

**STORAGE NAME:** h1041.lvga.doc

**DATE:** March 16, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LOCAL GOVERNMENT & VETERANS AFFAIRS  
ANALYSIS – LOCAL LEGISLATION**

**BILL #:** HB 1041

**RELATING TO:** Ft. Myers Beach Mosquito Control District

**SPONSOR(S):** Representative Green

**TIED BILL(S):** None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS
  - (2) FISCAL POLICY & RESOURCES
  - (3)
  - (4)
  - (5)
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I. SUMMARY:

The bill codifies all prior special acts relating to the Fort Myers Beach Mosquito Control District into a single act.

The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

The bill does not make any substantive changes to current law.

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 District was created in 1967, chapter 67-1630, Laws of Florida, to achieve and maintain arthropod control to protect human health and safety and foster the quality of life of people, promote the economic development of the state, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods.

**Codification**

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow 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; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove 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. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

**Schedule Of Submittals Of Special Districts' Charters**

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session

Special Districts with 8 - 12 special acts

2002 Legislative Session

Special Districts with more than 12 special acts

2003 Legislative Session

Special Fire Control Districts

2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

### **Status Statement Language**

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 to the department's 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 Fort Myers Mosquito Control District.

The bill states the District's minimum charter requirements that do not appear to alter the effect of existing law pertaining to the District.

The bill removes obsolete language which was preempted by applicable statutes.

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

**Section 1:** Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; codifies several county resolutions relating to the District; provides Legislative intent; preserves all District authority.

**Section 2:** Codifies, reenacts, amends, and repeals chapters 67-1630, 79-493, 81-414, 82-316, 83-442, and 83-454, Laws of Florida; codifies several county resolutions relating to the District.

**Section 3:** Re-creates and reenacts the Fort Myers Beach Mosquito Control District charter as follows:

Section 1: States the District is an independent mosquito control district pursuant to 388, F.S.

Section 2: Describes the District's boundaries.

Section 3: States that these are three-members of the governing board; describes process for vacancies and meetings of the board.

Section 4: Provides for organization of the board.

Section 5: Describes powers, functions and duties of the board.

Section 6: States the fiscal year of the District and its budget and public hearings process.

Section 7: Describes the District's current authority to levy a maintenance tax on all taxable property in the District not exceeding 1 mill and to levy assessments for special benefits on real property.

Section 8: Describes method for collecting non-ad valorem assessments, fees, charges, and state matching funds.

Section 9: Provides for the use, loan, or rental of equipment by the District.

Section 10: Provides the District is eligible to receive state funds.

Section 11: Provides for the abatement of any species of mosquitoes, other arthropod, and breeding places.

**Section 4:** Provides for liberal construction of act.

**Section 5:** Provides for act's control if there are conflicting provisions.

**Section 6:** Repeals chapters 67-1630, 79-493, 81-414, 82-316, 83-442, and 83-454, Laws of Florida.

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

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 1, 2001

WHERE? New-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

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill has agreed to two technical amendments. The amendments clarify the repeal sections of the bill.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

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Terri S. Boggis

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Joan Highsmith-Smith