

By Senator Cowin

11-1471A-01

1 A bill to be entitled
2 An act relating to the South Lake County
3 Hospital District, Lake County; providing for
4 codification of special laws relating to the
5 South Lake County Hospital District; providing
6 legislative intent; amending, codifying,
7 reenacting, and repealing chapters 69-1201,
8 70-771, 75-415, 88-466, 95-456, Laws of
9 Florida; providing district boundaries;
10 providing definitions; providing for a board of
11 trustees as the governing body of the district;
12 prescribing the powers and duties of the board;
13 providing for compensation and meetings of the
14 board; providing a principal office of the
15 district; authorizing the board to levy an
16 annual ad valorem tax upon taxable property
17 within the district; providing for purpose of
18 the tax; providing for a method for such levy;
19 exempting property of the district for
20 assessment; prohibiting the board from
21 transferring control of the district's
22 hospitals or facilities except upon approval by
23 referendum; providing for severability;
24 providing an effective date.

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

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28 Section 1. Pursuant to section 189.429, Florida
29 Statutes, this act constitutes the codification of all special
30 acts relating to the South Lake County Hospital District. It
31 is the intent of the Legislature in enacting this law to

1 provide a single comprehensive special act charter for the
2 district, including all current authority granted to the
3 district by its several legislative enactments.

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7 repealed as provided in this act.

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

10 Section 1. Establishment of district; boundaries.--

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

16
17 All the area of Lake County lying south of the
18 boundary line separating Townships 20 and 21
19 south of the Tallahassee Meridian.

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

23 Section 2. Governing body of district.--

24 (1) The governing body of the district shall be the
25 South Lake County Hospital District Board of Trustees, which
26 is established as a body corporate. As used in this act, the
27 word "board" means the South Lake County Hospital District
28 Board of Trustees.

29 (2)(a) Except as provided in paragraph (b), the board
30 shall consist of 11 members, all of whom must reside within
31

1 the district and must be appointed by the Governor, subject to
2 confirmation by the Senate, for terms of 4 years each.

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

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

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

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

14 Section 3. Officers.--

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

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

27 Section 4. Powers of the board.--

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

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

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

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

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

29 (e) Operate one or more hospitals or health care
30 facilities at any locations within the district which the
31 board considers appropriate; to create, own, or participate in

1 health maintenance organizations; participate as a shareholder
2 in a corporation for profit or a corporation not-for-profit,
3 or as a member in a corporation not-for-profit; participate
4 with other hospitals outside the district for the purpose of
5 jointly providing health care services within or outside the
6 hospital district; participate as a joint venturer in any
7 joint venture considered necessary by the board for the
8 purpose of providing health care; incorporate as a nonprofit
9 corporation; own or participate in subsidiary nonprofit
10 corporations or corporations for profit; and establish
11 foundations or any other legal entities considered appropriate
12 by the board for purposes of providing health care services.

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

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

29 Section 5. Compensation of board members.--

30 (1) The members of the board shall receive no
31 compensation for the performance of their duties under this

1 act, but each member is entitled to compensation for his or
2 her necessary expenses incurred while engaged in the
3 performance of such duties.

4 (2) The hospital or board may pay a member of the
5 board for work or services performed if the services are in
6 addition to services normally performed as a member of the
7 board. However, a member of the board who is employed by or
8 receives income from a district hospital, the board, or any
9 joint venture or health care facility in which the district
10 has an interest must disclose such conflict and may not vote
11 on any matter related thereto.

12 Section 6. Meetings.--

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

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

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

23 Section 8. Tax levies.--The board may provide for the
24 annual levy of an ad valorem tax upon all taxable property
25 within the district to pay for the principal of and interest
26 on promissory notes, mortgages, or ad valorem bonds; may pay
27 for the acquisition, construction, maintenance, operation,
28 equipment, and administration of the facilities of the
29 district or facilities owned, leased, or operated by a
30 corporation not-for-profit having the district as a member
31 entitled to appoint not less than one-half of the governing

1 board of such corporation not-for-profit; and may pay for the
2 cost of ambulance service and emergency room service within
3 the district. However, the millage rate may not exceed 1 mill
4 per year.

5 Section 9. Method of levying taxes.--

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

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

27 (3) On or before a date agreed upon between the
28 Property Appraiser for Lake County and the district each year,
29 the board shall transmit to the Board of County Commissioners
30 of Lake County a copy of such resolution, properly certified,
31 and a request to the board of county commissioners to levy the

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

25 Section 10. Exemption of district property from
26 assessment.--The effectuation of the purposes of the district
27 is, shall, and will be in all respects for the benefit of the
28 people of the state and of the district for the improvement of
29 their health and welfare. The exercise by the board of the
30 powers conferred by this act to effect such purposes
31 constitutes the performance of essential functions and is

1 declared to be a public purpose. As the facilities owned,
2 operated, supervised, and controlled by the district and
3 board, under the provisions of this act, constitute public
4 property and are used for public purposes, the district may
5 not be required to pay any assessments upon any such
6 facilities or any parts thereof.

7 Section 11. Transfer of control of hospitals or health
8 facilities.--The board may not take any action that would
9 result in termination of the direct control and administration
10 of the hospitals and other health facilities of the district
11 unless the action is approved by the electors of the district
12 in a referendum called for that purpose. This section does not
13 apply to those healthcare facilities or business ventures set
14 out in section 4(1)(e) in which the South Lake County Hospital
15 District or South Lake Memorial Hospital, Inc., owns at least
16 50 percent in the case of a joint venture, partnership, or
17 for-profit corporation or has the right to appoint at least 50
18 percent of the board of directors in the case of a nonprofit
19 corporation.

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

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

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