

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1235

Lakewood Ranch Stewardship District, Manatee and Sarasota

Counties

SPONSOR(S): Reagan

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	<u>Military & Local Affairs Policy Committee</u>	<u>13 Y, 0 N, As CS</u>	<u>Fudge</u>	<u>Hoagland</u>
2)	<u>Economic Development & Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
3)	<u>Finance & Tax Council</u>	<u></u>	<u></u>	<u></u>
4)	<u></u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The Lakewood Ranch Stewardship District is an independent special district located in Sarasota and Manatee Counties. The district provides community development systems, facilities, services, projects, improvements, and infrastructure to the area.

The bill adds approximately 200 acres to the district. The bill also provides additional special powers to the district to pursue green initiatives including the development and generation of alternative energy sources. The boundary change and additional powers have been approved by the Manatee and Sarasota County Commissions. The bill is subject to referendum approval by the landowners.

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 Lakewood Ranch Stewardship District is an independent special district located in Sarasota and Manatee Counties. The district provides community development systems, facilities, services, projects, improvements, and infrastructure to the area. The district is governed by a five member board of supervisors who are elected on a one-acre/one-vote basis.

The district may levy user charges and fees; non-ad valorem maintenance taxes as authorized by general law; maintenance special assessments; and, benefit special assessments. The district is also authorized to impose ad valorem taxes not to exceed 3 mills upon voter approval at a referendum conducted after the entire governing board of the district is elected by qualified electors. However, the district only levies an annual assessment for operations and maintenance and three separate capital assessments.

The district's special act requires a resolution or official statement from the affected counties stating that the change in the boundaries or the general or special powers of the district are in compliance with the approved local government plans and that the local governments have no objection.

Effect of Proposed Changes

On January 27, 2009, the Chairman of the Board of County Commissioners for Manatee County issued a letter advising the delegation that the proposed amendments to the district are consistent with the approved local government comprehensive plans and that the County Commission has no objection to the amendments.

On January 29, 2009, the Chairman of Board of County Commissioners for Sarasota County issued a letter expressing its initial concern that the additional power to develop and generate alternative energy sources may conflict Sarasota County's franchise agreement with Florida Power & Light. In response the district agreed to the following sentence: "Nothing herein shall authorize the district to provide electrical service to retail customers or otherwise act to impair electric utility franchise agreements." With this change, Sarasota County advised the delegation that the proposed amendments to the district are consistent with the approved local government comprehensive plans and that Sarasota County has no objection to the amendments.

The bill adds approximately 200 acres to the district. The bill also provides additional special powers to the district:

To provide sustainable or green infrastructure improvements, facilities, and services, including, but not limited to, recycling of natural resources, reduction of energy demands, development and generation of alternative or renewable energy sources and technologies, mitigation of urban heat islands, sequestration, capping or trading of carbon emissions or carbon emissions credits, LEED or Florida Green Building Coalition certification, and development of facilities and improvements for low-impact development and to enter into joint ventures, public-private partnerships, and other agreements and to grant such easements as may be necessary to accomplish the foregoing. Nothing herein shall authorize the District to provide electric service to retail customers or otherwise act to impair electric utility franchise agreements.

The boundary adjustment and additional powers are subject to approval by a majority vote of the land owners within the district, who are not exempt from taxation. In addition, these special powers would be subject to any applicable state or federal law.

B. SECTION DIRECTORY:

Section 1: Amends the boundaries of the district.

Section 2: Provides additional powers to the district.

Section 3: Provides that each assessable acre or fraction thereof counts as one vote.

Section 4: Provides that sections 3 and 4 are effective upon becoming law. Section 1 and 2 are effective upon approval by majority vote of the landowners.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 9, 2009.

WHERE? In the *Sarasota Herald-Tribune* a daily newspaper published in Sarasota, County and circulated in Sarasota and Manatee Counties.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Within 90 days after the effective date of the act.

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

On March 19, 2009, the Military and Local Affairs Policy Committee adopted an amendment to correct the legal description.