

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1223 Jackson County Hospital/Codification
SPONSOR(S): Representative Kilmer
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	<u>16 Y, 0 N</u>	<u>Sheheane</u>	<u>Highsmith-Smith</u>
2) <u>Judiciary</u>	<u></u>	<u>Billmeier</u>	<u>Havlicak</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Jackson County Hospital District in Jackson County into a single act and repeals all prior special acts relating to the District's charter. The District is currently authorized to impose and collect 5 mills of ad valorem tax. The bill does not change that current authority.

The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated for either fiscal year 2003-04 or 2004-05 according to the Economic Impact Statement.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1223b.ju.doc
DATE: April 11, 2003

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 codifies all prior special acts relating to the Jackson County Hospital District in Jackson County into a single act and repeals all prior special acts relating to the District's charter. The bill renames the corporation the Jackson County Hospital Corporation. The District currently levies not more than 5 mills this bill does not change that provision.

The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

The District was authorized initially in 1939 by passage of law 19901. The District's acts have been amended eight times since that time.

Codification

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 initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows 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. 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, Florida Statutes to 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.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

Section 1: Constitutes the codification of all special acts relating to the Jackson County Hospital.

Section 2: All prior acts relating to the Jackson County Hospital District are amended, codified, reenacted, and repealed.

Section 3: The charter is re-created and reenacted to read:

Section 1: Maintains the boundaries of the District.

Section 2: Maintains that the purpose of the District is to manage a public hospital for the District.

Section 3: Provides for the membership and organization of the governing board of the District.

Section 4: Provides for the powers of the District and its governing body.

Section 5: Provides for the authorization for Jackson County Board of County Commissioners to fund hospitals; provides for the source of funds.

Section 6: Provides for bonds pledging ad valorem taxation.

Section 7: Provides for District tax exemptions.

Section 8: Provides for liens.

Section 9: Provides for financial disclosure; provides for meeting notices, reporting, and public records of the board.

Section 10: Provides for an annual budget.

Section 11: Provides for the amendment and dissolution of the District.

Section 12: Provides comprehensive planning is not required by this act.

Section 4: Provides for notice.

Section 5: Provides that any provision of this act is held invalid and that such holding shall not affect any other part of this act.

Section 6: Provides for act's control if there are conflicting provisions.

Section 7: Repeals chapters 19901 (1939), 21312 (1941), 57-1420, 61-2289, 69-1165, 71-689, 71-690, 76-389, and 79-483, Laws of Florida.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 2, 2003

WHERE? Jackson County Floridan, Marianna, Jackson, 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:

Many local bills contain language providing that in the event of a conflict of the provisions of the local bill with the provisions of any other general or local law, the provisions of the act being considered controls to the extent of the conflict(s). This is referred to as a "supremacy" clause. This language does not allow interested persons or Members of the Legislature knowledge of the specific laws containing potential conflicts. Unless those specific laws in conflict are identified, it is suggested that the "supremacy" clause be removed from the bill.

The sponsor has indicated she will offer an amendment to remove the language from this bill.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.