

STORAGE NAME: h1105.ca

DATE: March 9, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Community Affairs
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1105

RELATING TO: Anastasia Mosquito Control District/St. John's County

SPONSOR(S): Representative Wiles

COMPANION BILL(S): None

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

- (1) Community Affairs
 - (2) Election Reform
 - (3) Finance & Taxation
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Anastasia Mosquito Control District of St. Johns County into a single act and repeals all prior special acts relating to the District's charter.

The bill declares that the District is an independent special district.

The bill conforms specific charter provisions with the provisions of the "Mosquito Control" chapter in the Florida Statutes.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter law language.

The bill provides that the District's duties and powers are governed by the "Mosquito Control" chapter.

The bill eliminates the requirement for petitions by candidates for governing board positions.

The bill provides for four year staggered terms and Board member election procedures.

The bill requires an election and affirmative vote by the affected electors in order to amend the District's boundaries.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special 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, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (i) extending the deadline to codify to December 1, 2004, (ii) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs, (iii) removing the prohibition of substantive amendments in a district's codification bill, and (iv) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

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 Anastasia Mosquito Control District of St. Johns County into a single act and repeals all prior special acts relating to the District's charter.

The bill declares that the District is an independent special district.

The bill conforms specific charter provisions with the provisions of the "Mosquito Control" chapter in the Florida Statutes.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter law language.

The bill eliminates the requirement for petitions by candidates for governing board positions.

The bill provides for four year staggered terms and Board member election procedures.

The bill requires an election and affirmative vote by the affected electors in order to amend the District's boundaries. Currently, there is no requirement that an election is held or approved by affected electors pursuant to section 388.211, Florida Statutes. The Board of Commissioners, for or on behalf of the district or the qualified electors within or without the district, may request that the Board of County Commissioners approve a change in boundaries. If the change is approved, then the order of the Board of Commissioners creating the district, is amended to conform with the new boundaries. This bill allows those citizens affected by the proposed boundary changes to have a voice in the matter. If an affirmative vote is not received, the District's boundaries are not amended.

The bill repeals appropriate special acts and retains general law authority for the District to levy and assess ad valorem taxation.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 61-2745, Laws of Florida; Chapter 73-609, Laws of Florida; Chapter 73-611, Laws of Florida; Chapter 80-597, 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?

The bill requires an election and affirmative vote by the affected electors in order to amend the District's boundaries. Currently, there is no requirement that an election is held or approved by affected electors pursuant to section 388.211, Florida Statutes. The Board of Commissioners, for or on behalf of the district or the qualified electors within or without the district, may request that the Board of County Commissioners approve a change in boundaries. If the change is approved, then the order of the Board of Commissioners creating the district, is amended to conform with the new boundaries. This bill allows those citizens affected by the proposed boundary changes to have a voice in the matter. If an affirmative vote is not received, the District's boundaries are not amended. The Board's authority to enlarge or decrease the District's boundaries is restricted due to the requirement of approval by affected electors.

(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 ANALYSIS:

Section 1: Provides that this act is the District's charter codification required under section 189.429, Florida Statutes (1998); Preserves all District authority; Declares the District an independent district.

Section 2: Codifies, reenacts, amends and repeals Chapter 61-2475, Laws of Florida, as amended.

Section 3: Recreates and reenacts the Anastasia Mosquito Control District as follows:

Section 1: Provides for a five member governing board; Requires member to be registered elector and resident of District.

Section 2: Provides that present Board members terms are not affected by this act; Provides for four year staggered terms; Provides for the year 2000 election of three members and the 2002 election of two members; Provides that the election of Board member shall be in accordance to Chapter 388, Florida Statutes, in effect removing the requirement for petitions by candidates for governing board positions.

Section 3: Provides quorum and voting requirements.

Section 4: Provides that Chapter 388, Florida Statutes, governs the powers of the District, except where inconsistent with this act.

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Section 5: Authorizes the payment of \$100 per month to Board members for expenses in connection with their duties; Limits maximum compensation to \$1200.

Section 6: Provides that the above payments are reimbursements and not a salary; Prohibits monthly reimbursement if compensation is received pursuant to section 388.141, Florida Statutes.

Section 7: Provides procedures for amending District boundaries; Requires election and approval of electors in the proposed area; Requires notice of election pursuant to Section 100.342, Florida Statutes; Provides for County Commissioners to amend order creating District under certain circumstances.

Section 4: Repeals all prior special acts relating to the District's charter; Provides that the authority to levy ad valorem taxes pursuant to general law shall not be repealed.

Section 5: Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 19, 1998

WHERE? The St. Augustine Record; St. Augustine & St. Johns County, Florida

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

IV. COMMENTS:

Although the Affidavit of Proof of Publication provides for the repeal of specific chapter laws, it is necessary to amend the bill to provide for repeal of an additional chapter law. The amendment does not adversely affect the advertisement.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike everything amendment to clarify the codification has been agreed to by the sponsor. The strike everything amendment does the following:

- Inserts a new section 1 in the District's charter regarding the formation of the District in 1948;
- Inserts the District's current boundaries as a new section 2 of the District's charter;
- Clarifies the bill's repeal section by repealing all prior special acts relating to the District's charter; and
- Amends title to conform with the above changes.

The strike everything does not adversely affect the required notice.

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VI. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:

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