

STORAGE NAME: h0867.ca

DATE: March 2, 2000

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

BILL #: HB 867

RELATING TO: Immokalee Fire Control District

SPONSOR(S): Representative Goodlette

TIED BILL(S): None

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

- (1) COMMITTEE ON 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 Immokalee Fire Control District in Collier 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 and conforms the District's charter with the provisions of the "Independent Special Fire Control District Act."

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

No fiscal impacts are anticipated for fiscal year 2000-2001 according to the Economic Impact Statement (EIS). However, a millage increase might occur for fiscal year 2001-2002 according to the EIS.

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:

This bill codifies chapters 30666 (1955), 57-1236, 78-490, 80-485, 87-499, 88-513, 91-368, and 98-489, Laws of Florida, relating to the Immokalee Fire Control and Rescue District (District) in Collier 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.

The bill provides for no change in the boundaries.

The bill provides for a five member governing board rather than a three member governing board.

The bill modifies the timeframe in which officers are chosen by the Board after election. Changes the title of offices in the district to include "chairman" and "vice chairman."

The bill modifies the language related to the provision of emergency medical and rescue response services.

The bill removes personnel and inspection provisions.

The bill modifies the budgeting and taxing provisions of the District. The District is no longer required to provide an estimate to the County Commissioners who fixed and levied the millage. The bill removes language with respect to duties of the tax collector, warrants for payment, a bond for a treasurer, and a reporting requirement for the treasurer.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under section 191.015, Florida Statutes. States legislative intent and preserves the authority granted to the District by general law and its legislative enactments.

Section 2: Codifies, reenacts, and amends special acts relating to the District's charter.

Section 3: Provides for the recreation of the District and the recreation and reenactment of a charter for the District as follows:

Section 1: Creates the Immokalee Fire Control District as an independent fire control district and sets forth the geographic boundaries of the district.

Section 2: Provides that the District shall be governed by a five member board.

Section 3: Provides for the election of officers of the board. Provides that the district and board may exercise those general and special powers prescribed by chapter 191, Florida Statutes, or any other general law or special law.

Section 4: Provides that the District is authorized to establish and maintain emergency medical and rescue response services and to acquire and maintain rescue, medical, transport, and other emergency equipment.

Section 5: Provides that the board is authorized to make and adopt policies, rules, regulations, and a fire code.

Section 6: Provides that the board shall fix and cause to be levied on all property of the district, a millage, not to exceed two mills in a year or the provisions of chapter 191, F.S., to meet the requirements of the adopted budget. Provides that the district shall have the authority to levy non-ad valorem assessments and charge impact fees and user charges as prescribed in chapter 191, F.S.

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Section 7: Provides that taxes, assessments, impact fees, and user charges shall be assessed and collected in the manner prescribed by applicable general law or special law.

Section 4: Provides that this act shall be liberally construed as a remedial act for the purposes for which it was intended as a codification.

Section 5: Provides for the validity of remaining portions of the act should any part of the act be held unconstitutional or invalid.

Section 6: Provides for the repeal of all previous special acts.

Section 7: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? Naples Daily News

WHERE? October 29, 1999

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:

Special acts affecting the Immokalee Fire Control District:

-- Chapter 30666, 1955, L.O.F., created Immokalee Fire District if approved by voter referendum. Referendum approved.

-- Chapter 57-1236, L.O.F., validates and confirms the referendum creating the District and the elected members.

-- Chapter 78-490, L.O.F., amended section 9 of Chapter 30666, 1955, L.O.F., to reduce the millage rate to one mill. Referendum approved.

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-- Chapter 80-485, L.O.F., amended section 4 of Chapter 30666, 1955, L.O.F., to authorize the District to provide rescue services and transportation.

-- Chapter 87-499, L.O.F., amended section 9 of Chapter 30666, 1955, L.O.F., to increase the millage rate to two mills. Referendum approved.

-- Chapter 88-513, L.O.F., amended section 1 of Chapter 30666, 1955, L.O.F., amends the boundaries of the district. Referendum approved.

-- Chapter 91-368, L.O.F., amended section 1 of Chapter 30666, 1955, L.O.F., amends the boundaries of the district. Referendum approved.

-- Chapter 98-489, L.O.F., provided that a referendum could be conducted pursuant to 191.005(1)(a), Florida Statutes, to create a three-member governing board. Not placed on the ballot.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith