

House Bill No. 581

An act relating to the Madison County Hospital District; providing for codification of special laws regarding the district; providing that the district is an independent special district; providing legislative intent; codifying, amending, and reenacting the district's special acts; providing for applicability of ch. 189, F.S., and other general laws; providing a district charter; providing for severability; repealing all prior special acts related to the district; 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 Madison County Hospital District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments, and to conform the district's charter to chapter 189, Florida Statutes, the Uniform Special District Accountability Act of 1989, and other provisions of general law.

Section 2. Chapters 24673 (1947), 26688 (1951), 27689 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of Florida, relating to the Madison County Hospital District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Madison County Hospital District is recreated and reenacted to read:

ARTICLE I
Preamble

The district is organized, established, and exists for all purposes set forth in this act and chapter 189, Florida Statutes, as they may be amended from time to time.

ARTICLE II
Nature of District

The district is an independent special district of the state and Madison County pursuant to this act and chapter 189, Florida statutes, as amended, and a public body both corporate and politic. The district shall not be an agency for the purposes of chapter 120, Florida Statutes, the Administrative Procedure Act. The district shall enjoy all the protections of sovereign immunity and section 768.28, Florida Statutes.

ARTICLE III
Name

The name of the district shall be the "Madison County Health and Hospital District."

ARTICLE IV
Boundaries

The boundaries of the district shall be coterminous with the boundaries of Madison County, as such county's boundaries are set forth at section 7.40, Florida Statutes, as amended, as according to s. 1, Art. VIII of the State Constitution.

ARTICLE V
Purpose

Section 1. The district is organized and exists for the single and special purpose of providing within its boundaries public health care services, with special power and authority, including, but not limited to, so long as not inconsistent with its purpose under this act, the provision of a public hospital and other health care facilities, which may include, but not be limited to, a geriatric center and a nursing home. The district shall have the power and authority to institute, build, erect, enlarge, operate, and maintain the systems, facilities, and services needed for the above purpose, including especially service to any medically underserved elderly or residents of rural areas. The district shall additionally have the power to provide the above services and facilities outside the boundaries of the district when otherwise allowed by law and determined by the board to be in the best interest of the district.

Section 2. The district exercises a proper public purpose, an essential government function of the state and the county, and shall have all power and authority necessary to carry out the purpose of this act, including, without limitation, all powers authorized by law to hospital districts, facilities, and authorities, and shall have and operate under the powers of a body corporate and politic, including such general and special powers and duties as are provided herein and as may be otherwise provided and amended from time to time by the Legislature.

ARTICLE VI
Governing Board

Section 1. The district shall be governed by a seven-member board known as the Madison County Health and Hospital Board.

Section 2. The members of the board shall be electors of Madison County and shall serve without compensation, except for the payment of expenses as otherwise provided by law.

Section 3. The board members shall be appointed by the Governor to serve staggered terms of 4 years. Each member shall serve until his or her successor is appointed. A member may be removed from office as provided by law. Members appointed to fulfill an unexpired term of a member upon the death, disqualification, resignation, or inability of any member to serve shall only serve the remainder of a term with a new appointment made thereafter.

Section 4. Each board member shall give bond as a county official, conditioned to discharge the duties of his or her office faithfully and to account

for all public moneys and property coming into his or her possession. The district shall pay the costs of such bond.

Section 5. The board shall elect one of its members as chair, who shall preside at the meetings of the board and exercise such additional powers of the board as delegated to the chair by rule. The board shall also elect one of its members as vice chair to serve as chair in the absence or inability to serve of the chair and exercise such additional powers of the board as delegated to the vice chair by rule. The chair and vice chair shall serve at the pleasure of the board.

Section 6. The board shall hold regular meetings no less often than monthly and special meetings as often as necessary. The board shall keep minutes of its meetings. The board shall make its meetings, minutes of meetings, and records open to the public as required by general law.

Section 7. A majority of the board shall constitute a quorum. A majority of the members present shall be necessary for action by the board. For the enactment of district rules, the board must follow the regular or emergency enactment procedure for the adoption of county ordinances, pursuant to general law, and for the enactment of resolutions, the board must follow the enactment requirements for the adoption of county resolutions, pursuant to general law. The board's rules and resolutions do not have to be filed with the clerk of the circuit court or the Secretary of State. The board and the district shall be bound by the board's rules to the same extent as a county is bound by its ordinances. The board and the district shall be bound by the board's resolutions to the same extent that a county is bound by its governing board's resolutions.

ARTICLE VII Powers and Duties

Section 1. In furtherance of the district's purpose under this act and its purposes under chapter 189, Florida Statutes, the board shall have all right, power, and authority, subject to all applicable laws, rules, and regulations, to carry on the governmental and proprietary business of the district. This power includes the power:

(a) To organize itself into a working body, adopt reasonable rules relating to parliamentary procedure, and adopt and use a seal and authorize the use of a facsimile thereof.

(b) To institute, erect, build, extend, enlarge, equip, operate, maintain, renovate, and reconstruct a public hospital.

(c) To institute, erect, build, extend, enlarge, equip, operate, maintain, renovate, and reconstruct other health care facilities, which may include, but not be limited to, a geriatrics center and a nursing home, in conjunction with or separate from the public hospital.

(d) To engage in any public health or public hospital program with any public health or hospital agency created by law relating to or being beneficial to the health and hospital facilities and conditions of Madison County.

(e) To accept donations, gifts, contributions, and grants from any source including state, federal, and local agencies and any person, firm, or corporation.

(f) To spend all moneys received for district purposes.

(g) To employ, discharge, and compensate at its pleasure personnel and adopt a personnel plan.

(h) To employ or enter into independent contractor arrangements with, at the discretion of the board, professionals and others and fix the compensation thereof.

(i) To enter into interlocal agreements under section 163.01, Florida Statutes, as amended.

(j) Specifically, to cooperate informally, or pursuant to a formally negotiated and executed agreement, with the medical college of the Florida State University or any other Florida medical college as it relates to the provision of primary care for any medically underserved rural or elderly segments of the population who could benefit from any applicable system, facility, service program, or center to be provided by the district in carrying out its purpose, so long as pursuant to law and subject to agreement from the medical college at the Florida State University or any other Florida medical college, including under the auspices of any applicable local, state, or federal program or financing, including any applicable grants, loans, or appropriations.

(k) To sue and be sued in the name of the district and to make and execute contracts and other instruments necessary or convenient to exercise its powers.

(l) To borrow money and to issue bonds, certificates, warrants, notes, or other evidence of indebtedness subject to use of an identified lawful source of revenue, now or later provided, to amortize or pay back any loans, bond certificates, warrants, notes, or other evidences of indebtedness. The district may issue bonds in the same manner and with the same powers and duties as health facilities authorities pursuant to part III of chapter 154, Florida Statutes. All such bonds issued by the district shall be governed by part III of chapter 154, Florida Statutes, in all respects.

(m) To apply for and use grants or loans of money or other property from the United States, the state, a unit of general purpose local government, or any person for any district purpose; to enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for the district purpose in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(n) To adopt rules, resolutions, and orders, which may be necessary to fulfill the purposes of the district; to set the powers, duties, and functions of the board and officers and employees of the district; and to conduct of the business of the district. In the absence of any rule or resolution to the contrary, the board shall be presumed to have the power to act.

(o) To maintain executive management at such place or places as the board may designate within the county.

(p) To hold, control, and acquire by donation, purchase, or condemnation or dispose of any interest in real or personal property.

(q) To lease, as lessor or lessee, real and personal property to or from any person, firm, corporation, association, or federal, state, or local government any property or facility.

(r) To raise by user charges or fees amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in a manner prescribed by resolution not inconsistent with law. However, nothing herein shall be construed to require the district to charge a fee for all district activities and services it provides.

(s) To exercise within or beyond the district the right and power of eminent domain, including the power to take possession and title in advance of the entry of final judgment, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property, or interest therein, except for municipal, county, state, and federal property. The board may, by resolution, authorize the acquisition of any interest in real or personal property for any district use or purpose designated in such resolution.

(t) To supply services to the indigent without charge or fee.

(u) To invest moneys received by the district as is permitted by law or as provided in any resolution adopted by the board.

(v) To procure necessary insurance or to self-insure.

(w) To establish such independent entities or affiliated entities, whether in the form of a not-for-profit corporation or other legal entity, for such purposes as the board considers necessary or appropriate to carry out its projects or to administer projects or funds.

(x) To provide or participate in health-care-related education through formal or informal programs.

(y) To contract with a not-for-profit corporation, which may be incorporated by the district or the board, for the operation, management, and maintenance of the district's facilities of whatsoever kind and nature through one or more agreements, with the term thereof and conditions and covenants contained therein made at the discretion of the board, except that the contract must provide as follows:

(1) That the corporation's articles of incorporation and bylaws are subject to the approval of the board.

(2) That the corporation shall become qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or any other subsection of section 501(c) as approved by the board, prior to the effective date of the contract.

(3) For the orderly transition of the district's facilities' operation and maintenance to the corporation.

(4) For the orderly transfer of employees from board employment to corporate employment.

(5) For the prompt return of the operation of the district facilities from the corporation in the event of termination or dissolution of the corporation.

(6) That the district is not responsible for the debts or other obligations of the corporation.

(7) That the corporation and the district shall not commingle any of their funds in any account maintained by either of them, other than the payment of the rent and administrative fees.

(8) That except as otherwise provided by law, the corporation shall not, except as a member of the public, participate in the decision making process of the district.

(z) Any such contracts with not-for-profit corporations may provide, among other things, as follows:

(1) That the corporation is primarily acting as an instrumentality or agency of the district and is thus entitled to all the protections of sovereign immunity and section 768.28, Florida Statutes.

(2) That the members of the board shall be the directors of the corporation.

(aa) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or authority authorized by this act to implement its purpose.

(bb) To exercise all the powers necessary, convenient, incidental, or proper in connection with any of the general or special powers, duties, and obligations, including any special powers referenced in other articles in this act, in order to implement the purpose of the district.

Section 2. The provisions of this law shall be construed liberally in order to carry out its purpose effectively. Any of the enumerated powers herein shall not be construed as a limitation against any remaining powers but shall be construed as cumulative.

ARTICLE VIII Finance, Budget, and Tax

Section 1. The budgets, operating funds, and records of the district shall be segregated and kept separate from the budgets, operating funds, and records of the public hospital and any nursing home or geriatrics center operated by the district.

Section 2. The board shall retain all the fees and charges for services rendered by it as part of its operating funds, and such fees and charges shall be anticipated from year to year in making up its budget.

Section 3. The board shall prepare an itemized budget for the ensuing fiscal year for the operation and cost of the district's programs as provided by law.

Section 4. In order to fund the purpose of the district, the Board of County Commissioners of Madison County shall pay over to the board the first \$12,500 that may be allocated to and received by Madison County pursuant to chapter 550, Florida Statutes, the Florida Pari-mutuel Wagering Act, and acts supplementary and amendatory thereto.

Section 5. In order to fund the purpose of the district, the Board of County Commissioners of Madison County and the governing body of any municipality located wholly or partially within the district may:

(a) Appropriate and pay over to the district funds from its general fund or restricted funds which may be otherwise used for such expenditure, with or without requiring that such funds be repaid.

(b) Borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness subject to use of an identified lawful source of revenue, now or later provided, to amortize or pay back any loans, bond certificates, warrants, notes, or other evidences of indebtedness to provide funding to the district.

(c) Apply for and use grants or loans of money or other property from the United States, the state, a unit of general purpose local government, or any person; enter into agreements required in connection therewith; and hold, use, and dispose of such moneys or property for the district purpose in accordance with the terms of the gift, grant, loan, or agreement relating thereto to provide funding to the district.

(d) Provide any personnel, service, equipment, facility, or property, real or personal, to the district, with or without charge to the district.

(e) Initiate any program of the board by appropriating necessary funds for the board until the necessary funds for the board shall be obtained.

Section 6. The accounts and records of the district shall be audited as provided by law.

ARTICLE IX

Liens for Collection of Charges

Section 1. The district, as well as any not-for-profit corporation contracting with the district for the operation, management, and maintenance of the district's facilities, shall be entitled to a lien for all reasonable charges incurred for hospital care, treatment, and maintenance of ill or injured persons upon any and all causes of action, suits, claims, counterclaims, and demands accruing to such persons or the legal representatives of such persons, and upon all judgments, settlements, and settlement agreements rendered or entered into by virtue thereof, on account of illness or injuries giving rise to such causes of actions, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements and which necessitate or shall have necessitated such hospital care, treatment, and maintenance.

Section 2. In order to perfect such a lien, the executive office or agent of the hospital, before any such person shall have been discharged from said hospital or within 45 days after such discharge, shall file in the office of the Clerk of the Circuit Court of Madison County a verified claim in writing setting forth the name and address of such patient, as it shall appear on the records of said hospital, the name and location of said hospital, the name and address of the executive office or agent of said hospital, the dates of admission to and discharge of such patient therefrom, the amount claimed to be due for such hospital care, treatment, and maintenance, and, to the best knowledge of the person signing such claim, the names and address of all persons, firms, or corporations who may be claimed by such ill or injured person, or by the legal representative of such person, to be liable on account of such illness or injuries. At the same time that such claim is filed with the clerk of the circuit court, a copy thereof shall be sent by regular United States mail to the ill or injured person, to his or her attorney, if known, and to all persons, firms, or corporations named in such claim. The filing and mailing of such claim in accordance with this section shall be notice thereof to all persons, firms, or corporations who may be liable on account of such illness or injuries, whether or not they are named in such claim or lien, and whether or not a copy of such claim shall have been received by them.

Section 3. The Clerk of the Circuit Court of Madison County shall endorse on such claim the date and hour of filing and shall record such claim in the official records of Madison County. He or she shall be paid by the claimant as his or her fee for such filing and recording of each claim the same fee as provided for filing and recording other instruments under the recording laws.

Section 4. No release or satisfaction of any action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall be valid or effectual as against such lien unless such lienholder shall join therein or execute a release of such lien. Any acceptance of a release or satisfaction of any such cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release of satisfaction of the lien referred to in this act shall prima facie constitute an impairment of such lien, and the lienholder shall be entitled to an action at law for damages on account of such impairment and in such action may recover from the one accepting such release or satisfaction or making such settlement the reasonable cost of such hospital care, treatment, and maintenance. Satisfaction of any judgment rendered in favor of the lienholder in any such action shall operate as a satisfaction of the lien. Any action by the lienholder may be brought and maintained in any court of competent jurisdiction in or for Madison County. If the lienholder shall prevail in such action, the lienholder shall be entitled to recover from the defendant, in addition to costs otherwise allowed by law, reasonable attorney's fees, suit money, costs, and expenses incident to the matter.

Section 5. The provisions of this act shall not be applicable to accidents or injuries within the purview of the workers' compensation laws of this state.

ARTICLE X
Ownership of Property

Section 1. Ownership of all property, real or personal, previously owned by the governmental entities created or controlled by chapters 24673 (1947), 27689 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of Florida, shall hereby be vested in the district.

Section 2. The district is specifically declared to own fee simple title to the following described real property in Madison County: The West ½ of the Southeast ¼ of Northwest ¼, and the West ½ of East ½ of the Southeast ¼ of Northwest ¼, all of Section 28, Township 1 North, Range 9 East; Lot 74 and the South 25 feet of Lot 73 of Block 11, of the Town of Madison, Florida, (now City of Madison), Florida, and also: a parcel or strip of land 10 feet X 1124.97 feet in size located between north Duval Street and Lot 74 and the South 24 feet of Lot 73, running along and adjacent to the east border of said lots, in Block 11 of the City of Madison, Madison County, Florida, containing 1,249.70 square feet, more or less; All of Block 12 of the Town of Madison (now City of Madison) Florida; and Lots 77 and 78 of Block 11 of the Town of Madison (now City of Madison) Florida

Section 3. This Article shall not be construed to affect any rights of ownership of property, real or personal, held by nongovernmental entities.

ARTICLE XI
Severability

The provisions of this charter are declared severable, and if any provision hereof be found invalid, such invalidity shall not affect the remaining provisions, which shall be deemed amended to the smallest degree necessary in order to continue in full force and effect consistent with legislative intent and the district's purposes under this act and chapter 189, Florida Statutes.

Section 4. Chapters 24673 (1947), 26688 (1951), 27689 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.