



HB 0581

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1 A bill to be entitled

2 An act relating to the Madison County Hospital District;
3 providing for codification of special laws regarding the
4 district; providing that the district is an independent
5 special district; providing legislative intent; codifying,
6 amending, and reenacting the district's special acts;
7 providing for applicability of ch. 189, F.S., and other
8 general laws; providing a district charter; providing that
9 this act shall take precedence over any conflicting law to
10 the extent of such conflict; providing for severability;
11 repealing all prior special acts related to the district;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Pursuant to section 189.429, Florida Statutes,
17 this act constitutes the codification of all special acts
18 relating to the Madison County Hospital District. It is the
19 intent of the Legislature to provide a single, comprehensive
20 special act charter for the district, including all current
21 legislative authority granted to the district by its several
22 legislative enactments, and to conform the district's charter to
23 chapter 189, Florida Statutes, the Uniform Special District
24 Accountability Act of 1989, and other provisions of general law.

25 Section 2. Chapters 24673 (1947), 26688 (1951), 27689
26 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-
27 790, 70-791, and 82-320, Laws of Florida, relating to the
28 Madison County Hospital District, are codified, reenacted,
29 amended, and repealed as herein provided.

30 Section 3. The charter for the Madison County Hospital



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31 District is re-created and reenacted to read:

32 ARTICLE I

33 Preamble

34 The district is organized, established, and exists for all
 35 purposes set forth in this act and chapter 189, Florida
 36 Statutes, as they may be amended from time to time.

37 ARTICLE II

38 Nature of District

39 The district is an independent special district of the
 40 state and Madison County pursuant to this act and chapter 189,
 41 Florida statutes, as amended, and a public body both corporate
 42 and politic. The district shall not be an agency for the
 43 purposes of chapter 120, Florida Statutes, the Administrative
 44 Procedure Act. The district shall enjoy all the protections of
 45 sovereign immunity and section 768.28, Florida Statutes.

46 ARTICLE III

47 Name

48 The name of the district shall be the "Madison County
 49 Health and Hospital District."

50 ARTICLE IV

51 Boundaries

52 The boundaries of the district shall be coterminous with
 53 the boundaries of Madison County, as such county's boundaries
 54 are set forth at section 7.40, Florida Statutes, as amended, as
 55 according to s. 1, Art. VIII of the State Constitution.

56 ARTICLE V

57 Purpose

58 Section 1. The district is organized and exists for the
 59 single and special purpose of providing within its boundaries
 60 public health care services, with special power and authority,



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61 including, but not limited to, so long as not inconsistent with
62 its purpose under this act, the provision of a public hospital
63 and other health care facilities, which may include, but not be
64 limited to, a geriatric center and a nursing home. The district
65 shall have the power and authority to institute, build, erect,
66 enlarge, operate, and maintain the systems, facilities, and
67 services needed for the above purpose, including especially
68 service to any medically underserved elderly or residents of
69 rural areas. The district shall additionally have the power to
70 provide the above services and facilities outside the boundaries
71 of the district when otherwise allowed by law and determined by
72 the board to be in the best interest of the district.

73 Section 2. The district exercises a proper public purpose,
74 an essential government function of the state and the county,
75 and shall have all power and authority necessary to carry out
76 the purpose of this act, including, without limitation, all
77 powers authorized by law to hospital districts, facilities, and
78 authorities, and shall have and operate under the powers of a
79 body corporate and politic, including such general and special
80 powers and duties as are provided herein and as may be otherwise
81 provided and amended from time to time by the Legislature.

82 ARTICLE VI

83 Governing Board

84 Section 1. The district shall be governed by a seven-
85 member board known as the Madison County Health and Hospital
86 Board.

87 Section 2. The members of the board shall be electors of
88 Madison County and shall serve without compensation, except for
89 the payment of expenses as otherwise provided by law.

90 Section 3. The board members shall be appointed by the



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91 Governor to serve staggered terms of 4 years. Each member shall
92 serve until his or her successor is appointed. A member may be
93 removed from office as provided by law. Members appointed to
94 fulfill an unexpired term of a member upon the death,
95 disqualification, resignation, or inability of any member to
96 serve shall only serve the remainder of a term with a new
97 appointment made thereafter.

98 Section 4. Each board member shall give bond as a county
99 official, conditioned to discharge the duties of his or her
100 office faithfully and to account for all public moneys and
101 property coming into his or her possession. The district shall
102 pay the costs of such bond.

103 Section 5. The board shall elect one of its members as
104 chair, who shall preside at the meetings of the board and
105 exercise such additional powers of the board as delegated to the
106 chair by rule. The board shall also elect one of its members as
107 vice chair to serve as chair in the absence or inability to
108 serve of the chair and exercise such additional powers of the
109 board as delegated to the vice chair by rule. The chair and
110 vice chair shall serve at the pleasure of the board.

111 Section 6. The board shall hold regular meetings no less
112 often than monthly and special meetings as often as necessary.
113 The board shall keep minutes of its meetings. The board shall
114 make its meetings, minutes of meetings, and records open to the
115 public as required by general law.

116 Section 7. A majority of the board shall constitute a
117 quorum. A majority of the members present shall be necessary
118 for action by the board. For the enactment of district rules,
119 the board must follow the regular or emergency enactment
120 procedure for the adoption of county ordinances, pursuant to



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121 general law, and for the enactment of resolutions, the board
122 must follow the enactment requirements for the adoption of
123 county resolutions, pursuant to general law. The board's rules
124 and resolutions do not have to be filed with the clerk of the
125 circuit court or the Secretary of State. The board and the
126 district shall be bound by the board's rules to the same extent
127 as a county is bound by its ordinances. The board and the
128 district shall be bound by the board's resolutions to the same
129 extent that a county is bound by its governing board's
130 resolutions.

131 ARTICLE VII

132 Powers and Duties

133 Section 1. In furtherance of the district's purpose under
134 this act and its purposes under chapter 189, Florida Statutes,
135 the board shall have all right, power, and authority, subject to
136 all applicable laws, rules, and regulations, to carry on the
137 governmental and proprietary business of the district. This
138 power includes the power:

139 (a) To organize itself into a working body, adopt
140 reasonable rules relating to parliamentary procedure, and adopt
141 and use a seal and authorize the use of a facsimile thereof.

142 (b) To institute, erect, build, extend, enlarge, equip,
143 operate, maintain, renovate, and reconstruct a public hospital.

144 (c) To institute, erect, build, extend, enlarge, equip,
145 operate, maintain, renovate, and reconstruct other health care
146 facilities, which may include, but not be limited to, a
147 geriatrics center and a nursing home, in conjunction with or
148 separate from the public hospital.

149 (d) To engage in any public health or public hospital
150 program with any public health or hospital agency created by law



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151 relating to or being beneficial to the health and hospital
152 facilities and conditions of Madison County.

153 (e) To accept donations, gifts, contributions, and grants
154 from any source including state, federal, and local agencies and
155 any person, firm, or corporation.

156 (f) To spend all moneys received for district purposes.

157 (g) To employ, discharge, and compensate at its pleasure
158 personnel and adopt a personnel plan.

159 (h) To employ or enter into independent contractor
160 arrangements with, at the discretion of the board, professionals
161 and others and fix the compensation thereof.

162 (i) To enter into interlocal agreements under section
163 163.01, Florida Statutes, as amended.

164 (j) Specifically, to cooperate informally, or pursuant to
165 a formally negotiated and executed agreement, with the medical
166 college of the Florida State University or any other Florida
167 medical college as it relates to the provision of primary care
168 for any medically underserved rural or elderly segments of the
169 population who could benefit from any applicable system,
170 facility, service program, or center to be provided by the
171 district in carrying out its purpose, so long as pursuant to law
172 and subject to agreement from the medical college at the Florida
173 State University or any other Florida medical college, including
174 under the auspices of any applicable local, state, or federal
175 program or financing, including any applicable grants, loans, or
176 appropriations.

177 (k) To sue and be sued in the name of the district and to
178 make and execute contracts and other instruments necessary or
179 convenient to exercise its powers.

180 (l) To borrow money and to issue bonds, certificates,



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181 warrants, notes, or other evidence of indebtedness subject to
 182 use of an identified lawful source of revenue, now or later
 183 provided, to amortize or pay back any loans, bond certificates,
 184 warrants, notes, or other evidences of indebtedness. The
 185 district may issue bonds in the same manner and with the same
 186 powers and duties as health facilities authorities pursuant to
 187 part III of chapter 154, Florida Statutes. All such bonds
 188 issued by the district shall be governed by part III of chapter
 189 154, Florida Statutes, in all respects.

190 (m) To apply for and use grants or loans of money or other
 191 property from the United States, the state, a unit of general
 192 purpose local government, or any person for any district
 193 purpose; to enter into agreements required in connection
 194 therewith; and to hold, use, and dispose of such moneys or
 195 property for the district purpose in accordance with the terms
 196 of the gift, grant, loan, or agreement relating thereto.

197 (n) To adopt rules, resolutions, and orders, which may be
 198 necessary to fulfill the purposes of the district; to set the
 199 powers, duties, and functions of the board and officers and
 200 employees of the district; and to conduct of the business of the
 201 district. In the absence of any rule or resolution to the
 202 contrary, the board shall be presumed to have the power to act.

203 (o) To maintain executive management at such place or
 204 places as the board may designate within the county.

205 (p) To hold, control, and acquire by donation, purchase,
 206 or condemnation or dispose of any interest in real or personal
 207 property.

208 (q) To lease, as lessor or lessee, real and personal
 209 property to or from any person, firm, corporation, association,
 210 or federal, state, or local government any property or facility.



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211 (r) To raise by user charges or fees amounts of money
 212 which are necessary for the conduct of the district activities
 213 and services and to enforce their receipt and collection in a
 214 manner prescribed by resolution not inconsistent with law.
 215 However, nothing herein shall be construed to require the
 216 district to charge a fee for all district activities and
 217 services it provides.

218 (s) To exercise within or beyond the district the right
 219 and power of eminent domain, including the power to take
 220 possession and title in advance of the entry of final judgment,
 221 pursuant to the provisions of chapters 73 and 74, Florida
 222 Statutes, over any property, or interest therein, except for
 223 municipal, county, state, and federal property. The board may,
 224 by resolution, authorize the acquisition of any interest in real
 225 or personal property for any district use or purpose designated
 226 in such resolution.

227 (t) To supply services to the indigent without charge or
 228 fee.

229 (u) To invest moneys received by the district as is
 230 permitted by law or as provided in any resolution adopted by the
 231 board.

232 (v) To procure necessary insurance or to self-insure.

233 (w) To establish such independent entities or affiliated
 234 entities, whether in the form of a not-for-profit corporation or
 235 other legal entity, for such purposes as the board considers
 236 necessary or appropriate to carry out its projects or to
 237 administer projects or funds.

238 (x) To provide or participate in health-care-related
 239 education through formal or informal programs.

240 (y) To contract with a not-for-profit corporation, which



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241 may be incorporated by the district or the board, for the
242 operation, management, and maintenance of the district's
243 facilities of whatsoever kind and nature through one or more
244 agreements, with the term thereof and conditions and covenants
245 contained therein made at the discretion of the board, except
246 that the contract must provide as follows:

247 (1) That the corporation's articles of incorporation and
248 bylaws are subject to the approval of the board.

249 (2) That the corporation shall become qualified under
250 section 501(c)(3) of the Internal Revenue Code of 1986, as
251 amended, or any other subsection of section 501(c) as approved
252 by the board, prior to the effective date of the contract.

253 (3) For the orderly transition of the district's
254 facilities' operation and maintenance to the corporation.

255 (4) For the orderly transfer of employees from board
256 employment to corporate employment.

257 (5) For the prompt return of the operation of the district
258 facilities from the corporation in the event of termination or
259 dissolution of the corporation.

260 (6) That the district is not responsible for the debts or
261 other obligations of the corporation.

262 (7) That the corporation and the district shall not
263 commingle any of their funds in any account maintained by either
264 of them, other than the payment of the rent and administrative
265 fees.

266 (8) That except as otherwise provided by law, the
267 corporation shall not, except as a member of the public,
268 participate in the decision making process of the district.

269 (z) Any such contracts with not-for-profit corporations
270 may provide, among other things, as follows:



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271 (1) That the corporation is primarily acting as an
272 instrumentality or agency of the district and is thus entitled
273 to all the protections of sovereign immunity and section 768.28,
274 Florida Statutes.

275 (2) That the members of the board shall be the directors
276 of the corporation.

277 (aa) To exercise all of the powers necessary, convenient,
278 incidental, or proper in connection with any of the powers,
279 duties, or authority authorized by this act to implement its
280 purpose.

281 (bb) To exercise all the powers necessary, convenient,
282 incidental, or proper in connection with any of the general or
283 special powers, duties, and obligations, including any special
284 powers referenced in other articles in this act, in order to
285 implement the purpose of the district.

286 Section 2. The provisions of this law shall be construed
287 liberally in order to carry out its purpose effectively. Any of
288 the enumerated powers herein shall not be construed as a
289 limitation against any remaining powers but shall be construed
290 as cumulative.

291 ARTICLE VIII

292 Finance, Budget, and Tax

293 Section 1. The budgets, operating funds, and records of
294 the district shall be segregated and kept separate from the
295 budgets, operating funds, and records of the public hospital and
296 any nursing home or geriatrics center operated by the district.

297 Section 2. The board shall retain all the fees and charges
298 for services rendered by it as part of its operating funds, and
299 such fees and charges shall be anticipated from year to year in
300 making up its budget.



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301 Section 3. The board shall prepare an itemized budget for
302 the ensuing fiscal year for the operation and cost of the
303 district's programs as provided by law.

304 Section 4. In order to fund the purpose of the district,
305 the Board of County Commissioners of Madison County shall pay
306 over to the board the first \$12,500 that may be allocated to and
307 received by Madison County pursuant to chapter 550, Florida
308 Statutes, the Florida Pari-mutuel Wagering Act, and acts
309 supplementary and amendatory thereto.

310 Section 5. In order to fund the purpose of the district,
311 the Board of County Commissioners of Madison County and the
312 governing body of any municipality located wholly or partially
313 within the district may:

314 (a) Appropriate and pay over to the district funds from
315 its general fund or restricted funds which may be otherwise used
316 for such expenditure, with or without requiring that such funds
317 be repaid.

318 (b) Borrow money and issue bonds, certificates, warrants,
319 notes, or other evidence of indebtedness subject to use of an
320 identified lawful source of revenue, now or later provided, to
321 amortize or pay back any loans, bond certificates, warrants,
322 notes, or other evidences of indebtedness to provide funding to
323 the district.

324 (c) Apply for and use grants or loans of money or other
325 property from the United States, the state, a unit of general
326 purpose local government, or any person; enter into agreements
327 required in connection therewith; and hold, use, and dispose of
328 such moneys or property for the district purpose in accordance
329 with the terms of the gift, grant, loan, or agreement relating
330 thereto to provide funding to the district.



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331 (d) Provide any personnel, service, equipment, facility,
332 or property, real or personal, to the district, with or without
333 charge to the district.

334 (e) Initiate any program of the board by appropriating
335 necessary funds for the board until the necessary funds for the
336 board shall be obtained.

337 Section 6. The accounts and records of the district shall
338 be audited as provided by law.

339 ARTICLE IX

340 Liens for Collection of Charges

341 Section 1. The district, as well as any not-for-profit
342 corporation contracting with the district for the operation,
343 management, and maintenance of the district's facilities, shall
344 be entitled to a lien for all reasonable charges incurred for
345 hospital care, treatment, and maintenance of ill or injured
346 persons upon any and all causes of action, suits, claims,
347 counterclaims, and demands accruing to such persons or the legal
348 representatives of such persons, and upon all judgments,
349 settlements, and settlement agreements rendered or entered into
350 by virtue thereof, on account of illness or injuries giving rise
351 to such causes of actions, suits, claims, counterclaims,
352 demands, judgments, settlements, or settlement agreements and
353 which necessitate or shall have necessitated such hospital care,
354 treatment, and maintenance.

355 Section 2. In order to perfect such a lien, the executive
356 office or agent of the hospital, before any such person shall
357 have been discharged from said hospital or within 45 days after
358 such discharge, shall file in the office of the Clerk of the
359 Circuit Court of Madison County a verified claim in writing
360 setting forth the name and address of such patient, as it shall



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361 appear on the records of said hospital, the name and location of
362 said hospital, the name and address of the executive office or
363 agent of said hospital, the dates of admission to and discharge
364 of such patient therefrom, the amount claimed to be due for such
365 hospital care, treatment, and maintenance, and, to the best
366 knowledge of the person signing such claim, the names and
367 address of all persons, firms, or corporations who may be
368 claimed by such ill or injured person, or by the legal
369 representative of such person, to be liable on account of such
370 illness or injuries. At the same time that such claim is filed
371 with the clerk of the circuit court, a copy thereof shall be
372 sent by regular United States mail to the ill or injured person,
373 to his or her attorney, if known, and to all persons, firms, or
374 corporations named in such claim. The filing and mailing of
375 such claim in accordance with this section shall be notice
376 thereof to all persons, firms, or corporations who may be liable
377 on account of such illness or injuries, whether or not they are
378 named in such claim or lien, and whether or not a copy of such
379 claim shall have been received by them.

380 Section 3. The Clerk of the Circuit Court of Madison
381 County shall endorse on such claim the date and hour of filing
382 and shall record such claim in the official records of Madison
383 County. He or she shall be paid by the claimant as his or her
384 fee for such filing and recording of each claim the same fee as
385 provided for filing and recording other instruments under the
386 recording laws.

387 Section 4. No release or satisfaction of any action, suit,
388 claim, counterclaim, demand, judgment, settlement, or settlement
389 agreement shall be valid or effectual as against such lien
390 unless such lienholder shall join therein or execute a release



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391 of such lien. Any acceptance of a release or satisfaction of
392 any such cause of action, suit, claim, counterclaim, demand, or
393 judgment and any settlement of any of the foregoing in the
394 absence of a release of satisfaction of the lien referred to in
395 this act shall prima facie constitute an impairment of such
396 lien, and the lienholder shall be entitled to an action at law
397 for damages on account of such impairment and in such action may
398 recover from the one accepting such release or satisfaction or
399 making such settlement the reasonable cost of such hospital
400 care, treatment, and maintenance. Satisfaction of any judgment
401 rendered in favor of the lienholder in any such action shall
402 operate as a satisfaction of the lien. Any action by the
403 lienholder may be brought and maintained in any court of
404 competent jurisdiction in or for Madison County. If the
405 lienholder shall prevail in such action, the lienholder shall be
406 entitled to recover from the defendant, in addition to costs
407 otherwise allowed by law, reasonable attorney's fees, suit
408 money, costs, and expenses incident to the matter.

409 Section 5. The provisions of this act shall not be
410 applicable to accidents or injuries within the purview of the
411 workers' compensation laws of this state.

412 ARTICLE X

413 Ownership of Property

414 Section 1. Ownership of all property, real or personal,
415 previously owned by the governmental entities created or
416 controlled by chapters 24673 (1947), 27689 (1951), 65-1867, 67-
417 1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of
418 Florida, shall hereby be vested in the district.

419 Section 2. The district is specifically declared to own
420 fee simple title to the following described real property in



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421 Madison County: The West 1/2 of the Southeast 1/4 of Northwest
 422 1/4, and the West 1/2 of East 1/2 of the Southeast 1/4 of
 423 Northwest 1/4, all of Section 28, Township 1 North, Range 9
 424 East; Lot 74 and the South 25 feet of Lot 73 of Block 11, of the
 425 Town of Madison, Florida, (now City of Madison), Florida, and
 426 also: a parcel or strip of land 10 feet X 1124.97 feet in size
 427 located between north Duval Street and Lot 74 and the South 24
 428 feet of Lot 73, running along and adjacent to the east border of
 429 said lots, in Block 11 of the City of Madison, Madison County,
 430 Florida, containing 1,249.70 square feet, more or less; All of
 431 Block 12 of the Town of Madison (now City of Madison) Florida;
 432 and Lots 77 and 78 of Block 11 of the Town of Madison (now City
 433 of Madison) Florida

434 Section 3. This Article shall not be construed to affect
 435 any rights of ownership of property, real or personal, held by
 436 nongovernmental entities.

437 ARTICLE XI

438 Miscellaneous

439 Section 1. The provisions of this charter are declared
 440 severable, and if any provision hereof be found invalid, such
 441 invalidity shall not affect the remaining provisions, which
 442 shall be deemed amended to the smallest degree necessary in
 443 order to continue in full force and effect consistent with
 444 legislative intent and the district's purposes under this act
 445 and chapter 189, Florida Statutes.

446 Section 2. In the event of a conflict between the
 447 provisions of this act and the provisions of any other act, the
 448 provisions of this act shall control to the extent of such
 449 conflict.

450 Section 4. Chapters 24673 (1947), 26688 (1951), 27689



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451 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-

452 790, 70-791, and 82-320, Laws of Florida, are repealed.

453 Section 5. This act shall take effect upon becoming a law.