

STORAGE NAME: h0971a.ca
DATE: April 8, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 971
RELATING TO: Citrus County/Hospital & Nursing Home Act
SPONSOR(S): Representative Argenziano
COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) HEALTH CARE LICENSING & REGULATION YEAS 11 NAYS 0
(2) COMMUNITY AFFAIRS YEAS 9 NAYS 0
(3)
(4)
(5)

I. SUMMARY:

This bill codifies all prior special acts relating to the Citrus County Hospital Board in Citrus County into a single act.

The bill removes references to freeholders and inserts voters.

The bill deletes obsolete language and makes technical revisions.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Citrus County Hospital and Medical Nursing and Convalescent Home Act was passed as chapter 65-1371, Laws of Florida. It was amended by chapter 69-944 and chapter 70-1001, Laws of Florida. The current law contains references to the archaic term "freeholders", obsolete language, and other incorrect references. The term "freeholders" describes those entitled to vote upon bond issues. A "freeholder" was a person having a certain possessory interest in real property. Many years ago, only landowners were allowed to vote on bond issues. However, this has been changed and voters are now authorized to vote or approve bond issues.

The act provided for a five-member Citrus County Hospital Board (Board) to administer this act. The members were to be known as trustees to be appointed by the Governor, and confirmed by the Senate. The Board was authorized by the Legislature to issue bonds and levy a hospital tax of up to 3 mills. The total amount of indebtedness was not to exceed an amount equal to six times the annual hospital tax.

The Board is authorized to fund building, maintenance, and operation of hospitals, nursing homes, and convalescent homes in Citrus County by ad valorem taxation. The Board currently operates Citrus Memorial Hospital.

Codification

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special districts' charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (1) extending the deadline to codify to December 1, 2004; (2) allowing 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) removing the prohibition of substantive amendments in a district's codification bill; and (4) removing 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.

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Status Statement

Subsection 189.404(5), Florida Statutes, 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 with the determination or declaratory statement of the Department of Community Affairs regarding the status of the district.

B. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Citrus County Hospital Board in Citrus County into a single act.

The bill removes references to freeholders and inserts voters.

The bill deletes obsolete language and makes technical revisions.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 65-1371, Laws of Florida, as amended, by chapters 69-944 and 70-1001, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends chapter 65-1371, Laws of Florida, as amended by chapters 69-944 and 70-1001, Laws of Florida, as follows:

Section 1: Declares the act to be the "Citrus County Hospital and Medical Nursing and Convalescent Home Act."

Section 2: Provides definitions.

Section 3: Creates the Citrus County Hospital Board; provides powers to Board; provides that the Board is a public nonprofit corporation with no stock; provides membership of Board (five trustees); declares the Board is an agency of the county; provides purposes of the Board; provides that the Governor appoints the trustees; provides 4-year terms for trustees; provides for the Governor to fill vacancies; requires each appointee to be confirmed by the Florida Senate; provides for election of board officers; provides for officer terms; requires trustees to execute surety bonds; provides that the premiums of such bonds are paid by the Board; requires the selection of depositories; provides eligibility requirements for depositories; requires signature of two trustees, including one officer, on any check or warrant; requires approval of check to be shown in the Board's minutes.

Section 4: Prohibits compensation of Trustees; states that quorum is three trustees; requires affirmative vote of three trustees for Board action.

Section 5: Restates Board's purpose; grants powers and authority to the Board; grants the authority to operate an ambulance service.

Section 6: Provides for a hospital tax; provides for assessment and collection of tax; prohibits the levying of a tax over 3 mills.

Section 7: Requires the Board to determine by a specific date the amount required by the Board during the Board's ensuing financial year; provides for resolution of financial determination by Board and its certification to the board of county commissioners; requires the county to levy the necessary millage upon all non-exempt taxable real and personal property in Citrus County to raise the required amount; requires the Board to

adopt and certify the resolution to the county not less than 10 days prior to the time fixed for the levy of general county taxes.

- Section 8: Authorizes the Board to own, acquire, sell, transfer, and lease property; authorizes the Board to own, maintain, operate, lease, finance, and equip hospitals, and other Board facilities.
- Section 9: Grants the Board the authority to enter into contracts to carry out the Board's purposes.
- Section 10: Authorizes the Board to adopt all necessary rules and regulations and bylaws for the operation of Board facilities; authorizes the treatment of charity patients who meet specific criteria; authorizes the Board to set fees and charges for services; authorizes the Board to set medical profession qualifications.
- Section 11: Grants the power to purchase equipment; grants the authority to hire professionals and employees; grants the power to discharge employees and agents.
- Section 12: Requires the Board to submit a detailed fiscal accounting to the Clerk of the Circuit Court of Citrus County and the board of county commissioners each fiscal year; provides for the report to be recorded in the board of county commissioner's minutes; allows the board of county commissioners to publish the report in a newspaper.
- Section 13: Grants the express authority to negotiate loans to borrow money from specific sources to be used for Board purposes; restricts type of loans to those loans directly related to and tied in to a grant-in-aid to said hospital; restricts loan amount.
- Section 14: Grants the authority to borrowing money for Board purposes; provides that the Board is not required to have a validation suit or court approval to borrow money when the loan does not exceed a specific amount and the term is less than 5 years.
- Section 15: Authorizes the issuance of bonds if approved by referendum; authorizes the issuance of Revenue Certificates without referendum approval; specifies proceeds utilization.
- Section 16: States bond maturity terms; restricts the total amount of outstanding debt that the Board may incur; limits the amount of millage from the total allowed millage that can be used to pay bonds and interest; provides for payment of debt from the gross receipts of the hospital or other Board facilities; provides for the full faith and credit of Citrus County for the repayment of bonds; prohibits the pledge of the county for the repayment of the other debts; provides that after the Board approves the issuance of bonds and passes a resolution, the board of county commissioners shall pass a resolution and call a referendum; prohibits the issuance of bonds or certificates until approved in a validation suit; provides for the Board's determination of form of the debts and bonds, and the manner of their execution; declares that the bonds and notes have negotiable instruments qualities; provides for the selling of bonds or revenue certificates; limits payment of interest to 6 percent, or 6 percent or 1 percent less than the prime interest rate established by specific financial institutions if the debt's maturity date is more than 2 years.
- Section 17: Restricts the total amount of Board's indebtedness to specific amount.
- Section 18: Provides for previously authorized bonds.
- Section 19: Provides severability clause.
- Section 2:** Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 31, 1999.

WHERE? Citrus County Chronicle, Crystal River, Citrus County, 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:

The Agency For Health Care Administration prepared a bill analysis, and they reported the bill contained no fiscal impact on government or the private sector. They stated the bill deleted "freeholders" and inserted voters, and made other changes concerning obsolete language and changes relating to style and punctuation.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs, at its meeting on April 8, 1999, adopted a strike-everything amendment sponsored by Representative Argenziano which removes all coding and allows the charter to become law in a reader-friendly form. The initial coding of the bill is preferable for research purposes. However, at the conclusion of the research effort, the coding serves no useful purpose. In keeping with the purpose of the special districts' codification effort, the amendment produces an up-to-date and reader-friendly document.

In addition, the amendment does the following things:

- Inserts codification provision which provides that this bill is intended to be the Board's codification pursuant to chapter 97-255, Laws of Florida, as amended by chapter 98-320, Laws of Florida;
- Inserts additional codification language;
- Inserts the Board is an independent district pursuant to the requirement in subsection 189.404(5), Florida Statutes;
- Repeals all prior special acts relating to the Board as required by section 189.429, Florida Statutes; and
- Insert "property appraiser" in lieu of "tax assessor."

The amendment does not effect the bill's notice. However, the amendment conforms the bill to its notice.

VI. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

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Lucretia Shaw Collins

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DATE: April 8, 1999

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