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A bill to be entitled

An act relating to the DeSoto County Hospital District; codifying special laws relating to DeSoto County Hospital District pursuant to section 189.429, Florida Statutes; providing legislative intent; codifying, repealing, amending, and reenacting chapters 65-1450, 69-1011, 71-605, 73-443, 78-498, 82-288, and 89-493, Laws of Florida; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing a district charter; providing taxation authority subject to voter approval; providing for ratification of prior acts; providing for liberal construction; providing severability; 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 DeSoto County Hospital District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 65-1450, 69-1011, 71-605, 73-443, 78-498, 82-288, and 89-493, Laws of Florida, relating to the DeSoto County Hospital District, are codified, reenacted, amended and repealed as provided in this act.

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

32 Section 1. Minimum charter requirements.--In accordance  
 33 with section 189.404(3), Florida Statutes, the following  
 34 subsections shall constitute the charter of the DeSoto County  
 35 Hospital District:

36 (a) Purpose.--The district is organized and exists for the  
 37 purpose of providing comprehensive health care for the citizens  
 38 of DeSoto County, with emphasis on care of the total person  
 39 through a medium of coordinated, modern facilities and health  
 40 care programs and services and for all purposes set forth in  
 41 this act as they are amended from time to time; the district  
 42 shall also seek to generate additional revenues through business  
 43 ventures that generate revenues to support and improve the  
 44 health care services and facilities of the district.

45 (b) The powers, functions, and duties of the district  
 46 regarding non-ad valorem assessments, bond issuance, other  
 47 revenue-raising capabilities, budget preparation and approval,  
 48 liens and foreclosure of liens, use of tax deeds and tax  
 49 certificates as appropriate for non-ad valorem assessments, and  
 50 contractual agreements shall be as set forth in chapters 189 and  
 51 197, Florida Statutes, this act, or any other applicable general  
 52 or special law, as they are amended from time to time.

53 (c) The district's charter may be amended only by special  
 54 act of the Legislature.

55 (d) The governing body of the DeSoto County Hospital  
 56 District shall be known as the District Hospital Board of DeSoto  
 57 County and shall consist of five members who are not members of  
 58 the medical profession. All members shall be qualified electors

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59 and freeholders residing in DeSoto County for more than 1 year  
60 prior to appointment. The members of the board serving on the  
61 effective date of this act shall remain in office until the  
62 expiration of their current term, or until successors are duly  
63 appointed by the Governor. At the expiration of the terms for  
64 which current members of the board are appointed, the Governor  
65 shall thereafter appoint members for terms of 4 years ending on  
66 July 1, or until successors are duly appointed by the Governor.  
67 The Governor shall have the power to remove any members of the  
68 board for cause and shall fill any vacancies that may occur  
69 therein for the remainder of the term in which the vacancy  
70 occurred. The members of the board shall receive no salary, but  
71 each shall be paid the sum of \$120 per year as expense money;  
72 however, no member shall be entitled to expense money unless he  
73 or she has attended 75 percent of the regular meetings held by  
74 the board during any year. Each member shall give bond to the  
75 Governor for the faithful performance of his or her duties in  
76 the sum of at least \$5,000 with a surety company qualified to do  
77 business in this state as surety, which bond shall be approved  
78 and kept by the Clerk of the Circuit Court of DeSoto County. If  
79 the secretary and treasurer is not a member of the board, he or  
80 she shall give a like bond of at least \$5,000 for the faithful  
81 performance of his or her duties. Premiums on bonds shall be  
82 paid as part of the expenses of the district.

83 (e) Requirements for financial disclosure, meeting  
84 notices, reporting, public records maintenance, and per diem  
85 expenses for officers and employees shall be as set forth in  
86 this act and chapters 112, 119, 189, and 286, Florida Statutes,

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87 as they are amended from time to time and as they apply to the  
 88 district.

89 (f) The procedures and requirements governing the issuance  
 90 of bonds, notes, and other evidence of indebtedness by the  
 91 district shall be as set forth in this act, chapter 189, Florida  
 92 Statutes, and applicable general laws as they are amended from  
 93 time to time.

94 (g) The procedures for conducting district elections or  
 95 referenda as are required and for qualification of electors  
 96 shall be pursuant to chapter 189, Florida Statutes, this act,  
 97 and applicable general laws as they are amended from time to  
 98 time.

99 (h) The district may be financed by any method established  
 100 in this act, chapter 189, Florida Statutes, and applicable  
 101 general laws as they are amended from time to time.

102 (i) The methods for collecting non-ad valorem assessments,  
 103 fees, or service charges shall be as set forth in chapters 170  
 104 and 197, Florida Statutes, and other applicable general laws as  
 105 they are amended from time to time.

106 (j) The district's planning requirements shall be as set  
 107 forth in chapter 189, Florida Statutes, as amended from time to  
 108 time.

109 (k) The district's geographic boundary limitations shall  
 110 be as set forth in this act.

111 (l) The district shall have all powers provided to it by  
 112 this act, chapter 189, Florida Statutes, and other applicable  
 113 general laws as they are amended from time to time.

114 (m) The district shall have the power, when otherwise  
 115 authorized by law and by vote of the electors of the district as

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116 provided for in section 3(e), to levy sales tax and ad valorem  
 117 taxes in addition to taxes levied for the payment of bonds and  
 118 taxes levied for periods not longer than 2 years, as provided  
 119 for in this act.

120 Section 2. Boundaries; status.--The district shall embrace  
 121 and include all of DeSoto County. The district is declared to be  
 122 an independent special district.

123 Section 3. Powers.--

124 (a) The District Hospital Board of DeSoto County shall  
 125 have all the powers of a body corporate, including the power to  
 126 sue and be sued under the name of the DeSoto County Hospital  
 127 District; to contract and be contracted with; to adopt and use a  
 128 common seal and to alter the same at pleasure; to acquire,  
 129 purchase, hold, lease, mortgage, and convey such real and  
 130 personal property as the board deems proper or expedient to  
 131 carry out the purposes of this act; to appoint and employ a  
 132 superintendent or matron, or both, and such other agents and  
 133 employees, including physicians, as the board deems advisable,  
 134 to fix a compensation of all employees, and to remove any  
 135 appointees or employees; to insure the district's improvements,  
 136 fixtures, and equipment against loss by fire, windstorm, or  
 137 other coverage in such amounts as are determined reasonable and  
 138 proper; and to borrow money and to issue evidence of  
 139 indebtedness of the district therefor to carry out the  
 140 provisions of this act in the manner provided in this act.

141 (b) The district shall further have the power to certify  
 142 to the Board of County Commissioners of DeSoto County the amount  
 143 necessary to be raised in the district for the purposes of  
 144 providing a fund sufficient in the opinion of the district

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145 hospital board to pay the cost of constructing, purchasing,  
 146 operating, maintaining, repairing, altering, and adding to  
 147 properties of the hospital district in each year. It shall be  
 148 the duty of the board of county commissioners to levy upon all  
 149 taxable property in the district and collect a tax sufficient to  
 150 provide funds not to exceed 3 mills on assessed valuation of  
 151 property in the district for the operation, maintenance, and  
 152 repair of any hospitals and related healthcare facilities  
 153 established by the district hospital board under this act. The  
 154 proceeds of all such taxes shall be paid over to the secretary  
 155 and treasurer of the district as such taxes are received.

156 (c) The Board of County Commissioners of DeSoto County  
 157 shall make such levy pursuant to the provisions of subsection  
 158 (d).

159 (d) The Property Appraiser of DeSoto County shall report  
 160 in writing to the district hospital board the assessed valuation  
 161 on all taxable property within the limits of the hospital  
 162 district as assessed and equalized for state and county  
 163 taxation. The assessed valuation for taxation by the board and  
 164 the report shall be made by the property appraiser each year  
 165 immediately after the tax assessment of the hospital district  
 166 for that year has been reviewed and equalized by the Board of  
 167 County Commissioners of DeSoto County. The hospital board shall  
 168 present each year, as determined by resolution, the total amount  
 169 to be raised by taxation upon such taxable property located  
 170 within the hospital district for such year and the amount  
 171 necessary for the operation, maintenance, repair, alteration,  
 172 and addition. The district hospital board shall thereupon  
 173 determine the rate of taxation which, when levied upon the

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174 assessed valuations of all taxable property within the hospital  
175 district, will be sufficient for the operation, maintenance,  
176 repair, and alteration and addition, at a rate consistent with  
177 applicable law, not to exceed 3 mills per year.

178 (e) The powers conferred by subsections (b), (c), and (d),  
179 as well as the powers conferred by section 1(m), shall take  
180 effect only upon the approval of a majority of the qualified  
181 electors voting in a referendum election to be held in the  
182 district, at a special election to be called by the Board of  
183 County Commissioners of DeSoto County within 45 days after the  
184 date that a resolution calling for such election is duly adopted  
185 by a majority of the district's board of directors.

186 (f) The DeSoto County Hospital District is authorized and  
187 empowered to finance by any commercially reasonable means,  
188 including the issuance of industrial development or revenue  
189 bonds, the construction of additional medical facilities, and  
190 the purchase of medical care related equipment and other classes  
191 of property in furtherance of the district's purposes.

192 Section 4. Officers; meetings; records.--A chair of the  
193 district hospital board shall be elected annually. The board may  
194 elect one of its members to serve as secretary and treasurer or  
195 it may appoint some person not a member of the board to serve in  
196 that capacity. In the absence of the chair or his or her  
197 inability to act at any regular meetings, warrants may be signed  
198 by any other member of the board selected by the members present  
199 as chair pro tem. Three members shall constitute a quorum, and a  
200 vote of at least two members shall be necessary to the  
201 transaction of any business of the district. A regular meeting  
202 of the board shall be held annually. Additional meetings may be

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203 called by the chair at any time upon 3 days' advance notice to  
 204 all board members, whether written, oral, or by telephone, or  
 205 without notice if notice is waived in writing by all of the  
 206 board members. The chair shall call a meeting of the board of  
 207 directors upon written request of any two directors. The members  
 208 shall cause true and accurate minutes and records to be kept of  
 209 all business transacted by them and shall keep full, true, and  
 210 complete books of account and minutes, which minutes, records,  
 211 and books of account shall at all reasonable times be open and  
 212 subject to inspection of inhabitants of the district; and any  
 213 person desiring to do so may make or procure copies of the  
 214 minutes, records, or books of account, or such portions thereof  
 215 as he or she may desire; however, such records shall not include  
 216 personnel and medical records of a private and confidential  
 217 nature. The district may establish and charge a reasonable fee  
 218 for copying the records. The district hospital board may destroy  
 219 any of its records, together with any of the records of the  
 220 hospitals owned and operated by the board, if the records are  
 221 photographed or microfilmed prior to their destruction.

222 Section 5. Hospital facilities and health care  
 223 services.--The district hospital board may establish, construct,  
 224 lease, operate, and maintain any hospital or related medical  
 225 care facility and provide any health care services as in its  
 226 opinion are necessary for the use of the people of the district.  
 227 Such hospital or medical care facility shall be established,  
 228 constructed, leased, operated, and maintained, and any such  
 229 health care service shall be provided, for the preservation of  
 230 the public health, for the public good, and for the use of the  
 231 public of the district. The maintenance of any hospital or



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232 related medical care facility, or provision of health care  
233 service, within the district is found and declared to be a  
234 public purpose and necessary for the preservation of the public  
235 health, for the public use, and for the welfare of the district  
236 and inhabitants thereof. The location of any hospital or related  
237 medical care facility or health care service shall be determined  
238 by the board. The board may accept any and all gifts, loans, or  
239 advancements for the purchase of property, real or personal; for  
240 the construction, equipping, and maintenance of any hospital or  
241 related medical care facility or health care service established  
242 or acquired by the board; or for any other purpose set forth in  
243 this act.

244 Section 6. Nurses' school.--The district hospital board  
245 may at any time in its discretion establish and maintain in  
246 connection with any hospital, and as a part thereof, a training  
247 school for nurses and, upon completion of a prescribed course of  
248 training, shall give a diploma to nurses who have satisfactorily  
249 completed the course. The board may adopt all rules necessary  
250 for the operation of a nurses' training school and make all  
251 necessary expenditures in connection therewith.

252 Section 7. Eminent domain.--The district hospital board  
253 has the power of eminent domain and may thereby condemn and  
254 acquire any real or personal property within the territorial  
255 limits of the district which the district board deems necessary  
256 for the use of the district. Such power of condemnation shall be  
257 exercised in the same manner as is now provided by general law  
258 for the exercise of power of eminent domain by cities and towns  
259 of the state.

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260       Section 8. Indebtedness; short term.--The district  
261 hospital board may incur short-term indebtedness on behalf of  
262 the district. Such indebtedness shall be in an amount determined  
263 by the board to be the most advantageous to the district at the  
264 time of incurring such indebtedness, and at a rate of interest  
265 pursuant to section 215.84, Florida Statutes.

266       Section 9. Certificates of indebtedness.--The district  
267 hospital board may issue certificates of this hospital district  
268 in such form and denominations, and bearing such rates of  
269 interest, for the purpose of raising funds to establish,  
270 maintain, operate, and construct any hospital or related medical  
271 care facility, as the board determines to be necessary for the  
272 hospital district.

273       (1) Any certificates issued by the district hospital board  
274 shall:

275       (a) Bear rates of interest at a rate consistent with  
276 applicable law and the prevailing commercial rate, not to exceed  
277 5.5 percent per year.

278       (b) Become due not more than 30 years after the date of  
279 issuance. Certificates may be made redeemable upon such terms  
280 and conditions as the district board in its judgment deems  
281 appropriate.

282       (c) Be in an aggregate amount not to exceed the amount  
283 allowed by applicable law.

284       (2) The principal and interest on the certificates  
285 authorized in this section shall, up to \$50,000 annually, be  
286 payable from racetrack funds accruing annually to DeSoto County  
287 and specifically allocated to the hospital district pursuant to

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288 chapter 550, Florida Statutes, and chapter 65-1105, Laws of  
 289 Florida.

290 (3) The certificates so issued shall be and they are  
 291 hereby constituted as legal investments for any state, county,  
 292 municipal, or other public funds; for any bank, savings bank,  
 293 trustee, executor, administrator, or guardian; or for any trust  
 294 of fiduciary funds whatsoever.

295 Section 10. Rights of certificateholders.--The Legislature  
 296 covenants with the holders of such certificates as are issued  
 297 pursuant to the district's authority that it will not enact any  
 298 law that will repeal, impair, or amend in any manner the rights  
 299 of such holders or the security of the racetrack funds that are  
 300 pledged to the payment of the principal and interest on the  
 301 certificates issued pursuant to this act.

302 Section 11. Checks and warrants.--The funds of the  
 303 district shall be paid out only upon warrants signed by the  
 304 chair or chair pro tem of the district board and having thereto  
 305 affixed the corporate seal of the district, which may be an  
 306 impression thereon or a facsimile thereof; and a warrant may not  
 307 be drawn or issued against funds of the district except for a  
 308 purpose authorized by this act. A warrant against funds of the  
 309 district may not be drawn or issued until after the account or  
 310 expenditure for which the same is to be given in payment has  
 311 been ordered and approved by the district hospital board at a  
 312 meeting in which a quorum is present. The chair of the board is  
 313 authorized to sign checks and warrants of the district by the  
 314 facsimile signature machines for that purpose, provided that the  
 315 checks and warrants are countersigned by the treasurer for the  
 316 district.

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317 Section 12. Expenses.--The district hospital board is  
 318 authorized to pay from the funds of the district all reasonable  
 319 and necessary expenses, including the fees and expenses of an  
 320 attorney in the transaction of the business of the district and  
 321 in carrying out and accomplishing the purposes of this act. This  
 322 section, however, shall not be construed to limit or destroy any  
 323 of the powers vested in the district board by any other section  
 324 or provision of this act.

325 Section 13. Contracts; grants; donations.--Subject to such  
 326 provisions and restrictions as are set forth in the resolution  
 327 authorizing or securing any bonds issued under this act, the  
 328 district hospital board may enter into contracts with the  
 329 Government of the United States or any agency or instrumentality  
 330 thereof, or with the state or any county, municipality,  
 331 district, authority, or political subdivision of the state,  
 332 private corporation, partnership, association, or individual  
 333 providing for or relating to the construction or acquisition of  
 334 additions, extensions, and improvements to the hospital or  
 335 related medical care facility and any other matters relevant  
 336 thereto or otherwise necessary to effect the purposes of this  
 337 act and may receive and accept from any federal agency, state  
 338 agency, or other public body grants or loans for or in aid of  
 339 such purposes and receive and accept aid or contributions or  
 340 loans from any other source of either money, property, labor, or  
 341 other thing of value to be held, used, and applied only for the  
 342 purpose for which such grants, contributions, or loans are made.

343 Section 14. Admission to facilities.--The hospital or  
 344 related medical facilities established under this act shall be  
 345 for the use and benefit of the residents of this district,

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346 subject to the rules and charges prescribed by the district  
347 hospital board which are in effect as of the date of admission  
348 of a patient or patients to such a hospital or related medical  
349 facility. Medical care and treatment for the indigent in the  
350 district shall be and remain the primary responsibility of  
351 DeSoto County, any authorization herein contained for treatment  
352 of indigents to the contrary notwithstanding. The district  
353 hospital board is granted the authority to refuse such admission  
354 of indigents when found by such board not to be financially  
355 practicable with due regard to the general financial condition  
356 of the district. The board is empowered to enter into and  
357 fulfill agreements with the Board of County Commissioners of  
358 DeSoto County for the admission and treatment of indigents upon  
359 such terms, costs, and charges as are mutually agreed upon. The  
360 district hospital board may accept money from any welfare funds  
361 provided for DeSoto County or moneys available to the indigent  
362 patients from a federal, state, or county agency or moneys  
363 available to DeSoto County from such governmental agencies for  
364 welfare and hospital purposes, for the payment of costs of  
365 treatment and care of indigent residents of the district as are  
366 admitted. The district hospital board may collect from patients  
367 who are financially able such charges as the board from time to  
368 time establishes. The board may extend the privileges and use of  
369 the hospital, related medical facilities, or clinic to  
370 nonresidents of the district who shall pay the rates established  
371 by the district board upon such terms and conditions as the  
372 district board provides. However, residents of the district  
373 wherein the hospital, related medical facilities, or clinic is  
374 located shall have first claim to admission. The district board

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375 shall further have the power to furnish and extend the benefits  
376 of the hospital, related medical facilities, and clinic services  
377 and treatment to the homes of indigent residents of the  
378 district. Each municipal corporation situated within the  
379 district and the law enforcement agencies of DeSoto County shall  
380 be liable to the board for the occupancy, care, medicine, and  
381 treatment of prisoners in the custody of the municipal  
382 corporation or county officers who are admitted to any hospital  
383 operated by the board.

384 Section 15. Regulation of physicians, staff members, and  
385 practitioners.--Realizing that factors other than professional  
386 must enter into the qualifications of those who practice  
387 medicine and surgery, the district hospital board may adopt  
388 rules and bylaws for the operation of the hospital and hospital  
389 staff, as well as any related medical facilities and health care  
390 service and staff associated with them. The board may grant or  
391 revoke licenses and privileges of staff members for practice in  
392 and about any hospital or other medical care facility maintained  
393 under this act, so that the welfare and health of patients and  
394 the best interests of the facility may at all times be best  
395 served. Privileges of staff membership and appointments thereto  
396 may be authorized or granted by the board. The board is further  
397 authorized to adopt rules for the control of all professional  
398 and nonprofessional employees of any hospital or other medical  
399 care facility, which terms shall include nurses on general duty  
400 or on private duty attending patients, and all parties in the  
401 facility either as employees or in any manner in attendance of  
402 patients.

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403       Section 16. Insurance; board liability.--The district  
404 board may secure and keep in force in amounts it determines, in  
405 companies duly authorized to do business in this state,  
406 liability insurance covering vehicles, premises, and  
407 malpractice. In consideration of the premium at which each  
408 policy shall be written, it shall be a part of the policy  
409 contract between the district hospital board and the insurer  
410 that the company shall not be entitled to the benefit of the  
411 defense of governmental immunity for the insured by reason of  
412 exercising a governmental function on any suit brought against  
413 the insured. Immunity of the board against liability damages is  
414 waived to the extent of liability insurance carried by the  
415 board; however, no attempt shall be made at the trial of any  
416 action against the board to suggest the existence of any  
417 insurance that covers in whole or in part any judgment or award  
418 that may be rendered in favor of the plaintiff, and if a verdict  
419 rendered by the jury exceeds the limit of the applicable  
420 insurance, the court shall reduce the amount of the judgment or  
421 award to a sum equal to the applicable limit set forth in the  
422 policy.

423       Section 17. Construction.--The provisions of this act  
424 shall be liberally construed for accomplishing the work  
425 authorized and provided for or intended to be provided for by  
426 this act, and where strict construction would result in the  
427 defeat of the accomplishment of any part of the work authorized  
428 by this act and a liberal construction would permit or assist in  
429 the accomplishment thereof, the liberal construction of this act  
430 shall be chosen. The act may not be deemed to repeal or  
431 supersede any other laws, except as specifically set forth

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432 herein, but is supplemental authority to carry out the purposes  
 433 of this act.

434 Section 18. Employee pension and benefits.--The DeSoto  
 435 County Hospital District may create an employee's pension fund  
 436 so as to provide for life, disability, or medical insurance for  
 437 all or any of its employees or officers on a group insurance or  
 438 other acceptable plan approved by the District Hospital Board of  
 439 DeSoto County and may establish and create by resolution an  
 440 employee's pension, hospitalization and health plan, annuity  
 441 plan, or retirement plan for any and all groups of officers and  
 442 employees employed by the DeSoto County Hospital District and  
 443 qualifying for such plan. It may pay all or such portion of the  
 444 cost of any such employees' pension, hospitalization and health  
 445 plan, annuity plan, or retirement plan from the funds available  
 446 to the district from its authorized sources with the employees  
 447 defraying the balance thereof, if any, as the board determines  
 448 by resolution for any and all groups of officers and employees  
 449 employed by the district.

450 Section 4. Validation of contracts.--All contracts made by  
 451 the district or its board of directors since June 25, 1965, and  
 452 all official acts of such board or its officers and agents in  
 453 furtherance of such contracts are hereby validated, ratified,  
 454 and confirmed.

455 Section 5. Ratification of prior acts.--All acts and  
 456 proceedings of the circuit court taken by, for, and on behalf of  
 457 the district since the creation thereof; all of the acts and  
 458 proceedings of the district's board of directors and all other  
 459 officers and agents of the district, and of the county, acting  
 460 for and on behalf of the district; and any and all tax levies



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461 and assessments that have been made by the board of directors  
462 for and on behalf of the district are each and every one of  
463 them, and each and every part thereof, ratified.

464 Section 6. If any provision of this act or its application  
465 to any person or circumstance is held invalid, the invalidity  
466 does not affect other provisions or applications of the act  
467 which can be given effect without the invalid provision or  
468 application, and to this end the provisions of this act are  
469 declared severable.

470 Section 7. Chapters 65-1450, 69-1011, 71-605, 73-443, 78-  
471 498, 82-288, and 89-493, Laws of Florida, are repealed.

472 Section 8. This act shall take effect upon becoming a law.