

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:

Currently, Lee County's 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)

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.

Additionally, this bill requires all of the county commission seats to be up for election in 2006 and staggered thereafter. However, if there is an election prior to the qualifying period for the 2004 general election, all county commission seats will be up for election in the 2004 general election and staggered thereafter. The qualifying period is from noon on July 12, 2004, until noon on July 16, 2004, as defined in s. 99.061, F.S.

C. SECTION DIRECTORY:

Section 1 amends section 2.2(A) of Article II of the Lee County Home Rule Charter by changing the election process of the county commission from countywide to five single districts. Requires five contiguous, separate, and equal districts by population at the time of redistricting.

Section 2 requires the Lee County Supervisor of Election, in accordance with referenda requirements in s. 101.161, F.S, to place the title and substance of the referendum on the ballot. Provides ballot language.

Section 3 requires the referendum to occur during the next general, special, or other countywide election. Also, section 3 requires the removal of all county commission seats in 2006 for a new

staggered election cycle. However, if there is an election prior to the qualifying period for the 2004 general election, all county commission seats will be up for election in the 2004 general election and staggered thereafter.

Section 4 provides for effective date upon becoming law, except for section 1 which shall take effect only upon referendum approval.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 6, 2003

WHERE? *The News-Press*, a daily newspaper of general circulation in Fort Myers, Lee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? The referendum will occur during the next general, special, or other countywide election.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

B. RULE-MAKING AUTHORITY:

Lee County's 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 Committee (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).

Furthermore, Article III, section 11(a) (1) of the Florida Constitution, prohibits special or general law of local application pertaining to: "election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies."

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES