

STORAGE NAME: h0865a.ca

DATE: February 22, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 865

RELATING TO: Golden Gate Fire Control District

SPONSOR(S): Representative Goodlette

TIED BILL(S): None

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

- (1) COMMITTEE ON COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
 - (2) FINANCE & TAXATION (FRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Golden Gates Fire Control and Rescue District in Collier County into a single act and repeals all prior special acts relating to the District's charter.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

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

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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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:

The 1997 Legislature created chapter 191, Florida Statutes, to provide for codification of fire control 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, was created by the 1997 Legislature. That section requires that no changes be made to a special districts 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exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.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 191.015, 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, and (iii) 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. In addition, section 189.429, Florida Statutes, was amended by removing the prohibition of substantive amendments in a districts codification bill.

STATUS STATEMENT LANGUAGE

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 departments determination or declaratory statement regarding the status of the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 67-1240, 79-443, 82-284, 84-413, 85-403, 87-498, 88-508, 88-512, 88-519, 89-451, 90-435, and 91-363, Laws of Florida, relating to the Golden Gate Fire Control and Rescue District (District) in Collier County into a single act.

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

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under sections 189.429 and 191.015, Florida Statutes. States the intent of the Legislature to have a comprehensive special act charter and to conform the charter to chapter 191, Florida Statutes.

Section 2: Codifies, reenacts, amends, and repeals special acts relating to the District's charter.

Section 3: Provides for the recreation and reenactment of the charter for the District.

ARTICLE I -- Preamble

Section 1.01: Provides that this act establishes a charter for the District.

Section 1.02: Provides that this act supersedes and repeals all previous special acts relating to the District and that amendments to the charter may only be made by special act of the Legislature. Provides that this act shall be construed so as to preserve all powers previously granted.

Section 1.03: Provides that the District is organized and exists for all purposes set forth in this act and chapters 189 and 191, Florida Statutes.

ARTICLE II -- Name of District

Section 2.01: Provides the names of the district: Golden Gate Fire Control and Rescue District.

Section 2.02: Provides that the District is an independent special district and a body corporate and politic.

ARTICLE III -- Boundaries of the District

Section 3.01: Sets forth the boundaries of the District

Section 3.02: Provides that any portion of the District which is annexed by a municipality shall be removed from the district and that the District shall be relieved of providing fire services to the annexed area. Allows the district to reach an agreement with the municipality as to what portion of the existing indebtedness or property of the district the municipality will assume.

ARTICLE IV: -- Powers of the District

Section 4.01: Provides that the District board of commissioners shall have the authority and responsibility to maintain a fire department and rescue district. Provides a non-exhaustive list of powers of the District.

Section 4.02: Authorizes the board to have a paid staff to carry out its responsibilities.

Section 4.03: Provides that the duties and powers of the board are set forth in this act and in chapter 191, Florida Statutes.

ARTICLE V -- Governing Board

- Section 5.01: Provides that the district shall be governed by a board of three commissioners pursuant to chapter 98-489, L.O.F., and a referendum approved by the voters of the District.
- Section 5.02: Provides for the election of board members.
- Section 5.03: Defines a "conflict of interest" for board members.
- Section 5.04: Provides that the board may be paid and a limit of \$500 for the amount of that pay.
- Section 5.05: Provides for the removal of any member who has three consecutive, unexcused absences from regularly scheduled meetings.

ARTICLE VI -- Finances

- Section 6.01: Provides that the powers, functions, and duties of the District regarding finances shall be as set forth in this act and the Florida Statutes.
- Section 6.02: Provides that the District board shall annually make an itemized estimate of the amount of money required to carry out the provisions of this act for the next fiscal year showing the purpose for which the monies are required and the amount necessary to be raised by taxation within the district.
- Section 6.03: Provides that the total millage for the District shall not exceed 1.0 mill in any one fiscal year. Also allows for the millage to be increased pursuant to section 191.009, Florida Statutes.
- Section 6.04: Provides that the taxes shall be assessed and collected in the same manner as county taxes.
- Section 6.05: Provides that all warrants for payment shall be payable on accounts and vouchers approved by the District board.
- Section 6.06: Provides that it is the responsibility of the District to provide adequate bonding to protect the assets of the District. Allows the District to issue bonds in accordance with section 191.012, Florida Statutes.
- Section 6.07: Provides that the District board shall allow for the new collection of impact fees for capital improvement on new construction within the district.

ARTICLE VII - Miscellaneous

- Section 7.01: Provides that all contracts, obligations, rules, resolutions, or policies of any nature on the date of the enactment of this act shall remain in full force and effect and that this act in no way effects their validity.
- Section 7.02: Provides that this act shall not affect the terms of office of the present District board nor the terms and conditions of employment of any employees of the District.

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Section 7.03: Provides that requirements for financial disclosure, meeting notices, reporting, public record maintenance, and planning shall be as set forth in this act and Florida Statutes.

Section 4: Provides for the repeal of all prior special acts.

Section 5: Provides for the validity of remaining portions of the act should any part of the act be held invalid or unconstitutional.

Section 6: Provides that this act shall be liberally construed.

Section 7: Provides that the provisions of this act shall control in the event of a conflict with the provisions of any other act.

Section 8: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 8, 1999

WHERE? Naples Daily News

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:

N/A

C. OTHER COMMENTS:

- In a letter dated December 3, 1999, Christopher J. Thornton of Treiser, Kobza, & Lieberfarb, Chtd., confirmed that the bill did not modify or alter the current boundaries of the district.
- Special acts affecting the Golden Gate Fire Control District:

-- Chapter 67-1240, L.O.F, created Golden Gate Fire Control District if approved by voter referendum. Referendum failed.

- Chapter 79-443, L.O.F., repealed Chapter 67-1240, L.O.F.
- Chapter 82-284, L.O.F., created the Golden Gate Fire Control District if approved by voter referendum. Referendum approved.
- Chapter 84-413, L.O.F., amended section 1 of Chapter 82-284, L.O.F., to extend the boundaries of the district if approved by voter referendum. Referendum approved.
- Chapter 85-403, L.O.F., amended section 6 of Chapter 82-284, to allow for an increase in the total millage to be levied on all property in the district of 1 mill for a period of fiscal years if approved by voter referendum. Referendum failed.
- Chapter 87-498, L.O.F., superseded and repealed all previous special acts relating to the District.
- Chapter 88-508, L.O.F., amended Article V of chapter 87-468, L.O.F, to increase the millage cap for the levy of taxes by the district if approved by voter referendum. Referendum failed.
- Chapter 88-512, L.O.F., amended Article V of chapter 87-468, L.O.F, to include the authorization of the use and imposition of impact fees for capital improvement on new construction in the district if approved by voter referendum. Referendum approved.
- Chapter 88-519, L.O.F., amended Article III of chapter 87-468, L.O.F, to transfer areas under the jurisdiction of the district to the jurisdiction of the North Naples Fire Control and Rescue District if approved by voter referendum. Referendum approved.
- Chapter 89-451, L.O.F., amended Article IV of chapter 87-468, L.O.F, to change the salary requirements for fire commissioners and added a section to provide attendance requirements for fire commissioners.
- Chapter 90-435, L.O.F., amended Article V of chapter 87-468, L.O.F, to increase the millage cap 0.5 mills to 2.0 mills for the levy of taxes by the district if approved by voter referendum. Referendum failed.
- Chapter 91-363, L.O.F., amended Article IV of chapter 87-468, L.O.F, to revise language to change the type of payment received by fire commissioners from salary to stipend.
- Chapter 98-489, L.O.F., provided that a referendum could be conducted pursuant to 191.005(1)(a), Florida Statutes, to create a three-member governing board. Referendum approved.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

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VI. SIGNATURES:

COMMITTEE ON COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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