



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 for
9 severability; repealing all prior special acts related to
10 the district; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Pursuant to section 189.429, Florida Statutes,
15 this act constitutes the codification of all special acts
16 relating to the Madison County Hospital District. It is the
17 intent of the Legislature to provide a single, comprehensive
18 special act charter for the district, including all current
19 legislative authority granted to the district by its several
20 legislative enactments, and to conform the district's charter to
21 chapter 189, Florida Statutes, the Uniform Special District
22 Accountability Act of 1989, and other provisions of general law.

23 Section 2. Chapters 24673 (1947), 26688 (1951), 27689
24 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-
25 790, 70-791, and 82-320, Laws of Florida, relating to the
26 Madison County Hospital District, are codified, reenacted,
27 amended, and repealed as herein provided.



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

30 ARTICLE I

31 Preamble

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

35 ARTICLE II

36 Nature of District

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

44 ARTICLE III

45 Name

46 The name of the district shall be the "Madison County
 47 Health and Hospital District."

48 ARTICLE IV

49 Boundaries

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

54 ARTICLE V

55 Purpose



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

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

80 ARTICLE VI

81 Governing Board



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

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

88 Section 3. The board members shall be appointed by the
89 Governor to serve staggered terms of 4 years. Each member shall
90 serve until his or her successor is appointed. A member may be
91 removed from office as provided by law. Members appointed to
92 fulfill an unexpired term of a member upon the death,
93 disqualification, resignation, or inability of any member to
94 serve shall only serve the remainder of a term with a new
95 appointment made thereafter.

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

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



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

114 Section 7. A majority of the board shall constitute a
 115 quorum. A majority of the members present shall be necessary
 116 for action by the board. For the enactment of district rules,
 117 the board must follow the regular or emergency enactment
 118 procedure for the adoption of county ordinances, pursuant to
 119 general law, and for the enactment of resolutions, the board
 120 must follow the enactment requirements for the adoption of
 121 county resolutions, pursuant to general law. The board's rules
 122 and resolutions do not have to be filed with the clerk of the
 123 circuit court or the Secretary of State. The board and the
 124 district shall be bound by the board's rules to the same extent
 125 as a county is bound by its ordinances. The board and the
 126 district shall be bound by the board's resolutions to the same
 127 extent that a county is bound by its governing board's
 128 resolutions.

129 ARTICLE VII

130 Powers and Duties

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



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

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

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

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

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

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

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

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

160 (i) To enter into interlocal agreements under section
 161 163.01, Florida Statutes, as amended.

162 (j) Specifically, to cooperate informally, or pursuant to
 163 a formally negotiated and executed agreement, with the medical
 164 college of the Florida State University or any other Florida



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

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

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

188 (m) To apply for and use grants or loans of money or other
189 property from the United States, the state, a unit of general
190 purpose local government, or any person for any district
191 purpose; to enter into agreements required in connection
192 therewith; and to hold, use, and dispose of such moneys or



193 property for the district purpose in accordance with the terms
194 of the gift, grant, loan, or agreement relating thereto.

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

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

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

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

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

213 However, nothing herein shall be construed to require the
214 district to charge a fee for all district activities and
215 services it provides.

216 (s) To exercise within or beyond the district the right
217 and power of eminent domain, including the power to take
218 possession and title in advance of the entry of final judgment,
219 pursuant to the provisions of chapters 73 and 74, Florida
220 Statutes, over any property, or interest therein, except for



221 municipal, county, state, and federal property. The board may,
222 by resolution, authorize the acquisition of any interest in real
223 or personal property for any district use or purpose designated
224 in such resolution.

225 (t) To supply services to the indigent without charge or
226 fee.

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

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

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

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

238 (y) To contract with a not-for-profit corporation, which
239 may be incorporated by the district or the board, for the
240 operation, management, and maintenance of the district's
241 facilities of whatsoever kind and nature through one or more
242 agreements, with the term thereof and conditions and covenants
243 contained therein made at the discretion of the board, except
244 that the contract must provide as follows:

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

247 (2) That the corporation shall become qualified under
248 section 501(c)(3) of the Internal Revenue Code of 1986, as



249 amended, or any other subsection of section 501(c) as approved
250 by the board, prior to the effective date of the contract.

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

253 (4) For the orderly transfer of employees from board
254 employment to corporate employment.

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

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

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

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

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

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

273 (2) That the members of the board shall be the directors
274 of the corporation.

275 (aa) To exercise all of the powers necessary, convenient,
276 incidental, or proper in connection with any of the powers,



277 duties, or authority authorized by this act to implement its
 278 purpose.

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

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

289 ARTICLE VIII

290 Finance, Budget, and Tax

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

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

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

302 Section 4. In order to fund the purpose of the district,
 303 the Board of County Commissioners of Madison County shall pay
 304 over to the board the first \$12,500 that may be allocated to and



305 received by Madison County pursuant to chapter 550, Florida
306 Statutes, the Florida Pari-mutuel Wagering Act, and acts
307 supplementary and amendatory thereto.

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

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

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

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

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



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

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

337 ARTICLE IX

338 Liens for Collection of Charges

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

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



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

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

385 Section 4. No release or satisfaction of any action, suit,
386 claim, counterclaim, demand, judgment, settlement, or settlement
387 agreement shall be valid or effectual as against such lien



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

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

410 ARTICLE X

411 Ownership of Property

412 Section 1. Ownership of all property, real or personal,
 413 previously owned by the governmental entities created or
 414 controlled by chapters 24673 (1947), 27689 (1951), 65-1867, 67-



415 1658, 67-1659, 69-1273, 70-790, 70-791, and 82-320, Laws of
 416 Florida, shall hereby be vested in the district.

417 Section 2. The district is specifically declared to own
 418 fee simple title to the following described real property in
 419 Madison County: The West 1/2 of the Southeast 1/4 of Northwest
 420 1/4, and the West 1/2 of East 1/2 of the Southeast 1/4 of
 421 Northwest 1/4, all of Section 28, Township 1 North, Range 9
 422 East; Lot 74 and the South 25 feet of Lot 73 of Block 11, of the
 423 Town of Madison, Florida, (now City of Madison), Florida, and
 424 also: a parcel or strip of land 10 feet X 1124.97 feet in size
 425 located between north Duval Street and Lot 74 and the South 24
 426 feet of Lot 73, running along and adjacent to the east border of
 427 said lots, in Block 11 of the City of Madison, Madison County,
 428 Florida, containing 1,249.70 square feet, more or less; All of
 429 Block 12 of the Town of Madison (now City of Madison) Florida;
 430 and Lots 77 and 78 of Block 11 of the Town of Madison (now City
 431 of Madison) Florida

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

435 ARTICLE XI
 436 Severability

437 The provisions of this charter are declared severable, and
 438 if any provision hereof be found invalid, such invalidity shall
 439 not affect the remaining provisions, which shall be deemed
 440 amended to the smallest degree necessary in order to continue in
 441 full force and effect consistent with legislative intent and the



442 district's purposes under this act and chapter 189, Florida
443 Statutes.

444 Section 4. Chapters 24673 (1947), 26688 (1951), 27689
445 (1951), 27690 (1951), 65-1867, 67-1658, 67-1659, 69-1273, 70-
446 790, 70-791, and 82-320, Laws of Florida, are repealed.

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

448