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HB 1223, Engrossed 1

2003 Legislature

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.

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57-1420, 61-2289, 69-1165, 71-689, 71-690, 76-389, and 79-483, Laws of Florida, are amended, codified, reenacted, and repealed as provided in this act.

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

Section 1. Boundaries of the district.--This act may be cited as the "Jackson County Hospital District," which shall



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comprise and include all the territory within Jackson County,
less and except the following described portion thereof:

Begin at the SE corner of Section 34, Township 5
North, Range 12 West, thence West to the SW corner of
Section 31, Township 5 North, Range 12 West; thence
North to the NW corner of Section 19, Township 5 North,
Range 12 West; thence West to the intersection of the
South line of Section 13, Township 5 North, Range
14 West and the center line of Holmes Creek; thence
Northeasterly meandering along the center line of
Holmes Creek to its intersection with the North line
of Section 23, Township 7 North, Range 13 West (being
the boundary line between the States of Florida and
Alabama); thence East along the boundary line between
the states of Florida and Alabama to the intersection
of said line with the center line of Marshall Creek in
Section 22, Township 7 North, Range 11 West; thence
Southeasterly, meandering along the center line of
Marshall Creek and the West line of the Chipola River
to the intersection of the West line of the Chipola
River and the Southline of Section 32, Township 6
North, Range 10 West; thence West to the Southwest
corner of Section 34, Township 6 North, Range 12 West;
thence South to the SE corner of Section 16, Township
5 North, Range 12 West; thence East to the NE Corner
of Section 22, Township 5 North, Range 12 West; thence
South to the SE corner of Section 34, Township 5
North, Range 12 West and the Point of Beginning (the



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excepted property constituting the geographic area of the Campbellton-Graceville Hospital District as established by Section 1 of Chapter 61-2290, Laws of Florida, 1961).

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

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

(1) The affairs of the District shall be managed and governed by a board of nine trustees who shall be directors of the District, appointed as hereinafter provided. Each of the trustees shall be a citizen and resident of the Jackson County Hospital District. The trustees named, qualified, and serving shall continue to be trustees for and during the term of their



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present commission and until their successors shall be named, appointed, and have qualified. The term of office of each successor trustee shall be 4 years. Upon the death, resignation, or removal of any trustee, his or her unexpired term shall be filled by appointment. All trustees of the District shall be appointed by the Governor.

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

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

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

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



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

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

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

(1) The District shall:

(a) Have perpetual existence.

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

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

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

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

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

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



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

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

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

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

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



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

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

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

(5) The board shall make all appointments to the professional staff and shall grant practice privileges to physicians, dentists, and other appropriate persons. No person shall be appointed to the professional staff or granted privileges to practice at Jackson Hospital unless duly licensed by the appropriate examining agency of the state. The board of trustees shall adopt by laws and rules and regulations promulgating such additional qualifications and criteria with which applicants for privileges and appointment to the professional staff shall be required to comply; providing for



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delineation, restriction, suspension, and revocation of privileges; and providing for periodic review and reappointment of staff members. Applications for privileges and staff membership shall be submitted in writing, in a manner and form approved by the board. The board shall grant privileges and make appointments only after review of the application and consideration of recommendations from the professional staff. Upon a grant of privileges and appointment to the professional staff, a practitioner shall be entitled to utilize the facilities of the District for the care and treatment of his or her patients, but only in accordance with the by-laws and rules and regulations adopted by the board of trustees and in accordance with the laws of the state.

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

(7) The board shall further have authority to provide for the prescription of rules and regulations for the treatment and admission of all patients; to prescribe rates, fees, and charges to be made to patients for services provided by the District, and to charge and modify the same from time to time; to determine classes of patients who shall be treated or admitted as free patients or otherwise entitled to uncompensated services, and to adopt statements of policy relating thereto; to sue for and collect all amounts that may reasonably be charged to patients, their families, or other persons legally



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responsible for such charges rendered in connection with the treatment of patients.

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

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

(1) The Board of County Commissioners of Jackson County and their successors are hereby charged with the duty of providing revenue for the erection, building, equipping, and maintenance and operation of the aforesaid Jackson Hospital, from year to year, such revenue or moneys representing same to be paid over to the Trustees of said Jackson County Hospital District by, or upon the order of, the Board of County Commissioners of Jackson County, Florida and their successors: Provided, however, that not more than 5 mills on the dollar of



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ad valorem taxes shall be levied in any given year for the purposes aforesaid.

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

Section 6. Bonds.--

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

(2) All bonds of the Jackson County Hospital District, payable from ad valorem taxation and maturing more than 12 months after issuance, may be issued only when approved by vote of the electors. The election shall be called and held by the governing body of Jackson County subject to the provisions of general law. In the event it is determined by the Board of



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Trustees to hold such an election, the governing body of Jackson County shall by resolution order such election to be held in the District, and shall give notice of said election by publication in a newspaper of general circulation within the District. The costs of the election shall be paid by the District, which is hereby authorized to pay or reimburse the governing body of Jackson County for the costs of any election or elections as required by this act.

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

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

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

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



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

Section 8. Liens.--

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

(2) In order to perfect such lien, the executive officer or agent of a hospital, before or within 10 days after any such person shall have been discharged from such hospital, shall file in the office of the clerk of the circuit court of Jackson County a certified claim in writing setting forth the name and address of such patient, as it shall appear on the records of such hospital, the name and location of such hospital, and the



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name and address of the executive officer or agent of such hospital, the date of admission to and discharge of such patient therefrom, the amount claimed to be due for such hospital care, treatment, and maintenance, and, to the best knowledge of the person signing such claim, the names and addresses of all persons, firms, or corporations claimed by such ill or injured person or by the legal representative of such person, to be liable on account of such illness or injuries; such claimant shall also, within one day after the filing of such claim or lien, mail a copy thereof by registered or certified mail, postage prepaid, to each person, firm or corporation so claimed to be liable on account of such illness or injuries, at the address so given in such statement. The filing of such claim shall be notice thereof to all persons, for injuries, whether or not they are named in such claim or lien, and whether or not a copy of such claim shall have been received by them.

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

(4) No release or satisfaction of any action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement, or of any of them, shall be valid or effectual as against such lien unless such lienholder shall join therein or execute a release of such lien. Any acceptance of a release or



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satisfaction of any such cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of the lien referred to in this section shall prima facie constitute an impairment of such lien, and the lienholder shall be entitled to an action at law for damages on account of such impairment, and in such action may recover from the one accepting such release or satisfaction or making such settlement the reasonable cost of such hospital care, treatment, and maintenance. Satisfaction of any judgment rendered in favor of the lienholder in any such action shall operate as a satisfaction of the lien. Any action by the lienholder shall be brought in the court having jurisdiction of the amount of the lienholder's claim and may be brought and maintained in the county wherein the lienholder has his or her, its, or their residence or place of business. If the lienholder shall prevail in such action, the lienholder shall be entitled to recover from the defendant, in addition to costs otherwise allowed by law, all reasonable attorney's fees and expenses incident to the matter.

(5) No person shall be entitled to recover or receive damages on account of hospital care, treatment, and maintenance unless he or she shall affirmatively show that he or she has paid the cost thereof. Provided, however, that in any action, suit, or counterclaim brought on account of illness or injury, the plaintiff or counterclaimant may include as an item of damage the cost of such hospital care, treatment, and maintenance, if prior to the trial of the action he or she shall have notified the lienholder referred to in this section of the



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pendency of such action or counterclaim; whereupon such lienholder shall have the right, without leave of court, to intervene in the case and prove the reasonable cost of such hospital care, treatment, and maintenance. Any verdict that may be rendered in favor of the plaintiff or counterclaimant shall set forth the amount the jury finds to be due the lienholder for such hospital care, treatment, and maintenance and the name of such lienholder. Any judgment rendered in the case in favor of the plaintiff or counterclaimant shall also be in favor of the lienholder in the amount set forth by the jury's verdict. The provisions of this section shall not be applicable to accidents or injuries within the purview of the workers compensation act of this state.

Section 9. Financial disclosure; the board.--

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

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

Section 11. Amendment and dissolution of the district.--The District may be dissolved only by action of the Legislature. This act may not be amended except by action of the Legislature.

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



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

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

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

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