

STORAGE NAME: h1589s1.gg

DATE: April 21, 1997

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1589

RELATING TO: Counties (Small County Population Requirements)

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

STATUTE(S) AFFECTED: Chapters 40, 163, 212, 218, 252, 265, 288, 327, 373, and 403, Florida Statutes

COMPANION BILL(S): SB 1416 (s)

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)
- (5)

I. SUMMARY:

This bill 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 30 counties in Florida with populations of 50,000 or less. The bill would add two more counties (Columbia, pop. 52,565 and Putnam, pop. 70,287) to that list.

The economic impacts of this bill do not require any new state funds. The supplemental distribution provision (in Section 9 of the committee substitute) would bring in an additional county (Hamilton) and perhaps change the amounts received by the receiving counties.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Small counties are considered those counties having a population of 50,000 or less. According to the 1996 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, April 1, 1996, those counties include:

Baker	Jackson
Bradford	Jefferson
Calhoun	Lafayette
Columbia	Levy
DeSoto	Liberty
Dixie	Madison
Flagler	Nassau
Franklin	Okeechobee
Gadsden	Sumter
Gilchrist	Suwannee
Glades	Taylor
Gulf	Union
Hamilton	Wakulla
Hardee	Walton
Hendry	Washington
Holmes	

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 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 163.3187, Florida Statutes, relates to amendments to comprehensive plans related to proposed small scale development activities and the frequency of amendments based on certain acreages.
- 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.
- Paragraph (a) of subsection (2) and paragraph (a) of subsection (7) of 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 (a) of subsection (3) of section 252.373, Florida Statutes, provides small counties with at least a 20 hour a week emergency management coordinator.
- Paragraph (b) of subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, requires that counties (1) levy ad valorem tax of at least 9 mills or (2) the amount of the tax loss from a completed Preservation 2000 acquisition in the county exceeds 0.01 percent of the county's total taxable value, (in addition to having a population of 75,000 or less) as conditions for receiving payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund. Paragraph (e) of subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, relates to the limitation of ten years of annual payments a local government may receive pursuant to this program.
- Paragraph (b) of subsection (14) of section 373.59, Florida Statutes, 1996 Supplement, requires same tax levy or tax loss experience as above to receive payment in lieu of taxes from the Water Management Lands Trust Fund.
- Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, 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.
- Subsection (2) of section 288.065, Florida Statutes, 1996 Supplement, provides long-term loans, loan guarantees, and loan loss reserves to small counties.
- Paragraph (g) of subsection (1) of section 373.441, 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 (2) of section 394.467, Florida Statutes, 1996 Supplement, allows for involuntary placement in a facility for treatment of mental illness. In small counties where no psychiatrist or clinical psychologist is available to provide a second opinion, the second opinion may be provided by a licensed physician with postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse.
- Subsection (5) of section 403.4131, 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 (d) of subsection (4) of section 403.706, 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.
- Paragraph (c) of subsection (3) of section 403.7061, Florida Statutes, provides requirements for review of new waste-to-energy facilities' capacities by DEP. This statutory provision does not apply to small counties.
- Paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, provides a solid waste management grant program. Each eligible small county may receive \$50,000.
- Paragraph (i) of subsection (1) of section 403.719, Florida Statutes, allows small counties to use waste tire grants for any solid waste-related purpose.
- Subsections (2) and (9) of section 403.973, Florida Statutes, 1996 Supplement, provides for direction through the Office of Tourism, Trade, and Economic Development for the purpose of reviewing and expediting permit applications by qualifying businesses. Qualifying businesses must create at least 100 jobs, or 50 jobs if business is located in an enterprise zone. Small counties are provided technical assistance and guidance through the Office of Tourism, Trade, and Economic Development in preparing permits and other activities requiring certain expertise in job growth and development.
- Paragraph (b) of subsection (7) of section 468.609, Florida Statutes, provides certification standards for building code inspectors and administrators. Small counties are deemed to have satisfied the requirements for standard certification if an employee, by October 1, 1998, is approved for certification under either the Southern Building Code Congress International, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward) or the Council of American Building Officials.

B. EFFECT OF PROPOSED CHANGES:

This bill 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 30 counties in Florida with populations of 50,000 or less.

Two additional counties (Columbia 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:

- ✓ Environmental permitting, pollution control and solid waste disposal programs, expeditious permitting procedures and grants for certain environmental programs;
- ✓ Standards for incorporation of municipality;
- ✓ Comprehensive planning;
- ✓ Emergency management coordinator; and
- ✓ Programs to encourage economic development and job growth.

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:

For the sake of brevity, Sections 2 through 19 of the committee substitute, where appropriate, contain a provision to amend a change in the population limit for "small county" status. The change is from 50,000 to 75,000.

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 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems.

- Section 3: Amends paragraph (i) of subsection (6) of section 163.3177, Florida Statutes, relating to the required and optional elements of local comprehensive plans for local governments.
- Section 4: Amends paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, 1996 Supplement, allowing plan amendments for small scale development activities based on certain acreages annually; allows the City of Jacksonville, Duval County, Fl, a maximum of 120 acres cumulative annual acreage for all small scale development amendments.
- Section 5: Amends paragraph (a) of subsection (12) of section 163.3191, Florida Statutes, 1996 Supplement, 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.
- Section 6: Amends paragraph (b) of subsection (1) of section 165.061, Florida Statutes, which provides standards for municipal 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 7: Amends paragraph (d) of subsection (2) of section 212.055, Florida Statutes, to change the population which qualifies a county as a small county 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 8: Amends section 218.075, Florida Statutes, which 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; providing that a small county (50,000 or less in population) on April 1, 1994 be subject to a reduction or waiver of permit processing fees.
- Section 9: Amends paragraph (a) of subsection (2) and paragraph (a) of subsection (7) of section 218.65, Florida Statutes, which relates to county eligibility of supplemental emergency funds from the local government half-cent sales tax based on certain considerations and populations; removes eligibility pursuant to this section and allows small counties to be eligible for supplemental funds based on inmate population being greater than 7 percent of total population of the county.
- Section 10: Amends paragraph (a) of subsection (3) of section 252.373, Florida Statutes, which provides small counties with at least a 20 hour a week emergency management coordinator.
- Section 11: Amends paragraphs (b) and (e) of subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, to remove the requirements that counties (1) levy ad valorem tax of at least 9 mills or (2) the amount of the tax loss from a completed Preservation 2000 acquisition in the county

exceeds 0.01 percent of the county's total taxable value, as conditions to be met for receiving payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund. Provides that payment in lieu of taxes be limited to a total of 10 *consecutive* years beginning the year a local government becomes eligible.

Section 12: Amends paragraphs (b) and (d) of subsection (14) of section 373.59, Florida Statutes, 1996 Supplement, to remove requirement of the same tax levy or tax loss experience as above, as conditions to be met to receive payment in lieu of taxes from the Water Management Lands Trust Fund, beginning the year a local government becomes eligible.

Section 13: Amends subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, which 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, creating new employment opportunities thereby expanding or retaining existing employment in the county.

Section 14: Amends paragraph (g) of subsection (1) of section 373.441, 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 small county status. 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.

Section 15: Amends subsection (5) of section 403.4131, Florida Statutes, which provides for the "Keep Florida Beautiful" program; changes the population requirement for small county status. Small counties are encouraged to adopt a *regional* approach to administer and coordinate their litter control and prevention programs.

Section 16: Amends paragraph (d) of subsection (4) of section 403.706, Florida Statutes, which provides for solid waste responsibilities of local governments; changes the population requirement for small county status. 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.

Section 17: Amends paragraph (c) of subsection (3) of section 403.7061, Florida Statutes, which provides requirements for review of new waste-to-energy facilities' capacities by DEP. Non-applicability of this statutory provision would be for counties of 75,000 or less.

Section 18: Amends paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, which provides a solid waste management grant program. Each

eligible small county may receive \$50,000; changes population requirement for small county status.

Section 19: amends paragraph (i) of subsection (1) of section 403.719, Florida Statutes, which allows small counties to use waste tire grants for any solid waste-related purpose; changes population requirement for small county status.

Section 20: Provides for an effective date of July 1, 1997.

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 two 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 32 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 1996 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 they may be entitled to. The Association further commented that in addition to Columbia and Putnam Counties being in jeopardy, there are several other counties approaching the population limits. Without small county status, funding in areas providing necessary services might otherwise be jeopardized.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A committee substitute was adopted by the General Government Appropriations Committee on April 18, 1997. The committee substitute differs from the bill as introduced in the following ways:

- ✓ Amends paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, 1996 Supplement, to provide that the City of Jacksonville, Duval County, Fl, be allowed a maximum of 120 acres when considering the cumulative annual acreage for small scale development amendments to the local comprehensive plan.
- ✓ Stipulates a certain date (April 1, 1994) that a county must have attained or maintained a population of 50,000 in order to qualify for the reduction or wavier of DEP permit processing fees.
- ✓ Amends paragraph (e) of subsection (12) of section 259.032, Florida Statutes, to limit eligible counties to ten *consecutive* years, beginning the year a local government becomes eligible, to receive payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund.
- ✓ Amends paragraph (d) of subsection (14) of section 353.59, Florida Statutes, (Water Management LandsTrust Funds) for consistency with paragraph (e) of subsection 12 of section 259.032, Florida Statutes, (CARL).
- ✓ Removes Section 13 of the bill as introduced which creates the Rural Community Development Revolving Loan Funds that provides long-term loans, loan guarantees, and loan loss reserves to small counties.
- ✓ Removes Section 15 of the bill as introduced which provides for residents of certain small counties being placed in a facility for treatment of mental illness a second opinion examination by professionals other than a psychiatrist or clinical psychologist as long as the administrator of the receiving facility so certifies.
- ✓ Removes Section 21 of the bill as introduced relating to review of permit applications, by regional permit action teams directed through the Office of Tourism,

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Trade, and Economic Development, for the purpose of expediting permits submitted by qualifying businesses.

- ✓ Removes Section 22 of the bill as introduced relating to certification standards for building code inspectors and administrators.

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:

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