

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1207
SPONSOR(S): Poppell
TIED BILLS:

Indian River Mosquito Control District, Indian River County

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>8 Y, 0 N</u>	<u>Smith</u>	<u>Hamby</u>
2) <u>Finance & Tax Committee</u>	<u></u>	<u>Monroe</u>	<u>Diez-Arguelles</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The Indian River Mosquito Control District (District) was first established in 1925, with the stated purpose of controlling and eradicating mosquitoes and sand flies in designated areas of Indian River County. In 1947, the original enabling act, ch. 11128, L.O.F. (1925), was repealed, and a new law re-establishing the district and revising its authority was enacted.

This bill codifies, or reenacts, all prior special acts of the district into a single act, as required by s. 189.429, F.S. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority. The bill contains provisions which do not simply codify existing law, but amend the charter of the District, including:

- providing for a three member board of commissioners until the next election, stating three persons' names that will compose the commissioners until that time;
- clarifying charter provisions pertaining to terms in office for District Commissioners;
- amending provisions governing the compensation of District Commissioners; and
- updating language referring to the State of Florida's Comptroller; deleting Comptroller, adding Chief Financial Officer.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2006-07 or 2007-08.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

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 s. 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of the 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 s. 189.429, F.S. to provide that reenactment of existing law pursuant to s. 189.429, F.S.: (1) shall not be construed to grant additional authority nor to supersede 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 ss. 189.429 and 191.015, F.S., 201 special districts (including local bills that were vetoed or filed and did not pass the Legislature) have codified their charters.

Although the deadline for submission of a codified charter by all special districts was prior to the 2005 Legislative session, all special districts have not complied with this requirement, and proposed codification bills for other special districts have not been enacted by the Legislature or have been vetoed by the Governor. As a result, additional proposed codification bills are anticipated.

Indian River Mosquito Control District

The Indian River Mosquito Control District (District) was first established in 1925, with the stated purpose of controlling and eradicating mosquitoes and sand flies in designated areas of Indian River County. In 1947, the original enabling act, ch. 11128, L.O.F. (1925), was repealed, and a new law re-establishing the district and revising its authority was enacted.¹

Changes to the Indian River Mosquito Control District Charter

This bill codifies, or reenacts, all prior special acts of the district into a single act, as required by s. 189.429, F.S. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

¹ Ch. 24600, L.O.F., (1947).

The bill contains provisions which do not simply codify existing law, but amend the charter of the District, including:

- provides for a three member board of commissioners until the next election, states three names that will compose the commissioners until that time, naming: Janice Broda, David Foster, and Keith D. Hedin;
- clarifies charter provisions pertaining to terms in office; states that commissioners will be elected for 4 year terms and that the first commissioner is elected in a given general election by the highest number of votes and the remaining two commissioners are elected by the first and second highest number of votes cast at the next ensuing general election.
- amends provisions governing the compensation of District Commissioners; declares that commissioners will be paid for each day's service and for each mile traveled in going to and from the Board of Commissioners office according to per diem compensation expense and mileage rates established under general law or special act. Also declares that commissioners will be compensated for regular duties at the rate of \$400 per month;
- updates language referring to the State of Florida's Comptroller; deletes Comptroller, adds Chief Financial Officer; and
- adds a severability clause to the district charter.

Charter of the District

This bill recreates and reenacts the District's charter as follows:

- Section 1: Recreates the Indian River Mosquito Control District.
- Section 2: Provides for a District governing body to be called the Board of Commissioners (Board); the Board is to be composed of three members; establishes the powers of the Board; provides for four staggered terms.²
- Section 3: Requires all District Commissioners to provide a surety bond of \$5,000; failure to provide bond within 30 days of election will result in a vacancy on the Board. The Governor will then be allowed to appoint someone to that vacancy.³
- Section 4: Provides for a commission chair, vice chair, and secretary to be chosen at the first practical time after an election.⁴
- Section 5: Provides for compensation and payment for time traveled.
- Section 6: Grants the District authority to invest funds in interest-bearing depositories as prescribed by Florida law.⁵
- Section 7: Declares purpose of the District.⁶
- Section 8: Declares the general powers of the District.⁷

² See generally ch. 24600, L.O.F., (1947) § 2, ch. 63-1433, L.O.F. § 1.

³ See ch. 24600, L.O.F., (1947) § 3.

⁴ See ch. 24600, L.O.F., (1947) § 4.

⁵ See ch. 73-497, L.O.F. § 2.

⁶ See ch. 24600, L.O.F., (1947) § 6.

⁷ See ch. 24600, L.O.F., (1947) § 7.

- Section 9: Declares powers of the District as they pertain to purchasing.⁸
- Section 10: Authorizes the District to levy an ad valorem tax on all real and personal taxable property; provides provisions for the collection of those taxes through the county tax collector.⁹
- Section 11: Requires the Board to provide adequate insurance for property damage, bodily injury, or death.¹⁰
- Section 12: Provides the District abolishment provisions pursuant to s. 9, ch. 24600, 1947, L.O.F.¹¹
- Section 13: Provides that willful damage to district projects, property, and work will be seen as a misdemeanor and can be punished as stated by general law.¹²
- Section 14: Authorizes the Board to provide life and health insurance to all District employees, including all Board members, the District Director, the families of said employees, and the families of the District Director and the Assistant District Director.¹³
- Section 15: Provides severability.

C. SECTION DIRECTORY:

- Section 1: Provides that the reenactment of existing law in this bill may not be construed as a grant of additional authority; provides legislative intent.
- Section 2: Codifies, reenacts, amends and repeals chapters 11128 (1925), 14381 (1929), 20114 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-1433, 73-497, 76-388, 78-531, and 91-337, L.O.F.
- Section 3: Recreates and reenacts the charter of the District.
- Section 4: Repeals chapters 11128 (1925), 14381 (1929), 20114 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-1433, 73-497, 76-388, 78-531, and 91-337, L.O.F.
- Section 5: Provides an effective date of July 1, 2006.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 7, 2005.

WHERE? *Scripps Treasure Coast Newspapers, Vero Beach, Indian River County, Florida.*

⁸ See ch. 61-2278, L.O.F. § 3, ch. 78-531, L.O.F. § 1, ch. 91-337, L.O.F. § 3.

⁹ See ch. 24600, L.O.F., (1947) § 8.

¹⁰ See ch. 61-2278, L.O.F. § 4.

¹¹ See ch. 24600, L.O.F., (1947) § 9.

¹² See ch. 24600, L.O.F., (1947) § 11.

¹³ See ch. 61-2278, L.O.F. § 5, ch. 73-497, L.O.F. § 1.

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:

As currently drafted, the bill names three individuals and states that they shall serve as commissioners until the next election. The bill then continues, stating that after the year 2000, "commissioners shall be elected". This language is obsolete and confusing and it is recommended that it be removed as a part of the codification.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.