

STORAGE NAME: h3963z.ca
DATE: June 26, 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 3963
RELATING TO: The City of Marco Island
SPONSOR(S): Representative Saunders
COMPANION BILL(S): SB 2638 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 3963 was referred to the House Committee on Community Affairs on March 13, 1998. The bill was placed on the Community Affairs agenda on March 24, 1998. The bill was voted favorably by the committee on March 30, 1998. The bill passed the House with one amendment on April 24, 1998 with a vote on 117 YEAS and 0 NAYS.

The bill was received in Senate Messages and referred to the Committee on Rules and Calendar on May 28, 1998. The bill was withdrawn from Rules and Calendar on May 1, 1998. The bill was passed by the Senate on May 1, 1998 with a vote of 40 YEAS and 0 NAYS. The bill became law on May 28, 1998 without the Governor's signature as chapter 98-494, Laws of Florida.

II. SUMMARY:

House Bill 3963 extends the date of eligibility, for the City of Marco Island to receive state revenue sharing funds, through the state fiscal year 2000.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Marco Island

Marco Island is a 7,600 acre island (as described in the 1990 Census) located in Collier County with a permanent population of between 11,000 and 12,000 residents. This population doubles during its peak tourist season in February. It is located 16 miles south of Naples and 104 miles west of Miami.

The City of Marco Island was incorporated by the 1997 Legislature.

Chapter 97-367, Laws of Florida, provides an exception for the City of Marco Island, to section 218.23, Florida Statutes, relating to state shared revenues with local governments. Section 218.23, Florida Statutes, states a local government is required, at a minimum, to have reported its finances for the most recently completed fiscal year to the Department of Banking and Finance; made provision for annual post-audits of its financial accounts; levied ad valorem taxes of 3 mills; certified that law enforcement officers and fire fighters meet state qualifications; and certified that any dependent special district has made provision for separate annual post-audits of its financial accounts. Marco Island could not meet the deadlines and receive shared revenues the first year without such an exemption.

In addition, chapter 97-367, Laws of Florida, provides an exception for the City of Marco Island to subsection 218.26 (3), Florida Statutes, relating to the administration of the state shared revenues by the Department of Revenue. This subsection provides the department shall compute the apportionment factors, once each fiscal year. The computation must be made prior to July 25 of each year and is based on information submitted and certified to the department, prior to June 1, each year. Marco Island could not meet the deadline associated with this provision and thus received an exemption for the first year of incorporated status.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3963 extends the date of eligibility, for the City of Marco Island to receive state revenue sharing funds, from state fiscal year 1997-1998 to 1998-1999.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 97-367, 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: Amends subsection (2) of section 9.01 of Article IX of chapter 97-367, Laws of Florida, to extend the date of eligibility, for the City of Marco Island to receive revenue sharing funds, from state fiscal year 1997-1998 to 1998-1999. Provides a waiver from subsections 218.23 (1) and 218.26 (3), Florida Statutes, for the new municipality.

Section 2: Provides that this act shall take effect upon becoming law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? 2/01/98

WHERE? Naples 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:

According to the Department of Revenue, without the waiver to subsection 218.23(1), Florida Statutes, the City of Marco Island is ineligible to participate in the state shared revenue programs for the state fiscal year 1998-1999.

The waiver to subsection 218.23(1), Florida Statutes, provided by chapter 97-367, Laws of Florida, was from the date of incorporation through the state fiscal year 1997-1998. Section 218.23, Florida Statutes, states a local government is required, at a minimum, to have reported its finances for the most recently completed fiscal year to the Department of Banking and Finance; made provision for annual post-audits of its financial accounts; levied ad valorem taxes of 3 mills; certified that law enforcement officers and firefighters meet state qualifications; and certified that any dependent special district has made provision for separate annual post-audits of its financial accounts. Marco Island cannot meet these deadlines and receive shared revenues the second year without such an exemption.

The extended waiver for Subsection 218.28(3), Florida Statutes, is necessary to allow for the county's apportionment factor to be recalculated.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The House floor amendment was necessary to correct a date conforming two sections of the the bill.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Lisa C. Cervenka

Joan Highsmith-Smith

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FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

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