

By Senator Mitchell

4-1234-99

See HB

1 A bill to be entitled
2 An act relating to Baker County; providing for
3 codification of special laws regarding special
4 districts pursuant to chapter 97-255, Laws of
5 Florida, relating to Baker County Hospital
6 District and Baker County Hospital Authority;
7 codifying and reenacting chapter 28887, Laws of
8 Florida, 1953, chapter 30563, Laws of Florida,
9 1955, chapter 59-1062, Laws of Florida, chapter
10 63-1108, Laws of Florida, and chapter 92-265,
11 Laws of Florida; providing for the operation of
12 a skilled nursing facility and outpatient
13 medical facility; providing for directors to
14 remain in office pending the appointment of a
15 replacement by the Governor; establishing
16 certain powers and responsibilities of the
17 authority; providing for certain financial
18 procedures of the authority; constituting the
19 authority as an independent special district
20 and providing for levy and collection of ad
21 valorem taxation within the district;
22 appropriating a portion of pari-mutuel revenues
23 for the purposes of the authority; providing
24 that all authority property shall be exempt
25 from taxation of every kind; repealing section
26 2A, chapter 28887, Laws of Florida, 1953, as
27 amended, relating to the building, erecting,
28 equipping, maintaining, and operating of a
29 geriatric center; providing for construction of
30 the act; providing for repeal of special acts
31 relating to the Baker County Hospital District

1 and Baker County Hospital Authority; providing
2 an effective date.

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

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6 Section 1. Chapter 28887, Laws of Florida, as amended,
7 is codified, reenacted, amended, and repealed as herein
8 provided.

9 Section 2. The Baker County Hospital District and
10 Baker County Hospital Authority are re-created and reenacted
11 to read:

12 Section 1. The entire area embraced within the
13 boundaries or limits of Baker County is declared to be and is
14 established as a public hospital district, to be known as
15 Baker County Hospital District, for the purpose of building,
16 equipping, maintaining, and operating a hospital, geriatric
17 and skilled nursing facility, and outpatient medical care
18 facility within the county for the use and benefit of citizens
19 and residents of Baker County and the extension, when
20 available and feasible, of such care to patients from other
21 and adjoining counties and states.

22 Section 2. There is created a public, nonprofit
23 authority, which is designated as Baker County Hospital
24 Authority, for the purpose of erecting, building, equipping,
25 maintaining, and operating within the Baker County Hospital
26 District, a hospital, geriatric and skilled nursing facility,
27 and outpatient medical care facility; and authority is hereby
28 given to the authority to build, erect, equip, maintain, and
29 operate such facilities in Baker County. The authority is
30 further authorized, when services are available without injury
31 or deprivation to the citizens and residents of Baker County,

1 to extend the use of such facilities to patients from
2 adjoining and other counties and states, upon the payment of
3 the cost of the use of such facilities. However, at all times
4 and in all cases, preference in use and services may be given
5 to any patient or patients who may apply who are citizens or
6 residents of Baker County; and the purposes of such facility
7 are hereby declared to be public purposes.

8 Section 3. The directors of the Baker County Hospital
9 Authority shall consist of five appointed by the Governor for
10 terms of 4 years, except unexpired terms in which case the
11 appointment shall be to the end of such unexpired term only.
12 Upon failure of any person to accept within 30 days after
13 appointment, the Governor shall make another appointment. Any
14 director whose term has expired shall remain in office until a
15 replacement is appointed by the Governor. Each member of the
16 authority shall be a citizen and resident of Baker County and
17 be of good character and reputation. No person shall be a
18 member of the authority who is engaged in the practice of
19 medicine or is interested directly or indirectly in any drug
20 business or who holds any of the following offices: clerk of
21 circuit court, sheriff, county court judge, superintendent of
22 public instruction, property appraiser, tax collector, state
23 senator, or state representative.

24 Section 4. The Baker County Hospital Authority shall:

25 (a) Have perpetual existence.
26 (b) Be entirely a nonprofit entity, its net earnings
27 to be used solely for its stated purposes herein.

28 (c) May contract and be contracted with, and may sue
29 and be sued, but the authority shall not be liable for any
30 negligence of any of its officers, agents, or employees,
31 including doctors and surgeons and nurses who may be engaged

1 in work at or about the facilities and shall not be liable for
2 any tort committed by any officer, agent, or employee of the
3 authority.

4 (d)(1) The members of the authority shall have
5 complete charge of all business and property of the authority,
6 to the same extent and with the same general powers usually
7 given to directors of a private corporation; and a majority of
8 said members shall at any regular or called meeting constitute
9 a quorum; and they shall have power to adopt and promulgate
10 bylaws, and rules and regulations for the management of the
11 authority and the operation and management of the facilities
12 owned by the authority; to employ and discharge all persons
13 who may be employed by the authority; and to fix their
14 salaries; to receive and disburse for its purposes as herein
15 authorized all moneys appropriated to and paid over to the
16 Baker County Hospital Authority, to accept gifts, donations,
17 and grants from the Federal Government or otherwise, for
18 purposes of the authority, including grants of land and
19 donations of money and other property, title to all such real
20 and personal property shall vest in the authority and when
21 deemed by them necessary and advisable, they may sell such
22 property as may be donated or acquired and which is not needed
23 for purposes of the authority; to employ and discharge such
24 employees, as in their judgment may be needed for the purposes
25 of the authority.

26 (2) The authority shall have the power to establish
27 such reasonable charges to be made to patients or their
28 families or to persons legally responsible for the treatment
29 of such patients, as the authority shall determine necessary
30 for the maintenance and operation of its facilities, and for
31 the accomplishment of the maximum good of the people of Baker

1 County; and the authority shall have the power to sue for and
2 collect all amounts which may reasonably be charged to
3 patients or others responsible for them.

4 (e) The authority shall be and have all the powers of
5 a public body corporate and politic, to establish, acquire,
6 own, and operate its hospital, geriatric, and other
7 facilities, to lease such facilities for operation and to
8 delegate to said lessee such of its rights hereunder as shall
9 be in the opinion of the authority necessary for the operation
10 of the leased facilities; to provide health care services
11 determined by the authority to be in the best interest of the
12 persons utilizing such facilities and services; to do and
13 perform any and all acts or services that may be incidental or
14 necessary to carry out those purposes or intended to improve
15 the physical or mental health of the persons utilizing such
16 facilities and services; to form, contribute to, and
17 participate in all manner of alliances and organizations
18 involved in the delivery, marketing, sale, and payment of
19 health care services; and to engage in any lawful act or
20 activity in which a not-for-profit corporation providing
21 health care services may engage under the laws of Florida,
22 including by way of example and not limitation, the power, the
23 exercise of which is declared to be for a public purpose:

24 (1) To have perpetual existence as a body politic and
25 corporate.

26 (2) To adopt and use, and prescribe the use of, a
27 common seal and one or more service marks, and to alter the
28 same at pleasure.

29 (3) To contract and enter agreements with public and
30 private entities.

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1 (4) To acquire, purchase, hold, develop, improve,
2 modify, lease as lessee or lessor, and convey such real and
3 personal property as the authority may deem proper or
4 expedient to further the purposes of this act, as amended.

5 (5) To borrow money, incur indebtedness and, by
6 resolution of the authority, to issue notes, revenue
7 certificates, bonds, and other evidences of indebtedness
8 payable from revenues, lease participations, or legally
9 available funds of the authority, and to fund or refund the
10 same, all upon such terms and conditions and containing such
11 provisions as shall be approved by the authority.

12 (6) To borrow money and, by resolution of the
13 authority, issue anticipation notes payable from the
14 anticipated proceeds of bonds, notes, certificates, lease
15 participations, revenues, grants, agreements with public or
16 private entities, or legally available funds of the authority,
17 and to fund or refund the same, all upon such terms and
18 conditions and containing such provisions as shall be approved
19 by the authority.

20 (7) To establish and authorize a medical staff to
21 direct and control medical staff and allied health
22 practitioners with privileges to perform professional services
23 in the hospital and other facilities operated by the
24 authority. The authority may establish bylaws, rules, and
25 regulations governing the organization of such medical staff;
26 the selection, appointment, and reappointment of such medical
27 staff members; the selection, credentialing, and
28 recredentialing of allied health practitioners; the
29 disciplining or removal of medical staff members and allied
30 health practitioners; the delimitation of medical staff and
31 allied health privileges; the professional and administrative

1 duties of members of the medical staff; and such other matters
2 as the authority may address so that the health and well-being
3 of patients and the best interests of the hospital and other
4 facilities authorized pursuant to this act may at all times be
5 served.

6 (8) To enter into arrangements with other public or
7 private hospitals or entities to provide for the cooperative
8 sharing of facilities and other resources, as well as to
9 provide for the merger or consolidation of hospitals or
10 facilities into the authority's facilities, in order to
11 improve the quality of patient care in Baker County and
12 neighboring counties, achieve higher utilization of resources,
13 improve cost control measures, avoid unnecessary duplication
14 of resources within those counties, and help make it possible
15 for residents of those counties to obtain and afford the
16 benefits of technological and scientific improvements in
17 hospital care and services.

18 (9) To engage in, and pay from its funds those
19 expenses of the type normally incurred in, the establishment,
20 acquisition, operation, repair, maintenance, expansion, and
21 diversification of an integrated system for the delivery of
22 physical, emotional, mental or other health care services,
23 consisting of, without limitation, hospitals, clinics, health
24 maintenance organizations, ambulatory care facilities, nursing
25 homes and congregate and assisted living facilities, home
26 health providers, hospice facilities, managed care
27 organizations and facilities, other alternative delivery
28 systems now or hereafter conceived, self-insurance and
29 risk-retention programs, captive insurance companies and
30 support organizations, and organizations and facilities

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1 intended to prevent sickness, injury, or disease or promote a
2 healthful lifestyle.

3 (10) To provide either independently or in cooperation
4 with other public or private agencies, an appropriate location
5 or locations for the delivery of quality hospital care and
6 related services and treatment to patients who are determined
7 according to criteria established or approved by the authority
8 to be medically indigent. The authority may establish policies
9 providing at reduced or no charge for the treatment of those
10 patients who, after reasonable inquiry, are found by the
11 hospital management to be without the means to pay in full.
12 The authority may, from time to time, establish guidelines for
13 the hospital management in making such inquiry and
14 determinations. The authority may collect from patients who
15 are found to have the means to pay such charges as the
16 authority may, in its sole discretion, from time to time
17 establish.

18 (11) To do all things which are customarily done by
19 other hospitals, public or private, similarly situated, and
20 which will further the purposes of this act.

21 (12) To exercise all implied powers necessary to
22 further the purposes of this act, which implied powers,
23 although not named, are expressly granted.

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25 The express examples of powers enumerated herein shall not be
26 construed to limit or preclude the exercise of any other
27 power, express or implied.

28 Section 5.(a) The members of the authority shall give
29 a bond for the faithful handling and accounting of all money
30 received by them, from whatever source, for the authority, and
31 for the lawful disbursement thereof, in a sum or sums

1 sufficient to indemnify the authority against all losses, such
2 bond or bonds to be made payable to the authority, and the
3 premiums for said bonds to be paid as an authority expense.

4 (b) Funds of the authority may be paid out only upon
5 drafts, checks, or warrants signed by persons duly authorized
6 by the authority to execute such instruments for purposes
7 consistent with this act. The authority may authorize the use
8 of facsimile signatures under conditions specified by the
9 authority. All funds of the authority shall be deposited in
10 banks which are qualified under state law to accept deposits
11 of public funds. The authority may deposit or invest its
12 surplus funds in interest-bearing accounts, instruments, or
13 securities, to the fullest extent permitted by general law.

14 Section 6. The members shall serve the authority
15 without compensation, but shall be reimbursed for their
16 reasonable and necessary expenses incurred in attending to the
17 affairs and business of the authority.

18 Section 7.(a) The authority shall be and remain an
19 independent special district with the power to levy up to but
20 not in excess of 5 mills of ad valorem taxation per year on
21 all taxable real and personal property located within the
22 boundaries of the Baker County Hospital District.

23 (b) It shall be the duty of the property appraiser of
24 Baker County to make such assessment and the duty of the tax
25 collector to collect such assessment imposed by the authority
26 when made; and the money collected from such tax shall be paid
27 over monthly to the authority.

28 (c) It shall be the duty of the authority to prepare a
29 budget and to determine not later than such date of each year
30 as shall enable the county tax collector to perform his or her
31 statutory duties the amount of millage, not exceeding 5 mills,

1 needed and required to be levied for the next ensuing fiscal
2 year for the "Hospital Tax"; and it shall be the duty of all
3 Baker County officials to cooperate with the authority in
4 making available data on which such budget may be made.

5 Section 8. For the purpose of carrying out the
6 provisions of this act there is hereby appropriated to the
7 authority, the sum of the first \$25,000, or any part thereof,
8 of any and all pari-mutuel revenues in excess of \$33,000
9 annually that may be received by Baker County under the
10 provisions of chapter 550, Florida Statutes, to be used for
11 the purposes of the authority.

12 Section 9. The members of the authority may elect one
13 of their members as chair of the authority, and the chair
14 shall exercise such powers with respect to the affairs of the
15 authority as may be given him or her by a duly adopted
16 resolution of the authority. The authority may establish such
17 other officers as deemed necessary from time to time by the
18 authority.

19 Section 10. All property which may be acquired or
20 owned by the authority shall be exempt from taxation of every
21 kind.

22 Section 11. The Legislature intends that the
23 provisions of this act shall be liberally construed in order
24 to accomplish the remedial purposes of this act which are to
25 give the authority a reasonable opportunity to manage and
26 develop a hospital or hospitals and other facilities in an
27 increasingly competitive and rapidly changing marketplace in
28 order to provide quality and comprehensive health care for the
29 residents of Baker County. Where strict construction of this
30 act would result in the defeat of the accomplishment of any of
31 the purposes of this act, and a liberal construction would

1 permit or assist in the accomplishment thereof, the liberal
2 construction shall be chosen. In the event any provision of
3 this act is held to be unconstitutional or otherwise
4 unenforceable, the remainder of this act shall continue in
5 full force and effect and be liberally construed to advance
6 the remedial purposes of this act.

7 Section 12. Nothing contained herein shall be deemed
8 to impair the contractual obligation of the authority under
9 any existing lease agreement or contract or to impose any
10 additional obligation on any such contracting party.

11 Section 13. If any part, section, paragraph or
12 provision of this act should be held unconstitutional, it
13 shall not affect the constitutionality of the remainder of
14 this act.

15 Section 3. Except as specifically reenacted herein,
16 chapter 28887, Laws of Florida, 1953, chapter 30563, Laws of
17 Florida, 1955, chapter 59-1062, Laws of Florida, chapter
18 63-1108, Laws of Florida, and chapter 92-265, Laws of Florida,
19 are repealed.

20 Section 4. In the event any section, or provision of
21 this act is determined to be invalid or unenforceable, such
22 determination shall not affect the validity of or
23 enforceability of each other section and provision of this
24 act.

25 Section 5. In the event of a conflict of the
26 provisions of this act, with the provisions of any other act,
27 the provisions of this act shall control to the extent of such
28 conflict.

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

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