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DATE: May 10, 2001

****AS PASSED BY THE LEGISLATURE****

CHAPTER #: 2001-315, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
FINAL ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 887

RELATING TO: Ocean City-Wright Fire Control District (Okaloosa County)

SPONSOR(S): Representative(s) Melvin and others

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 6 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill expands the boundaries of the Ocean City-Wright Fire Control District in Okaloosa County.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | 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. PRESENT SITUATION:

Chapter 191, Florida Statutes, Provisions

Chapter 191, Florida Statutes, is the "Independent Special Fire Control District Act" (Act). The Act's purpose is to establish standards and procedures concerning the operations and governance of the 53 independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts to ensure greater accountability to the public. The Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply. The section provides that it is the intent of the Legislature that this Act supersedes all special acts or general laws of local application provisions that contain the charter of an independent special fire control district. However, those provisions that address district boundaries and geographical subdistricts for the election of members of the governing board are excepted. Chapter 191, Florida Statutes, also does not repeal any authorization providing for the levying of ad valorem taxes, special assessments, non-ad valorem assessments, impact fees, or other charges.

Section 191.014, Florida Statutes, provides that a district may be modified, extended or enlarged upon approval or ratification by the Legislature.

Ocean City-Wright Fire Control District (District)

The Ocean City-Wright Fire Control District is an independent special district in Okaloosa County that provides fire and emergency services. The District currently provides fire protection services to the land within its jurisdiction. In addition, the District, through an agreement with the Sylvania Heights Fire District dated 10/1/84, provides services to an area within that Sylvania Heights Fire District. The District receives the tax generated for this area for providing the services.

The District's charter may be found in chapter 99-478, Laws of Florida. Section 12 in section 2 of the law provides how the District may expand its boundaries. Its charter provides that the District's boundaries may be modified, extended or enlarged upon approval or ratification by the Legislature (in accordance with section 191.014, Florida Statutes). However, the District has an additional method to revise its boundaries. The District may annex any tract of land by contract or agreement between the district and all affected property owners. Property owners are required to file a petition with the District stating their intentions and requesting a hearing. A hearing must be held after published notice is given. The District is required to provide specific information in the notice. Upon

declaring that the annexation is in the best interest of the District, the District may, by resolution, pass and declare its intention to annex the land. Thirty days after the resolution declaring the annexation, the tract of land is annexed.

C. EFFECT OF PROPOSED CHANGES:

This bill expands the boundaries of the Ocean City-Wright Fire Control District in Okaloosa County, to include an area that the District currently services pursuant to an agreement.

By annexing the land, there is a projected decrease of \$18,643 in District revenues. This decrease is a result of the District levying its current ad valorem millage rate (1.69 mills). The District is currently receiving the tax revenue generated by Okaloosa County for this area that exceeds the revenues that will ultimately be collected by the District on those same properties if they are annexed.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: This section amends section 1 of the District's charter provided in chapter 99-478, Laws of Florida. The District's boundaries are amended to include specified unincorporated areas of Okaloosa County. This section describes the specified areas.

Section 2: The act is effective upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 11, 2001

WHERE?

Northwest Florida Daily News; Fort Walton Beach, 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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The District states in its Economic Impact Statement that this bill causes a decrease in revenue due to the levy of its current ad valorem millage (1.69 mills) on the newly annexed area. Residents of areas included in the district by reason of a boundary adjustment are subject to ad valorem taxation, subject to voter approval. Pursuant to section 9, article VII, of the State Constitution, the District cannot levy ad valorem taxes on the newly annexed area until the newly annexed area approves the ad valorem levy at referendum. This bill does not provide for such referendum. This does not prohibit the annexation of the area, just the levy of ad valorem taxes on the area.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Laura Jacobs

Staff Director:

Joan Highsmith-Smith

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

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Staff Director:

Joan Highsmith-Smith