



HB 0581

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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Madison County Hospital District; providing for codification of special laws regarding the district; providing that the district is an independent special district; providing legislative intent; codifying, amending, and reenacting the district's special acts; providing for applicability of ch. 189, F.S., and other general laws; providing a district charter; providing for severability; repealing all prior special acts related to the 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 Madison County Hospital District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district, including all current



29 legislative authority granted to the district by its several
 30 legislative enactments, and to conform the district's charter to
 31 chapter 189, Florida Statutes, the Uniform Special District
 32 Accountability Act of 1989, and other provisions of general law.

33 Section 2. Chapters 24673 (1947), 26688 (1951), 27689
 34 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-
 35 790, 70-791, and 82-320, Laws of Florida, relating to the
 36 Madison County Hospital District, are codified, reenacted,
 37 amended, and repealed as herein provided.

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

40 ARTICLE I

41 Preamble

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

45 ARTICLE II

46 Nature of District

47 The district is an independent special district of the
 48 state and Madison County pursuant to this act and chapter 189,
 49 Florida statutes, as amended, and a public body both corporate
 50 and politic. The district shall not be an agency for the
 51 purposes of chapter 120, Florida Statutes, the Administrative
 52 Procedure Act. The district shall enjoy all the protections of
 53 sovereign immunity and section 768.28, Florida Statutes.

54 ARTICLE III

55 Name



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56 The name of the district shall be the "Madison County
57 Health and Hospital District."

58 ARTICLE IV

59 Boundaries

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

64 ARTICLE V

65 Purpose

66 Section 1. The district is organized and exists for the
67 single and special purpose of providing within its boundaries
68 public health care services, with special power and authority,
69 including, but not limited to, so long as not inconsistent with
70 its purpose under this act, the provision of a public hospital
71 and other health care facilities, which may include, but not be
72 limited to, a geriatric center and a nursing home. The district
73 shall have the power and authority to institute, build, erect,
74 enlarge, operate, and maintain the systems, facilities, and
75 services needed for the above purpose, including especially
76 service to any medically underserved elderly or residents of
77 rural areas. The district shall additionally have the power to
78 provide the above services and facilities outside the boundaries
79 of the district when otherwise allowed by law and determined by
80 the board to be in the best interest of the district.

81 Section 2. The district exercises a proper public purpose,
82 an essential government function of the state and the county,
83 and shall have all power and authority necessary to carry out



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84 | the purpose of this act, including, without limitation, all
85 | powers authorized by law to hospital districts, facilities, and
86 | authorities, and shall have and operate under the powers of a
87 | body corporate and politic, including such general and special
88 | powers and duties as are provided herein and as may be otherwise
89 | provided and amended from time to time by the Legislature.

90 | ARTICLE VI

91 | Governing Board

92 | Section 1. The district shall be governed by a seven-
93 | member board known as the Madison County Health and Hospital
94 | Board.

95 | Section 2. The members of the board shall be electors of
96 | Madison County and shall serve without compensation, except for
97 | the payment of expenses as otherwise provided by law.

98 | Section 3. The board members shall be appointed by the
99 | Governor to serve staggered terms of 4 years. Each member shall
100 | serve until his or her successor is appointed. A member may be
101 | removed from office as provided by law. Members appointed to
102 | fulfill an unexpired term of a member upon the death,
103 | disqualification, resignation, or inability of any member to
104 | serve shall only serve the remainder of a term with a new
105 | appointment made thereafter.

106 | Section 4. Each board member shall give bond as a county
107 | official, conditioned to discharge the duties of his or her
108 | office faithfully and to account for all public moneys and
109 | property coming into his or her possession. The district shall
110 | pay the costs of such bond.



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111 Section 5. The board shall elect one of its members as
112 chair, who shall preside at the meetings of the board and
113 exercise such additional powers of the board as delegated to the
114 chair by rule. The board shall also elect one of its members as
115 vice chair to serve as chair in the absence or inability to
116 serve of the chair and exercise such additional powers of the
117 board as delegated to the vice chair by rule. The chair and
118 vice chair shall serve at the pleasure of the board.

119 Section 6. The board shall hold regular meetings no less
120 often than monthly and special meetings as often as necessary.
121 The board shall keep minutes of its meetings. The board shall
122 make its meetings, minutes of meetings, and records open to the
123 public as required by general law.

124 Section 7. A majority of the board shall constitute a
125 quorum. A majority of the members present shall be necessary
126 for action by the board. For the enactment of district rules,
127 the board must follow the regular or emergency enactment
128 procedure for the adoption of county ordinances, pursuant to
129 general law, and for the enactment of resolutions, the board
130 must follow the enactment requirements for the adoption of
131 county resolutions, pursuant to general law. The board's rules
132 and resolutions do not have to be filed with the clerk of the
133 circuit court or the Secretary of State. The board and the
134 district shall be bound by the board's rules to the same extent
135 as a county is bound by its ordinances. The board and the
136 district shall be bound by the board's resolutions to the same
137 extent that a county is bound by its governing board's
138 resolutions.



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ARTICLE VII

Powers and Duties

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

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

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

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

(d) To engage in any public health or public hospital program with any public health or hospital agency created by law relating to or being beneficial to the health and hospital facilities and conditions of Madison County.

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

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

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



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

170 (i) To enter into interlocal agreements under section
171 163.01, Florida Statutes, as amended.

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

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

188 (l) To borrow money and to issue bonds, certificates,
189 warrants, notes, or other evidence of indebtedness subject to
190 use of an identified lawful source of revenue, now or later
191 provided, to amortize or pay back any loans, bond certificates,
192 warrants, notes, or other evidences of indebtedness. The
193 district may issue bonds in the same manner and with the same
194 powers and duties as health facilities authorities pursuant to



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195 part III of chapter 154, Florida Statutes. All such bonds
196 issued by the district shall be governed by part III of chapter
197 154, Florida Statutes, in all respects.

198 (m) To apply for and use grants or loans of money or other
199 property from the United States, the state, a unit of general
200 purpose local government, or any person for any district
201 purpose; to enter into agreements required in connection
202 therewith; and to hold, use, and dispose of such moneys or
203 property for the district purpose in accordance with the terms
204 of the gift, grant, loan, or agreement relating thereto.

205 (n) To adopt rules, resolutions, and orders, which may be
206 necessary to fulfill the purposes of the district; to set the
207 powers, duties, and functions of the board and officers and
208 employees of the district; and to conduct of the business of the
209 district. In the absence of any rule or resolution to the
210 contrary, the board shall be presumed to have the power to act.

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

213 (p) To hold, control, and acquire by donation, purchase,
214 or condemnation or dispose of any interest in real or personal
215 property.

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

219 (r) To raise by user charges or fees amounts of money
220 which are necessary for the conduct of the district activities
221 and services and to enforce their receipt and collection in a
222 manner prescribed by resolution not inconsistent with law.



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223 However, nothing herein shall be construed to require the
224 district to charge a fee for all district activities and
225 services it provides.

226 (s) To exercise within or beyond the district the right
227 and power of eminent domain, including the power to take
228 possession and title in advance of the entry of final judgment,
229 pursuant to the provisions of chapters 73 and 74, Florida
230 Statutes, over any property, or interest therein, except for
231 municipal, county, state, and federal property. The board may,
232 by resolution, authorize the acquisition of any interest in real
233 or personal property for any district use or purpose designated
234 in such resolution.

235 (t) To supply services to the indigent without charge or
236 fee.

237 (u) To invest moneys received by the district as is
238 permitted by law or as provided in any resolution adopted by the
239 board.

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

241 (w) To establish such independent entities or affiliated
242 entities, whether in the form of a not-for-profit corporation or
243 other legal entity, for such purposes as the board considers
244 necessary or appropriate to carry out its projects or to
245 administer projects or funds.

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

248 (y) To contract with a not-for-profit corporation, which
249 may be incorporated by the district or the board, for the
250 operation, management, and maintenance of the district's



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251 facilities of whatsoever kind and nature through one or more
252 agreements, with the term thereof and conditions and covenants
253 contained therein made at the discretion of the board, except
254 that the contract must provide as follows:

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

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

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

263 (4) For the orderly transfer of employees from board
264 employment to corporate employment.

265 (5) For the prompt return of the operation of the district
266 facilities from the corporation in the event of termination or
267 dissolution of the corporation.

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

270 (7) That the corporation and the district shall not
271 commingle any of their funds in any account maintained by either
272 of them, other than the payment of the rent and administrative
273 fees.

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

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



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279 (1) That the corporation is primarily acting as an
280 instrumentality or agency of the district and is thus entitled
281 to all the protections of sovereign immunity and section 768.28,
282 Florida Statutes.

283 (2) That the members of the board shall be the directors
284 of the corporation.

285 (aa) To exercise all of the powers necessary, convenient,
286 incidental, or proper in connection with any of the powers,
287 duties, or authority authorized by this act to implement its
288 purpose.

289 (bb) To exercise all the powers necessary, convenient,
290 incidental, or proper in connection with any of the general or
291 special powers, duties, and obligations, including any special
292 powers referenced in other articles in this act, in order to
293 implement the purpose of the district.

294 Section 2. The provisions of this law shall be construed
295 liberally in order to carry out its purpose effectively. Any of
296 the enumerated powers herein shall not be construed as a
297 limitation against any remaining powers but shall be construed
298 as cumulative.

299 ARTICLE VIII

300 Finance, Budget, and Tax

301 Section 1. The budgets, operating funds, and records of
302 the district shall be segregated and kept separate from the
303 budgets, operating funds, and records of the public hospital and
304 any nursing home or geriatrics center operated by the district.

305 Section 2. The board shall retain all the fees and charges
306 for services rendered by it as part of its operating funds, and



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307 such fees and charges shall be anticipated from year to year in
308 making up its budget.

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

312 Section 4. In order to fund the purpose of the district,
313 the Board of County Commissioners of Madison County shall pay
314 over to the board the first \$12,500 that may be allocated to and
315 received by Madison County pursuant to chapter 550, Florida
316 Statutes, the Florida Pari-mutuel Wagering Act, and acts
317 supplementary and amendatory thereto.

318 Section 5. In order to fund the purpose of the district,
319 the Board of County Commissioners of Madison County and the
320 governing body of any municipality located wholly or partially
321 within the district may:

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

326 (b) Borrow money and issue bonds, certificates, warrants,
327 notes, or other evidence of indebtedness subject to use of an
328 identified lawful source of revenue, now or later provided, to
329 amortize or pay back any loans, bond certificates, warrants,
330 notes, or other evidences of indebtedness to provide funding to
331 the district.

332 (c) Apply for and use grants or loans of money or other
333 property from the United States, the state, a unit of general
334 purpose local government, or any person; enter into agreements



335 required in connection therewith; and hold, use, and dispose of
 336 such moneys or property for the district purpose in accordance
 337 with the terms of the gift, grant, loan, or agreement relating
 338 thereto to provide funding to the district.

339 (d) Provide any personnel, service, equipment, facility,
 340 or property, real or personal, to the district, with or without
 341 charge to the district.

342 (e) Initiate any program of the board by appropriating
 343 necessary funds for the board until the necessary funds for the
 344 board shall be obtained.

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

347 ARTICLE IX

348 Liens for Collection of Charges

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



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363 Section 2. In order to perfect such a lien, the executive
364 office or agent of the hospital, before any such person shall
365 have been discharged from said hospital or within 45 days after
366 such discharge, shall file in the office of the Clerk of the
367 Circuit Court of Madison County a verified claim in writing
368 setting forth the name and address of such patient, as it shall
369 appear on the records of said hospital, the name and location of
370 said hospital, the name and address of the executive office or
371 agent of said hospital, the dates of admission to and discharge
372 of such patient therefrom, the amount claimed to be due for such
373 hospital care, treatment, and maintenance, and, to the best
374 knowledge of the person signing such claim, the names and
375 address of all persons, firms, or corporations who may be
376 claimed by such ill or injured person, or by the legal
377 representative of such person, to be liable on account of such
378 illness or injuries. At the same time that such claim is filed
379 with the clerk of the circuit court, a copy thereof shall be
380 sent by regular United States mail to the ill or injured person,
381 to his or her attorney, if known, and to all persons, firms, or
382 corporations named in such claim. The filing and mailing of
383 such claim in accordance with this section shall be notice
384 thereof to all persons, firms, or corporations who may be liable
385 on account of such illness or injuries, whether or not they are
386 named in such claim or lien, and whether or not a copy of such
387 claim shall have been received by them.

388 Section 3. The Clerk of the Circuit Court of Madison
389 County shall endorse on such claim the date and hour of filing
390 and shall record such claim in the official records of Madison



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391 County. He or she shall be paid by the claimant as his or her
392 fee for such filing and recording of each claim the same fee as
393 provided for filing and recording other instruments under the
394 recording laws.

395 Section 4. No release or satisfaction of any action, suit,
396 claim, counterclaim, demand, judgment, settlement, or settlement
397 agreement shall be valid or effectual as against such lien
398 unless such lienholder shall join therein or execute a release
399 of such lien. Any acceptance of a release or satisfaction of
400 any such cause of action, suit, claim, counterclaim, demand, or
401 judgment and any settlement of any of the foregoing in the
402 absence of a release of satisfaction of the lien referred to in
403 this act shall prima facie constitute an impairment of such
404 lien, and the lienholder shall be entitled to an action at law
405 for damages on account of such impairment and in such action may
406 recover from the one accepting such release or satisfaction or
407 making such settlement the reasonable cost of such hospital
408 care, treatment, and maintenance. Satisfaction of any judgment
409 rendered in favor of the lienholder in any such action shall
410 operate as a satisfaction of the lien. Any action by the
411 lienholder may be brought and maintained in any court of
412 competent jurisdiction in or for Madison County. If the
413 lienholder shall prevail in such action, the lienholder shall be
414 entitled to recover from the defendant, in addition to costs
415 otherwise allowed by law, reasonable attorney's fees, suit
416 money, costs, and expenses incident to the matter.



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

420 ARTICLE X

421 Ownership of Property

422 Section 1. Ownership of all property, real or personal,
423 previously owned by the governmental entities created or
424 controlled by chapters 24673 (1947), 27689 (1951), 65-1867, 67-
425 1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of
426 Florida, shall hereby be vested in the district.

427 Section 2. The district is specifically declared to own
428 fee simple title to the following described real property in
429 Madison County: The West 1/2 of the Southeast 1/4 of Northwest
430 1/4, and the West 1/2 of East 1/2 of the Southeast 1/4 of
431 Northwest 1/4, all of Section 28, Township 1 North, Range 9
432 East; Lot 74 and the South 25 feet of Lot 73 of Block 11, of the
433 Town of Madison, Florida, (now City of Madison), Florida, and
434 also: a parcel or strip of land 10 feet X 1124.97 feet in size
435 located between north Duval Street and Lot 74 and the South 24
436 feet of Lot 73, running along and adjacent to the east border of
437 said lots, in Block 11 of the City of Madison, Madison County,
438 Florida, containing 1,249.70 square feet, more or less; All of
439 Block 12 of the Town of Madison (now City of Madison) Florida;
440 and Lots 77 and 78 of Block 11 of the Town of Madison (now City
441 of Madison) Florida

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



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458ARTICLE XISeverability

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

Section 4. Chapters 24673 (1947), 26688 (1951), 27689 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of Florida, are repealed.

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