

STORAGE NAME: h1589s2.ca

DATE: March 10, 1998

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/CS/HB 1589

RELATING TO: Counties (Small County Population Requirements)

SPONSOR(S): Committee on Community Affairs; Committee on General Government
Appropriations and Representative Westbrook & Others

STATUTE(S) AFFECTED: Chapters 34, 163, 165, 212, 218, 252, 265, 288, 373, and 403, Florida
Statutes

COMPANION BILL(S): SB 200, HB 3303, IST ENG/HB 2109(c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (W/D)
- (2) FINANCE AND TAXATION (W/D)
- (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 9 NAYS 0
- (4) COMMUNITY AFFAIRS YEAS 7 NAYS 0
- (5)

I. SUMMARY:

This committee substitute for the committee substitute for the bill, changes the population requirement from 50,000 or less to 75,000 or less for a county designated or considered a small county in certain chapters of the Florida Statutes. Presently, there are 29 counties in Florida with populations of 50,000 or less. There are 3 counties in Florida with populations greater than 50,000 but less than 75,000.

The economic impacts of this bill do not require any new state funds.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

List of Small Counties:

Small counties are considered those counties having a population of 50,000 or less. According to the 1997 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, April 1, 1997, those counties include:

County	Population
Baker	21,138
Bradford	25,231
Calhoun	12,876
DeSoto	27,224
Dixie	13,039
Flagler	41,190
Franklin	10,497
Gadsden	49,740
Gilchrist	12,531
Glades	9,648
Gulf	14,103
Hamilton	13,708
Hardee	22,447
Hendry	30,308
Holmes	17,609
Jackson	49,387
Jefferson	13,988
Lafayette	7,002
Levy	31,591
Liberty	7,694

Madison	19,035
Okeechobee	34,746
Sumter	44,366
Suwannee	33,223
Taylor	19,184
Union	13,103
Wakulla	18,660
Walton	36,094
Washington	20,116

In addition, according to the 1997 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, April 1, 1997, counties with populations of between 50,000 and 75,000 include the following:

County	Population
Columbia	53,684
Nassau	52,740
Putnam	70,243

Current Laws providing benefits or special consideration to small counties:

Current law provides benefits, exemptions or special consideration to small counties. Some of those statutory provisions include, but are not limited, to the following:

- ➔ Section 327 of chapter 96-410, Laws of Florida, relates to a county achieving and retaining small county status after meeting many qualifying provisions of other statutes, until that county exceeds a population of 75,000.
- ➔ Section 34.191, Florida Statutes, provides for the collection and distribution of fines, forfeitures, and costs collected by county courts for offenses tried in the county.
- ➔ Section 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems.
- ➔ Section 163.3177, Florida Statutes, relates to required and optional elements of local comprehensive plans for local governments.

- Section 163.3191, Florida Statutes, relates to small counties' ability to enter into an agreement with the Department of Community Affairs (DCA) to focus planning resources on certain issues or elements when updating its comprehensive plan.
- Section 165.061, Florida Statutes, provides standards for incorporation. An area desiring to incorporate must meet certain statutorily prescribed conditions. Among them is the requirement that in counties with populations of less than 50,000, the area desiring incorporation must have at least 1,500 persons.
- Section 212.055, Florida Statutes, allows small counties to use the proceeds or any interest accrued by virtue of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure.
- Section 218.075, Florida Statutes allows the Department of Environmental Protection (DEP) and the water management districts to reduce or waive the permit processing fees for small counties for public works projects.
- Section 218.65, Florida Statutes, relates to county eligibility of supplemental funds from the local government half-cent sales tax based on certain considerations and populations.
- Paragraph 252.373(3) (a), Florida Statutes, provides small counties with at least a 20 hours a week emergency management coordinator.
- Subsection 288.063(3), Florida Statutes, provides small counties certain benefits for transportation projects approved by the Office of Tourism, Trade, and Economic Development. The intent is to attract new employment opportunities or expand or retain employment in existing companies or allow for construction or expansion of a state or federal correctional facility, thereby creating new employment opportunities or expanding or retaining employment in the county.
- Paragraph 373.441(1)(g), Florida Statutes, provides for consideration of the provisions under which delegation to small counties of the local pollution control permitting program may take place. The Department of Environmental Protection (DEP) and the water management districts may adopt rules in this regard in an effort to streamline the permitting process.
- Subsection 403.4131(5), Florida Statutes, provides for the "Keep Florida Beautiful" program. Small counties are encouraged to adopt a regional approach to administer and coordinate their litter control and prevention programs.
- Paragraph 403.706(4)(d), Florida Statutes, provides for solid waste responsibilities of local governments. Small counties may provide recycling in order to reduce the waste stream by a certain percentage which is statutorily prescribed. Should a small county decide to offer recycling, it must notify the Department of Environmental Protection (DEP) by October 1, 1993.
- Paragraph 403.7061(3)(c), provides requirements for review of new waste-to-energy facilities' capacities by DEP. This statutory provision does not apply to small counties.

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- Paragraph 403.7095(7) (a), Florida Statutes, provides a solid waste management grant program. Each eligible small county may receive \$50,000.
- Paragraph 403.719(1)(I), Florida Statutes, allows small counties to use waste tire grants for any solid waste-related purpose.

B. EFFECT OF PROPOSED CHANGES:

CS/CS/HB 1589 changes the population requirement from 50,000 or less to 75,000 or less for a county to be designated or considered a small county in certain chapters of the Florida Statutes. Presently there are 28 counties in Florida with populations of 50,000 or less. Three additional counties (Columbia, Nassau, and Putnam) would be included under the new population ranges.

The areas of law, addressed in this bill, where small counties are specifically provided for include, but are not limited to, areas such as:

- ✓ Technical assistance for small counties;
- ✓ Comprehensive planning;
- ✓ Environmental permitting, pollution control and solid waste disposal programs, expeditious permitting procedures and grants for certain environmental programs; and
- ✓ Emergency Management coordinator.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

Not applicable.

- a. Does the bill increase anyone's taxes?
- b. Does the bill require or authorize an increase in any fees?
- c. Does the bill reduce total taxes, both rates and revenues?
- d. Does the bill reduce total fees, both rates and revenues?
- e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

Not applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

Not applicable.

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

5. Family Empowerment:

Not applicable.

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

b. Does the bill directly affect the legal rights and obligations between family members?

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. SECTION-BY-SECTION RESEARCH:

CS/CS/HB 1589:

Section 1: Repeals section 327 of chapter 96-410, Laws of Florida, which relates to a county achieving and retaining small county status after meeting other qualifying statutory provisions, until that county exceeds a population of 75,000.

- Section 2: Amends section 34.191, Florida Statutes, by adding paragraph (4), to authorize the assignment of collection of past due fines, court costs, and other costs imposed by the court to a licensed private attorney or registered collection agency. Deletes reference to 1996 Supplement.
- Section 3: Amends section 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems. Deletes reference to 1996 Supplement.
- Section 4: Amends paragraph 163.3177(6)(i), Florida Statutes, relating to the required and optional elements of local comprehensive plans for local governments.
- Section 5: Amends 163.3191(12)(a), Florida Statutes, to allow small counties to enter into an agreement with the Department of Community Affairs (DCA) to focus planning resources on certain issues or elements when updating its comprehensive plan. Deletes reference to 1996 Supplement.
- Section 6: Amends paragraph 165.061(1)(b), Florida Statutes, which provides standards for municipal incorporation. An area desiring to incorporate must meet certain statutorily-prescribed conditions. The amendment provides, in counties with populations of less than 75,000, the area desiring incorporation must have at least 1, 500 persons. Deletes reference to 1996 supplement.
- Section 7: Amends paragraph 212.055(2)(d), Florida Statutes, which authorizes proceeds from Local Government Infrastructure Surtaxes to be used for long-term maintenance costs associated with landfill closures ordered by the Department of Environmental Protection, or to retire and/or to service indebtedness incurred for bonds issues prior to July 1, 1987, for infrastructure purposes in counties with a population of less than 75,000. Deletes reference to 1996 supplement.
- Section 8: Amends section 218.075, Florida Statutes, providing for reduction or waivers of permits issued by the Department of Environmental Protection (DEP) and the water management districts for small counties for public works projects, providing the county has a population of 75,000 or less on April 1, 1994.
- Section 9: Amends paragraph 218.65(2)(a) and (7)(a), Florida Statutes, which relates to county eligibility of supplemental emergency funds from the local government half-cent sales tax based on certain considerations in counties which have populations of 65,000 or above; allows small counties where inmate population is greater than 7 percent of the total population to be eligible for supplemental funds. Deletes reference to 1996 supplement.
- Section 10: Amends paragraph 252.373(3)(a), Florida Statutes, which provides small counties with, at least, a 20 hours a week emergency management coordinator. Deletes reference to 1996 supplement.

- Section 11: Amends subsection 288.063(3), Florida Statutes, which provides small counties certain benefits for transportation projects approved by the Office of Tourism, Trade, and Economic Development. Deletes reference to 1996 supplement.
- Section 12: Amends paragraph 373.441(1)(g), Florida Statutes, which provides for consideration of the provisions under which delegation of the local pollution control permitting program may take place for small counties; changes the population requirement for counties to 75,000 or less for small county status.
- Section 13: Amends subsection 403.4131(5), Florida Statutes, which provides for the "Keep Florida Beautiful" program; changes the population requirement for small county status to 75,000.
- Section 14: Amends paragraph 403.706(4)(d), Florida Statutes, providing for local government solid waste responsibilities and the opportunity to recycle; changes the population requirement to 75,000.
- Section 15: Amends paragraph 403.7061(3)(c), Florida Statutes, which provides requirements for review of new waste-to-energy facilities' capacities by DEP. Non-applicability of this statutory provision is permitted for counties of 75,000 or less.
- Section 16: Amends paragraph 403.7095(7)(a), Florida Statutes, which authorizes a solid waste management grant program for counties with populations fewer than 100,000 and removes June 30, 1998, sunset date of the grant program.
- Section 17: Amends 403.719(1), Florida Statutes, which allows small counties with populations of 75,000 or less, to use waste tire grants for any solid waste related purpose.
- Section 18: Provides an effective date of July 1, 1998 for the act.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The quantifiable positive and negative fiscal impacts this bill may have on state agencies' resources are difficult to ascertain. Any savings resulting from maintaining small counties' population at the current 50,000, might be eventually eroded through diminishment of assistance to these small counties from the state by virtue of small counties' growth in the next few years. On the other hand, by increasing the population limit to 75,000, only three additional counties will be allowed to participate in the resources available to small counties.

2. Recurring Effects:

See A.1. above.

3. Long Run Effects Other Than Normal Growth:

See A.1. above.

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

The bill affects small counties in many aspects. The state provides not only technical assistance and supplemental funding for many programs conducted at the county level, it also facilitates economic growth and expansion opportunities for employment to small counties allowing businesses to prosper, i.e., state prison facilities and expediting of certain permit processes.

2. Recurring Effects:

See B.1. above.

3. Long Run Effects Other Than Normal Growth:

See B.1. above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Residents of several small counties would benefit from this bill to the extent the county could qualify for small county status programs, exemptions and permit waivers thereby saving the taxpayer possible property tax increases or increased fees for such things as solid waste disposal.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

A cursory review of the 1997 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, reveals that only a few counties account for populations between 75,000 and well over 100,000. In other words, few counties account for populations between the populations of Dade County's range and that of Sumter's. It appears most of Florida's counties consist of either: (1) large or (2) small populations.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend money or take action that requires the expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of cities and counties to raise revenues over 2/1/89 levels.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the total aggregate city or county percentage share of a state tax below 2/1/89 levels.

V. COMMENTS:

The Florida Association of Counties comments that this bill is intended to ensure small counties that may be approaching populations of more than 50,000 in the next few years do not, by virtue of going over the population limits, forfeit state or federal funds to which they may be entitled. The Association further commented that without small county status, the smaller counties may have difficulty providing necessary services.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike-everything-after-the-enactment-clause amendment was offered by Representative Westbrook. The amendment was adopted as a committee substitute in the March 10, 1998, Committee meeting of the House Committee on Community affairs which made the following changes to the bill:

Section 1: Repeals section 327 of chapter 96-410, Laws of Florida, which relates to a county achieving and retaining small county status after meeting other qualifying statutory provisions, until that county exceeds a population of 75,000.

Section 2: Amends section 34.191, Florida Statutes, by adding paragraph (4), to authorize the assignment of collection of past due fines, court costs, and other costs

imposed by the court to a licensed private attorney or registered collection agency. Deletes reference to 1996 Supplement.

Section 3: Amends section 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems. Deletes reference to 1996 Supplement.

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Section 17: Amends 403.719(1), Florida Statutes, which allows small counties with populations of 75,000 or less, to use waste tire grants for any solid waste related purpose.

Section 18: Provides an effective date of July 1, 1998 for the act.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Jenny Underwood Dietzel

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Cynthia P. Kelly

Cynthia P. Kelly

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Tonya Sue Chavis, Esq.

Joan E. Highsmith-Smith