



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

##### Effect of Proposed Changes

This bill provides for the establishment of the Lee County Trauma Services District, an independent district, in Lee County, Florida. According to the bill's sponsor, this bill provides financial support for trauma services in Lee County.

##### Present Situation

Section 189.404, F.S., relates to legislative intent for the creation of independent special districts; special act prohibitions; model elements and other requirements; and general-purpose local government/Governor and Cabinet creation authorizations.

It is the intent of the Legislature that, after September 30, 1989, at a minimum, the requirements of subsection (3) of s. 189.404, F.S., must be satisfied when an independent special district is created.

Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application which:

- (a) Create independent special districts that do not, at a minimum, conform to the minimum requirements in subsection (3) of s. 189.404, F.S.;
- (b) Exempt independent special district elections from the appropriate requirements in s. 189.405, F.S.;
- (c) Exempt an independent special district from the requirements for bond referenda in s. 189.408 F.S.;
- (d) Exempt an independent special district from the reporting, notice, or public meetings requirements of s. 189.4085, F.S., s. 189.415, F.S., s. 189.417, F.S., or s. 189.418, F.S.;
- (e) Create an independent special district for which a statement has not been submitted to the Legislature that documents the following:
  1. The purpose of the proposed district;
  2. The authority of the proposed district;
  3. An explanation of why the district is the best alternative; and

4. A resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

C. SECTION DIRECTORY:

- Section 1: Provides for the establishment of the Lee County Trauma Services District.
- Section 2: Provides for the establishment of a governing body for the Lee County Trauma Services District and also provides detail to the composition of the board.
- Section 3: Provides for the Board of Directors of the Lee County Trauma Services District to have the same officers as the Board of Directors of the Lee Memorial Health System.
- Section 4: Provides for the books and accounts of the Lee County Trauma Services District to be audited annually by an independent certified public accountant selected by the board of the district.
- Section 5: Provides detail to meetings of the Board.
- Section 6: Authorizes powers of the Board of Directors. The Board is authorized to pay all expenses on behalf of the District; provides the Lee County Trauma Services District may sue and be sued in the name of the Lee County Trauma Services District; authorizes the board to manage and make contracts; authorizes the Board to accept gifts from any source for the benefit of the District; authorizes the Board to settle any claim brought forth against the District or any of its subsidiaries; authorizes the Board to take action efficient with the effective operation of the District consistent with the Constitution and the laws of the State of Florida.
- Section 7: Declares the operation and maintenance of the Lee County Trauma Services District to be public purpose.
- Section 8: Provides for the fiscal year of the Lee County Trauma Services District to be the same as the Lee Memorial Health System; requires the Board to prepare a budget for the ensuing fiscal year; requires the budget to include the estimated amount obligated committed, but not completed; requires the provision of notice to the public of the budget to be in compliance with general law.
- Section 9: Provides for severability.
- Section 10: This act shall take effect upon becoming law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 1, 2003.

WHERE? News-Press, Fort Myers, 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

### III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not applicable.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments:

Resolution No. 03-04-18 was adopted on April 15, 200, states in part, the following:

This resolution is authorized by section 125.01, F.S., and other applicable law. That the Board of County Commissioners finds that the creation of the independent special district, to be known as the Lee County Trauma Services District, is consistent with F.S., s. 189.404(2)(e)4, and the approved local government plans of Lee County. As the result, the Board of County Commissioners has no objection to the creation of the Lee County Trauma Services District as set forth in HB 1055.

Notice of Publication

The bill was re-noticed on April 14, 2003, by the *News-Press*, in Fort Myers, Lee County, Florida. The notice was submitted to state that the Lee Memorial Health System Board of Directors intended to seek passage of legislation during the 2003 Legislative Session.

### IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The sponsor of the bill may be offering a strike-everything amendment at the Local Government & Veterans' Affairs meeting.