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CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to Jackson County Hospital District, Jackson County; codifying special laws relating to the district; amending, codifying, and reenacting all special acts relating to the Jackson County Hospital District as a single act; repealing all prior special acts related to Jackson County Hospital Corporation; renaming the corporation the Jackson County Hospital 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 Jackson County Hospital Corporation. It is the intent of the Legislature in enacting this act to provide a single comprehensive special act charter for the district, including all current authority granted to the district by its several legislative enactments.



29 Section 2. Chapters 19901 (1939), 21312 (1941), 57-1420,
 30 61-2289, 69-1165, 71-689, 71-690, 76-389, and 79-483, Laws of
 31 Florida, are amended, codified, reenacted, and repealed as
 32 provided in this act.

33 Section 3. The charter for the Jackson County Hospital
 34 District is re-created and reenacted to read:

35 Section 1. Boundaries of the district.--This act may be
 36 cited as the "Jackson County Hospital District," which shall
 37 comprise and include all the territory within Jackson County,
 38 less and except the following described portion thereof:

39 Begin at the SE corner of Section 34, Township 5
 40 North, Range 12 West, thence West to the SW corner of
 41 Section 31, Township 5 North, Range 12 West; thence
 42 North to the NW corner of Section 19, Township 5 North,
 43 Range 12 West; thence West to the intersection of the
 44 South line of Section 13, Township 5 North, Range
 45 14 West and the center line of Holmes Creek; thence
 46 Northeasterly meandering along the center line of
 47 Holmes Creek to its intersection with the North line
 48 of Section 23, Township 7 North, Range 13 West (being
 49 the boundary line between the States of Florida and
 50 Alabama); thence East along the boundary line between
 51 the states of Florida and Alabama to the intersection
 52 of said line with the center line of Marshall Creek in
 53 Section 22, Township 7 North, Range 11 West; thence
 54 Southeasterly, meandering along the center line of
 55 Marshall Creek and the West line of the Chipola River
 56 to the intersection of the West line of the Chipola



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57 River and the Southline of Section 32, Township 6
58 North, Range 10 West; thence West to the Southwest
59 corner of Section 34, Township 6 North, Range 12 West;
60 thence South to the SE corner of Section 16, Township
61 5 North, Range 12 West; thence East to the NE Corner
62 of Section 22, Township 5 North, Range 12 West; thence
63 South to the SE corner of Section 34, Township 5
64 North, Range 12 West and the Point of Beginning (the
65 excepted property constituting the geographic area of
66 the Campbellton-Graceville Hospital District as
67 established by Section 1 of Chapter 61-2290, Laws of
68 Florida, 1961).

69 Section 2. Purpose of district.--There is hereby created a
70 public, non-profit independent special district, which is hereby
71 designated as Jackson County Hospital District, for the purposes
72 of erecting, building, equipping, maintaining, and operating at
73 or near Marianna, within the Jackson County Hospital District, a
74 public hospital for the providing of health care services to the
75 citizens and residents of the District and others seeking
76 medical care and treatment at the hospital, to be known as
77 Jackson Hospital. The District is hereby granted authority to
78 erect, build, equip, maintain, and operate the public hospital
79 and related facilities. The number of beds, services, and
80 facilities of the hospital may from time to time be increased,
81 decreased, enlarged, extended, or expanded at the discretion of
82 the District and in compliance with other applicable laws. The
83 purposes of the District in its exercise of the authorities
84 granted in this act are hereby declared to be public purposes.



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85 Section 3. Membership and organization of the governing
86 board of the district.--

87 (1) The affairs of the District shall be managed and
88 governed by a board of nine trustees who shall be directors of
89 the District, appointed as hereinafter provided. Each of the
90 trustees shall be a citizen and resident of the Jackson County
91 Hospital District. The trustees named, qualified, and serving
92 shall continue to be trustees for and during the term of their
93 present commission and until their successors shall be named,
94 appointed, and have qualified. The term of office of each
95 successor trustee shall be 4 years. Upon the death,
96 resignation, or removal of any trustee, his or her unexpired
97 term shall be filled by appointment. All trustees of the
98 District shall be appointed by the Governor.

99 (2) The members of the board of trustees, the officers,
100 and the employees of the District having authority to receive
101 and disburse funds belonging to the District shall give bond,
102 payable to the District, conditioned upon their faithful
103 handling and accounting of all such funds received or disbursed
104 by them. The bond shall be in an amount approved by the board
105 of trustees, sufficient to indemnify the District against all
106 losses occasioned by any violation of its terms. The premium
107 for such bond shall be paid by the District.

108 (3) The members of the board of trustees shall serve
109 without compensation but shall be reimbursed for their
110 reasonable and necessary expenses incurred in attending to the
111 affairs and business of the District.



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112 (4) The board of trustees shall elect one of its members
113 as chair of the board, who shall preside over meetings thereof
114 and exercise such additional powers as may be authorized in the
115 bylaws of the District.

116 (5) A majority of the members of the board of trustees
117 shall at any regular or called meeting constitute a quorum; and
118 they shall have power to adopt by-laws, and rules and
119 regulations for the government of the District.

120 (6) The provisions of chapter 120, Florida Statutes, shall
121 not apply to the District.

122 (7) The District shall be afforded all the privileges and
123 immunities of section 768.28, Florida Statutes, or its successor
124 in function.

125 Section 4. Powers of the district and its governing
126 body.--

127 (1) The District shall:

128 (a) Have perpetual existence.

129 (b) Be a non-profit organization, its net earnings to be
130 placed in a reserve fund and used and expended only for public
131 hospital and health care purposes or for related charitable,
132 scientific, or educational purposes.

133 (c) Issue no stock or shares and pay no dividends.

134 (2) The board of trustees of the District shall have all
135 of the powers of a body corporate, including, but not limited to
136 the power:

137 (a) To sue and be sued under the name of Jackson County
138 Hospital District, without waiving any privilege or immunity of
139 section 768.28, Florida Statutes.



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140 (b) To adopt and use a common corporate seal and to alter
141 the same.

142 (c) To contract and be contracted with; purchase, take,
143 receive, lease, take by gift, grant, devise, or otherwise
144 acquire, own, hold, improve, use, or otherwise deal in and with
145 real or personal property, or any interest therein, wherever
146 situated.

147 (d) To incur liabilities, borrow money at such rates of
148 interest as the District may determine, issue its notes, bonds,
149 or other obligations, and secure any of its obligations by
150 mortgage, pledge, or assignment of all or any of its property,
151 franchises, or income.

152 (e) To sell, convey, mortgage, pledge, lease, exchange,
153 transfer, or otherwise dispose of all or any part of its
154 property and assets.

155 (f) To purchase, take, receive, subscribe for, or
156 otherwise acquire, own, hold, vote, use, employ, sell, mortgage,
157 lend, pledge or otherwise dispose of and otherwise use and deal
158 in and with, shares and other interests in, or obligations of,
159 other domestic or foreign corporations, whether for profit or
160 not for profit, obligations of the United States, or of any
161 other government, state, territory, governmental district,
162 municipality, or of any instrumentality thereof.

163 (g) To lend money for its corporate purposes, invest and
164 reinvest its funds, and take and hold real and personal property
165 as security for the payment of funds so loaned or invested; to
166 make donations for the public welfare or for charitable,
167 scientific, educational, or other similar purposes.



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168 (h) To establish, construct, equip, operate, and maintain
169 hospitals and related facilities for limited medical care as, in
170 its opinion, shall be necessary for the use of the citizens and
171 residents of the District and for the public good, the location
172 of such hospitals and related facilities for limited medical
173 care to be determined by the board.

174 (i) To have and exercise all powers necessary, incidental
175 or convenient to effect any or all of the purposes for which the
176 District is organized under the provisions of this act.
177 Provided, however, that any mortgage of the real property of the
178 District shall first be approved by the Board of County
179 Commissioners of Jackson County.

180 (3) The board shall provide for the operation and
181 maintenance of all health care facilities owned, operated, or
182 maintained by the District.

183 (4) The board shall employ and discharge all persons who
184 may be employed by the District or its health care facilities
185 and to fix their salaries. The board may provide for the
186 reimbursement of reasonable and necessary expenses of employees
187 and physicians incurred in attending to the affairs and business
188 of the District. The board may recruit employees and pay
189 reasonable expenses incurred therewith as determined by the
190 board. The board may also grant scholarships to students upon
191 such reasonable terms as determined by the board.

192 (5) The board shall make all appointments to the
193 professional staff and shall grant practice privileges to
194 physicians, dentists, and other appropriate persons. No person
195 shall be appointed to the professional staff or granted



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196 privileges to practice at Jackson Hospital unless duly licensed
197 by the appropriate examining agency of the state. The board of
198 trustees shall adopt by laws and rules and regulations
199 promulgating such additional qualifications and criteria with
200 which applicants for privileges and appointment to the
201 professional staff shall be required to comply; providing for
202 delineation, restriction, suspension, and revocation of
203 privileges; and providing for periodic review and reappointment
204 of staff members. Applications for privileges and staff
205 membership shall be submitted in writing, in a manner and form
206 approved by the board. The board shall grant privileges and
207 make appointments only after review of the application and
208 consideration of recommendations from the professional staff.
209 Upon a grant of privileges and appointment to the professional
210 staff, a practitioner shall be entitled to utilize the
211 facilities of the District for the care and treatment of his or
212 her patients, but only in accordance with the by-laws and rules
213 and regulations adopted by the board of trustees and in
214 accordance with the laws of the state.

215 (6) The board shall have power and authority to receive
216 and disburse for the purposes herein authorized all public
217 moneys appropriated to and paid over to the District, as well as
218 other funds received by or on behalf of the District.

219 (7) The board shall further have authority to provide for
220 the prescription of rules and regulations for the treatment and
221 admission of all patients; to prescribe rates, fees, and charges
222 to be made to patients for services provided by the District,
223 and to charge and modify the same from time to time; to



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224 determine classes of patients who shall be treated or admitted
225 as free patients or otherwise entitled to uncompensated
226 services, and to adopt statements of policy relating thereto; to
227 sue for and collect all amounts that may reasonably be charged
228 to patients, their families, or other persons legally
229 responsible for such charges rendered in connection with the
230 treatment of patients.

231 (8) The board is hereby authorized, in connection with its
232 activities of constructing, equipping, operating, and
233 maintaining a public hospital and related health care
234 facilities, to enter into such contracts and agreements with
235 governmental agencies, federal, state or local, other hospitals
236 and health care facilities, and other individuals, partnerships,
237 and corporations, whether organized for profit or not for profit
238 as in the opinion of the board of trustees are necessary or
239 appropriate to the accomplishment of the purposes of this act.
240 Any such agreement may provide for the association of the
241 District with one or more agencies, hospitals, or health care
242 facilities for joint participation in acquiring, purchasing, or
243 providing of services, materials, supplies, or facilities
244 necessary or incidental to the purposes of the District.

245 Section 5. Authorization for Jackson County Board of
246 County Commissioners to fund hospitals; source of funds.--

247 (1) The Board of County Commissioners of Jackson County
248 and their successors are hereby charged with the duty of
249 providing revenue for the erection, building, equipping, and
250 maintenance and operation of the aforesaid Jackson Hospital,
251 from year to year, such revenue or moneys representing same to



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252 be paid over to the Trustees of said Jackson County Hospital
 253 District by, or upon the order of, the Board of County
 254 Commissioners of Jackson County, Florida and their successors:
 255 Provided, however, that not more than 5 mills on the dollar of
 256 ad valorem taxes shall be levied in any given year for the
 257 purposes aforesaid.

258 (2) For the purposes of erecting, building, equipment,
 259 maintenance, and operation of the said Jackson Hospital, or any
 260 of such purposes, there is hereby appropriated to the District
 261 \$12,000 annually from the funds that are authorized for Jackson
 262 County pursuant to section 212.20(6)(d)7., Florida Statutes, or
 263 its successor in function.

264 Section 6. Bonds.--

265 (1) The governing body of Jackson County is authorized to
 266 issue bonds payable from ad valorem taxation or from other
 267 legally available revenues of the county or the district and to
 268 pledge therefor, and to levy or cause to be levied an ad valorem
 269 tax not to exceed 2 mills per annum on all property not
 270 otherwise exempt in the hospital district over and above all
 271 other taxes authorized or limited by law, sufficient to pay the
 272 principal and interest as the same become due on such bonds,
 273 which shall be in such form and denomination, bearing an
 274 interest rate that does not exceed that authorized by general
 275 law. The Board of County Commissioners is authorized to refund
 276 any or all such bonds heretofore or hereafter issued for any and
 277 all lawful hospital purposes.

278 (2) All bonds of the Jackson County Hospital District,
 279 payable from ad valorem taxation and maturing more than 12



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280 months after issuance, may be issued only when approved by vote
281 of the electors. The election shall be called and held by the
282 governing body of Jackson County subject to the provisions of
283 general law. In the event it is determined by the Board of
284 Trustees to hold such an election, the governing body of Jackson
285 County shall by resolution order such election to be held in the
286 District, and shall give notice of said election by publication
287 in a newspaper of general circulation within the District. The
288 costs of the election shall be paid by the District, which is
289 hereby authorized to pay or reimburse the governing body of
290 Jackson County for the costs of any election or elections as
291 required by this act.

292 (3) The procedure provided in general law shall govern the
293 calling and conduct of such election.

294 (4) The form of such bonds shall be fixed by resolution of
295 the governing body of Jackson County and the bonds shall be
296 signed by the Chairman of the Board and countersigned by the
297 secretary of the Board under the seal of the District. The
298 coupons, if any, shall be executed by the facsimile signatures
299 of said officers. The delivery, at any subsequent date, of any
300 bond and coupon so executed shall be valid, although before the
301 date of delivery the person signing such bonds or coupons shall
302 cease to hold office.

303 (5) The bonds may be issued in the form and manner as
304 determined by the Board of the District not inconsistent with
305 general law. This act shall be construed to provide complete
306 authority to issue debt in any reasonable form and manner as



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307 determined by the Board of the District that are not
308 inconsistent with general law.

309 (6) No resolution or proceeding in respect to the issuance
310 of bonds hereunder shall be necessary, except such as is
311 required by this section and general law.

312 Section 7. District tax exemption.--All property which may
313 be acquired or owned by the said District shall be exempt from
314 taxation of every kind, except that this exemption shall not
315 apply to interest earnings subject to taxation under chapter
316 220, Florida Statutes.

317 Section 8. Liens.--

318 (1) Every individual, partnership, firm, association,
319 corporation, institution, and governmental unit, and every
320 combination of any of the foregoing operating a hospital in
321 Jackson County, shall be entitled to a lien for all reasonable
322 charges for hospital care, treatment, and maintenance of ill or
323 injured persons upon any and all causes of action, suits,
324 claims, counterclaims, and demands accruing to the persons to
325 whom such care, treatment, or maintenance are furnished, or
326 accruing to the legal representatives of such persons, and upon
327 all judgments, settlements, and settlement agreements rendered
328 or entered into by virtue thereof, on account of illness or
329 injuries giving rise to such causes of action, suits, claims,
330 counterclaims, demands, judgments, settlement, or settlement
331 agreements and which necessitated or shall have necessitated
332 such hospital care, treatment, and maintenance.

333 (2) In order to perfect such lien, the executive officer
334 or agent of a hospital, before or within 10 days after any such



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335 person shall have been discharged from such hospital, shall file
336 in the office of the clerk of the circuit court of Jackson
337 County a certified claim in writing setting forth the name and
338 address of such patient, as it shall appear on the records of
339 such hospital, the name and location of such hospital, and the
340 name and address of the executive officer or agent of such
341 hospital, the date of admission to and discharge of such patient
342 therefrom, the amount claimed to be due for such hospital care,
343 treatment, and maintenance, and, to the best knowledge of the
344 person signing such claim, the names and addresses of all
345 persons, firms, or corporations claimed by such ill or injured
346 person or by the legal representative of such person, to be
347 liable on account of such illness or injuries; such claimant
348 shall also, within one day after the filing of such claim or
349 lien, mail a copy thereof by registered or certified mail,
350 postage prepaid, to each person, firm or corporation so claimed
351 to be liable on account of such illness or injuries, at the
352 address so given in such statement. The filing of such claim
353 shall be notice thereof to all persons, for injuries, whether or
354 not they are named in such claim or lien, and whether or not a
355 copy of such claim shall have been received by them.

356 (3) The clerk of the circuit court of Jackson County shall
357 endorse on such claim the date and hour of filing, shall provide
358 a hospital lien book with proper index in which he or she shall
359 record such claim, and shall show therein the date and hour of
360 such filing. He or she shall be paid by the claimant as his or
361 her fee for such filing and recording of each claim the sum of
362 \$1.50.



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363 (4) No release or satisfaction of any action, suit, claim,
364 counterclaim, demand, judgment, settlement, or settlement
365 agreement, or of any of them, shall be valid or effectual as
366 against such lien unless such lienholder shall join therein or
367 execute a release of such lien. Any acceptance of a release or
368 satisfaction of any such cause of action, suit, claim,
369 counterclaim, demand, or judgment and any settlement of any of
370 the foregoing in the absence of a release or satisfaction of the
371 lien referred to in this section shall prima facie constitute an
372 impairment of such lien, and the lienholder shall be entitled to
373 an action at law for damages on account of such impairment, and
374 in such action may recover from the one accepting such release
375 or satisfaction or making such settlement the reasonable cost of
376 such hospital care, treatment, and maintenance. Satisfaction of
377 any judgment rendered in favor of the lienholder in any such
378 action shall operate as a satisfaction of the lien. Any action
379 by the lienholder shall be brought in the court having
380 jurisdiction of the amount of the lienholder's claim and may be
381 brought and maintained in the county wherein the lienholder has
382 his or her, its, or their residence or place of business. If
383 the lienholder shall prevail in such action, the lienholder
384 shall be entitled to recover from the defendant, in addition to
385 costs otherwise allowed by law, all reasonable attorney's fees
386 and expenses incident to the matter.

387 (5) No person shall be entitled to recover or receive
388 damages on account of hospital care, treatment, and maintenance
389 unless he or she shall affirmatively show that he or she has
390 paid the cost thereof. Provided, however, that in any action,



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391 suit, or counterclaim brought on account of illness or injury,
392 the plaintiff or counterclaimant may include as an item of
393 damage the cost of such hospital care, treatment, and
394 maintenance, if prior to the trial of the action he or she shall
395 have notified the lienholder referred to in this section of the
396 pendency of such action or counterclaim; whereupon such
397 lienholder shall have the right, without leave of court, to
398 intervene in the case and prove the reasonable cost of such
399 hospital care, treatment, and maintenance. Any verdict that may
400 be rendered in favor of the plaintiff or counterclaimant shall
401 set forth the amount the jury finds to be due the lienholder for
402 such hospital care, treatment, and maintenance and the name of
403 such lienholder. Any judgment rendered in the case in favor of
404 the plaintiff or counterclaimant shall also be in favor of the
405 lienholder in the amount set forth by the jury's verdict. The
406 provisions of this section shall not be applicable to accidents
407 or injuries within the purview of the workers compensation act
408 of this state.

409 Section 9. Financial disclosure; the board.--

410 (1) Requirements for financial disclosure, meeting
411 notices, reporting, and public records, shall be as set forth in
412 chapters 119, 189, 286, and 395, Florida Statutes, as they may be
413 amended from time to time.

414 Section 10. Preparation of budget.--The board of trustees
415 shall provide for the preparation of an annual budget in
416 accordance with generally accepted accounting principles.

417 Section 11. Amendment and dissolution of the
418 district.--The District may be dissolved only by action of the



419 Legislature. This act may not be amended except by action of
 420 the Legislature.

421 Section 12. Comprehensive planning.--Except as may
 422 otherwise be required by general law, comprehensive planning is
 423 not required by this act.

424 Section 4. Notice.--It is found and determined that the
 425 notice of intention to apply for this legislation was given in
 426 the time, form, and manner required by the Constitution and Laws
 427 of the state. Said notice is found to be sufficient and is
 428 hereby validated and approved.

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

435 Section 6. Chapters 19901, 21312, 57-1420, 61-2289, 69-
 436 1165, 71-689, 71-690, 76-389, and 79-483, Laws of Florida, are
 437 repealed.

438 Section 7. This act shall take effect upon becoming a law.
 439