

STORAGE NAME: h1849.lgva.doc

DATE: April 9, 2001

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

BILL #: HB 1849

RELATING TO: Manatee Co./Mosquito Control District

SPONSOR(S): Representative Bennett

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (2) STATE ADMINISTRATION (SGC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill codifies all prior special acts relating to the Manatee County Mosquito Control District of Manatee County into a single act and repeals all prior special acts relating to the District's charter.

The bill conforms specific charter provisions to the provisions in chapter 388, Florida Statutes, and removes obsolete language, which was preempted by applicable general law chapters and inserts applicable chapter law language.

The bill repeals appropriate special acts and retains general law authority for the District to levy and assess ad valorem taxation.

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 Anti-Mosquito District in Manatee County, Florida, was created in 1947, by chapter 24677 (1947), Laws of Florida, to abate and suppress mosquitoes of any kind, whether disease bearing or merely pestiferous, within the County, is advisable and necessary for the maintenance and betterment of the comfort, health, welfare and prosperity of the people, and for public service. The mission of the Anti-Mosquito District is as follows: all depressions, lagoons, marshes, ponds or lakes wherein mosquitoes incubate or hatch are hereby declared to be public nuisances, as harmful or inimical to the comfort, health, welfare and prosperity of the inhabitants and may be abated as hereinafter provided. Chapter 67-1673, L.O.F., changed the District's name to the Manatee County Mosquito Control District (District). The District is hereby authorized to do any and all things necessary for the control and elimination of all species of mosquitoes, and the Board is specifically authorized to provide for the construction and maintenance of canals, ditches, drains, dikes, fills and other necessary works and to install and maintain pumps, excavators and other machinery and equipment, to use certain chemicals approved by the state that may be necessary to control mosquito breeding and not be detrimental to fish life. Currently, no aggregate tax millage is levied against the taxable real and personal property in the District in excess of one-quarter (1/4) mill on the dollar of assessed value.

Section 388.0101, Florida Statutes, provides the following legislative intent for Mosquito Control Districts

"It is declared to be the public policy of this state to achieve and maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the 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. It is further declared to be the policy of the state to conduct arthropod control in a manner consistent with protection of the environmental and ecological integrity of all lands and waters throughout the state."

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 Manatee County Mosquito Control District into a single act and repeals all prior special acts relating to the District's charter.

The bill states that chapters 112, 119, 189, 286, and 388, Florida Statutes, are applicable to the District's charter provisions.

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

The bill states the District's boundaries.

The bill states there are three-members elected to the governing board.

The bill repeals appropriate special acts and retains general law authority for the District to levy and assess ad valorem taxation.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the District's charter codification required under section 189.429, F.S.; provides Legislative intent; preserves all District authority including the authority to annually assess and levy against the taxable property in the district, a tax as provided by chapter 388, F.S.

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

Section 3: Re-creates and reenacts the Manatee County Mosquito Control District as follows:

Section 1: Ratifies, confirms, and approves the District's formation.

Section 2: Describes the District's boundaries.

Section 3: Provides for the establishment of the District; states charter may be amended only by special act of the Legislature.

Section 4: States there are three-members on the governing board; states the designation for the seats on the board; provides board members to be registered electors, residents of the District at the time he/she qualifies; provides for assumption of office; provides for a quorum; provides for compensation for the board members; provides for vacancies; provides for procedures for conducting district elections or referenda and for qualification of electors; provides for administrative duties; states provisions of this act shall not affect the present term of office of any of the three members of the board, pursuant to chapters 189 and 388, Florida Statutes.

Section 5: Describes powers, functions and duties of the board pursuant to chapters 189 and 388, F.S.

Section 6: Provides District's planning requirements pursuant to chapters 189 and 388, F.S.

Section 7: Provides for financial disclosure, meeting notices, public records, maintenance, and per diem expenses for officers and employees pursuant to chapters 112, 119, 189, 286, and 388, F.S.

Section 8: Provides for the issuance of bonds, notes, and other evident of indebtedness by the District pursuant to chapter 189, F.S.

Section 9: Provides for liberal construction of act.

Section 10: Provides that this act controls in the event of a conflict.

Section 4: Repeals chapters 24677 (1947), 57-1551, 63-1590, 67-1673, 69-1286, and 75-431, Laws of Florida, 10 days after the effective date of this act.

Section 5: Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 20, 2000

WHERE? Bradenton Herald in Bradenton, Manatee County, 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:

The sponsor of the bill requests one amendment to the bill. The amendment provides that the district is an independent special district pursuant to section 189.404(5), Florida Statutes.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

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