

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 1027 Ave Maria Stewardship Community District, Collier County

SPONSOR(S): Melo and others

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

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 1027 passed the House on April 27, 2023, and subsequently passed the Senate on May 4, 2023.

Ave Maria Stewardship Community District (District) is an independent special district in Collier County created by special act in 2004. The District provides community development systems, facilities, services, projects, improvements, and infrastructure to the Ave Maria community. The District is authorized to provide these services extraterritorially based upon certain conditions. The District is governed by a five-member board of supervisors elected to serve four-year terms by the landowners residing in the District on a one-acre, one-vote 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 expands the District's boundary by 1,001.06 acres to a total of 11,806 acres.

The Economic Impact Statement filed with the bill indicates the District will raise an expected \$750,000 in additional revenue, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

The bill was approved by the Governor on June 23, 2023, ch. 2023-333, L.O.F., and became effective on that date.

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 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.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

Ave Maria Stewardship Community District

Ave Maria Stewardship Community District (District) is an independent special district in Collier County created by special act in 2004.⁷ The District provides community development systems, facilities, services, projects, improvements, and infrastructure to the Ave Maria community.⁸ The District is authorized to provide these services extraterritorially upon certain conditions specified in the District’s charter.⁹ The District is governed by a five-member board of supervisors (Board) elected to serve four-year terms by the landowners residing in the District on a one-acre, one-vote basis.¹⁰

The District is authorized to impose ad valorem taxes and may levy benefit special assessments, maintenance special assessments, and, when authorized by general law, non-ad valorem maintenance taxes.¹¹ 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

¹ 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.

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. 166.021 and 125.01, F.S. See also *2022 – 2023 Local Gov’t Formation Manual*, p. 68, at <https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=3227&Session=2023&DocumentType=General+Publications&FileName=2022+Local+Government+Formation+Manual.pdf> (last visited Mar. 11, 2023) (hereinafter *Local Government Manual*).

⁴ *Local Government Manual* at 62.

⁵ S. 189.012(2), F.S.

⁶ 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.

⁷ Ch. 2004-461, Laws of Fla.

⁸ Ch. 2004-461, s. 2(5), Laws of Fla.

⁹ Ch. 2004-461, s. 3(4), Laws of Fla.

¹⁰ Ch. 2004-461, s. 4(4)(a), Laws of Fla.

¹¹ Ch. 2004-461, s. 4(14), Laws of Fla.

referendum.¹² The District currently generates its revenue entirely via assessments and developer contributions.¹³

Effect of the Bill

The bill adds an additional 1,001.06 acres to the District's jurisdictional boundaries. The bill increases the total acreage from 10,805.08 acres to 11,806.14 acres.

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:

The Economic Impact Statement filed with the bill indicates the District will raise an expected \$750,000 in additional revenue in Fiscal Year 2024-25.

2. Expenditures:

The Economic Impact Statement filed with the bill states the additional revenues raised by the bill will be used to fund infrastructure and costs related to the jurisdictional expansion.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 13, 2022.

WHERE? The *Naples Daily News*, a daily newspaper of general circulation published in Collier County, Florida.

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

¹² Ch. 2004-461, s. 4(14)(a), Laws of Fla.

¹³ Ave Maria Stewardship Community District, *Final Budget for Fiscal Year 2022/2023, October 1, 2022 – September 30, 2023*, pg. 4, available at <https://avemariastewardshipcd.org/wp-content/uploads/sites/10/2022/09/AMS-Final-Budget-2022-2023.pdf> (last visited Mar. 11, 2023).