

By Representative C. Green

1 A bill to be entitled
2 An act relating to Lee County; codifying
3 chapters 63-1552 and 78-552, Laws of Florida,
4 as amended; revising said acts, as amended;
5 repealing prior acts and reenacting portions
6 thereof; providing for a public health care
7 system in Lee County to be named Lee Memorial
8 Health System; providing for an elected health
9 care system board, and setting forth its duties
10 and powers; providing compensation of board
11 members; providing for the operation and
12 maintenance of said public health care system;
13 providing for deposit and investment of certain
14 funds; authorizing the issuance of bonds;
15 providing for execution and enforcement of
16 liens; providing for the effect of conflicting
17 provisions; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Chapter 63-1552, Laws of Florida, and
22 amendments thereto made by chapters 69-1235, 72-600, 81-420,
23 83-452, 83-454, 84-465, 87-438, 91-410, 92-269, and 98-528,
24 Laws of Florida; and chapter 78-552, Laws of Florida, are
25 hereby repealed. Said prior acts are replaced in their
26 entirety by this act. This act shall constitute a codification
27 as required by section 189.429, Florida Statutes. It is
28 declared to be the legislative intent that if any section,
29 subsection, sentence, clause, or provision of this act is
30 found to be invalid, the remainder of the act shall not be
31 affected; and further, in order to assure the uninterrupted

1 maintenance and operation of the public health care system
2 provided for herein, that any of the prior acts set forth
3 herein, or any portion thereof, shall survive and be deemed
4 reenacted to the extent necessary to replace any section,
5 subsection, sentence, clause, or provision of this act found
6 to be invalid.

7 Section 2. The name of the public health care system
8 provided for by this act shall be Lee Memorial Health System,
9 which is a public body, and the governing body thereof shall
10 be the Lee Memorial Health System Board of Directors.

11 Section 3. The operation and maintenance of the public
12 health system, and the construction of health system
13 facilities provided for in this act are declared to be a
14 public purpose.

15 Section 4. The Lee Memorial Health System Board of
16 Directors, hereinafter called the system board, is hereby
17 authorized to establish and to provide for the operation and
18 maintenance of a public health care system comprised of
19 hospitals; satellite hospitals; clinics; or other facilities
20 devoted to the provision of health care services intended to
21 improve the physical, spiritual, emotional, or mental health
22 of those persons utilizing such services, or of services to
23 prevent sickness, injury, or disease, including those which
24 are intended to promote a healthful lifestyle, and such other
25 facilities or services as the system board shall deem
26 appropriate to provide a full range of health care services to
27 the population the public health care system may serve. The
28 system board is authorized to construct and equip the
29 necessary buildings for the aforesaid purposes and to
30 construct extensions, additions, and improvements thereto from
31 time to time, and to lease as lessee or lessor, or purchase or

1 sell any land or any interest in land. The system board is
2 authorized and empowered to carry out its functions directly
3 or indirectly through other companies it controls through
4 joint ventures or partnerships with other public or private
5 organizations.

6 Section 5. In the event that it should become
7 necessary to acquire any land for health system purposes under
8 the authority of this act by eminent domain, the proceedings
9 therefor shall be instituted by the system board and
10 prosecuted in the manner provided by general law.

11 Section 6. (1) The Lee Memorial Health System Board
12 of Directors shall consist of ten directors, comprised of two
13 directors from each of the five county health system
14 districts, the boundaries of which have been established by
15 resolution of the system board. Said directors shall be
16 residents and registered voters of Lee County. Directors from
17 the five county health system districts shall be residents of
18 the district from which they are elected and which they
19 represent. System board members shall be elected on a
20 nonpartisan basis by a vote of the electorate of the county as
21 a whole and shall serve staggered 4-year terms. Members of the
22 Hospital Board of Directors of Lee County holding office on
23 the effective date of this act shall continue to hold office
24 for the terms to which they were elected or appointed.
25 Thereafter, directors of the Lee Memorial Health System Board
26 of Directors shall be elected at the general election on a
27 nonpartisan basis for staggered 4-year terms.

28 (2) The five county health system districts provided
29 for herein shall have such boundaries as exist on the
30 effective date of this act. The system board may at any time,
31 by resolution, make any change which it deems necessary in the

1 boundaries of any or all of the five county health system
2 districts after a public hearing held by the system board, and
3 the publication of notice at least once in a newspaper
4 published in Lee County 15 days prior to said public hearing;
5 provided that such districts shall be as nearly equal in
6 population as practicable, and provided further that no change
7 that would affect the residence qualifications of any
8 incumbent director shall disqualify such incumbent director
9 during the term for which the director is elected. Changes in
10 district boundaries shall be shown by resolutions included
11 within the minutes of the system board. District boundary
12 changes shall be made only in odd-numbered years.

13 (3) Each candidate for election to the system board
14 shall pay a qualifying fee and qualify during the
15 qualification period as provided by general law. To qualify,
16 each candidate shall sign an oath that he or she is a legal
17 resident of Lee County, that he or she is a citizen of the
18 United States, that he or she is a duly qualified elector in
19 the state, that he or she has not violated any of the laws of
20 the state relating to electors and to the registration of
21 electors, that he or she is seeking election as a director of
22 the Lee Memorial Health System Board of Directors from the
23 county health system district he or she resides in, and that
24 he or she has taken the oath as required by section 876.05,
25 Florida Statutes, although the said candidate is not
26 considered a county or state officer. The candidate shall sign
27 an oath that he or she is a legal resident of the county
28 health system district of Lee County in which he or she is
29 running for election.

30 (4) Any vacancy in the office of director shall be
31 filled as provided by law.

1 Section 7. The system board shall elect annually from
2 its members a chair, vice-chair, secretary, and treasurer, who
3 shall be the officers of the system board. The system board
4 shall cause true and accurate minutes and records to be kept
5 of all business transacted by the system board and shall keep
6 full, true, and complete books of accounts and records, which
7 minutes, records, and books of account and the current line
8 item budget shall at all reasonable times be open and subject
9 to inspection and copying pursuant to the provisions of the
10 constitution and laws of Florida. All meetings of the system
11 board shall be open to the general public pursuant to general
12 law. At least once a year the system board shall cause the
13 financial records and accounts of the health care system to be
14 audited by a certified public accountant authorized to
15 practice public accounting in Florida and a certified public
16 account audit report to be prepared. The audit, together with
17 a copy of the health system's current annual budget, shall be
18 filed annually with the Clerk of the Circuit Court of Lee
19 County.

20 Section 8. Lee Memorial Health System directors shall
21 receive an annual compensation of up to \$10,000 for services
22 as members of such board, if such compensation is approved by
23 the board. On the first day of each fiscal year following the
24 effective date of this act, the limit shall increase by an
25 amount equal to the increase in the Consumer Price Index
26 during the prior fiscal year published by the United States
27 Department of Commerce. Directors shall be reimbursed for
28 travel pursuant to section 112.061, Florida Statutes, as the
29 same may be amended or recodified from time to time, and, in
30 addition, shall be reimbursed for mileage expenses and travel
31 expenses incurred in attending meetings of the Lee Memorial

1 Health System Board of Directors or its committees,
2 notwithstanding that the meetings are held in Lee County,
3 Florida. The system board may adopt policies, procedures,
4 guidelines, and rules that it deems appropriate which will
5 grant the system board members the same privileges, benefits,
6 and allowances that are provided to the Lee Memorial Health
7 System medical staff and volunteers. The system board may
8 adopt a policy that permits board members to participate in
9 the health system's health insurance program for system
10 employees, provided that the cost of such health insurance
11 shall be paid by the board member electing to participate in
12 such plan, said cost to be not less than that set for
13 employees. Each Lee Memorial Health System director shall post
14 a bond as required by general law for the faithful performance
15 of his or her duties.

16 Section 9. The Lee Memorial Health System Board of
17 Directors shall establish and authorize a medical staff to
18 direct and control practitioners with privileges to perform
19 professional services in the hospitals and other facilities
20 operated by the system board. The system board may establish
21 bylaws, rules, and regulations governing the organization of
22 such medical staffs, the appointment and reappointment of such
23 medical staffs, the disciplining or removal of medical staff
24 members, the delineation of medical staff privileges, the
25 professional duties of members of the medical staffs, and such
26 other matters as the system board may address so that the
27 health and well-being of patients and the best interests of
28 the hospital and other facilities authorized pursuant to this
29 act may at all times be served. The system board shall have
30 the ultimate authority regarding the medical staffs in the Lee
31 Memorial Health System.

1 Section 10. The Lee Memorial Health System Board of
2 Directors shall have the authority to operate and conduct the
3 business of the public health system, and consistent
4 therewith, shall have the following powers:

5 (1) The system board is authorized to pay all expenses
6 of operation of the Lee Memorial Health System and all other
7 necessary expenses incurred, including the fees and expenses
8 of attorneys retained by the system board or the chief
9 executive officer of the Lee Memorial Health System, in the
10 transaction of the business of the public health care system,
11 and in carrying out and accomplishing the purposes of this
12 act.

13 (2) The Lee Memorial Health System may sue and be sued
14 in the name of Lee Memorial Health System; provided that in
15 any suit, a change in personnel of the system board shall not
16 abate the suit, which shall proceed as if such change had not
17 taken place. In all suits against the Lee Memorial Health
18 System, service of process shall be had on the chief executive
19 officer of the hospital, or in his absence on any officer of
20 the system board.

21 (3) To the fullest extent permitted by the state law,
22 the system board may create, be a voting member of, choose
23 directors to serve on the boards of, be a partner in, or
24 participate in or control, any venture, corporation,
25 partnership, or other organization, public or private, which
26 the system board finds operates for the purposes consistent
27 with, and in furtherance of, the purposes and best interests
28 of the Lee Memorial Health System.

29 (4) The system board may make, or authorize its chief
30 executive officer to make, contracts of all kinds, including,
31 but not limited to, the sale or purchase of real property and

1 may enter into leases of real and personal property of any
2 kind or description, either as lessor or lessee.

3 (5) The system board is authorized to accept gifts,
4 bequests, grants, endowments, and conveyances from any source.

5 (6) The system board is authorized and empowered, in
6 order to provide for and carry out the work of this act, to
7 borrow money from time to time and in accordance with the
8 constitution and law, and to issue the notes or bonds of the
9 Lee Memorial Health System upon such terms and upon such rates
10 of interest as the system board may deem advisable, to the
11 fullest extent permitted by general law.

12 (7) The system board may enter into any and all types
13 of derivative agreements as may be used by prudent borrowers,
14 lenders, or investors, which are intended to minimize the risk
15 of financial loss or maximize the financial return in
16 connection with its bonds, notes, or investments, or for any
17 other purpose.

18 (8) The system board may, or may authorize its chief
19 executive officer to, settle or compromise any claim, suit, or
20 action brought against the Lee Memorial Health System or any
21 of its subsidiaries, or affiliated organizations, or any of
22 its directors, officers, or employees when such claim, suit,
23 or action arises out of such directors', officers', or
24 employees' acts or omissions in the course of employment or
25 the performance of official duties, consistent with the
26 provisions of the Florida Waiver of Sovereign Immunity Act, as
27 such act may be in effect at the time of such settlement or
28 compromise. This subsection shall not be construed as
29 authorizing or requiring any settlement in excess of those
30 limits imposed by the foregoing general act.

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1 (9) The system board may take any other action
2 consistent with the efficient and effective operation of the
3 public health care system provided for by this act, consistent
4 with the constitution and laws of Florida.

5 Section 11. The public health care system established
6 under this act shall be primarily for the use and benefit of
7 the residents of Lee County, but exists to provide health care
8 services to all persons, including nonresidents of Lee County,
9 who may seek such services. Persons seeking care may be
10 admitted to Lee Memorial Health System hospitals or treated at
11 its other facilities subject to the rules and regulations
12 adopted by the system board. The system board may establish
13 policies providing for the treatment without charge of those
14 patients who, after reasonable inquiry, are found by Lee
15 Memorial Health System management to be without the means to
16 pay. The system board may, from time to time, establish
17 guidelines for the hospital management in making such inquiry
18 and determinations. The Lee Memorial Health System is
19 authorized to collect from patients who are found to have the
20 means to pay, such charges as the system board may, in its
21 sole discretion, from time to time establish. The Lee Memorial
22 Health System is authorized to bill and receive payment from
23 insurance companies, governmental agencies, or other sources
24 for treatment and care of patients or for other purposes.

25 Section 12. The Lee Memorial Health System Board of
26 Directors may hire or appoint a chief executive officer, who
27 shall have the title of president. The system board may make
28 and adopt, or authorize the president to adopt such bylaws,
29 rules, regulations, guidelines, or policies for its own
30 guidance and for the organization, management, and operation
31 of health care system facilities and services as may be deemed

1 necessary for the efficient and economic conduct thereof.
2 Subject to the annual health system budget and policy
3 established by the system board, the president shall have the
4 authority to see to the hiring or retention of such personnel
5 as may be deemed necessary for the efficient management and
6 operation of the public health care system and its
7 subsidiaries and affiliated organizations; and to the firing
8 or termination of such personnel. The president shall
9 recommend the adoption of such general policies by the system
10 board as may be deemed necessary and appropriate for the
11 day-to-day management and operation of the hospital and its
12 other facilities, and the system board may authorize the
13 president to see to the establishment of specific policies,
14 procedures, guidelines, and rules regarding such management
15 and operation. The system board may authorize and delegate the
16 enforcement of all such policies, procedures, guidelines, and
17 rules to the president, who may, in turn, authorize and
18 delegate enforcement of the same to such assistants as the
19 president may deem appropriate or necessary. The president may
20 delegate to assistants and subordinates the authority to
21 manage the day-to-day operations of the public health care
22 system, consistent with the president's authority as delegated
23 by the system board pursuant to this section.

24 Section 13. Funds of the Lee Memorial Health System
25 may be paid out only upon drafts, checks, or warrants signed
26 by persons duly authorized by the system board to execute such
27 instruments for purposes consistent with this act. The system
28 board may adopt rules for the payment of lesser sums in cash,
29 and a petty cash fund or funds may be established for such
30 purpose with the maximum amount payable in cash in one
31 transaction fixed by the system chief executive officer. All

1 funds of the system board shall be deposited in banks which
2 are qualified under state law to accept deposits of public
3 funds. The system board may deposit or invest its surplus
4 funds in interest-bearing accounts, instruments, or
5 securities, to the fullest extent permitted by general law. In
6 addition, the system board may invest its surplus funds as
7 follows:
8 (1) Without limitation in:
9 (a) Bonds, notes, or other obligations of the United
10 States or those guaranteed by the United States or for which
11 the credit of the United States is pledged for the payment of
12 the principal and interest or dividends thereof.
13 (b) State bonds pledging the full faith and credit of
14 the state and revenue bonds additionally secured by the full
15 faith and credit of the state.
16 (c) Bonds of the several counties or districts in the
17 state containing a pledge of the full faith and credit of the
18 county or district involved.
19 (d) Savings accounts in, or certificates of deposit
20 of, any bank, savings bank, or savings and loan association
21 incorporated under the laws of the United States doing
22 business and situated in this state, the accounts of which are
23 insured by the Federal Government or an agency thereof, in an
24 amount that does not exceed 15 percent of the net worth of the
25 institution, provided such savings accounts and certificates
26 of deposit are secured in the manner prescribed in chapter
27 280, Florida Statutes.
28 (e) Obligations of the Federal Farm Credit Banks and
29 obligations of the Federal Home Loan Bank and its district
30 banks.
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1 (f) Obligations of the Federal Home Loan Mortgage
2 Corporation including participation certificates.

3 (g) Obligations guaranteed by the Government National
4 Mortgage Association.

5 (h) Commercial paper of prime quality of the highest
6 letter and numerical rating as provided for by at least one
7 nationally recognized rating service.

8 (i) Time drafts or bills of exchange drawn on and
9 accepted by a commercial bank, otherwise known as banker's
10 acceptances, which are accepted by a member bank of the
11 Federal Reserve System having total deposits of not less than
12 \$400 million.

13 (j) Short-term obligations not authorized elsewhere in
14 this section, to be purchased individually or in pooled
15 accounts or other collective investment funds, for the purpose
16 of providing liquidity to any fund or portfolio.

17 (k) Securities of, or other interest in, any open-end
18 or closed-end management type investment company or investment
19 trust registered under the Investment Company Act of 1940, 15
20 U.S.C. ss. 80a-1 et seq., as amended from time to time,
21 provided that the portfolio of such investment company or
22 investment trust is limited to obligations of the United
23 States Government or any agency or instrumentality thereof and
24 to repurchase agreements fully collateralized by such United
25 States Government obligations and provided that such
26 investment company or investment trust takes delivery of such
27 collateral either directly or through an authorized custodian.

28 (2) With no more than 25 percent of its funds in:

29 (a) Bonds, notes, or obligations of any municipality
30 or political subdivision or any agency or authority of this
31 state, if such obligations are rated in any one of the three

1 highest ratings by two nationally recognized rating services.
2 However, if only one nationally recognized rating service
3 shall rate such obligations, then such rating service must
4 have rated such obligations in any one of the two highest
5 classifications heretofore mentioned.

6 (b) Notes secured by first mortgages on Florida real
7 property, insured or guaranteed by the Federal Housing
8 Administration or the United States Department of Veterans
9 Affairs.

10 (c) Mortgage pass-through certificates, meaning
11 certificates evidencing ownership of an undivided interest in
12 pools of conventional mortgages on real property which is
13 improved by a building or buildings used for residential
14 purposes for one to four families when:

15 1. Such real property is located in this state;

16 2. Such mortgages are originated by one or more banks
17 or savings and loan associations organized under the laws of
18 this state, by national banks or federal savings and loan
19 associations having their principal place of business in this
20 state, or by a lender that is approved by the Secretary of the
21 United States Department of Housing and Urban Development for
22 the participation in any mortgage insurance program under the
23 National Housing Act and has its principal place of business
24 in this state, or by any combination thereof; and

25 3. Such mortgages are transferred or assigned to a
26 corporate trustee acting for the benefit of the holders of
27 such certificates.

28 (d) Obligations of the Federal National Mortgage
29 Association.

30 (e) Group annuity contracts of the pension investment
31 type with insurers licensed to do business in this state,

1 except that amounts invested by the board with any one insurer
2 shall not exceed 3 percent of its assets.

3 (f) Certain interest in real property and related
4 personal property, including mortgages and related instruments
5 on commercial or industrial real property, with provisions for
6 equity or income participation or with provisions for
7 convertibility to equity ownership; and interest in collective
8 investment funds. Associated expenditures for acquisition and
9 operation of assets purchased under this provision shall be
10 included as a part of the cost of the investment.

11 1. The title to real property acquired under this
12 paragraph shall be vested in the name of the respective fund.

13 2. For purposes of taxation of property owned by any
14 fund, the provisions of section 196.199(2)(b), Florida
15 Statutes, do not apply.

16 3. Real property acquired under the provisions of this
17 paragraph shall not be considered state lands or public lands
18 and property as defined in chapter 253, Florida Statutes, and
19 the provisions of that chapter do not apply to such real
20 property.

21 (g) General obligations backed by the full faith and
22 credit of a foreign government which has not defaulted on
23 similar obligations for a minimum period of 25 years prior to
24 purchase of the obligation and has met its payments of similar
25 obligations when due.

26 (h) Obligations of agencies of the government of the
27 United States, provided such obligations have been included in
28 and authorized by the Florida Retirement System Total Fund
29 Investment Plan established in section 215.475, Florida
30 Statutes.

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1 (i) United States dollar-denominated obligations by
2 foreign governments, or political subdivisions or agencies
3 thereof, or foreign corporations or foreign commercial
4 entities.

5 (3) With no more than 50 percent of its funds in
6 common stock, preferred stock, and interest-bearing
7 obligations of a corporation having an option to convert into
8 common stock, provided:

9 (a) The corporation is organized under the laws of the
10 United States, any state or organized territory of the United
11 States, or the District of Columbia.

12 (b) The corporation is listed on any one or more of
13 the recognized national stock exchanges in the United States
14 and conforms with the periodic reporting requirements under
15 the Securities Exchange Act of 1934.

16
17 The system board shall not invest more than 10 percent of the
18 equity assets of its funds in the common stock, preferred
19 stock, and interest-bearing obligations having an option to
20 convert into common stock, of any one issuing corporation; and
21 the system board shall not invest more than 3 percent of the
22 equity assets of any funds in such securities of any one
23 issuing corporation except to the extent a higher percentage
24 of the same issue is included in a nationally recognized
25 market index, based on market values at least as broad as the
26 Standard and Poor's Composite Index of 500 Companies, or
27 except upon a specific finding by the system board that such
28 higher percentage is in the best interest of the system board.
29 The system board may only sell listed options to reduce
30 investment risks, to improve cash flow, or to provide
31 alternative means for the purchase and sale of underlying

1 investment securities. Reversing transactions may be made to
2 close out existing option positions.

3 (4) With no more than 80 percent of its funds, in
4 interest-bearing obligations with fixed maturity of any
5 corporation or commercial entity within the United States.

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7 For the purpose of determining the above investment
8 limitations, the value of bonds shall be the par value
9 thereof, and the value of evidences of ownership and
10 interest-bearing obligations having an option to convert to
11 ownership shall be the cost thereof. Investments in any
12 securities authorized by this section may be under repurchase
13 agreements or reverse repurchase agreements. Investments made
14 by the system board may be designated to maximize the
15 financial return to the fund consistent with the risks
16 incumbent in each investment and shall be designed to preserve
17 an appropriate diversification of the portfolio. The system
18 board is authorized to buy and sell futures and options,
19 provided the instruments for such purpose are traded on a
20 securities exchange or board of trade regulated by the
21 Securities and Exchange Commission or the Commodity Futures
22 Trading Commission, unless the system board by rule authorizes
23 a different market. The system board is authorized to invest
24 in domestic or foreign national principal contracts.

25 Section 14. For the purpose of providing funds for any
26 purpose that the system board may deem advisable, the system
27 board is authorized to issue revenue bonds of the Lee Memorial
28 Health System pursuant to the constitution and laws of
29 Florida, in such amounts as the system board may by resolution
30 establish. The principal and interest on such bonds shall be
31 paid from the revenues of the Lee Memorial Health System.

1 Section 15. For the purpose of providing funds to be
2 used in connection with the Lee Memorial Health System,
3 including the acquisition of land or any interest in land, the
4 system board, at its discretion, is authorized to issue
5 general obligation bonds in amounts necessary to pay the cost
6 thereof. Said bonds shall be issued only after their issuance
7 shall have been approved by a majority of the votes cast at an
8 election of the qualified electors residing in Lee County.
9 Notwithstanding the provisions of any other law, the election
10 concerning the issuance of bonds may be held on the same day
11 as an election held in said county for any other purpose,
12 whether such other election be a primary, general, or special
13 election. The system board may submit the question of issuing
14 bonds authorized by this act at one election and others
15 thereof at one or more subsequent elections. The ballots used
16 at any such election shall state the maximum amount of bonds
17 proposed to be issued. In the event that at any election the
18 issuance of bonds under the authority of this act should not
19 be approved, or if any such election be invalid or ineffective
20 for any reason, the system board may call another election at
21 any time for the same purpose. Except as otherwise provided
22 herein, any election concerning the issuance of bonds as
23 aforsaid shall be called and held and the result thereof
24 canvassed, declared, and recorded in the manner prescribed by
25 chapter 100, Florida Statutes.

26 Section 16. When any bonds have been issued pursuant
27 to section 15 hereof, there shall be levied and assessed
28 annually, so long as any of said bonds or the interest thereon
29 remain unpaid, an ad valorem tax upon all taxable property,
30 not exempt by law, in Lee County, which tax shall be
31 sufficient in amount to pay the interest on said bonds as it

1 becomes due and the principal thereof at maturity. Such tax
2 shall be levied, assessed, and collected by the same officers
3 and in the same manner as other county ad valorem taxes are
4 levied, assessed, and collected.

5 Section 17. The bonds herein authorized to be issued
6 by this act may be issued and sold at one time or from time to
7 time, and shall bear such date or dates, be in such
8 denomination or denominations, be payable at such place, bear
9 interest at such fixed or variable rate or rates, and bear
10 such maturity dates as may be permitted by general law, with
11 or without the right of prior redemption, all as may be
12 determined by resolution of the system board, which resolution
13 may prescribe the manner and terms of redemption of any bonds
14 which the system board may elect to make redeemable. The bonds
15 may be issued in coupon form or non-coupon form, may be
16 validated as permitted by law and shall bear the seal of the
17 Lee Memorial Health System. Neither the provisions of this
18 section nor any other provision of this act shall impair,
19 abate, suspend, or invalidate any bond or other debt
20 obligation of the Hospital Board of Directors of Lee County
21 issued prior to the effective date of this act. The Lee
22 Memorial Health System Board of Directors shall, without
23 interruption, continue to have all duties and responsibilities
24 regarding such bonds or obligations as were had by the
25 Hospital Board of Directors of Lee County.

26 Section 18. Lee Memorial Health System shall be
27 entitled to a lien for those charges established by the system
28 board for hospital, physician, and other health care services
29 provided by the Lee Memorial Health System to ill or injured
30 persons, upon the proceeds of all causes of action, suits,
31 claims, counterclaims, and demands accruing to said persons or

1 to their legal representatives, and upon all judgments,
2 settlements, and settlement agreements rendered or entered
3 into by virtue thereof, on account of injuries giving rise to
4 such causes of action, suits, claims, counterclaims, demands,
5 judgments, settlements, or settlement agreements, which
6 injuries shall have necessitated such hospital, physician, and
7 other services provided to such ill or injured persons. Lee
8 Memorial Health System shall perfect and be entitled to
9 enforce such lien as follows:

10 (1) In order to perfect the lien provided for herein,
11 the Lee Memorial Health System chief executive officer or an
12 employee or employees of the Lee Memorial Health System
13 authorized by the chief executive officer shall, before or
14 within 10 days after such ill or injured person shall have
15 been discharged from a Lee Memorial Health System hospital,
16 file in the office of the Lee County Clerk of Circuit Court, a
17 verified written notice of lien setting forth the name and
18 address of the ill or injured person as they may appear in the
19 records of said health system hospital, the name and location
20 of said hospital, the name and address of the employee or
21 other authorized person preparing the notice of lien, the date
22 of admission to said hospital and the date of discharge from
23 said hospital, the amount claimed to be due for hospital,
24 physician, and other services provided, and to the best
25 knowledge of the person preparing the notice of lien, the
26 names and addresses of all persons, firms, or corporations who
27 may be claimed by such ill or injured person or by the legal
28 representative of such person, to be liable on account of such
29 illness or injuries. When the notice of lien is filed, a copy
30 thereof shall be sent by United States Postal Service to the
31 ill or injured person, to said person's attorney, if known,

1 and to all persons, firms, or corporations named in such
2 notice of lien. The filing and mailing of the notice of lien
3 in accordance with this section shall be notice thereof to all
4 persons, firms, or corporations who may be liable on account
5 of such illness or injuries, and to any other persons, firms,
6 or corporations that may have an interest in the aforesaid
7 causes of action, suits, claims, counterclaims, demands,
8 judgments, settlements, or settlement agreements, whether or
9 not they are named in the notice of lien, and whether or not a
10 copy of the notice of lien shall have been received by them.

11 (2) The Lee County Clerk of Circuit Court shall
12 endorse on the written notice of lien the date and hour of
13 filing and shall record said notice of lien in the Official
14 Records of Lee County. The Clerk of Circuit Court shall be
15 entitled to a fee from the Lee Memorial Health System for
16 filing and recording the notice of lien that shall be the same
17 fee as provided by general law for the filing and recording of
18 other instruments.

19 (3) No release or satisfaction of any cause of action,
20 suit, claim, counterclaim, demand, judgment, settlement, or
21 settlement agreement shall be valid or effectual as against
22 the lien of Lee Memorial Health System unless the lienholder
23 shall join therein or execute a release of its lien prior to
24 the payment of any proceeds thereof. Any acceptance of a
25 release or satisfaction of any cause of action, suit, claim,
26 counterclaim, demand, judgment, settlement, or settlement
27 agreement in the absence of a release or satisfaction of the
28 lien of Lee Memorial Health System shall prima facie
29 constitute an impairment of such lien and the lienholder shall
30 be entitled to a cause of action for damages against any and
31 all persons, firms, or corporations giving or accepting such

1 release or satisfaction, or paying or accepting the proceeds
2 from the same. In such action, Lee Memorial Health System may
3 recover the full amount of its charges for such hospital,
4 physician, or other health care services; regardless of the
5 amount of proceeds paid or received in impairment of its lien.
6 Satisfaction of a judgment rendered in favor of Lee Memorial
7 Health System in such action shall operate as a satisfaction
8 of the lien. The action by the lienholder shall be brought in
9 the court in Lee County having jurisdiction of the amount of
10 the lienholder's claim. If Lee Memorial Health System shall
11 prevail in such action, it shall be entitled to recover from
12 the defendant or defendants, in addition to costs otherwise
13 allowable by law, all reasonable attorney fees and expenses.
14 (4) No person shall be entitled to recover or receive
15 damages based on the expense of hospital, physician, or other
16 health care services provided by Lee Memorial Health System
17 unless that person shall affirmatively show that Lee Memorial
18 Health System's charges have been paid. Provided, however,
19 that in any action, suit, or counterclaim brought on account
20 of illness or injury, the plaintiff or counterclaimant may
21 include as an item of damages the expense of such hospital,
22 physician, or other health care services provided by Lee
23 Memorial Health System, if prior to trial he or she shall have
24 notified Lee Memorial Health System in writing of the pendency
25 of such action, suit, or counterclaim; whereupon the
26 lienholder shall have the right, without leave of court, to
27 intervene in the case and prove the amount of its charges for
28 such hospital, physician, or other health care services. Any
29 judgment rendered in favor of the plaintiff or counterclaimant
30 shall provide that the amount proved by the lienholder to be
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1 due shall be deducted from the damages awarded and paid to the
2 Lee Memorial Health System.

3 (5) The provisions of this section shall not be
4 applicable to accidents or injuries within the purview of the
5 workers' compensation laws of Florida.

6 Section 19. In the event of a conflict of the
7 provisions of this act with the provisions of any other act,
8 the provisions of this act shall control to the extent of such
9 conflict.

10 Section 20. This act shall take effect upon becoming a
11 law.

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