

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:

This bill constitutes the codification of all special acts relating to the North Brevard County Hospital District. The District is currently authorized to levy up to 5 mills of ad valorem tax on each taxable dollar. 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.

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.

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 North Brevard County Hospital District.

Section 2: Amends, codifies, reenacts, and repeals all prior acts relating to the District.

Section 3: the charter is amended to read:

Section 1: Names the District and maintains the boundary for the District.

Section 2: Maintains language relating to the governing body of the District. The Board will be composed of nine members.

Section 3: Maintains language relating to the election of officers on the Board.

Section 4: Maintains language relating to depositing funds of the Board.

Section 5: Maintains language that Board members will receive no compensation for their services.

Section 6: Maintains language relating to the establishment of a fiscal year for the District. This section also maintains language permitting the Board to levy up to 5 mills of tax on each taxable dollar.

Section 7: Maintains language relating to the bonds issued by the District.

Section 8: Maintains language relating to the District's authorization to acquire property.

Section 9: Maintains language relating to the District's authorization to enter into contractual agreements.

Section 10: Maintains language relating to the Board establishing training programs for nurses.

Section 11: Maintains language requiring the minutes and acts of the Board to be open to the public.

Section 12: Maintains language authorizing the Board to adopt necessary rules and regulations for the purposes of the District.

Section 13: Maintains language stating that the medical facilities within the District and operated by the Board will be named the Parish Medical Center.

Section 14: Maintains language authorizing the Board to purchase equipment necessary for the medical facilities.

Section 15: Maintains language relating to the retirement program for the District's employees.

Section 16: Maintains language stating that the revenues generated from conducting business of the District is to be used for furtherance of the District.

Section 17: Maintains language stating that in the case of dissolution of the District, the assets may only be transferred to organizations which are exempt organizations as provided in section 501 (c) (3) or 170 (c) (2) of the Internal Revenue Code of 1986.

Section 18: Maintains language authorizing the District to lease portions of its property to third parties as necessary.

Section 19: Maintains language stating that in the case of a lease agreement, the facility will be required to provide no less than the same percentage of the hospital's gross revenues attributed to charity and indigent care.

Section 20: Maintains language requiring the District to dispose of surplus property owned by the District.

Section 21: Maintains language permitting the Board to establish a not-for-profit support corporation to assist the District in fulfilling its declared public purpose. This section also maintains language stating provisions that the Board must follow in expending funds to the support corporation and maintains provisions relating to the bylaws and officers of the support corporation.

Section 22: Maintains language authorizing the Board to establish health care facilities and health care services to meet the needs of the public within and beyond the boundaries of the District.

Section 23: Maintains language prohibiting the Board from using any funds derived from ad valorem assessments for joint participations or for health care service beyond the District's boundaries.

Section 4: Provides for severability.

Section 5: In the event of conflict between this act and any other act, this act shall control the extent of such conflict.

Section 6: This act shall be liberally construed to promote the purposes for which it was intended.

Section 7: Repeals all prior acts relating to the North Brevard County Hospital District.

Section 8: This act shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 1, 2003.

WHERE? *Florida Today*, Brevard 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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Supremacy Clause

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.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.