

STORAGE NAME: h3725z.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 #: HB 3725
RELATING TO: North Bay Fire Control District
SPONSOR(S): Representative Melvin and others
COMPANION BILL(S): None

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

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

I. FINAL ACTION STATUS:

House Bill 3725 was passed by the House Committee on Community Affairs on March 12, 1998. It was withdrawn from the House Committee on Finance & Taxation on March 25, 1998. The bill passed the House on April 1, 1998, by a vote of 113 YEAS and 1 NAYS. The bill was received by the Senate on April 28, 1998 and was referred to the Senate Rules and Calendar Committee. It was withdrawn from the Senate Rules and Calendar Committee on May 1, 1998 and placed on the Senate Local Calendar. The Senate passed HB 3725 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-470, Laws of Florida.

II. SUMMARY:

The bill recreates the North Bay Fire Control District, formerly the Seminole Fire District (Okaloosa County), as an independent fire control district. The bill brings the district under the provisions of the "Independent Special Fire Control District Act." The Independent Special Fire Control Act provides powers, duties, and functions of the district, membership and organization of its governing body, taxing authority and budget requirements, bond requirements, and boundary modification procedures.

The bill provides for the District's boundaries and its ad valorem taxing authority of two mills.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

North Bay Fire Control District, formerly the Seminole Fire District (Okaloosa County), is an existing independent special district which was initially created by county ordinance in 1977. It was created to provide fire protection for the benefit of the residents in the District.

District's current charter provisions

- Section 1: Creates District for the purpose of providing fire protection and provides the District's boundaries; provides for the automatic removal from the District any property annexed into a municipality; and grants the power to sue and be sued, lease, own, possess, and convey real and personal property, by purchase or gift.
- Section 2: Establishes a five-member Board of Fire Commissioners and provides for the election of officers; disallows compensation of the commissioners except out-of-pocket expenses; and requires each commissioner to execute a good and sufficient bond.
- Section 3: Provides for four year terms of the Board's commissioners elected in staggered elections; provides for the qualification of the commissioners; and allows for the appointment by the board members when there is a vacancy.
- Section 4: Requires that minutes be kept of all meetings; provides that a concurrence of a majority of the commissioners is necessary for affirmative action; and provides for open meetings.
- Section 5: Requires an annual audit of the District and the furnishing of the audit to the Board of County Commissioners.
- Section 6: Grants the following powers:
- acquire by gifts, lease, or purchase, a fire station and site, fire-fighting equipment and other necessary equipment;
 - allow reciprocal agreements to provide mutual assistance with adjacent or neighboring fire departments; and
 - adopt rules and regulations relating to the purpose of the District and provides procedures.
- Section 7: Provides for the hiring of a fire marshal, special deputies and firemen; and states the qualifications and duties of the fire marshal.
- Section 8: Authorizes the Board of Fire Commissioners to impose an ad valorem tax not in excess of two mills against non-exempt property in the District and procedures relating to the assessment.
- Section 9: Allows the Board to borrow money for the purposes of the District and provides procedures and limitations.

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Section 10: Limits the use of District funds to fulfilling the purpose of the District and administrative expenses.

Section 11: Provides a penalty of a misdemeanor of the second degree for violation of provisions of the charter or any adopted rule or regulation.

Section 12: Provides for the printing of the election ballots.

Section 13: Provides for liberal construction of the ordinance.

Section 14: Provides a severability clause.

Chapter 191, Florida Statutes, Provisions

Chapter 191, F.S., is the "Independent Special Fire Control District Act." It provides uniformity and standards to the 53 independent fire control districts in the state, 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 and provides for membership, officers and meetings;
- 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;
- Exemption from taxation on public property used for public purposes by the district; and
- Prescribes general and special powers.

Status Statement Language

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:

The bill recreates the North Bay Fire Control District, formerly the Seminole Fire District, as an independent fire control district.

In addition, the bill brings the district under the provisions of the "Independent Special Fire Control District Act," chapter 191, Florida Statutes. The Independent Special Fire Control Act provides powers, duties, and functions of the district, membership and organization of its governing body, taxing authority and budget requirements, bond requirements, and boundary modification procedures.

The bill does not affect the boundaries of the District. The bill also provides that the District's current authority to levy an ad valorem tax of up to 2 mills remains the same under the bill.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

N/A

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

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(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Recreates the North Bay Fire Control District; makes chapter 191, Florida Statutes, applicable to the District; preserves all existing authority; describes the boundaries of the district; authorizes the District to levy 2 mills ad valorem tax per annum against non-exempt property; and provides that this act shall be liberally construed.

Section 2: Provides a severability clause.

Section 3: Provides that the act shall take effect upon becoming law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 16, 1998

WHERE? Fort Walton Beach, Florida; Northwest Florida Daily News

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:

Prior to September 30, 1989, counties could create independent special districts by ordinance. In 1989, the Legislature adopted section 189.404, Florida Statutes, and eliminated the ability of counties and municipalities to create independent special districts, unless otherwise provided. Districts created after 1989 by local ordinance are dependent districts. The Legislature has the authority to create independent districts. Independent special districts created prior to 1989 by local ordinance remain independent.

Although North Bay Fire Control District is already an independent district, it is being recreated to bring it within the scope of chapter 191, Florida Statutes.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

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