

**STORAGE NAME:** h3435z.ca  
**DATE:** May 6, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

**BILL #:** 1ST ENG/HB 3435  
**RELATING TO:** Lee County Mosquito Control District  
**SPONSOR(S):** Representative Livingston  
**COMPANION BILL(S):** SB 1524 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 6 NAYS 0
- (2) FINANCE & TAXATION (W/D)
- (3)
- (4)
- (5)

---

**I. FINAL ACTION STATUS:**

House Bill 3435 was passed by the House Committee on Community Affairs on March 17, 1998, with 3 amendments. The amended bill was withdrawn from the House Committee on Finance & Taxation on March 24, 1998. The bill passed the House on April 1, 1998, by a vote of 114 YEAS and 0 NAYS, and was ordered engrossed. The engrossed bill was received by the Senate on April 15, 1998 and was referred to the Senate Committee on Rules and Calendar. It was withdrawn from the Senate Committee on Rules and Calendar on May 1, 1998, and placed on the Senate Local Calendar. The Senate passed 1ST ENG/HB 3435 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-461, Laws of Florida.

**II. SUMMARY:**

This bill codifies all prior special acts relating to the Lee County Mosquito Control District into a single act. This bill does not make any substantive changes to current law.

The bill declares the district an independent special district.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of special districts' charters (including fire control districts), either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation. However, in the 1997 interim, some districts expressed the need to request substantive changes to their charters but because of the number of amendments (special acts) to their charters, they do not have time to codify.

As a result, the Chair of the Committee on Community Affairs issued a Memorandum on October 3, 1997, explaining the policy of the Committee for charter codifications for the 1998 Legislative Session. In part the Memorandum states:

1. Although two bills are preferable (one to codify and one to accomplish the substantive change), the House Committee on Community Affairs will accept one bill (containing the codification and substantive change).
2. The substantive change, if included in the codifying local bill, **must be advertised** clearly and concisely, i.e., "a substantive change to the charter is being sought affecting membership of the Board," or whatever change(s) is applicable.
3. If a substantive change is needed to a District's charter this Session, but codification is too large a task to accomplish at the same time, the Committee will hear bills for any substantive changes that a legislative delegation deems necessary.
4. The Committee will accept voluntary charter codifications from any district for the 1998 Legislative Session. A schedule for submitting the codifying charter is attached and is based on the number of special acts a district currently enjoys. The attached proposed schedule of submittals is based on an extended deadline of 2004, which must be accomplished legislatively. The Committee will have a bill to address this issue during the 1998 Legislative Session. Keep in mind, if they choose to do so, a district may submit its codification earlier than the proposed schedule indicates.

Also, section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

**B. EFFECT OF PROPOSED CHANGES:**

This bill codifies all prior special acts relating to the Lee County Mosquito Control District into a single act. This bill does not make any substantive changes to current law.

**C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:**

Chapters 57-1520, 57-2059, 61-2394, 63-1542, 65-1820, 65-1831, 67-1630, 72-598, 79-493, 82-316, 83-442, and 95-517, Laws of Florida.

**D. APPLICATION OF PRINCIPLES:**

1. Less Government:

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

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

N/A

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

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**E. SECTION-BY-SECTION RESEARCH:**

Section 1: Continues the Lee County Mosquito Control District, "District", and describes the areas excluded from the boundaries of the District.

Section 2: Provides for the division of the District into seven equally populated areas for the purpose of electing the Board of Commissioners.

Section 3: States the qualifications and election process of the Board of Commissioners. Provides for the Governor's appointment of vacant seats on the Board.

Section 4: Provides that the ballots and election arrangements are to be provided and performed by the Board of Commissioners of Lee County.

Section 5: Grants powers and duties to the Board of Commissioners.

Section 6: Provides for a quorum and the election of a Chair, Vice-Chair and Secretary-Treasurer.

Section 7: Provides for Commissioners' compensation.

Section 8: Requires an annual audit of the District's books and accounts.

Section 9: Declares mosquito breeding places public nuisances and provides for procedures to eradicate such nuisances and the reoccurrence of such nuisances.

Allows the District to place a lien upon property if the control of a nuisance was performed by the District rather than the property owner.

Section 10: Requires the District's Board of Commissioners to have public monthly meetings.

Section 11: Provides the fiscal year of the District and requires the Board to prepare a tentative budget and to advertise and hold hearings regarding such budget.

Section 12: Allows the District to maintain real and personal property. States that the Board has the power to exercise the right of eminent domain.

Section 13: States that the District may levy upon the property within the District a special tax not exceeding 1 mill on the dollar. Provides for the procedures in which the tax is to be collected.

Section 14: Provides for a director whose duty is to supervise maintenance and construction work performed under the provisions of the act.

The Board may also directly have work performed with or without a contract and with or without advertisement.

Section 15: Provides that damage to property controlled by the District and obstruction to any operations of the District is punishable as provided by general law.

Section 16: Abolishes three mosquito control districts, the Boca Grande District, the Sanibel-Captiva District, and the Fort Myers District.

Section 17: Transfers the assets and liabilities of the three above named districts to the Lee County Mosquito Control District.

Section 18: Provides that the books and records of the prior district continue to be apart of the records of this district.

Section 19: States that the purpose of controlling mosquitos within Lee County concerns public health and serves other public purposes.

Section 20: Establishes that the Lee County Health Unit is responsible for the abating and suppressing mosquitos within Lee County.

This section coordinates certain powers, activities, and duties between the Lee County Health Unit and the Lee County Mosquito Control District.

Provides that the employees engaged by the Lee County Health Unit are employees of such Unit.

Section 21: Provides that if the Lee County Mosquito Control District determines that the powers, responsibilities, and duties of the Lee County Health Unit are no longer beneficial to its residents, the District may pass a resolution in which any and all powers and responsibilities of the Health Unit shall vest in the District. The employees of such Unit shall become employees of the District.

Section 22: Repeals the following special acts: chapters 57-1520, 57-2059, 61-2394, 63-1542, 65-1820, 65-1831, 67-1630, 72-598, 79-493, 82-316, 83-442 and 95-517, Laws of Florida.

States that the intention of this act is to codify all prior special acts relating to the Lee County Mosquito District into a single act.

Section 23: Provides that any additional privileges or powers granted by general laws to mosquito control district may be used by the District.

Section 24: Declares that the legislative intent is for this act to be construed liberally; and provides that the District will continue to comply with specific Florida Statute Chapters.

Section 25: Provides a severability clause.

Section 26: Provides that this act shall take effect upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 19, 1997

WHERE? Ft. Myers, FL News-Press

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs adopted the following three amendments on March 17, 1998:

Amendment #1 -- Inserts the language "an independent special district" into section 1 of the bill in compliance with section 189.404(5), Florida Statutes;

Amendment #2 -- Provides for the deletion of "but are not limited to" for clarification purposes relating to the repeal of prior special acts.

Amendment #3 -- Inserts a provision relating to the District's continued compliance with chapters 253, 369, 373, 388, and 403, Florida Statutes. This language is being added due to a request by DEP.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Laura L. Jacobs

Joan Highsmith-Smith



**STORAGE NAME:** h3435z.ca

**DATE:** May 6, 1998

**PAGE 9**

**FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

Legislative Research Director:

---

Laura L. Jacobs

---

Joan Highsmith-Smith