

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 1115 Three Rivers Stewardship District, Sarasota County

SPONSOR(S): Buchanan

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

FINAL HOUSE FLOOR ACTION: 115 Y's

0 N's

GOVERNOR'S ACTION: Pending

SUMMARY ANALYSIS

HB 1115 passed the House on February 22, 2024, and passed the Senate on March 7, 2024.

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 special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.

The Three Rivers Stewardship District (district) is an independent special district in Sarasota County created in 2023. The district was created for the purpose of facilitating an integral relationship among regional transportation, land use, and urban design, to provide for economic development opportunities. The district is governed by a five-member board of supervisors selected on a one vote per acre basis for four-year terms.

The district is authorized to impose ad valorem taxes but 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. In addition, the district may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments.

The bill revises the boundaries of the district to correct errors in the property description and to add an additional tract to the district. The additional tract increases the total acreage of the district by approximately 949 acres, bringing the district to a total of 3,686.495 acres.

The Economic Impact Statement indicates the bill will raise an expected \$150,000 and \$172,500 in additional revenue in the first and second fiscal year after the bill takes effect, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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 Special districts are 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. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁴

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁵

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.⁶

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.⁷

Three Rivers Stewardship District

The Three Rivers Stewardship District (district) is an independent special district in Sarasota County created in 2023.⁸ The district was created for the purpose of facilitating an integral relationship among regional transportation, land use, and urban design, to provide for economic development opportunities.⁹ The district is authorized to provide district services extraterritorially upon execution of an interlocal agreement.¹⁰

The district is governed by a five-member board of supervisors (board) elected by the landowners on a

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

² See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally ss. 189.012(6), F.S.

³ Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?Committeeld=3227> (last visited Jan. 19, 2024).

⁴ The method of financing a district must be stated in its charter. Ss. 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), and 388.221, F.S. (mosquito control), and ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

⁵ S. 189.012(2), F.S.

⁶ S. 189.012(3), F.S.

⁷ See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

⁸ Ch. 2023-337, s. 2(1)(a), Laws of Fla.

⁹ Ch. 2023-337, s. 2(1)(b), Laws of Fla.

¹⁰ Ch. 2023-337, s. 3(4), Laws of Fla.

one-acre, one-vote basis to serve four-year terms.¹¹ As qualified electors move into the district, members will be chosen in an election of the qualified electorate rather than at a landowners' meeting, and once 27,000 qualified electors reside within the district, all five members will be elected by the qualified electorate.¹²

The district is authorized to levy ad valorem taxes but 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.¹³ In addition, the district may levy user charges and fees, non-ad valorem maintenance taxes as authorized by general law, maintenance special assessments, and benefit special assessments.¹⁴

The district's charter provides that the charter may only be amended by special act of the Legislature. However, the board may not ask the Legislature to amend its charter without first obtaining a resolution or official statement from Sarasota County stating the amendment is consistent with approved local government plans of the county and that the county has no objection to the amendment.¹⁵ The district received this consent.¹⁶

Effects of the Bill

The bill revises the boundaries of the district to correct errors in the property description and to add an additional tract to the district. The additional tract increases the total acreage of the district by approximately 949 acres, bringing the district to a total of 3,686.495 acres.

The Economic Impact Statement indicates the bill will raise an expected \$150,000 and \$172,500 in additional revenue in the first and second fiscal year after the bill takes effect, all of which is anticipated to be used for infrastructure and costs related to the jurisdictional expansion.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? November 11, 2023.

WHERE? *The Herald-Tribune*, a daily newspaper of general circulation published in Sarasota County.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes ☒ No ☐

A. D. ECONOMIC IMPACT STATEMENT FILED? Yes ☒ No ☐

¹¹ Ch. 2023-337, s. 5, Laws of Fla.

¹² Ch. 2023-337, s. 5(3)(a)2.a(V), Laws of Fla.

¹³ Ch. 2023-337, ss. 5(3)(a)1. and 6(12)(a), Laws of Fla. The district currently does not levy ad valorem taxes.

¹⁴ Ch. 2023-337, ss. 6(6)(j) and 6(12), Laws of Fla.

¹⁵ Ch. 2023-337, s. 2(3)(f), Laws of Fla.

¹⁶ Letter from Ron Cutsinger, Chair, Sarasota County Board of County Commissioners to Patrick Neal, President, Neal Land and Neighborhoods (Oct. 24, 2023) (on file with Federal Affairs & Special Districts Subcommittee).