

House Bill No. 1853

An act relating to Palm Beach County; amending chapter 87-450, Laws of Florida, as amended, relating to the Palm Beach County Health Care Act; changing name of the Palm Beach County Health Care District to “Health Care District of Palm Beach County”; authorizing the District to implement school health programs; updating references to the County Public Health Department; authorizing establishment of and grant of powers to a District-owned hospital management board under certain conditions; providing for establishment of a Glades Area Rural Support Board; providing for membership and responsibilities; providing organization and recordkeeping requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 2 of chapter 87-450, Laws of Florida, is amended to read:

Section 2. Name and boundaries.—The name of the Southwestern Palm Beach County Public Hospital Board, established by chapter 26107, Laws of Florida, 1949, is changed to the “Palm Beach County Health Care District of Palm Beach County,” in Palm Beach County, Florida. The district shall embrace and include all of the property of Palm Beach County, Florida, to wit:

Beginning on the east boundary of Florida at a point where the south boundary of township forty-seven south, of range forty-three east, produced easterly would intersect the same; thence westerly on said township line to its intersection with the axis or center line of the Hillsborough State Drainage Canal as at present located and constructed; thence westerly along the center line of said canal to its intersection with the section line dividing sections twenty-six and thirty-five of township forty-seven south, range forty-one east; thence westerly on the section line dividing said sections twenty-six and thirty-five and other sections to the northwest corner of section thirty-one, of township forty-seven south, range forty-one east; thence south on the range line dividing ranges forty and forty-one, township forty-seven south, to the northeast corner of section twenty-five of township forty-seven south, range forty east, a distance of one hundred six feet more or less; thence due west on the north boundary of the sections numbered from twenty-five to thirty, inclusive, of townships forty-seven south, ranges thirty-seven to forty east, inclusive, as the same have been surveyed or may hereafter be surveyed by the authority of the Board of Trustees of the Internal Improvement Trust Fund, to the northwest corner of section thirty, township forty-seven south, range thirty-seven east; thence continuing due west to the range line between ranges thirty-four and thirty-five east, and the east boundary of Hendry County; thence north on said range line, concurrent with the east boundary of Hendry County, to the south shore of Lake Okeechobee; thence continuing north on said range line to

the northeast corner of section thirty-six, township forty south, range thirty-four east; thence easterly parallel to and one mile north from the township line dividing townships forty and forty-one south to where the south boundary of section twenty-six, township forty south, range thirty-seven east intersects the normal water level on the boundary of Lake Okeechobee; thence east on the south boundary line of said section twenty-six and other sections across ranges thirty-seven, thirty-eight and thirty-nine, forty, forty-one and forty-two east, to the east line of section twenty-eight, township forty south, range forty-two east; thence north on said east section line to the north line of said section twenty-eight; thence east on the section line between sections twenty-two and twenty-seven of township forty south, range forty-two east, and other sections to the waters of the Atlantic Ocean; thence easterly to the eastern boundary of Florida; thence southward along the coast, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the place of beginning.

Section 2. Section 3 of chapter 87-450, Laws of Florida, as amended by chapters 91-344 and 96-509, Laws of Florida, is amended to read:

Section 3. ~~Palm Beach County~~ Health Care District of Palm Beach County; district board; powers.—The District Board of the ~~Palm Beach County~~ Health Care District of Palm Beach County is vested with the authority and responsibility to provide for the comprehensive planning and delivery of adequate health care facilities (including, but not limited to, hospitals) and services for the citizens of Palm Beach County, particularly medically needy citizens. For those purposes, the district board shall have and may utilize the following powers:

(1) To plan, set policy guidelines, fund, establish, construct, lease, operate, and maintain such health care facilities as shall be necessary for the use of the people of said district, including the continued presence of at least one hospital in the Glades area, subject and limited by the future financial resources and constraints of the district; provided, however, that hospitals may not be constructed by the district, except that the district may construct a hospital in the Glades area. Said health care facilities shall be established, constructed, leased, owned, operated, and maintained for the preservation of the public health, for the public good, and for the use of the public of said district. The locations of such health care facilities shall be determined by said district board.

(2) To provide services and facilities jointly with other public or private health care providers, with appropriate provision to reduce the costs of providing service for all users thereof.

(3) To provide health care services to residents of the district through the utilization of health care facilities not owned and operated by the district. The provision of said care is hereby found and declared to be a public purpose and necessary for the preservation of the public health and welfare of the residents of the district.

(4) To adopt an official seal and alter the same at pleasure.

(5) To maintain an office at such place or places as it may designate.

(6) To sue and be sued in its own name and to plead and be impleaded, but with all sovereign immunity and limitations provided by the State Constitution or general law.

(7) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, as said district board deems proper to carry out the purposes of this act. However, the district shall not have the power of eminent domain. To hold and dispose of all assets or property, real or personal, improved or unimproved, upon such terms and for such consideration, or for no consideration, as the district board deems proper to carry out the purposes of this act.

(8) To plan and fund the construction, acquisition, ownership, leasing, repair, maintenance, extension, expansion, improvement, rehabilitation, renovation, furnishing, and equipping of health care facilities and to pay all or any part of the costs thereof from the proceeds of operating revenue, bonds, lease-purchase financing, or other obligations of indebtedness of the district or from any contribution, gift, or donation or other funds of the district for such purpose.

(9) To make and execute agreements of lease, contracts, deeds, mortgages, notes, and other instruments necessary or convenient in the exercise of its powers and functions under this act.

(10) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.

(11) To pledge or assign any money, rents, charges, fees, or other revenues and any proceeds derived from sales of property, insurance, or condemnation awards.

(12) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax as may be authorized; and to charge, collect, and enforce fees and other user charges.

(13) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(14) To employ administrators, physicians, attorneys, accountants, financial experts, consulting engineers, architects, surveyors, and such other employees and agents as may be necessary in its judgment, and to fix their compensation.

(15) To acquire existing health care facilities and to reimburse any health care facility for the cost of such facilities in accordance with an agreement between the district and the health care facility.

(16) To acquire existing health care facilities and to refund, refinance, or satisfy outstanding obligations, mortgages, or advances issued, made, or given by said health care facility.

(17) To mortgage any health care facility and the site thereof.

(18) To cooperate with, or contract with, other governmental agencies or private individuals or entities as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(19) To assess and impose upon lands in the district ad valorem taxes as provided by this act.

(20) To annually determine and approve a district budget and millage in accordance with chapter 200, Florida Statutes.

(21) To promulgate and adopt policies and rules for the operation of the district.

(22) The district is hereby authorized and empowered, in its absolute discretion, to establish or become a part of one or more qualified self-insurance trust funds for the purpose of protecting district assets and operations, as well as related health care entities and individuals comprising the health care delivery system established at the direction or under the authority of the district. The protection from liability losses includes, without limitation, professional medical malpractice, comprehensive general liability, directors and officers' liability, workers' compensation liability, medical and health services, life, property, and such other liability exposures as may be permitted by Florida law. These self-insurance trust funds may be established for the benefit of the officers, directors, employees, and approved agents of the district as well as such other legal entities or individuals as the district may determine, by board resolution, are carrying out the health care purposes and mandates of the district during the period those entities or individuals are acting within the scope of the authority and duties devolving upon them through an agreement with or direct mandate from the district.

(23) The district shall have the authority to provide for reimbursement to hospitals, physicians, or other health care providers or facilities.

(24) The district is hereby restricted from reimbursing any health care providers or facilities, including hospitals and physicians, for their bad debts arising from those patients who are not eligible for reimbursement under district guidelines. The district, however, shall continue to reimburse such health care providers for the medical care of medically needy patients, to the extent of the district's limited financial resources, taking into account funds available from other sources, including other governmental funding sources.

(25) To establish criteria for the provision of health care pursuant to this act.

(26) To do all things necessary to carry out the purposes of this act.

(27) ~~The Palm Beach County Health Care District of Palm Beach County~~ shall be exempt from the payment of any fees, taxes, or increment revenue to community redevelopment agencies established pursuant to part III of chapter 163, Florida Statutes.

(28) Notwithstanding the prohibition against extra compensation set forth in s. 215.425, Florida Statutes, to provide for an extra compensation program, including a lump sum bonus payment program, to reward outstanding employees whose performances exceed standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.

(29) The district's authority shall include the ability to plan, set policy, and fund from its revenue sources the establishment and implementation of cooperative agreements with other government authorities and public and private entities within and outside of Palm Beach County which promote the efficiencies of local and regional trauma agencies, rural health networks, and cooperative health care delivery systems; provided that any such agreements with entities outside of Palm Beach County ensure that the costs associated with any trauma services are the responsibility of such entity.

(30) To establish, and appoint members to, such boards, committees, or advisory bodies as the district board deems appropriate.

(31) The Health Care District of Palm Beach County is authorized to plan, coordinate, supervise, manage, and take such other action as appropriate to implement the school health programs as established by the District.

(32)(31) All of the foregoing powers are hereby found and declared to be a public purpose and necessary for the preservation of the public health, for the public good, and for the welfare of the residents of the district.

Section 3. Section 4 of chapter 87-450, Laws of Florida, as amended by chapters 92-340 and 96-509, Laws of Florida, is amended to read:

Section 4. District board; membership; rules of procedures.—

(1) ~~The Palm Beach County Health Care District of Palm Beach County~~ shall be governed by a district board which shall be composed of seven members. The appointing authority shall consider the diverse geographic areas of Palm Beach County in selecting individuals to serve on the district board, at least one of whom, but not more than two of whom, shall reside in the Glades area, that area of Palm Beach County lying west of the line between Range 39 East and Range 40 East. The membership of the district board of commissioners shall include three members appointed by the Governor, three members appointed by the Board of County Commissioners of Palm Beach County, and one member from the Palm Beach County Public Health Department Unit, as provided below:

(a) The Governor shall appoint three members to serve on the ~~Palm Beach County Health Care District Board~~ of Palm Beach County.

(b) The Board of County Commissioners of Palm Beach County shall appoint three members to the district board, other than themselves, one of whom must be an elected official at the time of the appointment.

(c) The district board member from the Palm Beach County Public Health ~~Department Unit~~ shall be the director of the Palm Beach County Public Health Department Unit.

(2) Any vacancies on the district board for whatever cause shall be filled in the same manner as set forth in this act for an initial appointment.

(3) Health care district board members shall receive no compensation for services as such; but, while acting for the district, they shall receive their actual expenses, including subsistence, lodging, travel, and other expenses in the amount actually incurred, as approved by the district board.

(4) Each member of the ~~Palm Beach County~~ Health Care District Board of Palm Beach County shall serve for a term of 4 years or until a successor is appointed.

(5) Each appointment to the district board shall be made on or before August 30 of the year in which the term of office is to commence. The term of office of a ~~Palm Beach County~~ Health Care District Board of Palm Beach County Commissioner shall be construed to commence on October 1 of the year of appointment and to terminate September 30 of the year of the end of his or her term.

(6) No member of the district board may serve more than two consecutive 4-year terms, with the exception of the director of the Palm Beach County Public Health Department Unit.

(7) The members of the District Board of the ~~Palm Beach County~~ Health Care District of Palm Beach County shall elect among themselves a chairman, vice-chairman, and secretary. The chairman shall preside at all meetings of the ~~Palm Beach County~~ Health Care District Board of Palm Beach County, except that the vice-chairman may preside in his or her absence. The chairman, vice-chairman, and secretary shall each have an official vote in all matters considered by the ~~Palm Beach County~~ Health Care District Board of Palm Beach County. The district board is authorized to adopt bylaws providing for the orderly governance and operation of the district affairs.

(8) The ~~Palm Beach County~~ Health Care District Board of Palm Beach County shall meet regularly as determined by the bylaws of the ~~Palm Beach County~~ Health Care District Board of Palm Beach County.

(9) Each district board member shall give bond to the Governor for the faithful performance of his or her duties in the sum of \$5,000 with a surety company qualified to do business in the state, as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of Palm Beach County, Florida. The premiums on said bonds shall be paid as part of the expenses of the district board.

(10) Four district board members shall constitute a quorum, and a vote of at least three of said district board members shall be necessary to complete the transaction of any business of the district. The district commissioners shall cause true and accurate minutes and records to be kept of all

business transacted by them, shall keep full, true, and complete books of account and minutes, which minutes, records, and books of account shall at all reasonable times be open and subject to public inspection, and any person desiring to do so may make or procure a copy of said minutes, records, or books of account, or such portion thereof as such person may desire, at a reasonable cost determined by the district board.

(11) Qualifications of commissioners.—A commissioner or the spouse of a commissioner may not, at the time of appointment or for 1 year prior to appointment or during the term of office of the commissioner:

(a) Have any financial interest, other than ownership of shares in a mutual fund, pension plan, or profit-sharing plan, in any entity which, either directly or indirectly, receives funds from the ~~Palm Beach County Health Care District of Palm Beach County~~.

(b) Be employed, retained by, or engaged in any activity with any entity which, either directly or indirectly, receives funds from the ~~Palm Beach County Health Care District of Palm Beach County~~, except for the Director of the Palm Beach County Public Health ~~Department Unit~~.

(c) Serve on the board of directors or board of trustees of any entity, which either directly or indirectly receives funds from the ~~Palm Beach County Health Care District of Palm Beach County~~.

Section 4. Section 9A is added to chapter 87-450, Laws of Florida, as amended, to read:

Section 9A. Glades Rural Area Support Board.—

(1) The Health Care District of Palm Beach County, in the exercise of its powers relative to the planning and delivery of adequate health care facilities and services for the citizens of Palm Beach County, particularly medically needy citizens, and as otherwise stated in section 3, may establish a Glades Rural Area Support Board (“Glades Support Board”) and may delegate certain authority to the Glades Support Board for the planning of support for the provision of health care in the Glades area, that area of Palm Beach County lying West of the line between Range 39 East and Range 40 East, all subject to the policies and procedures established by the district board. The role, function, and operation of the Glades Support Board shall be retroactive to the date of the inception of the creation of the Glades Management Advisory Board described in section 10. Among the powers that the district board may delegate to the Glades Support Board is some or all of the district board’s authority to provide for tax support and reimbursement to hospitals, physicians, and/or such other health care providers or facilities for the medical care of medically needy patients. If so requested by the district board, the Glades Support Board shall recommend to the district board amounts of reimbursement appropriate for hospitals, physicians, and such other health care providers or facilities which provide health care to eligible medically needy patients in the Glades area. The district board may amend, rescind, modify, or suspend any or all of the delegated powers of the Glades Support Board at any time or from time to time, in the discretion of the district board.

(2) Membership of the Glades Support Board shall consist of the seven members of the district board, described in section 4, and such board shall be subject to the same membership and rules as specified in section 4. Service on the Glades Support Board shall not be a disqualification from district board service under section 4. The district board shall include indemnification of all Glades Support Board members and authorized agents as part of its indemnification powers under section 5.

(3) The district board, in its sole discretion, may grant such powers to the Glades Support Board as the district board deems necessary or convenient, in its sole discretion from time to time, including any or all of the following powers, all of which are subject to the policies, procedures, and guidelines as established and, as may be amended, suspended, modified, or rescinded from time to time, by the district board, and which are subject to the approval of the district board:

(a) To make recommendations to the district board regarding tax support and reimbursement to hospitals, physicians, and/or such other health care providers or facilities which provide health care for medically needy patients in the Glades area, subject to and corresponding with all powers and restrictions of the district.

(b) To distribute funds received from the district board as tax support and reimbursement to hospitals, physicians, and/or such other health care providers or facilities which provide health care for medically needy patients in the Glades area, subject to and corresponding with all powers and restrictions of the district.

(c) To make and execute contracts and other instruments.

(d) To cooperate and contract with any governmental agency or instrumentality, federal, state, municipal, or county.

(e) To adopt and amend rules and regulations for carrying out the powers specified herein, provided said rules and regulations comply with rules and regulations adopted by the district board.

(4) The Glades Support Board shall only convene at the call of the chair of the Glades Support Board. The chair, vice-chair, and secretary of the Glades Support Board shall be the chair, vice-chair, and secretary of the district board. The chair shall preside at all meetings of the Glades Support Board, except that the vice-chair may preside in the absence of the chair. The chair, vice-chair, and secretary shall each have an official vote in all matters considered by the Glades Support Board. The Glades Support Board is authorized to adopt bylaws providing for its orderly governance and operation, if necessary.

(5) The Glades Support Board shall cause true and accurate minutes and records to be kept of all business transacted by it, shall keep full, true, and complete books of accounts and minutes, which minutes, records, and books of accounts shall at all reasonable times be open and subject to public inspection, and any person desiring to do so may make or procure a copy of said minutes, records, or books of accounts, or such portion thereof as such

person may desire, at a reasonable cost determined by the Glades Support Board.

Section 5. Section 10 of chapter 87-450, Laws of Florida, as amended by chapter 96-509, Laws of Florida, is amended to read:

Section 10. District-owned hospital management board; creation; purpose; powers.—

(1) If, prior to November 8, 1988, the Board of Hospital Commissioners for the pre-existing special tax districts (Southeastern, Northwestern, and Southwestern Palm Beach County Hospital Districts) lawfully reorganized one or more of those districts pursuant to the authority of s. 155.40, Florida Statutes, the operation of those hospitals shall be conducted pursuant to those reorganization documents. The district's interest shall be subject to the agreements and obligations lawfully approved and entered into by that pre-existing independent special tax district provided that said reorganization documents shall not financially commit the district to fund the reorganized hospital district.

(2) At such time that the Health Care District of Palm Beach County owns an acute-care hospital in the Glades area, the district board, in the exercise of its powers relative to the ownership and operation of hospitals in the Glades area, shall establish a management board and may shall delegate certain authority to the management board. Among the powers that the district board may delegate to the management board is some, or all, of the district's authority as the "governing body," as that term is used under Florida and federal statutes and regulations, affecting the day-to-day operation of district-owned general acute care and specialty hospitals in the Glades area, including the authority to appoint, reappoint, and discipline the medical staff. Such management board may be delegated some, or all, of the responsibility for the operation, planning, and administration of district-owned hospitals in the Glades area, that area of Palm Beach County lying West of the line between Range 39 East and Range 40 East, subject to policies and procedures established by the district board. The district board may rescind or modify any or all of the delegated powers of the management board at any time, or from time-to-time, in the discretion of the district board.

(3) If a management board is appointed, the management board shall consist of eight individuals, five of whom shall constitute a quorum. All members of the management board must:

- (a) Reside in the Glades area;
- (b) Own real property in the Glades area;
- (c) Be employed in the Glades area; or
- (d) Be employed by a business located in the Glades area.

A majority of the members of the management board must reside in the Glades area. Initial members shall be appointed for staggered terms of 2, 3

and 4 years. Thereafter, they shall be appointed for 4-year terms. Of the eight-member management board, five of the members shall be appointed by the health care district board, one member shall be appointed by the City Council of South Bay, one member shall be appointed by the City Council of Belle Glade, and one member shall be appointed by the City Council of Pahokee. At least three of the five individuals appointed by the health care district board shall reside in the Glades area. One of the initial 2-year appointments shall be made by the City Council of South Bay and one of these initial appointments shall be made by the health care district board. One of the initial 3-year appointments shall be made by the City Council of Pahokee and two of these initial appointments shall be made by the health care district board. One of the initial 4-year appointments shall be made by the City Council of Belle Glade and two of these initial appointments shall be made by the health care district board.

(4) The district board ~~may~~ shall grant any or all of the following powers to the management board appointed by the district board, all of which are: Subject to policies, procedures, and guidelines as established, and as may be amended, supplemented, modified, or rescinded from time to time, by the district board; and Which are subject to the approval of the district board.

(a) To prepare the annual budget and service delivery plan for district-owned hospitals and to submit such budget and plan to the district board for consideration by the district board.

(b) To make and execute contracts and other instruments.

(c) To acquire, by purchase or otherwise, and to hold title to any property, real or personal, useful to the purposes of the management board and to the district.

(d) To lease, either as lessee or lessor, or rent for any number of years and upon any terms and conditions real property.

(e) To establish rates and charges for those using the facilities of, or receiving care or assistance from, the management board and to collect money pursuant thereto.

(f) To accept gifts of money, services, or real or personal property.

(g) To appoint, remove, or suspend employees of the district-owned hospitals.

(h) To cooperate and contract with any governmental agency or instrumentality, federal, state, municipal, or county.

(i) To adopt and amend rules and regulations for the management and use of any district-owned hospitals, provided said rules and regulations comply with rules and regulations adopted by the district board.

(j) To appoint the staff of physicians to practice in any designated district-owned hospitals and to approve the bylaws and rules to be adopted by the medical staff of any designated district-owned hospitals. Such governing

regulations are to be in accordance with the standards of the Joint Commission on the Accreditation of Hospitals which provide, among other things, for the method of appointing additional staff members and for the discipline or removal of staff members.

(k) The management board members shall cause true and accurate minutes and records to be kept of all business transacted by them, shall keep full, true, and complete books of accounts and minutes, which minutes, records, and books of accounts shall at all reasonable times be open and subject to public inspection, and any person desiring to do so may make or procure a copy of said minutes, records, and books of accounts, or such portion thereof as such person may desire, at a reasonable cost determined by the management board.

(l) The members of the management board shall elect among themselves a chair, vice chair, and secretary. The chair shall preside at all meetings of the management board, except that the vice chair may preside in the absence of the chair. The chair, vice chair, and secretary shall each have an official vote in all matters considered by the management board. The management board is authorized to adopt bylaws providing for its orderly governance and operation.

Section 6. Section 11 of chapter 87-450, Laws of Florida, is amended to read:

Section 11. Repeal of existing districts and transfer of their assets and liabilities.—

(1) Aside from the expansion of its boundaries and change of its name set forth in section 2 of this act, the Southwestern Palm Beach County Public Hospital Board created by chapter 26107, Laws of Florida, 1949, shall be abolished and said chapter, as amended, is hereby repealed, and all of the functions, rights, responsibilities, obligations, assets, and liabilities of said hospital board shall be transferred to and become the property and responsibility of the Palm Beach County Health Care District of Palm Beach County; said repeal, abolition, and transfer to take place 1 year after the effective date of this act.

(2) The Northwestern Palm Beach County Public Hospital Board created by chapter 26106, Laws of Florida, 1949, shall be abolished and said chapter, as amended, is hereby repealed, and all of the functions, rights, responsibilities, obligations, assets, and liabilities of said hospital board shall be transferred to and become the property and responsibility of the Palm Beach County Health Care District of Palm Beach County; said repeal, abolition, and transfer to take place 1 year after the effective date of this act.

(3) The Southeastern Palm Beach County Hospital District created by chapter 29387, Laws of Florida, 1953, shall be abolished and said chapter, as amended, is hereby repealed, and all of the functions, rights, responsibilities, obligations, assets, and liabilities of said hospital board shall be transferred to and become the property and responsibility of the Palm Beach County Health Care District of Palm Beach County; said repeal, abolition, and transfer to take place 1 year after the effective date of this act.

(4) The Palm Beach County Hospital District created by chapter 83-489, Laws of Florida, shall be abolished and said chapter is hereby repealed, and all of the functions, rights, responsibilities, obligations, assets, and liabilities of said hospital board shall be transferred to and become the property and responsibility of the Palm Beach County Health Care District of Palm Beach County; said repeal, abolition, and transfer to take place 1 year after the effective date of this act.

Section 7. Section 18 of chapter 87-450, Laws of Florida, as created by chapter 93-382, Laws of Florida, is renumbered as section 16 and amended to read:

~~Section 16.18.~~ Lien on behalf of ~~Palm Beach County Health Care District of Palm Beach County~~ when other parties are liable.—

(1) The ~~Palm Beach County Health Care District of Palm Beach County~~ shall be entitled to a lien, as determined by this section, for payments made by the district for health care services provided to ill or injured persons, upon any proceeds of judgments, settlements, or settlement agreements concerning the liability of tortfeasors or other third parties causing or contributing to said illness or injuries thus necessitating such health care services. For purposes of this section, any such ill or injured persons or their legal representatives may be referred to as “claimant.”

(2) Upon suit being filed by the claimant against any tortfeasor or other third party, the claimant shall send the district, if the district made any payments on claimant’s behalf, a copy of the complaint by certified or registered mail as notification of such suit. Within 60 days after receipt of the claimant’s notification, the district may file in the suit a Notice of Payments Made for Health Care Services. Such notice must specify the amount the district paid, and it shall constitute a lien upon any recovery to the extent allowed by this section. If suit has not been filed, a claimant shall send the district notification by certified or registered mail of claimant’s intent to claim damages from the tortfeasor or other third party. Within 60 days after receipt of the claimant’s notification, the district may send to the claimant by certified or registered mail a Notice of Payments Made for Health Care Services. Such notice must specify the amount the district paid, and it shall constitute a lien upon any recovery to the extent allowed by this section. If the district made any payments on claimant’s behalf and becomes aware of a suit or claim for damages prior to being notified by the claimant in accordance with this subsection, it may file or send its Notice of Payments Made for Health Care Services at that time. Such notice must specify the amount paid by the district, and it shall constitute a lien upon any recovery to the extent allowed by this section. The notice of payments made may be amended by the district to reflect amounts paid by the district subsequent to the filing of said notice.

(3) The amount of the lien created by this section shall be the entire amount paid by the district pursuant to the Notice of Payments Made for Health Care Services, as amended, less the district’s pro rata share of reasonable attorney’s fees, costs and expenses of litigation for the claimant’s attorney; provided, however, that the amount of the lien created by this

section shall in no event be greater than two-thirds of the amount remaining from the proceeds of the judgment, settlement or settlement agreement after the deduction of attorney's fees and other reasonable costs and expenses of litigation.

(4) No release or satisfaction of any judgment, settlement, or settlement agreement shall be valid against such lien unless the district joins therein or executes a release of such lien.

(5) The district, when claiming a lien under this section, shall cooperate with the claimant by producing such information as is reasonably necessary to prove the amount paid by the district for health care services provided.

(6) The lien created by this act shall not preempt the lien rights of any hospital in Palm Beach County created by ordinance, special act or general law. This act shall not affect any subrogation rights of the district.

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

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.