

STORAGE NAME: h0871a.ca

DATE: February 22, 2000

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

BILL #: HB 871

RELATING TO: Big Corkscrew Island Fire Control

SPONSOR(S): Representative Goodlette

TIED BILL(S): None

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

- (1) COMMITTEE ON COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
 - (2) FINANCE & TAXATION (FRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Big Corkscrew Island Fire Control and Rescue 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."

This bill corrects the District's boundary description to include property that has been served and taxed by the District since 1991 but was inadvertently excluded from the boundary description in the 1991 legislation.

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 (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, 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:

HB 871 codifies chapters 77-565, 80-487, 85-401, 85-402, 87-512, 89-453, 90-444, and 98-493, Laws of Florida, relating to the Big Corkscrew Island 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.

This bill corrects the District's boundary description to include property that has been served and taxed by the District since 1991 but was inadvertently excluded from the boundary description in the 1991 legislation.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under section 191.015, Florida Statutes (1998). States the intent of the Legislature for the act of having a comprehensive special act charter and to preserve the authority of the District to levy an ad valorem tax not in excess of 2.0 mills.

Section 2: Amends, codifies, reenacts, and repeals 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.

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

Section 2: Provides that the District exists for all purposes of the act and chapters 189 and 191, Florida Statutes.

Section 3: Recognizes that the District was created by a special act and may be amended only by a special act.

Section 4: Provides for the governing body of the district.

Section 5: Provides for the election of officers of the board with powers and duties as set forth in the act and in chapters 189 and 191, Florida Statutes.

Section 6: Provides authorization for the board to be able to adopt policies and regulations for the prevention of fire and for fire control in the district.

Section 7: Requires the board to annually prepare, consider, and adopt a District budget

Section 8: Provides the District board the power to levy an ad valorem tax of not more than 2.0 mills except as provided by chapter 191, Florida Statutes.

Section 9: Provides for the powers and duties of the District including: powers, functions, and duties set forth in chapters 189 or 191, Florida Statutes; assessing and collecting non-ad valorem assessments, fees or charges as set forth in chapter 170, chapter 189, chapter 191, or chapter 197, Florida statutes; requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses.

Section 4: Provides for the validity of remaining portions of the act should any part of the act be held unconstitutional or invalid.

Section 5: Provides that this act shall be liberally construed as a remedial act for the purposes for which it was intended.

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

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

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III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? Naples Daily News

WHERE? September 29, 1999

B. REFERENDUM(S) REQUIRED? Yes [] No [X]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

- In a letter dated February 18, 2000, the Fire Chief of the Big Corkscrew Island Fire Control and Rescue District, Frank Kovarik, acknowledges that the codification bill corrects the District's boundaries:

This letter confirms that the legal description of the District contained in the 2000 codification bill modifies the District's boundary description as it appears in the current charter. The property in question is described as Sections 22, 23, and 24, Township 49 South, Range 28 East, and Sections 19, 20, 21, 22, 23, and 24, Township 49 South, Range 29 East. This property was added to the District's boundaries in 1991, but was inadvertently excluded from the boundary description in the legislation that effected that change. Despite the omission in 1991, the District has provided fire protection services and collected taxes from the properties in that area from 1991 to present. Therefore, the property remains in the codification bill so the District may continue to serve its residents.

- Special acts affecting the Big Corkscrew Island Fire Control and Rescue District:

-- Chapter 77-535, L.O.F., created the Big Corkscrew Island Fire Control and Rescue District.

-- Chapter 80-487, L.O.F., amended section 6 of Chapter 77-535, L.O.F., to provide that rescue services provided by the district could include transportation to a health facility when authorized by the Board of County Commissioners of Collier County.

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-- Chapter 85-401, L.O.F., amended section 14 of Chapter 77-535, L.O.F., to clarify the authority of members of the district board to receive volunteer firefighter compensation.

-- Chapter 85-402, L.O.F., amended section 11 of Chapter 77-535, L.O.F., to authorize a three year levy of additional ad valorem tax millage for the construction of a fire station in the district if approved by voter referendum. Referendum approved.

-- Chapter 87-512, L.O.F., amended section 2 of Chapter 77-535, L.O.F., to provide that district board members shall be residents of the district.

-- Chapter 89-453, L.O.F., added section 20 to Chapter 77-535, L.O.F., to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district if approved by voter referendum. Referendum approved.

-- Chapter 90-444, L.O.F., amended section 11 of Chapter 77-535, L.O.F., to increase the authorized millage from 1.0 mills to 2.0 mills if approved by voter referendum. Referendum approved.

-- Chapter 91-336, L.O.F., amended section 1 of Chapter 77-535, L.O.F., to extend the boundaries of the district if approved by voter referendum. 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. Referendum approved.

-- Chapter 98-493, L.O.F., was similar to Chapter 98-489, L.O.F., and provided that a referendum could be conducted pursuant to 191.005(1)(a), Florida Statutes, to create a three-member governing board. Not on ballot.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith