

STORAGE NAME: h0961a.ca

DATE: March 30, 2000

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

BILL #: HB 961

RELATING TO: Sarasota County Public Hospital Board

SPONSOR(S): Representative Detert

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0
 - (2) ELECTION REFORM (PRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill conforms the election provisions of the Sarasota County Public Hospital Board charter with the Florida Election Code.

The Committee on Community Affairs adopted a clarifying amendment which provides that the district has determined that its elections shall be conducted by the Supervisor of Elections pursuant to section 189.405(2)(a). Please refer to the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section of this analysis.

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 Sarasota County Public Hospital District (District) was established in 1949 by chapter 26468, Laws of Florida, 1949, as an independent special district. The purpose of the District is to develop and regulate hospitals within Sarasota county. Currently, there is one public hospital in Sarasota County. The District is authorized to levy ad valorem taxes, and recently, that power generated approximately 7 million dollars in revenue. Revenue acquired through ad valorem taxes accounts for about one-fifth of the hospital's budget.

The governing board of the District consists of nine elected members who are elected in partisan elections by the qualified voters of the District and who serve four year terms. In addition, the District is broken into three districts, the southern, northern, and central districts. There are two members elected from each of the districts and three of the members are elected at-large. Candidates for the nine seats are not numerically grouped for a specific seat on election ballots.

The election ballot format is specifically provided in subsection 3 of section 1 of the District's charter. The title of the name of the District office is first listed on the ballots. Beneath the name of office, the respective hospital board district is listed. Candidates are then placed under each respective district on the ballots. Following the candidates names, voters are instructed on how many candidates to vote for from that district. In elections for at-large seats, a similar format is followed.

Section 189.405, F.S.

In 1989, the Legislature passed the "Uniform Special District Accountability Act of 1989" found in chapter 189, F.S. This chapter provides general provisions relating to special districts. Section 189.404(2)(b), F.S., prohibits any special law that exempts independent special districts from the election requirements found in section 189.405, F.S.

Section 189.405, F.S., provides general requirements and procedures relating to special district elections. Pursuant to this section, an independent special district that has its elections conducted through the supervisor of elections, must make its elections procedures consistent with the Florida Election Code. In addition, subsection (c) of section 189.405(2), F.S., provides qualification procedures for candidates. District elections are nonpartisan unless otherwise specified by a district's charter. Candidates qualify by paying a filing fee equal to 3 percent of the office pay, or a fee of \$25, whichever is more. In

addition, candidates have the option, in lieu of paying the filing fee, of submitting a petition that contains the signatures of at least 3 percent of the District's registered voters, or as otherwise provided. The petition is submitted and checked as provided for in section 105.035, F.S. Also, there is no party or election fee assessed if the election is non-partisan. Finally, section 189.405(4), F.S., provides that the decision made by the majority of those voting prevails.

Florida Election Code

The Florida Election Code consists of chapters 97 through 106, F.S. The Code consists of provisions regarding electors, candidates, campaigns, and voting procedures.

Section 99.061, F.S., provides the method to qualify for nomination to office. In order to qualify for election to a single-county special district office, subsection (2) provides that the candidate must submit his qualification papers along with the qualifying fee to the supervisor of elections during the specified qualifying period. In addition, the candidate must submit a candidate's oath, a loyalty oath, a written statement of political party affiliation, if the election is partisan, a disclosure statement, and a treasurer statement. Pursuant to section 99.092, F.S., the amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election fee is 1 percent of the annual salary of the office. In addition, the party assessment is 2 percent of the annual salary. In lieu of paying the qualifying fee, a candidate can seek to qualify by means of the petitioning process provided in section 99.095, F.S. To qualify by petition, a candidate must first file an oath which states that the petition process is being used to qualify. If the candidate is running within a group or district, the oath must indicate such district. To qualify under the petition process, a candidate must obtain signatures of at least 1 percent of the total number of qualified electors voting in a specified area. For example, a candidate running for district office would be required to obtain 1 percent of the total number of qualified electors in the district.

Sections 101.141 and 101.151, F.S., provides the specifications for primary and general election ballots used in counties that do not use voting machines. Within these two sections, the format of the ballot is specifically provided, including the listing of candidates in districts. Section 101.5609, F.S., provides the ballot requirements in counties using electronic voting systems.

Section 101.254, F.S., provides the procedure used when an office requires more than one candidate. In this situation, groups and districts are numerically designated according to the vacancies to be filled. A candidate is required to indicate on their qualifying papers the district in which the candidate desires to appear on the ballot. In addition, if the petition method is utilized to qualify, the candidate must indicate on the petition the district for which he or she is attempting to qualify.

C. EFFECT OF PROPOSED CHANGES:

This bill revises the charter of the Sarasota County Public Hospital Board regarding election of its governing body, by making its elections procedures consistent with the Florida Election Code. This bill provides that the candidates for hospital board seats for the Sarasota County Public Hospital Board shall be grouped by seat as provided in the Florida Election Code. In addition, the bill provides that the format of the ballot shall be in accordance with the Florida Election Code.

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D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that the candidates for hospital board seats for the Sarasota County Public Hospital Board shall be grouped by seat as provided in the Florida Election Code; provides that the format of the ballot shall be in accordance with the Florida Election Code.

Section 2: Provides an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 3, 1999

WHERE? *Sarasota Herald-Tribune*; Sarasota, Sarasota County

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:

This bill, as drafted, may raise some constitutional issues. Section 11(a)(21), Article III of the Florida Constitution prohibits special laws or general laws of local application that pertain to any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. In 1989, the Legislature passed section 189.404(2)(b), F.S., which prohibits any special law that exempts independent special districts from the election requirements found in section 189.405, F.S. Section 189.405, F.S., provides, in addition to providing that independent special districts elections must be consistent with the Florida Election Code, additional requirements regarding the qualification process for candidates. It is unclear whether this bill may be attempting to only be governed by the Florida Election Code, rather than section 189.405, F.S.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs, at its March 30, 2000 meeting, adopted a clarifying amendment offered by Representative Detert which provides that the district has determined that its elections shall be conducted by the Supervisor of Elections pursuant to section 189.405(2)(a).

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Laura L. Jacobs, Esq.

Joan Highsmith-Smith