

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1233 St. Lucie County Mosquito Control District
SPONSOR(S): Negron
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	_____	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Finance & Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the St. Lucie County Mosquito Control District, a dependent special district, in St. Lucie County into a single act and repeals all prior special acts relating to the District's charter.

This bill amends the charter by amending the boundaries of the district, providing the operation and powers of the district are in accordance with chapters 189 and 388, Florida Statutes, and chapter 5E-13, Florida Administrative Code. The bill preserves the district's current ad valorem millage. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated for either fiscal year 2003-04 or 2004-05 according to the Economic Impact Statement.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the St. Lucie County Mosquito Control District, a dependent special district, in St. Lucie County into a single act and repeals all prior special acts relating to the District's charter.

This bill amends the charter by amending the boundaries of the district, providing the operation and powers of the district are in accordance with chapters 189 and 388, Florida Statutes, and chapter 5E-13, Florida Administrative Code. The bill preserves the district's current ad valorem millage. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

Chapter 388, Florida Statutes

A mosquito control 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.

Creation of Mosquito Control Districts

The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules promulgated. Therefore, any city, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

It is the legislative intent that those mosquito control districts established prior to July 1, 1980, pursuant to the petition process formerly contained in s. 388.031, F.S., may continue to operate as outlined in this chapter 388, F.S. However, on and after that date, no mosquito control districts may be created except pursuant to s. 125.01, F.S.

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 initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows 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. 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, Florida Statutes to 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.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

Status Statement Language

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 to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

Section 1. Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all District authority.

Section 2. Codifies, reenacts, amends, and repeals chapters 29502 (1953), 59-1794, 59-1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida.

Section 3. Re-creates and reenacts the St. Lucie County Mosquito Control District as follows:

Section 1. Describes the District's boundaries.

Section 2. States the District is a dependent district; states the establishment of the District is ratified, restated, and approved.

Section 3. Provides for the board of the district is the Board of County Commissioners of St. Lucie County; provides for the organization of the board.

Section 4. Provides for compensation of the board of county commissioners and employees of the District.

Section 5. Provides for the powers of the District.

Section 6. Provides for a surety bond given to the board by the Clerk of the Circuit Court of St. Lucie County.

- Section 7. Provides for meetings and quorum.
- Section 8. Provides for audits.
- Section 9. Provides for the budget and hearings of the District.
- Section 10. Preserves the boards' authority to hold, control, and acquire by gift or purchase for the use of the district any real or personal property and to condemn any lands or easements needed for the purposes of the district.
- Section 11. Provides for the disposal and packing rules and regulations by resolution of the District.
- Section 12. Provides the district is authorized to do and perform all things necessary to carry out the intent and purposes of chapter 388, F.S., and chapter 5E-13, Administrative Code, as may be amended.
- Section 13. Provides for the public nuisance declaration.
- Section 14. Provides the district is authorized to cooperate with any board or boards created in adjacent districts or counties for similar purposes.
- Section 15. Provides for bonds.
- Section 16. Preserves ad valorem taxation authority.
- Section 17. Provides the district may have any and all work performed by contract with or without advertisement, or without contract, by machinery, equipment, and labor employed directly by the board.
- Section 18. Provides for damage or obstruction to of any of the property of the district shall be punished as provided in the general law for punishment of a misdemeanor.
- Section 19. Provides for disclosure and expenses.
- Section 20. Provides for a boundary revision procedure.
- Section 4.** Provides for the liberal construction of act.
- Section 5.** Provides if any part of this act is held void, shall not affect any other part of this act.
- Section 6.** Repeals chapters 29502 (1953), 59-1794, 59-1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida.
- Section 7.** Provides that the act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 5, 2002

WHERE? Fort Pierce Tribune and Port St. Lucie Tribune, Fort Pierce, St. Lucie 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

III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not Applicable.

B. RULE-MAKING AUTHORITY: Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Mr. Terry Lewis, Esq., with the law firm of Lewis, Longman, & Walker, P.A., representing the district, sent the following e-mail relating to the legal boundary changes: 'As Special Counsel to St. Lucie County and the Mosquito Control District, this confirms revisions to the St. Lucie County Mosquito Control District codification legal description do not change the boundaries of the District. The current act contains a provision that allows for inclusion of property into the district by referendum approval of affected landowners. The revisions reflect the addition of property added by referendum since the last time the Act was amended.'

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The sponsor of the bill may be offering one amendment. The amendment corrects the directory language in the bill.