

**STORAGE NAME:** h0427.ca

**DATE:** February 25, 1997

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

**BILL #:** HB 427

**RELATING TO:** Lee County (San Carlos Park Fire Protection and Rescue Service 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 excludes a tract of land from the boundaries of the San Carlos Park Fire Protection and Rescue Service District (District). This exclusion encompasses approximately 62.35 acres from the District.

This bill increases the maximum ad valorem tax millage that may be levied by the District from \$2.00 to \$3.75 per \$1,000 of net taxable assessed valuation, upon voter approval.

The District will receive an estimated \$10,000.00 in additional revenues, if approved.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The San Carlos Park Fire Protection and Rescue District (District), an independent special district, was established by a special act of the Legislature in 1976. The District originally served an area of approximately 26 square miles. Chapter 89-494, Laws of Florida, expanded the District's boundaries to include approximately 30 acres that had been contiguous to the southeast boundary of the district. The boundaries were again expanded by chapter 94-457, Laws of Florida, to annex an additional 23 square miles lying to the east of the District.

Chapter 94-457, Laws of Florida, created two enclave areas by excluding the site of the university foundation as well as the site for Florida's most recent public university, Florida Gulf Coast University. Chapter 95-463 again expanded the boundaries of the District.

When the District was established in 1976, it was granted the authority to levy ad valorem taxes up to \$1.00 per 1,000 of net taxable assessed value. Chapter 80-521, Laws of Florida, increased the maximum amount of ad valorem taxes that the District could levy to \$2.00.

The District now serves a community of approximately 20,000 residents within a 50 square mile area. Approximately 1,618 calls are responded to annually with an average response time of one minute. This represents a 6% increase in the number of annual calls since 1995. The District employs 31 people as well as utilizing volunteer personnel. One aerial; two rescue mini-pumpers; 2 brush units; one mechanical vehicle; one inspector's vehicle; and four staff vehicles are owned and maintained by the District.

The district is in the process of acquiring a piece of property near the Florida Gulf Coast University in order to serve the University population. Future services include equipment and training necessary to provide advanced life support services (ALS) to the area.

B. EFFECT OF PROPOSED CHANGES:

This bill amends current law to *exclude* a 62.35 acre tract of land from the San Carlos Park Fire Protection and Rescue Service District.

This bill also amends current law to increase the maximum ad valorem tax millage that may be imposed by the District to 3.75 mills, upon voter approval.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 76-411, 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, with referendum approval, within the San Carlos Park Fire Protection and Rescue Service District.

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?

Not applicable.

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 -- Amends current law to exclude approximately 62.35 acres from the San Carlos Park Fire Protection and Rescue Services District.

Section 2 -- Amends, subsection (1) of section 5 of chapter 76-411, Laws of Florida, as amended, relating to the power of the Board to levy millage tax against taxable real estate within the District.

Section 3 -- 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. Section 2 of this bill will take effect only upon its approval by a majority vote of the qualified district electors.

Section 4 -- Provides that this act shall take effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 14, 1997

WHERE? Fort Myers News-Press, Lee County, Florida

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 bill will exclude 62.35 acres of land from the San Carlos Park Fire Protection and Rescue Service District. This 62.35 acres is currently in both the San Carlos Park District and the Estero Fire District.

The Fire Chief's Assistant asserts that these acres were improperly annexed into the San Carlos Park District by Chapter 95-463, Laws of Florida, and that the Estero Fire District wishes to continue to service that area.

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

The Fire Chief's Assistant commented that this increase in the millage cap is being sought to provide more manpower in order fulfill its contractual obligation to service Florida Gulf Coast University. The District would also like to provide advanced life support service to the area. This entails procurement of equipment, training for personnel, and an increase in salary for those providing the advanced life support services.

This bill is anticipated to generate an additional revenue of \$10,000.00 for the 1997-98 fiscal year. The cost of adding this issue to the next general or primary election is \$2,000.00.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor has agreed to technical amendments to the bill. Section 2 of the bill has been amended to strike sections which already are provided for in chapter 76-411, Laws of Florida, as amended, while maintaining the provision for increasing the millage cap.

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**PAGE 7**

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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