

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1157
SPONSOR(S): Poppell
TIED BILLS:

Barefoot Bay Recreation District, Brevard County

IDEN./SIM. BILLS: SB 2924

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>7 Y, 0 N</u>	<u>Fudge</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u>10 Y, 0 N</u>	<u>Fudge</u>	<u>Cooper</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Currently, the Barefoot Bay Recreation District (District) is governed by a nine member board. The District's charter requires that when the cost, price, or consideration of acquisition exceeds \$25,000, such acquisition may not be approved unless certain conditions are met. This bill authorizes the District to amend its charter to transition from a nine-member board to a five-member board, upon approval of the electors of the District. The bill also authorizes the board to amend its charter, by a vote of the electors, to allow the board to enter into contracts which exceed \$125,000 if certain conditions are met.

This bill is effective upon becoming law.

Pursuant to House Rule 5.5(b), 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. The provisions of House Rule 5.5(b) appear to apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill reduces the size of the governing board upon approval of the electors.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Mobile Home Park Recreation District

Independent special districts, including mobile home park recreation districts, may only be created by the Legislature. The creation of a mobile home park recreation district is governed by sections 418.30 through 418.309, F.S.

The Barefoot Bay Recreation District is a mobile home park recreation district for the Barefoot Bay Mobile Home Subdivision created by Ordinance 84-05 adopted by the Board of County Commissioners of Brevard County.

In accordance with s. 418.302, F.S., Article V., s. 2 of the District's charter provides that the board of trustees of the District consists of nine members elected by the electors of the district.

Article IV, s. 13 of the District's charter, consistent with s. 418.304(13), F.S., provides that when the cost, price, or consideration of acquisition exceeds \$25,000, such acquisition shall not be approved unless and until:

(a) The trustees by a two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

(b) Within not less than 30 days nor more than 60 days after the date of the resolution, the trustees certify the resolution to the Supervisor of Elections of Brevard County for a referendum election; and

(c) A majority of the qualified electors of the district approve the resolution by referendum election.

Effect of Proposed Change

The bill provides that, notwithstanding s. 418.302, F.S., the Brevard County Commission may amend the charter of the District to allow, subject to approval by a vote of the electors, the transition of the governing body of the District from a nine-member board to a five-member board elected by the electors of the district. It appears that the board has had some difficulty in filling all nine seats and believes that by reducing the size of the board it will be more efficient.¹

In addition the bill would allow, notwithstanding s. 418.304(13), the board to enter into contracts that exceed \$125,000 only if:

(1) The trustees by a two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

¹ Information provided by bill sponsor's office, March 7, 2007.

- (2) Within not less than 30 days nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections for the county for a referendum election; and
- (3) The resolution is approved by a majority vote of the qualified electors of the district voting in a referendum called for the purpose of considering the resolution.

These requirements are identical to those found in s. 418.304(13), F.S., except for the threshold amount of \$125,000.

SECTION DIRECTORY:

Section 1: Amends the Charter to permit a process whereby the board of the District may transition from a nine-member board to a five-member board.

Section 2: Amends the Charter to authorize the board of the district to enter into contracts that exceed \$125,000 if certain conditions are met.

Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 25, 2007

WHERE? The *Florida Today*, a newspaper published in Brevard County, FL.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Possible Exemptions from General Law

The bill contains the following provisions which appear to be exemptions from general law:

Notwithstanding section 418.302, Florida Statutes, the Brevard County Commission may amend the Charter of the Barefoot Bay Recreation District, subject to approval by a vote of the electors of the district

Notwithstanding section 418.304(13), Florida Statutes, the Brevard County Commission may amend the Charter of the Barefoot Bay Recreation District, subject to the approval by a vote of the electors

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.