

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 947 Manatee County

SPONSOR(S): Regulatory Reform & Economic Development Subcommittee, Robinson, W. and others

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

FINAL HOUSE FLOOR ACTION: 116 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/HB 947 passed the House on April 27, 2023, and subsequently passed the Senate on May 4, 2023.

The Florida Constitution requires the state to be divided into counties and recognizes two types of county governments: those operating under a county charter and those without a charter. Non-charter county governments have the power of self-government as is provided by general or special law. However, an ordinance in conflict with a municipal ordinance is not effective within the municipality to the extent of such conflict.

Manatee County is located on the Florida Gulf Coast and is home to Anna Maria Island. There are three municipalities within Anna Maria Island: Anna Maria, Bradenton Beach, and Holmes Beach. There are tensions between the City of Holmes Beach and Manatee County involving public parking and the potential need for a parking garage within Holmes Beach. Holmes Beach has recently passed an ordinance prohibiting multi-level parking facilities within the boundaries of the city.

Notwithstanding any law, local ordinance, or local regulation, the bill authorizes Manatee County to construct a parking facility within the City of Holmes Beach. The bill provides specifications for certain aspects of the parking garage and requires the county to issue a permit for its construction.

The Economic Impact Statement filed with the bill states that the estimated cost for the parking garage will be \$45 million for the construction of the parking garage in the first fiscal year and \$400,000 in the second fiscal year for annual maintenance.

The bill was approved by the Governor on June 23, 2023, ch. 2023-332, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Counties

The Florida Constitution requires the Legislature to divide the state into counties.¹ The Florida Constitution recognizes two types of county governments: those operating under a county charter and those without a charter.² A county with a charter has all powers of self-government not inconsistent with general law or special law approved by the county voters.³ Non-charter county governments have the power of self-government as is provided by general or special law.⁴ The board of county commissioners of a non-charter county may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law. However, a county ordinance in conflict with a municipal ordinance is not effective within the municipality to the extent of such conflict.⁵ Manatee County is a non-charter county.⁶

Anna Maria Island Parking Issues

Anna Maria Island is an island located within Manatee County that is home to three municipalities: Anna Maria, Bradenton Beach, and Holmes Beach.⁷ Recent years have seen tensions between the city of Holmes Beach and the county involving parking availability on Anna Maria Island. The main issue revolves around the county-owned Manatee Public Beach. County officials claim there is insufficient available parking in Holmes Beach to accommodate tourists and non-resident travel to the island and Manatee Public Beach.⁸ County officials estimate that available public parking spaces has decreased from 2,400 parking spaces before the pandemic to 1,260 available public parking spaces. Of the reduced spaces, 640 have been converted from spaces available to the general public to ones that require a permit. The overall reduction was due to various reclassifications of neighborhood parking and the elimination of street spaces.

In April 2022, discussions were held between the City of Holmes Beach, Manatee County officials, and members of the Manatee County legislative delegation with the hope of resolving the issue.⁹ A few weeks after the meeting, the City of Holmes Beach passed an ordinance restricting multi-level parking facilities within the city.¹⁰

Effect of the Bill

The bill authorizes Manatee County, notwithstanding any law, local ordinance, or local regulation, to construct a parking facility within the City of Holmes Beach, without obtaining any permit, approval, consent, or letter of no objection from the City of Holmes Beach. The bill allows the County to issue a

¹ Art. VIII, s. 1(a), Fla. Const.

² Art. VIII, s. 1(f)-(g), Fla. Const.

³ Art. VIII, s. 1(g), Fla. Const.

⁴ Art. VIII, s. 1(f), Fla. Const.

⁵ Art. VIII, s. 1(f), Fla. Const.

⁶ Fla. Assoc. of Counties, *Charter County Information*, <https://www.fl-counties.com/about-floridas-counties/charter-county-information/> (last visited Mar. 12, 2023).

⁷ Anna Maria Vacations, *What are the Differences Between Anna Maria, Holmes Beach, and Bradenton?*, available at <https://www.annamaria.com/three-ami-cities-anna-maria-holmes-beach-bradenton/#:~:text=Anna%20Maria%20Island%20is%20made,features%20that%20make%20them%20unique>. (last visited Mar. 12, 2023).

⁸ Florida Politics, *Are parking woes the start of an existential crisis for Holmes Beach?*, available at <https://floridapolitics.com/archives/587626-are-parking-woes-the-start-of-an-existential-crisis-for-holmes-beach/> (last visited Mar. 12, 2023).

⁹ *Id.*

¹⁰ City of Holmes Beach, Ordinance No. 22-14.

permit for construction of a parking facility. The parking facility may not exceed 36 feet, except for elevator shafts, flag poles, heating and air conditioning, solar collectors, and other similar equipment. The bill provides that any rooftop features of the garage may not cover more than one-third of the garage's total area and must be set back from the edge a minimum distance of one foot for every foot by which the feature extends above the roof's surface.

The parking facility must be located in a public park managed by the county. The facility may also include certain amenities, including public sanitary facilities, retail and dining establishments, and other recreational and entertainment amenities. The bill requires the county to issue permits for the construction of the parking facility and any other structure pursuant to the act.

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:

The Economic Impact Statement filed with the bill states that the estimated cost for the parking garage will be \$45 million for the construction of the parking garage in the first fiscal year and \$400,000 in the second fiscal year for annual maintenance. The estimated cost for construction of the parking garage is based on a minimum of 1500 parking spots at \$30,000 per spot.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

E. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 19, 2023.

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

F. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?