

By Senator Alexander

17-930A-04

See CS/HB 1449

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

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Pursuant to section 189.429, Florida
18 Statutes, this act constitutes the codification of all special
19 acts relating to the DeSoto County Hospital District. It is
20 the intent of the Legislature in enacting this law to provide
21 a single, comprehensive special act charter for the district,
22 including all current legislative authority granted to the
23 district by its several legislative enactments.

24 Section 2. Chapters 65-1450, 69-1011, 71-605, 73-443,
25 78-498, 82-288, and 89-493, Laws of Florida, relating to the
26 DeSoto County Hospital District, are codified, reenacted,
27 amended, and repealed as provided in this act.

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

30 Section 1. Creation; boundaries.--An independent
31 special district is created and incorporated to be known as

1 the "DeSoto County Hospital District," which district shall
2 embrace and include all of DeSoto County.

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

28 Section 3. Powers.--

29 (1) The District Board of DeSoto County Hospital
30 District shall have all the powers of a body corporate,
31 including the power to sue and be sued under the name of the

1 DeSoto County Hospital District; to contract and be contracted
2 with; to adopt and use a common seal and to alter same at
3 pleasure; to acquire, purchase, hold, lease, mortgage, and
4 convey such real and personal property as the board may deem
5 proper or expedient to carry out the purposes of this act; to
6 appoint and employ a superintendent and such other agents and
7 employees as the board may deem advisable and to fix a
8 compensation of all employees and to remove any appointees or
9 employees; to insure the improvements, fixtures, and equipment
10 against loss by fire, windstorm, or other coverage in such
11 amounts as may be determined reasonable and proper; and to
12 borrow money and issue evidence of indebtedness of the
13 district therefor to carry out the provisions of this act in
14 the manner hereinafter provided.

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

21 Section 4. Officers; meetings; records.--There shall
22 be a chair of the district board elected annually. The
23 district board may elect one of its members to serve as
24 secretary and treasurer or it may appoint some person not a
25 member of the district board to serve in that capacity. In the
26 absence of the chair or his or her inability to act at any
27 regular meeting, warrants may be signed by any other member of
28 the district board selected by the members present as chair
29 pro tem. Three members shall constitute a quorum, and a vote
30 of at least two members shall be necessary to the transaction
31 of any business of the district. A regular meeting of the

1 board shall be held annually. Additional meetings may be
2 called by a majority of the board upon advance notice as
3 provided by section 189.417, Florida Statutes. The members
4 shall cause true and accurate minutes and records to be kept
5 of all business transacted by them and shall keep full, true,
6 and complete books of account and minutes, which minutes,
7 records, and books of account shall at all reasonable times be
8 open and subject to inspection; and any person desiring to do
9 so may make or procure copies of the minutes, records, or
10 books of account, or such portions thereof as he or she may
11 desire; however, such records shall not include personnel and
12 medical records of a private and confidential nature. The
13 district board shall be empowered to destroy any of its
14 records, together with any of the records of the hospitals
15 owned and operated by the district board, if the records are
16 photographed or microfilmed prior to their destruction.

17 Section 5. Hospital facilities.--The district board is
18 authorized to establish, construct, lease, operate, and
19 maintain any hospital or related medical care facility as, in
20 its opinion, shall be necessary for the use of the people of
21 the district. Said hospital or medical care facility shall be
22 established, constructed, leased, operated, and maintained for
23 the preservation of the public health, for the public good,
24 and for the use of the public of the district. The maintenance
25 of any hospital or related medical care facility within the
26 district is hereby found and declared to be a public purpose
27 and necessary for the preservation of the public health, the
28 public use, and the welfare of the district and inhabitants
29 thereof. The location of any hospital or related medical care
30 facility shall be determined by the district board. The
31 district board is authorized to accept any and all gifts,

1 loans, or advancements for the purchase of property, real or
2 personal, for the construction, equipping, and maintenance of
3 any hospital or related medical care facility established or
4 acquired by the district board.

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

15 Section 7. Eminent domain.--The district board shall
16 have the power of eminent domain and may thereby condemn and
17 acquire any real or personal property within the territorial
18 limits of the district which the district board may deem
19 necessary for the use of the district. Such power of
20 condemnation shall be exercised in the same manner as is now
21 provided by general law for the exercise of power of eminent
22 domain by cities and towns of the state.

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

29 Section 9. Certificates of indebtedness.--The district
30 board is authorized to issue certificates of this hospital
31 district in such form and denomination, and bearing such rates

1 of interest, for the purpose of raising funds to establish,
2 maintain, operate, and construct any hospital or related
3 medical care facility as the district board determines to be
4 necessary for the hospital district.

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

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

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

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

14 (2) The principal and interest on the certificates
15 herein authorized shall, up to \$50,000 annually, be payable
16 from racetrack funds accruing annually to DeSoto County and
17 specifically allocated to the hospital district pursuant to
18 chapter 550, Florida Statutes, and chapter 65-1105, Laws of
19 Florida.

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

25 Section 10. Checks and warrants.--The funds of the
26 district shall be paid out only upon warrants signed by the
27 chair or chair pro tem of the district board and having
28 thereto affixed the corporate seal of the district, which may
29 be an impression thereon or a facsimile thereof; and no
30 warrant shall be drawn or issued against funds of the district
31 except for a purpose authorized by this act. No such warrant

1 against funds of the district shall be drawn or issued until
2 after the account or expenditure for which the same is to be
3 given in payment has been ordered and approved by the district
4 board at a meeting in which a quorum is present. The chair of
5 the board is authorized to sign checks and warrants of the
6 district by the facsimile signature machines for said purpose,
7 provided that the checks and warrants are countersigned by the
8 treasurer for the district.

9 Section 11. Expenses.--The district board is
10 authorized to pay from the funds of the district all expenses
11 of the organization of the district board and all expenses
12 necessarily incurred with the formation of the district and
13 all other reasonable and necessary expenses, including the
14 fees and expenses of an attorney in the transaction of the
15 business of the district, and in carrying out and
16 accomplishing the purposes of this act. This section, however,
17 shall not be construed to limit or destroy any of the powers
18 vested in the district board by any other section or provision
19 of this act.

20 Section 12. Contracts; grants; donations.--Subject to
21 such provisions and restrictions as may be set forth in the
22 resolution authorizing or securing any bonds issued under the
23 provisions of this act, the district board shall have power to
24 enter into contracts with the Government of the United States
25 or any agency or instrumentality thereof or with the state or
26 any county, municipality, district, authority, or political
27 subdivision thereof or any private corporation, partnership,
28 association, or individual providing for or relating to the
29 construction or acquisition of additions, extensions, and
30 improvements to the hospital or related medical care facility
31 and any other matters relevant thereto or otherwise necessary

1 to effect the purposes of this act, and to receive and accept
2 from any federal agency, state agency, or other public body
3 grants or loans for or in aid of said purposes, and to receive
4 and accept aid or contributions or loans from any other source
5 of either money, property, labor, or other thing of value, to
6 be held, used, and applied only for the purpose for which such
7 grants, contributions, or loans may be made.

8 Section 13. Financial reports.--At least once each
9 year the district board shall publish once in some newspaper
10 published in the district a complete detailed annual statement
11 of all moneys received and disbursed by the board since the
12 creation of the district as to the first published statement
13 and since the last published statement as to any other year.
14 The statement shall also show the several sources from which
15 the funds were received and shall show the balance on hand at
16 the time of the published statement. It shall show a complete
17 statement of the financial condition of the district.

18 Section 14. Admission to facilities.--The hospital or
19 related medical facilities established under this act shall be
20 for the use and benefit of the residents of this district,
21 subject to the rules, regulations, and charges prescribed by
22 the district board which are in effect as of the date of
23 admission of a patient or patients to such a hospital or
24 related medical facility. Medical care and treatment for the
25 indigent in the district shall be and remain the primary
26 responsibility of DeSoto County, any authorization herein
27 contained for treatment of indigents to the contrary
28 notwithstanding, the district board of this district being
29 granted the authority to refuse such admission of indigents
30 when found by such district board not to be financially
31 practicable with due regard to the general financial condition

1 of the district. The district board is empowered to enter into
2 and fulfill agreements with the Board of County Commissioners
3 of DeSoto County for the admission and treatment of indigents
4 upon such terms, costs, and charges as may be mutually agreed
5 upon. The district board shall be authorized to accept moneys
6 from any welfare funds provided for DeSoto County or moneys
7 available to the indigent patients from a federal, state, or
8 county agency or moneys available to DeSoto County from said
9 governmental agencies for welfare and hospital purposes, for
10 the payment of costs of treatment and care of indigent
11 residents of the district as shall be admitted. The district
12 board may collect from patients financially able such charges
13 as the district board may from time to time establish. The
14 district board may extend the privileges and use of the
15 hospital or clinic to nonresidents of the district who shall
16 pay the rates established by the district board upon such
17 terms and conditions as the district board may provide.
18 However, residents of the district wherein the hospital or
19 clinic is located shall have first claim to admission. The
20 district board shall further have the power to furnish and
21 extend the benefits of the hospital and clinic services and
22 treatment to the homes of indigent residents of the district.
23 Each municipal corporation situated within the district and
24 the law enforcement agencies of DeSoto County shall be liable
25 to the district board for the occupancy, care, medicine, and
26 treatment of prisoners in the custody of the municipal
27 corporation or for county officers who are admitted to any
28 hospital operated by the district board.

29 Section 15. Regulation of physicians, staff members,
30 and practitioners.--Realizing that factors other than
31 professional must enter into the qualifications of those who

1 practice medicine and surgery, the district board is
2 authorized to set up rules, regulations, and bylaws for the
3 operation of the hospital and hospital staff. The district
4 board is authorized to grant or revoke licenses and privileges
5 of staff members for practice in and about any hospital or
6 other medical care facility maintained under this act, so that
7 the welfare and health of patients and the best interests of
8 the facility may at all times be best served. Privileges of
9 staff membership and appointments thereto may be authorized or
10 granted by the district board. The district board is further
11 authorized to set up rules and regulations for the control of
12 all professional and nonprofessional employees of any hospital
13 or other medical care facility, which terms shall include
14 nurses on general duty or on private duty attending patients,
15 and all parties in the facility as employees in any manner in
16 attendance of patients.

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

28 Section 17. Construction.--The provisions of this act
29 shall be liberally construed for accomplishing the work
30 authorized and provided for or intended to be and provided for
31 by this act and, where strict construction would result in the

1 defeat of the accomplishment of any part of the work
2 authorized by this act and a liberal construction would permit
3 or assist in the accomplishment thereof, the liberal
4 construction of this act shall be chosen. This act shall not
5 be deemed to repeal or supersede any other laws, but shall be
6 supplemental authority to carry out the purposes of this act.

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

25 Section 4. Chapters 65-1450, 69-1011, 71-605, 73-443,
26 78-498, 82-288, and 89-493, Laws of Florida, are repealed.

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

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