

**STORAGE NAME:** h0793.ca

**DATE:** March 2, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
ANALYSIS - LOCAL LEGISLATION**

**BILL #:** HB 793

**RELATING TO:** North Ft. Myers Fire Control District

**SPONSOR(S):** Representative C. Green

**TIED BILL(S):** None

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

- (1) COMMUNITY AFFAIRS (PRC)
  - (2) FINANCE & TAXATION (FRC)
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

The bill codifies all prior special acts relating to the North Fort Myers Fire Control and Rescue District in Lee County into a single act and repeals all prior special acts relating to the District's charter.

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

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

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 districts 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 (1) extending the deadline to codify to December 1, 2004, (2) 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 (3) 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, Florida Statutes, was amended by removing the prohibition of substantive amendments in a districts codification bill.

STATUS STATEMENT LANGUAGE

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 departments determination or declaratory statement regarding the status of the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the North Fort Myers Fire Control and Rescue District in Lee County into a single act and repeals all prior special acts relating to the District's charter.

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

D. SECTION-BY-SECTION ANALYSIS:

**Section 1:** Provides that this bill constitutes the District's codification required by section 191.015, Florida Statutes; provides intent language; and preserves District's current authority, including the authority to levy ad valorem taxes up to 2 mills.

**Section 2:** Amends, codifies, reenacts, and repeals all special acts relating to the North Fort Myers Fire Control and Rescue District.

**Section 3:** Declares that the District is an independent special district; provides that the District is organized for all purposes set in this charter and chapters 189 and 191, Florida Statutes; and provides that in the event of a conflict between this charter and chapter 191, Florida Statutes, the provisions of chapter 191, Florida Statutes, supersedes this charter.

**Section 4:** Declares that the District was created by the Legislature in 1955; and provides that the District's charter may only be amended by the Legislature.

**Section 5:** Recreates the District; recreates and reenacts the District's charter to read:

Section 1: Describes the boundaries of the District.

Section 2: Provides for the District's governing board; provides for a five member governing board; provides member qualifications; provides for nonpartisan elections; provides for four year terms; allows for member compensation in accordance with chapter 191, Florida Statutes; and provides for elector qualifications and that district elections are conducted pursuant to chapter 191, Florida Statutes, and chapter 97-340, Laws of Florida.

Section 3: Provides minimum charter requirements; provides for governing board organization; requires board members to assume office 10 days after elected; provides for the election of a chair, vice-chair, secretary and treasurer; allows the secretary and treasurer to be one member; grants the District's governing board all powers and duties set forth in chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes; grants the District all powers and duties set forth in chapter 97-340, Laws of Florida, and chapters 189, 191, and 197, Florida Statutes; allows the District to be financed by any method established by chapter 97-340, Laws of Florida, and chapters 189, 191, and 197, Florida Statutes; provides that the assessment and collection on non-ad valorem assessments and fees shall be in accordance with chapter 97-340, Laws of Florida, and chapters 170, 189, 191, and 197, Florida Statutes; requires District planning; provides for financial disclosure, meeting notices, reporting, public maintenance and per diem expenses; and authorizes the District to levy up to 2 mills in ad valorem taxation.

Section 4: Authorizes the District to adopt policies and regulations.

Section 5: Provides that taxes shall be assessed and collected in accordance with chapter 200, Florida Statutes.

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**Section 6:** Repeals all prior special acts relating to the District.

**Section 7:** Provides that this act is remedial; and provides for liberal construction.

**Section 8:** Provides for severability.

**Section 9:** Provides that in the event of a conflict, this act controls.

**Section 10:** Provide effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 1, 1999

WHERE? News-Press in Fort Myers, 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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

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Kyle V. Mitchell

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Joan Highsmith-Smith