

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1039 Babcock Ranch Community Independent Special District, Charlotte and Lee Counties

SPONSOR(S): Caldwell

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Monroe	Miller
2) Finance & Tax Committee	16 Y, 0 N	Aldridge	Langston
3) Local & Federal Affairs Committee	16 Y, 0 N	Monroe	Kiner

SUMMARY ANALYSIS

The Babcock Ranch Community Special District (District) is an independent district located in Charlotte County. This bill will expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the District from approximately 13,630 acres to approximately 17,787 acres. The bill also makes conforming changes to the enabling act to reflect that the District will now be located in both Lee and Charlotte Counties. The bill updates statutory references to Chapter 189, F.S. Finally, the bill changes a provision regarding the District's public facilities report to indicate that the counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.

The bill provides that sections 6 and 7 shall take effect upon the bill becoming law.

Section 7 provides for the remaining sections of the bill, and the inclusion of property in Lee County, to be approved by a majority of qualified landowners within the existing district and within the seven parcels proposed for addition at a landowners' meeting to be held within 90 days from the effective date of the act.

Section 7 reiterates the provisions in the present charter that the District's authority to levy ad valorem taxes and issue general obligation bonds shall take effect only after approval by a majority of qualified electors in the District at a referendum to be conducted only after all members of the District's governing board themselves are qualified District voters elected by the other voters in the District.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Babcock Ranch Community Special District (District) is an independent special district created in 2007 and located in Charlotte County.¹ The boundaries of the district currently encompass approximately 13,630 acres in Charlotte County.² The purpose of the District is to plan, construct, maintain, operate, finance, and improve the provision of systems, facilities, and services necessary to meet the infrastructure needs of the Babcock Ranch Community – a sustainable, compact, mixed-use community.³

Proposed Changes

The bill will expand the borders of the District to include seven parcels in Lee County, increasing the overall size of the district from approximately 13,630 acres to approximately 17,787 acres total.

The bill also makes conforming changes to the enabling act to reflect that the District will now be located in both Lee and Charlotte Counties. These changes include changing the term “Charlotte County” to “Charlotte and Lee Counties” and changing references from “the county” to “the counties” or “the respective county.”

The bill provides that if an amendment to the District’s boundaries or powers is proposed which only affects one county, the District only need obtain a resolution or statement from the affected county before such change may be considered by the Legislature.

The bill also updates statutory references to ch. 189, F.S., to conform with the changes which have been made to the statute since 2007.

The bill specifies that ss. 6 and 7 of the bill will take effect upon becoming law. The remainder of the bill will take effect upon approval by a majority vote of the owners of the land within the district, including land in Charlotte and Lee Counties, who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners' meeting to be held within 90 days after this section is effective. Finally, this section reiterates the provisions in the present charter that the District’s authority to levy ad valorem taxes and issue general obligation bonds shall take effect only after approval by a majority of qualified electors in the District at a referendum to be conducted only after all members of the District’s governing board themselves are qualified District voters elected by the other voters in the District.⁴

Finally, the bill changes a provision regarding the District’s public facilities report to indicate that the Counties may, instead of shall, rely on that report when preparing or amending their comprehensive plan.

SECTION DIRECTORY:

¹ Ch. 2007-306, Laws of Fla.

² Section 4, Chapter 2007-306, L.O.F.

³ Section 2, Chapter 2007-306, L.O.F.

⁴ Sections 5 and 6, Chapter 2007-306, L.O.F.

- Section 1: Amends s. 2, ch. 2007-306, L.O.F., to amend definitions, specify how certain boundary or power amendments will be approved, and make changes conforming to the rest of the bill.
- Section 2: Amends s. 3, ch. 2007-306, L.O.F., to update statutory references and to make changes conforming to the rest of the bill.
- Section 3: Amends s. 4, ch. 2007-306, L.O.F., to expand the borders of the Babcock Ranch Community Special District.
- Section 4: Amends s. 5, ch. 2007-306, L.O.F., to update statutory references and to make changes conforming to the rest of the bill.
- Section 5: Amends s. 6, ch. 2007-306, L.O.F., to change certain reporting requirements, update statutory references and to make changes conforming to the rest of the bill.
- Section 6: Specifies that the election provided for in Section 7 of the bill will be held on a one-acre/one-vote basis.
- Section 7: Provides effective dates.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 21, 2015 and October 22, 2015

WHERE? Charlotte Sun and News-Press

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? At a landowner's meeting to be held within 90 days of the effective date of this 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:

The bill does not provide authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES