

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 567 Lake Padgett Estates Independent Special District, Pasco County

SPONSOR(S): Steele and Yarkosky

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

FINAL HOUSE FLOOR ACTION: 113 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 567 passed the House on March 31, 2023, and subsequently passed the Senate on May 4, 2023.

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. A "dependent special district" is a special district subject to significant control by the governing body of a single county or municipality.

The Lake Padgett Estates Independent Special District (District) is an independent special district created in 2006 by special act. The District encompasses approximately 775 acres of land in Pasco County. The District's board is composed of five members serving two-year terms. Members of the board must be United States citizens and qualified electors who live in the District. If a vacancy occurs during the term of office, the remaining members of the board fill each vacancy by appointment for the remainder of the unexpired term.

The bill increases the term of District board members from two years to four years, beginning with members elected during the 2024 general election. The bill provides that two members of the board elected during the 2024 general election will serve a two-year term for the purpose of creating staggered terms. All members elected beginning in the 2026 general election will hold office for a four-year term until their successors are elected.

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

The bill was approved by the Governor on June 12, 2023, ch. 2023-327, L.O.F., and will become effective on July 1, 2023.

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.¹ A special district may be created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.³ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁴

A “dependent special district” is a special district meeting at least one of the following criteria:

- The membership of the district’s governing body is identical to the governing body of a single county or municipality;
- All members of the district’s 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 approval by the governing body of a single county or municipality.⁵

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.⁶

Lake Padgett Estates Independent Special District

The Lake Padgett Estates Independent Special District (District) is an independent special district created in 2006 by special act.⁷ The District encompasses approximately 775 acres of land in Pasco County.⁸ The District was established to maintain, operate, and improve recreational amenities and associated infrastructure within its jurisdictional boundaries.⁹ The District is financed by special

¹ S. 189.012(6), F.S. See also *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547-48 (Fla. 2019).

² S. 189.012(6), F.S.

³ 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. 125.01 and 166.021, F.S. See also *Local Gov’t Formation Manual* 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?Committeeld=3227> (last visited Mar. 6, 2023).

⁴ *Local Gov’t Formation Manual* at 62 available at

<https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?Committeeld=3227> (last visited Mar. 6, 2023).

⁵ S. 189.012(2), F.S.

⁶ S. 189.012(3), F.S. Independent special districts are created by the Legislature, unless another mechanism is authorized by general law. See, e.g. s. 190.005, F.S. (community development districts may be created by a county, municipality, or the Florida Land and Water Adjudicatory Commission, depending on the size and location of the district).

⁷ Ch. 2006-317, Laws of Fla.

⁸ Lake Padgett Estates, *Independent Special District Overview*, <https://www.lakepadgettisd.org/about-the-isd> (last visited Mar. 6, 2023).

⁹ Ch. 2006-317, s. 2(2), Laws of Fla.

assessments levied on properties in the district.¹⁰ The District's adopted budget for Fiscal Year 2022-23 is \$595,279.¹¹

The District's board is composed of five members serving two-year terms.¹² Members of the board must be United States citizens and qualified electors who live in the District. If a vacancy occurs during the term of office, the remaining members of the board fill each vacancy by appointment for the remainder of the unexpired term.¹³ Board members may receive compensation of \$50 per board meeting, not to exceed \$1,200 per year or an amount established by the electors of the District voting in a referendum.¹⁴ Members may also receive travel and per diem expenses as provided by general law.

Effect of the Bill

The bill increases the term of office for District board members from two years to four years, beginning with members elected during the 2024 general election. The bill provides that two members of the board elected during the 2024 general election will serve a two-year term for the purpose of creating staggered terms. All members elected beginning in the 2026 general election will hold office for a four-year term until their successors are elected.

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:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes ☒ No ☐

D. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? December 14, 2022

WHERE? *The Laker/Lutz News*, a weekly newspaper of general circulation in Pasco

¹⁰ See Ch. 2006-317, s. 6, Laws of Fla. (district authorized to levy special assessments, but must have subsequent referendum to levy ad valorem taxes) and Lake Padgett Estates Independent Special District Adopted Budget for Fiscal Year 2022-2023, *available at* <https://www.lakepadgettisd.org/documents> (last visited Mar. 6, 2023).

¹¹ Lake Padgett Estates Independent Special District Adopted Budget for Fiscal Year 2022-2023, *available at* <https://www.lakepadgettisd.org/documents> (last visited Mar. 6, 2023).

¹² Ch. 2006-317, s. 4(2)(a), Laws of Fla.

¹³ Ch. 2006-317, s. 4(3), Laws of Fla.

¹⁴ Ch. 2006-317, s. 4(8), Laws of Fla.

County, Florida.

E. REFERENDUM(S) REQUIRED? Yes ☐ No ☒