

CHAMBER ACTION

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

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the DeSoto County Hospital District;
8 codifying special laws relating to DeSoto County Hospital
9 District pursuant to section 189.429, Florida Statutes;
10 providing legislative intent; codifying, repealing,
11 amending, and reenacting chapters 65-1450, 69-1011, 71-
12 605, 73-443, 78-498, 82-288, and 89-493, Laws of Florida;
13 providing district status and boundaries; providing for
14 applicability of chapter 189, Florida Statutes, and other
15 general laws; providing a district charter; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Pursuant to section 189.429, Florida Statutes,
21 this act constitutes the codification of all special acts
22 relating to the DeSoto County Hospital District. It is the
23 intent of the Legislature in enacting this law to provide a

24 single, comprehensive special act charter for the district,
 25 including all current legislative authority granted to the
 26 district by its several legislative enactments.

27 Section 2. Chapters 65-1450, 69-1011, 71-605, 73-443, 78-
 28 498, 82-288, and 89-493, Laws of Florida, relating to the DeSoto
 29 County Hospital District, are codified, reenacted, amended, and
 30 repealed as provided in this act.

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

33 Section 1. Creation; boundaries.--An independent special
 34 district is created and incorporated to be known as the "DeSoto
 35 County Hospital District," which district shall embrace and
 36 include all of DeSoto County.

37 Section 2. Governing board.--The governing body of the
 38 DeSoto County Hospital District shall be known as the "District
 39 Hospital Board of DeSoto County" and shall consist of five
 40 members who are not members of the medical profession. All
 41 members shall be qualified electors and freeholders residing in
 42 DeSoto County for more than 1 year prior to appointment.
 43 Members of the district board are appointed by the Governor for
 44 terms of 4 years each, ending on July 1. The Governor shall have
 45 the power to remove any member of the district board for cause
 46 and shall fill any vacancies that may occur therein for the
 47 remainder of the term in which the vacancy occurred. The members
 48 of the district board shall receive no salary but each shall be
 49 paid the sum of \$120 per year as expense money; however, no
 50 member shall be entitled to expense money unless he or she has
 51 attended 75 percent of the regular meetings held by the board

52 during any year. Each member shall give bond to the Governor for
 53 the faithful performance of his or her duties in the sum of at
 54 least \$5,000 with a surety company qualified to do business in
 55 this state as surety, which bond shall be approved and kept by
 56 the Clerk of the Circuit Court of DeSoto County. Should the
 57 secretary and treasurer be other than a member of the district
 58 board, he or she shall give a like bond of at least \$5,000 for
 59 the faithful performance of his or her duties. Premiums on bonds
 60 shall be paid as part of the expenses of the district.

61 Section 3. Powers.--

62 (1) The District Board of DeSoto County Hospital District
 63 shall have all the powers of a body corporate, including the
 64 power to sue and be sued under the name of the DeSoto County
 65 Hospital District; to contract and be contracted with; to adopt
 66 and use a common seal and to alter same at pleasure; to acquire,
 67 purchase, hold, lease, mortgage, and convey such real and
 68 personal property as the board may deem proper or expedient to
 69 carry out the purposes of this act; to appoint and employ a
 70 superintendent and such other agents and employees as the board
 71 may deem advisable and to fix a compensation of all employees
 72 and to remove any appointees or employees; to insure the
 73 improvements, fixtures, and equipment against loss by fire,
 74 windstorm, or other coverage in such amounts as may be
 75 determined reasonable and proper; and to borrow money and issue
 76 evidence of indebtedness of the district therefor to carry out
 77 the provisions of this act in the manner hereinafter provided.

78 (2) The DeSoto County Hospital District is authorized and
 79 empowered to finance by any commercially reasonable means,

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80 including the issuance of industrial development or revenue
81 bonds, the construction of additional medical facilities, the
82 purchase of medical-care-related equipment, and such other
83 classes of property in furtherance of the district's purposes.

84 Section 4. Officers; meetings; records.--There shall be a
85 chair of the district board elected annually. The district board
86 may elect one of its members to serve as secretary and treasurer
87 or it may appoint some person not a member of the district board
88 to serve in that capacity. In the absence of the chair or his or
89 her inability to act at any regular meeting, warrants may be
90 signed by any other member of the district board selected by the
91 members present as chair pro tem. Three members shall constitute
92 a quorum, and a vote of at least two members shall be necessary
93 to the transaction of any business of the district. A regular
94 meeting of the board shall be held annually. Additional meetings
95 may be called by a majority of the board upon advance notice as
96 provided by section 189.417, Florida Statutes. The members shall
97 cause true and accurate minutes and records to be kept of all
98 business transacted by them and shall keep full, true, and
99 complete books of account and minutes, which minutes, records,
100 and books of account shall at all reasonable times be open and
101 subject to inspection; and any person desiring to do so may make
102 or procure copies of the minutes, records, or books of account,
103 or such portions thereof as he or she may desire; however, such
104 records shall not include personnel and medical records of a
105 private and confidential nature. The district board shall be
106 empowered to destroy any of its records, together with any of
107 the records of the hospitals owned and operated by the district

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108 | board, if the records are photographed or microfilmed prior to
 109 | their destruction.

110 | Section 5. Hospital facilities.--The district board is
 111 | authorized to establish, construct, lease, operate, and maintain
 112 | any hospital or related medical care facility as, in its
 113 | opinion, shall be necessary for the use of the people of the
 114 | district. Said hospital or medical care facility shall be
 115 | established, constructed, leased, operated, and maintained for
 116 | the preservation of the public health, for the public good, and
 117 | for the use of the public of the district. The maintenance of
 118 | any hospital or related medical care facility within the
 119 | district is hereby found and declared to be a public purpose and
 120 | necessary for the preservation of the public health, the public
 121 | use, and the welfare of the district and inhabitants thereof.
 122 | The location of any hospital or related medical care facility
 123 | shall be determined by the district board. The district board is
 124 | authorized to accept any and all gifts, loans, or advancements
 125 | for the purchase of property, real or personal, for the
 126 | construction, equipping, and maintenance of any hospital or
 127 | related medical care facility established or acquired by the
 128 | district board.

129 | Section 6. Nurses' school.--The district board is
 130 | authorized at any time in its discretion to establish and
 131 | maintain in connection with any hospital, and as a part thereof,
 132 | a training school for nurses and, upon completion of a
 133 | prescribed course of training, shall give a diploma to nurses
 134 | who have satisfactorily completed the course. The district board
 135 | is authorized to set up all rules and regulations necessary for

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136 the operation of a nurses' training school and to make all
 137 necessary expenditures in connection therewith.

138 Section 7. Eminent domain.--The district board shall have
 139 the power of eminent domain and may thereby condemn and acquire
 140 any real or personal property within the territorial limits of
 141 the district which the district board may deem necessary for the
 142 use of the district. Such power of condemnation shall be
 143 exercised in the same manner as is now provided by general law
 144 for the exercise of power of eminent domain by cities and towns
 145 of the state.

146 Section 8. Indebtedness; short term.--The district board
 147 may incur short-term indebtedness on behalf of the district.
 148 Such indebtedness shall be in an amount determined by the
 149 district board to be the most advantageous to the district at
 150 the time of incurring such indebtedness and at a rate of
 151 interest pursuant to section 215.84, Florida Statutes.

152 Section 9. Certificates of indebtedness.--The district
 153 board is authorized to issue certificates of this hospital
 154 district in such form and denomination, and bearing such rates
 155 of interest, for the purpose of raising funds to establish,
 156 maintain, operate, and construct any hospital or related medical
 157 care facility as the district board determines to be necessary
 158 for the hospital district.

159 (1) Any certificates issued by the district board shall:

160 (a) Bear rates of interest not to exceed 5 1/2 percent per
 161 annum.

162 (b) Become due not more than 30 years from the date of
 163 issuance. Certificates may be made redeemable upon such terms

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164 and conditions as the district board may in its judgment deem
165 appropriate.

166 (c) Be in an aggregate amount not to exceed \$750,000.

167 (2) The principal and interest on the certificates herein
168 authorized shall, up to \$50,000 annually, be payable from
169 racetrack funds accruing annually to DeSoto County and
170 specifically allocated to the hospital district pursuant to
171 chapter 550, Florida Statutes, and chapter 65-1105, Laws of
172 Florida.

173 (3) The certificates so issued shall be and are hereby
174 constituted as legal investments for any state, county,
175 municipal, or other public funds, for any bank, savings bank,
176 trustee, executor, administrator, guardian, or any trust of
177 fiduciary funds whatsoever.

178 Section 10. Checks and warrants.--The funds of the
179 district shall be paid out only upon warrants signed by the
180 chair or chair pro tem of the district board and having thereto
181 affixed the corporate seal of the district, which may be an
182 impression thereon or a facsimile thereof; and no warrant shall
183 be drawn or issued against funds of the district except for a
184 purpose authorized by this act. No such warrant against funds of
185 the district shall be drawn or issued until after the account or
186 expenditure for which the same is to be given in payment has
187 been ordered and approved by the district board at a meeting in
188 which a quorum is present. The chair of the board is authorized
189 to sign checks and warrants of the district by the facsimile
190 signature machines for said purpose, provided that the checks

191 and warrants are countersigned by the treasurer for the
 192 district.

193 Section 11. Expenses.--The district board is authorized to
 194 pay from the funds of the district all expenses of the
 195 organization of the district board and all expenses necessarily
 196 incurred with the formation of the district and all other
 197 reasonable and necessary expenses, including the fees and
 198 expenses of an attorney in the transaction of the business of
 199 the district, and in carrying out and accomplishing the purposes
 200 of this act. This section, however, shall not be construed to
 201 limit or destroy any of the powers vested in the district board
 202 by any other section or provision of this act.

203 Section 12. Contracts; grants; donations.--Subject to such
 204 provisions and restrictions as may be set forth in the
 205 resolution authorizing or securing any bonds issued under the
 206 provisions of this act, the district board shall have power to
 207 enter into contracts with the Government of the United States or
 208 any agency or instrumentality thereof or with the state or any
 209 county, municipality, district, authority, or political
 210 subdivision thereof or any private corporation, partnership,
 211 association, or individual providing for or relating to the
 212 construction or acquisition of additions, extensions, and
 213 improvements to the hospital or related medical care facility
 214 and any other matters relevant thereto or otherwise necessary to
 215 effect the purposes of this act, and to receive and accept from
 216 any federal agency, state agency, or other public body grants or
 217 loans for or in aid of said purposes, and to receive and accept
 218 aid or contributions or loans from any other source of either

219 money, property, labor, or other thing of value, to be held,
 220 used, and applied only for the purpose for which such grants,
 221 contributions, or loans may be made.

222 Section 13. Financial reports.--At least once each year
 223 the district board shall publish once in some newspaper
 224 published in the district a complete detailed annual statement
 225 of all moneys received and disbursed by the board since the
 226 creation of the district as to the first published statement and
 227 since the last published statement as to any other year. The
 228 statement shall also show the several sources from which the
 229 funds were received and shall show the balance on hand at the
 230 time of the published statement. It shall show a complete
 231 statement of the financial condition of the district.

232 Section 14. Admission to facilities.--The hospital or
 233 related medical facilities established under this act shall be
 234 for the use and benefit of the residents of this district,
 235 subject to the rules, regulations, and charges prescribed by the
 236 district board which are in effect as of the date of admission
 237 of a patient or patients to such a hospital or related medical
 238 facility. Medical care and treatment for the indigent in the
 239 district shall be and remain the primary responsibility of
 240 DeSoto County, any authorization herein contained for treatment
 241 of indigents to the contrary notwithstanding, the district board
 242 of this district being granted the authority to refuse such
 243 admission of indigents when found by such district board not to
 244 be financially practicable with due regard to the general
 245 financial condition of the district. The district board is
 246 empowered to enter into and fulfill agreements with the Board of

247 County Commissioners of DeSoto County for the admission and
 248 treatment of indigents upon such terms, costs, and charges as
 249 may be mutually agreed upon. The district board shall be
 250 authorized to accept moneys from any welfare funds provided for
 251 DeSoto County or moneys available to the indigent patients from
 252 a federal, state, or county agency or moneys available to DeSoto
 253 County from said governmental agencies for welfare and hospital
 254 purposes, for the payment of costs of treatment and care of
 255 indigent residents of the district as shall be admitted. The
 256 district board may collect from patients financially able such
 257 charges as the district board may from time to time establish.
 258 The district board may extend the privileges and use of the
 259 hospital or clinic to nonresidents of the district who shall pay
 260 the rates established by the district board upon such terms and
 261 conditions as the district board may provide. However, residents
 262 of the district wherein the hospital or clinic is located shall
 263 have first claim to admission. The district board shall further
 264 have the power to furnish and extend the benefits of the
 265 hospital and clinic services and treatment to the homes of
 266 indigent residents of the district. Each municipal corporation
 267 situated within the district and the law enforcement agencies of
 268 DeSoto County shall be liable to the district board for the
 269 occupancy, care, medicine, and treatment of prisoners in the
 270 custody of the municipal corporation or for county officers who
 271 are admitted to any hospital operated by the district board.

272 Section 15. Regulation of physicians, staff members, and
 273 practitioners.--Realizing that factors other than professional
 274 must enter into the qualifications of those who practice

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275 medicine and surgery, the district board is authorized to set up
 276 rules, regulations, and bylaws for the operation of the hospital
 277 and hospital staff. The district board is authorized to grant or
 278 revoke licenses and privileges of staff members for practice in
 279 and about any hospital or other medical care facility maintained
 280 under this act, so that the welfare and health of patients and
 281 the best interests of the facility may at all times be best
 282 served. Privileges of staff membership and appointments thereto
 283 may be authorized or granted by the district board. The district
 284 board is further authorized to set up rules and regulations for
 285 the control of all professional and nonprofessional employees of
 286 any hospital or other medical care facility, which terms shall
 287 include nurses on general duty or on private duty attending
 288 patients, and all parties in the facility as employees in any
 289 manner in attendance of patients.

290 Section 16. Insurance; board liability.--The district
 291 board may secure and keep in force in amounts it may determine,
 292 in companies duly authorized to do business in Florida,
 293 liability insurance covering vehicles, premises, and
 294 malpractice. In consideration of the premium at which each
 295 policy shall be written, it shall be a part of the policy
 296 contract between the district board and the insurer that the
 297 company shall not be entitled to the benefit of the defense of
 298 governmental immunity for the insured by reason of exercising a
 299 governmental function on any suit brought against the insured

300 Section 17. Construction.--The provisions of this act
 301 shall be liberally construed for accomplishing the work
 302 authorized and provided for or intended to be and provided for

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303 by this act and, where strict construction would result in the
 304 defeat of the accomplishment of any part of the work authorized
 305 by this act and a liberal construction would permit or assist in
 306 the accomplishment thereof, the liberal construction of this act
 307 shall be chosen. This act shall not be deemed to repeal or
 308 supersede any other laws, but shall be supplemental authority to
 309 carry out the purposes of this act.

310 Section 18. Employee and pension benefits.--The DeSoto
 311 County Hospital District is authorized and empowered to create
 312 an employees' pension fund so as to provide for life and/or
 313 disability and/or medical insurance for all or any of its
 314 employees or officers on a group insurance, or other acceptable
 315 plan, approved by the District Board of the DeSoto County
 316 Hospital District and to establish and create by resolution an
 317 employees' pension, hospitalization, and health plan, annuity,
 318 and/or retirement plan for any and all groups of officers and
 319 employees employed by the DeSoto County Hospital District and
 320 qualifying for such plan, and to pay all or such portion of the
 321 cost of any such employees' pension, hospitalization, and health
 322 plan, annuity, and/or retirement plan from the funds available
 323 to the district from its authorized sources, with the employees
 324 defraying the balance thereof, if any, as said district board by
 325 resolution may determine for any and all groups of officers and
 326 employees employed by the DeSoto County Hospital District.

327 Section 4. Chapters 65-1450, 69-1011, 71-605, 73-443, 78-
 328 498, 82-288, and 89-493, Laws of Florida, are repealed.

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