

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1587 Baker Fire District/Okaloosa County
SPONSOR(S): Brown
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) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill revises boundaries of the Baker Fire District and revises boundaries of the North Okaloosa Fire District both in Okaloosa County.

Negligible fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

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:

Effect of Proposed Changes

This bill revises boundaries of the Baker Fire District and revises boundaries of the North Okaloosa Fire District both in Okaloosa County.

Present Situation

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 supersedes 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.

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. In order to levy ad valorem taxes in a newly annexed area, approval at referendum is required.

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 commission adopts the report, 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.

C. SECTION DIRECTORY:

Section 1. Amends section 2 of section 2 of chapter 2000-434, L.O.F., relating to the creation and boundaries of the Baker Fire District, an independent special district, in Okaloosa County; providing for district boundaries.

Section 2. Amends section 1 of section 2 of chapter 2001-333, L.O.F., relating to the creation and boundaries of the North Okaloosa Fire District, an independent special district, in Okaloosa County; provides for district boundaries.

Section 3. Provides effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 25, 2003

WHERE? The Bay Beacon, Niceville, Okaloosa 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:

HB 1677 (2002), relating to Okaloosa County/Baker Fire District, amended the boundaries of the district. The bill was vetoed by the Governor on May 2, 2002. The Governor's veto letter dated May 2, 2002, states in part, 'This local bill changes the boundaries of the district to include about three square miles of territory currently located in and serviced by the neighboring North Okaloosa Fire District. As House Bill 1677 would allow the Baker district to annex and service this property, without concurrently changing North Okaloosa's boundaries, the newly included territory would be legally subject to two authorities providing similar services. Additionally, House Bill 1677 does not authorize a referendum by which citizens of the Baker district may vote on the proposed boundary change. This is troublesome on its own, but the territory sought for annexation is already subject to a referendum in the North Okaloosa district within the next year that, if passed, will make effective a 2001 state law codifying that district's authority and boundaries into a single act.'

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.