

STORAGE NAME: h0973.ca

DATE: March 3, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Community Affairs
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 973

RELATING TO: Citrus County Mosquito Control District

SPONSOR(S): Representative Argenziano

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Community Affairs
- (2) Water & Resource Management
- (3) Finance & Taxation
- (4) General Government Appropriations
- (5)

I. SUMMARY:

The bill codifies all prior special acts relating to the Citrus County Mosquito Control District into a single act.

The bill provides for minimum charter requirements and repeals prior special acts.

This bill does not make any substantive changes to current law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special districts' charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (i) extending the deadline to codify to December 1, 2004, (ii) allowing 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, (iii) removing the prohibition of substantive amendments in a district's codification bill, and (iv) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Also, section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

B. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the Citrus County Mosquito Control District

The bill states the District's minimum charter requirements pursuant to and provided by section 189.404(3), Florida Statutes, as the information is not provided for in the current charter.

The bill states that Chapters 388, 286, 197, 189, 170, and 112, Florida Statutes, are applicable to the District's charter provisions.

The bill removes obsolete language which was preempted by applicable statutes.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 61-1997, Laws of Florida; Chapter 63-1221, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Codifies, reenacts, amends, and repeals Chapter 61-1997, Laws of Florida, as amended.

Section 2: Recreates and reenacts the District's charter as follows:

- Provides District's purpose;
- Provides powers, functions, and duties regarding ad valorem taxation, tax deeds, and other revenue raising capabilities;
- States that the District was created by the petition process in chapter 390, Florida Statutes (1960);
- Requires special acts to amend charter;
- Provides for three-member governing board, membership and organization of board;
- Provides for compensation of board members;
- Provides administrative duties of the board;
- Provides for financial disclosure, meeting notices, public records, and per diem;
- Provides for procedures and requirements regarding bond issuance and other indebtedness;
- Provides for district election procedures and elector qualifications;
- Allows and provides for financing of district;
- Grants the District the authority to continue to levy a maintenance tax upon all personal and real taxable property in the district not to exceed 10 mills;
- Provides method for collecting non-ad valorem assessments, fees, charges, and state matching funds;
- Requires District planning;
- Describes District's geographic boundary limitations.

Section 3: Repeals special acts relating to the District's charter.

Section 4: Provides for liberal construction of act.

Section 5: Provides for severability of any unconstitutional provisions.

Section 6: Provides for act's control if there are conflicting provisions.

Section 7: Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 11, 1998

WHERE? Citrus County Chronicle

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

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Three technical amendments which clarify the bill have been agreed to by the sponsor. The amendments do the following:

Amendment 1: Inserts the year 1951 following the bill's reference to its creation pursuant to chapter 390, Florida Statutes. The Florida chapter on Mosquito Control districts is currently chapter 388, not chapter 390. Without the correct indication of year, it appears as though the district is being created pursuant to a chapter which does not deal with special districts.

Amendment 2: Same as above except the year is placed in the bill's minimum charter requirements section.

Amendment 3: Section 189.429, Florida Statutes, requires that all prior Legislative acts relating to the district be repealed in the District's charter codification. This bill repeals all special acts relating to the charter, except the repealer provision in chapter 61-1997, Laws of Florida. In order to comply with the statute, this amendment repeals chapter 61-1997, Laws of Florida, in its entirety, and also repeals chapter 59-603, Laws of Florida, which was repealed by chapter 61-1997, Laws of Florida.

VI. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:

Staff Director:

Laura L. Jacobs

Joan Highsmith-Smith