

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2554
 SPONSOR: Senator Mitchell
 SUBJECT: Dixie, Gilchrist, and Levy Counties
 DATE: March 7, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable
2.	_____	_____	RC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill repeals the enabling act for the Tri-County Hospital Authority.

This bill repeals Chapter 84-423, L.O.F.

II. Present Situation:

Dissolution of Districts

Section 189.4044, F.S., provides the procedures to dissolve an inactive special district. The Department of Community Affairs (DCA) is charged with the duty of reviewing the status of special districts and determining whether the district is still active. A factor in DCA's determination is whether the district meets one of the following criteria:

- no district action has been taken for 2 calendar years;
- there is no district governing board or a sufficient number of governing board members to constitute a quorum for more than 18 months;
- no reports, required by section 189.419, F.S., have been filed or attempted to be filed; or
- no fees assessed by the Special District Information Program have been paid for 2 fiscal years.

If the district satisfies one of the above criteria, then DCA publishes a notice of its proposed declaration of inactive status once a week for 2 weeks in a newspaper of general circulation within the boundaries of the district. Prior to the enactment of chapter 2001-266, L.O.F., s. 189.4044, F.S., required the notice to be published once a week for 4 weeks. The notice must contain the name of the district, the laws in which it was organized and operated under, and the territory of such district. In addition, the notice must include a provision relating to any

objections to (a) the proposed declaration or (b) any claims against district assets, and requiring that any objections or claims must be filed with DCA within 60 days following the date of last publication. A second factor in its determination is whether 60 days from last publication there were any sustained objections filed with DCA.

If a determination of inactive status is made, then DCA notifies the Speaker of the House of Representatives and the President of the Senate of its determination and all special acts relating to the inactive district's creation and its charter. A special district declared inactive under section 189.404, F.S., is dissolved by a special act that repeals the inactive district's enabling laws.

The declaration of inactive status is sufficient notice as required by section 10, Article III of the Florida Constitution.

The assets and property of the inactive district are subject to legal process for payment of any district debts. Following the payment of all debts, any assets or property of the district escheats to the county or municipality in which the district is located. If there are no assets to pay the district indebtedness, then the local government where the district is situated may levy any tax on the property within the boundaries of the former district in order to pay such debts. The tax is assessed and collected by the county property appraiser and tax collector.

Tri-County Hospital Authority

The Tri-County Hospital Authority, which was created by chapter 84-423, L.O.F., is an independent district whose boundaries include the land within Dixie, Gilchrist, and Levy Counties. The district was created to assist in the acquisition, construction, financing, and refinancing of a general hospital in the Fanning Springs area to serve Dixie, Gilchrist, and Levy Counties. The governing body of the authority is a board of trustees consisting of nine members. The county commission of each county appoints three members each.

In addition to the powers granted to health facilities authorities in section 154.209, F.S., chapter 84-423, L.O.F., grants the authority to all powers necessary to assist a health facility, as defined in chapter 154, F.S., in the acquisition, construction, financing, and refinancing of a general hospital in the Fanning Springs area to serve Dixie, Gilchrist, and Levy Counties.

Pursuant to section 189.4044, F.S., DCA declared the District inactive on December 5, 2000. The DCA declaration of inactive status, states the Tri-County Hospital Authority failed to make a good faith effort to file the reports listed in section 189.419, F.S., and failed for two consecutive years to pay fees assessed by the Special District Information Program.

DCA published a notice of inactive status of the district in the Dixie County Advocate on March 16, March 23, March 30, and April 6, 2000; the Gilchrist County News Journal on March 16, March 23, March 30, and April 6, 2000; and the Levy County Journal on April 13, April 20, April 27, and May 4, 2000. The notices required any party objecting to the district's dissolution to file an objection within 60 days after the date of the last publication of the notice. In addition, the notice required district creditors to file claims against the District within the 60 day time period. No sustained objections were filed with DCA within the 60-day period.

DCA Secretary Siebert sent a letter, dated December 4, 2001, to Senate President McKay and House Speaker Feeney, as required by section 189.4044(3), F.S., requesting that the Legislature dissolve the District by repealing its enabling laws. Attached to the letter was the Declaration of Inactive Status Report concerning the District.

III. Effect of Proposed Changes:

Section 1 repeals Chapter 84-423, L.O.F.

Section 2 provides that the bill becomes effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
