

1 A bill to be entitled
 2 An act relating to municipalities and special districts;
 3 amending s. 170.01, F.S.; authorizing municipalities to
 4 specify a voting methodology for levying and collecting
 5 special assessments; amending s. 189.403, F.S.; expanding
 6 purposes for which a special district may be treated as a
 7 municipality; creating s. 189.4221, F.S.; authorizing
 8 special districts to purchase commodities and contractual
 9 services from purchasing agreements of other special
 10 districts, municipalities, or counties; amending s.
 11 191.009, F.S.; replacing a requirement that non-ad valorem
 12 assessments be levied by referendum with a requirement for
 13 approval by supermajority vote of the district board;
 14 providing severability; providing an effective date.

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

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 18 Section 1. Subsection (3) of section 170.01, Florida
 19 Statutes, is amended to read:

20 170.01 Authority for providing improvements and levying
 21 and collecting special assessments against property benefited.--

22 (3) Any municipality, subject to the approval of a
 23 majority of the affected property owners who actually vote in
 24 the vote required by this section, may levy and collect special
 25 assessments against property benefited for the purpose of
 26 stabilizing and improving:

- 27 (a) Retail business districts,
- 28 (b) Wholesale business districts, or

29 (c) Nationally recognized historic districts,
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 31 or any combination of such districts, through promotion,
 32 management, marketing, and other similar services in such
 33 districts of the municipality. This subsection does not
 34 authorize a municipality to use bond proceeds to fund ongoing
 35 operations of these districts. Any municipality may determine in
 36 any resolution required by s. 170.03 to declare special
 37 assessments that the vote of affected property owners shall be
 38 conducted by voting by tax folio numbers of affected properties
 39 or by total square footage of the affected properties.

40 Section 2. Subsection (1) of section 189.403, Florida
 41 Statutes, is amended to read:

42 189.403 Definitions.--As used in this chapter, the term:

43 (1) "Special district" means a local unit of special
 44 purpose, as opposed to general-purpose, government within a
 45 limited boundary, created by general law, special act, local
 46 ordinance, or by rule of the Governor and Cabinet. The special
 47 purpose or purposes of special districts are implemented by
 48 specialized functions and related prescribed powers. For the
 49 purpose of ss. ~~s.~~ 196.199(1) and 282.104, special districts
 50 shall be treated as municipalities. The term does not include a
 51 school district, a community college district, a special
 52 improvement district created pursuant to s. 285.17, a municipal
 53 service taxing or benefit unit as specified in s. 125.01, or a
 54 board which provides electrical service and which is a political
 55 subdivision of a municipality or is part of a municipality.

56 Section 3. Section 189.4221, Florida Statutes, is created
 57 to read:

58 189.4221 Purchases from purchasing agreements of special
 59 districts, municipalities, or counties.--Special districts may
 60 purchase commodities and contractual services from purchasing
 61 agreements of other special districts, municipalities, or
 62 counties procured pursuant to competitive bid, requests for
 63 proposals, requests for qualifications, competitive selection,
 64 or competitive negotiations, and otherwise in compliance with
 65 general law.

66 Section 4. Subsection (2) of section 191.009, Florida
 67 Statutes, is amended to read:

68 191.009 Taxes; non-ad valorem assessments; impact fees and
 69 user charges.--

70 (2) NON-AD VALOREM ASSESSMENTS.--A district may levy non-
 71 ad valorem assessments as defined in s. 197.3632 to construct,
 72 operate, and maintain district facilities and services. The rate
 73 of such assessments must be fixed by resolution of the board
 74 pursuant to the procedures contained in s. 191.011. Non-ad
 75 valorem assessment rates set by the board may exceed the maximum
 76 rates established by special act, county ordinance, or the
 77 previous year's resolution, ~~or referendum~~ in an amount not to
 78 exceed the average annual growth rate in Florida personal income
 79 over the previous 5 years. Non-ad valorem assessment rate
 80 increases within the personal income threshold are deemed to be
 81 within the maximum rate authorized by law at the time of initial
 82 imposition. Proposed non-ad valorem assessment increases which
 83 exceed the rate set the previous fiscal year or the rate

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84 | previously set by special act or county ordinance, whichever is
85 | more recent, by more than the average annual growth rate in
86 | Florida personal income over the last 5 years, or the first-time
87 | levy of non-ad valorem assessments in a district, must be
88 | approved by a supermajority vote of the board ~~referendum of the~~
89 | ~~electors of the district. The referendum on the first-time levy~~
90 | ~~of an assessment shall include a notice of the future non ad~~
91 | ~~valorem assessment rate increases permitted by this act without~~
92 | ~~a referendum.~~ Non-ad valorem assessments shall be imposed,
93 | collected, and enforced pursuant to s. 191.011.

94 | Section 5. If any provision of this act is held invalid
95 | such invalidity shall not affect the other provisions or
96 | applications hereof that can be given effect without causing the
97 | invalid provision or application and to this end provisions of
98 | this act are severable.

99 | Section 6. This act shall take effect July 1, 2008.