

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Community & Military
2 Affairs Subcommittee
3 Representative Metz offered the following:

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6 Remove everything after the enacting clause and insert:

7 Section 1. This act constitutes the codification of all
8 special acts relating to the North Lake County Hospital
9 District. It is the intent of the Legislature in enacting this
10 law to provide a single, comprehensive special act charter for
11 the district, including all current authority granted to the
12 district by its several legislative enactments and any
13 additional authority granted by this act.

14 Section 2. Chapters 2002-348 and 2004-460, Laws of
15 Florida, relating to the North Lake County Hospital District,
16 are codified, reenacted, amended, and repealed as provided in
17 this act.

18 Section 3. The North Lake County Hospital District is re-
19 created, and the charter is re-created and reenacted to read:

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20 Section 1. ESTABLISHMENT OF DISTRICT; BOUNDARIES.-

21 A. This act may be cited as the "North Lake County
22 Hospital District Act."

23 B. There is created and established as an independent
24 special taxing district of the state a hospital district in Lake
25 County to be known as the "North Lake County Hospital District,"
26 which shall comprise and include the territory within Lake
27 County described as follows:

28
29 Beginning at the range line dividing ranges 26 and 27
30 east at its intersection with the township line
31 separating townships 20 and 21 south of the
32 Tallahassee meridian; thence north on said range line
33 to the township line dividing townships 19 and 20
34 south; thence east on said township line to the Wekiva
35 River; thence north along the thread of the said
36 Wekiva River to the St. Johns River; thence in a
37 northerly and northwesterly direction through the
38 thread of the St. Johns River to the southwest shore
39 of Lake George; thence north along the west shore of
40 Lake George to the range line dividing ranges 26 and
41 27 east; thence south on said range line to the
42 township line dividing townships 17 and 18 south;
43 thence west on said township line to the northeast
44 corner of section 1, township 18 south, range 25 east;
45 thence run south along the east range line for range
46 25 to the southeast corner of section 36, township 18
47 south, range 25 east; thence run east along the North

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48 boundary of section 6, township 19 south, range 26
49 east, to the waters of Lake Eustis; thence
50 southwesterly along the waters of Lake Eustis to the
51 center of the mouth of Dead River; thence
52 southwesterly along the center of Dead River to an
53 extension of the west boundary of section 24, township
54 19 south, range 25 east, extended south into Lake
55 Harris; thence run southwesterly across Lake Harris to
56 the intersection of the eastern boundary of section
57 12, township 20 south, range 24 east, with the waters
58 of Lake Harris; thence run southeasterly and
59 south/southeasterly along the shoreline of Lake Harris
60 and Little Lake Harris to the south boundary line of
61 section 24, township 20 south, range 25 east; thence
62 run west to the northwest corner of section 27,
63 township 20 south, range 25 east; thence run south to
64 the southwest corner of section 34, township 20 south,
65 range 25 east; thence run east along the township line
66 separating townships 20 and 21 south, to the
67 Tallahassee Meridian to the point of beginning
68 (hereinafter the "Northeast Territory").

69
70 and

71
72 Begin at the northwest (NW) corner of section 6, in
73 township 18 south, range 24 east, and run east along
74 the north township line of township 18 south, to the
75 northeast corner of section 1, township 18 south,

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76 range 25 east; thence run south along the east range
77 line of range 25 to the southeast corner of section
78 36, township 18 south, range 25 east; thence run east
79 along the north boundary of section 6, township 29
80 south, range 26 east, to the waters of Lake Eustis;
81 thence southwesterly along the waters of Lake Eustis
82 to the center of the mouth of Dead River; thence
83 southwesterly along the center of Dead River to an
84 extension of the west boundary of section 24, township
85 19 south, range 25 east, extended south into Lake
86 Harris; thence run southwesterly across Lake Harris to
87 the point that the eastern boundary of section 12,
88 township 20 south, range 24 east intersects with the
89 waters of Lake Harris; thence run in a general
90 southeasterly direction along the waters of Lake
91 Harris to the point that the southern boundary of
92 section 24, township 20 south, range 25 east, and the
93 waters of Lake Harris intersect; thence run west along
94 the south boundary of sections 24, 23, and 22,
95 township 20 south, range 25 east, to the southwest
96 (SW) corner of said section 22, township 20 south,
97 range 25 east; thence run south along the west
98 boundary of sections 27 and 34, township 20 south,
99 range 25 east to the southwest (SW) corner of section
100 34, township 20 south, range 25 east; thence run west
101 along the south line of said township 20 to western
102 boundary of Lake County, and west boundary of range 24
103 east; thence north along the west boundary of said

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104 range 24 to the point of beginning (hereinafter the
105 "Northwest Territory").

106 Section 2. DEFINITIONS.—As used in this act and for
107 purposes of this act, the term:

108 A. "Board of trustees" and "board" mean the Board of
109 Trustees of the North Lake County Hospital District.

110 B. "District" means the North Lake County Hospital
111 District.

112 C. "Indigent care" means medically necessary health care
113 provided to residents of the North Lake County Hospital District
114 who are determined to be qualified pursuant to the provisions of
115 the Florida Health Care Responsibility Act, section 154.304(9),
116 Florida Statutes, and the Florida Health Care Indigency
117 Eligibility Certification Standards, Florida Administrative
118 Code, rule 59H-1.0035(30).

119 D. "Provider" means a licensed hospital or primary care
120 clinic physically located in the district.

121 Section 3. PUBLIC PURPOSE OF THE DISTRICT.—The public
122 purpose of the district is to provide a means to pay for
123 indigent care provided in accordance with this act. Indigent
124 care may be provided to residents of the district in accordance
125 with this act through the use of health care facilities not
126 owned and operated by the board of trustees. The provision of
127 such indigent care is found and declared to be a public purpose
128 and necessary for the preservation of the public health of the
129 residents of the district.

130 Section 4. MEMBERSHIP AND ORGANIZATION OF THE GOVERNING
131 BOARD OF THE DISTRICT.—

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132 A. General.-

133 1. The district shall be governed by a board of trustees
134 composed of six persons to be elected by the electors residing
135 within the district in a general election. The trustees
136 currently serving on the board shall continue in their capacity
137 to the completion of their terms. The term of office of each
138 trustee shall be 4 years and a trustee may not serve more than
139 two terms for a maximum of 8 years. The term of office shall
140 expire on the date of the general election held 4 years after
141 the date on which that trustee was elected. All elections for
142 the office of trustee shall be conducted in the same manner as
143 elections for county commissioners.

144 2. The members of the board of trustees shall serve
145 without pay. Each member shall give a bond to the Board of
146 County Commissioners of Lake County and its successors in office
147 for the use and benefit of the district for the faithful
148 performance of his or her duties in the sum of \$1,000 with a
149 surety company qualified to do business in this state as surety,
150 which bond shall be approved and accepted by the Clerk of the
151 Circuit Court of Lake County. The premiums on such bond shall be
152 paid by the district as part of the expenses of the district.

153 3. Four of the trustees shall constitute a quorum, and a
154 vote of at least four of the trustees is necessary for the
155 transaction of any business of the district. The board of
156 trustees may select from among its membership a chair, vice
157 chair, secretary, and treasurer. The board of trustees shall
158 cause true and accurate minutes and records to be kept of all
159 business transacted by them and shall keep full, true, and

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160 complete books of account and minutes, which minutes and books
161 shall be open and subject to the inspection of the residents of
162 the district at all reasonable times during normal business
163 hours. Any person desiring to do so may obtain a copy of the
164 minutes and books of account or such portions thereof as he or
165 she may desire upon payment of the costs of reproduction.

166 B. Election of the board of trustees.-

167 1. Registration of electors.-Any person who is a resident
168 of the district, at least 18 years of age, and registered with
169 the Supervisor of Elections for Lake County is eligible to vote
170 for the election of members of the board of trustees.

171 2. Qualifications of candidate.-All trustees must be duly
172 qualified electors who reside in the district. Three trustees
173 must reside in the Northeast Territory and three trustees must
174 reside in the Northwest Territory. Beginning with the general
175 election in 2014 and in each general election thereafter, a
176 person is not eligible to seek election to the board of trustees
177 if that person served, within the previous 2 years before the
178 election, as an officer or member of a board of directors of a
179 hospital physically located in the district, a parent
180 corporation of such a hospital, or a foundation of such a
181 hospital.

182 3. Vacancies.-Vacant trustee seats shall be filled through
183 appointment by the Governor; appointees shall serve until the
184 expiration of the term for which they are appointed.

185 C. Annual meeting.-The annual meeting shall be held before
186 January 31 of each year at such time and place within the
187 district as is determined by the board of trustees. Notice of

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188 the date, time, and place of the annual meeting shall be
189 published online on a publicly accessible website maintained by
190 the district and in a daily newspaper of general circulation, in
191 a section other than the legal ad or classified ad sections, in
192 the district once per week for 2 consecutive weeks. The date of
193 the first publication of such notice must be at least 15, and
194 not more than 30, days before the annual meeting. The agenda at
195 the annual meeting of the board of trustees shall include, but
196 is not limited to:

197 1. Call to order.

198 2. Presentation and approval of minutes of the last annual
199 meeting and of any special meeting held since that meeting.

200 3. Financial report.

201 4. Presentation of the annual report of the board of
202 trustees.

203 5. Transaction of any business that may properly be
204 brought before the board.

205 6. Election of officers of the board of trustees.

206 D. Special meetings.-Special meetings of the board of
207 trustees may be called at any time by the chair or upon the
208 written request of four members of the board of trustees.
209 Notices of special meetings of the board of trustees shall be
210 published online on a publicly accessible website maintained by
211 the district and by publication in a daily newspaper of general
212 circulation in the district at least 7 days before such meeting,
213 stating the date and place and general matters of the business
214 to be considered.

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215 E. Removal of members from the board of trustees.—Any
216 member of the board of trustees may be removed by the Governor
217 at any time, for cause, in which event such vacancy or vacancies
218 thereby occurring shall be filled through appointment by the
219 Governor for the unexpired term.

220 Section 5. POWERS, FUNCTIONS, AND DUTIES.—

221 A. General powers.—The district may:

222 1. Adopt an official seal and alter it at pleasure.

223 2. Maintain an office within the district's geographical
224 territory at a place it may designate.

225 3. Sue and be sued in its own name and plead and be
226 impleaded, but with all sovereign immunity and limitations
227 provided by the State Constitution and general law.

228 4. Make and execute agreements of lease, contracts, and
229 other instruments necessary in the exercise of its powers and
230 functions under this act.

231 5. Lease as lessor or lessee to or from any person, firm,
232 corporation, association, or body, public or private, any
233 facilities or property for the use of the district to carry out
234 the purpose of the district in its reasonable judgment.

235 6. Employ attorneys, accountants, and such other employees
236 and agents as may be necessary, in its reasonable judgment, to
237 carry out the purpose of the district, and fix their reasonable
238 compensation.

239 7. Levy an ad valorem tax in the district not to exceed 1
240 mill on the dollar of the value of all nonexempt property within
241 that area of Lake County which comprises the district. Such tax
242 shall be paid into the district fund.

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243 8. Cooperate with, apply for and receive grants from, or
244 contract with other governmental agencies or private individuals
245 or entities as may be necessary, convenient, or proper in
246 connection with any of the powers and duties authorized by this
247 act and to carry out the public purpose of the district in its
248 reasonable judgment.

249 9. Adopt and promulgate policies, rules, and procedures
250 for the efficient and effective operation of the district and to
251 ensure the proper implementation of this act.

252 10. Do all things necessary to carry out the purpose of
253 the district and to ensure the proper implementation of this
254 act.

255 B. Collection of taxes.—It is the duty of the Property
256 Appraiser of Lake County to assess, and the Tax Collector of
257 Lake County to collect, the ad valorem tax levied by the board
258 of trustees upon the taxable property in the district. The tax
259 collector shall collect such tax as levied by the board of
260 trustees in the same manner as other taxes are collected and
261 shall pay the same over to the board of trustees within the time
262 and in the manner prescribed by law for the payment of the Tax
263 Collector of Lake County taxes to the county depository. It is
264 the duty of the Department of Revenue to assess all such
265 property in accordance with section 193.085, Florida Statutes.
266 The amount of each county or state taxes and the taxes for the
267 district shall be assessed by the officer respectively as are
268 county taxes upon such property, and such tax shall be remitted
269 by the collecting officer to the board of trustees. All such

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270 taxes shall be held by the board of trustees and paid out by
271 them for purposes of this act.

272 C. Liens and foreclosures.—Liens and foreclosure of liens
273 resulting from failure to pay ad valorem taxation shall be
274 treated as liens and foreclosures resulting from other ad
275 valorem taxes.

276 Section 6. PERMITTED USES OF TAX FUNDS.—Consistent with
277 the public purpose of the district, the use of funds received
278 through the district's taxing power and any interest thereon may
279 be used:

280 A. For reasonable expenses incurred by the district to
281 administer and enforce this act, including the use of private
282 vendors.

283 B. To pay for indigent care provided by licensed hospitals
284 physically located in the district according to policies and
285 procedures adopted by the board of trustees pursuant to and
286 consistent with this act.

287 C. To pay for indigent care provided by licensed primary
288 care clinics physically located in the district that are
289 approved by the board of trustees, if the care does not overlap
290 or duplicate care available through other public health clinics
291 physically located in the district and serving medically
292 indigent residents of the district.

293 D. To maximize public or private grant or matching funds
294 available for indigent care, including, but not limited to,
295 Medicaid Supplemental Hospital Funding Programs, the Low-Income
296 Pool Program, the Disproportionate Share Hospital Program, and
297 similar programs.

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298 E. To contract with the Lake County Board of County
299 Commissioners for services performed for the district by
300 personnel employed by the county, as well as logistical and
301 technical support, to carry out, in its reasonable judgment, the
302 purpose of the district.

303 F. To lower the millage rate in succeeding years.

304 Section 7. RESTRICTIONS.-

305 A. The district board may not issue bonds, raise tax
306 revenue from any other source, or impose non-ad valorem
307 assessments.

308 B. Funds received through the district's taxing power and
309 any interest thereon may not be used:

310 1. To compensate for a provider's inability to collect
311 debts arising from serving persons who are not eligible for
312 indigent care under this act.

313 2. To cover shortfalls or deficiencies in the amounts paid
314 by Medicare or private insurance from patients who are not
315 eligible for indigent care under this act.

316 3. To compensate for normal business overhead or expenses.

317 4. For capital expenditures incurred by or for a provider.

318 5. For indigent care based on assumptions, models,
319 studies, or expert analyses or opinions.

320 6. For indigent care in excess of the actual cost of
321 providing such care; however, the payment for indigent care
322 provided may not exceed the amount payable by the Medicare
323 program for identical or substantially similar care in the
324 territory of the district.

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325 Section 8. FISCAL RESPONSIBILITY, TRANSPARENCY, AND
326 ACCOUNTABILITY.—

327 A. The board of trustees shall annually determine and
328 approve a balanced district budget and millage in accordance
329 with chapter 200, Florida Statutes, this act, and generally
330 accepted accounting principles.

331 B. At least once each year, the board of trustees shall
332 post online on a publicly accessible website maintained by the
333 district and publish once in a daily newspaper of general
334 circulation in the district a complete detailed statement of all
335 moneys received and disbursed by it since the creation of the
336 district as to the first published statement and since the last
337 published statement as to any other year. The statement must
338 include the sources from which the funds were received, the
339 balance on hand at the time of the published statement, and a
340 complete statement of the financial condition of the district.

341 C. Any provider receiving funds from the district is
342 subject to an audit of its records relative to the patients for
343 whom payment is sought in order to ensure compliance with this
344 act. All auditors must contractually agree to comply with
345 applicable patient confidentiality rules, including the Health
346 Insurance Portability and Accountability Act of 1996 (HIPAA;
347 Pub. L. No. 104-191, 110 Stat. 1936) and rules implementing that
348 act.

349 D. The district must conduct financial integrity and
350 compliance audits of providers receiving payments in any one
351 fiscal year in excess of 10 percent of the district's tax
352 revenue in that year, and may initiate other audits of any

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353 provider at any time, to ensure compliance with this act and to
354 provide transparency and accountability to the taxpayers. All
355 audit reports become public records upon acceptance by the board
356 of trustees. If, upon completion of an audit, it is determined
357 that payment was made by the district that was not in compliance
358 with this act, a rebuttable presumption is created that the
359 district is entitled to a recoupment of the amounts in question.
360 Notice to the provider and an opportunity to go forward with
361 evidence rebutting the presumption in an informal setting shall
362 be provided. Pending any judicial determination, the district
363 may set off the amounts in question against any other amounts
364 owed or to be owed to the provider. If informal resolution
365 cannot be reached between the parties, a formal mediation
366 conference shall be requested by the board of trustees. Venue
367 for any legal proceedings is in the Circuit Court of Lake
368 County.

369 E. The board of trustees shall adopt and promulgate
370 eligibility verification criteria and procedures designed to
371 ensure that all recipients of indigent care for which payment is
372 sought under this act are qualified by the provider as medically
373 indigent persons and residents of the district.

374 F. Any indigent care for which payment is requested in
375 whole or in part from the district must be certified by the
376 provider as medically necessary.

377 G. A provider requesting payment under this act must
378 certify, under penalty of perjury, that the eligibility
379 verification procedures adopted by the board of trustees have
380 been complied with and that he or she, in good faith, believes

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381 that the person is qualified to receive indigent care under this
382 act.

383 H. If estimated payments are made to a provider eligible
384 to receive payment from the district, to ensure public
385 oversight, accountability, and public benefit, the hospital or
386 clinic shall maintain such funds in a separate accounting fund
387 and document each payment or draw down from that account so that
388 a complete audit record is established. The separate account and
389 all direct support documentation that is part of the audit
390 record is subject to disclosure as provided in chapter 119,
391 Florida Statutes.

392 I. Annual financial statements.-All hospitals receiving
393 any payments from the district in a given fiscal year, and their
394 parent corporations and foundations, shall each file annual
395 audited financial statements with the district.

396 J. The board of trustees shall timely provide to each
397 member of the Lake County Legislative Delegation:

398 1. All financial statements and reports of the district.

399 2. All audit reports of the district and of all providers
400 that are the subjects of audits initiated by the district.

401 3. Within 120 days of the end of its fiscal year, which
402 shall be the same as the fiscal year for Lake County government,
403 an annual report for the previous fiscal year providing a
404 detailed review of the performance of the district containing
405 actual data and analyses of patients served, the names and types
406 of providers used, the ratio of administrative to direct patient
407 expenditures, problems encountered, and recommendations for
408 improvement, including proposed legislative changes to this act.

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409 Section 9. FINANCIAL DISCLOSURE AND NOTICE.-

410 A. Members of the board of trustees are subject to the
411 financial disclosure requirements provided in general law.

412 B. Except as otherwise expressly required in this act, the
413 board of trustees is subject to the reporting, notice, and
414 public meetings requirements of sections 189.415, 189.417, and
415 189.418, Florida Statutes. All meeting and workshop notices and
416 minutes of meetings and workshops shall be posted online on a
417 publicly accessible website maintained by the district.

418 Section 10. AMENDMENTS TO THE CHARTER.-This act may not be
419 amended except by action of the Legislature.

420 Section 11. SOVEREIGN IMMUNITY.-For purposes of sovereign
421 immunity pursuant to section 768.28(2), Florida Statutes, any
422 primary care clinic physically located in the district the main
423 purpose of which is to provide indigent care and which directly
424 delivers that care for compensation from the district as
425 provided in this act, and any health care provider who
426 volunteers his or her services to the primary care clinics to
427 provide indigent care without receiving personal financial
428 compensation, shall be conclusively deemed to be primarily
429 acting as an instrumentality of the state.

430 Section 12. COMPREHENSIVE PLANNING.-Except as may
431 otherwise be required by general law, comprehensive planning is
432 not required by this act.

433 Section 13. ESTABLISHMENT AND DISSOLUTION OF THE
434 DISTRICT.-The district, established pursuant to section
435 189.4042, Florida Statutes, is reestablished by this act as a

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436 special district under chapter 189, Florida Statutes. The
437 district may be dissolved by action of the Legislature.

438 Section 14. DURATION AND CONTINUATION.—The district
439 expires and shall be dissolved at the end of its fiscal year in
440 2017 without further action by the Legislature. However, the
441 district may be continued at the end of that period for 10 years
442 if in the general election in 2016 a majority of the electors
443 voting in a referendum called for that purpose approve its
444 continuation. The district is subject to a continuation vote in
445 like manner every 10 years thereafter. If the district is
446 dissolved without further action by the Legislature as provided
447 in this act, all property owned by the district is transferred
448 to, and all indebtedness of the district is assumed by, the Lake
449 County Board of County Commissioners effective upon such
450 dissolution.

451 Section 15. REFERENDUM.—The Board of County Commissioners
452 of Lake County shall call, and the Supervisor of Elections of
453 Lake County shall conduct, in conjunction with the general
454 election to be held on November 8, 2016, or such other general
455 election date as provided by general law, a referendum as
456 follows:

457
458 CONTINUATION OF THE NORTH LAKE COUNTY HOSPITAL DISTRICT
459

460 Shall the independent special district known as the
461 North Lake County Hospital District with authority to
462 levy each year an ad valorem tax not to exceed 1 mill

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2012)

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463 to fund indigent care to qualified residents of the
464 district be continued for another 10 years?

465
466 Yes

467
468 No

469
470 Section 4. Chapters 2002-348 and 2004-460, Laws of
471 Florida, are repealed.

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