

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 535 Barefoot Bay Recreation District, Brevard County

**SPONSOR(S):** Fine

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

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**FINAL HOUSE FLOOR ACTION:** 115 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 535 passed the House on March 2, 2022, and subsequently passed the Senate on March 10, 2022.

Each municipality or county is authorized to create one or more mobile home park recreation districts that operate and maintain recreational facilities. Districts may only be created subject to a referendum of the district's residents, unless a petition to create the district is signed by a majority of the electors within the proposed district.

The Barefoot Bay Recreation District (District) is a mobile home park recreation district created by Brevard County in 1984 for the Barefoot Bay Mobile Home Subdivision. The District operates a golf course, three community pools, and a beach pavilion. The District is governed by a five-member Board of Trustees (Board) elected by residents.

The bill authorizes the Brevard County Board of County Commissioners to amend the District's charter to increase the length of District Board member terms from two years to three years, subject to approval by the electors of the District in a referendum held during the 2022 general election. Members elected in the following two District elections would serve two- or three-year terms, based on the number of votes received in the election. The bill also makes conforming changes to term limits for Board members, providing that a Board member may not serve more than three successive two-year terms or two successive three-year terms but no more than six consecutive years. Beginning with the November 2023 election, potential candidates for the Board are disqualified from running if serving the term would result in over six years of consecutive service. A term-limited Board member may not serve for at least three years after the completion of the member's last successive complete term.

The bill was approved by the Governor on June 24, 2022, ch. 2022-234, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Background

##### 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.<sup>1</sup> 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 two years each, and the candidates receiving the second, fourth, sixth, and eighth highest number of votes must be elected to serve for terms of one year each.<sup>2</sup> 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 two years each.<sup>3</sup> A trustee may succeed herself or himself in office.<sup>4</sup> Any vacancy on the board of trustees may be filled for the unexpired term by the appointment of a successor from among the qualified electors of the district by the remaining trustees.<sup>5</sup>

##### 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 Brevard County Ordinance 84-05.<sup>6</sup> 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.<sup>7</sup>

Under a previously enacted special law, the Board of Trustees (Board) for the District consists of five members elected by the electors of the district instead of the nine as per the above-mentioned statute.<sup>8</sup> 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 nine members,<sup>9</sup> the governing body of a general recreation district must be composed only of five members.<sup>10</sup> In 1996, the Brevard County Board of County Commissioners modified the charter of the District to provide it had both the powers of a recreation district<sup>11</sup> and of a mobile home park recreation district.<sup>12</sup>

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<sup>1</sup> S. 418.302(1), F.S.

<sup>2</sup> S. 418.302(3), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Section 418.302(5), F.S.

<sup>6</sup> Brevard Cnty. Ordinance 84-05 (Feb. 23, 1984).

<sup>7</sup> Brevard Cnty. Code of Ordinances, ch. 98, art. III, s. 98-71.

<sup>8</sup> Brevard Cnty. Code of Ordinances, ch. 98, art. III, s. 98-75. *See also* ch. 2007-293, Laws of Fla. (authorizing the Brevard County Board of County Commission to amend the District charter, subject to approval by District electors, to transition the Board from a nine-member board to a five-member board).

<sup>9</sup> S. 418.302(1), F.S.

<sup>10</sup> S. 418.21, F.S.

<sup>11</sup> S. 418.22, F.S.

<sup>12</sup> Brevard County Ordinance 96-53 (Nov. 26, 1996).

Members of the Board are limited to no more than three successive complete two-year terms.<sup>13</sup> Additionally, a member of the Board 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.

**Effect of the Bill**

The bill provides an exemption from general law authorizing the Brevard County Board of County Commissioners to amend the Barefoot Bay Recreation District Charter to increase the length of District Board member terms from two years to three years, subject to approval of District electors voting in a referendum held during the 2022 general election. If the charter amendment is approved by the voters, the candidate receiving the highest number of votes during the November 2023 election would be elected to a three-year term, while the candidate receiving the second highest number of votes would be elected to a two-year term. At the November 2024 election, the two candidates receiving the highest number of votes would be elected to three-year terms, while the candidate receiving the third highest number of votes would be elected to a two-year term. All candidates elected to serve in subsequent elections would be elected to a three-year term.

The bill also authorizes the Brevard County Board of County Commissioners to make conforming changes to provisions of the District's charter providing for term limits. If the electors of the District approve the amendment to lengthen the terms of Board members, the Brevard County Board of County Commissioners may amend the charter to limit Board members to no more than three successive two-year terms or two successive three-year terms. This provision would supersede and replace section 1 of ch. 2017-202, Laws of Florida, which authorizes the Brevard County Board of County Commissioners to establish term limits of no more than three successive two-year terms. Board members may not serve for more than six consecutive years. After the 2023 election, a candidate may not qualify to run for the Board if serving a three-year term would result in that member serving for more than six consecutive years. A Board member may not serve for at least three years after the expiration of the member's last successive complete term. This limitation does not apply to the portion of any unexpired term served by appointment to fill a vacant seat. If the amendment to increase the length of Board member terms is not approved by the electors of the District, this provision does not take effect and section 1 of ch. 2017-202, Laws of Florida, remains in effect.

**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.

2. Expenditures:

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<sup>13</sup> Ch. 2017-202, Laws of Fla.

Brevard County may incur costs related to placing the referendum question on the ballot.

C. ECONOMIC IMPACT STATEMENT FILED? Yes  No

D. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 7, 2021.

WHERE? *Florida Today*, a daily newspaper of general circulation published in Brevard County, Florida.

E. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?