

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1645 Holley-Navarre Fire District
SPONSOR(S): Representative Sansom
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	_____	<u>Morris</u>	<u>Cutchins</u>
2) <u>Finance & Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies the Holley-Navarre Fire Protection District’s special acts, in Santa Rosa County, by significantly modifying most of the language to reflect current general law. This would give the district the power to levy ad valorem taxes and the ability to impose impact fees. These powers will require referendum approval.

The bill also revises the districts charter to:

- Authorize all five board members to serve four year terms.
- Require reimbursement of board members’ work related expenses and to authorize compensation.
- Remove specific non-ad valorem assessment limitations, pursuant to s. 191.009, F.S., and to allow adjustments for growth.
- Remove the requirement for the chairman or vice-chairman’s signature for the treasurer to disburse funds.
- Provide procedures to include cities with contiguous boundaries as part of the district.

According to the economic impact statement, if the district receives authorization by referendum to charge impact fees and the board establishes an impact fee schedule to pay for the cost of new facilities and equipment that are needed as a result of new development, there will be an increase in district revenues. Revenues are unknown as the board must receive referendum approval and then set an impact fee rate that is based upon a reasonable connection between the need for additional capital facilities and the growth in the district; and it must provide a special benefit upon the fee payers.

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

STORAGE NAME: h1645.lgv.doc
DATE: March 30, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

This bill will increase the government’s role in the form of the powers allotted to the Holley-Navarre Fire Protection District in Santa Rosa County and will increase the taxes of the landowners within the district, upon referendum approval.

B. EFFECT OF PROPOSED CHANGES:

The Holley-Navarre Fire Protection District in Santa Rosa County was created by a special act of the Florida Legislature in chapter 80-603, Laws of Florida, which was later amended by ch. 81-485, L.O.F.

This bill codifies the district’s special acts by significantly modifying most of the language to reflect current general law. This would give the district the power to levy ad valorem taxes and the ability to impose impact fees. These powers will require referendum approval.

The bill also revises the district charter to:

- Authorize all five board members to serve four year terms.
- Require reimbursement of board members’ work related expenses and to authorize compensation.
- Remove specific non-ad valorem assessment limitations, pursuant to s. 191.009, F.S., and to allow adjustments for growth.
- Remove the requirement for the chairman or vice-chairman’s signature for the treasurer to disburse funds.
- Provide procedures to include cities with contiguous boundaries as part of the district.

C. SECTION DIRECTORY:

Section 1 provides the intent of the bill to codify all special acts relating to the Holley-Navarre Fire Protection District.

Section 2 amends, codifies, reenacts, and repeals chs. 80-603 and 81-485, L.O.F.

Section 3 recreates the Holley-Navarre Fire Protection District.

Section 1 provides definitions. The current definition of “business” is amended to include standard commercial or industrial businesses such as gasoline stations, stores, marinas, and similar establishments.

Section 2 provides the boundaries and purpose of the district. This section also allows the chief or other governing officials of the district to render services to communities adjacent to the boundary.

Section 3 provides guidelines for the board of commissioners pursuant to ch. 191, F.S. This section provides the board with terms of four years and procedures for conducting elections pursuant to general law.

Section 4 outlines the board's organization and compensation in accordance with ch. 191, F.S.

Section 5 provides the board's powers, duties, and responsibilities in accordance with chs. 189, 191, and 197, F.S. This includes the power to levy ad valorem taxation, issue bonds, and levy the maximum millage rate, upon referendum approval, as provided for in s. 191.009(1), F.S. This section also provides planning requirements, methods for assessing and collecting non-ad valorem assessments, and requirements for financial disclosure pursuant to general law.

Section 6 revises the district's ability to establish non-ad valorem assessment rates by allowing the board to make adjustments for growth. Proposed non-ad valorem assessment increases which exceed the rate set the previous fiscal year or the rate previously set by special act by more than the average annual growth rate in Florida personal income over the last five years must be approved by referendum of the electors of the district.

Section 7 codifies the taxes and assessment liens procedures of the district.

Section 8 revises the provisions of the disbursement of district funds. The treasurer shall issue all warrants without a second signature, which is currently required by either the chairman or vice-chairman of the board.

Section 9 codifies the district's authority to borrow money and also authorizes the district to issue evidences of indebtedness in accordance with chapters 189 and 191, F.S.

Section 10 codifies the district's use of funds.

Section 11 codifies the record of board meetings and the authority to adopt policies. This section also deems certain powers necessary of the board's functions including the authority to adopt rules and regulations, to purchase necessary equipment and property, to employ necessary personnel, and to enter into contracts with other fire departments, municipalities, state, or federal governments.

This section also removes the requirement that the district have its budget filed by September 1, for the fiscal year beginning October 1.

Section 12 provides the district with the authority to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter into contracts, and provide emergency services. This section authorizes the district fire marshal to enter, at all reasonable hours, any building or premises for the purpose of making any inspection or investigation which the state fire marshal is authorized to make pursuant to state law and regulation.

Section 13 provides procedures for annexation in accordance with section 171.093, F.S.

Section 14 provides dissolution.

Section 15 provides the district and its officers immunity from tort liability as provided for other agencies and subdivisions of the state pursuant to ch. 768, F.S. This section also requires the district to defend all claims against its officers for matters within the scope of employment.

Section 16 authorizes the district boundaries to be extended when a written petition for inclusion signed and sworn to by a majority of the owners of the real property within the tract or tracts to be included in the district has been presented to the board and the proposal has been approved

by no fewer than three members of the board. Upon approval, the board shall adopt a resolution describing the lands to be included to be recorded in the office of the Clerk of the Circuit Court of Santa Rosa County. The board shall request that its legislative delegation approve said addition and sponsor legislation amending the district boundary through a special act.

Lands within the municipal boundaries of cities contiguous to district boundaries may be included in the district upon request by the governing board of the municipality, approval of said request by affirmative vote of no fewer than three board members of the district, and referendum approval of inclusion by the electors of the municipality.

Section 4 provides the liberal construction clause.

Section 5 provides the effect and conflict clause.

Section 6 repeals the prior special acts of chs. 80-603 and 81-485, L.O.F.

Section 7 provides that this act shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

November 1, 2003

WHERE?

The *Daily News* distributed in Okaloosa, Santa Rosa, and Walton Counties.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

The bill does not specify a date for a referendum.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the economic impact statement, if the district receives authorization by referendum to charge impact fees and the board establishes an impact fee schedule to pay for the cost of new facilities and equipment that are needed as a result of new development, there will be an increase in district revenues. Revenues are unknown as the board must receive referendum approval and then set an impact fee rate that is based upon a reasonable connection between the need for additional capital facilities and the growth in the district; and it must provide a special benefit upon the fee payers.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

There do not appear to be any constitutional issues in this bill.

B. RULE-MAKING AUTHORITY:

This bill does not appear to effect rule making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to ch. 191, F.S., a fire control district may only amend its boundaries only through a legislative special act. The boundaries, as they appear in chs. 80-603 and 81-485, L.O.F., are not identical to the boundary description in this bill or the boundaries described on the district's website.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

N/A