

Senate Bill No. 2308

An act relating to the South Lake County Hospital District, Lake County; providing for codification of special laws relating to the South Lake County Hospital District; providing legislative intent; amending, codifying, reenacting, and repealing chapters 69-1201, 70-771, 75-415, 88-466, 95-456, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual ad valorem tax upon taxable property within the district; providing for purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district's hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the South Lake County Hospital District. It is the intent of the Legislature in enacting this law to provide a single comprehensive special act charter for the district, including all current authority granted to the district by its several legislative enactments.

Section 2. Chapters 69-1201, 70-771, 75-415, 88-466, and 95-456, Laws of Florida, creating the South Lake County Hospital District are amended, codified, reenacted, and repealed as provided in this act.

Section 3. The charter for the South Lake County Hospital District is re-created and reenacted to read:

Section 1. Establishment of district; boundaries.—

(1) There is created and established as a political subdivision of the State of Florida a hospital district in Lake County to be known as the "South Lake County Hospital District" which shall comprise and include the territory within Lake County described as follows:

All the area of Lake County lying south of the boundary line separating Townships 20 and 21 south of the Tallahassee Meridian.

(2) As used in this act, the word "district" means the South Lake County Hospital District.

Section 2. Governing body of district.—

(1) The governing body of the district shall be the South Lake County Hospital District Board of Trustees, which is established as a body corpo-

rate. As used in this act, the word "board" means the South Lake County Hospital District Board of Trustees.

(2)(a) Except as provided in paragraph (b), the board shall consist of 11 members, all of whom must reside within the district and must be appointed by the Governor, subject to confirmation by the Senate, for terms of 4 years each.

(b) Each member of the board serving when this act takes effect may continue in office as a member of the board until the expiration of his or her current term.

(c) Any vacancy on the board must be filled in accordance with paragraph (a).

(d) If a member's term expires and a successor has not been appointed, the member shall continue to serve on the board until his or her successor is appointed.

(3) A majority of the members of the board constitutes a quorum. The vote of a majority of the members of the quorum present is necessary for any action taken by the board.

Section 3. Officers.—

(1) The board shall annually elect one of its members to serve as president of the board and one of its members to serve as vice president of the board. The board may elect one of its members to serve as secretary or may appoint a person or persons who are not members of the board to serve in that capacity. However, the present chair and vice chair of the board shall continue to serve until the end of the terms for which they were elected.

(2) The board shall keep a record of its proceedings and shall be custodian of all books, documents, and papers filed with it and of its minute book or journal and official seal.

Section 4. Powers of the board.—

(1) The board has all the powers and authority permitted by the Constitution and laws of the State of Florida for providing health care services. Included in such authority or in addition to such authority, the board may:

(a) Acquire, by lease, purchase, gift, or otherwise, real and personal property necessary or useful for the construction, anticipated future construction, operation, and maintenance of the hospital buildings and other buildings necessary, in the opinion of the board, for health care purposes; and may construct hospitals, health facilities, nursing care facilities, pharmacies, medical equipment facilities, and all other facilities, buildings, and accessories incidental thereto.

(b) Sell or lease any real or personal property owned by the district upon the terms and conditions determined by the board.

(c) Borrow money, from any person, firm, association, corporation, or governmental agency, necessary for the purpose of purchasing property for, constructing buildings for, and equipping and operating the hospital or hospitals or other facilities described in paragraph (a) which are owned or operated by the district and for doing all acts necessary in properly carrying out the spirit and purpose of this act; and, as evidence thereof, may make, execute, and deliver promissory notes, mortgages, second mortgages, and other kinds of security upon any property owned or held by the district.

(d) Issue from time to time its negotiable notes, revenue bonds, anticipation notes, bonds, and refunding bonds on terms and conditions considered appropriate by the board as authorized for health facilities authorities by the state, specifically including, but not limited to, part III of chapter 154, Florida Statutes, and any amendments thereto.

(e) Operate one or more hospitals or health care facilities at any locations within the district which the board considers appropriate; to create, own, or participate in health maintenance organizations; participate as a shareholder in a corporation for profit or a corporation not-for-profit, or as a member in a corporation not-for-profit; participate with other hospitals outside the district for the purpose of jointly providing health care services within or outside the hospital district; participate as a joint venturer in any joint venture considered necessary by the board for the purpose of providing health care; incorporate as a nonprofit corporation; own or participate in subsidiary nonprofit corporations or corporations for profit; and establish foundations or any other legal entities considered appropriate by the board for purposes of providing health care services.

(f) Organize a staff of physicians and dentists and give, grant, or revoke staff membership and privileges of the medical staff members for practice in the hospital or hospitals maintained under this act so that the welfare and health of patients in the best interest of the respective hospital may at all times be best served, and determine, with the assistance of the active medical staff, categories of the medical staff, and qualifications for membership on the medical staff.

(2) The board exercises a public and essential governmental function of both the state and the county and has all the power and authority necessary to carry out the purposes of this act. The board also has all powers of a body corporate, including the power to sue and be sued, but with all sovereign immunity and limitations permitted to a governmental entity by the State Constitution or by state law.

Section 5. Compensation of board members.—

(1) The members of the board shall receive no compensation for the performance of their duties under this act, but each member is entitled to compensation for his or her necessary expenses incurred while engaged in the performance of such duties.

(2) The hospital or board may pay a member of the board for work or services performed if the services are in addition to services normally performed as a member of the board. However, a member of the board who is

employed by or receives income from a district hospital, the board, or any joint venture or health care facility in which the district has an interest must disclose such conflict and may not vote on any matter related thereto.

Section 6. Meetings.—

(1) The board shall meet monthly, if reasonably possible, at a time and place determined by the board.

(2) Special meetings of the board shall be held upon the call of the president or, in the president's absence, the vice president, or upon the written request of a majority of the members of the board.

Section 7. Principal office.—The principal office of the district at present is at 1099 Citrus Tower Boulevard, Clermont, Florida. The board may move the principal office at any time the board considers appropriate.

Section 8. Tax levies.—The board may provide for the annual levy of an ad valorem tax upon all taxable property within the district to pay for the principal of and interest on promissory notes, mortgages, or ad valorem bonds; may pay for the acquisition, construction, maintenance, operation, equipment, and administration of the facilities of the district or facilities owned, leased, or operated by a corporation not-for-profit having the district as a member entitled to appoint not less than one-half of the governing board of such corporation not-for-profit; and may pay for the cost of ambulance service and emergency room service within the district. However, the millage rate may not exceed 1 mill per year.

Section 9. Method of levying taxes.—

(1) Immediately after the assessment of properties within the county has been reviewed and equalized each year, the amount of such valuation as finally equalized will be the valuation for taxation by the board of the district. The board shall then determine by resolution each year the total amount to be raised for the district that year by taxation upon the taxable property located within the district. Such resolution must also set forth the rate of taxation which, when levied upon all the taxable property within the district, will produce the sum of money determined by the board as the total amount to be raised for such purposes for such year by taxation, which rate may not exceed the maximum millage allowed.

(2) Prior to adopting a millage rate each year, the board must properly advertise and hold a public hearing with respect to the proposed rate. At such hearing, any property owner in the district has the right to file a written protest or testify at such hearing regarding such rate. After due consideration of all protests and comments, the board shall adopt a resolution specifying the millage rate for all taxable property within the district.

(3) On or before a date agreed upon between the Property Appraiser for Lake County and the district each year, the board shall transmit to the Board of County Commissioners of Lake County a copy of such resolution, properly certified, and a request to the board of county commissioners to levy the tax specified in the resolution. The board of county commissioners may

not alter, change, revise, or amend such request and provisions for the tax included in the resolution. If the assessment of properties within the county has not been reviewed and equalized prior to the transmittal of the tax resolution, the board of county commissioners shall adjust the rate of taxation necessary to produce the sum of money determined by the board of the district as the total amount to be raised by taxation for such year; however, this power to adjust the millage may not be exercised in any way, either directly or indirectly, to alter, amend, reduce, increase, or change the total amount so determined by the board to be raised or to exceed the maximum millage allowed by law. Upon receipt of the certified copy of the resolution of the board, the board of county commissioners shall order and direct the Property Appraiser for Lake County to assess and levy, and the Tax Collector for Lake County to collect, the tax at the rate fixed and determined by such resolution as adjusted by the board of county commissioners. The property appraiser shall levy and assess, and the tax collector shall collect, such taxes in the same manner and at the same time that state and county taxes are levied, assessed, and collected. The property appraiser shall pay and remit the taxes upon collection thereof directly to the board of the district.

Section 10. Exemption of district property from assessment.—The effectuation of the purposes of the district is, shall, and will be in all respects for the benefit of the people of the state and of the district for the improvement of their health and welfare. The exercise by the board of the powers conferred by this act to effect such purposes constitutes the performance of essential functions and is declared to be a public purpose. As the facilities owned, operated, supervised, and controlled by the district and board, under the provisions of this act, constitute public property and are used for public purposes, the district may not be required to pay any assessments upon any such facilities or any parts thereof.

Section 11. Transfer of control of hospitals or health facilities.—The board may not take any action that would result in termination of the direct control and administration of the hospitals and other health facilities of the district unless the action is approved by the electors of the district in a referendum called for that purpose. This section does not apply to those healthcare facilities or business ventures set out in section 4(1)(e) in which the South Lake County Hospital District or South Lake Memorial Hospital, Inc., owns at least 50 percent in the case of a joint venture, partnership, or for-profit corporation or has the right to appoint at least 50 percent of the board of directors in the case of a nonprofit corporation.

Section 4. Chapters 69-1201, 70-771, 75-415, 88-466, and 95-456, Laws of Florida, are repealed.

Section 5. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 15, 2001.

Filed in Office Secretary of State June 15, 2001.