

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1015 Florida Keys Mosquito Control District, Monroe County
SPONSOR(S): Raschein
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N	Rivera	Miller
2) Government Accountability Committee	20 Y, 0 N	Rivera	Williamson

SUMMARY ANALYSIS

The Florida Keys Mosquito Control District (District) is an independent special district, created in 1949 and tasked with controlling and eliminating mosquitoes and other arthropods of public health importance in Monroe County. The District is governed by a board of commissioners, composed of five members elected in a general election to serve terms of four years. Members are not subject to term limits.

The bill imposes a limit on the number of terms and total number of years a member may serve on the District's board of commissioners. Future board members would be limited to serving three 4-year terms for a total of 12 years for their lifetime. Members appointed to a vacant seat who serve more than one-half of the remaining term of the vacancy would have the entire 4-year term counted toward the 12-year maximum limit.

The bill is not retrospective and board members who served prior to October 4, 2018, would not have their prior service counted toward the term limits. Similarly, board members in office as of October 4, 2018, would not have their current terms counted toward the imposed term limits.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special Districts

The Legislature adopted ch. 189, F.S., to provide uniform statutes for the definition, creation, and operation of special districts.¹ A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.² A special district may be created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.³ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.⁴ Each special district existing prior to the enactment of ch. 189, F.S., was required to submit a draft codified charter to the Legislature incorporating all of the special acts pertaining to its operation into a single act.⁵

A "dependent special district" is a district for which the membership of its governing body is identical to the governing body of a single county or municipality, all members of its governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality.⁶ An "independent special district" is any district that is not a dependent special district or includes more than one county unless the district lies wholly within a single municipality.⁷

A special district is required to have a governing body.⁸ The members of the governing body serve terms of no more than 4 years.⁹ Chapter 189, F.S., is silent as to restrictions on the number of terms or total number of years a member may serve on the board of a district.

Mosquito Control Districts

A "mosquito control district" is a special district established by law for the express purpose of controlling certain insects within its boundaries.¹⁰ Any municipality or county, in whole or part, regardless of whether the area encompasses an incorporated territory or two or more counties, may be incorporated into a single mosquito control district.¹¹ On or after July 1, 1980, mosquito control districts may only be created by counties.¹²

¹ Section 189.011(1), F.S.

² Section 189.012(6), F.S.

³ *Id.*

⁴ See ss. 189.02(4)-(5) and 189.031(3), F.S.

⁵ Section 189.019(1), F.S.

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ See ss. 189.02(4)-(5) and 189.031(3), F.S.

⁹ Section 189.041(3)(b), F.S. The section provides two instances when the term may be less than the full four years, after the first election or the first landowners' meeting following a referendum carried out as prescribed earlier in the statute.

¹⁰ Section 388.011(5), F.S.

¹¹ Section 388.021(1), F.S.

¹² Section 388.021(2), F.S.

Mosquito control districts are governed by a board of commissioners composed of three or five members elected in a general election.¹³ Members serve terms of four years.¹⁴ Current law does not limit the number of terms or total number of years members may serve.

Florida Keys Mosquito Control District

The Florida Keys Mosquito Control District (District) is a special district, created in 1949 and currently operating under a charter codified in 2002, tasked to control and eliminate mosquitoes and other arthropods of public health importance in Monroe County.¹⁵ The District has the authority to use all the privileges and powers of a mosquito control district under ch. 388, F.S.¹⁶ It is an independent special district as it does not meet any of the criteria to be a dependent special district.¹⁷

The District is governed by a board of commissioners composed of five members elected in a general election.¹⁸ Members generally serve terms of four years¹⁹ and are not subject to term limits under the charter.

Effect of Proposed Changes

The bill imposes a limit on the number of terms and total number of years a member may serve on the District's board of commissioners. Board members serving on or after October 4, 2018, are limited to serving three 4-year terms, consecutive or not, for a total of 12 years. Members appointed to serve more than one-half of the remaining term of a vacated seat would have the entire 4-year term counted toward the 12-year lifetime maximum limit.

The bill is not retroactive, as such, board members who served prior to October 4, 2018, will not have their prior service count toward the term limits. Similarly, board members in office as of October 4, 2018, will not have their current terms count toward the imposed term limits. The October 4th date is one month prior to the next possible election for board members and ensures members elected in the November 6, 2018, general elections will be the first members subject to the new lifetime term limits.²⁰

B. SECTION DIRECTORY:

- Section 1. Amends ch. 2002-346, Laws of Fla., as amended, providing term limits for board members.
- Section 2. Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 25, 017

¹³ Section 388.101(1)-(2), F.S.

¹⁴ Section 388.101(1), F.S.

¹⁵ See generally ch. 26042, Laws of Fla. (1949), as amended, ch. 2002-346, Laws of Fla., as amended, and s.189.019, F.S. The Florida Keys Mosquito Control District was created in 1949 by special act and subsequent amendments were codified into a single charter in 2002 as required pursuant to ch. 189, F.S.

¹⁶ Chapter 2002-346, s.5, Laws of Fla.

¹⁷ See ch. 2002-346, Laws of Fla., and s. 189.012(2), F.S.

¹⁸ Chapter 2002-346, ss.2 and 3(3), Laws of Fla. Members must be residents and registered electors of the area from which they are elected and each member represents a district corresponding to one of the five county commission districts of Monroe County.

¹⁹ Chapter 2002-346, s.3(3), Laws of Fla. Members serve for four years or until a successor is duly elected and qualified.

²⁰ Email from Rep. Rashcein's office, RE: HB 1015 – Term Limits for Mosquito District Commissioners, dated Jan. 5, 2018. (on file with the Local, Federal & Veterans Affairs Subcommittee).

WHERE? *The Key West Citizen*, Monroe 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:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.