

**STORAGE NAME:** h0621.ca

**DATE:** March 5, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

**BILL #:** HB 621

**RELATING TO:** Putnam County (Putnam County Nursing Home Authority)

**SPONSOR(S):** Representative Smith

**COMPANION BILL(S):** None.

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

(1) COMMUNITY AFFAIRS

(2)

(3)

(4)

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I. SUMMARY:

This bill repeals the special act creating the Putnam County Nursing Home Authority (Authority). As authorized by general law, the governing body of the Authority has abolished the District by resolution. This bill amends the Laws of Florida to reflect the dissolution of the Authority.

According to the attached Economic Impact Statement, the bill would have no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 71-884, Laws of Florida, creates the Putnam County Nursing Home Authority (Authority). The Authority is a dependent special district composed of five members appointed by the County Commission of Putnam County. The Authority is authorized to operate and control Lake Shore Nursing Home and any additional county nursing homes established subsequent to the act. The Authority is directed to submit a proposed budget to the Board of County Commissioners of Putnam County (Board) each year. The Board is authorized to accept or reject the proposed budget in toto, but the Board does not have the power to accept or reject a part or portion of the budget.

On September 10, 1996, the Authority adopted Resolution No. 96-113, stating that the Authority is voluntarily dissolved pursuant to section 189.4043(1)(b), Florida Statutes. The adopted resolution states that:

The Authority has been inactive for several years and has no assets or known liabilities.

The Resolution shall be filed with the State of Florida Special District Information Program and with the Putnam County Board of County Commissioners.

Pursuant to section 189.4045(2), Florida Statutes, responsibility for the property and debts of the Authority is hereby assumed by the Putnam County Board of County Commissioners; provided, however, that the Board's responsibility for the debts of the Authority shall be limited to the value of any assets transferred from the Authority.

Although the Authority has no known assets, in the event any such assets are subsequently discovered, the Resolution shall be construed as transferring title to such assets to the Putnam County Board of County Commissioners.

**Dissolution of Special Districts**

Section 189.4043, Florida Statutes, provides that the charter of an existing special district may be revoked and the special district dissolved by either:

- (a) A special act of the Legislature; or
- (b) A resolution of the governing body of the special district, a copy of which shall be filed 30 days after the effective date of the dissolution with the Special District Information Program and the local general-purpose government within which the district is located.

Section 189.4045(2), Florida Statutes, provides that the dissolution of a special district government shall transfer title to all property owned by the preexisting special district government to the local general-purpose government, which shall also assume all indebtedness of the preexisting special district, unless otherwise provided in the dissolution plan.

As noted in *The Florida Local Government Formation Manual*, 5th Edition, while a special district with a special act charter may be dissolved by resolution of the governing body of the district, its official status would remain unchanged within the Laws of Florida. For record-keeping purposes, the Legislature should repeal any special acts that relate to special districts that are being dissolved or are no longer in existence.

**B. EFFECT OF PROPOSED CHANGES:**

The bill repeals chapter 71-884, Laws of Florida, which created the Putnam County Nursing Home Authority. As noted in the previous section, the governing body of the Authority has abolished the District by resolution. This bill amends the Laws of Florida to reflect the dissolution of the Authority.

**C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:**

Chapter 71-884, Laws of Florida.

**D. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

None.

(2) what is the cost of such responsibility at the new level/agency?

None.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

**Section 1.** Chapter 71-884, Laws of Florida, is repealed.

**Section 2.** An effective date of upon becoming a law is provided.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 24, 1997

WHERE? Daily News, City of Palatka, Putnam County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? Not applicable

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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