

**STORAGE NAME:** h1105.er

**DATE:** March 25, 1999

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
ELECTION REFORM  
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 (PRC) YEAS 6 NAYS 0
  - (2) ELECTION REFORM (PRC)
  - (3) FINANCE & TAXATION (FRC)
  - (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" codified in Chapter 388, 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 petitioning process for qualifying 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 Ch. 189, F.S., 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, s. 189.429, F.S., 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exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.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 s. 189.429, F.S., 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, s. 189.404(5), F.S., 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" codified in Ch. 388, F.S.

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

The bill eliminates the petitioning process for qualifying for governing board positions as it conflicts with current election law. Ch. 77-175, s. 6, Laws of Fla., amended s. 99.061, F.S., to broaden the scope of qualifying for office to include district offices. This section was again amended by Ch. 85-

25, s. 2, Laws of Fla., to include special districts and therefore supersedes the provision in chapter law governing candidate qualifying with respect to special districts. The Attorney General and the Division of Elections have opined that chapter law is superseded by general law to the extent that the two are in conflict with respect to elections. [See, DE 78-11, AGO 078-38, and DE 85-01].

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 be held or approved by affected electors pursuant to s. 388.211, F.S. 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:

Ch. 61-2745, Laws of Fla.; Ch. 73-609, Laws of Fla.; Ch. 73-611, Laws of Fla.; and Ch. 80-597, Laws of Fla.

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 be held or approved by affected electors pursuant to s. 388.211, F.S. 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?

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?

No.

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

No.

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

No.

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

No.

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

No.

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:** Provides that this act is the District's charter codification required under s. 189.429, F.S., (1998 Supplement); Preserves all District authority; Declares the District an independent district.

**Section 2:** Codifies, reenacts, amends and repeals Ch. 61-2475, Laws of Fla., 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 Ch. 388, F.S., in effect removing the requirement for petitions by candidates for governing board positions.

Section 3: Provides quorum and voting requirements.

- Section 4: Provides that Ch. 388, F.S., governs the powers of the District, except where inconsistent with this act.
- 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 s. 388.141, F.S.
- Section 7: Provides procedures for amending District boundaries; Requires election and approval of electors in the proposed area; Requires notice of election pursuant to s. 100.342, F.S.; Provides for County Commissioners to amend order creating the 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 was adopted by the Committee on Community Affairs on March 22, 1999. The amendment clarifies the codification by doing 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:

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