

**STORAGE NAME:** h0937.lgva.doc  
**DATE:** January 22, 2002

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

**BILL #:** HB 937  
**RELATING TO:** Monroe County Mosquito Control District  
**SPONSOR(S):** Representative Sorensen

**TIED BILL(S):**

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS
  - (2) COUNCIL FOR SMARTER GOVERNMENT
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

The bill codifies all prior special acts relating to the Monroe County Mosquito Control District (District) into a single act and renames the District, the "Florida Keys Mosquito Control District." The bill directs the District's annual audits to be included in the public record. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

According to the Economic Impact Statement, this bill does not impact state or local budgets.

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:

**Background**

The Monroe County Mosquito Control District (District), originally known as the Monroe County Anti-Mosquito District, was created in 1949, by chapter 26042, Laws of Florida and has been subsequently amended. The District's purpose is 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 of Special Acts**

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, F.S., 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, F.S. (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, F.S., 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. Additionally, the 2001 Legislature amended section 189.429, F.S. creating subsections (2) and (3). The subsections provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify,

amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

**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, F.S., 110 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, F.S., is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

**C. EFFECT OF PROPOSED CHANGES:**

The bill codifies all prior special acts relating to the Monroe County Mosquito Control District (District) into a single act and renames the District, the "Florida Keys Mosquito Control District." The bill directs the District's annual audits to be included in the public record. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

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

- Section 1:** States that this act constitutes the codification of special acts relating to this district.
- Section 2:** States that all previous laws pertaining to this District are codified, reenacted, amended, and repealed
- Section 3:** Recreates and reenacts the district charter, providing the following:
  - Section 1: Provides for name change from Monroe County Mosquito Control District to Florida Keys Mosquito Control District. Provides the geographical boundaries for the district.
  - Section 2: Divides the District into districts identical to that of Monroe County commissioner districts for the purpose of selecting District commissioners.
  - Section 3: Defines the Board of Commissioners, how they are elected, their terms of offices and their qualifications.
  - Section 4: States that county commissioners will be responsible for District election ballots.

- Section 5: Provides the powers of the District Commissioners.
- Section 6: Defines the duties of the District Commissioners
- Section 7: Provides for the organization of the District Commission.
- Section 8: Provides for salaries and expenses for the District Commission.
- Section 9: Defines when and how the District Commission will conduct meetings.
- Section 10: States that the books and records of the District will be audited annually and are public record.
- Section 11: Provides and defines the District budget and the procedure for hearings.
- Section 12: Provides that the District may exercise the right of eminent domain.
- Section 13: Permits the District to levy taxes upon on taxable property at a rate no higher than 1 and a half mills on the dollar. Provides the procedures for levying the tax.
- Section 14: Provides guidelines for supervising and the purchasing of equipment.
- Section 15: Defines penalties against those who destroy or damage District property.
- Section 16: Defines District purpose.
- Section 17: Defines responsibilities of the Director of the Monroe County Health Department in relationship to mosquito control.
- Section 18: Allows the District to forego relationship with the Director of the Monroe County Health Department and provides procedures to accomplish this.
- Section 19: Provides guidelines for public distribution of mosquito control mix.
- Section 4:** Repeals all previous acts relating to the District's charter.
- Section 5:** Allows District the right to use any and all privileges or powers granted to mosquito control districts pursuant to general law.
- Section 6:** Provides for liberal construction
- Section 7:** Provides severability clause.
- Section 8:** This act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN?

November 16, 2001

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WHERE? The Key West Citizen, Key West, 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:

NONE

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

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Kevin Doyle

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Joan Highsmith-Smith