

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1049 Trailer Estates Fire Control District, Manatee County

**SPONSOR(S):** Gregory

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	14 Y, 0 N	Mwakyanjala	Miller
2) Ways & Means Committee	15 Y, 0 N	LaTorre	Aldridge
3) State Affairs Committee			

### SUMMARY ANALYSIS

Trailer Estates Fire Control District (TEFCD) was created by special act in 1963. TEFCD serves Trailer Estates, a deed restricted community located in Bradenton.

On November 2, 2021, the electors in TEFCD voted to abolish and dissolve TEFCD and transfer the real and personal property of TEFCD to the Trailer Estates Park and Recreation District.

The bill repeals ch. 2005-350, Laws of Florida, abolishes TEFCD, and transfers all assets and legitimate liabilities to Manatee County.

The Economic Impact Statement filed with the bill indicates that the bill will have cost of \$168,000 for fiscal year 2021-2022 and a revenue impact of (\$94,635) for fiscal year 2022-23.

The bill is effective September 30, 2022.

### FULL ANALYSIS

#### I. SUBSTANTIVE ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1049c.WMC

**DATE:** 1/31/2022

## A. EFFECT OF PROPOSED CHANGES:

### Present Situation

#### Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district<sup>1</sup> created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.<sup>2</sup> Chapter 191, F.S., the “Independent Special Fire Control District Act,” (Act) is intended to provide standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.<sup>3</sup> The Act controls over more specific provisions in any special act or general law of local application creating an independent fire control district’s charter.<sup>4</sup> The Act requires every independent fire control district be governed by a five-member board<sup>5</sup> and provides for:

- General powers;<sup>6</sup>
- Special powers;<sup>7</sup>
- Authority and procedures for the assessment and collection of ad valorem taxes;<sup>8</sup>
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;<sup>9</sup> and
- Issuance of district bonds and evidences of debt.<sup>10</sup>

As a type of independent special district,<sup>11</sup> independent special fire control districts are also subject to applicable provisions of ch. 189, F.S., the “Uniform Special District Accountability Act.”<sup>12</sup>

An independent special district, as an entity created by the Legislature, only possesses the powers granted by the authorizing law.<sup>13</sup> Therefore, any boundary expansion must be approved by the Legislature.<sup>14</sup> A special district may not levy ad valorem taxes without approval by the affected voters in a referendum.<sup>15</sup>

#### Trailer Estates Fire Control District

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<sup>1</sup> A “special district” is a local government unit of “special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” S. 189.012(6), F.S. An “independent special district” is any special district that is not a “dependent special district,” which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district’s governing body are removable at will during their unexpired terms 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. See S. 189.012(3), F.S.

<sup>2</sup> S. 191.003(5), F.S.

<sup>3</sup> S. 191.002, F.S.

<sup>4</sup> S. 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section. *Id.*

<sup>5</sup> S. 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

<sup>6</sup> S. 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

<sup>7</sup> S. 191.008, F.S.

<sup>8</sup> S. 191.006(14); 191.009(1), F.S.

<sup>9</sup> Ss. 191.006(11), (15), 191.009(2)—(4), 191.011, F.S.

<sup>10</sup> S. 191.012, F.S.

<sup>11</sup> S. 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

<sup>12</sup> S. 189.031, F.S.

<sup>13</sup> *Bd. of Comm’rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007). See also *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>14</sup> S. 191.014(2), F.S. (“The territorial boundaries of [an independent special fire control] district may be modified, extended, or enlarged with the approval or ratification of the Legislature.”).

<sup>15</sup> Art. VII, s. 9(b), Fla. Const.

Trailer Estates Fire Control District (TEFCD) was created by special act in 1963<sup>16</sup> and serves the community of Trailer Estates, a deed restricted community.<sup>17</sup> TEFCD is administered by a board of five commissioners.<sup>18</sup> The charter of TEFCD does not provide ad valorem taxing authority separate from that provided in statute.<sup>19</sup> TEFCD is authorized to levy special assessments against taxable real estate lying within its territorial boundaries.<sup>20</sup> TEFCD had an assessment rate of \$78.60 for the fiscal year of 2021-2022.<sup>21</sup>

### November 2021 Vote to Abolish TEFCD

On November 2, 2021, the electors in Trailer Estates voted to abolish and dissolve TEFCD and transfer the real and personal property of TEFCD to the Trailer Estates Park and Recreation District, effective September 30, 2022.<sup>22</sup> Trailer Estates Park and Recreation District currently has no authority to provide fire protection and prevention services within the Trailer Estates community served by TEFCD.<sup>23</sup> To include the area of TEFCD within a different fire control district requires a vote of the qualified electors within the area approving the imposition of the new district's ad valorem taxes.<sup>24</sup>

### **Effect of the Bill**

The bill repeals ch. 2005-350, Laws of Florida, abolishes TEFCD, and transfers all assets and legitimate liabilities to the Trailer Estates Park and Recreation District. The Economic Impact Statement filed with the bill indicates that the bill will have cost of \$168,000 for fiscal year 2021-2022 and a revenue impact of (\$94,635) for fiscal year 2022-23.

#### **B. SECTION DIRECTORY:**

Section 1: Repeals ch. 2005-350, Laws of Florida.

Section 2: Abolishes Trailer Estates Fire Control District. Transfers all assets and legitimate liabilities of Trailer Estates Fire Control District to the Trailer Estates Park and Recreation District.

Section 3: Provides that the act takes effect September 30, 2022.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 23, 2021.

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<sup>16</sup> Ch. 63-1587, Laws of Fla. Ch. 2005-350, Laws of Fla., codified all special acts relating to Trailer Estates Fire Control District and provided a single, comprehensive charter for the district.

<sup>17</sup> Trailer Estates Park & Recreation District, *About Us*, available at <https://www.trailerestates.com/about-us/> (last visited on January 27, 2022).

<sup>18</sup> Ch. 2005-350, s. 3, Laws of Fla.

<sup>19</sup> Ch. 2005-350, Laws of Fla. No taxing power is explicitly stated in the charter other than the intent of TEFCD to be an independent special taxing district and its power to levy special assessments against taxable real property lying within its territorial bounds. Ch. 2005-350, ss. 1 and 7(1), Laws of Fla. See also s. 191.009(1), F.S., authorizing fire control districts to levy ad valorem taxes not exceeding 3.75 mills.

<sup>20</sup> Ch. 2005-350, s. 7(1), Laws of Fla.

<sup>21</sup> Trailer Estates Fire Control District, *Fiscal Year Budget October 1, 2021 to 9/30/2022*, available at <https://www.tefiredpt.com/wp-content/uploads/2021/03/2021-2022Budget.pdf> (last visited on January 27, 2022).

<sup>22</sup> Manatee County, *School Board/Municipal Elections, November 2, 2021 Sample Ballot*, available at <https://www.votemanatee.com/Portals/Manatee/Documents/2021%20Generic%20Sample%20Ballot%20Final.pdf?ver=9Dm1LEB187EkZjbcGIUSQ%3d%3d> (last visited on January 27, 2022). See also Manatee County, Supervisor of Elections, *2021 School Board and Municipal Elections*. 410 voters voted "Yes" (93.82%) and 27 voters voted "No" (6.18%). Results available at <https://enr.electionsfl.org/MAN/3077/Summary/> (last visited on January 27, 2022).

<sup>23</sup> Ch. 2002-361, Laws of Fla.

<sup>24</sup> Art. VII, s. 9(b), Fla. Const.

WHERE? *The Bradenton Herald*, a daily newspaper published in Manatee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2022, the Local Administration & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment authorizes the Trailer Estates Park and Recreation District as the recipient of the assets and legitimate liabilities of the dissolved Trailer Estates Fire Control District.

This analysis is drafted to the committee substitute adopted by the Local Administration & Veterans Affairs Subcommittee.