

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1103 North River Ranch Improvement Stewardship District, Manatee County

**SPONSOR(S):** Gregory

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	16 Y, 0 N	Darden	Miller
2) Ways & Means Committee	18 Y, 0 N	Berg	Aldridge
3) State Affairs Committee			

### SUMMARY ANALYSIS

North River Ranch Stewardship District (District) is an independent special district in Manatee County created in 2020. 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 vote per acre basis. 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. However, ad valorem taxes may be imposed only after all members of the board are elected on a popular vote basis and the levy of ad valorem taxes is approved by the district voters in a subsequent referendum.

The bill removes approximately 11 acres from District's jurisdictional boundaries, reducing the total acreage from 2,012 acres to 2,001 acres.

The Economic Impact Statement filed with the bill indicates that there are no significant fiscal impacts of the bill.

The bill is effective upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### 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

North River Ranch Stewardship District (District) is an independent special district created in 2020 by special act.<sup>7</sup> The District covers land in Manatee County and its purpose is to provide for a comprehensive community development approach that facilitates an integral relationship among regional transportation, land use, and urban design, creating a diverse mix of housing and regional employment and economic development opportunities, rather than fragmented development with underutilized infrastructure which is generally associated with urban sprawl.<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>

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

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<sup>1</sup> S. 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> S. 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 *2021–2022 Local Gov't Formation Manual*, p. 70, at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3117> (last visited Jan. 13, 2022) (hereinafter *Local Government Manual*).

<sup>4</sup> *Local Government Manual* at 64.

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

<sup>6</sup> S. 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. 2020-191, Laws of Fla.

<sup>8</sup> Ch. 2020-191, s. 1(2)(1)(b), Laws of Fla.

<sup>9</sup> Ch. 2020-191, s. 1(3)(4), Laws of Fla.

<sup>10</sup> Ch. 2020-191, s. 1(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 15,000 qualified electors reside within the District, all five members will be elected by the qualified electorate. Ch. 2020-191, s. 1(5)(3)(a)2.a(IV), Laws of Fla.

benefit special assessments.<sup>11</sup> However, ad valorem taxes may be imposed only after all members of the board are elected on a popular vote basis and the levy of ad valorem taxes is approved by the district voters in a subsequent referendum.<sup>12</sup>

### **Effect of Proposed Changes**

The bill removes approximately 11 acres from District's jurisdictional boundaries, reducing the total acreage from 2,012 acres to 2,001 acres.

The Economic Impact Statement filed with the bill indicates that there are no significant fiscal impacts of the bill.

The bill is effective upon becoming law.

#### **B. SECTION DIRECTORY:**

Section 1: Amends ch. 2020-191, Laws of Fla., to remove approximately 11 acres from the North River Ranch Improvement Stewardship District, Manatee County.

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? November 5, 2021

WHERE? The *Bradenton Herald*, a daily newspaper of general circulation published in Manatee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>11</sup> Ch. 2020-191, s. 1(6)(12), Laws of Fla. The District currently does not levy ad valorem taxes. The District may only levy ad valorem taxes subject to approval at a referendum held after the complete transition of the District's board to election by the qualified electors of the District.

<sup>12</sup> Ch. 2020-191, ss. (1)(5)(3)(a)1. and (1)(6)(12)(a), Laws of Fla.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.