

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 509 Collier Mosquito Control District, Collier County

**SPONSOR(S):** Melo

**TIED BILLS:**           **IDEN./SIM. BILLS:**

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Local Administration, Federal Affairs & Special Districts Subcommittee		Roy	Darden
2) State Affairs Committee			

**SUMMARY ANALYSIS**

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.

Mosquito control districts (MCDs) are created to protect health and safety, improve quality of life, promote economic development, and allow for the enjoyment of natural attractions of the state by reducing the number of insects that transmit disease within their boundaries. An MCD may contain part or all of a county or municipality. As of January 25, 2024, there were 18 mosquito control districts: 15 independent districts and three dependent districts.

The Collier Mosquito Control District (CMCD) is an independent MCD in Collier County created in 1950. The charter of the district was re-codified in 2001. The CMCD originally served an area of six square miles, but has been subsequently expanded to cover an area of 401 square miles.

The bill revises the boundaries of CMCD to include approximately 329 square miles in northern and eastern Collier County, including the area contained in the Ave Maria Stewardship Community District that is currently served by CMCD through an interlocal agreement. The boundary expansion of the CMCD was approved by the Collier County Board of County Commissioners, as required by statute, and by the electors of the area to annexed into the district.

The Economic Impact Statement (EIS) projects a net decline in CMCD revenues by approximately \$86,710 and \$64,485 in the first and second fiscal year, respectively, as services currently paid for via an interlocal agreement will instead be paid for by ad valorem taxation. The EIS also projects cost increases of approximately \$983,774 and \$920,569 for the first and second fiscal year, respectively, associated with acquiring additional equipment and hiring staff to service areas that are not currently serviced by the CMCD.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.<sup>6</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>7</sup>

##### Mosquito Control Districts

Mosquito control districts (MCDs) are created to protect health and safety, improve quality of life, promote economic development, and allow for the enjoyment of natural attractions of the state by reducing the number of insects that transmit disease within their boundaries.<sup>8</sup> An MCD may contain part or all of a county or municipality.<sup>9</sup> As of January 18, 2024, there were 18 mosquito control districts: 15 independent districts and three dependent districts.<sup>10</sup>

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally ss. 189.012(6), F.S.

<sup>3</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Dec. 5, 2023).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S.

<sup>7</sup> See, e.g., ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>8</sup> Ss. 388.0101 and 388.011(5), F.S.

<sup>9</sup> S. 388.021(1), F.S.

<sup>10</sup> Dept. of Commerce, Special District Accountability Program, *Official List of Special Districts*, available at <https://specialdistrictreports.floridajobs.org/OfficialList/CustomList> (last visited Jan. 25, 2024).

The creation of new MCDs has been prohibited since July 1, 1980.<sup>11</sup> In counties without a district, the board of county commissioners may exercise the rights, powers, and duties authorized by statute for an MCD or may direct the county health department to do so.<sup>12</sup> For MCDs formed prior to July 1, 1980, the district board of commissioners may request the board of county commissioners for the county in which the district lies to approve a change in the boundaries of the district.<sup>13</sup>

General law authorizes MCDs to levy an ad valorem tax of up to 10 mills on real and personal property within the district.<sup>14</sup> If an area is added to a district's boundaries, an ad valorem tax may only be levied in the added area if approved by a referendum in the area added to the district.<sup>15</sup>

### Collier Mosquito Control District

The Collier Mosquito Control District (CMCD) is an independent MCD in Collier County created in 1950.<sup>16</sup> The charter of the district was re-codified in 2001.<sup>17</sup> The CMCD originally served an area of six square miles, but has been subsequently expanded to cover an area of 401 square miles.<sup>18</sup> The district is governed by five-member board elected to serve 4-year terms.<sup>19</sup>

### **Effect of Proposed Change**

The bill revises the boundaries of CMCD to include approximately 329 square miles in northern and eastern Collier County, including the area contained in the Ave Maria Stewardship Community District that is currently served by CMCD through an interlocal agreement. The boundary expansion of the CMCD was approved by the Collier County Board of County Commissioners,<sup>20</sup> as required by statute, and by the electors of the area to annexed into the district.<sup>21</sup>

The Economic Impact Statement (EIS) projects a net decline in CMCD revenues by approximately \$86,710 and \$64,485 in the first and second fiscal year, respectively, as services currently paid for via an interlocal agreement will instead be paid for by ad valorem taxation. The EIS also projects cost increases of approximately \$983,774 and \$920,569 for the first and second fiscal year, respectively, associated with acquiring additional equipment and hiring staff to service areas that are not currently serviced by the CMCD.

## **B. SECTION DIRECTORY:**

- Section 1: Amends ch. 2001-298, Laws of Fla., as amended, revising boundaries of the CMCD.
- Section 2: Provides the boundary expansion was approved by a majority of qualified electors residing in the areas to be added in a referendum held August 23, 2022.
- Section 3: Provides an effective date of October 1, 2024.

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<sup>11</sup> S. 388.021(2), F.S.

<sup>12</sup> Ss. 388.241 and 388.251, F.S. The county health department must keep the books and make all reports require under ch. 388, F. S., and all purchases, whether by bid or otherwise, must be made in accordance with the procedures allowed by the board of county commissioners. The health department must also submit to the board of county commissioners itemized monthly statements of expenses incurred in carrying out the control program in the county.

<sup>13</sup> S. 388.211(1), F.S.

<sup>14</sup> S. 388.221(1), F.S.

<sup>15</sup> See art. VII, s. 9(b), Fla. Const. (setting maximum ad valorem millage rate for special districts at "a millage authorized by law approved by vote of the electors").

<sup>16</sup> Collier Mosquito Control District, *About the District*, <https://cmcd.org/about-the-district/> (last visited Jan. 26, 2024).

<sup>17</sup> Ch. 2001-298, Laws of Fla.

<sup>18</sup> Collier Mosquito Control District, *About the District*, <https://cmcd.org/about-the-district/> (last visited Jan. 26, 2024).

<sup>19</sup> Ch. 2001-298, s. 3(1)(e), Laws of Fla.

<sup>20</sup> Collier County, Fla. Resolution 2021-156 (July 13, 2021).

<sup>21</sup> See Collier County Supervisor of Elections, *2022 Primary Election*, available at <https://www.colliervotes.gov/Research-Data/Past-Results> (last visited Jan. 26, 2024).

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? September 18, 2023.

WHERE? *Naples Daily News*, a daily newspaper published in Collier County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? August 23, 2022.

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.