

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 905 Barefoot Bay Recreation District, Brevard County
SPONSOR(S): Fine
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N	Renner	Miller
2) Government Accountability Committee	23 Y, 0 N	Renner	Williamson

SUMMARY ANALYSIS

The Barefoot Bay Recreation District (District) is a mobile home park recreation district for the Barefoot Mobile Home Subdivision created by Ordinance 84-05 and adopted by the Board of County Commissioners of Brevard County. Currently, the District is governed by a five-member board, elected by the electors of the District.

The bill provides an exemption from general law by authorizing the Brevard County Board of County Commissioners to amend the charter of the District to limit the number of terms of members of the Board of Trustees of the District to no more than three successive complete 2-year terms. Additionally, a member of the Board of Trustees to whom the limitation applies may serve again no sooner than two years after the expiration of the member's last successive complete term. However, this limitation does not apply to the portion of any unexpired term served by appointment to fill a vacant seat.

The bill provides for a referendum to be held after the bill becomes law.

The Economic Impact Statement estimates a projected cost of \$10,000 for FY17-18 for the referendum election.

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. EFFECT OF PROPOSED CHANGES:

Current Situation

Governing Body of Mobile Home Park Recreation Districts

Pursuant to s. 418.30, F.S., any municipality or county in the state is authorized to create one or more mobile home park recreation districts. Each district is limited to the boundaries of a mobile home park and must be established by an ordinance approved by a vote of the electors residing in the proposed district. The ordinance, as it may from time to time be amended by the governing body of the municipality or county and approved by a vote of the electors in the district, constitutes the charter of the district.

The governing body of a recreation district must consist of a nine-member board of trustees.¹ In the election held to elect the first board of trustees for the district, the candidates receiving the first, third, fifth, seventh, and ninth highest number of votes must be elected to serve for terms of 2 years each, and the candidates receiving the second, fourth, sixth, and eighth highest number of votes must be elected to serve for terms of 1 year each.² Thereafter, elections for the board of trustees must be held annually on a date to be specified in the ordinance creating the district, and those persons elected after the initial election must be elected to serve for terms of 2 years each.³ A trustee may succeed herself or himself in office.⁴ Any vacancy on the board of trustees must be filled for the unexpired term by the appointment of a successor from among the qualified electors of the district by the remaining trustees.⁵

Barefoot Bay Recreation District

The Barefoot Bay Recreation District (District) is a mobile home park recreation district for the Barefoot Bay Mobile Home Subdivision created by Ordinance 84-05,⁶ adopted by the Board of County Commissioners of Brevard County. Residents of Barefoot Bay are empowered to acquire, by and through the trustees of the District, ownership of the recreation facilities and other common areas located within Barefoot Bay.⁷

The Board of Trustees for the District consists of five members elected by the electors of the district.⁸ Each board member must be a resident of the district and must be a qualified elector of the district. While the governing body of a mobile home park recreation district must be composed of 9 members,⁹ the governing body of a general recreation district must be composed only of 5 members.¹⁰ In 1996, the Board of County Commissioners modified the charter of the District to provide it had both the powers of a recreation district¹¹ and of a mobile home park recreation district.¹²

¹ Section 418.302(1), F.S.

² Section 418.302(3), F.S.

³ *Id.*

⁴ *Id.*

⁵ Section 418.302(5), F.S.

⁶ Adopted on February 23, 1984.

⁷ Brevard County Code of Ordinances, ch. 98, art. III, s. 98-71.

⁸ Brevard County Code of Ordinances, ch. 98, art. III, s. 98-75.

⁹ Section 418.302(1), F.S.

¹⁰ Section 418.21, F.S.

¹¹ Section 418.22, F.S.

¹² Brevard County Ordinance 96-53 (Nov. 26, 1996).

The statutes governing recreation districts do not expressly authorize or prohibit charter provisions limiting the terms of members of the district governing board.¹³ Based on their home rule authority, counties may impose term limits on county officials.¹⁴ However, the creation and extent of control of recreation districts is controlled by statute, calling into question whether Brevard County could amend the charter of the District to impose term limits on the trustees. Additionally, amendments to the charter may be made by the County only with the approval of the District electors voting in a referendum.¹⁵

Effect of Proposed Changes

The bill provides an exemption from general law by authorizing the Brevard County Board of County Commissioners to amend the Barefoot Bay Recreation District Charter to limit the number of terms of members of the Board of Trustees of the District to no more than three successive complete 2-year terms. Additionally, a member of the Board of Trustees to whom the limitation applies may serve again no sooner than two years after the expiration of the member's last successive complete term. However, this limitation does not apply to the portion of any unexpired term served by appointment to fill a vacant seat.

The bill provides for a referendum to be held after the bill becomes law.

The Economic Impact Statement estimates a projected cost of \$10,000 for FY17-18 for the referendum election.

B. SECTION DIRECTORY:

Section 1 Amends the Barefoot Bay Recreation District Charter, subject to approval by a vote of the electors of the district, to impose term limits for members of the Board of Trustees.

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? January 18, 2017.

WHERE? *Florida Today*, a newspaper in Brevard County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Upon the bill becoming law.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

¹³ Sections 418.21, 418.302, F.S.

¹⁴ *Telli v. Broward County*, 94 So. 3d 504, 512-513 (Fla. 2012).

¹⁵ Section 418.30, F.S.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.