

**STORAGE NAME:** h0963a.ft

**DATE:** March 28, 2000

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
FINANCE & TAXATION  
ANALYSIS - LOCAL LEGISLATION**

**BILL #:** HB 963

**RELATING TO:** West Manatee Fire & Rescue District

**SPONSOR(S):** Representative Ogles

**TIED BILL(S):** None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0
- (2) FINANCE & TAXATION (FRC) YEAS 15 NAYS 0
- (3)
- (4)
- (5)

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**I. SUMMARY:**

This bill creates and establishes a new independent fire control district in Manatee County to be known as the West Manatee Fire & Rescue District. The new district's boundaries consist of the jurisdictional boundaries of the existing Anna Maria Fire Control District and the Westside Fire Control District.

This bill transfers all assets and liabilities of the Anna Maria Fire Control District and the Westside Fire Control District to the West Manatee Fire & Rescue District (New District). This bill dissolves the Anna Maria Fire Control District and the Westside Fire Control District by repealing all special acts relating to the districts.

There is a minimal fiscal impact of \$2000 in order to cover administrative items in merging the two existing fire districts into the new district. The new district will be financed by non-ad valorem assessments and impact fees which are currently being levied by the two existing districts. For fiscal years 2000-2001 and 2001-2002, these levies are anticipated to generate \$2,597,668 in revenues. A desired effect of the merger is that there will be increased efficiency and service to District residents due to an anticipated reduction in operational costs.

See AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES section for an explanation of the amendment traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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:

**Chapter 189, Florida Statutes, Provisions**

Section 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. This bill complies with the required status statement provision.

Pursuant to s. 189.404(2)(a), F. S., the Legislature prohibits special laws which create independent districts that do not, at a minimum, conform to the minimum requirements in s. 189.404(3), F. S. Independent districts created after September 30, 1989, must address and require certain provisions in their charters. The following describes the requirements:

- District purpose;
- Powers, functions, and duties of the district regarding ad valorem taxation, bond issues and other revenue-raising capabilities, budget matters, lien issues, and other similar issues;
- The methods for establishing the district;
- The method for amending the charter of the district;
- The membership and organization of the governing board of the district;
- The maximum compensation of a governing board member;
- The administrative duties of the governing board of the district;
- The applicable financial disclosure, noticing, and reporting requirements;
- If the district has authority to issue bonds, the procedures and requirements for issuing bonds;

- The procedures for conducting any district elections or referendum and the qualifications of an elector of the district;
- The methods for financing the district;
- The method(s) for collecting non-ad valorem assessments, fees, or service charges;
- Geographic boundary limitations;

### **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, F. S., 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), F.S., 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 Chapter 191, Florida Statutes, elections must be held at the same time and in the same manner as prescribed by law for holding general elections in accordance with ss. 189.405(2)(a) and (3), F. S. 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, Florida Statutes, Chapter 582, Florida Statutes, 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.

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If a district presently elects members of its board, the next election must be conducted in accordance with s. 191.005, F. S. 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 s. 112.061, F. S.

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, s. 189.417, F. S., 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.
- 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.

### **Anna Maria Fire Control District & Westside Fire Control District**

The Anna Maria Fire Control District was first created by the Florida Legislature in 1949, and can be found in Chapter 49-25994, Laws of Florida. This District was created to provide fire protection services to a described area of Manatee County. Currently, the size of the district is 13 square miles. The population served by the District is 15,000 residents. In addition, the population increases by approximately 10,000 to 15,000 during a seasonal flux. The District employs 18 salaried employees and has 20 volunteers. The District owns

6 pieces of equipment. In 1999, the average response time by the District is 3.99 minutes. Finally, the current millage rate that is assessed by the District is zero.

The Westside Fire Control District was first created by the Florida Legislature in 1961, and can be found in Chapter 61-2445, Laws of Florida. This District was created to provide fire protection services to a described area of Manatee County. Currently, the size of the district is 11 square miles. The population served by the District is 25,000 residents. The District employs 13 salaried employees and has 15 volunteers. The District owns 6 pieces of equipment. In 1999, the average response time by the District was 3.90 minutes. Finally, the current millage rate assessed by the District is zero.

**C. EFFECT OF PROPOSED CHANGES:**

This bill creates and establishes a new independent fire control district in Manatee County to be known as the West Manatee Fire & Rescue District (New District). The new district's boundaries consists of the jurisdictional boundaries of the existing Anna Maria Fire Control District and the Westside Fire Control District.

This bill transfers all assets and liabilities of the Anna Maria Fire Control District and the Westside Fire Control District to the West Manatee Fire & Rescue District. This bill dissolves the Anna Maria Fire Control District and the Westside Fire Control District by repealing all special acts relating to the districts. By dissolving those districts, this bill effects each respective governing board member. Since there are only five members on the New District's governing board, only five of the current boards' members can serve on the new governing board. This bill provides that the initial board consists of seats 1, 4, and 5 on the Westside Fire Control District governing board and seats 2 and 3 on the Anna Maria Fire Control District governing board. In addition, the members holding seats 1 and 5 from Westside Fire Control District and seat 2 from the Anna Maria Fire Control District shall have initial terms of 4 years, with their terms expiring in November, 2004. The members holding seat 4 from the Westside Fire Control District and seat 3 from the Anna Maria Fire Control District shall have initial terms of 2 years, with their terms expiring in November 2002. As a result of the "merger," some of the boards' members will serve terms of over four years.

Pursuant to section 189.404(3), Florida Statutes, the West Manatee Fire Control & Rescue District's charter must address and require certain provisions in its charter. The following describes the requirements and whether this bill meets those requirements.

- **District purpose:** The provisions of this bill fail to establish a purpose for the New District.
- **Powers, functions, and duties of the district regarding ad valorem taxation, bond issues and other revenue-raising capabilities, budget matters, lien issues, and other similar issues:** This bill authorizes the levy of ad valorem taxation in a millage amount not to exceed 3.75 mills and the collection of non-ad valorem assessments, fees or service charges pursuant to Chapter 191, Florida Statutes. This bill does not adequately address budget matters and lien issues.
- **The methods for establishing the district:** This bill provides that the district is established by the adoption of the charter pursuant to s. 189.404, F. S., and Chapter 191, Florida Statutes.

- **The method for amending the charter of the district:** This bill provides that the charter may only be amended by special act.
- **The membership and organization of the governing board of the district:** This bill adequately provides for the New District's membership, organization of the governing board of the district, which is in accordance with Chapter 191, Florida Statutes.
- **The maximum compensation of a governing board member:** This bill provides for compensation of up to \$500 per month, as provided by s. 191.005, F. S.
- **The administrative duties of the governing board of the district:** This bill provides that the administrative duties of the governing board are provided in s. 191.005, F. S.
- **The applicable financial disclosure, noticing, and reporting, requirements:** This bill provides that the requirements regarding disclosure, noticing, and reporting are provided by general law.
- **If the district has authority to issue bonds, the procedures and requirements for issuing bonds:** This bill provides for the authority to issue bonds as authorized by general law. In addition, the procedures and requirements for issuing bonds  
pursuant to s. 191.012, F. S.
- **The procedures for conducting any district elections or referendum and the qualifications of an elector of the district:** This bill provides that the procedures for conducting district elections or referendum are provided in s. 191.005, F. S. In addition, the bill provides that the elector qualifications found in s. 191.005, F. S., are applicable to the New District and that an elector must be a resident of the New District.
- **The methods for financing the district:** This bill provides for the financing of the New District pursuant to Chapter 191, Florida Statutes, and other applicable general law.
- **The method(s) for collecting non-ad valorem assessments, fees, or service charges:** This bill provides for the collection of non-ad valorem assessments, fees or service charges pursuant to Chapter 191, Florida Statutes.
- **Geographic boundary limitations:** This bill states that the New District consists of all of the jurisdictional boundaries of the Anna Maria Fire Control District and the Westside Fire Control District and describes such boundaries.

This bill provides for the levy of special assessments and the procedures regarding such assessment. The assessments are based on property which has been divided into three categories. The three categories are vacant parcels, residential parcels, and commercial



parcels. The amount of the assessment depends on not only what type of parcel the property is, but also the square footage of the home/building. The use of square footage is new to the impact fee currently charged within the boundaries of the Anna Maria Fire Control District and the Westside Fire Control District. Within both of these districts, impact fees currently are charged according to value of the building, not the square footage.

This bill also authorizes the New District to charge impact fees to the extent that new construction within the New District requires new facilities. This bill provides for the collection of such fees and the requirements for using such fees.

There is a minimal financial impact of \$2000 in order to cover administrative items in merging the two existing fire districts into the new district. The new district will be financed by non-ad valorem assessments and impact fees which are currently being levied by the two existing districts. For fiscal years 2000-2001 and 2001-2002, these levies are anticipated to generate \$2,597,668 in revenues.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Creates the charter for the West Manatee Fire and Rescue District (New District), an independent special district, with the following sections:

Section 1: Provides short title of act.

Section 2: Creation -- Creates the West Manatee Fire and Rescue District.

Section 3: Purpose -- Provides that the purposes of the act are to create the New District to consist of the jurisdictional boundaries of Anna Maria Fire Control District and the Westside Fire Control District, repeal all special acts relating to such districts, establish a District charter, grant powers to District, provide governance of District, provide greater uniformity and coordination, and to achieve the purposes set forth for independent special fire control districts.

Section 4: General and Special Powers -- Grants general and special powers to the New District; including the power to: 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; and officers; allows for equipment to be purchased by an installment sales contract; lease to or from any person or entity, any facility or property; borrow money and execute notes, mortgages, and deeds; assess ad valorem and non-ad valorem taxes; prepare and implement budgets; establish liens and foreclosure of such liens; establish and maintain emergency medical and rescue response services; and grants all other general powers provided in s. 191.006, F. S., and all other special powers provided in s. 191.008, F. S., to the New District as may be amended.

Section 5: District Establishment -- Provides that the District is established by the adoption of this charter by the Legislature pursuant to and under the authority of Chapter 191, Florida Statutes.

Section 6: Amendments -- Provides that this charter may only be amended by special act.

- Section 7: Governing Board (board) -- Provides for a five-member governing board; provides for nonpartisan elections; Provides for 4-year terms for members; Provides candidate qualifications; Requires members to take oaths; Provides that members take office on the second Tuesday after the November general election; Provides that the board shall operate and function in accordance with s. 191.005, F. S.; Provides election procedures; Requires candidates to declare the seat for which the candidate is qualifying; Provides that each seat is elected at large within the District; Provides that the initial board consists of seats 1, 4, and 5 on the Westside Fire Control District governing board and seats 2 and 3 on the Anna Maria Fire Control District governing board; and Provides for term of office for initial board that creates a staggered elected board.
- Section 8: Board Compensation -- Provides that the board members shall receive compensation not to exceed \$500 per month, pursuant to s. 191.005(4), F. S.
- Section 9: Administrative Duties of Board -- Provides that the administrative duties of the board are provided in s. 191.005, F. S.
- Section 10: Disclosure and Reporting Requirements -- Provides that the New District and board are required to abide by the financial disclosure, noticing, and reporting requirements that are provided by general law and applicable to board members and independent special fire control districts.
- Section 11: Bonds -- Authorizes the District to issue bonds and other indebtedness to finance proposed improvements; Limits the District's indebtedness to annual payments of principal and interest of not more than 50 percent of the District's total annual budgeted revenues; and provides that bond issuance procedures and requirements are in s. 191.012, F. S., and other applicable general law.
- Section 12: Elections and Referendum -- Provides that election and referendum procedures are provided in s. 191.005, F. S., and other applicable general law; and provides qualifications of electors.
- Section 13: Financing -- Provides that the New District may be financed pursuant to chapter 191, Florida Statutes, and other applicable general law.
- Section 14: Ad Valorem Taxes -- Authorizes the levy of ad valorem taxes, up to 3.75 mills, in accordance with s. 191.009, F. S.
- Section 15: Non-Ad Valorem Assessments -- Authorizes the collection of non-ad valorem assessments, user fees, impact fees, and service charges pursuant to Chapter 191, Florida Statutes, and other applicable general law.
- Section 16: District Planning -- Requires the New District to cooperate and participate in planning with Monroe County and other local governments in order to meet demands while maintaining economic viability; and Authorizes the New District to participate in intergovernmental coordination activities.
- Section 17: Boundaries -- Describes the New District's boundaries.
- Section 18: Special Assessments -- Sets forth assessment procedures and amounts which are divided into three general classifications: vacant parcels, residential

parcels (single family residential and condominium residential), and commercial/industrial parcels.

**Section 19:** Impact Fees -- Grants the authority to assess and collect impact fees for capital improvements on new construction; states that Manatee County is a fast growing area and the District's capabilities to provide services is strained; states that additional equipment and facilities will be needed to service the new growth; declares that the cost of new users of the District's services shall be borne by the new users; declares that the impact fees for capital improvement are just, reasonable, and equitable; requires that fees must be paid prior to obtaining a building permit for residential dwellings, commercial/industrial structures, and mobile home development; provides maximum fee charges per square foot; provides for inclusion of specific buildings in definition of residential dwelling unit; provides inclusion of specific buildings in definition of commercial structure; requires impact fees for capital improvements to be maintained in a separate fund; restricts use of fees; requires the maintenance of records; and requires evidence of payment to be presented to the applicable local government before a certificate of occupancy is issued.

**Section 2:** Transfers the existing assets and liabilities of the Anna Maria Fire Control District and the Westside Fire Control District to the New District upon the effective date of this act.

**Section 3:** Repeals all acts relating to the Anna Maria Fire Control District and the Westside Fire Control District.

**Section 4:** Provides severability clause.

**Section 5:** Provides for liberal construction.

**Section 6:** Provides effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? November 1, 1999

WHERE? Bradenton Herald; Bradenton, Manatee County

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:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Currently, s. 189.4042, F. S., provides merger procedures for independent special districts. Pursuant to subsection (2), a merger may be effectuated only by special act of the Legislature. Section 189.4045, F. S., provides that the government formed by merger of existing special districts shall assume all indebtedness and assets of the existing special districts. In addition, the proposed charter of the "new" district must provide for the proper allocation of the indebtedness and the manner in which the debt shall be retired. Section 191.014, F. S., requires that a merger between fire districts is only effective upon ratification by the Legislature. In addition, this provision prohibits a district from increasing ad valorem taxes on property within the original limits of the district beyond the maximum established, unless approved at referendum, solely by reason of a merger.

With the exception of these three statutes, it is unclear the procedures that a special district must follow when merging. Among other issues, there is no clear procedure to use when determining the "allowed" millage rate, and other fee rates. The Legislature should consider further clarifying special district merger provisions in order to assist special districts who would like to merge. With increased numbers of annexations, some special districts, especially independent special fire control districts, are finding it increasingly difficult to provide necessary services while at the same time remaining economically viable. As property within their boundaries are annexed, independent special fire control districts are experiencing a decrease in revenues as a result of these annexations. By providing clarified merger provisions, special districts may be more inclined to pursue merger with other districts to resolve financial concerns.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its March 14, 2000, meeting, the Committee on Community Affairs adopted a strike-everything amendment, offered by Representative Ogles, that makes technical revisions and format changes. The current bill is formatted pursuant to the minimum charter requirements found in Chapter 189, Florida Statutes. The strike-everything amendment includes the minimum charter requirements of Chapter 189, Florida Statutes, but formats the charter pursuant to the provisions found in Chapter 191, Florida Statutes, the "Independent Special Fire Control District Act." In addition, the strike-everything amendment includes additional provisions found in Chapter 191, Florida Statutes, and a merger provision that provides for the merger of the two districts into the newly created special district.

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Laura L. Jacobs, Esq.

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON FINANCE & TAXATION:

Prepared by:

Kama D.S. Monroe

Staff Director:

Alan Johansen