

STORAGE NAME: h0943.sgc.doc
DATE: February 15, 2002

**HOUSE OF REPRESENTATIVES
COUNCIL FOR SMARTER GOVERNMENT
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 943
RELATING TO: North Lake County Hospital District
SPONSOR(S): Representative Gibson
TIED BILL(S):

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 7 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT YEAS 12 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

The bill codifies all prior special acts relating to the North Lake County Hospital District (District) into a single act. The District is currently authorized to levy a 1 mill ad valorem tax on taxable district property. This bill does not change that provision. This bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

According to the Economic Impact Statement, this bill does not impact state or local budgets.

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:

Background

The North Lake County Hospital District (District) was created in 1995, by chapter 95-508, Laws of Florida and has been subsequently amended by special acts. It was created by the merger of the Northwest and Northeast Lake County Hospital Districts by chapter 95-508, Laws of Florida. It is an independent special district.

The District is currently authorized to levy a 1 mill ad valorem tax on taxable district property. This bill does not change that provision.

Codification of Special Acts

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, F.S., to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, F.S. (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, F.S., to: (1) extend the codification deadline to December 1, 2004; (2) allow for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, F.S. creating subsections (2) and (3). The subsections provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law

contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Schedule Of Submittals Of Special Districts' Charters

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, F.S., 110 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, F.S., is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the North Lake County Hospital District in Lake County into a single act and repeals all prior special acts relating to the District's charter. This bill includes the following charter provisions: describing the purpose for the District; describing powers, functions, and duties of the district regarding ad valorem taxation, bond issues and other revenue-raising capabilities, budget matters, lien issues, and other similar issues; describing the methods for establishing the District; describing the method for amending the charter of the District; describing the membership and organization of the governing board of the district; describing the compensation of a governing board member; describing the administrative duties of the governing board of the District; describing the applicable financial disclosure, noticing, and reporting, requirements; describing the procedures and requirements for issuing bonds; describing the procedures for conducting any district elections or referenda and the qualifications of an elector of the district; describing the methods for financing the district; describing the authorized millage rate; describing the methods for collecting non-ad valorem assessments, fees, or service charges; describing the District planning requirements; and describing that the geographic boundary limitations.

In compliance with section 189.404(5), F.S., this bill provides that the District is an independent special district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: States that this act constitutes the codification of special acts relating to this district.

Section 2: States that all previous laws pertaining to this District are codified, reenacted, amended, and repealed

- Section 3:** Recreates and reenacts the district charter, providing the following:
- Section 1: Names the act, states that the District is an independent special district, provides the geographical boundaries for the District.
- Section 2: Defines the purpose of the District.
- Section 3: Provides membership for the District and organization of the District governing board.
- i. Provides the guidelines for the District governing board (Board of Trustees).
 - ii. Provides guidelines for the election of the Board of Trustees.
 - iii. Defines the requirements and procedures for the Board's annual meeting.
 - iv. Permits special meetings.
 - v. Provides guidelines for the removal and replacement of Board members.
- Section 4: Defines the powers, functions, and duties for the District.
- A. Provides the District with the power of eminent domain.
 - B. Defines the general powers of the District.
 - C. Allows the District to levy ad valorem taxes.
 - D. States that the District will pay monies to charitable foundations.
 - E. Provides guidelines for monies received by the LifeStream Behavioral Center (Center)
 - F. Directs foundations and the Center to file annual reports with the District
 - G. Assigns the duties of District tax collection and appraisals.
 - H. Provides guidelines for paying expenses.
 - I. Provides for financial disclosure.
 - J. Directs the Board to prepare an annual budget.
 - K. Provides guidelines for liens and foreclosures.
- Section 5: Provides for the establishment and dissolution of the District.
- Section 6: States that only the Legislature can amend District charter
- Section 7: Provides for liberal construction.
- Section 8: Comprehensive planning is not required by the act.
- Section 9: Repeals all previous acts relating to the Northeast and Northwest Lake County Hospital Districts.
- Section 10: This act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN?

December 6, 2001

WHERE? Orlando Sentinel, Tavares, Florida

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:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Council on Smarter Government adopted one amendment at its meeting on February 14, 2002. The amendment is a technical correction which was submitted by the bill's sponsor, Representative Gibson.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Kevin Doyle

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

Kevin Doyle

Staff Director:

Don Rubottom