and restrict by appropriate resolution the maintenance
 472 thereof; to mow and maintain said property on the landowner's
 473 failure to do so; and to impose, assess, collect, and place a
 474 lien upon such property for the cost and expense of mowing and
 475 maintenance by the district.

476 (y) To exercise all other powers necessary, convenient, or

477 proper in connection with any of the powers or duties of the
 478 district stated in this act. The powers and duties of the
 479 district shall be exercised by and through the board of
 480 supervisors thereof, which board shall have the authority to
 481 employ engineers, attorneys, agents, employees, and
 482 representatives as the board of supervisors may, from time to
 483 time, determine, and to fix their compensation and duties.
 484 However, in addition thereto, the district shall have all of the
 485 powers provided for in chapter 298, Florida Statutes. All powers
 486 and authority of the district shall extend and apply to the
 487 district as a whole and to each unit of development as, from
 488 time to time, may be designated by the board of supervisors.

489 ~~(27) To exercise any and all other powers conferred upon~~
 490 ~~drainage districts by chapter 298, Florida Statutes.~~

491 Section 10. Taxes; non-ad valorem assessments.-

492 (1) NON-AD VALOREM ASSESSMENTS.-Non-ad valorem assessments
 493 for the construction, operation, or maintenance of district
 494 facilities, services, and operations shall be assessed, levied,
 495 and collected pursuant to chapter 298, chapter 170, or chapter
 496 197, Florida Statutes.

497 ~~(2) Section 19. TAXES, ASSESSMENTS, AND COSTS; A LIEN ON~~
 498 ~~LAND AGAINST WHICH ASSESSED, ETC. Tax liens.-All taxes and~~
 499 ~~assessments of the district provided for in this act or chapter~~
 500 ~~298, Florida Statutes, together with all penalties for default~~
 501 ~~in the payment of the same, and all costs in collecting the same~~
 502 ~~including reasonable attorney's fees fixed by the court and~~
 503 ~~taxed as cost in the action brought to enforce payment, shall,~~
 504 ~~from the date of January 1 for each year the property is liable~~

505 ~~to~~ assessment thereof and until paid, constitute a lien of equal
 506 dignity with the liens for ~~state and county taxes,~~ and other
 507 taxes of equal dignity with ~~state and county taxes,~~ upon all the
 508 lands against which such taxes shall be levied as is provided in
 509 this act. ~~A sale of any of the real property within the district~~
 510 ~~for state and county or other taxes shall not operate to relieve~~
 511 ~~or release the property so sold from the lien for subsequent~~
 512 ~~district taxes or installments of district taxes which lien may~~
 513 ~~be enforced against such property as though no such sale thereof~~
 514 ~~had been made. The provisions of section 194.171, Florida~~
 515 ~~Statutes, and amendments thereto shall be applicable to district~~
 516 ~~taxes with the same force and effect as if said provisions were~~
 517 ~~expressly set forth in this act.~~

518 (3) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR, AND
 519 CLERK OF THE CIRCUIT COURT.—The Property Appraiser, Tax
 520 Collector, and Clerk of the Circuit Court of Highlands County
 521 shall be entitled to compensation for services performed in
 522 connection with taxes and assessments of the district as
 523 provided by general law.

524 (4) LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN
 525 1 ACRE.—In levying and assessing all assessments, each tract or
 526 parcel of land less than 1 acre in area shall be assessed as a
 527 full acre, and each tract or parcel of land more than 1 acre in
 528 area which contains a fraction of an acre shall be assessed at
 529 the nearest whole number of acres, a fraction of one-half or
 530 more to be assessed as a full acre.

531 Section 11. When unpaid taxes and assessments delinquent;
 532 penalty.—All taxes and assessments provided for in this act

533 shall be and become delinquent and bear penalties on the amount
 534 of the taxes in the same manner as county taxes.

535 Section 12. Enforcement of taxes and assessments.—The
 536 collection and enforcement of all taxes and assessments levied
 537 by the district shall be at the same time and in like manner as
 538 county taxes, and the provisions of the Florida Statutes
 539 relating to the sale of lands for unpaid and delinquent county
 540 taxes, the issuance, sale, and delivery of tax certificates for
 541 such unpaid and delinquent county taxes, the redemption thereof,
 542 the issuance to individuals of tax deeds based thereon, and all
 543 other procedures in connection therewith shall be applicable to
 544 the district and the delinquent and unpaid taxes of the district
 545 to the same extent as if the statutory provisions were expressly
 546 set forth in this act. All taxes and assessments shall be
 547 subject to the same discounts as county taxes.

548 Section 13.20. Issuance of revenue bonds, assessment
 549 bonds, and bond anticipation notes.—

550 (1) In addition to the other powers provided the district,
 551 ~~for in this act~~ and not in limitation thereof, the district
 552 shall have the power, pursuant to this act, chapter 298, Florida
 553 Statutes, and applicable general law, at any time, and from time
 554 to time after the issuance of any bonds of the district shall
 555 have been authorized, to borrow money for the purposes for which
 556 such bonds are to be issued in anticipation of the receipt of
 557 the proceeds of the sale of such bonds and to issue bond
 558 anticipation notes in a principal sum not in excess of the
 559 authorized maximum amount of such bond issue. ~~Such notes shall~~
 560 ~~be in such denomination or denominations, bear interest at such~~

561 ~~rate as the board may determine not to exceed 10 percent per~~
 562 ~~annum, mature at such time or times not later than 5 years from~~
 563 ~~the date of issuance, and be in such form and executed in such~~
 564 ~~manner as the board shall prescribe. Such notes may be sold at~~
 565 ~~either public or private sale or, if such notes shall be renewal~~
 566 ~~notes, may be exchanged for notes then outstanding on such terms~~
 567 ~~as the board shall determine. Such notes shall be paid from the~~
 568 ~~proceeds of such bonds when issued. The board may in its~~
 569 ~~discretion, in lieu of retiring the notes by means of bonds,~~
 570 ~~retire them by means of current revenues or from any taxes or~~
 571 ~~assessments levied for the payment of such bonds, but in such~~
 572 ~~event a like amount of the bonds authorized shall not be issued.~~

573 (2) Pursuant to chapter 298, Florida Statutes, this act,
 574 and applicable general law, the district shall have the power to
 575 issue assessment bonds and revenue bonds from time to time,
 576 without limitation as to amount, for the purpose of financing
 577 those systems and facilities provided for in section 3. Such
 578 revenue bonds may be secured by, or payable from, the gross or
 579 net pledge of the revenues to be derived from any project or
 580 combination of projects; from the rates, fees, or other charges
 581 to be collected from the users of any project or projects; from
 582 any revenue-producing undertaking or activity of the district;
 583 from non-ad valorem assessments; or from any other source or
 584 pledged security. Such bonds shall not constitute an
 585 indebtedness of the district, and the approval of the qualified
 586 electors shall not be required unless such bonds are
 587 additionally secured by the full faith and credit and taxing
 588 power of the district.

589 (3) ~~Section 22. Issuance of bonds. In the discretion of~~
 590 ~~the board,~~ Any issue of bonds may be secured by a trust
 591 agreement by and between the district and a corporate trustee or
 592 trustees, which may be any trust company or bank having the
 593 powers of a trust company within or without the state. The
 594 resolution authorizing the issuance of the bonds or such trust
 595 agreement may pledge the revenues to be received from any
 596 projects of the district and may contain such provisions for
 597 protecting and enforcing the rights and remedies of the
 598 bondholders as the board may approve, including, without
 599 limitation, covenants, setting forth the duties of the district
 600 in relation to the acquisition, construction, reconstruction,
 601 stewardship, ~~reconstructions, improvements,~~ maintenance, repair,
 602 operation, and insurance of any projects;; the fixing and
 603 revising of the rates, fees, and charges;; and the custody,
 604 safeguarding, and application of all moneys, and for the
 605 employment of consulting ~~counseling~~ engineers in connection with
 606 such acquisition, construction, reconstruction, stewardship
 607 ~~improvement,~~ maintenance, repair, or operation. ~~It shall be~~
 608 ~~lawful for any bank or trust company incorporated under the laws~~
 609 ~~of the state which may act as a depository of the proceeds of~~
 610 ~~bonds or of revenues to furnish such indemnifying bonds or to~~
 611 ~~pledge such securities as may be required by the district. Such~~
 612 ~~resolution or trust agreement may set forth the rights and~~
 613 ~~remedies of the bondholders and of the trustee, if any, and may~~
 614 ~~restrict the individual right of action by bondholders. The~~
 615 ~~board may provide for the payment of the proceeds of the sale of~~
 616 ~~the bonds and the revenues of any project to such officer,~~

617 ~~board, or depository as it may designate for the custody~~
 618 ~~thereof, and for the method of disbursement thereof with such~~
 619 ~~safeguards and restrictions as it may determine. All expenses~~
 620 ~~incurred in carrying out the provisions of such resolution or~~
 621 ~~trust agreement may be treated as party of the cost of operation~~
 622 ~~of the project to which such trust agreement pertains.~~

623 (4) Bonds of each issue shall be dated; shall bear
 624 interest at such rate or rates, including variable rates, which
 625 interest may be tax exempt or taxable for federal income tax
 626 purposes; shall mature at such time or times from their date or
 627 dates; and may be made redeemable before maturity at such price
 628 or prices and under such terms and conditions as may be
 629 determined by the board.

630 (5) The district shall have the power to issue bonds for
 631 the purpose of refunding any outstanding bonds of the district.

632 Section ~~16.48.~~ Bids required.—No contract shall be let by
 633 the board for the construction or maintenance of any project
 634 authorized by this act, nor shall any goods, supplies, or
 635 materials be purchased except in compliance with the competitive
 636 bid or negotiations provisions of sections 255.20 and 287.055,
 637 Florida Statutes, chapter 298, Florida Statutes, other
 638 applicable general law, and the policies of the district board
 639 of supervisors ~~when the amount thereof to be paid by said~~
 640 ~~district shall exceed the amount provided in section 287.017,~~
 641 ~~Florida Statutes, for category two, unless notice of bids shall~~
 642 ~~be advertised once a week for 2 consecutive weeks in a newspaper~~
 643 ~~published in Highlands County and in general circulation within~~
 644 ~~the district, and in each case the bid of the lowest responsible~~

HB 1487

2010

645 ~~bidder shall be accepted, unless all bids are rejected because~~
 646 ~~the bids are too high. The board may require the bidders to~~
 647 ~~furnish bond with responsible surety to be approved by the~~
 648 ~~board.~~ Nothing in this section shall prevent the board from
 649 undertaking and performing the construction, operation, and
 650 maintenance of any project or facility authorized by this act by
 651 the employment of labor, material, and machinery.

652 Section 2. Sections 7, 8, 12, 13, 14, 15, 16, 17, 18, 21,
 653 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38,
 654 39, 40, 41, 43, 44, 45, 46, 50, and 51 of section 3 of chapter
 655 2005-342, Laws of Florida, are repealed.

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

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1487 (2010)

Amendment No. 1

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(s) Dorworth offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 413-440
7
8
9

10 -----

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

12 Remove line 12 and insert:
13 facilities;

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1487 (2010)

Amendment No. 2

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(s) Dorworth offered the following:

4

5 **Amendment**

6 Remove line 577 and insert:

7 those systems and facilities provided for in section 8.

8 Such

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1487 (2010)

Amendment No. 3

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(s) Dorworth offered the following:
4

5 **Amendment (with title amendment)**

6 Remove line 656 and insert:

7 Section 3. Referendum.—In conjunction with the general
8 election of November 2010, the Supervisor of Elections of
9 Highlands County shall conduct a referendum on the question of
10 granting the Spring Lake Improvement District certain additional
11 powers. The referendum question shall be posed as follows:

12
13 Shall the Spring Lake Improvement District be authorized to
14 provide public safety and security services, fire rescue
15 services with the approval of the county, and mosquito control
16 services; to construct and maintain district transportation
17 facilities and educational facilities with the approval of the
18 county school board; to establish district departments,

Amendment No. 3

19 committees and boards; and compensate its supervisors up to \$250
20 per month with supermajority approval of the board?

21

22 _____ Yes

23 _____ No

24

25 Section 4. This act shall take effect only upon its
26 approval by a majority vote of those qualified electors of the
27 district voting in a referendum conducted in accordance with the
28 provisions of law relating to elections currently in force,
29 except that this section and Section 3 shall take effect upon
30 becoming law.

31

32

33

34 -----

35

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

36

Remove line 13 and insert:

37

providing for applicability of general laws; providing for a
38 referendum; providing a ballot statement; providing an

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1487 (2010)

Amendment No. 4

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(s) Dorworth offered the following:

4

5 **Amendment**

6 Remove line 108 and insert:

7 entering upon his or her official duties, all supervisors

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1629

Hillsborough County

SPONSOR(S): Glorioso

TIED BILLS:

IDEN./SIM. BILLS: SB 2814

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

SUMMARY ANALYSIS

Recent challenges to Hillsborough County Public Transportation Commission rules filed at Division of Administrative Hearings (DOAH), have been dismissed for lack of jurisdiction.

The bill amends ch. 2001-299, L.O.F., so that any person substantially affected by a rule or proposed rule of the Hillsborough County Public Transportation Commission may challenge the validity of the rule at DOAH pursuant to s. 120.56, F.S.

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

Background

Chapter 2001-299, L.O.F., created the Hillsborough County Public Transportation Commission (PTC) to regulate and supervise the operation of public vehicles on the public highways of Hillsborough County and its municipalities, and all other matters affecting the relationship between the operation of public vehicles and the traveling public.

The PTC is an independent special district, and except as otherwise provided by ch. 2001-299, L.O.F., the PTC must comply with all applicable provisions of ch. 189, F.S.,¹ and any other general law relating to special districts.

Membership

The PTC currently consists of seven elected public officials representing the municipalities and governments within Hillsborough County. The membership consists of three members from the Hillsborough County Board of County Commissioners appointed by this board, two members from the Tampa City Council appointed by this council, one member from the Plant City Commission appointed by this commission, and one member from the Temple Terrace City Council appointed by this council. Each member must serve without compensation, and the term of the office is for a period of two years. In addition, each governing body must also appoint an alternate member to the PTC to serve during the absence of any regular member.

Application and Licensing Process

The PTC requires companies, their owners and operators, and their vehicles and drivers, to submit to an application and review process that requires minimum standards, as set forth by the PTC, before obtaining a "permit" or "certificate" from the PTC to operate. These "Operator Permit" rules include a "Certificate Of Public Convenience and Necessity" (COPCN) application process that includes a business plan, good credit, insurance, a valid Florida driver's license and driver history, Florida Department of Law Enforcement (FDLE) and National Crime Information Center (NCIC) criminal history background checks for business owners, and other requirements such as minimum vehicle standards. An independent "Hearing Master" at an advertised public hearing reviews COPCN operator permit

¹ Chapter 189, F.S., addresses "Special Districts: General Provisions."

applications. The Hearing Master then submits the findings and recommendations to the full PTC Board at the PTC monthly public Commission meeting for final approval.

Administrative Procedure Act

The Administrative Procedure Act (APA) is found in ch. 120, F.S. Florida followed the example of the federal government and other states by adopting its first extensive APA in 1961 in an effort to provide comprehensive and standardized administrative procedures pertaining to executive branch agency actions. The APA provides a "check and balance" function by increasing administrative agency accountability to the legislature and Florida's citizens. The modern version of Florida's APA was enacted in 1974 and has been amended almost every year since, while maintaining its basic components. The applicability of two key sections of the APA to the PTC are currently at question, and are detailed below.

Challenges to PTC Rules

As a special district with jurisdiction within only one county, the PTC is a state agency for purposes of the APA only to the extent that it is expressly made subject to the APA by chapter 2001-299, L.O.F. That act requires the PTC to adopt rules pursuant to the APA but it does not address rule challenges under s. 120.56, F.S.

There have been some recent challenges² to the PTC rules filed at Division of Administrative Hearings (DOAH), but these cases were dismissed for lack of jurisdiction. One of the DOAH dismissal orders instructed the petitioner to seek redress in an appellate court pursuant to s. 120.68, F.S., which is for judicial review. However, s. 120.68, F.S., explicitly forbids the use of that section to initiate a rule challenge. Section 120.68, F.S. is intended for the review of decisions from lower tribunals, but the DOAH order would place the appellate court in the position of the fact-finder with no decision to review. Accordingly, the PTC staff recommended to the Joint Administrative Procedures Committee (JAPC) that the Legislature might consider whether it is advisable to amend the special act to specify how a person can legally challenge a PTC rule. JAPC then recommended that the Legislature amend the special act.

Effect of the Bill

The bill amends ch. 2001-299, L.O.F., so that any person substantially affected by a rule or proposed rule of the PTC may challenge the validity of the rule at DOAH pursuant to s. 120.56, F.S.

B. SECTION DIRECTORY:

Section 1. Amends ch. 2001-299, L.O.F., so that rules may be challenged pursuant to s. 120.56, F.S.

Section 2. Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 17, 2010

WHERE? The Tampa Tribune, Tampa, Hillsborough County, Florida

² Case No. 08-0855RU and Case No. 08-5857RX

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:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the undersigned intends to apply to the Legislature of the State of Florida at its regular session held in the year 2010, or at a subsequent special session, for passage of a bill to be entitled

A bill to be entitled
An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida; clarifying that administrative determination by the Division of Administrative Hearings of the Department of Management Services of the invalidity of rules or proposed rules of the Hillsborough County Public Transportation Commission is authorized; providing an effective date.

DATED at Hillsborough County, Florida, the 17th day of February, 2010.

Rep. Richard "Rich" Glorioso
Suite 204
110 W. Reynolds Street
Plant City, FL 33563-3379
and
Sen. Rhonda Storms
Lithia Oaks Business Center
421 Lithia Pinecrest Road
Brandon, FL 33511

8274

2/17/10

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

02/17/2010

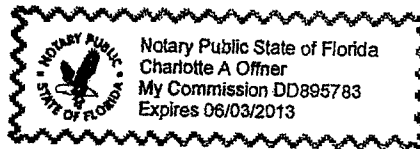
Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

C. Pugh

Sworn to and subscribed by me, this 17 day
of Feb, A.D. 2010

Personally Known or Produced Identification
Type of Identification Produced _____

Charlotte A. Offner



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

BILL #: 1629

SPONSOR(S): Representative Rich Glorioso

RELATING TO: Hillsborough County
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Hillsborough County Legislative Delegation

CONTACT PERSON: Melissa Medina

PHONE NO.: 850-488-0807 E-Mail: melissa.medina@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: 12/18/2009

Location: Sam & Martha Gibbons Alumni Center, USF

(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 02/17/2010

Where? Tampa Tribune County Hillsborough

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

Date

Printed Name of Delegation Chair

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 a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. If possible this form must accompany the bill when filed with the Clerk for introduction. In the alternative, please submit it to the Local Government Council as soon as possible after the bill is filed.

BILL#: 1629

SPONSOR(S): State Representative Richard "Rich" Glorioso, House District 62
RELATING TO: Hillsborough County Public Transportation Commission (PTC)
Indicate Area Affected (City, County, Special District) and Subject:
Independent Special District within Hillsborough County, Florida / Transportation

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

	<u>FY 10-11</u>	<u>FY11-12</u>
Expenditures:	\$0.00	\$0.00

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY11-12</u>
Federal: None	N/A	N/A

State: None

Local: The PTC is strictly fee supported. No ad valorem taxes fund the PTC.

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 10-11</u>	<u>FY11-12</u>
Revenues:	\$0.00	\$0.00


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

Advantages: Currently, plenty of time, effort, and dollars have and are continuing to be allocated towards disputes regarding the authority of DOAH in handling these challenges to HCPTC's rulings. The proposed legislation will clarify this confusion, thereby freeing up these resources and creating a positive economic impact.

Disadvantages: None

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT: None

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

PREPARED BY (#3): 
Representative Rich Glorioso

Date: 6 APR 10

TITLE: State Representative

REPRESENTING: Florida House of Representatives, District 62

PHONE: (813) 757-9110

E-MAIL: rich.glorioso@myfloridahouse.gov

(#3) Original signature required.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13

1 A bill to be entitled
 2 An act relating to Hillsborough County; amending chapter
 3 2001-299, Laws of Florida; clarifying that administrative
 4 determination by the Division of Administrative Hearings
 5 of the Department of Management Services of the invalidity
 6 of rules or proposed rules of the Hillsborough County
 7 Public Transportation Commission is authorized; providing
 8 an effective date.

9

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

11

12 Section 1. Subsection (4) is added to section 12 of
 13 chapter 2001-299, Laws of Florida, to read:

14 Section 12. Citations; administrative hearings; persons
 15 aggrieved or substantially affected.-

16 (4) Any person substantially affected by a rule or
 17 proposed rule of the commission may seek an administrative
 18 determination of the invalidity of the rule pursuant to section
 19 120.56, Florida Statutes.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1631

Lake Padgett Estates Independent Special District, Pasco County

SPONSOR(S): Weatherford

TIED BILLS:

IDEN./SIM. BILLS: SB 2784

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Tait <i>MCE</i>	Hoagland <i>[Signature]</i>
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The Lake Padgett Independent Special District (District) was created in 2006, as chapter 2006-317, Laws of Florida. It is a limited single-purpose local government and independent special district whose jurisdictional boundaries are located within Pasco County. The District was created for the purpose of maintaining, operating, and improving recreational amenities and associated infrastructure in the area. The District has the authority to provide for and fund: recreational amenities, including the operation, maintenance, and improvement of the amenities and associated infrastructure.

The bill corrects errors the original surveyor made in the boundary description. The proposed alterations of the District's boundaries do not impact any individuals, as the property appraiser's office had previously corrected the legal description. The boundary correction removes several lots that were inadvertently included and adds one parcel that was inadvertently excluded from the District. The owner of the lot added to the District has paid the assessment for the District since its inception.

The bill takes effect 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:

Current Situation

The Lake Padgett Independent Special District (District) was created in 2006, as chapter 2006-317, Laws of Florida. It is a limited single-purpose local government and independent special district whose jurisdictional boundaries are located within Pasco County. The District was created for the purpose of maintaining, operating, and improving recreational amenities and associated infrastructure in the area. The District has the authority to provide for and fund: recreational amenities, including the operation, maintenance, and improvement of the amenities and associated infrastructure.

Board of Supervisors

The District is governed by a Board of Supervisors (Board) consisting of 5 members, who must be residents of the state and citizens of the United States. Initial Board members were the Pasco County Board of Commissioners until the succeeding board of supervisors was elected at the general election in November 2006.

General Powers

The District has general powers consistent with those granted to community development districts under s. 190.011, F.S., where not inconsistent with the following:

- To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts are subject to public bidding or competitive negotiation requirements pursuant to general law.
- To maintain an office at such place or places as the board of supervisors designates in Pasco County, and within the District when facilities are available.
- To borrow money and issue certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such taxes and assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.
- To determine, order, levy, impose, collect, and enforce assessments pursuant to this bill and ch. 170, F.S., pursuant to authority granted in s. 197.3631, F.S., or pursuant to other provisions of general law now or hereinafter enacted which provide or authorize a supplemental means to order, levy, impose, or collect special assessments. Such special assessments, in the discretion of the District, may be collected and enforced pursuant to the provisions of ss. 197.3632 and

197.3635, F.S., and chs. 170 and 173, F.S., or as provided by this bill, or by other means authorized by general law now or hereinafter enacted.

- To exercise special powers and other express powers as may be authorized and granted, including powers provided in any interlocal agreement entered into pursuant to ch. 163, F.S.

The District does not have the power of eminent domain.

Special Powers

The District has the authority to exercise the following “special powers” subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area included therein:

- To provide district parks and open space and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, passive and active recreational areas, lakes, and canals, containing picnic shelters, boat ramps and docks, volleyball, basketball, tennis, horseshoe, and shuffleboard courts, playgrounds and open space, wildlife habitat, including the maintenance of any plant or animal species, mitigation areas, landscaping and irrigation, bicycle lanes, jogging paths, riding trails, regulatory or informational signage, and all other customary elements of such park and open-space areas and any related interest in real or personal property.
- To provide buildings, structures, and like improvements and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, bathroom facilities, maintenance buildings, lighting and security facilities such as walls and guardhouses, parking areas, wildlife observation towers, stables, and stormwater facilities necessary and incidental to the recreational amenities, and associated infrastructure or any other project authorized or granted by this act.
- To establish and create, at noticed meetings, such governmental departments of the Board of Supervisors of the District, as well as committees, task forces, boards, or commissions, or other agencies under the supervision and control of the District, as from time to time the members of the Board may deem necessary or desirable in the performance of the acts or other things necessary to exercise the Board's general or special powers to implement an innovative project to carry out the special purpose of the District as provided in this bill and to delegate the exercise of its powers to such departments, boards, task forces, committees, or other agencies and such administrative duties and other powers as the Board may deem necessary or desirable but only if there is a set of expressed limitations for accountability, notice, and periodic written reporting to the Board that must retain the powers of the Board.

The enumeration of special powers is not exclusive or restrictive but incorporates all powers express or implied necessary or incident to carrying out such enumerated special powers, including also the general powers provided by this bill to implement the District's single purpose. Further, these special powers must be construed liberally in order to carry out effectively the special purpose of the District.

Modification of District Boundaries

The charter of the District, as created in chapter 2006-317, may only be amended by special act of the Legislature. The Board may ask the Legislature through its local legislative delegation in Pasco County to amend the charter to expand or to contract the boundaries of the District. The inclusion of any or all territory of the District within a municipality does not change, alter, or affect the boundary, territory, existence, or jurisdiction of the District.

Proposed Changes

The bill provides corrections to the legal description of the Lake Padgett Estates Independent Special District. According to the District, the original surveyor made an error in the original boundary description, and the proposed changes correct the boundary description. The proposed alterations of the District's boundaries do not impact any individuals, as the property appraiser's office had previously

corrected the legal description. The boundary correction removes several lots that were inadvertently included and adds one parcel that was inadvertently excluded from the District. The owner of the lot added to the District has paid the assessment for the District since its inception.¹

The bill takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Amends Section 3 of chapter 2006-317, Laws of Florida, relating to the legal description of the Lake Padgett Estates Independent Special District.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 10, 2010

WHERE? *The Tampa Tribune*, a daily paper of general circulation published in Tampa, Hillsborough County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹ Information obtained from e-mails from the Assistant District Manager to legislative staff and from phone calls and e-mails with the District Manager and committee staff.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the undersigned intends to apply to the Legislature of the State of Florida at its regular session held in the year 2010, or at a subsequent special session, for passage of a bill to be entitled:

A bill to be entitled:

An act relating to the Lake Padgett Estates Independent Special District, Pasco County; amending chapter 2006.317, Laws of Florida, correcting the legal description of the boundaries of the district; providing an effective date.

DATED at Pasco County, Florida, the 1st day of February, 2010.

Sen. Victor Crist
11961 N. Florida Avenue, Suite B
Tampa, FL 33612
8275 2/10/10

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough }

before the undersigned authority personally appeared C.Pugh, who on oath says that he is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE **Tampa Tribune**


In the matter of Notice of Legislation

was published in said newspaper in the issues of

2/10/10

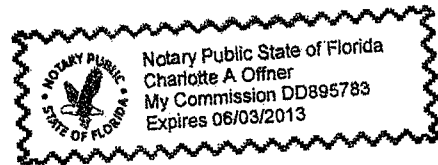
Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper

Sworn to and subscribed by me, this 23 day of March A.D. 2010



Personally known or Produced Identification _____
Type of Identification Produced _____

Charlotte A. Offner



HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM

BILL #: Local Bill 03 Draft # 12-01357-10 HB 1631
SPONSOR(S): Sen. Victor Crist and Rep. Will Weatherford
RELATING TO: Lake Padgett Estates Independent Special District, Pasco County; amending chapter 2006-317, Laws of Florida

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

NAME OF DELEGATION: Pasco County Legislative Delegation

CONTACT PERSON: Ralph Lair, Legislative Aide to Rep. Will Weatherford

PHONE NO.: (813) 558-5115 **E-Mail:** ralph.lair@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 26, 2010

Location: Wiregrass Ranch High School, 2909 Mansfield Blvd., Wesley Chapel, FL 33543

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** _____

Where? _____ **County** Pasco

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

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

YES [] NO [X] NOT APPLICABLE []

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

YES [] NO []

Note: House policy 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)

01/26/2010

Date

Will Weatherford

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 #: Local Bill 02 Draft # 12-01357-10 HB 1631
SPONSOR(S): Sen. Victor Crist and Rep. Will Weatherford
RELATING TO: Lake Padgett Estates Independent Special District, Pasco County; amending chapter 2006-317, Laws of Florida

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

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

Expenditures: **NONE** FY 10-11 FY 11-12

II. ANTICIPATED SOURCE(S) OF FUNDING:

Federal: **N/A** FY 10-11 FY 11-12

State: **N/A**

Local: **N/A**

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues: **N/A** FY 10-11 FY 11-12

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

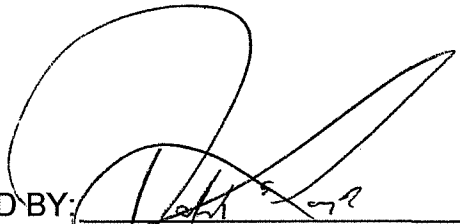
Advantages: **NONE**

Disadvantages: **NONE**

Economic Impact Statement

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]:

PREPARED BY:  01/25/10
[Must be signed by Preparer] Date

TITLE: Legislative Aide

REPRESENTING: Representative Will Weatherford

PHONE: 813-558-5115

E-Mail Address: ralph.lair@myforidahouse.gov

1 A bill to be entitled
 2 An act relating to the Lake Padgett Estates Independent
 3 Special District, Pasco County; amending chapter 2006-317,
 4 Laws of Florida; correcting the legal description of the
 5 boundaries of the district; providing an effective date.

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

8
 9 Section 1. Section 3 of chapter 2006-317, Laws of Florida,
 10 is amended to read:

11 Section 3. Legal description of the Lake Padgett Estates
 12 Independent Special District.—The metes and bounds legal
 13 description of the district is as follows:

14 A portion of Sections 19, 20 & 30, Township 26 South,
 15 Range 19 East, Pasco County, Florida being described
 16 as follows:

17
 18 Begin at the Northwest corner of said Section 19, run
 19 thence South 00°43'18" West, along the West line of
 20 said Section 19, a distance of 5,119.41 feet; Thence
 21 South 88°50'58" East, a distance of 1,102.22 feet;
 22 Thence South 00°51'34" West, a distance of 100.01
 23 feet; thence South 88°51'24" East, along the South
 24 line of said Section 19, a distance of 181.42 feet;
 25 Thence South 18°44'16" East, a distance of 526.27
 26 feet; to the West line of the Northeast 1/4 of the
 27 Northwest 1/4 of Section 30, Township 26 South, Range
 28 19 East; thence South 01°14'05" West, along the West

29 line of the Northeast 1/4 of the Northwest 1/4 of said
 30 Section 30, a distance of 823.69 feet to the South
 31 line of the Northeast 1/4 of the Northwest 1/4 of said
 32 Section 30, run thence South 88°59'33" East, a
 33 distance of 1343.37 feet; to the West line of Park
 34 Tract of Lake Padgett Estates South Unit Two as
 35 recorded in Plat Book 13, Pages 137-139 of the Public
 36 Records of Pasco County, Florida, also being the West
 37 Boundary of the Northwest 1/4 of the Northeast 1/4 of
 38 said Section 30; Thence North 00°49'49" East along
 39 said West line, a distance of 1,315.26 feet to the
 40 South line of said Section 19, also being the South
 41 boundary line of Valencia Gardens Phase Three as
 42 recorded; Thence North 88°47'25" West along said South
 43 line of Section 19, a distance of 11.84 feet to the
 44 West boundary of said Valencia Gardens Phase Three,
 45 Thence run North 00°16'12" East along said West
 46 boundary of Valencia Gardens Phase Three, a distance
 47 of 1,317.39 feet to the North boundary of said
 48 Valencia Gardens Phase Three; Thence South 88°44'56"
 49 East along said North boundary of Valencia Gardens
 50 Phase Three, a distance of 2,662.48 feet; Thence South
 51 89°27'44" East, a distance of 651.97 feet to the West
 52 line of the right-of-way of Collier Parkway as
 53 recorded in the Official Records Book 1824, Page 1234;
 54 Thence run North 05°16'09" East along said West Line
 55 of the right-of-way of Collier Parkway, a distance of
 56 297.38 feet; Thence North 89°20'54" ~~86°18'32"~~ West, a

57 distance of 266.67 ~~66.02~~ feet; Thence North 54°29'23"
 58 ~~89°42'44"~~ West along ~~to~~ the Westerly Boundary of
 59 Collier Place as recorded in Plat Book 35, Pages 37-39
 60 of the Public Records of Pasco County, Florida, a
 61 distance of 817.90 feet; Thence North 27°08'25" West,
 62 a distance of 88.63 feet; Thence North 00°25'14" East,
 63 a distance of 391.01 feet; Thence North 37°00'57"
 64 East, a distance of 520.22 feet; Thence North
 65 35°41'05" East, a distance of 138.96 feet; Thence
 66 North 00°57'10" East, a distance of 379.43; Thence
 67 North 50°28'38" East, a distance of 205.65 feet;
 68 Thence North 00°40'29" East, a distance of 106.14
 69 feet; Thence North 45°39'30" West, a distance of
 70 348.39 feet; Thence North 89°41'20" West, a distance
 71 of 598.63 feet; Thence South 00°55'00" West, a
 72 distance of 100.01 feet; Thence North 89°20'18" West,
 73 a distance of 1,255.51 feet; Thence N00°54'33 East, a
 74 distance of 1270.03 feet; Thence South 89°17'01" East,
 75 a distance of 99.98 feet; Thence North 00°55'14" East,
 76 a distance of 150.02 feet to the North line of Section
 77 19, Township 26 South, Range 19 East; Thence along
 78 said North line of said Section 19 North 88°42'23"
 79 West, a distance of 155.04 feet; Thence South
 80 00°13'06" West, a distance of 49.87 feet; Thence North
 81 89°34'34" West, a distance of 50.00 feet; Thence North
 82 00°17'06" East, a distance of 50.25 feet to North line
 83 of said Section 19; Thence along the North line of
 84 said Section 19 North 89°11'04" West, a distance of

85 3,455.90 feet; Thence North 89°27'48" West; a distance
 86 of 13.88 feet to the POINT OF BEGINNING.

87
 88 AND

89
 90 A portion of Sections 24 & 25, Township 26 South,
 91 Range 18 East, Pasco County, Florida being described
 92 as follows:

93
 94 Begin at the Northwest corner of Section 19 Township
 95 26 South, Range 19 East, run thence South 00°43'18"
 96 West, along the West line of said Section 19, a
 97 distance of 5,097.53 feet; to the South line of
 98 Section 24, Township 26 South, Range 18 East also
 99 being the North line of Section 25, Township 26 South,
 100 Range 18 East, Thence run along South line of said
 101 Section 24, North 89°29'16" West, a distance of
 102 1,672.72 feet; Thence South 00°24'04" West; a distance
 103 of 659.90 feet; Thence South 89°24'42" East, a
 104 distance of 328.18 feet; Thence South 00°20'51" West,
 105 a distance of 329.89 feet; Thence North 89°23'22 West,
 106 a distance of 656.92 feet; Thence North 00°26'49"
 107 East, a distance of 989.53 feet to the South line of
 108 said Section 24, also being the said North line of
 109 said Section 25; Thence run along North 89°29'16"
 110 West, a distance of 655.25 feet; Thence North
 111 01°20'40" East; a distance of 1,998.05 feet to the
 112 South line of the Northwest 1/4 of the North 1/4 of

113 the Southeast 1/4 of Section 24, Township 26 South,
 114 Range 18 East; thence along the said South line South
 115 89°09'28" East, a distance of 688.44 feet to the East
 116 line of the said Northwest 1/4; Thence along said East
 117 line North 01°19'43" East, a distance of 664.55 feet
 118 to the South line of the Northeast 1/4 of Section 24,
 119 Township 26 South, Range 18 East to the West line of
 120 the East 1/2 of the Northeast 1/4 of Section 24,
 121 Township 26 South, Range 18 East; Thence S 88°56'38"
 122 East, a distance of 651.04 feet; thence along said
 123 West line North 00°39'22" East, a distance of 1,326.47
 124 feet; Thence South 88°45'13" East, a distance of
 125 626.59 feet; Thence North 00°40'31 East, a distance of
 126 695.05 feet; Thence South 88°34'46" East, a distance
 127 of 25.01 feet; Thence North 00°40'23" East, a distance
 128 of 600.91 feet the North line of Section 24, Township
 129 26 South, Range 18 East; Thence along said North line
 130 South 88°45'18 East, a distance of 655.33 feet; Thence
 131 South 01°48'11" West, a distance of 160.83 feet;
 132 Thence North 89°27'48" West, a distance of 13.88 feet
 133 to the POINT OF BEGINNING.
 134
 135 Containing 33,768,142 square feet or 775.21 acres more
 136 or less.
 137 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1633
SPONSOR(S): Fetterman
TIED BILLS:

Martin County

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Local Affairs Policy Committee		Tait <i>MLI</i>	Hoagland <i>BAK</i>
2) Insurance, Business & Financial Affairs Policy Committee			
3) Economic Development & Community Affairs Policy Council			
4)			
5)			

SUMMARY ANALYSIS

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county¹. Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations, and are regulated under State of Florida Administrative Code Rule 61A-3.0141.

The specific requirements regarding the issuance of SRX licenses in Martin County are found in chapter 63-1619, Laws of Florida. In Martin County, SRX licenses are issued to any bona fide hotel, motel, or motor court with fifty to ninety-nine guest rooms or to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 4,000 square feet of floor space, but provides an exception for businesses located within the corporate limits of the City of Stuart. Businesses located within Stuart are required to provide service for 150 or more patrons at tables and occupy more than 2,500 square feet of floor space.

The bill removes the exception for businesses within the corporate limits of the City of Stuart, Florida that was added when the bill was amended in 1991, making them subject to the stricter standards of Martin County.

It also creates an exception for businesses within the legal boundaries of the seven Community Redevelopment Agency (CRA) districts in Martin County. This exception allows a restaurant within the CRA districts to obtain a SRX license if it provides service for 150 or more patrons at tables and occupies more than 2,500 square feet of floor space.

The changes in this bill would make the SRX license requirements for the seven CRA districts in Martin County more consistent with the regulations in other jurisdictions in the state.

The bill is expected to impact a minimal number of establishments, so the projected revenues from the license fees are indeterminate. Both of the Division of Alcoholic Beverages and Tobacco with the Florida Department of Business and Professional Regulation and the Martin County Board of County Commissioners have indicated that current staff and resources can be used to process the additional license requests allowed by this bill.

The bill takes effect upon becoming a law.

¹ S. 561.20(1), F.S.

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

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county². Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations in s. 561.20(1), F.S., and are regulated under State of Florida Administrative Code Rule 61A-3.0141. With the exception of specified counties or cities, SRX licenses may be issued to bona fide restaurants with a service area occupying 2,500 or more square feet of floor space and with accommodations for the service and seating of 150 or more patrons at tables at one time.³ All SRX licenses issued after January 1, 1958, have the suffix "SRX" as a part of the license number.

The specific requirements regarding the issuance of SRX licenses in Martin County are found in chapter 63-1619, Laws of Florida. The chapter law was amended in 1991 to provide an exception for businesses within the corporate limits of the City of Stuart and to conform cross-references.

In Martin County, SRX licenses are issued to any bona fide hotel, motel, or motor court with fifty to ninety-nine guest rooms or to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 4,000 square feet of floor space, with the exception of businesses located in the corporate limits of the City of Stuart, Florida. Businesses located in Stuart must provide service for 150 or more patrons at tables and occupy more than 2,500 square feet of floor space.

Licensees are prohibited from selling alcoholic beverages for consumption off the premises and from operating as a packaging store. The process for receiving SRX licenses includes obtaining approval from the Board of County Commissioners of Martin County, followed by applying to the Division of Alcoholic Beverages and Tobacco with the Florida Department of Business and Professional Regulation.

Martin County has seven CRA districts: Golden Gate, Hobe Sound, Indiantown, Jensen Beach, Old Palm City, Port Salerno, and Rio. Martin County's CRA districts typically contain smaller lots and

² S. 561.20(1), F.S.

³ The exceptions for the square footage rule are: the counties of Alachua, Brevard, Broward, Citrus, for premises with a cocktail lounge or open bar, Dade, Pasco, St. Lucie, Walton, Martin, Nassau, Okaloosa, Okeechobee, Osceola, Hendry, Highlands, Hillsborough, Indian River, Lake, and Orange County with respect to Orlando, Winter Park, and Maitland. The exception for the service and seating rule are: the counties of Alachua, Brevard, Broward, Dade, Hendry, Highlands, Walton, Hillsborough, Indian River, Pasco, Martin, Nassau, Okaloosa, St. Lucie, Osceola, and Orange County with respect to Orlando, Winter Park, and Maitland.

maintain smaller building size regulations for the purpose of achieving more pedestrian oriented communities.

Proposed Changes

The bill amends section 1 of chapter 63-1619, Laws of Florida, as amended by chapter 91-389, relating to SRX requirements for Martin County. It removes the exception for business within the corporate limits of the City of Stuart, Florida that was added when the bill was amended in 1991. By removing this exception, restaurants located within the corporate limits of the City of Stuart will be required to provide service for 200 or more patrons at tables and occupy more than 4,000 square feet of floor space.

It also creates an exception for businesses within the legal boundaries of the seven Community Redevelopment Agency (CRA) districts in Martin County. This exception allows a restaurant within a CRA district to obtain a SRX license if it provides service for 150 or more patrons at tables and occupying more than 2,500 square feet of floor space.

The changes in this bill would make the SRX license requirements for the seven CRA districts in Martin County more consistent with the regulations in other jurisdictions in the state.

The changes to the laws regarding SRX licenses in Martin County will provide small business owners and operators within the CRA districts with the ability to operate full-service restaurants, and may aid the CRA districts in their economic gardening initiatives. However, it will also limit the ability of businesses in the City of Stuart to qualify for a SRX license and may negatively affect some businesses the currently have a SRX license.

The State of Florida currently levies an annual fee of \$1,820 for a SRX license, while Martin County levies an annual fee of \$390 for a county issued Special Liquor License. The bill is expected to impact a minimal number of establishments, so the projected revenues from the license fees are indeterminate.

Both of the Division of Alcoholic Beverages and Tobacco with the Florida Department of Business and Professional Regulation and the Martin County Board of County Commissioners have indicated that current staff and resources can be used to process the additional license requests allowed by this bill.

The bill takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Amends section 1 of chapter 63-1619, Laws of Florida, as amended by chapter 91-389, relating to Special Restaurant License (SRX) requirements for Martin County.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 25, 2010.

WHERE? *The Stuart News*, a daily paper of general circulation published in Port St. Lucie, St. Lucie County, Florida and distributed in Martin and St. Lucie Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

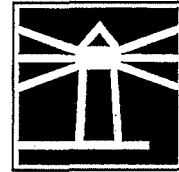
B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill removes the current exception for businesses located within the corporate limits of the City of Stuart, Florida. It does not provide provisions for businesses that meet the current standards but will not meet the new, more stringent standards.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES



Scripps Treasure Coast Newspapers

STATE OF FLORIDA
COUNTY OF MARTIN: COUNTY OF ST. LUCIE

BEFORE THE UNDERSIGNED AUTHORITY APPEARED LILLI SENESAC WHO ON OATH SAYS HE/SHE IS
ADV/BILLING CREDIT MANAGER OF THE STUART NEWS, A DAILY NEWSPAPER
PUBLISHED AT PORT ST LUCIE IN ST LUCIE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A
MARTIN CO BOCC IN THE MATTER OF NOTICE OF LEGISLATION
IN THE _____ COURT, WAS PUBLISHED IN THE STUART NEWS
IN THE ISSUES OF February 25, 2010.

AFFIANT FURTHER SAYS THAT THE SAID THE STUART NEWS AND
IS A NEWSPAPER PUBLISHED AT PORT ST LUCIE, IN SAID ST LUCIE COUNTY, FLORIDA WITH OFFICES AND PAID CIRCULATION
IN MARTIN COUNTY, FLORIDA AND DISTRIBUTED IN MARTIN COUNTY, FLORIDA AND ST LUCIE COUNTY, FLORIDA,
FOR A PERIOD OF ONE YEAR PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT;
AND AFFIANT FURTHER SAYS THAT HE/SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION
ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR
PUBLICATION IN THE SAID NEWSPAPER. THE STUART NEWS HAS BEEN ENTERED AS SECOND CLASS
MATTER AT THE POST OFFICE IN STUART, MARTIN COUNTY, FLORIDA, AND FT PIERCE, ST LUCIE COUNTY, FLORIDA AND HAS BEEN
FOR A PERIOD OF ONE YEAR PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT.

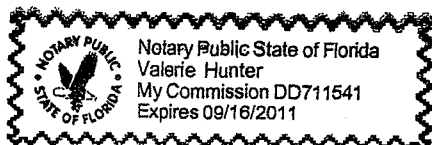
LILLI SENESAC-ADV BILLING/CREDIT MANAGER

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 25 DAY OF FEBRUARY

A.D. 2010

NOTARY PUBLIC

(SEAL)



NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN

Notice is hereby given of intent to apply to the 2010 Legislature for passage of an act relating to Martin County, Florida, to amend Special Act 63-1619 of the State of Florida governing the regulation of Special Restaurant Licensing in Martin County, Florida, for the purpose of applying the general law provisions of 61a-3.0141 Special Restaurant Licenses for applicants within the current boundaries of the seven Martin County Community Redevelopment areas of Martin County, Florida; allowing for a minimum of 2,500 square feet of service area and a minimum of 150 seats for an applicant to qualify for Special Restaurant License, providing an effective date.

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

BILL #: HB 1633

SPONSOR(S): Adam M. Fetterman

RELATING TO: Martin County
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Martin County Delegation

CONTACT PERSON: Gaby Suarez - Leg. Assistant

PHONE NO.: 850-488-8749 **E-Mail:** gaby.suarez@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: December 15, 2009

Location: Martin County Administrative Building - 2401 SE Monterey Road, Stuart, Florida

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** February 25, 2010

Where? The Stuart News **County** Martin County

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

March 31, 2010

Date

Adam M. Fetterman

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES

2009 ECONOMIC IMPACT STATEMENT FORM

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

BILL#: HB 1633
SPONSOR(S) Representative Adam Fetterman
RELATING TO: Amending Special Restaurant Beverage Licensing (SRX) Regulations in Martin County Community Redevelopment Districts, Martin County, Florida

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

Expenditures	<u>FY09-10</u>	<u>FY 10-11</u>
--------------	----------------	-----------------

Because of the minimal number of establishments expected, the need for additional staff or resources is not anticipated. Current staff and resources can be used to process future license requests.

II. ANTICIPATED SOURCE(S) OF FUNDING:

Expenditures	<u>FY09-10</u>	<u>FY 10-11</u>
Federal:	0	0
State:	0	0
Local:	0	0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues	<u>FY09-10</u>	<u>FY 10-11</u>
----------	----------------	-----------------

With the minimal amount of new SRX applicants expected, it is difficult to forecast the exact amount of revenues from license fees. The State of Florida currently levies an annual fee of \$1,820 for a SRX License. Martin County levies an annual fee of \$390 for a County issued Special Liquor License.

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

Advantages: This amendment will increase the business opportunities for small restaurant owners and operators, both new and current, within Martin County Community Redevelopment Areas (CRA's). The County's seven CRA's encourage mixed use development within a pedestrian friendly environment. The provision to allow smaller restaurant units to obtain SRX licenses would facilitate such uses to become part of mixed use projects that are, in certain circumstances, limited in terms of lot coverage and building gross floor area (source Martin County CRA Plans and Overlay District Zoning Regulations).

Disadvantages: *None foreseen.*

V. ESTIMATED IMPACT UPON COMPLETION AND THE OPEN MARKET FOR EMPLOYEMENT:

Because these restaurants are smaller, near 2,500 square feet, they are not expected to be Major employment generators and typically are family run establishments. The CRA department is part of an 'economic gardening' initiative, where resources are focused primarily at expansion and success of existing business operations. This provision would further that initiative.

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

Florida Statutes
Florida Administrative Code
Martin County Comprehensive Plan
2009 Restaurant Industry Forecast, National Restaurant Association
Florida Restaurant Industry at a Glance
National Restaurant Association

PREPARED BY: Jan S. Huff December 1, 2009
(Must be signed by Preparer) Date

TITLE: Intergovernmental & Community Relations Administrator

REPRESENTING: Martin County Board of County Commissioners

PHONE: 772-288-5901

E-Mail Address: jhuffert@martin.fl.us

1 A bill to be entitled
 2 An act relating to Martin County; amending chapter 63-
 3 1619, Laws of Florida, as amended; limiting the issuance
 4 of special alcoholic beverage licenses to restaurants that
 5 serve a certain number of patrons, occupy a certain amount
 6 of floor space, and are located within the legal
 7 boundaries of the seven community redevelopment areas
 8 (CRAs) of the county; providing an effective date.

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

11
 12 Section 1. Section 1 of chapter 63-1619, Laws of Florida,
 13 as amended by chapter 91-389, Laws of Florida, is amended to
 14 read:

15 Section 1. ~~Except within the corporate limits of the City~~
 16 ~~of Stuart, Florida,~~ No limitation, under the provisions of
 17 section 561.20(1), Florida Statutes, for issuance of alcoholic
 18 beverage licenses under provisions of section 565.02(1)(a)-(f),
 19 Florida Statutes, inclusive, shall henceforth prohibit the
 20 issuance of a special license in Martin County, Florida, to any
 21 bona fide hotel, motel, or motor court of not less than fifty
 22 guest rooms and not more than ninety-nine guest rooms, or to any
 23 bona fide restaurant containing all necessary equipment and
 24 supplies for, and serving full course meals regularly and having
 25 accommodations at all times for, service of two hundred or more
 26 patrons at tables and occupying more than four thousand square
 27 feet of floor space, with the exception of the area within the
 28 legal boundaries of the seven community redevelopment areas

HB 1633

2010

29 (CRAs) for restaurants providing service for one hundred fifty
30 or more patrons at tables and occupying more than two thousand
31 five hundred square feet of floor space; provided, however:

32 (a) Such special licensees shall be prohibited from
33 selling alcoholic beverages in packages for consumption off the
34 premises and from operating as a package store.

35 (b) The beverage director shall suspend, revoke, or assess
36 a civil penalty against any such license under the provisions of
37 section 561.29, Florida Statutes, if the restaurant so licensed
38 ceases to be a bona fide restaurant as required as a
39 prerequisite for obtaining such license and providing that no
40 intoxicating beverage shall be sold by such restaurant under
41 such license after the hours of serving food have ceased.

42 (c) That no such special license shall be moved to a new
43 location, such licenses being valid only on the premises of such
44 hotel, motel, motor court, or restaurant.

45 (d) That any such special license shall be issued only to
46 the owner of said hotel, motel, motor court, or restaurant, or
47 in the event the hotel, motel, motor court, or restaurant is
48 leased, to the lessee of the hotel, motel, motor court, or
49 restaurant and the license shall remain in the name of said
50 owner or lessee so long as the license is in existence.

51 (e) Approval for the issuance of such license shall be
52 first obtained from the Board of County Commissioners of Martin
53 County, Florida, after said Board has received a written
54 application therefor together with blueprints and specifications
55 of the structure within which such license is to be maintained,
56 showing the proposed location and that such structure meets the

HB 1633

2010

57 requirements hereinbefore set forth, as well as other legal
58 requirements, and also conforms to the Southern Building Code,
59 and will have adequate paved offstreet parking to accommodate
60 the patrons of such establishment. If such approval by the Board
61 of County Commissioners is arbitrarily withheld, appeal from
62 such ruling may be taken to the Circuit Court of Martin County
63 in Chancery.

64 (f) Upon obtaining approval of the Board of County
65 Commissioners of Martin County, Florida, as aforesaid, the
66 applicant may then apply to the Division of Alcoholic Beverages
67 and Tobacco, and if such division determines that such
68 application complies with the terms of this act and otherwise
69 qualifies as provided by law, then such special license shall be
70 issued.

71 (g) Any license issued under the provisions of this act
72 shall be marked "special."

73 (h) Any applicants for such a special license to be
74 located in a municipality shall also comply with all ordinances
75 and building regulations of such municipality.

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

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1633 (2010)

Amendment No. 1

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(s) Fetterman offered the following:

4
5 **Amendment**

6 Remove lines 15-16 and insert:

7 Section 1. Except within the corporate limits of the City
8 of Stuart, Florida, no limitation, under the provisions of

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1635

Panama City-Bay County Airport and Industrial District

SPONSOR(S): Coley

TIED BILLS:

IDEN./SIM. BILLS:

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

SUMMARY ANALYSIS

This bill amends ch. 2005-311, L.O.F., relating to the Panama City-Bay County Airport and Industrial District, an independent special district, in Bay County.

The bill revises the board membership to add an additional two members. Effective July 1, 2010, the board will consist of seven persons, six of whom are citizens and residents of Bay County and one who is a citizen and resident of Walton County. The bill also revises the definitions section of ch. 2005-311, L.O.F., to reflect the inclusion of the City of Panama City Beach and Walton County.

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

This bill amends ch. 2005-311, L.O.F., relating to the Panama City-Bay County Airport and Industrial District, an independent special district, in Bay County. The District was created in 1967, by ch. 67-1099, L.O.F., for the purpose of acquiring, constructing, improving, financing, operating and maintaining airport projects and any other development of land owned or leased by the District and necessary to the economic welfare of the inhabitants of the District and which promote the economic, commercial and industrial development of the District.

The District boundaries are coterminous with the legal boundaries of Bay County. The District cannot lease, own, or acquire any real estate except in Bay County without the permission of the county or city within whose jurisdiction such property is located. The District does not have taxing authority. The District's revenue sources are rates, fees, rentals and other charges for the use of or for the services of any District facilities.

Chapter 2005-311, L.O.F., currently provides that the board consist of five persons who are citizens and residents of Bay County. Two of the five members are be appointed by the City Commission of the City of Panama City, and these seats are designated as seats 1 and 2. Another two of the five members are appointed by the Board of County Commissioners of Bay County, and these seats are designated as seats 3 and 4. The four appointed members select the fifth member, whose seat is designated as seat 5. Board members serve staggered 4-year terms and are limited to serving two terms on the board.

Effect of the Bill

The bill revises the board membership to add an additional two members. Effective July 1, 2010, the board will consist of seven persons, six of whom are citizens and residents of Bay County and one who is a citizen and resident of Walton County.

Initially, seat 6 shall be appointed by the City Council of Panama City Beach for a term beginning on July 1, 2010. Initially, seat 7 shall be appointed by the Board of County Commissioners of Walton County for a term beginning on July 1, 2010. After the initial appointments expire, board members appointment to these additional seats will serve staggered 4-year terms and are limited to serving two terms on the board. Additionally the bill increases the number of members of the board, from three to four, needed to constitute a quorum.

The bill also revises the definitions section of ch. 2005-311, L.O.F., to reflect the inclusion of the City of Panama City Beach in the definition of a city and Walton County as the definition of a county.

B. SECTION DIRECTORY:

Section 1. Revises the District board membership to add an additional two members.

Section 2. Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? March 5, 2010

WHERE? The News Herald in Bay County; Northwest Florida Daily News in Walton 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:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

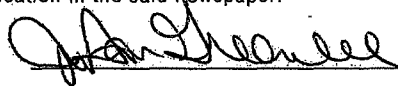
Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD
Panama City, Bay County, Florida
Published Daily

State of Florida County of Bay

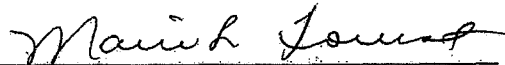
Before the undersigned authority appeared JoAnn Greenlee, who on oath says that she is Legal Advertising Representative of The News Herald, a daily newspaper published at Panama City, in Bay County, Florida; that the attached copy of advertisement, being a Legal Advertisement # 6176 in the matter of Notice of Legislation - Panama City-Bay County Airport in the Bay County Court, was published in said newspaper in the issue of March 5, 2010.

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay 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 or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



State of Florida
County of Bay

Sworn and subscribed before me this 5th day of March, A.D., 2010, by JoAnn Greenlee, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.



Notary Public, State of Florida at Large



6176
NOTICE
OF LEGISLATION
TO WHOM IT MAY CONCERN
Notice is hereby given of intent to apply to the 2010 Legislature for passage of an act relating to Bay and Walton Counties amending Chapter 2005-311, Laws of Florida, relating to the Panama City-Bay County Airport and Industrial District. The proposed act would expand the Board of the Panama City-Bay County Airport and Industrial District from five to seven members effective July 1, 2010, with seat six being a citizen of the City of Panama City Beach chosen by the City Council of Panama City Beach and seat seven being a citizen of Walton County chosen by the County Commission of Walton County. Also upon the expiration of the current term of seat five, that seat would thenceforth also be occupied by a citizen of Panama City Beach chosen by the City Council of the City of Panama City Beach.
March 5, 2010

NORTHWEST FLORIDA

Daily News

Published Daily

Fort Walton Beach, Florida

Distributed in Okaloosa, Santa Rosa & Walton Counties

State of Florida

County of Okaloosa

Before the undersigned authorized personally appeared _____

Maureen Wittse, who on oath says that (s)he

is Classified Advisor of the Northwest Florida Daily News, a daily newspaper published at Fort Walton Beach, in Okaloosa County, Florida;

that the attached copy of advertisement, being a Legal 7848

in the matter of Notice

Amending Chapter 2005-311

Court, was published in said newspaper in the issues of _____

March 5, 2010

Affiant further says that the said Northwest Florida Daily News is a newspaper published at Fort Walton Beach, in said Okaloosa County, Florida, and that the said newspaper has heretofore been continuously published in said Okaloosa County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Walton Beach, in said Okaloosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that (s)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.

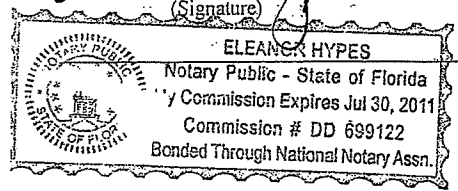
STATE OF FLORIDA
COUNTY OF OKALOOSA

Subscribed and sworn to (or affirmed) before me this 5 March 2010 (Date)

by Maureen Wittse, who is/are personally known to me or

has/have produced Personally Known as identification. (Type of identification)

Eleanor Hypes Notary Public, Commission No. _____ (Signature)



(Name of Notary typed, printed or stamped)

Legal 7848
NOTICE OF LEGISLATION
TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2010 Legislature for passage of an act relating to Bay and Walton Counties amending Chapter 2005-311, Laws of Florida relating to the Panama City Bay County Airport and Industrial District. The proposed act would expand the Board of the Panama City Bay County Airport and Industrial District from five to seven members effective July 1, 2010, with seat six being a citizen of the City of Panama City Beach chosen by the City Council of Panama City Beach and seat seven being a citizen of Walton County chosen by the County Commission of Walton County. Also upon the expiration of the current term of seat five that seat would henceforth also be occupied by a citizen of Panama City Beach chosen by the City Council of the City of Panama City Beach.
Legal 7848
March 5, 2010

HOUSE OF REPRESENTATIVES

2010 LOCAL BILL CERTIFICATION FORM

BILL #: 1635

SPONSOR(S): Coley

RELATING TO: Panama City/Bay County - Airport Authority
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Bay County

CONTACT PERSON: Randy Curtis

PHONE NO.: (850) 763-6751 E-Mail: rcurtis@Pcairport.com

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: 2-18-10

Location: Panama City, FL. Bay County Complex

(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 3-5-10

Where? North West FL. Daily News
A & FL Freedom Newspaper Inc County Bay, Walton

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE

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

YES NO NOT APPLICABLE

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

YES NO

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


Delegation Chair (Original Signature)

4-6-10
Date

Marti Coley
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 #: HB 1635
SPONSOR(S): Coley
RELATING TO: Panama City-Bay County Airport & Industrial District Board Membership
[Indicate Area Affected (City, County or Special District) and Subject]

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

Table with 3 columns: Expenditures, FY 10-11, FY 11-12. Rows include Supplies (\$100), Mileage (500), and Legal fees (1,000).

II. ANTICIPATED SOURCE(S) OF FUNDING:

Table with 3 columns: Source, FY 10-11, FY 11-12. Rows include Federal, State, and Local: Airport operating revenues (\$1,600, \$500).

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Table with 3 columns: Revenues, FY 10-11, FY 11-12. Row includes None.

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

Advantages: None

Disadvantages: None

Economic Impact Statement

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]:

Historical costs

PREPARED BY: Pamela Henderson 4/5/2010
[Must be signed by Preparer] Date

TITLE: Director of Administration

REPRESENTING: Panama City-Bay County Airport & Industrial District

PHONE: (850)763-6751

E-Mail Address: phenderson@pcairport.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

A bill to be entitled
 An act relating to Panama City-Bay County Airport and
 Industrial District; amending chapter 2005-311, Laws of
 Florida; revising definitions; adding one member to the
 district governing board who will represent Walton County
 and be appointed by the Walton County Commission;
 providing the term for such member; adding two board
 members who will represent Panama City Beach and be
 appointed by the Panama City Beach City Council; providing
 terms for such members; providing for subsequent
 appointment procedures for such members; revising the
 quorum requirement; providing that indebtedness of the
 district for bonds issued shall not be considered a debt
 of a city or county; providing that issuance of revenue
 bonds by the district shall not obligate a city or county
 to levy any ad valorem taxes or to make any appropriations
 for their payment or for the operation and maintenance of
 the facilities of the district; providing an effective
 date.

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

Section 1. Subsections (2) and (3) of section 2, present
 subsections (2) and (3) of section 3, subsection (4) of section
 5, and section 9 of section 3 of chapter 2005-311, Laws of
 Florida, are amended, and a new subsection (2) is added to
 section 3 of that section, to read:

28 Section 2. Definitions.—As used in this act, the following
 29 words and terms shall have the following meanings:

30 (2) "City" means the City of Panama City and the City of
 31 Panama City Beach.

32 (3) "County" means the County of Bay and the County of
 33 Walton.

34 Section 3. Governing board.—The Board of Directors, a body
 35 corporate and politic, shall be the governing board of the
 36 Panama City-Bay County Airport and Industrial District.

37 (2) Effective July 1, 2010, the board shall consist of
 38 seven persons, six of whom are citizens and residents of Bay
 39 County and one of whom is a citizen and resident of Walton
 40 County. Initially, seat 6 shall be appointed by the City Council
 41 of Panama City Beach for a term beginning on July 1, 2010.
 42 Initially, seat 7 shall be appointed by the Board of County
 43 Commissioners of Walton County for a term beginning on July 1,
 44 2010. By July 31, 2010, the board shall hold a drawing to
 45 determine the initial terms for seats 6 and 7, one of which
 46 shall be for a 2-year term and one of which shall be for a 4-
 47 year term. Upon the expiration of the current term of seat 5,
 48 the City Council of Panama City Beach shall appoint a member for
 49 a 4-year term. Upon the expiration of the terms of the members,
 50 the Board of County Commissioners of Bay County, the Board of
 51 County Commissioners of Walton County, the City Commission of
 52 Panama City, and the City Council of Panama City Beach shall
 53 each appoint successors for their members whose terms are
 54 expiring, each to hold office for a term of 4 years. The terms
 55 of seats 6 and 7 shall begin on July 1 and expire on June 30.

56 Board members occupying seats 6 and 7 shall be limited to
 57 servng two terms on the board.

58 (3)~~(2)~~ Four ~~Three~~ members of the board shall constitute a
 59 quorum. The vote of four ~~three~~ members shall be necessary for
 60 any action taken by the board involving the incurring of any
 61 indebtedness or expenditures of district funds or moneys.

62 (4)~~(3)~~ The members of the board shall not receive
 63 compensation for their services, but shall be reimbursed for
 64 travel and per diem as public officials pursuant to chapter 112,
 65 Florida Statutes; however, members of the board must submit a
 66 signed statement requesting the allowable expenses within 6
 67 months after the date of incurring such expenses.

68 Section 5. Powers of the Board of Directors.—The Board of
 69 Directors shall have all of the power necessary and proper to
 70 carry out the purposes and intent of this act, including the
 71 power to sue and be sued, under the name of the "Panama City-Bay
 72 County Airport and Industrial District"; to contract and be
 73 contracted with; to adopt and use a common seal and to alter
 74 same; to acquire, purchase, hold, lease, mortgage, and convey
 75 such real and personal property as the board may deem proper or
 76 expedient to carry out the purposes of this act; to employ such
 77 persons and agents as the board may deem advisable and to fix
 78 the compensation thereof and to remove any appointees or
 79 employees, agents, or servants; to insure the improvements,
 80 fixtures, and equipment against loss by fire, windstorm, or
 81 other coverage in such amounts as may be determined reasonable
 82 and proper; and to borrow and issue evidence of indebtedness of
 83 the district to carry out the provisions of this act in the

HB 1635

2010

84 manner herein provided. The board shall also have the right and
 85 power:

86 (4) To borrow money, incur indebtedness, and issue such
 87 bonds for and on behalf of the airport district as the board may
 88 from time to time determine; but in no case shall the
 89 indebtedness of the district for bonds issued be considered a
 90 debt of Panama City, Panama City Beach, Bay County, or Walton
 91 ~~the city or the~~ County.

92 Section 9. Revenue bonds.—Revenue bonds of the district
 93 may be issued under the provisions of this act and shall be
 94 payable from the revenues derived from the operation of any
 95 facility or combination of facilities of the district under the
 96 supervision, operation, and control of the district and from any
 97 other funds legally available therefor, except ad valorem taxes
 98 of the district. The issuance of such revenue bonds shall not
 99 directly, indirectly, or contingently obligate the state, the
 100 district, Panama City, Panama City Beach, Bay County, or Walton
 101 ~~the city, or the~~ County to levy any ad valorem taxes or to make
 102 any appropriations for their payment or for the operation and
 103 maintenance of the facilities of the district.

104 Section 2. This act shall take effect 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:

Special Districts to Provide Children's Services

Section 125.901, F.S., authorizes counties to create independent special districts by ordinance to provide funding for children's services.¹ Seven counties in Florida have established such districts since this 1986 law was passed: Brevard, Hillsborough, Martin, Miami-Dade, Palm Beach, St. Lucie and Okeechobee.²

The boundaries of such districts are coterminous with the boundaries of the county. The county governing body must obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes that may not exceed .5 mill.

The governing board of the district may be either a 10 or 33-member council on children's services. Board members are appointed for four-year terms, except that the terms of the initial appointees are staggered. Members of the council serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of s. 112.061, F.S.

Each council on children's services has the following powers and functions:

1. To provide and maintain such preventive, developmental, treatment and rehabilitative services for children as the council determines are needed for the general welfare of the county.
2. To provide such other services for children as the council determines are needed for the general welfare of the county.
3. To allocate and provide funds for other agencies (excepting those under the exclusive jurisdiction of the public school system) which are operated for the benefit of children.
4. To collect information and statistical data and to conduct research that will be helpful in deciding the needs of children in the county.
5. To consult and coordinate with other agencies dedicated to the welfare of children in order to prevent the overlapping of services.

¹ Section 125.901, F.S.

² <http://www.floridaspecialdistricts.org/OfficialList/report.cfm>.

6. To lease or buy real estate, equipment and personal property and to construct buildings as are needed to execute its powers and functions. The districts are not authorized to issue bonds, and do not have the power to require the imposition of any bond by the county.
7. To employ, pay and provide benefits for part-time or full-time personnel.

Each council on children's services is required to:

1. Elect a chair and a vice chair, and elect other officers as deemed necessary.
2. Identify and assess the needs of the children in the county and submit to the county governing body a written description of the:
 - activities, services and opportunities that will be provided to children.
 - anticipated schedule for providing those activities, services and opportunities.
 - manner in which children will be served, including a description of arrangements and agreements which will be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies and organizations.
 - special outreach efforts that will be undertaken to provide services to at-risk, abused or neglected children.
 - manner in which the council will seek and provide funding for unmet needs.
 - strategy which will be used for interagency coordination to maximize existing human and fiscal resources.
3. Provide training and orientation to all new members sufficient to allow them to perform their duties.
4. Make and adopt bylaws and rules and regulations, provided such rules and regulations are not inconsistent with federal or state laws or county ordinances.
5. Provide an annual written report containing the following information to the governing body of the county no later than January 1:
 - information on the effectiveness of activities, services and programs offered by the council, including cost-effectiveness.
 - a detailed anticipated budget for continuation of activities, services and programs, and a list of all sources of requested funding, both public and private.
 - procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the services are received.
 - a description of the degree to which the council's objectives and activities are consistent with its goals.
 - detailed information on the various programs, services and activities available to participants and the degree to which the programs, services and activities have been successfully used by children.
 - information on programs, services and activities that should be eliminated; programs, services and activities that should be continued; and programs, services and activities that should be added to the basic format of the children's services council.

The council is required to maintain minutes of each meeting, including a record of all votes cast, and to make such minutes available to any interested person.

The fiscal year of the district is the same as that of the county. The governing body of the county may fund in whole or in part the budget of the council from its own funds. On or before July 1 of each year, the council is required to prepare a tentative annual written budget of the district's expected income and expenditures, including a contingency fund. The adopted budget and final millage rate are certified and delivered to the governing body of the county. The certified budget is not subject to change or modification by the governing body of the county.

All tax money collected is paid directly to the council by the tax collector of the county, or the clerk of the circuit court if the clerk collects delinquent taxes. All moneys received by the council must be deposited in qualified public depositories, as defined in s. 280.02, F.S. The money may only be withdrawn by checks signed by the chair of the council and countersigned by either one other member

or by a chief executive officer who is authorized to do so by the council. These individuals must give a surety bond in the sum of at least \$1,000 for each \$1 million or portion thereof of the council's annual budget. The premium on such bond may be paid by the district.

A district may maintain a petty cash account which may not exceed \$100. All expenditures from petty cash must be recorded. No funds of the council, except for expenditures from petty cash, can be expended without prior council approval.

After the expiration of each quarter annual period, the council is required to provide the governing body of the county a financial report which includes: the total expenditures and receipts of the council for the quarter annual period; a statement of the funds the council has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter annual period; and the total administrative costs of the council for the quarter annual period.

These districts may be dissolved by a special act of the Legislature, or by county ordinance, subject to the approval of the electorate. If a district is thus dissolved, the county must assume its debts, liabilities, contracts and outstanding obligations. Any district may also be dissolved pursuant to the provisions of s. 189.4042.³

Any district created pursuant to the provisions s. 125.901, F.S., must comply with all other statutory requirements which relate to the filing of any financial reports or compliance reports, or any other report or documentation.

Section 125.901, F.S., states that it does not prohibit a county from exercising such power as is provided by general or special law to provide children's services or to create a special district to provide such services. Broward County established the "Children's Services Council of Broward County" pursuant to ch. 2000-461, L.O.F., a special act providing for the creation of such an entity upon voter approval.

Special Districts

Chapter 189, F.S., contains general provisions relating to special districts. Section 189.4031, F.S., provides that all special districts, regardless of the existence of other, more specific provisions of applicable law, must comply with the creation, dissolution and reporting requirements set forth in this chapter.

Notwithstanding any general law, special act or ordinance of a local government to the contrary, all independent special district charters must contain the information required by s. 189.404, F.S. This section provides that it is the intent of the Legislature that, at a minimum, the requirements of s. 189.404 (3), F.S.,⁴ must be satisfied when an independent special district is created. Pursuant to s. 11(a)(21), Art. III of the State Constitution, s. 189.404, F.S., prohibits special laws or general laws of local application which:

³ Section 189.4042, F.S., provides, in relevant part: "The merger or dissolution of an independent special district or a dependent district created and operating pursuant to a special act may only be effectuated by the Legislature unless otherwise provided by general law. If an inactive independent district was created by a county or municipality through a referendum, the county or municipality that created the district may dissolve the district after publishing notice as described in s. 189.4044. If an independent district was created by a county or municipality by referendum or any other procedure, the county or municipality that created the district may merge or dissolve the district pursuant to the same procedure by which the independent district was created. However, for any independent district that has ad valorem taxation powers, the same procedure required to grant such independent district ad valorem taxation powers shall also be required to dissolve or merge the district."

⁴ This section provides that a special act authorizing the creation of an independent special district must address and require specific matters in the district's charter.

- (a) Create independent special districts that do not, at a minimum, conform to the minimum requirements contained in s. 189.404(3), F.S.;
- (b) Exempt independent special district elections from the appropriate requirements in s. 189.405, F.S.
- (c) Exempt an independent special district from the requirements for bond referenda in s. 189.408, F.S.
- (d) Exempt an independent special district from the reporting, notice or public meetings requirements of ss. 189.4085, 189.415, 189.417, or 189.418, F.S.
- (e) Create an independent special district for which a statement has not been submitted to the Legislature that documents the following:
 1. the purpose of the proposed district;
 2. the authority of the proposed district;
 3. an explanation of why the district is the best alternative; and
 4. a resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

Collier County Children

In pursuit of data that would facilitate informed decision-making, the Naples Children and Education Foundation (a nonprofit corporation committed to supporting charitable and educational programs that improve the physical, emotional and educational lives of underprivileged or at-risk children) commissioned the Lastinger Center for Learning at the University of Florida's College of Education to conduct a demographic study of Collier County children. This 2006 report highlighted the following indicators of child well-being in Collier County:

- 15 percent of children live in poverty.
- 41 percent of children live in low-income households.
- 25 percent of newborns lacked adequate prenatal care (2003).
- 40 percent of births were to single mothers (2003).
- 9,347 children (17 percent) lack health insurance.
- 17,000 children (31 percent) lack adequate dental care.
- 5,500 children have undiagnosed hearing problems.
- 4,750 children have undiagnosed vision problems.
- 22 percent of children six to 18 years old have no regular healthcare provider or place to receive healthcare services.
- 33 percent of children needing residential treatment do not receive it.
- 50 percent of children who need substance abuse treatment do not receive it.
- 33 percent of children needing out-patient therapy do not receive it.
- 51 percent of the children needing subsidized early learning placement do not receive it.
- 89 percent of early learning centers are not accredited.
- 24 percent of children entering kindergarten screened with the Florida School Readiness Uniform Screening system were rated not ready for kindergarten.
- 44 percent of children entering kindergarten screened with the Dynamic Indicators of Basic Early Literacy instrument were rated at risk of early school failure.
- 36 percent of children in 3rd grade scored at Levels I and II on the reading section of the Florida Comprehensive Assessment Test (FCAT).
- 56 percent of children in 8th grade scored at Levels I and II of the reading section of the FCAT.
- 71 percent of children in 10th grade scored at Levels I and II of the reading section of the FCAT.
- Seven percent of children in public schools during 2003-2004 were retained.
- Nine percent of children in public schools during 2003-2004 dropped out.

- 50 percent of elementary and middle school students who need after-school support do not receive it.
- 36 percent of students in grades 6-12 surveyed in the spring of 2004 reported using alcohol in the past 30 days.
- 17 percent of students in grades 6-12 surveyed in the spring of 2004 reported binge drinking (consuming more than five drinks in a row) in the past 30 days.
- 14 percent of students in grades 6-12 surveyed in the spring of 2004 reported using cigarettes in the past 30 days.
- 13 percent of students in grades 6-12 surveyed in the spring of 2004 reported using marijuana in the past 30 days.
- Juvenile crime referrals increased nine percent from 2002-2003 to 2003-2004.
- 50 percent of children in foster care are in need of permanent adoption.
- 82 percent of children in foster care need therapeutic counseling.
- There is no independent, tax based, public financial support for children's services in Collier County.

The report also noted that:

Collier County is known for its philanthropy and strong social service sector. Collier's philanthropists make ever-increasing contributions to provide essential services to children. In 2006, the Naples Children and Education Foundation was the single largest source of funding for children, having raised more than \$12,000,000 through its wine auction. Other organizations, such as the Education Foundation of Collier County, the Community Foundation, the Immokalee Foundation, and the United Way, to name a few, raise and invest more than \$7,000,000 annually in additional funding to support basic services for children. Several million dollars annually are also contributed directly by individual donors to selected charities.

Despite this philanthropic activity, the need far outpaces the charitable giving, and there is virtually no public investment to support the healthy growth and development of Collier's children.

Clearly, public funds — when combined with generous private sector support — can better meet the financial demands of a vibrant, innovative network of children's services. As the population of Collier County increases, the demand for children's services will increase exponentially. It is likely that without the targeted, leveraged investment of human and financial resources made possible through a Children's Trust, the gaps in essential services in Collier County will grow, and an ever-increasing number of children will suffer needlessly. It is not simply the children of the poor, or the working poor, who are at-risk; increasingly, middle-class families are strained to provide vital services for their children.⁵

A local group of citizens has been discussing the establishment of a children's services trust in Collier County during the past four years. The group has indicated that it endeavors to have the entity established pursuant to special act rather than s. 125.901, F.S., as it would like to reconfigure the membership and selection of the board in hopes of better serving the public. Basically, this change would allow all members to be appointed locally by eliminating the gubernatorial appointments to the board.

⁵ "A Study of Child Well-Being in Collier County," Lastinger Center for Learning, University of Florida (2006).

The proposal has not been without its critics, who oppose the possibility of an additional ad valorem tax—albeit the necessity for voter approval—in the midst of lost jobs and a bad economy.⁶

Effect of Proposed Changes

The PCS for HB 511 authorizes the creation of the "Children's Trust of Collier County." Subject to a referendum, it creates an independent special district to provide a public funding source for children's services in Collier County. The PCS specifies that its provisions do not prevent the county from creating a children's services council pursuant to s.125.901, F.S.

Pursuant to s.189.404(3), F.S., the Children's Trust of Collier County must address certain matters in its charter. The following describes whether this PCS meets those requirements.

- District purpose: The provisions of this PCS establish a purpose for the district. Section 2 of the PCS notes that the district is created to provide children's services throughout Collier County.
- Powers, functions, and duties of the district regarding ad valorem taxation, bond issues and other revenue-raising capabilities, budget matters, lien issues, and other similar issues: The PCS provides for these powers, functions and duties. See, subsequent specific requirements in this section of the analysis.
- The methods for establishing the district: Pursuant to Section 8, the act takes effect only upon its approval by a majority vote of the qualified electors of Collier County voting in a referendum in conjunction with the next primary, general or special election. The referendum is required to include provisions for the district to sunset, or for the authorization to levy ad valorem assessments to cease, at the end of a stated period of five to seven years. If the initial referendum is approved by the electorate, the district may be continued at the end of the sunset period by an affirmative vote of the electorate in a subsequent referendum.
- The method for amending the charter of the district: Section 7 of the PCS provides that the district may only be amended by special act of the Legislature. This section further provides that the district may be dissolved by the Legislature or by the electorate of Collier County in a referendum (as well as pursuant to the sunset provisions of Section 8).
- The membership and organization of the governing board of the district: Section 3 of the PCS provides for the membership of a district board of trustees. The trust is composed of 15 trustees divided into four categories. This differs from the two possible scenarios described in s. 125.901, F.S., which provides for either a 10 or 33-member board, with five or seven members appointed by the governor, respectively. These categories include the following:

Category One:

1. The superintendent of schools of the Collier County School District or his or her designated senior officer.
2. The Sheriff of Collier County or his or her designated senior officer.
3. A member of the District School Board of Collier County, chosen annually by a majority of its members.
4. A member of the Board of County Commissioners of Collier County, chosen annually by a majority of the commissioners.
5. A judge assigned to preside over juvenile cases in Collier County, who sits as a voting member of the trust, except that he or she is not allowed to vote or participate in the setting of ad valorem assessments. The chief judge of the 20th judicial circuit annually designates the judge to serve on the board.

⁶ <http://www.naplesnews.com/news/2009/dec/09/new-district-could-be-2010-ballot>.

Category Two:

1. An executive or board member of the United Way, the Community Foundation or a similar community organization.
2. An executive or board member from a Collier County health or medical services organization that serves the needs of children.
3. A student who is between the ages of 18 and 22 at the time of appointment and is a legal resident of the county.

Category Three:

Two members of the Collier County community who have served in paid or volunteer positions in organizations devoted to providing children's services for at least three of the seven years preceding appointment and whose backgrounds will help achieve diversity and experience on the board.

Category Four:

Five trustees initially appointed by a majority of the board of county commissioners. Each trustee must be a legal resident of a different county commission district. Successor appointees, including the reappointment of any initial trustee in this category, are selected by the county commission from a list of three nominees for each position recommended to the board by the trustees. The trustees and the county commission are required to consider the backgrounds, qualifications, experience and demographic diversity of the trustees serving in each category so as to result in a board of trustees with members of varied ethnicity, gender and age, as well as members with managerial, financial, accounting, legal, health care and social services experience.

The five appointees in Categories Two and Three are selected by a majority of the other 10 trustees.

All trustees in Categories Two, Three and Four must be legal residents of the county for the two calendar years preceding appointment and must remain legal residents while serving as trustees. The trustees in Category One need not have been legal residents of the county for the two calendar years preceding appointment, except for senior officers designated by the sheriff and the superintendent of schools. Each trustee must continue to retain the position that qualified him or her for appointment as a trustee in order to serve on the board.

The initial 10 trustees in Categories Two, Three and Four are divided into three groups, two of which contain three members and one which contains four members. After initial appointment, these groups are designated by the chair of the board in a blind drawing so as to create three groups with initial terms of one, two and three years to create staggered terms. Except as otherwise provided, each trustee serves a three-year term. A trustee may serve two consecutive full three-year terms in addition to any preceding shorter term with duration of less than two years but cannot thereafter serve without a two-year hiatus.

A trustee may be removed by a supermajority vote of the county commissioners after a recommendation by a two-thirds vote of the membership of the trust. A trustee may be removed for cause by a majority vote of the board of county commissioners after a recommendation by majority vote of the trustees.

If a trustee dies, resigns, is removed from office, or no longer retains the position or residential status that qualified the trustee for appointment, the vacancy is filled by appointment using the same method as the original or subsequent appointment.

The PSC requires the availability of appointments for the positions on the board to be publicly advertised. Although recommendations and appointments need not be made from among

applicants who respond to the advertising, the trustees are required to consider these applicants.

The trustees are required to elect a chair and vice chair or chair-elect from among their members and other elected officers as deemed necessary.

- The maximum compensation of a governing board member: Trustees serve without compensation but are entitled to receive reimbursement for per diem and travel expenses consistent with s.112.061, F.S.; as per Section 4, paragraph (7) of the PSC. This provision corresponds to s.125.901(2)(d), F.S.
- The administrative duties of the governing board of the district: Pursuant to Section 4 of the PSC, the trustees are required to, not later than one year after the trustees are first appointed and officers are elected, identify and assess the needs of the children in the county and submit to the board of county commissioners a written description of:
 - The activities, services and opportunities that will be provided to children and the anticipated schedule for providing those activities, services and opportunities.
 - The manner in which children will be served, including a description of arrangements and agreements that are proposed to be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies.
 - The special outreach efforts that will be undertaken to provide services to at-risk, abused or neglected children.
 - The manner in which the trustees will seek and provide funding for unmet needs, including the use of available funding grants.
 - The strategy that will be used for interagency coordination to maximize existing human and fiscal resources.

These provisions are similar to those found at s. 125.901(2)(b)2., F.S. The trustees also are required to:

- Provide training and orientation to all trustees. Section 125.901(2)(b)3., F.S.
- Make and adopt bylaws and rules for the trust's guidance, operation, governance and maintenance. Section 125.901(2)(b)4., F.S.
- Provide an annual written report, with similar contents to those required by s. 125.901(2)(b)5., F.S., to be presented no later than 90 days after the end of each fiscal year to the board of county commissioners which includes:
 1. Information on the effectiveness of activities, services and programs offered by the trust, including cost-effectiveness.
 2. A detailed anticipated budget for continuation of activities, services and programs offered by the trust and a list of all sources of requested funding, both public and private.
 3. Procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the additional or continued services are delivered and received.
 4. A description of the degree to which the trust's objectives and activities are consistent with its goals.
 5. Detailed information on the various programs, services and activities available to participants and the degree to which the programs, services and activities have been successfully used by children.
 6. Information on programs, services and activities that should be eliminated, continued and added to the basic format of the trust.
 7. A financial statement.

- The applicable financial disclosure, noticing, and reporting requirements: The trustees are required to maintain minutes of each meeting, including a record of all votes cast, and to make such minutes available to any interested person. Section 125.901(2)(c), F.S.

All financial statements of the district are required to be audited annually by independent auditors based on generally accepted governmental accounting principles. The financial records must be available for audit by state auditors.

Within 30 days after the end of each fiscal quarter, the trust must prepare and file a financial report with the board of county commissioners that includes the following:

- The total expenditures and receipts of the trust for the most recent fiscal quarter.
- A statement of the funds that the trust has on hand, has invested, or has deposited with qualified public depositories at the end of the most recent fiscal quarter.
- The total administrative costs of the trust for the most recent fiscal quarter.

The trustees are required to comply with all fiscal and other requirements in s.125.901, F.S.

- If the district has authority to issue bonds, the procedures and requirements for issuing bonds: This district does not have the authority to issue bonds. In fact, the PCS provides that nothing in the act shall be construed to authorize issuance of bonds of any nature. Section 125.901(2)(a)6., F.S.
- The procedures for conducting any district elections or referendum and the qualifications of an elector of the district: See, "The methods for establishing the district," above.
- The methods for financing the district: Pursuant to Section 6 of the PCS, the trust may levy ad valorem taxes annually on all taxable property in Collier County in an amount no greater than the millage rate limit approved by the electorate in the countywide referendum not to exceed one-half mill.⁷ Section 125.901(3)(b), F.S.

Section 5 of the PCS provides that before the end of each fiscal year,⁸ the trust is required to prepare and adopt a tentative annual written budget for the ensuing fiscal year that includes its expected income and expenditures and provision for a contingency fund. The tentative annual written budget must be delivered to the board of county commissioners within 90 days before the end of each fiscal year. An estimate of the millage rate necessary to be applied to raise the funds budgeted for expenditures is included in each tentative annual budget. The adopted budget and final millage rate must be certified and delivered to the board within 15 days after the trust's adoption of the final budget and millage rate pursuant to ch. 200, F.S.

Neither the final nor any preliminary or tentative budget of the trust is subject to change or modification by the board of county commissioners or any other authority. Section 125.901(3)(c), F.S.

The trust must compute a proposed millage rate within the voter-approved limit necessary to fund the tentative budget and, prior to adopting a final budget, comply with the provisions of s. 200.065, F.S., relating to the method of fixing millage, and fix the final millage rate by resolution of the trustees. Section 125.901(3)(b), F.S.

Section 6 of the PCS provides that the trust's funds may be temporarily invested in such manner as public funds are generally approved for investment in the state. Section 125.901, F.S., does

⁷ If a .5 mill (50 cents for each \$1,000 of taxable property) were approved by Collier County voters, the district would collect approximately \$125 a year in additional taxes on a \$300,000 home with homestead exemption.

⁸ The fiscal year of the district is the same as that of Collier County. Pursuant to s. 129.04, F.S., the fiscal year of each county in this state commences on October 1 and ends on September 30 of each year.

not contain similar language, but contemplates investment of district funds in s. 125.901(3)(f)3., F.S.

All trust disbursements require the signature of two persons, at least one of whom must be a trustee. The chair or any other trustee or employee who signs checks on behalf of the trust must secure a surety bond in the amount of at least \$1,000 for each \$1 million or portion thereof of the trust's annual budget. The actual amount is to be determined by a majority of the trustees based on professional advice, and the trust pays the cost and premiums for such bonds.

No funds of the trust may be expended unless in accord with its approved budget; however, the trustees may periodically approve revisions to particular budget line items. No funds of the trust can be expended except by check, except expenditures of a petty cash account that cannot exceed \$500. Except for the expenditure of petty cash or issuance of checks made payable for sums no greater than \$5,000, no funds of the trust can be expended without prior written approval of the trustees. Budgeted expenditures of \$5,000 or less may be made by the chief executive officer of the trust without the prior written approval of the trustees but must be reported to the trustees by written report during the month in which any such expenditures are made. Electronic wire transfers are deemed to be checks if written authorization for each wire transfer is obtained in the same manner as checks are approved.

This language largely corresponds to provisions contained in s. 125.901(3), F.S., with a few exceptions. The PCS for HB 511 raises the maximum amount of the petty cash account from \$100 to \$500; provides for the expenditure of funds no greater than \$5,000 without prior written approval, and contemplates the use of electronic wire transfers. Each of these provisions appears to be reasonable in light of current fiscal circumstances.

- The method(s) for collecting non-ad valorem assessments, fees, or service charges: All assessments collected are to be paid directly to the trust by the tax collector and all other applicable county officials. The moneys received by the trust shall be deposited in one or more qualified public depositories. Section 125.901(3)(d), F.S.
- Geographic boundary limitations: Section 2 of the PCS provides that the boundaries of the district will be coterminous with the boundaries of the county. Section 125.901(1), F.S.

Section 4 of the PCS further authorizes the trust to have these additional powers and duties:

- To provide for such early childhood, interventional, preventive, developmental, treatment and rehabilitative services for children as the trustees determine are needed for the general welfare of the county; and provide for such other services for children as the trustees determine are needed for the general welfare of the county.
- To allocate and provide funds to other agencies in the county that are operated for the benefit of children, provided such agencies are not under the exclusive jurisdiction of the public school system.
- To collect information and statistical data that will be helpful to the trustees in determining the needs of children in the county.
- To consult with other agencies dedicated to the welfare of children to prevent overlapping of services.
- To buy or lease such real estate, equipment, and personal property and construct such buildings as are needed to execute the foregoing powers and duties, provided that no such purchases may be made or building done except for cash with funds on hand or secured by funds deposited in financial institutions.
- To employ and pay, on a part-time or full-time basis, personnel needed to execute the powers and duties of the trust.
- To borrow money for initial administrative and organizational expenses and issue evidence of indebtedness in anticipation of the initial tax revenues as long as the amount is not greater than 20 percent of the anticipated revenues for the initial year.

- To apply for, obtain, and receive funding grants that are consistent with the purpose of the trust.
- Except as may be specifically limited or changed, to have all powers, duties, responsibilities, and obligations as provided for special districts in s. 125.901 and s. 125.902, F.S.⁹

For the most part, these powers and duties coincide with the powers and duties provided by s. 125.901(2)(a), F.S., with the exception of the additional specific authority to borrow money.

B. SECTION DIRECTORY:

Section 1: Provides a name for the district.

Section 2: Subject to a referendum, creates an independent special district to provide children's services.

Section 3: Provides for the membership of the district's board.

Section 4: Provides for the powers and duties of the district.

Section 5: Provides for the fiscal year and budget of the district.

Section 6: Provides for the levying of ad valorem assessments, and the use and control of funds.

Section 7: Provides for amendment and dissolution of the district.

Section 8: Provides for a referendum.

Section 9: Provides an effective date(s) for the act.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 9, 2009

WHERE? The *Naples Daily News*, a newspaper of general circulation published in Collier County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? To be determined by the Collier County Board of County Commissioners.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, the bill serves as an enabling mechanism that requires, as a condition to the creation of the special district, that two things occur: 1) the Board of County

⁹ Section 125.902 F.S., relates to the ability of a children's services council to submit requests for funding to the Department of Children and Family Services, subject to specific appropriations.

Commissioners of Collier County must determine to call a public referendum; and 2) county voters must approve creation of the trust as a special district in the referendum.

If the bill becomes law and the voters of Collier County were to approve the creation of the special district, the economic impact would be an additional ad valorem tax. This bill proposes that the tax could not exceed .5 mill for a period of not more than seven and not less than five years.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None, assuming that the requirements of s. 189.404(2), F.S., are met.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

Status Statement

Pursuant to s. 189.404(5), F.S., after October 1, 1997, the charter of any newly created special district shall contain...a reference to the status of the special district as dependent or independent....

This bill fulfills that requirement by its reference to the creation of an independent special district on Line 36.

Section 189.404(2)(e)1.-3., F.S.

The proponents of the district have submitted a letter to the Military & Local Affairs Policy Committee dated April 1, 2010, which suffices as the statement required by s. 189.404(2)(e)1.-3., F.S., providing:

1. the purpose of the proposed district;
2. the authority of the proposed district; and
3. an explanation of why the district is the best alternative.

It is anticipated that the Legislature will be provided with a letter from the Collier County Board of County Commissioners after it meets on April 13, 2010, in order to comply with s.189.404(2)(e)(4), F.S., which requires a resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government body has no objection to the creation of the proposed district.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

GRANT, FRIDKIN & PEARSON, P.A.
5551 RIDGEWOOD DR #501
NAPLES FL 34108-2718

REFERENCE: 029941 TARA FRIEDMAN
59600230 NOTICE OF INTENT TO

State of Florida
County of Collier

Before the undersigned authority, personally appeared Phil Lewis, who on oath says that he serves as the Editor and Vice President of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 12/09 12/09

AD SPACE: 17 LINE
FILED ON: 12/09/09

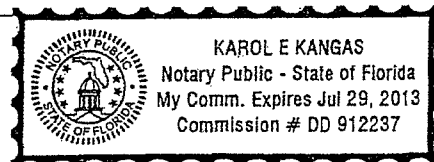
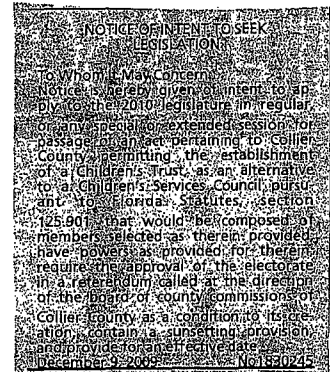
Signature of Affiant

Phil Lewis

Sworn to and Subscribed before me this 10th day of December 2009

Personally known by me

Karol E Kangas



HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM

BILL #: HB 511

SPONSOR(S): Representative Hudson, District 101

RELATING TO: Collier County
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Collier

CONTACT PERSON: James Mullen

PHONE NO.: 850-488-1028 E-Mail: James.Mullen@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: November 24, 2009

Location: Immokalee, FL - UF-IFAS officer

(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 12/9/09

Where? Naples Daily News County Collier

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE The Bill creates an enabling mechanism that would allow creation of a special district.

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

YES NO NOT APPLICABLE

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

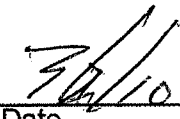
YES NO

This Bill requires voter approval to (i) create the proposed special district and (ii) impose any tax.

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



Delegation Chair (Original Signature)



Date

Matt Hudson

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 #: HB 511

SPONSOR(S): Representative Hudson, District 101

RELATING TO: Collier
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures:	<u>FY 10-11</u>	<u>FY 11-12</u>
	NA	NA

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY 11-12</u>
Federal:	NA	NA
State:	NA	NA
Local:	See narrative attached.	

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:	<u>FY 10-11</u>	<u>FY 11-12</u>
	See narrative attached.	

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

Advantages:
See narrative attached.

Disadvantages:

Economic Impact Statement

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

See narrative attached.

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

See narrative attached.

PREPARED BY:  3-3-10
[Must be signed by Preparer] Date

TITLE: Secretary

REPRESENTING: Collins Children's Trust & Foundation, Political Committee

PHONE: 235-514-1001

E-Mail Address: rgrowth@gfssc.com

1 A bill to be entitled
 2 An act relating to Collier County; providing a short
 3 title; creating an independent special district to provide
 4 children's services in the county; providing for a
 5 governing board; providing for membership, terms, and
 6 powers and duties of the board; authorizing reimbursement
 7 for per diem and travel expenses; requiring certain
 8 reports and audits; specifying a fiscal year; providing
 9 financial requirements and budget procedures; authorizing
 10 the levy of ad valorem assessments and providing a millage
 11 cap; requiring a surety bond of certain persons; providing
 12 requirements for amendment or dissolution of the district;
 13 providing for referendums; providing an effective date.

14
 15 WHEREAS, credible studies have shown that there is an unmet
 16 funding gap for services necessary to address the needs of
 17 children in Collier County, and

18 WHEREAS, section 125.901, Florida Statutes, authorizes the
 19 creation of an independent special district to provide
 20 children's services throughout each county and permits an
 21 individual county to establish such a district by ordinance, and

22 WHEREAS, the Legislature has determined that it would serve
 23 the public interest of Collier County to provide for the
 24 establishment by special act of an independent special district
 25 within Collier County, as a way of better serving the needs of
 26 all children in Collier County, NOW, THEREFORE,

27
 28 Be It Enacted by the Legislature of the State of Florida:

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

Section 1. This act provides a charter for the "Children's Trust of Collier County."

Section 2. Subject to approval as provided in section 8, there is created an independent special district to be known as the "Children's Trust of Collier County" to provide children's services throughout Collier County. The boundaries of the district shall be coterminous with the boundaries of the county. The governing body of the district shall be a board of trustees. Nothing in this act prevents the county from creating a children's services council pursuant to section 125.901, Florida Statutes.

Section 3. (1) The board of trustees shall be composed of 15 trustees, as follows:

(a) Category 1:

1. The superintendent of schools of the Collier County School District or his or her designated senior officer.

2. The Sheriff of Collier County or his or her designated senior officer.

3. A member of the District School Board of Collier County, chosen annually by a majority of its members.

4. A member of the Board of County Commissioners of Collier County, chosen annually by a majority of the commissioners.

5. A judge assigned to preside over juvenile cases in Collier County, who shall sit as a voting member of the trust, except that he or she shall not vote or participate in the setting of ad valorem assessments. The chief judge of the 20th

57 judicial circuit shall annually designate the judge to serve on
58 the board.

59 (b) Category 2:

60 1. An executive or board member of the United Way, the
61 Community Foundation, or a similar community organization.

62 2. An executive or board member from a Collier County
63 health or medical services organization that, in whole or in
64 part, serves the needs of children.

65 3. A student attending an educational institution who is
66 between the ages of 18 and 22 at the time of appointment and is
67 and remains a legal resident of the county.

68 (c) Category 3: Two members of the Collier County
69 community who have served in paid or volunteer positions in
70 organizations devoted to providing children's services for at
71 least 3 of the 7 years preceding appointment and whose
72 backgrounds will help achieve the diversity and experience
73 described in paragraph (d).

74 (d) Category 4: Five trustees initially appointed by a
75 majority of the board of county commissioners. Each trustee must
76 be a legal resident of a different county commission district so
77 that each district has a representative. Successor appointees,
78 including the reappointment of any initial trustee in this
79 category, shall be selected by the county commissioners from a
80 list of three nominees for each position recommended to the
81 board by the trustees. The trustees, in making recommendations
82 to the county commissioners, and the commissioners, in
83 appointing each of the five trustees, shall consider the
84 backgrounds, qualifications, experience, and demographic

85 diversity of the trustees serving in each category so as to
 86 result in a board of trustees with members of varied ethnicity,
 87 gender, and age, as well as members with managerial, financial,
 88 accounting, legal, health care, and social services experience.

89 (2) The five appointees in categories 2 and 3 shall be
 90 selected by a majority of the other 10 trustees.

91 (3) All trustees in categories 2, 3, and 4 must have been
 92 legal residents of the county for the 2 calendar years preceding
 93 appointment and must remain legal residents while serving as
 94 trustees. The trustees in category 1 need not have been legal
 95 residents of the county for the 2 calendar years preceding
 96 appointment, except for senior officers designated by the
 97 sheriff and the superintendent of schools. Each trustee must
 98 continue to retain the position that qualified him or her for
 99 appointment as a trustee in the applicable category. Should a
 100 trustee fail to retain such position, he or she shall no longer
 101 be eligible to serve, and his or her term shall end at such
 102 time.

103 (4) The initial 10 trustees in categories 2, 3, and 4
 104 shall be divided into three groups, two of which shall contain
 105 three members each and one of which shall contain four members.
 106 The student representative shall serve a 2-year term and
 107 initially be included in the 2-year term group. After initial
 108 appointment, these groups shall be designated by the chair of
 109 the board of trustees in a blind name drawing so as to create
 110 the three groups with initial terms of 1, 2, and 3 years,
 111 respectively, to create staggered terms. The four-member group
 112 shall serve initial 3-year terms. Except as otherwise provided,

113 each trustee shall serve a 3-year term. A trustee may serve two
 114 consecutive full 3-year terms in addition to any preceding
 115 shorter term with a duration of less than 2 years but may not
 116 thereafter serve without a 2-year hiatus.

117 (5) A trustee may be removed by a vote of the majority of
 118 the board of county commissioners plus one after a
 119 recommendation by a two-thirds vote of the membership of the
 120 trust. A trustee may be removed for cause by a majority vote of
 121 the board of county commissioners after a recommendation by a
 122 majority vote of the trustees. If any of the trustees dies,
 123 resigns, is removed from office, or no longer retains the
 124 position or residential status that qualified the trustee for
 125 appointment, the vacancy created shall, as soon as practicable,
 126 be filled by appointment using the same method as the original
 127 or subsequent appointment procedure, as the case may be, and
 128 such appointment to fill a vacancy shall be for the unexpired
 129 term of the person who resigns, dies, is removed from office, or
 130 is no longer eligible for office.

131 (6) The availability of appointments for the initial
 132 positions on the board of trustees, in all categories other than
 133 category 1, as well as all subsequent vacancies after initial
 134 terms, shall be publicly advertised, including the applicable
 135 criteria for each available position, so as to encourage
 136 qualified persons to apply for appointment prior to the making
 137 of recommendations or appointments by the trustees.
 138 Recommendations and appointments need not be made from among
 139 applicants who respond to the advertising, but the trustees

140 shall consider any such applicants prior to making any
 141 recommendations or appointments.

142 Section 4. (1) The trust shall have the following powers
 143 and duties:

144 (a) To provide for such early childhood, interventional,
 145 preventive, developmental, treatment, and rehabilitative
 146 services for children as the trustees determine are needed for
 147 the general welfare of the county; and provide for such other
 148 services for children as the trustees determine are needed for
 149 the general welfare of the county.

150 (b) To allocate and provide funds to other agencies in the
 151 county that are operated for the benefit of children, provided
 152 such agencies are not under the exclusive jurisdiction of the
 153 public school system.

154 (c) To collect information and statistical data that will
 155 be helpful to the trustees in determining the needs of children
 156 in the county.

157 (d) To consult with other agencies dedicated to the
 158 welfare of children to prevent overlapping of services.

159 (e) To buy or lease such real estate, equipment, and
 160 personal property and construct such buildings as are needed to
 161 execute the foregoing powers and duties, provided that no such
 162 purchases shall be made or building done except for cash with
 163 funds on hand or secured by funds deposited in financial
 164 institutions. Nothing in this act shall be construed to
 165 authorize issuance of bonds of any nature.

166 (f) To employ and pay, on a part-time or full-time basis,
 167 personnel needed to execute the powers and duties of the trust.

168 (g) To borrow money for initial administrative and
 169 organizational expenses and issue evidence of indebtedness in
 170 anticipation of the initial tax revenues so long as the amount
 171 is not greater than 20 percent of the anticipated revenues for
 172 the initial year.

173 (h) To apply for, obtain, and receive funding grants that
 174 are consistent with the purpose of the trust.

175 (i) Except as may be specifically limited or changed by
 176 this act, to have all powers, duties, responsibilities, and
 177 obligations as provided for special districts in sections
 178 125.901 and 125.902, Florida Statutes.

179 (2) Promptly after the initial trustees are appointed by
 180 the board of county commissioners and the individuals who will
 181 actually serve in the category 1 positions are identified, those
 182 trustees shall select and appoint the remaining trustees from
 183 categories 2 and 3.

184 (3) Promptly after all the trustees are initially
 185 appointed, the trustees of the trust shall elect a chair and
 186 vice chair or chair elect from among its members and other
 187 elected officers as deemed necessary by the trust.

188 (4) Promptly after the trustees are initially appointed or
 189 designated, they shall be divided into three groups with
 190 staggered terms as provided in section 3.

191 (5) The trustees of the trust shall:

192 (a) As soon as practicable, but not later than 1 year
 193 after the trustees are first appointed and officers are elected,
 194 identify and assess the needs of the children in the county

195 served by the trustees and submit to the board of county
 196 commissioners a written description of:

197 1. The activities, services, and opportunities that will
 198 be provided to children and the anticipated schedule for
 199 providing those activities, services, and opportunities.

200 2. The manner in which children will be served, including
 201 a description of arrangements and agreements that are proposed
 202 to be made with community organizations, state and local
 203 educational agencies, federal agencies, public assistance
 204 agencies, the juvenile courts, foster care agencies, and other
 205 applicable public and private agencies.

206 3. The special outreach efforts that will be undertaken to
 207 provide services to at-risk, abused, or neglected children.

208 4. The manner in which the trustees will seek and provide
 209 funding for unmet needs, including the use of available funding
 210 grants.

211 5. The strategy that will be used for interagency
 212 coordination to maximize existing human and fiscal resources.

213 (b) Provide training and orientation to all trustees
 214 sufficient to allow them to perform their duties.

215 (c) Make and adopt bylaws and rules for the trust's
 216 guidance, operation, governance, and maintenance, provided such
 217 rules are not inconsistent with federal or state laws or county
 218 ordinances.

219 (d) Provide an annual written report to be presented no
 220 later than 90 days after the end of each fiscal year to the
 221 board of county commissioners. The report shall contain, but not
 222 be limited to, the following:

223 1. Information on the effectiveness of activities,
 224 services, and programs offered by the trust, including cost-
 225 effectiveness.

226 2. A detailed anticipated budget for continuation of
 227 activities, services, and programs offered by the trust and a
 228 list of all sources of requested funding, both public and
 229 private.

230 3. Procedures used for early identification of at-risk
 231 children who need additional or continued services and methods
 232 for ensuring that the additional or continued services are
 233 delivered and received.

234 4. A description of the degree to which the trust's
 235 objectives and activities are consistent with the goals of this
 236 section.

237 5. Detailed information on the various programs, services,
 238 and activities available to participants and the degree to which
 239 the programs, services, and activities have been successfully
 240 used by children.

241 6. Information on programs, services, and activities that
 242 should be eliminated, continued, and added to the basic format
 243 of the trust.

244 7. A financial statement.

245 (6) The trustees shall maintain minutes of each meeting,
 246 including a record of all votes cast, and shall make such
 247 minutes available to any interested person.

248 (7) Trustees shall serve without compensation but shall be
 249 entitled to receive reimbursement for per diem and travel
 250 expenses consistent with section 112.061, Florida Statutes.

251 (8) All financial statements of the trust shall be audited
 252 annually by independent auditors based on generally accepted
 253 governmental accounting principles. The financial records shall
 254 also be available for audit by state auditors.

255 (9) Within 30 days after the end of each fiscal quarter,
 256 the trustees shall cause to be prepared and filed with the board
 257 of county commissioners a financial report that shall include
 258 the following:

259 (a) The total expenditures of the trust for the most
 260 recent fiscal quarter.

261 (b) The total receipts of the trust during the most recent
 262 fiscal quarter.

263 (c) A statement of the funds that the trust has on hand,
 264 has invested, or has deposited with qualified public
 265 depositories at the end of the most recent fiscal quarter.

266 (d) The total administrative costs of the trust for the
 267 most recent fiscal quarter.

268 (10) The trustees of the trust shall comply with all
 269 fiscal and other requirements in section 125.901, Florida
 270 Statutes.

271 Section 5. Fiscal year; budget.--

272 (1) The fiscal year of the district or trust shall be the
 273 same as that of Collier County.

274 (2) Before the end of each fiscal year, the trust shall
 275 prepare and adopt a tentative annual written budget for the
 276 ensuing fiscal year that includes its expected income and
 277 expenditures and provision for a contingency fund. The tentative
 278 annual written budget shall be delivered to the board of county

279 commissioners within 90 days before the end of each fiscal year.
 280 Included in each tentative annual written budget shall be an
 281 estimate of the millage rate necessary to be applied to raise
 282 the funds budgeted for expenditures, which millage rate shall
 283 not exceed a maximum of 50 cents for each \$1,000 of assessed
 284 valuation of all properties within the county that are subject
 285 to county taxes. The adopted budget and final millage rate shall
 286 be certified and delivered to the board of county commissioners
 287 within 15 days after the trust's adoption of the final budget
 288 and millage rate pursuant to chapter 200, Florida Statutes.

289 (3) Neither the final nor any preliminary or tentative
 290 budget of the trust shall be subject to change or modification
 291 by the board of county commissioners or any other authority.

292 Section 6. Levying of ad valorem assessments; use and
 293 control of funds.-In order to provide funds for the trust, the
 294 trust may levy ad valorem taxes annually on all taxable property
 295 in Collier County in an amount no greater than the millage rate
 296 limit approved by the electorate in the countywide referendum
 297 pursuant to section 8, not to exceed one-half mill. The trust
 298 shall compute a proposed millage rate within the voter-approved
 299 limit necessary to fund the tentative budget and, prior to
 300 adopting a final budget, comply with the provisions of section
 301 200.065, Florida Statutes, relating to the method of fixing
 302 millage, and shall fix the final millage rate by resolution of
 303 the trustees. All taxes collected under this act, as soon as is
 304 reasonably practicable after the collection thereof, shall be
 305 paid directly to the trust by the tax collector and all other
 306 applicable county officials. The moneys so received by the trust

307 shall be deposited in one or more qualified public depositories
308 maintained by the trust. The trust's funds may be temporarily
309 invested in such manner as public funds are generally approved
310 for investment in the state. Except as otherwise provided, all
311 disbursements shall require the signature of two persons, at
312 least one of whom must be a trustee. The chair or any other
313 trustee or employee who signs checks on behalf of the trust
314 shall secure a surety bond in the amount of at least \$1,000 for
315 each \$1 million or portion thereof of the trust's annual budget.
316 The actual amount shall be determined by a majority of the
317 trustees based on professional advice, which bond shall be
318 conditioned that each such trustee or employee shall faithfully
319 discharge the duties of his or her office. No other trustee or
320 employee shall be required to secure bonds or other security.
321 The trust shall pay the cost and premiums for such bonds. No
322 funds of the trust shall be expended except by check, except
323 expenditures of a petty cash account that shall not at any time
324 exceed \$500. All expenditures from petty cash shall be recorded
325 on the books and records of the trust. No funds of the trust may
326 be expended unless they are in accord with its approved budget,
327 but nothing shall prevent the trustees from periodically
328 approving revisions to particular budget line items. Except for
329 the expenditure of petty cash or issuance of checks made payable
330 for sums no greater than \$5,000, no funds of the trust shall be
331 expended without prior written approval of the trustees.
332 However, budgeted expenditures of \$5,000 or less may be made by
333 the chief executive officer of the trust without the prior
334 written approval of the trustees but shall be reported to the

335 trustees by written report during the month in which any such
 336 expenditures are made. For purposes of this section, electronic
 337 wire transfers shall be deemed to be checks if written
 338 authorization for each wire transfer is obtained in the same
 339 manner as checks are approved.

340 Section 7. Amendment and dissolution.—The charter for the
 341 district that is created by this act may be amended only by
 342 special act of the Legislature. The district may be dissolved by
 343 a special act of the Legislature, by the electorate of Collier
 344 County in a referendum appearing on the ballot in a primary,
 345 general, or special election or by virtue of the sunset
 346 provisions of section 8.

347 Section 8. Referendum.—As a condition to the creation and
 348 establishment of the district, it must be approved by a majority
 349 vote of the electorate of Collier County voting in a referendum
 350 appearing on the ballot in a primary, general, or special
 351 election. The decision to place the item on the ballot for a
 352 referendum shall be made by the board of county commissioners.
 353 The referendum shall include provisions for the district or
 354 trust to cease to exist, or for the authorization to levy ad
 355 valorem assessments to cease at the end of a stated sunset
 356 period of not more than 7 years and not less than 5 years, the
 357 actual number of years to be established in the referendum
 358 approved by the board of county commissioners. If the initial
 359 referendum is approved by the electorate, the district or trust
 360 may be continued at the end of the sunset period by an
 361 affirmative vote of the electorate in a subsequent referendum.

PCS for HB 511

ORIGINAL



2010

362 Section 9. This act shall take effect only upon its
 363 approval by a majority vote of those qualified electors of
 364 Collier County voting in a referendum to be held by the Board of
 365 County Commissioners of Collier County in conjunction with the
 366 next primary, general, or special election in Collier County,
 367 except that this section shall take effect upon this act
 368 becoming a law.

369 Section 10. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1227 Children's Services
SPONSOR(S): Military & Local Affairs Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1216

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee		Fudge 	Hoagland 
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Section 125.901, F.S., authorizes counties to create, by ordinance, an independent or dependent special district to provide funding for preventative, developmental, treatment, and rehabilitative services for children throughout the county. Upon approval by the electors in the county, the district may annually levy ad valorem taxes, not to exceed 0.5 mills.

Children's services districts created under the authority of s. 125.901, F.S., may be dissolved by special act or the county governing body may, by ordinance, dissolve the district subject to referendum.

The bill requires the governing body of the county to submit the question of retention or dissolution of children services district to the electorate in the August primary according to a prescribed schedule and every six years thereafter.

The bill is effective upon becoming 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:

Current Situation

Children's Services Districts

Section 125.901, F.S., authorizes counties to create, by ordinance, an independent or dependent special district to provide funding for preventative, developmental, treatment, and rehabilitative services for children throughout the county. Upon approval by the electors in the county, the district may annually levy ad valorem taxes, not to exceed 0.5 mills. In addition, this section provides for an appointed governing board for the special district, specifying the powers and functions of the board; requires each board to identify and assess the needs of the children in the county served by the board and to provide an annual written report to the governing body of the county; requires the board to prepare a budget and prepare and file a financial report with the governing body of the county; and provides for the dissolution of the district.

According to Special District Information Program (SDIP), there are nine independent Children's Services Districts in Florida:¹

Children's Board of Hillsborough County created October 4, 1988;
Children's Services Council of Brevard County created November 30, 1990;²
Children's Services Council of Broward County created January 2, 2001;³
Children's Services Council of Martin County created June 28, 1988;
Children's Services Council of Okeechobee County created September 1, 1990;
Children's Services Council of Palm Beach County created November 1, 1986;⁴
Children's Services Council of St. Lucie County created October 1, 1990;
The Children's Trust (Miami-Dade County) created December 3, 2002;⁵ and
The Juvenile Welfare Board of Pinellas County created June, 11, 1945.

¹ *Official List of Special Districts Online, Customized Special District List by Children/Welfare Function as of 2/28/2010*, available at <http://www.floridaspecialdistricts.org/OfficialList/criteria.cfm> (last visited March 17, 2010).

² Revenue source is listed as "other" on the SDIP website.

³ Created by special act of the Legislature, ch. 2000-461, L.O.F.

⁴ Received authorization for millage increase in 2001.

⁵ Reauthorized in 2008.

The eight counties with independent children's services districts are home to nearly 2 million children, or 43 percent of the children living in Florida. The districts collectively generated \$450 million for programs and services for children in their communities in fiscal year 2008-2009.⁶ During that same period, over \$90 million was generated through local, federal and private program funding. The largest portions of the district budgets are invested to support maternal and child health, school readiness/child care, and out of school and afterschool programs. The districts invest in prevention and early intervention services not funded by other entities with the aim of avoiding future higher-cost state-funded services.⁷

Prior to 1990, counties were authorized to create juvenile welfare boards by ordinance to provide child guidance, psychological, or psychiatric clinics. In 1990 there was a substantial amendment to juvenile welfare boards, which renamed these boards council on children's services and changing the services offered to preventive, developmental, treatment, and rehabilitative services. The amendment also placed new requirements on the children's services councils. However, s. 31 of ch. 90-288, L.O.F., authorized all districts that existed prior to October 1, 1990, to continue to operate under the provisions of s. 125.901, F.S., as they existed prior to that date. However, those districts could comply with the new requirements of s. 125.901, F.S., if a board or council determines to comply with those provisions.

Children's services districts created under the authority of s. 125.901, F.S., may be dissolved by special act or the county governing body may, by ordinance, dissolve the district subject to referendum.⁸

Effect of Proposed Changes

The bill requires the governing body of the county to submit the question of retention or dissolution of children services district to the electorate in the August primary according to a prescribed schedule and every six years thereafter. Based on this schedule, the following districts would hold a referendum in 2010: Hillsborough, Brevard⁹, Martin, St. Lucie, Okeechobee, and the Juvenile Welfare Board of Pinellas.¹⁰ The bill also provides that these revisions apply to any special district having taxing authority to provide funding for children's services, and governed by a council on children's services.

B. SECTION DIRECTORY:

Section 1: Amends s. 125.901, F.S., to require a referendum on the issue of retention or dissolution of children's services districts.

Section 2: Provides that the changes made by the act apply to all children's services district with taxing authority that are governed by a council on children's services.

Section 3: Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁶ Fact sheet from Florida Children's Services Council, received from Kristin Vallese, Director of Outreach and Operations, Florida Children's Services Council, by committee staff on March 17, 2010 (on file with the committee).

⁷ *Id.*

⁸ Section 125.901(4), F.S.

⁹ A referendum may not be necessary because the district may not have taxing authority.

¹⁰ Telephone call with Vivian Alarcon, Chief Executive Officer, Children's Services Council.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There will be costs associated with the calling of a referendum.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because the bill requires counties or municipalities to take an action, the calling of a referendum, requiring the expenditure of funds; however, the amount of the expenditures is insignificant, and therefore an exemption applies. Accordingly, the bill does not require a two-thirds vote of the membership of each house.

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 children's services; amending s.
 3 125.901, F.S.; requiring the governing body of the county
 4 to submit to the electorate the question of retention or
 5 dissolution of a special taxing district created to
 6 provide funding for children's services; prescribing a
 7 schedule for submission of the question to the electorate;
 8 providing for the application of the act to certain
 9 special districts in existence before and after the act's
 10 effective date; providing an effective date.

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

13
 14 Section 1. Subsection (4) of section 125.901, Florida
 15 Statutes, is amended to read:

16 125.901 Children's services; independent special district;
 17 council; powers, duties, and functions; public records
 18 exemption.—

19 (4) (a) Any district created pursuant to ~~the provisions of~~
 20 this section may be dissolved by a special act of the
 21 Legislature, or the county governing body may by ordinance
 22 dissolve the district subject to the approval of the electorate.

23 (b) Notwithstanding paragraph (a), the governing body of
 24 the county shall submit the question of retention or dissolution
 25 of the district to the electorate in the August primary election
 26 according to the following schedule and every 6 years
 27 thereafter:

28 1. For a district for which the most recent referendum by

29 the electorate on its taxing authority was held in 1990 or
30 before..... 2010.

31 2. For a district for which the most recent referendum by
32 the electorate on its taxing authority was held after 1990 but
33 before 2001..... 2012.

34 3. For a district for which the most recent referendum by
35 the electorate on its taxing authority was held after 2000 but
36 before 2010..... 2018.

37 4. For a district whose taxing authority is initially
38 authorized by referendum by the electorate in 2010 or later, 6
39 years after the authorization.

40
41 If any district is dissolved pursuant to ~~the provisions of this~~
42 subsection, each county must ~~shall~~ first obligate itself to
43 assume the debts, liabilities, contracts, and outstanding
44 obligations of the district within the total millage available
45 to the county governing body for all county and municipal
46 purposes as provided for under s. 9, Art. VII of the State
47 Constitution. Any district may also be dissolved pursuant to ~~the~~
48 ~~provisions of~~ s. 189.4042.

49 Section 2. Notwithstanding s. 31 of chapter 90-288, Laws
50 of Florida, the revisions made by this act to s. 125.901,
51 Florida Statutes, apply to any special district having taxing
52 authority to provide funding for children's services, and
53 governed by a council on children's services, which is in
54 existence on the effective date of this act and to any such
55 district created on or after the effective date of this act.

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

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 1227 (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(s) Zapata offered the following:

4

5 Substitute Amendment to Amendment (1) by Representative
6 Zapata

7

8 On line 25, insert

9 of the district to the electorate in the general election

Amendment No. 2

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(s) Zapata offered the following:
4

Amendment

Remove lines 30-33 and insert:

before.....

2012.

2. For a district for which the most recent referendum by
the electorate on its taxing authority was held after 1990 but
before 2001..... 2012.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1227 (2010)

Amendment No. 3

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(s) Pafford offered the following:

4
5 **Amendment**

6 Remove lines 23-39 and insert:

7 The governing body of the county shall submit to the
8 electorate of the special district the question of retention or
9 dissolution for all independent special taxing districts
10 established pursuant to s. 125.901 that have taxing authority to
11 provide funding for children's services. This referendum must
12 take place on or before the general election scheduled for 2016.
13 However, for a district whose taxing authority was re-authorized
14 by referendum by the electorate in 2008 or later, the referendum
15 shall take place 10 years after the authorization.

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 1227 (2010)

Amendment No. 4

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(s) Pafford offered the following:

4
5 **Amendment**

6 Remove lines 23-39 and insert:

7 Each independent special district created pursuant to s.
8 125.901 that has taxing authority to provide funding for
9 children's services shall, within the next two years, undergo a
10 comprehensive review of its operations and functions as set
11 forth by s. 189.428, the legislatively prescribed review process
12 for special districts.

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 112, Part III,¹ F.S., provides a code of ethics for public officers and employees. This code of ethics includes standards of conduct for public officers, employees of agencies, local government attorneys, and for officers and entities serving as chief administrative officer of political subdivisions. In addition, ch. 112, Part III, F.S., outlines provisions related to voting, public records, forms, penalties, confidentiality, investigative procedures, and judicial review, among other provisions.

Section 112.326, F.S., authorizes the governing body of any political subdivision, by ordinance, to impose additional or more stringent standards of conduct and disclosure than those specified in Part III of ch. 112, F.S.² Duval County and Miami-Dade County have created their own Commissions on Ethics.

Miami-Dade County³ also has an Inspector General (IG)⁴ who investigates and processes allegations of violations of federal, state and local laws that create a danger to the public health, safety or welfare or that constitute gross mismanagement, malfeasance, misfeasance, waste of public funds or neglect of duty.⁵

There are approximately 50 IGs currently serving public entities in Florida. Excluding Miami-Dade County, the other 49 IGs serve 29 state agencies, 10 public universities, five water management

¹ Sections 112.311-122.326, F.S.

² See s. 112.324, F.S., and CS/HB 551 (2010).

³ From the Miami-Dade County Ethics Commission website: <http://www.miamidadeethics.com/> (last viewed on April 6, 2010).

⁴ An Inspector General (IG) is generally defined as a type of investigator charged with examining the actions of a government agency, as a general auditor of their operations to ensure compliance with general established policies of the government, to audit the effectiveness of various procedures, or to discover the possibility of misconduct, waste, fraud, theft, or certain types of criminal activity by individuals or groups related to the agency's operation, usually involving some misuse of the organization's funds or credit. There are numerous Offices of Inspector General (OIGs) at the federal, state, and local levels throughout the United States.

⁵ See AGO 99-07, issued February 12, 1999.

districts, the Board of Governors, the Florida Housing Finance Corporation, the Governor's Office, the State Courts, and the State Board of Administration.⁶

Palm Beach County adopted an ordinance creating an Office of Inspector General (OIG) on December 15, 2009. On March 25, 2010, the seven-member Inspector General Selection Committee selected the top 12 applicants for the IG post. Two days of interviews are being planned to make the final selection in early May 2010.⁷

Other than Miami-Dade County and Palm Beach County, it does not appear that any unit of Florida local government has established an OIG to serve the public.

Effect of the Proposed Changes

This bill creates and establishes the "Broward County Office of IG Act" (Act), which creates and establishes the Broward County Office of Inspector General (Office).

Broward County local governments, elected and appointed local government officials and employees, local government agencies and instrumentalities, and contractors and other parties doing business with local governments or receiving local government funds are subject to the Act.

Local governments include the Charter Government of Broward County, the Broward County School Board or Broward County School District, any municipality within Broward County, any constitutional officer⁸ of Broward County, as provided in Article VIII, s. 1 of the Florida Constitution, or any special district operating solely within Broward County. Currently, there are 31 municipalities⁹ and 88 special districts¹⁰ within Broward County meeting this criteria.

Broward County Office of Inspector General

The purpose of this Office is to detect misconduct involving abuse, corruption, fraud, waste, inefficiencies, and mismanagement by elected and appointed local government officials and employees, local government agencies and instrumentalities, and contractors and other parties doing business with local governments or receiving local government funds.

The Act provides for the IG to be the head of the Office. Also, the organization and administration of the Office must be independent to ensure that no interference or influence external to the Office adversely affects the independence and objectivity of the IG.

Functions, Authority, and Powers of the Office

⁶ Information obtained from the Florida Inspectors General Expertise System's (FIGES) website at: <http://figes.dcf.state.fl.us/> (last viewed on April 6, 2010).

⁷ See http://www.pbcbgov.com/newsroom/0310/03-26-10_IG_selection.htm (last viewed on April 6, 2010).

⁸ The constitutional officers listed in the State Constitution include the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court.

⁹ See <http://www.broward.org/Links/Pages/Default.aspx#Cities> (last viewed on April 6, 2010).

¹⁰ See http://www.floridaspecialdistricts.org/OfficialList/numbr_of.cfm (last viewed on April 6, 2010). Of these 88 special districts, 50 are dependent and 38 are independent. A dependent special district has at least one of the following characteristics: "(a) the membership of its governing body is identical to that of the governing body of a single county or a single municipality; (b) all members of its governing body are appointed by the governing body of a single county or a single municipality; (c) during their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality; (d) the district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality." § 189.403(2), F.S. An "independent special district" means a special district that is not a dependent special district. § 189.403(3), F.S.

Complaint Process

The Act provides for the IG to establish a form to receive complaints from identified persons. The complainant is required to include the following statement in his or her complaint:

"under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true,"

followed by the signature of the person making the declaration. The written declaration must be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

Verification of the report's contents and submission of the sworn and subscribed statement must be completed before the IG begins his or her investigation. Also, after a complaint meeting these requirements is filed, the IG may:

- make investigations of local government matters and publish the results of such investigations;
- review and audit past, present, and proposed local government programs, accounts, records, contracts, change orders, and transactions; and
- prepare reports and recommendations to the local government based on investigations. All elected and appointed local government officials and employees, local government agencies and instrumentalities, and contractors and other parties doing business with the local government or receiving local government funds are required to fully cooperate with the IG.

When a complaint alleging a criminal violation is filed, or when the IG suspects a criminal violation has occurred in the scope of the investigation, the IG is required to notify the appropriate enforcing agency immediately before continuing his or her investigation.

The IG may receive, review, and investigate any complaints that meet the verification and sworn statement requirements regarding projects, programs, contracts, or transactions funded by Broward County local governments.

The IG may, upon the investigation of a complaint, attend all duly noticed local government meetings relating to the procurement of goods or services and may pose questions and raise concerns consistent with its functions, authority, and powers.

In addition, this Act provides that the IG must investigate complaints received pursuant to s. 112.3188(1), F.S.,¹¹ and must establish procedures to investigate such complaints.

Auditing, Reporting, Investigative Powers, and Jurisdiction

The IG may, upon receiving a complaint, conduct audits of, require reports from, and receive full and unrestricted access to the records of:

- the local governments;
- all elected and appointed local government officials and employees; and
- local government departments, divisions, agencies, and instrumentalities.

The IG may also conduct audits of and review documents made or received by persons and entities doing business with local governments or receiving local government funds in conjunction with such transactions with Broward County local governments.

¹¹ Section 112.3188(1), F.S., addresses whistleblower complaints.

The Act provides that the IG's jurisdiction must include, but is not limited to, all projects, programs, contracts, or transactions that are funded in whole or in part by Broward County local governments. The IG may contract with outside entities as deemed necessary to perform the functions of that office.

Upon the investigation of a complaint that meets the verification and sworn statement requirements, the IG may audit, investigate, monitor, inspect, and review the operations, activities, performance, and procurement processes, including, but not limited to, establishment of bid specifications; bid submittals; activities of the contractor and its officers, agents, and employees; lobbyists; local government staff; and officials in order to ensure compliance with contract specifications and detect corruption and fraud.

Refusal to Obey an IG Request or Interview

In the case of a refusal to obey a request by the IG for documents or for an interview in investigating a complaint, the IG may subpoena witnesses, administer oaths, and require the production of records. Seventy-two hours before serving a subpoena, the IG must provide written notice to the State Attorney and the United States Attorney for the Southern District of Florida. The IG may not interfere with any ongoing criminal investigation or prosecution of the State Attorney or the United States Attorney for the Southern District of Florida.

Suspension of Service and Other Activities

When the State Attorney or the United States Attorney for the Southern District of Florida has explicitly notified the IG in writing that the IG's investigation is interfering with an ongoing criminal investigation or prosecution, the IG must suspend service of subpoena, examination of witnesses, or other investigative activities as set forth in the notice.

In cases of refusal to obey a subpoena served to any person, the IG may make application to any Florida circuit court, which will have jurisdiction to order the witness to appear before the IG and to produce evidence, if so ordered, or to give testimony concerning the matter in question. However, the Act does not abridge an individual's rights under the Fifth Amendment to the United States Constitution.¹²

Violations

The Act provides that the IG may make a report or forward a complaint related to a possible violation of any state, federal, or local law or rule, regulation, or policy, and must notify the appropriate civil, criminal, or administrative agencies charged with enforcement of the violation. In the case of a possible violation of a rule, regulation, or policy governing a local government employee, the IG is also required to notify the chief administrative officer of the local government for which the employee works. The IG may assist the entity in conducting the investigation after referring the matter to the appropriate entity for fact finding.

Remedial Actions

The Act provides that the IG may recommend remedial actions and may provide prevention and training services to local government officials, employees, and any other persons covered by this Act. Also, the IG may follow up to determine whether recommended remedial actions have been taken.

Cooperation With Other Agencies and Collective Bargaining

This Act requires the IG to establish policies and procedures for investigations and to monitor the costs of investigations undertaken. In addition, the IG must cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to local government funds.

¹² The Fifth Amendment to the United States Constitution provides that "no persons.....shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Act's auditing and reporting provisions do not apply to collective bargaining agreements. Also, the Act states that these provisions do not abridge an employee's constitutional right to collective bargaining.

Reports

Under this Act, the IG is required to publish and deliver finalized reports and recommendations to any affected local government and to the offices represented on the IG selection committee (selection committee).

Notwithstanding any other provision of this Act, whenever the IG determines that it is appropriate to publish and deliver a report or recommendation that contains findings as to the person or entity that is the subject of the report or the person or entity that is the subject of the recommendation, the IG must provide the affected person or entity with a copy of the report or recommendation. That person or entity will then have 15 working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and a timely submitted written explanation or rebuttal must be attached to the finalized report or recommendation. However, this reporting provision does not apply when the IG, in conjunction with the State Attorney or the United States Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

Qualifications and Selection Process

Qualifications

The Act requires the IG to be a person who has at least 7 years of experience in any one or a combination of the following:

- as a federal, state, or local law enforcement officer or official;
- as a federal or state court judge;
- as a federal, state, or local government attorney or private attorney with experience in investigating fraud, corruption, and violations of law;
- as an IG, certified public accountant, or internal auditor;
- as a person with progressive supervisory and managerial experience in an investigative public agency similar to an IG's office;
- as a person who has managed and completed complex investigations involving allegations of fraud, theft, deception, or conspiracy;
- as a person who has demonstrated the ability to work with local, state, and federal law enforcement agencies and the judiciary;
- as a person who has a four-year degree from an accredited institution of higher learning; and
- as a person who has not been employed by Broward County or any other governmental entity subject to the authority of the Office of IG during the two-year period immediately preceding selection.

The Act provides that highly qualified candidates are also required to have audit-related skills or hold one or more of the following professional certifications at the time of selection:

- Certified Inspector General (CIG);
- Certified Inspector General Investigator (CIGI);
- Certified Inspector General Auditor (CIGA);
- Certified Public Accountant (CPA);

- Certified Internal Auditor (CIA); or
- Certified Fraud Examiner (CFE).

In addition to the qualifications already described, a candidate for IG must also have experience in the management of private business or a public entity or subdivision thereof.

Also, a candidate for IG must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere to any felony, or misdemeanor involving a breach of public trust, by any court of record in the United States.

Selection Process

The Act provides for the responsibility in selecting the IG to be vested solely with the selection committee, who will meet periodically to perform their duties required by this act subject to Florida's Government-in-the-Sunshine Law.¹³ The selection committee would be comprised of:

- one person chosen by the Mayor of Broward County;
- one person chosen by the Chairperson of the Broward Legislative Delegation;
- one person chosen by the Broward League of Cities;
- the State Attorney for the 17th Judicial Circuit;
- the Public Defender for the 17th Judicial Circuit;
- the President of the Broward County Chiefs of Police Association; and
- the Dean of Nova Southeastern Shepard Broad Law Center.

The Act provides that persons chosen by the Mayor of Broward County, by the Chairperson of the Broward Legislative Delegation, and by the Broward League of Cities must not have been a lobbyist, as defined by Broward County ordinance or general law, for two years preceding selection or be an elected or appointed official or employee of any Broward County local government at the time of selection. The Act requires that the chairperson of the selection committee be selected by the members of the selection committee, and that the selection committee must determine its own rules of procedure.

The Act provides that, after thoroughly reviewing qualifications, background information, and personal and professional referrals, the selection committee must notify the Broward County Attorney of its selection. Also, the Broward County Attorney must assist the selected IG as provided by the Act.

The Role of the Human Resources Division / Background Checks

The Act requires the Human Resources Division of Broward County (Division) to solicit qualified candidates no later than 30 days after the effective date of the Act. In addition, within 120 days after the effective date of this Act, the selection committee is required to select the IG.

The Division is required to provide staff to the selection committee and to advertise the acceptance of résumés for the position of IG as necessary. During this process, all résumés received by the Division must be forwarded to the selection committee for consideration. The Division must identify applicants that have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere to any felony, or misdemeanor involving a breach of public trust, by any court of record in the United States.

The Act requires that, under penalty of perjury, all applicants must attest to the accuracy of the information requested to qualify for employment. In addition, all IG candidates must disclose all personal and business relationships with Broward County local government.

After the initial selection of the IG, the selection committee may either continue to employ the services of the Division or may use the IG's staff to solicit future IG candidates. In addition, all advertisements for the acceptance of résumés for the IG position must include a salary range commensurate with public officials of similar experience and expertise.

¹³ Chapters 119 and 286, F.S.

Term of Service

The IG's service term is set at four years. At least six months prior to the end of each contract term, the selection committee is required to determine whether or not to renew the IG's contract for an additional four-year term and must notify the IG of its decision.

If the selection committee elects not to renew the IG's contract, the selection committee is required to convene promptly, as necessary, to solicit candidates in order to select a new IG as provided by this Act. During this process, the incumbent IG may submit his or her name as a candidate to be considered for selection, and the incumbent IG must serve until a successor is selected and assumes office.

Vacancies

The Act provides that if there is an IG vacancy, the chairperson of the selection committee may appoint a member of the Office as interim IG. This appointment must take place within 10 days after the vacancy occurs until such time as a successor IG is selected and assumes office. A successor IG must be selected in the same manner as the initial selection, except for the following specific time constraints:

- solicitation for qualified candidates for selection should be published within 20 days, but must be published no later than 40 days, after the date the vacancy occurs; and
- the selection committee must in good faith endeavor to convene and select an IG within 90 days after the date the vacancy occurs.

Employment Contract

The Act requires the selection committee, with assistance from the Broward County Attorney, to negotiate an employment contract with the IG that is substantially consistent with the terms included in contracts of other contractual employees of Broward County. Also, the IG must be paid at a rate commensurate with public officials of similar experience and expertise.

The Act also requires that, before the selection committee approves a contract for the IG, a public hearing on the contract must be scheduled by the Board of County Commissioners of Broward County. This contract must cover the four-year term, subject to the removal provisions described in the Act. The contract must also include a provision that voids the contract if the Office ceases to exist, and a provision requiring the selection committee to provide notice of its decision to renew or not to renew the contract at least six months prior to the termination of the contract.

The Act requires the contract to provide that the IG may not represent a political party, be on any executive committee of a political party, or seek public office during his or her term of service or for four years after the end of the term of service. This limitation does not include seeking selection as IG for a subsequent term. Further, the contract provides that the IG may not be a lobbyist, as defined in Broward County ordinances or general law, for two years after the end of the service term.

The Act provides that the Office and the selection committee are considered part of the Charter Government of Broward County and, except as provided in this Act, will be subject to all regularly enacted ordinances, rules, regulations, policies, and procedures of Broward County.

Removal Procedures

Under this Act, the IG may only be removed for cause based upon specified charges of the following:

- neglect of duty;
- abuse of power or authority;
- discrimination; or
- ethical misconduct.

The Act provides that the removal process must be initiated at a duly noticed public hearing of the selection committee. Once at the public hearing, an affirmative vote of at least four members of the selection committee is required to present the IG with the charges and to proceed to final public hearings.

Following the public hearing, the selection committee must transmit a copy of the charges to the IG at least 60 days before all final public hearings, which must be convened by the selection committee. Before any votes are taken for purposes of his or her removal at the final public hearings, the IG may be heard in person and by counsel.

Under this Act, the IG may only be removed by affirmative vote of a majority of the members of the selection committee. A record of the proceedings, along with the charges and findings, must be filed with the Broward County Administrator. However, the Act also provides for removal without a public hearing if the IG is convicted of or enters a plea of guilty or nolo contendere to a state or federal felony.

Physical Facilities and Staff

The Act provides for Broward County to provide the Office with appropriately located office space and sufficient physical facilities, along with necessary office supplies, equipment, and furnishings, to enable the IG to perform his or her functions.

The Act also provides that the IG will have the power to appoint, employ, and remove such assistants, employees, and personnel, and establish personnel procedures as deemed necessary for the efficient and effective administration of the Office's activities.

Funding

Under the Act, each Broward County local government with tax levying authority would be responsible for the funding of the Office.

Budgeting

Also, pursuant to its annual budget process, the Board of County Commissioners of Broward County (Board) is required to provide sufficient financial support for the Office to fulfill its duties as set forth in this Act. In order to ensure adequate funding for the prompt establishment of the Office, the Board must approve an amount equal to \$200,000 to fund all IG-related operations for the remainder of the 2010–11 local fiscal year.

The Act requires the IG to deliver a budget to the Board in a timely manner. The budget must include a reasonable estimate of the Office's operating and capital expenditures, its revenues, and the projected IG contract fee revenue, among the items to be collected from Broward County and any other participating local governments and public agencies.

The Act provides that the IG's budget may not be implemented until a public hearing is held by the Board. Also, the IG is required to establish a fiscal year that coincides with Broward County's fiscal year. These budget guidelines do not prohibit the IG from transmitting supplemental budget requests to the Board. Supplemental budget requests must be scheduled for a public hearing and, if approved by the Board, will result in amendments to the county budget.

Determining Local Governments' Share of Funding

To fund the Office of Inspector General, the Act provides that each local government's share of the Inspector General's budget as set forth in the Act must be calculated based on its representative share of the countywide total of taxes levied by all local governments in Broward County. Local governments that do not levy taxes are not responsible for funding the Office.

Funding Sources

In order to defray the costs of reviews, audits, inspections, and investigations by the IG, any local government may enact, by ordinance or resolution, the imposition of an IG contract fee, which must not exceed 0.25 percent of the contract price added to each local government contract.

The contract fee would not apply to the following local government contracts, grants, or agreements:

- Contracts for legal services;
- Auditing contracts;
- Grants funded by federal, state, or local government; and
- Interlocal agreements.

Also, the local government may authorize the inclusion of the IG contract fee in any contract to which the local government is a party.

The contract fee provisions do not limit the power of the IG to perform audits, inspections, reviews, and investigations on all local government contracts, including, but not limited to, contracts specifically exempted from the IG contract fee, under this Act.

The Act provides that the Charter Government of Broward County is required to provide a procedure in which each local government must remit the collected contract fees to fund the Office. Full payment from each local government must be made within 90 days after the enactment of Broward County's budget or any amendment to Broward County's budget representing funding for the Office.

The IG contract fee may only be used to fund the Office and must be held in a separate account by Broward County to be used only by the IG in future years, and may not be used for any other purpose.

Code of Ethics and Ordinance Violations

This Act requires all Broward County local government entities to establish, by ordinance or binding resolution, a code of ethics regulating the behavior of elected and appointed officials and employees of that local government. As part of this framework, Broward County and each municipality within the county must adopt a code of ethics that is binding on each dependent district.

To assist local governments in developing ethics policies, the Act requires the IG to develop a model policy that must be provided to local governments by May 1, 2011. Any local government that has not established a code of ethics by November 1, 2011, must be bound by the model policy until the time of such adoption.

Future Amendment and Conflict

This bill provides that the Act may be amended by Special Act of the Legislature, which could allow Broward County to amend this Act without the need for a countywide referendum.

Pursuant to Article VIII, s. 1(g) of the Florida Constitution,¹⁴ the Act states that any charter provision or ordinance of the Charter Government of Broward County that creates an Office of Inspector General, or officer or employees or agents that function substantially the same as the Office of Inspector General, as provided in this Act, is deemed inconsistent with the Act.

Also, if Broward County creates any such office or officers, employees, or agents, these will be determined to be part of the Office of Inspector General as created by this Act, and will be subject to the direction of the IG created by this Act along with all related duties, responsibilities, and

¹⁴ This section provides that "counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances."

requirements. However, these provisions do not apply to the Office of the County Auditor as provided in Section 4.01 of the Charter of Broward County as of the date of this Act.

Referendum on Continuation of the Office of Inspector General

The Board is required to schedule a referendum for the continuation of the Office in conjunction with the general election of November 2016, and in accordance with the provisions of law relating to elections currently in force.

This Act will expire on the date after the general election of November 2016 unless the ballot question, as provided in this Act, is approved by the voters in a November 2016 general election referendum.

Referendum for Approval of Office, Ballot Statement, and Effective Date

The Board is required to schedule a referendum in conjunction with the general election of November 2010 in accordance with the provisions of law relating to elections currently in force.

This Act will only take effect upon approval by a majority vote of the electors in a countywide referendum, which would be scheduled in conjunction with the November 2010 general election.

The bill provides that the ballot statement will take effect upon this Act becoming a law.

B. SECTION DIRECTORY:

- Section 1. Provides a short title: the "Broward County Office of Inspector General Act."
- Section 2. Provides definitions.
- Section 3. Creates and establishes the Broward County Office of Inspector General; provides for functions, authority, and powers; provides for reports; provides for qualifications and selection; provides removal procedures; provides for physical facilities and staff; provides for funding.
- Section 4. Provides for a code of ethics and ordinance violations guidelines.
- Section 5. Provides that the Act may be amended by Special Act of the Legislature.
- Section 6. Provides for conflict guidelines.
- Section 7. Provides for a referendum on the continuation of the Office of Inspector General.
- Section 8. Provides for a ballot statement; provides for a referendum on the creation of the Office of Inspector General.
- Section 9. Provides that the Act can only take effect upon approval by referendum.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? Not applicable.

WHERE? Not applicable.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? November 2, 2010.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, this bill will increase public confidence in local government and provide potential savings for local governments by discouraging the execution of fraudulent or mismanaged contracts.

The Economic Impact Statement also indicates that the provisions of this bill will result in expenditures of \$200,000 for local fiscal year 2010-11. The projected expenditures for local fiscal year 2011-12 have not been determined.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Article VIII, s. 1(g) of the Florida Constitution provides that "counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances."

Since this Special Act will be approved by the electors, this Act will control any inconsistent provisions in the charter or in any ordinance. This bill allows for the creation of any similar positions or offices to be part of and under the direction of the Office of Inspector General created by this Act.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM

BILL #: 1425

SPONSOR(S): Representative Ari Porth - Rep Ellyn Bogdanoff

RELATING TO: Broward County Office of Inspector General
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Broward

CONTACT PERSON: Sandy Harris

PHONE NO.: 954-260-8894 E-Mail: saharris@broward.org

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 26, 2010

Location: Broward College

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum November 2, 2010

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

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

YES NO NOT APPLICABLE

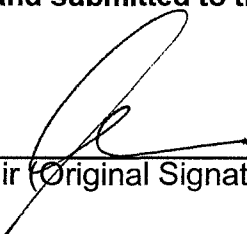
(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

2-22-10

Date

Ari Porth

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2010 ECONOMIC IMPACT STATEMENT FORM

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

BILL #: 1425
SPONSOR(S): Representative Ellyn Bogdanoff & Representative Ari Porth
RELATING TO: Broward County Office of Inspector General
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures:	<u>FY 10-11</u> \$200,000	<u>FY11-12</u> To be Determined
---------------	------------------------------	------------------------------------

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY11-12</u>
Federal:	None	
State:	None	

Local: Funding is provided via formula in the bill whereby each entity encompassed by the legislation will contribute a portion of the cost of funding. Attached is an example of the contribution from each based on an example of a budget of \$500,000 after the first year.

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:	<u>FY 10-11</u>	<u>FY11-12</u>
-----------	-----------------	----------------

This bill will not increase revenues.

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

Advantages: The bill will provide a potential savings for local governments by discouraging the execution of fraudulent or mismanaged contracts. The bill will increase public confidence in local government.

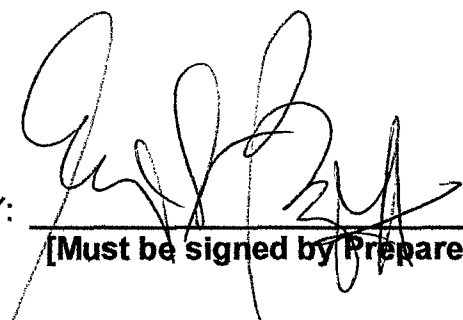
Disadvantages: Providing the proportionate cost of funding from each entity to fund the office could be considered a disadvantage.

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

The bill will discourage fraudulent contracts and encourage honest and trustworthy bidders.

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

Information on the 2009 property tax rolls was provided by the Broward County Property Appraiser's office. See attached documentation.

PREPARED BY:  2/24/10
[Must be signed by Preparer] Date

TITLE: ___ Representative, Florida House of Representatives

REPRESENTING: _____

PHONE: _____ 854 488-0635 _____

E-Mail Address: ellyn.bogdanoff@myfloridahouse.gov _____

28 | Broward County discharge their duties and responsibilities in a
29 | lawful and ethical manner and be held accountable for their
30 | misconduct, inefficiency, and ineffectiveness, and

31 | WHEREAS, imposing the duty on all elected and appointed
32 | local government officials and employees to cooperate with and
33 | report misconduct to the Inspector General will broaden and
34 | strengthen the Inspector General's ability to detect,
35 | investigate, eliminate, and deter misconduct by Broward County
36 | officials and employees, vendors, and government-funded entities
37 | and promote integrity, honesty, and efficiency in government,
38 | NOW, THEREFORE,

39 |
40 | Be It Enacted by the Legislature of the State of Florida:

41 |
42 | Section 1. Short title.—This act may be cited as the
43 | "Broward County Office of Inspector General Act."

44 | Section 2. Definitions.—As used in this act, the term:

45 | (1) "Board" means the Board of County Commissioners of
46 | Broward County.

47 | (2) "County" means the Charter Government of Broward
48 | County.

49 | (3) "Inspector General" means the Broward County Office of
50 | Inspector General created pursuant to this act.

51 | (4) "Local government" or "Broward County local
52 | government" means the Charter Government of Broward County, the
53 | Broward County School Board or Broward County School District,
54 | any municipality within Broward County, any constitutional

55 officer of Broward County, as provided in s. 1, Art. VIII of the
 56 State Constitution, or any special district operating solely
 57 within Broward County.

58 (5) "State attorney" means the State Attorney of the 17th
 59 Judicial Circuit in and for Broward County or any elected or
 60 appointed successor or interim officers or special prosecutors
 61 acting in the state attorney's stead.

62 Section 3. Broward County Office of Inspector General.-

63 (1) CREATED AND ESTABLISHED.-There is established the
 64 Broward County Office of Inspector General, which is created in
 65 order to detect misconduct involving abuse, corruption, fraud,
 66 waste, inefficiencies, and mismanagement by elected and
 67 appointed local government officials and employees, local
 68 government agencies and instrumentalities, and contractors and
 69 other parties doing business with local governments or receiving
 70 local government funds. The Inspector General shall head the
 71 Office of Inspector General. The organization and administration
 72 of the Office of Inspector General shall be independent to
 73 ensure that no interference or influence external to the Office
 74 of Inspector General adversely affects the independence and
 75 objectivity of the Inspector General.

76 (2) FUNCTIONS, AUTHORITY, AND POWERS.-

77 (a) The Inspector General shall establish a form to
 78 receive complaints from identified persons. The complaint form
 79 shall require the person to verify the contents of the form by
 80 including the following statement: "Under penalties of perjury,
 81 I declare that I have read the foregoing document and that the

82 facts stated in it are true," followed by the signature of the
 83 person making the declaration. The written declaration shall be
 84 printed or typed at the end of or immediately below the document
 85 being verified and above the signature of the person making the
 86 declaration. The requirements of this paragraph must be
 87 completed before the Inspector General begins his or her
 88 investigation.

89 (b) Upon receipt of a complaint filed under paragraph (a),
 90 the Inspector General may:

91 1. Make investigations of local government matters and
 92 publish the results of such investigations.

93 2. Review and audit past, present, and proposed local
 94 government programs, accounts, records, contracts, change
 95 orders, and transactions.

96 3. Prepare reports and recommendations to the local
 97 government based on investigations. All elected and appointed
 98 local government officials and employees, local government
 99 agencies and instrumentalities, and contractors and other
 100 parties doing business with the local government or receiving
 101 local government funds shall fully cooperate with the Inspector
 102 General.

103 (c) When a complaint is filed under paragraph (a) that
 104 alleges a criminal violation, or in the scope of the
 105 investigation the Inspector General suspects a criminal
 106 violation has occurred, the Inspector General shall immediately
 107 notify the appropriate enforcing agency before continuing his or
 108 her investigation.

109 (d) The Inspector General may, upon receiving a complaint,
 110 conduct audits of, require reports from, and receive full and
 111 unrestricted access to the records of the local governments; all
 112 elected and appointed local government officials and employees;
 113 local government departments, divisions, agencies, and
 114 instrumentalities. The Inspector General may also conduct audits
 115 of and review documents made or received by persons and entities
 116 doing business with local governments or receiving local
 117 government funds in conjunction with such transactions with
 118 Broward County local governments. The Inspector General's
 119 jurisdiction shall include, but is not limited to, all projects,
 120 programs, contracts, or transactions that are funded in whole or
 121 in part by Broward County local governments. The Inspector
 122 General may contract with outside entities as deemed necessary
 123 to perform the functions of that office. This paragraph does not
 124 apply to collective bargaining agreements.

125 (e) In the case of a refusal to obey a request by the
 126 Inspector General for documents or for an interview in
 127 investigating a complaint, the Inspector General may subpoena
 128 witnesses, administer oaths, and require the production of
 129 records. Seventy-two hours before serving a subpoena, the
 130 Inspector General must provide written notice to the state
 131 attorney and the United States Attorney for the Southern
 132 District of Florida. The Inspector General may not interfere
 133 with any ongoing criminal investigation or prosecution of the
 134 state attorney or the United States Attorney for the Southern
 135 District of Florida. When the state attorney or the United

136 States Attorney for the Southern District of Florida has
 137 explicitly notified the Inspector General in writing that the
 138 Inspector General's investigation is interfering with an ongoing
 139 criminal investigation or prosecution, the Inspector General
 140 shall suspend service of subpoena, examination of witnesses, or
 141 other investigative activities as set forth in the notice. In
 142 the case of a refusal to obey a subpoena served to any person,
 143 the Inspector General may make application to any circuit court
 144 of this state, which shall have jurisdiction to order the
 145 witness to appear before the Inspector General and to produce
 146 evidence if so ordered or to give testimony concerning the
 147 matter in question. This act does not abridge an individual's
 148 rights under the Fifth Amendment to the United States
 149 Constitution.

150 (f) The Inspector General may make a report or forward a
 151 complaint related to a possible violation of any state, federal,
 152 or local law or rule, regulation, or policy, and shall notify
 153 the appropriate civil, criminal, or administrative agencies
 154 charged with enforcement of the violation. In the case of a
 155 possible violation of a rule, regulation, or policy governing a
 156 local government employee, the Inspector General shall also
 157 notify the chief administrative officer of the local government
 158 for which the employee works. After referring the matter to the
 159 appropriate entity for fact finding, the Inspector General may
 160 assist the entity in conducting the investigation.

161 (g) Upon the investigation of a complaint under paragraph
 162 (a), the Inspector General may audit, investigate, monitor,

163 inspect, and review the operations, activities, performance, and
 164 procurement processes, including, but not limited to,
 165 establishment of bid specifications; bid submittals; activities
 166 of the contractor and its officers, agents, and employees;
 167 lobbyists; local government staff; and officials in order to
 168 ensure compliance with contract specifications and detect
 169 corruption and fraud.

170 (h) The Inspector General may receive, review, and
 171 investigate any complaints under paragraph (a) regarding
 172 projects, programs, contracts, or transactions funded by Broward
 173 County local governments.

174 (i) The Inspector General may, upon the investigation of a
 175 complaint, attend all duly noticed local government meetings
 176 relating to the procurement of goods or services and may pose
 177 questions and raise concerns consistent with the functions,
 178 authority, and powers of the Inspector General.

179 (j) The Inspector General shall investigate complaints
 180 received pursuant to s. 112.3188(1), F.S., and shall establish
 181 procedures to investigate such complaints.

182 (k) The Inspector General may recommend remedial actions
 183 and may provide prevention and training services to local
 184 government officials, employees, and any other persons covered
 185 by this act. The Inspector General may follow up to determine
 186 whether recommended remedial actions have been taken.

187 (l) The Inspector General shall establish policies and
 188 procedures for investigations and monitor the costs of
 189 investigations undertaken. The Inspector General shall cooperate

190 with other governmental agencies to recover such costs from
 191 other entities involved in willful misconduct in regard to local
 192 government funds.

193 (m) This subsection does not abridge an employee's
 194 constitutional right to collective bargaining.

195 (3) REPORTS.—The Inspector General shall publish and
 196 deliver finalized reports and recommendations to any affected
 197 local government and to the offices represented on the Inspector
 198 General Selection Committee. Notwithstanding any other provision
 199 of this act, whenever the Inspector General determines that it
 200 is appropriate to publish and deliver a report or recommendation
 201 that contains findings as to the person or entity that is the
 202 subject of the report or the person or entity that is the
 203 subject of the recommendation, the Inspector General shall
 204 provide the affected person or entity with a copy of the report
 205 or recommendation. Such person or entity shall have 15 working
 206 days to submit a written explanation or rebuttal of the findings
 207 before the report or recommendation is finalized. Such timely
 208 submitted written explanation or rebuttal shall be attached to
 209 the finalized report or recommendation. This subsection does not
 210 apply when the Inspector General, in conjunction with the state
 211 attorney or the United States Attorney, determines that
 212 supplying the affected person or entity with such report will
 213 jeopardize a pending criminal investigation.

214 (4) QUALIFICATIONS AND SELECTION.—

215 (a)1. The Inspector General shall be a person who has at
 216 least 7 years of experience in any one or a combination of the

217 following:

218 a. As a federal, state, or local law enforcement officer
 219 or official.

220 b. As a federal or state court judge.

221 c. As a federal, state, or local government attorney or
 222 private attorney with experience in investigating fraud,
 223 corruption, and violations of law.

224 d. As an inspector general, certified public accountant,
 225 or internal auditor.

226 e. As a person with progressive supervisory and managerial
 227 experience in an investigative public agency similar to an
 228 inspector general's office.

229 f. As a person who has managed and completed complex
 230 investigations involving allegations of fraud, theft, deception,
 231 or conspiracy.

232 g. As a person who has demonstrated the ability to work
 233 with local, state, and federal law enforcement agencies and the
 234 judiciary.

235 h. As a person who has a 4-year degree from an accredited
 236 institution of higher learning.

237 i. As a person who has not been employed by Broward County
 238 or any other governmental entity subject to the authority of the
 239 Office of Inspector General during the 2-year period immediately
 240 preceding selection.

241 2. Highly qualified candidates shall also have audit-
 242 related skills or hold one or more of the following professional
 243 certifications at the time of selection: Certified Inspector

244 General (CIG), Certified Inspector General Investigator (CIGI),
 245 Certified Inspector General Auditor (CIGA), Certified Public
 246 Accountant (CPA), Certified Internal Auditor (CIA), or Certified
 247 Fraud Examiner (CFE).

248 3. In addition to having a background in sub-subparagraphs
 249 1.a.-f., a candidate for Inspector General shall also have
 250 experience in the management of private business or a public
 251 entity or subdivision thereof.

252 4. A candidate for Inspector General shall be an
 253 individual that must not have been found guilty of, regardless
 254 of adjudication, or entered a plea of nolo contendere to any
 255 felony, or misdemeanor involving a breach of public trust, by
 256 any court of record in the United States.

257 (b) Responsibility for selecting the Inspector General
 258 shall be vested solely with the Inspector General Selection
 259 Committee ("selection committee"), who will meet periodically to
 260 perform their duties required by this act subject to Florida's
 261 Government-in-the-Sunshine Law.

- 262 1. The selection committee shall be comprised of:
 263 a. One person chosen by the Mayor of Broward County.
 264 b. One person chosen by the Chairperson of the Broward
 265 Legislative Delegation.
 266 c. One person chosen by the Broward League of Cities.
 267 d. The State Attorney for the 17th Judicial Circuit.
 268 e. The Public Defender for the 17th Judicial Circuit.
 269 f. The President of the Broward County Chiefs of Police
 270 Association.

271 g. The Dean of Nova Southeastern Shepard Broad Law Center.

272
 273 A person chosen pursuant to sub-subparagraph a., sub-
 274 subparagraph b., or sub-subparagraph c. must not have been a
 275 lobbyist, as defined by county ordinance or general law, for 2
 276 years preceding selection or be an elected or appointed official
 277 or employee of any Broward County local government at the time
 278 of selection.

279 2. The chairperson of the selection committee shall be
 280 selected by the members of the selection committee, and the
 281 selection committee shall determine its own rules of procedure.

282 3. After thoroughly reviewing qualifications, background
 283 information, and personal and professional referrals, the
 284 selection committee shall notify the County Attorney of Broward
 285 County of its selection. The county attorney shall assist the
 286 selected Inspector General as set forth in this section.

287 (c) Within 30 days after the effective date of this act,
 288 the Human Resources Division of Broward County shall solicit
 289 qualified candidates. Within 120 days after the effective date
 290 of this act, the selection committee shall in good faith
 291 endeavor to select the Inspector General.

292 (d) The Human Resources Division of Broward County shall
 293 provide staff to the selection committee and as necessary shall
 294 advertise the acceptance of resumes for the position of
 295 Inspector General. All resumes received by the Human Resources
 296 Division shall be forwarded to the selection committee for
 297 consideration. The Human Resources Division shall identify

298 applicants that have not been found guilty of, regardless of
 299 adjudication, or entered a plea of nolo contendere to any
 300 felony, or misdemeanor involving a breach of public trust, by
 301 any court of record in the United States. Under penalty of
 302 perjury, all applicants shall attest to the accuracy of the
 303 information requested to qualify for employment. All candidates
 304 shall disclose all personal and business relationships with
 305 Broward County local government. After the initial selection of
 306 the Inspector General, the selection committee, for future
 307 selection processes as described in paragraph (b), may continue
 308 to employ the services of the Human Resources Division or may
 309 use the Inspector General's staff to solicit candidates for the
 310 position of Inspector General. All advertisements for the
 311 acceptance of resumes for the position of Inspector General
 312 shall include a salary range commensurate with public officials
 313 of like experience and expertise.

314 (e) The Inspector General shall serve for a term of 4
 315 years. At least 6 months before the end of each contract term,
 316 the selection committee shall determine whether to renew the
 317 Inspector General's contract for an additional term of 4 years
 318 and shall promptly notify the Inspector General of its decision.
 319 If the selection committee elects not to renew the Inspector
 320 General's contract, the selection committee shall promptly
 321 convene as necessary to solicit candidates for the selection of
 322 a new Inspector General in the same manner as described in
 323 paragraph (b). The incumbent Inspector General may submit his or
 324 her name as a candidate to be considered for selection. The

325 incumbent Inspector General shall serve until a successor is
 326 selected and assumes office.

327 (f) If there is a vacancy in the position of Inspector
 328 General, the chairperson of the selection committee may appoint
 329 a member of the Inspector General's Office as interim Inspector
 330 General within 10 days after the vacancy occurs until such time
 331 as a successor Inspector General is selected and assumes office.
 332 A successor Inspector General shall be selected in the same
 333 manner as described in paragraph (b), except for the following
 334 specific time constraints:

335 1. Solicitation for qualified candidates for selection
 336 should be published within 20 days, but must be published no
 337 later than 40 days, after the date the vacancy occurs; and

338 2. The selection committee must in good faith endeavor to
 339 convene and select an Inspector General within 90 days after the
 340 date the vacancy occurs.

341 (g) The selection committee, with the assistance of the
 342 County Attorney of Broward County, shall negotiate a contract of
 343 employment with the Inspector General substantially consistent
 344 with the terms included in contracts of other contractual
 345 employees of Broward County. The Inspector General shall be paid
 346 at a rate commensurate with public officials of like experience
 347 and expertise. Before the selection committee approves a
 348 contract for the Inspector General, a public hearing on the
 349 contract must be scheduled by the Board of County Commissioners
 350 of Broward County. The contract shall cover the 4-year term,
 351 subject to the removal provisions in subsection (5). The

352 contract shall include a provision that voids the contract if
 353 the Office of Inspector General ceases to exist and a provision
 354 requiring the selection committee to provide notice of its
 355 decision to renew or not to renew the contract at least 6 months
 356 before the termination of the contract. The contract shall
 357 provide that the Inspector General may not represent a political
 358 party, be on any executive committee of a political party, or
 359 seek public office during his or her term of service or for 4
 360 years after the end of the term of service. The limitation in
 361 this paragraph does not include seeking selection as Inspector
 362 General for a subsequent term. The contract shall further
 363 provide that the Inspector General may not be a lobbyist, as
 364 defined in Broward County ordinances or general law, for 2 years
 365 after the end of the term of service. The Office of Inspector
 366 General and the Inspector General Selection Committee shall be
 367 deemed a part of the Charter Government of Broward County and,
 368 except as provided in this act, shall be subject to all
 369 regularly enacted ordinances, rules, regulations, policies, and
 370 procedures of Broward County.

371 (5) REMOVAL.—The Inspector General may be removed only for
 372 cause based upon specified charges of the following: neglect of
 373 duty, abuse of power or authority, discrimination, or ethical
 374 misconduct. The removal process shall be initiated at a duly
 375 noticed public hearing of the selection committee. An
 376 affirmative vote of at least four members of the selection
 377 committee is required to present the Inspector General with the
 378 charges and to proceed to final public hearings. The selection

379 committee must transmit a copy of the charges to the Inspector
 380 General at least 60 days before all final public hearings, which
 381 shall be convened by the selection committee. The Inspector
 382 General may be heard in person and by counsel at the final
 383 public hearings before the votes being taken on his or her
 384 removal. The Inspector General may be removed only upon the
 385 affirmative vote of a majority of the members of the selection
 386 committee. A record of the proceedings, together with the
 387 charges and findings, shall be filed with the County
 388 Administrator of Broward County. The Inspector General shall be
 389 removed without a public hearing if the Inspector General is
 390 convicted of or enters a plea of guilty or nolo contendere to a
 391 state or federal felony.

392 (6) PHYSICAL FACILITIES AND STAFF.—

393 (a) The county shall provide the Office of Inspector
 394 General with appropriately located office space and sufficient
 395 physical facilities, together with necessary office supplies,
 396 equipment, and furnishings, to enable the Inspector General to
 397 perform his or her functions.

398 (b) The Inspector General shall have the power to appoint,
 399 employ, and remove such assistants, employees, and personnel and
 400 establish personnel procedures as deemed necessary for the
 401 efficient and effective administration of the activities of the
 402 Office of Inspector General.

403 (7) FUNDING.—

404 (a) Each Broward County local government is responsible
 405 for the funding of the Office of Inspector General. Pursuant to

406 its annual budget process, the Board of County Commissioners of
 407 Broward County shall provide sufficient financial support for
 408 the Office of Inspector General to fulfill its duties as set
 409 forth in this act. In order to ensure adequate funding for the
 410 prompt establishment of the Office of Inspector General, the
 411 Board of County Commissioners of Broward County shall approve an
 412 amount equal to \$200,000 to fund all Inspector General related
 413 operations for the remainder of the 2010-2011 fiscal year. The
 414 Inspector General shall timely deliver to the board of county
 415 commissioners a budget, including a reasonable estimate of
 416 operating and capital expenditures of the Office of Inspector
 417 General, and shall include revenues, including, but not limited
 418 to, projected Inspector General contract fee revenue, to be
 419 collected from the county and any other participating local
 420 governments and public agencies. The Inspector General's budget
 421 may not be implemented until a public hearing is held by the
 422 Board of County Commissioners of Broward County. The Inspector
 423 General shall establish a fiscal year that coincides with that
 424 of Broward County. This paragraph does not prohibit the
 425 Inspector General from transmitting to the Board of County
 426 Commissioners of Broward County supplemental budget requests,
 427 which shall be scheduled for a public hearing and, if approved
 428 by the commission, shall constitute amendments to the county
 429 budget.

430 (b) To fund the Office of Inspector General, each local
 431 government's share of the Inspector General's budget as set
 432 forth in this section shall be calculated based on its

433 representative share of the countywide total of taxes levied by
434 all local governments in Broward County.

435 (c) To defray the costs of reviews, audits, inspections,
436 and investigations by the Inspector General, any local
437 government may enact by ordinance or resolution imposition of an
438 Inspector General contract fee, which shall be a maximum of 0.25
439 percent of the contract price added to each local government
440 contract.

441 1. The Inspector General contract fee does not apply to
442 the following local government contracts, grants, or agreements:

- 443 a. Contracts for legal services.
- 444 b. Auditing contracts.
- 445 c. Grants funded by federal, state, or local government.
- 446 d. Interlocal agreements.

447
448 Notwithstanding this subparagraph, the local government may
449 authorize the inclusion of the Inspector General contract fee in
450 any contract to which the local government is a party.

451 2. This paragraph does not limit the power of the
452 Inspector General under this act to perform audits, inspections,
453 reviews, and investigations on all local government contracts,
454 including, but not limited to, contracts specifically exempted
455 from the Inspector General contract fee.

456 3. The Charter Government of Broward County shall provide
457 a procedure in which each local government shall remit the
458 Inspector General contract fees collected in order to fund the
459 Office of Inspector General. Full payment from each local

460 government must be made within 90 days after the enactment of
 461 the budget of Broward County or any amendment to the budget of
 462 Broward County representing funding for the Office of Inspector
 463 General.

464 4. The Inspector General contract fee may be used only to
 465 fund the Office of Inspector General and shall be held in a
 466 separate account by Broward County to be used only by the
 467 Inspector General in succeeding years. The Inspector General
 468 contract fee may not be used for any other purpose.

469 Section 4. Code of ethics and ordinance violations.-

470 (1) Broward County and each municipality within Broward
 471 County shall establish by ordinance, and each independent
 472 special district within Broward County, and the School Board or
 473 School District of Broward County, shall establish by binding
 474 resolution, a code of ethics regulating the behavior of elected
 475 and appointed officials and employees of that local government.
 476 Broward County and each municipality within the county shall
 477 adopt a code of ethics that is binding on each district that is
 478 dependent on the county or the municipality.

479 (2) To assist local governments in developing ethics
 480 policies, the Inspector General shall develop a model policy
 481 that shall be provided to local governments no later than May 1,
 482 2011. Any local government that has not established a code of
 483 ethics by November 1, 2011, shall be bound by the model policy
 484 until the time of such adoption.

485 Section 5. This act may be amended by Special Act of the
 486 Legislature.

487 Section 6. Conflict.—Pursuant to s. 1(g), Art. VIII of the
 488 State Constitution, any charter provision or ordinance of the
 489 Charter Government of Broward County which creates an Office of
 490 Inspector General or officer or employees or agents that
 491 function substantially the same as the Office of Inspector
 492 General as provided in this act shall be deemed inconsistent
 493 with this act. Any such office or officers, employees, or agents
 494 created by the Charter Government of Broward County shall be
 495 determined to be a part of the Office of Inspector General as
 496 created in this act and subject to the direction of the
 497 Inspector General created by this act along with all duties,
 498 responsibilities, and requirements provided in this act. This
 499 section does not apply to the Office of the County Auditor as
 500 provided in Section 4.01 of the Charter of Broward County as it
 501 exists on the date of this act.

502 Section 7. Referendum on continuation of the Office of
 503 Inspector General.—

504 (1) The Board of County Commissioners of Broward County
 505 shall schedule a referendum on continuation of the Office of
 506 Inspector General to be held in conjunction with the general
 507 election of November 2016 in accordance with the provisions of
 508 law relating to elections currently in force.

509 (2) The item that shall appear on the ballot shall be as
 510 follows:

511
 512 Continuation of the Broward County Office of Inspector General
 513

514 Shall the Broward County Office of Inspector General be
 515 continued? The Inspector General detects misconduct involving
 516 abuse, corruption, fraud, waste, inefficiencies, or
 517 mismanagement by elected and appointed officers, employees, and
 518 contractors of Broward County, including Broward County
 519 constitutional officers, the Broward County School District,
 520 municipalities and special districts operating solely within
 521 Broward County.

522
 523 Yes

524 No

525
 526 (3) This act shall expire and be of no force and effect on
 527 the date after the general election of November 2016 unless the
 528 ballot question placed on such ballot as provided in subsection
 529 (2) is approved by the voters voting in that referendum.

530 Section 8. Ballot statement.—The Broward County Board of
 531 County Commissioners shall schedule a referendum to be held in
 532 conjunction with the general election of November 2010 in
 533 accordance with the provisions of law relating to elections
 534 currently in force. The item that shall appear on the ballot
 535 shall be as follows:

536
 537 Creation of the Broward County Office of Inspector General

538
 539 Shall there be created the Broward County Office of Inspector
 540 General, appointed by an independent selection committee and

PCS for HB 1425

ORIGINAL

2010

541 funded by Broward County local governments to monitor each local
 542 government's ethics code and to detect misconduct involving
 543 abuse, corruption, fraud, waste, inefficiencies, or
 544 mismanagement by elected and appointed officers, employees, and
 545 contractors of Broward County, including Broward County
 546 constitutional officers, the Broward County School District,
 547 municipalities and special districts operating solely within
 548 Broward County?

549
 550 Yes

551 No

552
 553 Section 9. This act shall take effect only upon approval
 554 by a majority of those qualified electors of Broward County
 555 voting in a referendum to be held by the Board of County
 556 Commissioners of Broward County in conjunction with the November
 557 2010 general election, except that this section and section 7
 558 shall take effect upon this act becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1621 North Springs Improvement District, Broward County

SPONSOR(S): Military & Local Affairs Policy Committee

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

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee			
1)	Military & Local Affairs Policy Committee		Rojas <i>SR</i>	Hoagland <i>HH</i>
2)	Finance & Tax Council			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The bill revises the legal description of the North Springs Improvement District's boundaries to include several property owners who have requested that the district amend its boundaries to include their properties for the purpose of receiving water, wastewater and drainage services and facilities.

The boundaries of the district will expand from approximately 7,040 acres within Broward County to approximately 8,420 acres.

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:

Background

The North Springs Improvement District

The North Springs Improvement District (District) was created by the decree of circuit court #71-1724, and has been revised by subsequent special acts. In 2005, the Legislature enacted HB 1479¹ which codified, and reenacted, all prior special acts of the District into a single, logically organized act, as required by s. 189.429, F.S.

The purpose of the District is to fund, construct, and maintain storm water management, water distribution, sewer collection and roadway improvements. The current boundaries of the District encompass approximately 7,040 acres within Broward County.

The District is governed by a three-member board of supervisors. One supervisor is elected by landowners owning property within the city limits of the City of Parkland, one supervisor is elected by landowners, owning property within the city limits of the City of Coral Springs, and one supervisor is elected at large by all landowners of the District. Board members receive \$200 per month as compensation and travel expenses.

The Board must annually adopt a resolution establishing the non-ad valorem special assessments necessary to meet expenses for the coming year. Special assessments are collected and enforced in the same manner as county taxes. The District does not levy ad valorem taxes. The charter exempts all real and personal property owned, leased, controlled, or used by the District from all county, municipal, taxing district, and other ad valorem taxes and special assessments for benefits.

The Board may issue bonds to carry out the purposes of its charter payable solely from revenues of the District. The value of all bonds outstanding may not exceed 35% of the District's anticipated revenues for the period for which the bonds are outstanding.

The current powers and authority of the District include the authority to:

- contract and be contracted with;
- adopt a water control plan;
- acquire and maintain sites for storage and maintenance of the equipment of the District;

¹ Ch. 2005-341, L.O.F.

- clean out, straighten, widen, open up, or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream;
- regulate by resolution drainage requirements;
- borrow money and issue bonds, certificates, warrants, notes, or other evidences of indebtedness of the District;
- build and construct any other works, and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the District;
- hold, control, and acquire by donation, purchase, or condemnation, any easement, reservation, or dedication in the District; to condemn as provided by chapters 73 and 74, F.S., or acquire, by purchase or grant for use in the District any land or property within the District;
- assess and impose on all of the lands in the District an ad valorem tax, an annual drainage tax, and a maintenance tax;
- impose and foreclose special assessments liens;
- prohibit, regulate, and restrict by appropriate resolution all structures, materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or be a part of any facility owned or operated by the District;
- make adopt, promulgate, amend, and repeal all rules and regulations necessary or convenient for the carrying out of the duties, obligations, and powers conferred on the District;
- cooperate with or contract with other water control districts or other governmental agencies;
- employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may determine necessary and to fix their compensation and duties;
- exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the District;
- construct, improve, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas within the District;
- make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for drainage purposes within the boundaries of the District;
- lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District;
- regulate the supply and level of water within the District;
- own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve water systems and sewer systems or combined water and sewer systems;
- own, acquire, construct, operate, and maintain parks, playgrounds, picnic grounds, camping facilities, and water recreation facilities within or without the District;
- issue general obligation bonds, revenue bonds, assessment bonds, or any other bonds or obligations; and
- exercise any and all other powers conferred to water control districts by ch. 298, F.S.
- plan, establish, construct, and maintain parks and facilities for indoor and outdoor community recreational and cultural uses, when authorized by resolution of the general purpose unit of local government, in its sole discretion, and also authorized by resolution of each municipality served by the District if the parks and facilities are or will be located in the unincorporated area; and
- construct or renovate school buildings and related structures, when authorized by the local district school board, which may be leased, sold, or donated to the school district, for use in the public educational system.

Broward County Boundary Change

In 2007, the Legislature enlarged the boundaries of Broward County² to include certain lands included in Palm Beach County. Prior to the boundary change, approximately 1,949 acres of land in the southern section of Palm Beach County was separated geographically from the remainder of the county by a water boundary created by the Hillsboro Canal. The Legislature amended s. 7.06, F.S., to extend the boundaries of Broward County and s. 7.50, F.S., to decrease the boundaries of Palm Beach County, thus transferring the property at issue.

² Ch. 2007-222

The property at issue forms a triangle-shaped parcel west of U.S. 441 (known as State Road 7 in Broward County) and south of the canal, and is commonly referred to as "The Wedge" or "The Golden Triangle." This site consists primarily of vacant or agricultural land.

Effect of the Bill

The bill revises the legal description contained in the District's existing enabling legislation to include several property owners who have requested that the district amend its boundaries to include their properties for the purpose of receiving water, wastewater and drainage services and facilities. The boundaries of the District will expand from approximately 7,040 acres within Broward County to approximately 8,420 acres.

B. SECTION DIRECTORY:

Section 1 Revises the legal description contained in the District's existing enabling legislation.

Section 2 Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 18, 2010

WHERE? Sun-Sentinel, Fort Lauderdale, Broward County, Boca Raton, Palm Beach County, Miami, Miami-Dade County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

An aerial map of the proposed boundary amendments revealed a wholly encompassed parcel of approximately 27.5 acres shown as "not included" in the eastern portion of the map. The owner leases this land to three broadcasting stations which have erected three 300 foot towers on the property. The owner does not intend any other development on the site and therefore does not require the services offered by the District.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA

NOTICE OF LEGISLATION
Notice is hereby given that the following bill will be presented to the 2010 Legislative Session of the Florida Legislature for consideration and enactment.
A bill to be entitled:
An act relating to the North Springs Improvement District, Broward County, amending chapter 2005-34, Laws of Florida, as amended by chapter 2007-285, Laws of Florida, extending and enlarging the boundaries of the district, providing for an effective date.
BROWARD COUNTY LEGISLATIVE DELEGATION
REPRESENTATIVE ARI PORTH, CHAIR
CONTACT: Sandy Harris
(954-357-6555)
January 18, 2010

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED LINDA HALL, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A:

NOTICE OF LEGISLATION

THE MATTER OF: BROWARD LEGISLATIVE
RE: NORTH SPRINGS IMPROVEMENT DISTRICT

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

JANUARY 18, 2010

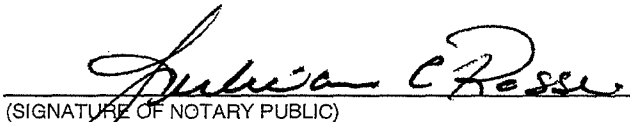
13838003

AFFIANT FURTHER SAYS THAT THE SAID SUN-SENTINEL IS A NEWSPAPER PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS HERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MATTER AT THE POST OFFICE IN FORT LAUDERDALE, IN SAID BROWARD COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF ATTACHED COPY OF ADVERTISEMENT: AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID, NOR PROMISED, ANY PERSON, FIRM, OR CORPORATION, ANY DISCOUNT, REBATE, COMMISSION, OR REFUND, FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN SAID NEWSPAPER.

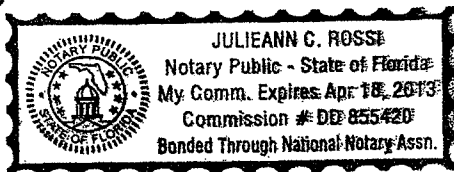


(SIGNATURE OF LINDA HALL, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 18 JANUARY 2010, A.D.



(SIGNATURE OF NOTARY PUBLIC)



(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

HOUSE OF REPRESENTATIVES
2010 LOCAL BILL CERTIFICATION FORM

BILL #: 1621

SPONSOR(S): Representative Ari Porth

RELATING TO: North Springs Improvement District
[Indicate Area Affected (City, County or Special District) and Subject]

NAME OF DELEGATION: Broward

CONTACT PERSON: Sandy Harris

PHONE NO.: 954-260-8894 E-Mail: saharris@broward.org

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 5, 2010

Location: Nova Southeastern University

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

YES NO

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

Has this constitutional notice requirement been met?

Notice published: YES NO DATE January 18, 2010

Where? Sun Sentinel County Broward

Referendum in lieu of publication: YES NO

Date of Referendum _____

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

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

YES NO NOT APPLICABLE


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

YES NO NOT APPLICABLE

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

YES NO

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



Delegation Chair (Original Signature)

2-22-10

Date

Ari Porth

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2010 ECONOMIC IMPACT STATEMENT FORM

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

BILL #: 1621
SPONSOR(S): Rep. Aer Portin
RELATING TO: North Springs Improvement District
[Indicate Area Affected (City, County or Special District) and Subject]

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

Expenditures:	<u>FY 10-11</u>	<u>FY11-12</u>
	\$12,000	\$2,000,000

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 10-11</u>	<u>FY11-12</u>
Federal:	None	None
State:	None	None
Local: Special District Assessments	\$12,000	\$2,000,000

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 10-11</u>	<u>FY11-12</u>
Revenues:	\$12,000	\$2,000,000

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

Advantages: Area will be provided water, wastewater, and drainage infrastructure through district projects to ensure that these services will be available for economic growth in the future.

Disadvantages: None

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

All design and construction activities in connection with expanded water, wastewater and drainage facilities will be competitively awarded.

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

Historical documents from district budgets and other similar documents.

PREPARED BY: Doug Hyche 10/19/09
[Must be signed by Preparer] Date

TITLE: DISTRICT MANAGER

REPRESENTING: NORTH SPRINGS IMPROVEMENT DISTRICT

PHONE: 954-753-0380 EXT. 617

E-Mail Address: DOUGH@FLADISTRICTS.COM

1 A bill to be entitled
 2 An act relating to the North Springs Improvement District,
 3 Broward County; amending chapter 2005-341, Laws of
 4 Florida; extending and enlarging the boundaries of the
 5 district; providing an effective date.

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

8
 9 Section 1. Section 2 of section 3 of chapter 2005-341,
 10 Laws of Florida, is amended to read:

11 Section 2. Boundaries.—The boundaries of the district
 12 shall be:

13
 14 A tract of land being Sections 5, 6, 7, 8, 9 and 10, a
 15 portion of Sections 3 and 4, all in Township 48 South,
 16 Range 41 East, Broward County, Florida, and Sections
 17 31, 32 and 33, a portion of Sections 20, 28, 29 and
 18 30, all in Township 47 South, Range 41 East, Broward
 19 County, Florida, described as follows:

20
 21 BEGINNING at the southwest corner of said Section 7;

22
 23 thence North 00°03'12" West (Bearings are relative to
 24 State Plane Coordinates as shown on STONER/KEITH
 25 RESURVEY OF A PORTION OF TOWNSHIP 47 SOUTH, RANGE 41
 26 EAST, ALL OF TOWNSHIP 48 SOUTH, RANGE 41 EAST, & ALL
 27 OF TOWNSHIP 49 SOUTH, RANGE 41 EAST, according to the
 28 plat thereof, recorded in Miscellaneous Plat Book 3 at

29 | Page 44 of the Public Records of said Broward County),
 30 | along the west line of the Southwest Quarter (SW 1/4)
 31 | of said Section 7, a distance of 2647.42 feet to the
 32 | northwest corner of said Southwest Quarter (SW 1/4);

33 |
 34 | thence continue North 00°03'12" West, along the west
 35 | line of the Northwest Quarter (NW 1/4) of said Section
 36 | 7, a distance of 2647.42 feet to the northwest corner
 37 | of said Section 7 and the southwest corner of said
 38 | Section 6;

39 |
 40 | thence North 00°02'58" West, along the west line of
 41 | the Southwest Quarter (SW 1/4) of said Section 6, a
 42 | distance of 3252.81 feet to the northwest corner of
 43 | said Southwest Quarter (SW 1/4);

44 |
 45 | thence North 00°02'27" West, along the west line of
 46 | the Northwest Quarter (NW 1/4) of said Section 6, a
 47 | distance of 3253.12 feet to the northwest corner of
 48 | said Section 6 and the southwest corner of said
 49 | Section 31;

50 |
 51 | thence North 00°03'47" West, along the west line of
 52 | the Southwest Quarter (SW 1/4) of said Section 31, a
 53 | distance of 2642.42 feet to the northwest corner of
 54 | said Southwest Quarter (SW 1/4);

55 |
 56 | thence continue North 00°03'47" West, along the west

57 | line of the Northwest Quarter (NW 1/4) of said Section
 58 | 31, a distance of 2642.42 feet to the northwest corner
 59 | of said Section 31; and the southwest corner of said
 60 | Section 30:

61 |
 62 | thence North 00°05'07" West, along the west line of
 63 | the Southwest Quarter (SW 1/4) of said Section 30, a
 64 | distance of 2642.42 feet to the northwest corner of
 65 | said Southwest Quarter (SW 1/4);

66 |
 67 | thence North 00°04'32" West, along the west line of
 68 | the Northwest Quarter (NW 1/4) of said Section 30, a
 69 | distance of 2642.88 feet to the northwest corner of
 70 | said Northwest Quarter (NW 1/4);

71 |
 72 | thence North 89°34'37" East, along the north line of
 73 | said Northwest Quarter (NW 1/4), a distance of 2189.92
 74 | feet to the northeast corner of said Northwest Quarter
 75 | (NW 1/4);

76 |
 77 | thence North 89°34'40" East, along the north line of
 78 | the Northeast Quarter (NE 1/4) of said Section 30, a
 79 | distance of 118.81 feet to a line parallel with and
 80 | 118.11 feet east of the west line of said Northeast
 81 | Quarter (NE 1/4);

82 |
 83 | thence South 00°40'57" East, along said parallel line
 84 | a distance of 2653.89 feet to the south line of said

85 Northeast Quarter (NE 1/4) and the north line of the
 86 Southeast Quarter (SE 1/4) of said Section 30;
 87
 88 thence North 89°50'50" East, along the north line of
 89 said Southeast Quarter (SE 1/4), a distance of 2098.87
 90 feet to the northeast corner of said Southeast Quarter
 91 (SE 1/4) and the southwest corner of the Northwest
 92 Quarter (NW 1/4) of said Section 29;
 93
 94 thence North 01°16'35" West, along the west line of
 95 said Northwest Quarter (NW 1/4), a distance of 2664.23
 96 feet to the northwest corner of said Northwest Quarter
 97 (NW 1/4) and the southwest corner of the Southwest
 98 Quarter (SW 1/4) of said Section 20;
 99
 100 thence North 01°15'48" West, along the west line of
 101 said Southwest Quarter (SW 1/4), a distance of 747.56
 102 feet to the southerly right-of-way line of State Road
 103 No. 827 as it now exists;
 104
 105 thence South 71°52'41" East, along said southerly
 106 right-of-way line, a distance of 1399.86 feet;
 107
 108 thence South 01°16'02" East 305.48 feet to the south
 109 line of the Southwest Quarter (SW 1/4) of said Section
 110 20 and the north line of the Northwest Quarter (NW
 111 1/4) of said Section 29;
 112

113 thence South 01°16'02" East, along a northerly
 114 prolongation of the east line of Tracts 15 and 16 in
 115 said Section 29, according to the Plat of FLORIDA
 116 FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, as recorded
 117 in Plat Book 1 at Page 102 of the Public Records of
 118 Palm Beach County, Florida and along said east line a
 119 distance of 1331.52 feet to the northwest corner of
 120 Tract 11 of said Plat;

121
 122 thence North 89°41'40" East, along the north line of
 123 said Tract 11 and an easterly prolongation thereof, a
 124 distance of 1320.53 feet to the west line of the
 125 Northeast Quarter (NE 1/4) of said Section 29;

126
 127 thence North 01°16'25" West, along said west line, a
 128 distance of 1197.77 feet to the southerly right-of-way
 129 line of State Road No. 827 as it now exists;

130
 131 thence South 71°59'44" East, along said southerly
 132 right-of-way line, a distance 2797.53 feet to the east
 133 line of said Northeast Quarter (NE 1/4) and the west
 134 line of the Northwest Quarter (NW 1/4) of said Section
 135 28;

136
 137 thence South 01°15'11" East, along said west line, a
 138 distance of 84.45 feet to the southerly right-of-way
 139 line of State Road No. 827, as described in Official
 140 Records Book 8790 at Page 830 of the Public Records of

141 Palm Beach County, Florida;
 142
 143 thence South 72°00'16 East, along said southerly
 144 right-of-way line, a distance of 5594.00 feet to the
 145 east line of said Section 28;
 146
 147 thence South 01°14'06" East, along said east line, a
 148 distance of 2460.10 feet to the southeast corner of
 149 said Section 28 and the northeast corner of Northeast
 150 Quarter (NE 1/4) of said Section 33;
 151
 152 ~~thence South 89°52'50" East, along the north line of~~
 153 ~~said Northwest Quarter (NW 1/4), a distance of 2246.01~~
 154 ~~feet to the northeast corner of said Northwest Quarter~~
 155 ~~(NW 1/4);~~
 156
 157 ~~thence South 89°52'10" East, along the north line of~~
 158 ~~the Northeast Quarter (NE 1/4) of said Section 31, a~~
 159 ~~distance of 2245.70 feet to the northeast corner of~~
 160 ~~said Section 31 and the northwest corner of said~~
 161 ~~Section 32;~~
 162
 163 ~~thence North 89°36'52" East, along the north line of~~
 164 ~~the Northwest Quarter (NW 1/4) of said Section 32, a~~
 165 ~~distance of 2640.43 feet to the northeast corner of~~
 166 ~~said Northwest Quarter (NW 1/4);~~
 167
 168 ~~thence North 89°37'21" East, along the north line of~~

169 ~~the Northeast Quarter (NE 1/4) of said Section 32, a~~
 170 ~~distance of 2639.40 feet to the northeast corner of~~
 171 ~~said Section 32 and the northwest corner of said~~
 172 ~~Section 33;~~

173

174 ~~thence North 89°36'55" East, along the north line of~~
 175 ~~the Northwest Quarter (NW 1/4) of said Section 33, a~~
 176 ~~distance of 2640.59 feet to the northeast corner of~~
 177 ~~said Northwest Quarter (NW 1/4);~~

178

179 ~~thence North 89°36'56" East, along the north line of~~
 180 ~~the Northeast Quarter (NE 1/4) of said Section 33, a~~
 181 ~~distance of 2640.59 feet to the northeast corner of~~
 182 ~~said Section 33;~~

183

184 thence South 01°21'19" East, along the east line of
 185 said Northeast Quarter (NE 1/4), a distance of 2638.16
 186 feet to the southeast corner of said Northeast Quarter
 187 (NE 1/4);

188

189 thence South 01°21'20" East, along the east line of
 190 the Southeast Quarter (SE 1/4) of said Section 33, a
 191 distance of 2638.16 feet to the southeast corner of
 192 said Section 33 and the northeast corner of said
 193 Section 4;

194

195 thence South 89°44'30" West, along the north line of
 196 the Northeast Quarter (NE 1/4) of said Section 4, a

197 distance of 60.00 feet to the most westerly corner of
 198 that parcel of land described in Official Record Book
 199 55 at Page 500 of said Public Records of Broward
 200 County;

201
 202 thence South 45°33'09" East, along the southwesterly
 203 line of said parcel, a distance of 85.29 feet to the
 204 most southerly corner of said parcel on the east line
 205 of said Northeast Quarter (NE 1/4);

206
 207 thence South 00°50'47" East, along said east line, a
 208 distance of 3303.78 feet to the southeast corner of
 209 said Northeast Quarter (NE 1/4) and the northwest
 210 corner of the Southwest Quarter (SW 1/4) of said
 211 Section 3;

212
 213 thence South 89°52'36" East, along the north line of
 214 said Southwest Quarter (SW 1/4), a distance of 2640.57
 215 feet to the northeast corner of said Southwest
 216 Quarter. (SW 1/4);

217
 218 thence South 89°52'36" East, along the north line of
 219 the Southeast Quarter (SE 1/4) of said Section 3, a
 220 distance of 2639.23 feet to the northeast corner of
 221 said Southeast Quarter (SE 1/4);

222
 223 thence South 00°53'22" East, along the east line of
 224 said Southeast Quarter (SE 1/4), a distance of 3401.43

225 feet to the southeast corner of said Section 3 and the
 226 northeast corner of said Section 10;

227
 228 thence South 00°59'18" East, along the east line of
 229 the Northeast Quarter (NE 1/4) of said Section 10, a
 230 distance of 2637.04 feet to the southeast corner of
 231 said Northeast Quarter (NE 1/4);

232
 233 thence South 00°59'17" East, along the east line of
 234 the Southeast Quarter (SE 1/4) of said Section 10, a
 235 distance of 2637.03 feet to the southeast corner of
 236 said Section 10;

237
 238 thence North 89°25'05" West, along the south line of
 239 said Southeast Quarter (SE 1/4), a distance of 2637.48
 240 feet to the southwest corner of said Southeast Quarter
 241 (SE 1/4);

242
 243 thence continue North 89°25'05" West, along the south
 244 line of the Southwest Quarter (SW 1/4) of said Section
 245 10, a distance of 2637.47 feet to the southwest corner
 246 of said Section 10 and the southeast corner of said
 247 Section 9;

248
 249 thence North 89°26'06" West, along the south line of
 250 the Southeast Quarter (SE 1/4) of said Section 9, a
 251 distance of 2641.24 feet to the southwest corner of
 252 said Southeast Quarter (SE 1/4);

253
254 thence continue North 89°26'06" West, along the south
255 line of the Southwest Quarter (SW 1/4) of said Section
256 9, a distance of 2641.24 feet to the southwest corner
257 of said Section 9 and the southeast corner of said
258 Section 8;

259
260 thence North 89°25'53" West, along the south line of
261 the Southeast Quarter (SE 1/4) of said Section 8, a
262 distance of 2639.96 feet to the southwest corner of
263 said Southeast Quarter (SE 1/4);

264
265 thence North 89°25'52" West, along the south line of
266 the Southwest Quarter (SW 1/4) of said Section 8, a
267 distance of 2639.96 feet to the southwest corner of
268 said Section 8 and the southeast corner of said
269 Section 7;

270
271 thence North 89°46'06" West, along the south line of
272 the Southeast Quarter (SE 1/4) of said Section 7, a
273 distance of 2399.06 feet to the southwest corner of
274 said Southeast Quarter (SE 1/4);

275
276 thence North 89°46'05" West, along the south line of
277 the Southwest Quarter (SW 1/4) of said Section 7, a
278 distance of 2399.06 feet to the POINT OF BEGINNING.

279
280 Less therefrom the following described parcel:

281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308

A portion of the Southwest Quarter (SW 1/4) of said Section 28 described as follows:

BEGINNING at the southwest corner of said Southwest Quarter (SW 1/4);

thence North 89°36'59" East, along the south line of said Southwest Quarter (SW 1/4), a distance of 30.00 feet to the Point of Beginning;

Thence North 01°15'11" West, along a line parallel with and 30.00 feet east of the west line of said Southwest Quarter (SW 1/4), a distance of 769.83 feet to a line parallel with and 769.74 feet north of the south line of said Southwest Quarter;

thence North 89°36'59" East, along said parallel line, a distance of 1387.00 feet to a line parallel with and 1416.84 feet west of the west line of said Southwest Quarter;

thence South 01°15'11" East, along said parallel line, a distance of 769.83 feet to the south line of said Southwest Quarter (SW 1/4);

thence South 89°36'59" West, along said south line, a distance of 1387.00 feet to the POINT OF BEGINNING.

PCS for HB 1621

2010

309

310

Said land being in Broward County, Florida.

311

312

Containing 8420.477 ~~7040.325~~ acres, more or less.

313

314

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