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DATE: February 24, 1997

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

BILL #: HB 425

RELATING TO: Lee County (Bayshore Fire Protection & Rescue District)

SPONSOR(S): Representative Livingston

COMPANION BILL(S): None

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

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

This bill authorizes the Bayshore Fire Protection & Rescue Service District (District) to establish and maintain emergency medical services and acquire and maintain rescue, medical and other emergency equipment.

This bill also amends the date the District Board of Commissioners (Board) elects its officers, allowing for the annual election to be in January rather than November.

This bill increases the maximum ad valorem tax millage that may be levied by the District from \$2.50 to \$3.00 per \$1,000.00 of net taxable assessed valuation, upon voter approval.

If approved, the tax millage increase will result in an estimated \$93,290.00 annually.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Bayshore Fire Protection & Rescue Service District (District) was created by chapter 76-414, Laws of Florida, as an independent special district. The District has the authority to tax certain incorporated lands in Lee County. The District Board of Commissioners (Board), consists of five elected commissioners. The Board is granted the right, power, and authority to levy ad valorem taxes to provide funds to meet the purposes of the district.

When the District was established in 1976, it was granted the authority to levy ad valorem taxes up to \$1.0 per \$1,000 of net taxable assessed value. Chapter 80-519, Laws of Florida, increased the maximum amount of ad valorem taxes that the District could levy to \$1.50. Chapters 84-465 and 87-421, Laws of Florida, again amended the taxing section to substantially increase the millage to \$2.50. Specifically, subsection 5(2) provides that, following public hearings on the proposed budget, the tax rate shall be fixed by a Resolution of the Board. They levy shall not exceed \$2.50 per \$1,000 of net taxable assessed valuation. Chapter 95-45, Laws of Florida, sought to increase the maximum amount of ad valorem taxes to \$3.0 per \$1,000 of net taxable assessed income. This increase was not approved by the qualified electors of the District in a referendum.

The District Administrator comments that the District serves a community of 4,800 residents within a 30 square mile area. Approximately 698 calls are responded to annually, with an average response time of five minutes. The District employs nine persons (utilizing predominantly volunteer personnel). Three engines, one tanker, one brush truck, one tactical support vehicle and three staff vehicles are owned and maintained by the District.

The District would like to provide EMT services, including the ability to perform advanced life support services (ALS). The implementation of this plan requires intensive training of advanced life support system personnel, as well as an increase in salaries for trained personnel. A portion of the cost of new equipment needed to provide ALS may be funded by grants from the county.

Currently the Board of Commissioners for the District is elected in November. According to the current status of the law, the officers must also be chosen by the Board in November. Because the Board Members do not take office until the January following the election, the law requires that the new officers are elected by the members of the outgoing board.

According to the District Administrator, the District's current practice allows the newly elected Board to choose its members by postponing the officers' elections until January.

Currently, the law requires that the District's annual report and accounting of funds be filed with the Clerk of the Circuit Court of Lee County no later than November 1 each year.

The District Administrator asserts that the annual November 1 deadline on filing the annual report and accounting of funds is too restrictive. There has been difficulty

meeting this deadline because the District's annual audit is often not completed until mid-December and is not presented to the Board until January.

B. EFFECT OF PROPOSED CHANGES:

This bill authorizes the Bayshore Fire Protection & Rescue Service District to establish and maintain emergency medical services, including ALS, and acquire and maintain rescue, medical and other emergency equipment pursuant to general law.

This bill also amends the annual date for the election of the officers of the District Board of Commissioners.

This bill amends current law to increase the maximum ad valorem tax millage that may be imposed by the District from 2.5 to 3.0 mils.

This bill also deletes the current requirement that the annual report and accounting of the District's funds be submitted by November 1 each year, thus meeting the requirements of section 189.418, Florida Statutes.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 76-414, Laws of Florida, as amended.

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?

Not applicable.

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

Not applicable.

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

Not applicable.

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?

Not applicable.

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

Not applicable.

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

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

The bill increases the taxes of property owners within the Bayshore Fire Protection and Rescue Service District, upon voter approval, to \$3.00 per \$1,000.00 of net taxable assessed valuation.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

See Section (a) above.

3. Personal Responsibility:

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

Not applicable.

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

Not applicable.

4. Individual Freedom:

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

Not applicable.

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

Not applicable.

5. Family Empowerment:

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

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

- 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?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- authorizes the Bayshore Fire Protection and Rescue Service District to establish and maintain emergency medical services and acquire and maintain rescue, medical, and other emergency equipment pursuant to general law.

Section 2 -- amends Section 4 of chapter 76-414, Laws of Florida, to change the annual date of the election of officers of the Board of Commissioners.

Section 3 -- amends Section 5 of chapter 76-414, Laws of Florida, as amended, to increase the maximum ad valorem tax that the District may levy to \$3.00 per \$1,000.00 of net taxable assessed valuation.

Section 4 -- provides for a referendum of all qualified electors within the District to be called by the Board of Commissioners of the District and to be held in conjunction with the next primary or general election, in accordance with current election law. The amendments to Section 3 of this bill will take effect only upon its approval by a majority vote of the qualified district electors.

Section 5 -- amends Section 11(4) to delete the November 1 deadline for the annual filing of the Districts annual report of its actions and accounting of its funds.

Section 6 -- provides that this act shall take effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? January 11, 1997.

WHERE? Fort Myers News-Press, Lee County, FL.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In conjunction with the next primary or general election.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

This will be the third increase in the millage revenues that the Legislature has authorized for this District since its creation 20 years ago.

The District Administrator commented that this increase in the millage cap is being sought to provide a cushion between the current assessed millage of 2.5 and the new millage cap of 3.0. The Board of the District feels that the cushion is needed to ensure its ability to meet its financial needs and in order to continue to provide quality service to the community. The millage cap increase will also be used to offset some of the costs of increased salaries and training for those who will provide EMT services, including advanced life support services.

This bill is expected to generate an additional revenue of \$93,290.00 for the 1998-1999 fiscal year. The cost of adding this issue to the next general or primary election is estimated at \$1,500.00.

This would be the first change to the timing of the election of Board officers since the District was created. The District Administrator asserts that this change will bring the law in line with the current practice of the Board of Commissioners.

This bill would also amend, for the first time, the requirement of filing the District's annual report and accounting of its funds. The District Administrator comments that this change will bring the law in line with requirements of section 189.418, Florida Statutes, as well as with the current practice of the Board of Commissioners.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor has agreed to a technical amendment correcting the reference to Chapter 189 from Laws of Florida to Florida Statutes.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:
Prepared by:

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