

STORAGE NAME: h1741.ca
DATE: March 13, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1741 (PCB CA 97-01)
RELATING TO: Firesafety (The Independent Special Fire Control District Act)
SPONSOR(S): Committee on Community Affairs
STATUTE(S) AFFECTED: Section 316.072, F. S. Also creates a new statute.
COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

This bill creates the "Independent Special Fire Control District Act" for the purpose of providing standards and procedures regarding the operations and governance of independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts.

The bill defines various terms and provides for the expansion, merger, and dissolution of such districts. The bill provides general governmental powers, special powers relating to fire suppression and prevention and other emergency services, and authorizes districts to levy ad valorem taxes, non-ad valorem assessments, user charges, and impact fees. The bill authorizes all independent fire districts to issue various types of bonds and other obligations. This bill also amends general law relating to obedience to police and fire department officials.

Generally, the fiscal impact of this bill would be positive for some fire control districts not currently at a 3.75 mill property tax rate. Also, for districts not currently authorized by special act to assess or impose non-ad valorem assessments, user charges, or impact fees, this bill provides that authority. Some residents of independent fire control districts might be negatively impacted by an increase in the millage rate or by other provisions of this act authorizing assessments or fees not currently provided by the special act of the district.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida has a long history of using special districts to provide various government services and infrastructure, including drainage and other water-related services, fire control, mosquito control, lighting, and roads and bridges. While the need to create special districts to provide these services has significantly declined as Florida has become more and more urbanized, there are still a number of areas in the state where necessary services such as fire control are provided by special districts, rather than by a general purpose local government (i.e., a county or municipality).

Florida's State Comprehensive Plan, under the heading and goal relating to Governmental Efficiency, includes the following policy, codified as s. 187.201(21)(b)2., Florida Statutes:

2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.

Most independent fire control districts have been created by special act of the Legislature. From 1969 to 1995, the largest percentage of local bills filed in the Legislature related to special districts. Three issue areas represent the largest percentage of special district local bills. They are: (1) drainage and water control districts; (2) hospital districts; and (3) fire control districts. Of these three, fire control districts represents the single largest category of special districts local bills filed. [See Local Bill/Special Act Process: Time for Change?, February, 1996, by the House Committee on Community Affairs.

In the case of districts which have been in existence for many years, there is often an original enabling act, and then a long series of subsequent amending acts stretching over a period of years or even decades. Any change in the boundaries or powers of such a district requires the enactment of an additional, amendatory special act. There is presently no general law which provides uniform powers to independent fire districts.

Chapter 189, Florida Statutes, is entitled the Uniform Special District Accountability Act of 1989. That chapter contains a number of general provisions applicable to special districts, including requirements for and limitations on the formation of future districts, merger, and dissolution of districts. Definitions are provided to distinguish between dependent and independent special districts, and a detailed procedure is provided to govern the conversion of districts from one-acre/one-vote elections to one-person/one-vote governance. Sections 189.408 and 189.4085, Florida Statutes, provides for district bond issuance both when a referendum is required and when it is not. However, specific powers of individual districts and types of districts are essentially left to the particular special acts pertaining to each district.

An exception to the normal practice of creating and specifying the powers of special districts by special act may be found in chapter 190, Florida Statutes, the Uniform Community Development District Act of 1980. Under that general law chapter,

community development districts may be established (depending on the proposed acreage) by either a rule adopted by the governor and cabinet sitting as the Florida Land and Water Adjudicatory Commission, or by county or municipal ordinance. All of the powers and duties of community development districts (including fire control) are provided by general law in chapter 190 (and, as to certain provisions, in chapter 189) of the Florida Statutes.

A statutory prohibition exists in section 215.425, Florida Statutes, relating to extra compensation being paid to any officer, agent, employee, or contractor unless the Legislature approves such compensation or claim by two-thirds vote of each house of the Legislature. However, certain exemptions apply. The exemption extends to state employees in the senior management group determined by rules of the Department of Management Services (DMS); county or municipal employees determined by local policies adopted in ordinances and clothing and maintenance allowances given to plainclothes deputies pursuant to section 30.49, Florida Statutes.

B. EFFECT OF PROPOSED CHANGES:

The bill creates the "Independent Special Fire Control District Act, " providing the 53 independent fire control districts in the state uniformity and standards, including but not limited to, the following issues:

- ✓ Authority to impose ad valorem tax at a rate up to 3.75 mills, upon voter approval;
- ✓ Authority to adopt resolutions and ordinances, as long as the ordinances do not conflict with the local general purpose government's ordinances;
- ✓ Authority and procedures to assess non-ad valorem assessments, user charges and impact fees when the Legislature has authorized impact fees and the local government does not have an established impact fee for fire services;
- ✓ Authority to issue bonds, pursuant to law, to provide district improvements;
- ✓ Authority to merge or change boundaries upon Legislative approval;
- ✓ Authority to form five-member boards, except where Legislative authority allows three-member boards;
- ✓ Authority to exercise the right and power of eminent domain pursuant to general law;
- ✓ Authority to provide emergency rescue response services, including Advanced Life Support services; and
- ✓ Exemption from taxation on public property used for public purposes by the district.

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:

a. Does the bill increase anyone's taxes?

It may, depending on the rate of ad valorem currently provided in each special act of each independent fire control district.

b. Does the bill require or authorize an increase in any fees?

It sets the ad valorem rate at no higher than 3.75 mills. This may allow some districts to increase above their current rate.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

See #2.a. above.

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 ANALYSIS:

Section 1 -- Provides that the act may be known as the "Independent Special Fire Control District Act."

Section 2 -- Provides that the purpose of the act is to establish standards and procedures concerning the operations and governance of independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts to ensure greater accountability to the public.

Section 3 -- Defines the following terms: "board," "district," "elector," "emergency medical service," "independent special fire control district," and "rescue-response service."

Section 4 -- Requires each district, whether created by special act, general law of local application, or county ordinance, to comply with the "Independent Special Fire Control District Act" (act). The section provides that it is the intent of the Legislature that this act supersede all special acts, general laws of local application, or county ordinance provisions that contain the charter of an independent special fire control district. However, those provisions that address district boundaries and geographical subdistricts for the election of members of the governing board are excepted.

The act does not require any modification to district financing or operations which would impair existing contracts, including collective bargaining agreements, debt obligations, or covenants and agreements relating to bonds validated or issued by the district. The

act does not repeal any authorization within a special act, general law of local application, or county ordinance providing for the levy and assessment of ad valorem taxes, special assessments, non-ad valorem assessments, fees, or charges by a district.

Section 5 -- Provides for the election of the district board of commissioners, including its membership, officers, and meetings. This section requires the business affairs of each district to be conducted and administered by a five-member board. However, the governing boards of districts appointed collectively by the Governor, the county commission, and any cooperating city within the county are excluded from this requirement. All three-member boards existing on the effective date of this act must be converted to five-member boards, except those permitted to continue as a three-member board by special act adopted in 1997 or thereafter.

The board must be elected in nonpartisan elections by the electors of the district. Candidates for the board are required to qualify with the supervisor of elections of the county in which the district is located. Candidates must qualify with the Department of State if the district is a multi county district. Except as specifically stated in the act, elections must be held at the same time and in the same manner as prescribed by law for holding general elections in accordance with s. 189.405(2)(a) and (3), F.S. Each member is elected for a term of four years and serves until the member's successor is chosen and qualified.

At the general election following the effective date of the act or on or after the effective date of a special act or general act of local application creating a new district, the members of the board must be elected. Board seats are designated numerically 1 through 5. The numerical seat designation does not designate a geographical subdistrict unless a subdistrict exists on the effective date of this act. In that case, the candidates must reside in the subdistrict and only electors of the subdistrict may vote in the election for the member from that subdistrict. At the time of qualifying, each candidate must designate which seat the candidate is qualifying for. The ballot must clearly state the candidates name and seat number. The candidate for each seat who receives the most votes is elected to the board.

If, on the effective date of this act, a district presently in existence elects members of its board, the next election must be conducted according to this section but does not require the early expiration of any member's term of office by more than 60 days.

If, on the effective date of this act, a district does not elect the member of its board, the entire board must be elected pursuant to this section. In the first election, seats 1, 3, and 5 are designated as 4-year terms and seats 2 and 4 are designated 2-year terms.

If, on the effective date of this act, the district has an elected three-member board, one of the two seats added by this act must be, for the first election following the effective date of the act, designated a 4-year term and the other a 2-year term, unless the terms of the three existing seats all expire within 6 months of the first election following the effective date of this act. In that case, seats 1, 3, and 5 shall be designated for 4-year terms and seats 2 and 4 are designated for 2-year terms.

If the district has an elected three-member board designated to remain three members by special act adopted in 1997 or thereafter, the terms of the board members shall be staggered. In the first election, following the effective date, seats 1 and 3 are

designated a 4-year term and seat 2 a 2-year term.

The board of a district may request the local legislative delegation representing the area within the district to create by special law geographical subdistricts for board seats. Any board of five members or larger elected on a subdistrict basis as of the effective date of this act must continue to elect board members from previously designated subdistricts. This act does not require the elimination of board seats from such boards.

Each member of the board must be a qualified elector at the time of qualifying and remain so throughout his or her term. A board member must assume office 10 days following the member's election. The board must organize each year within 60 days after the newly elected members have taken office. Funds of the district may only be disbursed upon order or pursuant to resolution of the board.

Members of the board may each be paid a salary or honorarium which is determined by at least a majority-plus-one vote of the board. Such salary or honorarium is prohibited from exceeding \$500 per month for each member. Members may be reimbursed for travel and per diem expenses pursuant to s. 112.061, F.S.

When a vacancy occurs on the board, the remaining members are permitted to appoint a qualified person to fill the seat until the next general election, at which time an election must be held to fill the vacancy. Upon assuming office, each member must take and subscribe to the oath of office and within 30 days after assuming office, give a surety bond in the sum of \$5,000. The cost of such bond is borne by the district.

The board is required to maintain records of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts. The records are open to inspection in the same manner as state, county, and municipal records are open under chapter 119, F.S. All meetings of the board are open to the public and governed by chapter 286, F.S., s. 189.417, F.S., and other applicable general laws.

Section 6 -- Grants the district general governmental powers which the board may exercise by majority vote, including but not limited to the following:

- * To provide for a pension or retirement plan for its employees. The board is also authorized to provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees.
- * To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district. The board is also authorized to adopt ordinances and resolutions that are necessary to conduct district business as long as such ordinances do not conflict with any ordinances of a local general purpose government in the district's jurisdiction.
- * To acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate for any purpose authorized in the Act.
- * To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by the Act.

- * To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes, and assessments, warrants, notes, or other evidence of indebtedness, and to mortgage real and personal property when necessary.
- * To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection "in the manner prescribed by resolution not inconsistent with the law."
- * To exercise the power of eminent domain pursuant to chapter 73, F.S., or chapter 74, F.S., over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose. Eminent domain may only be exercised for district purposes relating solely to the establishment and maintenance of fire stations and substations.
- * To assess and impose upon real property in the district ad valorem taxes and special assessments authorized by this act.
- * To impose and foreclose special assessment liens or to impose, collect, and enforce non-ad valorem assessments pursuant to chapter 197, F.S.

Section 7 -- Exempts all assets and property from all taxes imposed by the state or any political subdivision, agency or instrumentality of the state since fire control districts are a political subdivision performing essential public functions.

Section 8 -- Grants independent special fire control districts "special powers" relating to the provision of fire suppression and prevention, which involves the establishment and maintenance of fire stations and substations and the acquisition and maintenance of firefighting and fire protection equipment deemed necessary to prevent or fight fires. The board is authorized to carry out the following powers:

- (1) Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment. Pursuant to chapter 401, F.S., and any certificate of public convenience and necessity or its equivalent issued thereunder.
- (2) Employ, train, and equip firefighting and other personnel, including volunteer firefighters, as necessary to accomplish the duties of the district.
- (3) Conduct public education to promote awareness of methods to prevent fires and reduce loss of life and property.
- (4) Adopt and enforce firesafety standards and codes and enforce the rules of the State Fire Marshal.
- (5) Conduct arson investigations and cause-and-origin investigations.
- (6) Adopt hazardous-material safety plans and emergency response plans in coordination with the county emergency management agency, as provided in chapter 252, F.S.

- (7) Contract with general-purpose local government for emergency management planning and services.

Section 9 -- Provides that a district is authorized to levy ad valorem taxes, non-ad valorem assessments, user charges, and impact fees, for district purposes. Each district would be authorized by this general provision to levy ad valorem taxes up to 3.75 mills, notwithstanding lower millage caps in the special acts of individual districts. Non-ad valorem assessments are authorized to construct, operate, and maintain district facilities and services. The rates of assessments are to be set by the board pursuant to the procedures in section 10. With respect to user charges, the board is permitted to provide a schedule of charges for emergency services, including firefighting occurring in or to structures outside the district.

The board may establish a schedule of impact fees, if: (1) the general-purpose local government has not adopted an impact fee for fire services; and (2) the Legislature has authorized the imposition of impact fees by special act or general law other than this act. The schedule of impact fees must be in compliance with any standards set by general law for new construction to pay for the cost of new facilities and equipment. The board may enter into agreements with general-purpose local governments to share in the revenues from fire-protection impact fees imposed by such governments.

Section 10 -- Establishes the procedures for districts to follow for the levy and collection of assessments. A district must adopt by resolution a non-ad valorem assessment roll pursuant to the procedures contained in this section or in s. 197.3632, F.S., if:

- (a) The assessment is levied for the first time;
- (b) The assessment is increased beyond the maximum rate authorized by general law or special act at the time initially imposed;
- (c) The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or
- (d) There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

The board must declare by resolution the nature of the proposed service, including the location of the capital facilities, personnel, and equipment needed to provide the service; any other projected expense of providing the service or improvement; the portion of the expense to be paid by the assessments; and the manner in which and when such assessments must be made.

Once the resolution is adopted or the preliminary assessment roll is completed, whichever is later, the board must publish notice of the resolution once in a newspaper of general circulation in each county in which the district is located. The notice must briefly state in general terms a description of the proposed service or improvements and that the plans, specifications, and estimates are available to the public at the district's offices. The notice must also state the date and time of the hearing to hear objections, which hearing may be no earlier than 15 days after publication of the notice.

Once the preliminary assessment roll is completed, the board must by resolution fix a time and place at which the owners of the property to be assessed or other interested parties may appear before the board and comment on the proposal to make such improvements or provide such services, including the cost of such actions and the amount to be assessed against each property so improved. Following the meeting of the board to hear objections from affected property owners, the board must make a final decision on whether to levy the non-ad valorem assessments, adjusting such assessments based on information received at or prior to the hearing.

When approved by resolution of the board, the final assessment roll must be filed with the vice chairman of the board, and such assessments shall become first liens upon the property against which such assessments are made until paid.

The assessments approved by the board may be levied, assessed, and collected pursuant to sections 197.363-197.3635, F.S. The collection and enforcement of the assessments levied by the district must be at the same time and in the same manner as county taxes. Counties, school districts, and other governmental entities are made subject to the assessments, and to liens therefor, to the same extent as private property owners.

Section 11 -- Authorizes independent special fire control districts to issue various types of bonds, including general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements by this act or under general law or special law. The total annual payments for the principal and interest on such indebtedness must not exceed 50% of the total annual budgeted revenues of the district. The bonds are payable from the non-ad valorem assessments or other non-ad valorem revenues, including user fees or charges or rental income authorized by this act or general law. No proceedings may be required for the issuance of bonds other than those provided by this section and by general law. Detailed and lengthy provisions are set forth relating to issuance of bonds and the use of bond proceeds, and authority is given for the issuance of refunding bonds.

Section 12 -- Encourages the fire chiefs of each county to meet as a county fire chiefs' association to coordinate the planning and activities of all entities that provide fire protection and suppression services. Each independent special fire control district is required to adopt a 5-year plan to identify the facilities, equipment, personnel, and revenue needed by the district during such 5-year period. The plan must be updated in accordance with the provisions contained in s. 189.415, F.S., relating to the special district facilities report.

Section 13 -- Establishes the conditions under which the boundaries of an independent special fire control district are permitted to be modified, extended, or enlarged. New districts may only be created by the Legislature under s. 189.404, F.S., relating to the legislative intent for the creation of independent special districts.

The merger of a district with all or part of another independent special district or dependent fire control district is effective only when it is ratified by the Legislature. A district's merger with another governmental entity is not justification for increasing the ad valorem taxes on property within the original limits of the district beyond the maximum

established by the district's enabling legislation, unless such increase is approved by the electors of the district by referendum.

Section 14 -- Amends s. 316.072, F.S., requiring compliance with lawful orders of police and fire officials, to provide that it is unlawful and a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., for any person willfully to fail or refuse to comply with any lawful order or direction of any member of the fire department at the scene of a fire, rescue operation, or other emergency.

Section 15 -- Requires codification of the charter of each existing fire control district existing on the effective date of this section. The district must submit to the Legislature either by December 1, 2001 or when any act relating to such district is introduced to the Legislature, a draft codified charter, at its expense, for reenactment by the Legislature. Any codified act relating to a district, which is submitted to the Legislature for reenactment must provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act must be filed with the Department of Community Affairs pursuant to s.189.418(2), Florida Statutes.

Section 16 -- Provides that the act shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

According to the Department of Revenue, 31 independent fire control districts will be able to levy ad valorem taxes at a higher millage rate (up to 3.75 mills, subject to referendum) than allowed under their special acts. Some, though the number is not available, will also be able to use the full array of assessments, user charges, and impact fees authorized by this general act. In addition, fire districts without bonding authority will now be able to issue various types of bonds.

2. Recurring Effects:

See explanation above.

3. Long Run Effects Other Than Normal Growth:

See explanation above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Property owners in some independent special fire districts may pay higher taxes and assessments, and may be subject to charges and fees not currently authorized by the various special acts.

2. Direct Private Sector Benefits:

A greater degree of fire protection and medical rescue services may be offered in some areas of the state.

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

Indeterminate.

D. FISCAL COMMENTS:

There are 53 independent fire control districts in the state. Recently, 33 districts have indicated to the Department of Community Affairs' Special Districts Program Office that ad valorem tax is used as a source of district revenue; 17 districts use other assessments and 3 districts indicated no answer to this question on the survey.

However, based on information supplied by the Department of Revenue, the 1996 millage rates for independent special fire control districts revealed only 32 districts which assess ad valorem tax. The number of those over, at or under 3.75 mills is as follows:

<u>No. Of Districts</u>	<u>Current Millage Rate</u>
1	over 3.75
4	2.5+
10	2.0+
6	1.5+
3	1.0+
8	below 1.0

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities and 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.

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

This bill does not reduce cities or counties state shared revenues.

V. COMMENTS:

Section 4 of the bill states legislative intent to preempt, but does not repeal, various special laws, general laws of local application, and county ordinances which address "the same subjects as" the bill. Because these other laws and ordinances (1) are not identified, and (2) are not repealed, it is likely that questions will arise as to whether general law provisions contained in this bill, or special law provisions related to a particular district, will control under various circumstances. As a rule, general repealers and general preemptions are not favored at law, because of their inherent lack of notice and specificity as to what is being affected. Even though Section 15 of the bill requires repeal of existing special acts simultaneous with an independent special fire control district's reenactment for codification purposes, the reenactment, assuming the Legislature approves it, would still remain a viable special act.

It is also unknown which powers are currently possessed by which individual districts and, accordingly, what effect this bill will have on each district. For instance, some information has been provided on the fire control districts currently authorized to levy ad valorem tax. However, there is no information available regarding the fire control districts authorized to issue bonds, or assess other revenue-raising powers such as special assessment authority or impact fees.

In order to accurately determine the overall, statewide effect of this act, it would be necessary to obtain a complete list of independent fire districts in the state, and then, using the index to special laws, compile a list of the original enabling act and every subsequent amendatory act pertaining to each district. Each of those acts would then have to be examined to determine the nature and scope of powers currently possessed by each district, and thereby to determine the actual, legal and practical effect that the general law provisions in this bill would have on each district.

In addition, Section 15 of the bill provides for codification of each fire control district's charter for Legislative reenactment. The codification must be done by December 1, 2001 or whenever any act relating to the district is introduced to the Legislature, whichever is first. The codified act must provide for repeal of all prior special acts of the Legislature relating to the district. After reenactment by the Legislature, the charter is then filed with the Department of Community Affairs. Any subsequent changes to a fire control district's

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governance would not necessarily require future Legislative amendments as long as the changes to the district are implemented under the provisions of this act. Therefore, unless the district voluntarily chooses to update its charter periodically, through legislative enactment, the Legislature will not have current information about a district without contacting each individual fire control district.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:
Prepared by:

Legislative Research Director:

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