

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1145 East Naples Fire & Control District, Collier County
SPONSOR(S): Davis, M.
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Local Government & Veterans' Affairs, Finance & Tax, Grayson, Cutchins.

SUMMARY ANALYSIS

This bill amends ss. 18 and 21 of the East Naples Fire Control and Rescue District, codified at ch. 2000-444, L.O.F., to remove obsolete language which has been preempted by general law and to insert references to the applicable general law provisions of chs. 189 and 191, F.S. Sections 18 and 21 of the District charter relate respectively to the issues of certain obligation instruments, and to the charge and collection of impact fees. Both of these authorities were previously granted to the District.

The bill does not have an impact on the state budget 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 amends ss. 18 and 21 of the East Naples Fire Control and Rescue District, codified at ch. 2000-444, L.O.F., to remove obsolete language which has been preempted by general law and to insert references to the applicable general law provisions of chs. 189 and 191, F.S.

Section 18 of the charter relates to the authority to issue general obligation bonds, notes or certificates of indebtedness. The bill deletes obsolete language and provides the district with the authority to issue such obligations to fund capital projects by any method provided in chs. 189 or 191, F.S. (See DRAFTING ISSUES).

Section 21 of the charter relates to the authority to charge and collect impact fees. The bill deletes obsolete language and provides the district with the authority to charge and collect impact fees for capital improvements on new construction within the district as provided for in ch. 191, F.S. (See DRAFTING ISSUES).

Background

The East Naples Fire Control and Rescue District was created on April 22, 1961. The purpose of the District is to provide fire protection and other services in emergency and crisis situations. The District is governed by a five member board of commissioners. The size of the district is 68 square miles, entirely within Collier County. The district serves an estimated 67,113 residents; has 68 employees and no volunteers; and owns and operates 11 fire-fighting vehicles. In 2002, the district received 7,817 calls for service and had an average response time of 3.5 minutes.

The District is authorized by its charter to levy ad valorem taxes up to a cap of 1.5 mills as provided for in s. 10 of the District charter, which is not amended by this bill.

The District is currently authorized to levy and collect non ad valorem assessments; as well as to impose and collect impact fees.

The District's charter was codified by ch. 2000-444, L.O.F.

C. SECTION DIRECTORY:

Section 1. Amends s. 2 of ch. 2000-444, L.O.F., relating to s. 18 of the East Naples Fire Rescue and Control District charter.

Section 2. Amends s. 2 of ch. 2000-444, L.O.F., relating to s. 21 of the East Naples Fire Rescue and Control District charter.

Section 3. Provides for liberal construction.

Section 4. Provides for severability.

Section 5. Provides for an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

December 19, 2003.

WHERE?

Naples Daily News, a daily newspaper published at Naples, in Collier County

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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Both ss. 18 and 21 of the charter, as amended in the bill as filed, contain unnecessary language that appears to expand the authorities of those sections. Specifically, the two sections state:

Section 18. The district shall have the power to issue general obligation bonds...in accordance with any method established in this act, chapter 189, or chapter 191, Florida Statutes, or any other applicable general or special law, as any of these may be amended from time to time.

Section 21. The district shall have authority to charge and collect impact fees...as prescribed in chapter 191, Florida Statutes, or any other applicable general or special law, as any of these may be amended from time to time.

After conferring with a representative of the District¹, it was determined that the language is only intended to confer on the District the authorities provided for in the relevant general law provisions of chs. 189 and 191, F.S.

¹ Chuck Mohlke, Fraser & Mohlke Associates, Inc., consultant to East Naples Fire Rescue and Control District, 3/5/04.

The Sponsor indicates his intention to offer two amendments to delete the superfluous language.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Sponsor intends to offer two amendments to remove superfluous language in ss. 18 and 21 of the District's charter.