

ENROLLED
HB 1449, Engrossed 1

2004 Legislature

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 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.

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and 89-493, Laws of Florida, relating to the DeSoto County Hospital District, are codified, reenacted, amended, and repealed as provided in this act.

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

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

Section 2. Governing board.--The governing body of the DeSoto County Hospital District shall be known as the "District Hospital Board of DeSoto County" and shall consist of five members who are not members of the medical profession. All members shall be qualified electors and freeholders residing in DeSoto County for more than 1 year prior to appointment. Members of the district board are appointed by the Governor for terms of 4 years each, ending on July 1. The Governor shall have the power to remove any member of the district board for cause and shall fill any vacancies that may occur therein for the remainder of the term in which the vacancy occurred. The members of the district board shall receive no salary but each shall be paid the sum of \$120 per year as expense money; however, no member shall be entitled to expense money unless he or she has attended 75 percent of the regular meetings held by the board during any year. Each member shall give bond to the Governor for the faithful performance of his or her duties in the sum of at least \$5,000 with a surety company qualified to do business in this state as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of DeSoto County. Should the secretary and treasurer be other than a member of the district board, he or she shall give a like bond of at least \$5,000 for the faithful performance of his or her duties. Premiums on bonds shall be paid as part of the expenses of the district.

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Section 3. Powers.--

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

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

Section 4. Officers; meetings; records.--There shall be a chair of the district board elected annually. The district board may elect one of its members to serve as secretary and treasurer or it may appoint some person not a member of the district board to serve in that capacity. In the absence of the chair or his or

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her inability to act at any regular meeting, warrants may be signed by any other member of the district board selected by the members present as chair pro tem. Three members shall constitute a quorum, and a vote of at least two members shall be necessary to the transaction of any business of the district. A regular meeting of the board shall be held annually. Additional meetings may be called by a majority of the board upon advance notice as provided by section 189.417, Florida Statutes. The members shall cause true and accurate minutes and records to be kept of all business transacted by them and shall keep full, true, and complete books of account and minutes, which minutes, records, and books of account shall at all reasonable times be open and subject to inspection; and any person desiring to do so may make or procure copies of the minutes, records, or books of account, or such portions thereof as he or she may desire; however, such records shall not include personnel and medical records of a private and confidential nature. The district board shall be empowered to destroy any of its records, together with any of the records of the hospitals owned and operated by the district board, if the records are photographed or microfilmed prior to their destruction.

Section 5. Hospital facilities.--The district board is authorized to establish, construct, lease, operate, and maintain any hospital or related medical care facility as, in its opinion, shall be necessary for the use of the people of the district. Said hospital or medical care facility shall be established, constructed, leased, operated, and maintained for the preservation of the public health, for the public good, and

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for the use of the public of the district. The maintenance of any hospital or related medical care facility within the district is hereby found and declared to be a public purpose and necessary for the preservation of the public health, the public use, and the welfare of the district and inhabitants thereof. The location of any hospital or related medical care facility shall be determined by the district board. The district board is authorized to accept any and all gifts, loans, or advancements for the purchase of property, real or personal, for the construction, equipping, and maintenance of any hospital or related medical care facility established or acquired by the district board.

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

Section 7. Eminent domain.--The district board shall have the power of eminent domain and may thereby condemn and acquire any real or personal property within the territorial limits of the district which the district board may deem necessary for the use of the district. Such power of condemnation shall be exercised in the same manner as is now provided by general law

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for the exercise of power of eminent domain by cities and towns of the state.

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

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

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

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

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

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

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

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

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

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

Section 11. Expenses.--The district board is authorized to pay from the funds of the district all expenses of the organization of the district board and all expenses necessarily incurred with the formation of the district and all other reasonable and necessary expenses, including the fees and expenses of an attorney in the transaction of the business of

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the district, and in carrying out and accomplishing the purposes of this act. This section, however, shall not be construed to limit or destroy any of the powers vested in the district board by any other section or provision of this act.

Section 12. Contracts; grants; donations.--Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds issued under the provisions of this act, the district board shall have power to enter into contracts with the Government of the United States or any agency or instrumentality thereof or with the state or any county, municipality, district, authority, or political subdivision thereof or any private corporation, partnership, association, or individual providing for or relating to the construction or acquisition of additions, extensions, and improvements to the hospital or related medical care facility and any other matters relevant thereto or otherwise necessary to effect the purposes of this act, and to receive and accept from any federal agency, state agency, or other public body grants or loans for or in aid of said purposes, and to receive and accept aid or contributions or loans from any other source of either money, property, labor, or other thing of value, to be held, used, and applied only for the purpose for which such grants, contributions, or loans may be made.

Section 13. Financial reports.--At least once each year the district board shall publish once in some newspaper published in the district a complete detailed annual statement of all moneys received and disbursed by the board since the creation of the district as to the first published statement and

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since the last published statement as to any other year. The statement shall also show the several sources from which the funds were received and shall show the balance on hand at the time of the published statement. It shall show a complete statement of the financial condition of the district.

Section 14. Admission to facilities.--The hospital or related medical facilities established under this act shall be for the use and benefit of the residents of this district, subject to the rules, regulations, and charges prescribed by the district board which are in effect as of the date of admission of a patient or patients to such a hospital or related medical facility. Medical care and treatment for the indigent in the district shall be and remain the primary responsibility of DeSoto County, any authorization herein contained for treatment of indigents to the contrary notwithstanding, the district board of this district being granted the authority to refuse such admission of indigents when found by such district board not to be financially practicable with due regard to the general financial condition of the district. The district board is empowered to enter into and fulfill agreements with the Board of County Commissioners of DeSoto County for the admission and treatment of indigents upon such terms, costs, and charges as may be mutually agreed upon. The district board shall be authorized to accept moneys from any welfare funds provided for DeSoto County or moneys available to the indigent patients from a federal, state, or county agency or moneys available to DeSoto County from said governmental agencies for welfare and hospital purposes, for the payment of costs of treatment and care of

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indigent residents of the district as shall be admitted. The district board may collect from patients financially able such charges as the district board may from time to time establish. The district board may extend the privileges and use of the hospital or clinic to nonresidents of the district who shall pay the rates established by the district board upon such terms and conditions as the district board may provide. However, residents of the district wherein the hospital or clinic is located shall have first claim to admission. The district board shall further have the power to furnish and extend the benefits of the hospital and clinic services and treatment to the homes of indigent residents of the district. Each municipal corporation situated within the district and the law enforcement agencies of DeSoto County shall be liable to the district board for the occupancy, care, medicine, and treatment of prisoners in the custody of the municipal corporation or for county officers who are admitted to any hospital operated by the district board.

Section 15. Regulation of physicians, staff members, and practitioners.--Realizing that factors other than professional must enter into the qualifications of those who practice medicine and surgery, the district board is authorized to set up rules, regulations, and bylaws for the operation of the hospital and hospital staff. The district board is authorized to grant or revoke licenses and privileges of staff members for practice in and about any hospital or other medical care facility maintained under this act, so that the welfare and health of patients and the best interests of the facility may at all times be best served. Privileges of staff membership and appointments thereto

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may be authorized or granted by the district board. The district board is further authorized to set up rules and regulations for the control of all professional and nonprofessional employees of any hospital or other medical care facility, which terms shall include nurses on general duty or on private duty attending patients, and all parties in the facility as employees in any manner in attendance of patients.

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

Section 17. Construction.--The provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be and provided for by this act and, where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction of this act shall be chosen. This act shall not be deemed to repeal or supersede any other laws, but shall be supplemental authority to carry out the purposes of this act.

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

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

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