

STORAGE NAME: h1601a.ca

DATE: April 14, 1999

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

BILL #: Hb 1601

RELATING TO: Ocean City-Wright Fire Control District in Okaloosa County

SPONSOR(S): Representative Melvin and others

COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC)
 - (2) FINANCE & TAXATION (FRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill codifies all prior special acts relating to the Ocean City-Wright Fire Control District in Okaloosa County into one special act.

The bill removes obsolete language which was preempted by the 1997 Independent Special Fire Control District Act and inserts applicable general chapter law language.

The bill implements authority for the establishment, levy, and collection of impact fees in order to meet increased demands for fire protection and emergency services in the District due to new construction within the District.

The bill does not increase the District's current levy of ad valorem taxation of 2 mills.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Codification & Status Statement

The 1997 Legislature created chapter 191, Florida Statutes, to provide for codification of fire control 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, was created by the 1997 Legislature. That section requires that no changes be made to a special 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exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.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 191.015, 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, and (iii) 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. In addition, section 189.429 was amended by removing the prohibition of substantive amendments in a district's codification bill.

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.

Chapter 191, Florida Statutes, Provisions

Chapter 191, Florida Statutes, is the "Independent Special Fire Control District Act" (Act). The Act's purpose is to establish standards and procedures concerning the operations and governance of the 53 independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts to ensure greater accountability to the public. The Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply. The section provides that it is the intent of the Legislature that this Act supersede all special acts or general laws of local application provisions that contain the charter of an independent special fire control district. However, those provisions that address district boundaries and geographical subdistricts for the election of members of the governing board are excepted. Chapter 191, Florida Statutes, also does not repeal any authorization providing for the levying of ad valorem taxes, special assessments, non-ad valorem assessments, impact fees, or other charges.

District Board of Commissioners

Section 191.005, Florida Statutes, provides for the election of the district board of commissioners, including its membership, officers, and meetings. This section requires the business affairs of each district to be conducted and administered by a five-member board which is elected in nonpartisan staggered elections by the electors of the district. Districts which currently have three-member boards were required to increase to five members unless a special act was enacted after 1997 which provides that they are three-member boards. Although a special act is needed to have fewer than five members, a district can have more than five commissioners on its governing board. Pursuant to paragraph (c) of subsection 191.005(1), the Act does not require the elimination of board seats from those boards with more than five commissioners.

Candidates for the board are required to qualify with the county supervisor of elections. Except as specifically stated in the Act, elections must be held at the same time and in the same manner as prescribed by law for holding general elections in accordance with subsections 189.405(2)(a) and (3), Florida Statutes, 1998 Supplement. Each member is elected for a term of 4 years and serves until the member's successor is chosen and qualified. Candidates for the board must qualify by paying a filing fee equal to 3 percent of the salary or honorarium paid for the office, or a filing fee of \$25, whichever is more. In the alternative, candidates may qualify by submitting a petition that contains

the signatures of at least 3 percent of the district's registered electors, or any lesser amount of signatures as directed by chapter 99, chapter 582, or other general or special law. No election or party assessment shall be levied if the election is nonpartisan. The forms are to be submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to section 105.035, Florida Statutes.

If, on the effective date of this Act, a district presently elects members of its board, the next election must be conducted in accordance with this section. This section does not require the early expiration of any member's term of office by more than 60 days.

Members of the board may each be paid a salary or honorarium which is determined by at least a majority-plus-one vote of the board. Such salary or honorarium is prohibited from exceeding \$500 per month for each member. Members may be reimbursed for travel and per diem expenses pursuant to section 112.061, Florida Statutes.

When a vacancy occurs on the board, the remaining members are permitted to appoint a qualified person to fill the seat until the next general election, at which time an election must be held to fill the vacancy. Upon assuming office, each member must take and subscribe to the oath of office and within 30 days after assuming office, give a surety bond in the sum of \$5,000. The cost of such bond is borne by the district.

The board is required to maintain records of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts. The records are open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes. All meetings of the board are open to the public and governed by chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general laws.

Powers of the District

The district's general governmental powers, which may be exercised by majority vote, include but are not limited to the following:

- To provide for a pension or retirement plan for its employees. The board is also authorized to provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees.
- To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district. The board is also authorized to adopt ordinances and resolutions that are necessary to conduct district business.
- To acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate for any purpose authorized in the Act.
- To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by the Act.
- To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes, and assessments, warrants, notes, or other evidence of indebtedness, and to mortgage real and personal property when necessary.
- To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection "in the manner prescribed by resolution not inconsistent with law."
- To exercise the power of eminent domain pursuant to chapter 73, Florida Statutes, or chapter 74, Florida Statutes, over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose. Eminent domain may only be exercised for district purposes relating solely to the establishment and maintenance of fire stations and substations.

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- To assess and impose upon real property in the district ad valorem taxes and special assessments.
- To impose and foreclose special assessment liens or to impose, collect, and enforce non-ad valorem assessments pursuant to chapter 197, Florida Statutes.

Special Powers of the District

Independent special fire control districts are granted "special powers" relating to the provision of fire suppression and prevention, which involves the establishment and maintenance of fire stations and substations and the acquisition and maintenance of firefighting and fire-protection equipment deemed necessary to prevent or fight fires. The board is authorized to carry out the following powers:

- Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment, pursuant to chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued for those purposes.
- Employ, train, and equip firefighting and other personnel, including volunteer firefighters, as necessary to accomplish the duties of the district.
- Conduct public education to promote awareness of methods to prevent fires and reduce loss of life and property.
- Adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal.
- Conduct arson investigations and cause-and-origin investigations.
- Adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency, as provided in chapter 252, Florida Statutes.
- Contract with general-purpose local government for emergency management planning and services.

Taxes and Assessments

Districts are authorized to levy ad valorem taxes and non-ad valorem assessments for district purposes. Each district is authorized by this general provision to levy ad valorem taxes up to 3.75 mills, upon voter approval, notwithstanding lower millage caps in the special acts of individual districts. This provision applies unless a higher amount has previously been authorized. In that event, the higher, previously authorized rate applies. With respect to user charges, the board is permitted to provide a schedule of charges for emergency services, including firefighting occurring in or to structures outside the district.

The board may establish a schedule of impact fees, if the general-purpose local government has not adopted an impact fee for fire services. The schedule of impact fees must be in compliance with any standards set by general law for new construction to pay for the cost of new facilities and equipment. The board may enter into agreements with general-purpose local governments to share in the revenues from fire protection impact fees imposed by such governments.

Bonds

Independent special fire control districts are authorized to issue various types of bonds, including general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements by this Act or under general law or special law. The total annual payments for the principal and interest on such indebtedness must not exceed 50 percent of the total annual budgeted revenues of the district. The bonds are payable from the non-ad valorem assessments or other non-ad valorem revenues, including user fees or charges or rental income authorized by this Act or general law. No proceedings may be required for the issuance of bonds other than those provided by this section and by general law. Detailed and lengthy provisions are set forth relating to issuance of bonds and the use of bond proceeds, and authority is given for the issuance of refunding bonds.

Boundaries and Mergers

There are conditions under which the boundaries of an independent special fire control district are permitted to be modified, extended, enlarged or dissolved. Lands may be added or deleted from a district only by special act of the Legislature, subject to a referendum vote.

The merger of a district with all or part of another independent special district or dependent fire control district is effective only when it is ratified by the Legislature. A district's merger with another governmental entity is not justification for increasing the ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless such increase is approved by the electors of the district by referendum.

A district may only be dissolved by special act of the Legislature, subject to referendum vote of the electors of the district. If legislative dissolution of a district is proposed in order to consolidate fire services under county government, the county is required to prepare a report describing the plans for merger. The county commission is required to consider the report at a public hearing. If the report is adopted by the commission, the request for legislative dissolution is permitted to proceed. The report must be filed as an attachment to the economic impact statement regarding the special act or general law of local application dissolving the district.

Chapter 197, Florida Statutes

Chapter 197, Florida Statutes, is the exclusive method for enforcing liens created through the sale of tax certificates for unpaid ad valorem taxes and special assessments. Section 197.333, Florida Statutes, provides that all taxes are due and payable on November 1 of each year, or as soon thereafter as the certified tax roll is received by the tax collector. Taxes become delinquent on April 1 following the year in which they are assessed or immediately after 60 days have expired from the mailing of the original tax notice, whichever is later. Tax collectors have the authority and the obligation to collect all ad valorem taxes by the date of delinquency or to collect delinquent ad valorem taxes by sale of tax certificates on the real property. As defined in s. 197.102(3), Florida Statutes, a tax certificate is a legal document, representing unpaid delinquent real property taxes and related costs and charges, issued against a specific parcel of real property and becoming a first lien thereon, superior to all other liens.

B. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Ocean City-Wright Fire Control District in Okaloosa County into one special act.

The bill removes obsolete language which was preempted by the 1997 Independent Special Fire Control District Act and inserts applicable general chapter law language. For a more detailed explanation of the changes to the District's charter, please see the above summary regarding Chapter 191, Florida Statutes.

The bill implements authority for the establishment, levy, and collection of impact fees in order to meet increased demands for fire protection and emergency services in the District due to new construction within the District.

The bill does not increase the District's current levy of ad valorem taxation of 2 mills.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 78-570, Laws of Florida; Chapter 79-520, Laws of Florida; Chapter 89-438, Laws of Florida; Chapter 96-465, Laws of Florida; Chapter 96-546, 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?

No.

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

No.

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

No.

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?

No.

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

No.

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

No.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No. Although section 191.009, Florida Statutes, authorizes the levy of ad valorem taxes of up to 3.75 mills after referendum approval. However, the District is limited to its current millage rate of 2 mills, which was approved by referendum. In order for the District to levy more than 2 mills but less than 3.75 mills, the increase must be approved by referendum.

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

Yes. By inserting language from section 191.009, Florida Statutes, regarding ad valorem taxation, non-ad valorem taxation, impact fees, and user charges, this bill provides that the rate set by the District may exceed the maximum rates established by this act, ordinance, or a referendum, as long as it does not exceed the average annual growth rate in Florida personal income over the past 5 years.

- 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?

Yes. By inserting language from section 191.009, Florida Statutes, regarding ad valorem taxation, non-ad valorem taxation, impact fees, and user charges, this bill provides that the rate set by the District may exceed the maximum rates established by this act, ordinance, or a referendum, as long as it does not exceed the average annual growth rate in Florida personal income over the past 5 years.

In addition, the bill authorizes the District to levy up to 3.75 mills, which may potentially result in an increase in taxes. However, the District is currently only authorized to levy 2 mills. An increase in millage rate must be approved by referendum.

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: Codifies, reenacts, amends, and repeals chapter 78-570, Laws of Florida.

Section 2: Recreates and reenacts the Okaloosa County Ocean City-Wright Fire Control District to read:

Section 1: Creation -- Creates the Okaloosa County Ocean City-Wright Fire Control District (District) as an independent special fire control district; Provides that the District may sue or be sued, own and convey property; Describes the boundaries of the District.

Section 2: Intent -- Provides that this act is the codification of the District's charter; Provides other intentions of the act.

Section 3: Definitions -- Provides definitions.

Section 4: Construction -- Provides for liberal construction of this act.

Section 5: District Board of Commissioners (Board) -- Provides for a five-member governing board; provides for nonpartisan elections; Provides for 4-year terms for members; Requires candidates to qualify with the Okaloosa County Supervisor of Elections; Requires candidates to pay \$25 filing fee or submit petition with at least 25 registered electors of the District; Provides that petitions are verified in the same manner as petitions filed by nonpartisan judicial candidates; Provides election procedures; Requires candidates to declare the seat for which the candidate is qualifying; Provides that a member must be a qualified elector; Provides that elected members assume office 10 days following the election; Provides for the election of Board officers; Requires a resolution of the Board for District funds to be disbursed; Authorizes a petty cash account; Authorizes the Board to grant the treasurer additional powers and duties; Allows members to be paid a salary or honorarium which is determined by at least a majority plus one vote; Limits the maximum amount of compensation; Requires special public notice of a meeting at which the Board will consider a salary change; Allows

separate compensation for the treasurer, not to exceed \$500; Authorizes members to be reimbursed for travel and per diem pursuant to general law; Provides for vacancies; Provides for removal of members and grounds; Provides for the Board's adoption of definitions for unexcused absences; Requires, at the time of assuming office, a member to subscribe to the oath of office; Requires members to execute a surety bond; Provides that the costs of such bonds are paid by the District; Requires the District to maintain a permanent record book; Provides that record book is open to inspection pursuant to general law; Requires the record book to be kept at the office or other place of business; Provides that all Board meetings are open to the public pursuant to general law; Provides that the duties of the Board's officers are those of like officers; Requires a record to be kept of each meeting; Provides that the Board needs concurrence of a majority to take affirmative action; Requires the District's books and records to be audited annually; Prohibits any suit or action against the commissioners or District unless specific steps are followed.

- Section 6: General Powers -- Grants general powers to the District; including the power to: have a seal; sue or be sued; enter into contracts; establish a plan for retirement, disability, and other appropriate fringe benefits; contract and hire professionals; acquire and dispose of personal and real property; borrow money; acquire land and property by grant, donation, lease, and purchase; adopt rules, regulations, and ordinances relating to the conduct of District business; provides that District ordinances can not conflict with any local ordinances; provides that any resolution and ordinance adopted and approved by referendum vote, can only be repealed by a referendum vote; maintain an office; allows for equipment to be purchased by an installment sales contract; hold, control, and acquire any public easement for specific purposes; lease to or from any person or entity, any facility or property; borrow money and execute notes, mortgages, and deeds; issue revenue bonds or other debt obligations; establish user charge and impact fees; restricts imposition of impact fees; provides for collection and enforcement of such amounts as provided by resolution and general law; the power of eminent domain and restrictions of such power; cooperate or contract with other persons or entities in connection with providing effective mutual aid; assess and impose ad valorem taxes and non-ad valorem assessments; impose and foreclose non-ad valorem assessment lien pursuant to general law; select a qualified depository for its funds; provide adequate insurance; organize, participate, and donate money to related purpose organizations; provides that no contract is in excess of twenty years; and promulgate and enforce reasonable fire regulations by resolutions.
- Section 7: Exemption from Taxation -- Provides that the District's exercise of powers benefits the people of the state and area; Provides for exemption from taxation.
- Section 8: Special Powers -- Grants special powers to the District including the power to: establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment; employ, train, and equip firefighting and other personnel, including volunteer firefighters, as necessary to accomplish the duties of the district; conduct public education to promote awareness of methods to prevent fires and reduce loss of life and property; adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal; conduct arson investigations and cause-and-origin investigations; adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency; and contract with general-purpose local government for emergency management planning and services.
- Section 9: Taxes, Non-Ad Valorem Assessments, and Fees -- Authorizes the District to levy up to 3.75 mills of ad valorem taxes for operating purposes; Provides that the District may levy up to 2 mills of ad valorem taxes for District general purposes, as approved by a 1974 referendum; Requires a referendum if the proposed levy of ad valorem taxes exceeds 2 mills; Provides that no referendum is required if previously authorized; Provides that the tax is levied in the same manner as county taxes; Requires the District to report a levy approved by referendum to the Department of Community Affairs; Authorizes the District to levy non-ad valorem assessments in order to fund District purposes; Provides that the rate of the assessment is set by resolution; Provides that

the rate set by the District may exceed the maximum rates established by this act, ordinance, or a referendum, as long as it does not exceed the average annual growth rate over the past 5 years; Requires referendum approval if non-ad valorem assessment exceeds the growth rate; Provides that non-ad valorem assessments are imposed, collected, and enforced pursuant to section 9 of this act; Authorizes user charges; Provides for the District to provide a schedule of charges for emergency services, including firefighting occurring in or to structures outside the district; Provides that the failure to pay any charge assessed is a lien against property; Authorizes the District to establish a schedule of impact fees; Provides that impact fees proceeds must be kept separate from other revenues; Provides that the schedule of impact fees must be in compliance with any standards set by general law for new construction to pay for the cost of new facilities and equipment; Allows the District to enter into agreements with general-purpose local governments to share in the revenues from fire protection impact fees imposed by such governments; Requires that adequate records must be maintained to ensure the proper use of impact fees.

Section 10: Non-Ad Valorem Assessments Procedures -- Provides that additional powers and rights under chapter 191, Florida Statutes, are applicable; Requires that non-ad valorem assessments may only be levied on lands benefited by the exercise of the District's powers; Provides for the District to adopt a tax roll pursuant to section 197.3632, Florida Statutes; Requires a resolution stating the nature of the proposed services, expenses, and other related information; Provides for notice; Provides for preliminary assessment roll; Allows land owners to file a protest against the proposed assessments; Provides protest procedures; Provides for the abatement of assessment; Provides that it is the duty of the county tax collector to collect the District's assessments; Authorizes the District to grant a discount; Provides for payment of non-ad valorem assessments; Provides that the assessment is a lien which is co-equal with the lien of all state, county, district, and municipal taxes; Provides for interest; Allows for payments in equal installments; Provides that assessments paid within 30 days may be paid without interest; Provides for non-ad valorem assessment levying and collection procedures pursuant to chapter 197, Florida Statutes; Requires notice; Provides that all assessments and charges for the payment of improvements for which assessment bonds were issued are pledged to the payment of principal and interest on the assessment bonds; Requires the proceeds to be held in a separate account; Requires the proceeds to only be used for the payment of principal and interest.

Section 11: Bonds, Notes & District Indebtedness -- Grants the District the authority to issue various types of bonds, including general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements by this Act or under general law or special law; Prohibits the total annual payments for the principal and interest on such indebtedness from exceeding 50 percent of the total annual budgeted revenues of the district; Provides that bonds are payable from the non-ad valorem assessments or other non-ad valorem revenues, including user fees or charges or rental income authorized by this Act or general law; Requires general obligation bonds payable from ad valorem taxation to comply with section 12, Article VII of the State Constitution; Provides that the District may pledge its full faith and credit upon approval by referendum; Authorizes the District to enter into contracts which are necessary to achieve an effective interest rate; Authorizes the District to enter into contracts which secure bonds or provide bonds liquidity; Allows District to consider credit worthiness of contract counter parties, including nationally recognized rating services; Authorizes the District to invest in securities and obligations; Requires that the funds derived from the sale of the bonds or contract to be used for the purpose of the bonds; Prohibits non-ad valorem assessments levied to pay principal on the bonds from exceeding the benefits regarding such improvements; Provides that if bonds are sold at a discount, the discount is treated as interest; Provides specific amounts and items which are not included in the determination of whether the non-ad valorem assessment is equal to or in excess of the benefits assessed; Provides for interest; Authorizes the District to issue refunding bonds; Prohibits the refunding bonds principal from exceeding the benefits assessed; Provides for use of refunding bonds proceeds; Provides for the levy of assessments to pay refunding bonds; Provides that no proceedings are required for the issuance of bonds other than those provided by this section and by general law.

Section 12: Provides that the boundaries of the District are permitted to be modified, extended, enlarged or dissolved by special act of the Legislature; Provides that any tract of land may be annexed by contract or agreement between the district and all affected property owners; Requires property owners to file a petition with the District stating their intentions; Requires a hearing to be held after published notice is given; requires specific information to be in the notice; Provides that if the annexation is in the best interest of the District, the District may, by resolution, pass and declare its intention to annex the land; Provides that 30 days after the resolution declaring the annexation, the tract of land is annexed; Provides that a merger of the District with all or part of another independent special district or dependent fire control district is effective only when it is ratified by the Legislature; Provides that the District's merger with another governmental entity is not justification for increasing its ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless such increase is approved by the electors of the district by referendum.

Section 13: Prohibits the use of District funds for any purpose other than the performance of the District's purpose, duties and requirements.

Section 3: Provides a severability clause.

Section 4: Repeals all prior special acts relating to the Ocean City-Wright Fire Control District.

Section 5: Provides effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 29, 1999

WHERE? Daily News in Okaloosa County

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:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Two technical amendments are being offered by Representative Melvin. The first amendment corrects a scrivener's error relating to section 3 of the bill. The second amendment inserts additional chapter laws relating to the District's charter into the bill's repealer provision. Although these chapters were repealed by implication, they were not explicitly repealed. Without being explicitly repealed, the chapter laws do not appear repealed when shepardizing the District's special acts.

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VI. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:

Staff Director:

Laura L. Jacobs

Joan Highsmith-Smith