

STORAGE NAME: h0775b.lgva.doc

DATE: March 22, 2001

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

BILL #: HB 775

RELATING TO: Collier Mosquito Control District

SPONSOR(S): Representative Goodlette

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS YEAS 9 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Collier Mosquito Control District of Collier County into a single act and repeals all prior special acts relating to the District's charter.

The bill declares that the District is an independent special tax district, conforms specific charter provisions with the provisions in chapter 388, Florida Statutes, and removes obsolete language, which was preempted by applicable general law chapters and inserts applicable chapter law language.

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:

In November, 1950 a referendum was held to establish an independent special taxing district with the mission of controlling mosquitoes in Naples. The result of the election created the Naples Mosquito Control District (NMCD). When initially established, the NMCD covered only six square miles in Old Naples. With all of the expansions during the District's first 25 years, the Board of Commissioners for the NMCD felt that the name of the District was no longer indicative of the area that was being covered at that time. They requested the state legislature pass a special act changing the District's name to the Collier Mosquito Control District (CMCD). This legislation was passed in 1975 and the name change became effective in January, 1976. With the 50th anniversary of the District in 2000 came further expansion. At the request of residents of the area, the CMCD Board of Commissioners voted to incorporate 66 square miles of northern Golden Gate Estates into the District. At the request of the CMCD Board, the Collier County Board of Commissioners approved the expansion. Of the 66 square miles incorporated, 33 square miles would receive services in 2001 with the second 33 square miles of the expansion area receiving services in 2002. This expansion brought the total area of the District to 308.5 square miles. The mission of the Collier Mosquito Control District is to serve the community by suppressing both pestiferous and disease carrying mosquito populations to a tolerable level in the safest, most economical manner, utilizing a variety of methods (Integrated Pest Management) in such a way as to minimize potential effects on people, wildlife and the environment.

Section 388.0101, Florida Statutes, provides the following legislative intent for Mosquito Control Districts

“It is declared to be the public policy of this state to achieve and maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the people, promote the economic development of the state, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods. It is further declared to be the policy of the state to conduct arthropod control in a manner consistent with protection of the environmental and ecological integrity of all lands and waters throughout the state.”

CODIFICATION

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to

the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow 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; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove 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. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

STATUS STATEMENT LANGUAGE

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 to the department's determination or declaratory statement regarding the status of the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the Collier Mosquito Control District (District) into a single act and repeals all prior special acts relating to the District's charter.

The bill declares that the District is an independent special tax district.

The bill states that chapters 388, 200, 197, 189 and 170, Florida Statutes, are applicable to the District's charter provisions.

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

The bill provides for amended district boundaries on October 1, 2001.

The bill provides for liability and group insurance.

The bill repeals appropriate special acts and retains general law authority for the District to levy and assess ad valorem taxation.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Ratifies and confirms the District an independent special district pursuant to chapter 390, F.S. (1949); Provides that this act is the District's charter codification required under section 189.429, F.S.; Declares the District an independent special district; Preserves all District authority.

Section 2: Codifies, reenacts, amends, and repeals chapters 63-1234, 70-640, 71-591, and 76-351, Laws of Florida.

Section 3: Re-creates and reenacts the Collier Mosquito Control District as follows:

Section 1: Provides for minimum charter requirements; Provides District's purpose; Provides powers, functions, and duties regarding ad valorem taxation, non-ad valorem assessments, bond issuance, and other revenue raising capabilities; States that the District was created by the petition process in chapter 390, Florida Statutes (1949); Requires special acts to amend charter; Provides for five-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, reporting, public records maintenance, and per diem expenses; 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 pursuant to s. 388.221, F.S.; Provides method for collecting non-ad valorem assessments, fees, service charges, or state matching funds; Requires District planning; Describes District's geographic boundary limitations.

Section 2: Provides liability insurance through board of commissioners.

Section 3: Authorizes, empowers, and permits District group insurance; Authorizes District to contribute to the cost of insurance; Requires District to record in the official minutes; Empowers and authorizes District to deduct from the wages of employees to pay the amount of the premium the employee has agreed to pay for insurance and to pay or remit same directly to the insurance company issuing the group insurance; Provides the participation in the group insurance is voluntary; Provides for discontinuance of group insurance.

Section 4: Repeals chapters 63-1234, 70-640, 71-591, and 76-351, Laws of Florida.

Section 5: Provides for liberal construction of act.

Section 6: Provides for the severability of any unconstitutional provisions.

Section 7: Provides effective date of October 1, 2001.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 12, 2000

WHERE? Naples Daily News, Naples, Collier County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

LOCAL BILL CERTIFICATION FILED? Yes, attached No

C. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The law firm, Lewis, Longman & Walker, P.A., representing the District submitted a boundary letter stating the following:

The district's boundaries have previously never been set forth in a legislative enactment. Mosquito control districts formed prior to July 1, 1980 are permitted to amend their boundaries by requesting that the board of county commissioners in each county having land within the district approve a change in the district's boundaries (section 388.211, Florida Statutes). Since this statute was passed by the Legislature, Collier Mosquito Control District has amended its boundaries on several occasions by resolution of the Collier County Board of County Commissioners.

In early 2000, the district and the county resolved to expand the boundaries again, in two phases, into Golden Gate Estates. The first phase of expansion was effective on October 1, 2000. The second will be effective on October 1, 2001. The boundaries shown in the codification bill are those that will become effective on October 1, 2001, and for this reason the bill will not be effective until that date.

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

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VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

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