

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 565 Lee Co./Election of Commissioners  
**SPONSOR(S):** Kyle  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Local Government &amp; Veterans' Affairs</u>	<u>17 Y, 0 N w/CS</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill amends the Lee County Home Rule Charter to provide for the election of county commissioners on a single district basis rather than a county wide basis.

According to the Economic Impact Statement, the bill has no impact on local or state budgets.

## 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 amends the Lee County Home Rule Charter to provide for the election of county commissioners on a single district basis rather than a county wide basis. The districts must be contiguous, separate, and equal by population at the time of redistricting.

The bill provides:

- that the Lee County Supervisor of Elections place a referendum on the ballot in accordance with the requirements of s. 101.161, F.S. (relating to referenda and ballots) and s. 3 of the bill (relating to a possible earlier referendum vote);
- referendum language; and
- an earlier referendum vote if there is a countywide election prior to the 2004 general election.

The bill provides that if there is a vote prior to the qualifying period for the 2004 general election that all county commission seats will be up for election in the year 2004 and staggered thereafter. Additionally, if the next countywide election is in 2004, then all the county commission seats will be up for election in 2006 and staggered thereafter.

#### Background

The Lee County Home Rule Charter became effective on January 1, 1997.

Currently, the Charter provides that the County Commission shall be composed of five members serving staggered terms of four years. Additionally, the Charter provides that there shall be one commissioner for each of the five County Commission districts established pursuant to general law; and that the commissioners shall be elected in a partisan election on a county-wide basis. (Charter s. 2.2)

The Charter provides that it may be amended by:

- petition of at least seven percent of the qualified electors (Charter, s. 4.1, A.);
- the Charter Review Commission (Charter, s. 4.1, B); or
- the Board of County Commissioners (Charter, s. 4.1, C).

Pursuant to House Rule 5.5(a), any local bill which may be enacted into law by ordinance of a local governing body may not be reported by the committee, unless the governing body would be required to call a referendum to enact the substance of the local bill into law. This bill requires a referendum. Thus, this bill is not subject to House Rule 5.5(a).

C. SECTION DIRECTORY:

Section 1. Amends the Lee County Home Rule Charter to provide for the election of county commissioners on a single district basis rather than a county wide basis.

Section 2. Provides for a referendum to decide if the charter should be amended as outlined in s. 1.

Section 3. Provides for an earlier referendum under certain circumstances.

Section 4. Provides an effective date of upon referendum approval, except for s. 4 which takes effect upon becoming law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

February 1 and 2, 2003.

WHERE?

*News-Press*, a daily newspaper of general circulation in Lee County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

In conjunction with the 2004 general election or earlier under certain circumstances.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The act takes effect only upon referendum approval, except for s. 3 which takes effect upon becoming law. Section 3 contains only the effectiveness provisions, not the requirements to place the referendum on the ballot. Therefore, the bill does not appear to achieve its goal since the provisions requiring the referendum can never take effect.

Other Comments

None.

#### **IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES**

The Committee on Local Government & Veterans' Affairs, at its meeting on 3/13/03, adopted one amendment to resolve a technical drafting issue related to the bill's effective date. The amendment provides for an effective date of upon becoming law for some provisions and provides an effective date for the remainder of the bill contingent upon referendum approval. The bill was reported out with a committee substitute.