

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1563 Greater Seminole Area Special Recreation District, Pinellas County

**SPONSOR(S):** Jacques

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	17 Y, 0 N	Roy	Darden
2) State Affairs Committee	17 Y, 0 N	Roy	Williamson

### SUMMARY ANALYSIS

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.

The Greater Seminole Area Special Recreation District (District) is an independent special district created in 1980 by special act. The District encompasses portions of unincorporated Pinellas County, as well as the municipalities of Seminole and Largo. The District's original charter provided that the District had the authority to levy ad valorem taxes of up to one-half mill for three years. Presently, no taxes or fees are assessed by the District.

The bill abolishes the District and transfers all real property owned by the District to the Board of County Commissioners of Pinellas County, subject to the restriction that the property be used for recreational purposes.

According to the economic impact statement, the bill is not expected to have a fiscal impact.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED 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>. Special districts are created by general law,<sup>2</sup> special act,<sup>3</sup> local ordinance,<sup>4</sup> or rule of the Governor and Cabinet.<sup>5</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.<sup>6</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>7</sup>

A "dependent special district" is a special district where 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>8</sup> An "independent special district" is any district that is not a dependent special district.<sup>9</sup>

The charter of a newly-created district must state whether it is dependent or independent.<sup>10</sup> Charters of independent special districts must address and include a list of required provisions, including the purpose of the district, its geographical boundaries, taxing authority, bond authority, and selection procedures for the members of its governing body.<sup>11</sup>

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>12</sup>

Special districts may enter into interlocal agreements with one or more other local governmental units.<sup>13</sup> Under such an agreement, the special district may exercise jointly with the other participating local governments those powers, privileges, or authorities which they have in common and each may exercise separately.<sup>14</sup>

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> S. 189.031(3), F.S.

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

<sup>4</sup> S. 189.02(1), F.S.

<sup>5</sup> S. 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

<sup>6</sup> *Halifax Hosp. Med. Center, supra* at 548.

<sup>7</sup> *Local Gov't Formation Manual* at p. 58, available at

<https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3227&Session=2023&DocumentType=General+Publications&FileName=2022+Local+Government+Formation+Manual.pdf> (last visited Mar. 21, 2023).

<sup>8</sup> S. 189.012(2), F.S.

<sup>9</sup> S. 189.012(3), F.S.

<sup>10</sup> S. 189.031(5), F.S.

<sup>11</sup> S. 189.031(3), F.S.

<sup>12</sup> Art. VII, s. 9(a), Fla. Const.

<sup>13</sup> S. 163.01(2), (3)(b), F.S.

<sup>14</sup> S. 163.10(4), F.S.

## Independent Special District Dissolution

An independent special district may be dissolved in one of the four following ways:

- Voluntary dissolution by a majority vote plus one of the district's board;<sup>15</sup>
- For districts created by special act, the passage of a special act dissolving the district, subject to approval by a majority vote of the residents or landowners of the district;<sup>16</sup>
- For districts created by a local government, voter approval of a referendum dissolving the district or by the procedure used to create the district;<sup>17</sup> or
- For districts that have been declared inactive by the Department of Economic Opportunity, by special act or ordinance without a referendum.<sup>18</sup>

Unless otherwise provided by law or ordinance, all assets and liabilities of a dissolved independent special district are transferred to the local general-purpose government having jurisdiction over the territory of the district.<sup>19</sup>

## Greater Seminole Area Special Recreation District

The Greater Seminole Area Special Recreation District (District) is an independent special district created in 1980 by special act.<sup>20</sup> The District encompasses portions of unincorporated Pinellas County, as well as the municipalities of Seminole and Largo.<sup>21</sup> The District is governed by a seven-member board, with five members appointed by the Board of County Commissioners of Pinellas County and two members appointed by the City Council of the City of Seminole.<sup>22</sup> The District's original charter provided that the District had the authority to levy ad valorem taxes of up to one-half mill for three years.<sup>23</sup> Presently, no taxes or fees are assessed by the District.<sup>24</sup>

### **Effect of Proposed Changes**

The bill abolishes the District, repeals the special act codifying the District's charter, and transfers all real property owned by the District to the Board of County Commissioners of Pinellas County, subject to the restriction that the property be used for recreational purposes.

According to the economic impact statement, the bill is not expected to have a fiscal impact.

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

Section 1: Repeals ch. 2003-383, Laws of Fla.

Section 2: Abolishes the Greater Seminole Area Special Recreation District.

Section 3: Transfers the real property owned by the District to the Board of County Commissioners of Pinellas County.

Section 4: Provides an effective date of upon becoming a law.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

<sup>15</sup> S. 189.072(1), F.S. If the district was created by special act, dissolution also requires a special act of the Legislature to take effect.

<sup>16</sup> S. 189.072(2)(a), F.S.

<sup>17</sup> S. 189.072(2)(b), F.S. If the district has the power to levy ad valorem taxes, a referendum is required for dissolution. See Art. VII, s. 9(b), Fla. Const.

<sup>18</sup> S. 189.072(3), F.S.

<sup>19</sup> Ss. 189.072(4) and 189.076(2), F.S.

<sup>20</sup> Ch. 80-584, Laws of Fla.

<sup>21</sup> Greater Seminole Area Special Recreation District. <https://semrec.org> (last visited Mar. 22, 2023).

<sup>22</sup> Ch. 2003-383, s. 3(5), Laws of Fla.

<sup>23</sup> Ch. 80-584, s. 5, Laws of Fla.

<sup>24</sup> Greater Seminole Area Special Recreation District. <https://semrec.org> (last visited Mar. 22, 2023)

IF YES, WHEN? January 29, 2023

WHERE? The Tampa Bay Times, a newspaper published in Pinellas County.

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 neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.