

STORAGE NAME: h3917.ca

DATE: March 6, 1998

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

BILL #: HB 3917

RELATING TO: Collier County Fire Control and Rescue Districts

SPONSOR(S): Representative Saunders

COMPANION BILL(S): HB 3961(c)

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

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill allows fire and rescue districts in Collier County to be governed by three-member boards. The bill requires a resolution of the governing boards approved by the electors of the districts at the districts' first primary election in 1998.

The bill also provides for the reimbursement to those candidates running for the recently created fourth and fifth seats in the event the electors approve the resolutions to retain three-member boards.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The 1997 Legislature created chapter 191, Florida Statutes, to provide for codification of fire control districts' charters 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, was created by the 1997 Legislature. That section requires that no changes be made to a special 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. This provision was not placed in chapter 191, Florida Statutes.

As a result of the provisions of section 189.429, Florida Statutes, 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. The proposed submittal schedule applies to fire control districts. 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.

Chapter 191, Florida Statutes, Provisions

The "Independent Special Fire Control District Act's (Act)" purpose 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. The Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply. The section provides that it is the intent of the Legislature that this Act

supersede all special acts or general laws of local application 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 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. *Pursuant to section 191.005(1)(a), districts with a three-member board may remain as three-member boards by special act adopted in 1997 or thereafter.*

Current Districts' Charters Provisions

Currently, all five districts in Collier County, the Big Corkscrew Island Fire Control and Rescue District, the East Naples Fire Control and Rescue District, the Golden Gate Fire Control and Rescue District, the North Naples Fire Control and Rescue District, and the Immokalee Fire Control and Rescue District have three-member boards.

B. EFFECT OF PROPOSED CHANGES:

The bill allows each district to retain its three-member governing board as long as the district's governing board adopts a resolution which is later approved by the electors of the district. If the resolution is not approved, the district's governing board is required to convert to five-member boards pursuant to section 191.005(1)(a).

The bill also provides for the reimbursement to those candidates running for the recently created fourth and fifth seats in the event the electors approve the resolutions to retain three-member boards.

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

- (3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Provides that the five fire control districts in Collier County may remain governed by three-member boards; provides for a resolution of the governing body approved by the electors in a referendum; and provides the ballot question.

Section 2: Provides the refunding of the fee to the candidates for the fourth and fifth seats if the referendum is approved; and provides staggered elections for the remaining three seats.

Section 3: Provides the effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

- A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? February 22, 1998

WHERE? Naples, Florida; Naples Daily News

- B. REFERENDUM(S) REQUIRED? Yes [] No [X]

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IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

IV. COMMENTS:

This is not an exception or exemption to general law as it comports with section 191.005(1)(a), Florida Statutes.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill has agreed to a technical amendment:

Amendment #1 -- Provides for the clarification of language relating to which districts may retain three-member boards. In reading the section, it appears that there may be more than five fire control and rescue districts in Collier County, which is not the case.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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