

**STORAGE NAME:** h3965a.ca  
**DATE:** May 12, 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 3965

**RELATING TO:** Immokalee Water and Sewer District in Collier County

**SPONSOR(S):** Representative Spratt

**COMPANION BILL(S):** None

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

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

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**I. FINAL ACTION STATUS:**

House Bill 3965 was passed by the House Committee on Community Affairs on March 17, 1998, with 1 amendment. 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 22, 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 It was withdrawn from the Senate Committee on Rules and Calendar on May 1, 1998, and placed on the Senate Local Calendar.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 3965 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-495, Laws of Florida.

**II. SUMMARY:**

The bill codifies all prior special acts relating to the Immokalee Water and Sewer District in Collier County into a single act. The bill also makes two substantive changes.

The bill provides for the removal procedures of a commissioner who misses more than four consecutive regularly scheduled meetings.

The bill also provides for the creation of a fund for the payment of bonds payable by assessments.

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:**

The bill codifies all prior special acts relating to the Immokalee Water and Sewer District in Collier County into a single act. The bill also make two substantive changes.

The bill provides for the removal procedures of a commissioner who misses more than four consecutive regularly scheduled meetings.

The bill also provides for the creation of a fund for the payment of bonds payable by assessments.

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

Chapters 78-494, 93-366, 94-489 and 95-492, 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: Codifies all prior special acts relating to Immokalee Water and Sewer District into a single act; and repeals chapters 78-494, 93-366, 94-489, and 95-492, Laws of Florida.

Section 2: Recreates and reenacts the charter of the Immokalee Water and Sewer District an independent special district; and provides for the charter to read:

- Provides for the “Immokalee Water and Sewer District Act”;
- Describes the boundaries of the District;
- Provides for definitions;
- Provides the objects and purposes of the District;
- Provides for the Immokalee Board of Commissioners; provides for appointment of seven members; provides for each commissioner to execute a good and sufficient bond; and provides for the removal of a commissioner who misses more than four meetings;
- Provides for the election of a Chair, Vice-Chair, Secretary, and a Treasurer; provides for 4-year terms; and provides for no commissioner compensation except travel expenses;
- Authorizes the use of District funds for specific purposes;
- Grants powers to the District’s Board of Commissioners;
- Provides for assessable improvements; provides for the levying and payment of special assessments; provides for the procedures in determining assessment; and provides for liens upon property and foreclosure procedures;
- Provides that the Board may fix and revise rates and charges for services; and authorizes the use of the funds for specific purposes;
- Provides for the collection of rates and charges; and allows the District to discontinue furnishing services if there is non-payment;
- Requires connection to District’s sanitary sewer system; provides for a charge for making the connection; declares that this act is necessary for the welfare of the District’s residents; and provides for liberal construction;
- Declares that the District serves a public purpose for the benefit and welfare of the District’s residents and serves a proper governmental function;

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- Requires an annual audit; and
- Provides for a referendum for approval of charter; and provides an effective date of upon approval by the residents.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 12, 1997

WHERE? Naples, Florida; 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:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs adopted the following technical amendment on March 17, 1998:

Inserts the language "an independent special district" into section 2 of the bill in compliance with section 189.404(5), Florida Statutes.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:  
Prepared by:

Legislative Research Director:

Laura L. Jacobs

Joan Highsmith-Smith

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

Prepared by:

Legislative Research Director:

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Laura L. Jacobs

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Joan Highsmith-Smith