

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 1119	<b>FINAL HOUSE FLOOR ACTION:</b>		
<b>SUBJECT/SHORT TITLE</b>	Lakewood Ranch Stewardship District, Manatee and Sarasota Counties	113	<b>Y's</b> 1	<b>N's</b>
<b>SPONSOR(S):</b>	Government Accountability Committee; Gruters	<b>GOVERNOR'S ACTION:</b> Approved		
<b>COMPANION BILLS:</b>	N/A			

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**SUMMARY ANALYSIS**

CS/HB 1119 passed the House on March 5, 2018, and subsequently passed the Senate on March 8, 2018.

Lakewood Ranch Stewardship District (District) is an independent special district created in 2005 by special act. The District covers land in Manatee and Sarasota counties and its purpose is to provide sound planning, provision, acquisition, development, operation, maintenance, and related financing for public systems, facilities, services, improvements, projects, and infrastructure works as authorized by the District's charter.

The bill adds an additional 47 acres to the District's jurisdictional boundaries. The boundary expansion is subject to approval by a majority vote of the land owners within the district not exempt from taxation who are present at a landowner's meeting (or their proxy), which meeting will be held within 90 days of the effective date of the act. Infrastructure in the additional 47 acres will be funded through the issuance of bonds, payable by the homeowners in the added area through annual assessments.

The bill does not appear to have a fiscal impact.

The bill was approved by the Governor on March 23, 2018, ch. 2018-178, L.O.F. Sections 2 and 3 became effective on March 23, 2018, and section 1 will become effective upon approval by a majority vote of the landowners voting in the referendum.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> A special district may be created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.<sup>3</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>4</sup>

A "dependent special district" is a special district in which the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.<sup>5</sup> An "independent special district" is any district that is not a dependent special district or one that includes more than one county unless the district lies wholly within a single municipality.<sup>6</sup>

##### Lakewood Ranch Stewardship District

Lakewood Ranch Stewardship District (District) is an independent special district created in 2005 by special act.<sup>7</sup> The District covers land in Manatee and Sarasota counties and its purpose is to provide sound planning, provision, acquisition, development, operation, maintenance, and related financing for public systems, facilities, services, improvements, projects, and infrastructure works as authorized by its charter.<sup>8</sup> The District is authorized to provide these services extraterritorially upon execution of an interlocal agreement.<sup>9</sup> The District is governed by a five member board of supervisors elected to serve four-year terms either by the landowners or qualified electors residing in the District.<sup>10</sup>

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<sup>1</sup> Section 189.012(6), F.S. The Legislature adopted ch. 189, F.S., in 1989, to provide uniform statutes for the definition, creation, and operation of special districts. *See* s. 189.011(1), F.S.

<sup>2</sup> Section 189.012(6), F.S.

<sup>3</sup> *See* ss. 189.02(4)-(5) and 189.031(3), F.S. Counties and municipalities have "home rule" powers allowing them to enact ordinances not inconsistent with general or special law for governmental, corporate, or proprietary purposes. Special districts do not possess home rule powers and are permitted to impose only those taxes, assessments, or fees authorized by special or general law. *See* art. VIII, ss. 1(f) and (g), 2(b), s. 6(e), Fla. Const. and ss. 166.021 and 125.01, F.S. *See also* 2017 – 2018 *Local Gov't Formation Manual*, p. 70, at <http://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2018&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf> (accessed 1/18/2018)(hereinafter *Local Government Manual*).

<sup>4</sup> *Local Government Manual*, p. 64.

<sup>5</sup> Section 189.012(2), F.S.

<sup>6</sup> Section 189.012(3), F.S. Independent special districts are created by the Legislature unless otherwise authorized by general law. The charter of a newly-created district must meet minimum statutory requirements which includes a statement that it is an independent special district.

<sup>7</sup> Ch. 2005-338, Laws of Fla.

<sup>8</sup> Ch. 2005-338, s. 3(4), as amended by ch. 2009-263, Laws of Fla.

<sup>9</sup> *Id.*

<sup>10</sup> Ch. 2005-338, s. 5, Laws of Fla. As qualified electors move into the District more members are chosen in an election of the qualified electorate rather than a landowners' meeting. Once 45,000 qualified electors reside within the District all five members will be elected by the qualified electorate. Ch. 2005-338, s.5(3)(a)2.a.(V), Laws of Fla.

The District is authorized to impose ad valorem taxes and may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments.<sup>11</sup> In 2009, the District also was authorized to provide sustainable or green infrastructure improvements, facilities, and services, including recycling of natural resources, reduction of energy demands, development and generation of alternative or renewable energy sources and technologies, and entering into joint ventures or other agreement necessary to accomplish sustainable or green goals.<sup>12</sup> The District expressly was not granted the authority to provide electric service to retail customers or otherwise act to impair electric utility franchise agreements.<sup>13</sup> In the same act, the District was expanded by approximately 200 acres to a total acreage of approximately 20,255 acres.<sup>14</sup>

### **Effect of the Bill**

The bill expands the District to include 47 acres of land that are currently surrounded by the boundaries of the District.<sup>15</sup> At a referendum of the landowners to approve the boundary expansion, landowners subject to the District's taxing power will receive one vote for each assessable acre, or fraction thereof, of land.

According to the Economic Impact Statement, infrastructure in the additional 47 acres will cost \$6 million and will be funded through the issuance of bonds, payable by the homeowners who will reside in the additional 47 acres through annual assessments. The annual assessments are estimated to generate \$600,000 in revenue per year.<sup>16</sup>

The bill provides the sections regarding the referendum and vote count are effective upon becoming law. The provision for the boundary expansion is effective only upon approval by the majority of landowners' voting in a meeting to be held within 90 days of the other provisions in the act taking effect. Landowners otherwise eligible to vote at the meeting may assign a proxy to vote in their place.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### 1. Revenues:

None.

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<sup>11</sup> Ch. 2005-338, s.6(6), Laws of Fla.

<sup>12</sup> Ch. 2005-338, s.6(6), as amended by ch. 2009-263, s.2, Laws of Fla.

<sup>13</sup> *Id.*

<sup>14</sup> Ch. 2005-338, as amended by ch. 2009-263, s.1, Laws of Fla.

<sup>15</sup> See attached Appendix A.

<sup>16</sup> See Economic Impact Statement, on file with House Ways & Means Committee.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes  No

D. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 29, 2017

WHERE? *Bradenton Herald*, Bradenton, Manatee County, Florida

E. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? Within 90 days of the other provisions in the act taking effect

APPENDIX A

