

1 A bill to be entitled
2 An act relating to Lee Memorial Health System, Lee
3 County; amending chapter 2000-439, Laws of Florida;
4 providing that the operation and maintenance of
5 certain projects, activities, and products by the Lee
6 Memorial Health System Board of Directors are deemed a
7 public purpose; authorizing the system board to
8 establish, fund, support, organize, and participate in
9 such projects, activities, and products; providing for
10 a quorum; deleting a reporting requirement; revising
11 provisions relating to powers of the system board and
12 system funds; providing general and special powers of
13 the Lee Memorial Health System; exempting from taxes
14 certain notes, mortgages, security agreements, letters
15 of credit, or other instruments; providing an
16 exception; revising the ways funds of the system board
17 may be paid out; authorizing the system board to
18 invest specified funds; conforming provisions to
19 changes made by the act; providing for applicability;
20 providing for severability; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Sections 3, 4, 7, 10, 13, and 18 of chapter

26 | 2000-439, Laws of Florida, are amended, and sections 20 and 21
27 | are added to that chapter, to read:

28 | Section 3. The operation and maintenance of the public
29 | health system, ~~and~~ the construction of health system facilities,
30 | and such other projects, activities, and products provided for
31 | in this act are declared to be a public purpose.

32 | Section 4. The Lee Memorial Health System Board of
33 | Directors, hereinafter called the system board, is hereby
34 | authorized to establish and to provide for the operation and
35 | maintenance of a public health care system comprised of
36 | hospitals; satellite hospitals; clinics; or other facilities
37 | devoted to the provision of health care services intended to
38 | improve the physical, spiritual, emotional, or mental health of
39 | those persons utilizing such services, or of services to prevent
40 | sickness, injury, or disease, including those which are intended
41 | to promote a healthful lifestyle, and such other facilities or
42 | services as the system board shall deem appropriate to provide a
43 | full range of health care services to the population the public
44 | health care system may serve, and to establish, fund, support,
45 | organize, and participate in other projects, activities, and
46 | products which benefit the population served by the Lee Memorial
47 | Health System. The system board is authorized to construct and
48 | equip the necessary buildings for the aforesaid purposes and to
49 | construct extensions, additions, and improvements thereto from
50 | time to time, and to lease as lessee or lessor, or purchase or

51 sell any land or any interest in land. The system board is
52 authorized and empowered to carry out its functions directly or
53 indirectly through other companies it controls through joint
54 ventures or partnerships with other public or private
55 organizations.

56 Section 7. The system board shall elect annually from its
57 members a chair, vice-chair, secretary, and treasurer, who shall
58 be the officers of the system board. The system board shall
59 cause true and accurate minutes and records to be kept of all
60 business transacted by the system board and shall keep full,
61 true, and complete books of accounts and records, which minutes,
62 records, and books of account and the current line item budget
63 shall at all reasonable times be open and subject to inspection
64 and copying pursuant to the provisions of the constitution and
65 laws of Florida. A majority of the then-elected and serving
66 members of the system board constitutes a quorum of the system
67 board for the purpose of conducting its business and exercising
68 its powers and for all other purposes. Action may be taken by
69 the system board upon an affirmative vote of a majority of those
70 system board members attending a system board meeting at which a
71 quorum is in attendance. The system board may conduct meetings
72 of the system board, including, without limitation, workshops
73 and board committee meetings, in whole or partially by means of
74 communications media technology, if it so chooses. The
75 utilization of communications media technology at any such

76 meeting shall be governed by the system board's policies
 77 pertaining to the use of such technology. The participation by a
 78 system board member in a system board meeting conducted in whole
 79 or partially through communications media technology and in
 80 accordance with system board policies constitutes that
 81 individual's presence at such meeting for all purposes,
 82 including for purposes of establishing that a quorum is in
 83 attendance, when a quorum is needed. As used in this section,
 84 the term "communications media technology" includes, without
 85 limitation, the electronic transmission of printed matter,
 86 audio, full-motion video, freeze-frame video, compressed video,
 87 and digital video by any method available now or in the future.

88 All meetings of the system board shall be open to the general
 89 public pursuant to general law. At least once a year the system
 90 board shall cause the financial records and accounts of the
 91 health care system to be audited by a certified public
 92 accountant authorized to practice public accounting in Florida
 93 and a certified public account audit report to be prepared. ~~The~~
 94 ~~audit, together with a copy of the health system's current~~
 95 ~~annual budget, shall be filed annually with the Clerk of the~~
 96 ~~Circuit Court of Lee County.~~

97 Section 10. The Lee Memorial Health System Board of
 98 Directors shall have the authority to operate and conduct the
 99 business of the public health system and such other projects,
 100 activities, and products, and consistent therewith, shall have

101 the following powers:

102 (1) The system board is authorized to pay all expenses of
103 operation of the Lee Memorial Health System and all other
104 necessary expenses incurred, including the fees and expenses of
105 attorneys retained by the system board or the chief executive
106 officer of the Lee Memorial Health System, in the transaction of
107 the business of the public health care system, and in carrying
108 out and accomplishing the purposes of this act.

109 (2) The Lee Memorial Health System may sue and be sued in
110 the name of Lee Memorial Health System; provided that in any
111 suit, a change in personnel of the system board shall not abate
112 the suit, which shall proceed as if such change had not taken
113 place. In all suits against the Lee Memorial Health System,
114 service of process shall be had on the chief executive officer
115 of the hospital, or in his absence on any officer of the system
116 board.

117 (3) To the fullest extent permitted by the state law, the
118 system board may create, be a voting member of, choose directors
119 to serve on the boards of, be a partner in, or participate in or
120 control, any venture, corporation, partnership, or other
121 organization, public or private, which the system board finds
122 operates for the purposes consistent with, and in furtherance
123 of, the purposes and best interests of the Lee Memorial Health
124 System.

125 (4) The system board may make, or authorize its chief

126 executive officer to make, contracts of all kinds, including,
 127 but not limited to, the sale or purchase of real property within
 128 and beyond the boundaries of Lee County and may enter into
 129 leases of real and personal property of any kind or description,
 130 either as lessor or lessee, within and beyond the boundaries of
 131 Lee County. Any such purchase of real property may be obtained,
 132 subject to one or more existing mortgages, or may be purchased
 133 by installment sale or purchase money financing, provided that
 134 any such assumed mortgage, installment sale, or new mortgage
 135 shall be nonrecourse to other property of the system board.

136 (5) The system board is authorized to accept gifts,
 137 bequests, grants, endowments, and conveyances from any source.

138 (6) The system board is authorized and empowered, in order
 139 to provide for and carry out the work of this act, to borrow
 140 money from time to time and in accordance with the constitution
 141 and law, and to issue the notes or bonds of the Lee Memorial
 142 Health System upon such terms and upon such rates of interest as
 143 the system board may deem advisable, to the fullest extent
 144 permitted by general law, all such notes, bonds, and any other
 145 evidence of indebtedness, including the transfer, and the income
 146 therefrom and any profit made on the sale thereof, as well as
 147 any notes, mortgages, security agreements, letters of credit, or
 148 other instruments which arise out of or are given to secure the
 149 repayment of such indebtedness, shall be exempt from all taxes
 150 by the state or any local unit, political subdivision, or other

151 instrumentality of the state, except any tax imposed by chapter
152 220 on interest, income, or profits on debt obligations owned by
153 corporations.

154 (7) The system board may enter into any and all types of
155 derivative agreements as may be used by prudent borrowers,
156 lenders, or investors, which are intended to minimize the risk
157 of financial loss or maximize the financial return in connection
158 with its bonds, notes, or investments, or for any other purpose,
159 subject to the system board's investment policy referenced in
160 section 13.

161 (8) The system board may, or may authorize its chief
162 executive officer to, settle or compromise any claim, suit, or
163 action brought against the Lee Memorial Health System or any of
164 its subsidiaries, or affiliated organizations, or any of its
165 directors, officers, or employees when such claim, suit, or
166 action arises out of such directors', officers', or employees'
167 acts or omissions in the course of employment or the performance
168 of official duties, consistent with the provisions of the
169 Florida Waiver of Sovereign Immunity Act, as such act may be in
170 effect at the time of such settlement or compromise. This
171 subsection shall not be construed as authorizing or requiring
172 any settlement in excess of those limits imposed by the
173 foregoing general act.

174 (9) The system board may take any other action consistent
175 with the efficient and effective operation of the public health

176 care system and such other projects, activities, and products
177 provided for by this act, consistent with the constitution and
178 laws of Florida.

179 Section 13. Funds of the Lee Memorial Health System may be
180 paid out ~~only~~ upon drafts, checks, wire transfers, electronic
181 bank transfers, or warrants signed or approved by persons duly
182 authorized by the system board to execute such instruments for
183 purposes consistent with this act. The system board may adopt
184 rules for the payment of lesser sums in cash, and a petty cash
185 fund or funds may be established for such purpose with the
186 maximum amount payable in cash in one transaction fixed by the
187 system chief executive officer. All funds of the system board
188 shall be deposited in banks which are qualified under state law
189 to accept deposits of public funds. In addition to any
190 investment permitted by general law, the system board shall be
191 and is hereby authorized and empowered to invest any funds in
192 its control or possession in accordance with an investment
193 policy approved by the system board consistent with section
194 218.415, Florida Statutes, which mandates prudent investment
195 practices and shall include, among other items, the investment
196 objectives and permitted securities of the policy. Such
197 investment policy shall be designed to maximize the financial
198 return to the fund consistent with the risks incumbent in each
199 investment and shall be designed to preserve the appropriate
200 diversification of the portfolio. ~~The system board may deposit~~

201 ~~or invest its surplus funds in interest-bearing accounts,~~
202 ~~instruments, or securities, to the fullest extent permitted by~~
203 ~~general law.~~ In addition, the system board may invest its
204 surplus funds provided in section 218.415, Florida Statutes, and
205 such other investments as are authorized by the system board and
206 permitted by the system board investment policy. ~~as follows:~~

207 ~~(1) Without limitation in:~~

208 ~~(a) Bonds, notes, or other obligations of the United~~
209 ~~States or those guaranteed by the United States or for which the~~
210 ~~credit of the United States is pledged for the payment of the~~
211 ~~principal and interest or dividends thereof.~~

212 ~~(b) State bonds pledging the full faith and credit of the~~
213 ~~state and revenue bonds additionally secured by the full faith~~
214 ~~and credit of the state.~~

215 ~~(c) Bonds of the several counties or districts in the~~
216 ~~state containing a pledge of the full faith and credit of the~~
217 ~~county or district involved.~~

218 ~~(d) Savings accounts in, or certificates of deposit of,~~
219 ~~any bank, savings bank, or savings and loan association~~
220 ~~incorporated under the laws of the United States doing business~~
221 ~~and situated in this state, the accounts of which are insured by~~
222 ~~the Federal Government or an agency thereof, in an amount that~~
223 ~~does not exceed 15 percent of the net worth of the institution,~~
224 ~~provided such savings accounts and certificates of deposit are~~
225 ~~secured in the manner prescribed in chapter 280, Florida~~

226 Statutes.

227 ~~(e) Obligations of the Federal Farm Credit Banks and~~
228 ~~obligations of the Federal Home Loan Bank and its district~~
229 ~~banks.~~

230 ~~(f) Obligations of the Federal Home Loan Mortgage~~
231 ~~Corporation including participation certificates.~~

232 ~~(g) Obligations guaranteed by the Government National~~
233 ~~Mortgage Association.~~

234 ~~(h) Commercial paper of prime quality of the highest~~
235 ~~letter and numerical rating as provided for by at least one~~
236 ~~nationally recognized rating service.~~

237 ~~(i) Time drafts or bills of exchange drawn on and accepted~~
238 ~~by a commercial bank, otherwise known as banker's acceptances,~~
239 ~~which are accepted by a member bank of the Federal Reserve~~
240 ~~System having total deposits of not less than \$400 million.~~

241 ~~(j) Short-term obligations not authorized elsewhere in~~
242 ~~this section, to be purchased individually or in pooled accounts~~
243 ~~or other collective investment funds, for the purpose of~~
244 ~~providing liquidity to any fund or portfolio.~~

245 ~~(k) Securities of, or other interest in, any open-end or~~
246 ~~closed-end management type investment company or investment~~
247 ~~trust registered under the Investment Company Act of 1940, 15~~
248 ~~U.S.C. ss. 80a-1 et seq., as amended from time to time, provided~~
249 ~~that the portfolio of such investment company or investment~~
250 ~~trust is limited to obligations of the United States Government~~

251 ~~or any agency or instrumentality thereof and to repurchase~~
252 ~~agreements fully collateralized by such United States Government~~
253 ~~obligations and provided that such investment company or~~
254 ~~investment trust takes delivery of such collateral either~~
255 ~~directly or through an authorized custodian.~~

256 ~~(2) With no more than 25 percent of its funds in:~~

257 ~~(a) Bonds, notes, or obligations of any municipality or~~
258 ~~political subdivision or any agency or authority of this state,~~
259 ~~if such obligations are rated in any one of the three highest~~
260 ~~ratings by two nationally recognized rating services. However,~~
261 ~~if only one nationally recognized rating service shall rate such~~
262 ~~obligations, then such rating service must have rated such~~
263 ~~obligations in any one of the two highest classifications~~
264 ~~heretofore mentioned.~~

265 ~~(b) Notes secured by first mortgages on Florida real~~
266 ~~property, insured or guaranteed by the Federal Housing~~
267 ~~Administration or the United States Department of Veterans~~
268 ~~Affairs.~~

269 ~~(c) Mortgage pass-through certificates, meaning~~
270 ~~certificates evidencing ownership of an undivided interest in~~
271 ~~pools of conventional mortgages on real property which is~~
272 ~~improved by a building or buildings used for residential~~
273 ~~purposes for one to four families when:~~

274 ~~1. Such real property is located in this state;~~

275 ~~2. Such mortgages are originated by one or more banks or~~

276 ~~savings and loan associations organized under the laws of this~~
277 ~~state, by national banks or federal savings and loan~~
278 ~~associations having their principal place of business in this~~
279 ~~state, or by a lender that is approved by the Secretary of the~~
280 ~~United States Department of Housing and Urban Development for~~
281 ~~the participation in any mortgage insurance program under the~~
282 ~~National Housing Act and has its principal place of business in~~
283 ~~this state, or by any combination thereof; and~~

284 ~~3.— Such mortgages are transferred or assigned to a~~
285 ~~corporate trustee acting for the benefit of the holders of such~~
286 ~~certificates.~~

287 ~~(d)— Obligations of the Federal National Mortgage~~
288 ~~Association.~~

289 ~~(e)— Group annuity contracts of the pension investment type~~
290 ~~with insurers licensed to do business in this state, except that~~
291 ~~amounts invested by the board with any one insurer shall not~~
292 ~~exceed 3 percent of its assets.~~

293 ~~(f)— Certain interest in real property and related personal~~
294 ~~property, including mortgages and related instruments on~~
295 ~~commercial or industrial real property, with provisions for~~
296 ~~equity or income participation or with provisions for~~
297 ~~convertibility to equity ownership; and interest in collective~~
298 ~~investment funds. Associated expenditures for acquisition and~~
299 ~~operation of assets purchased under this provision shall be~~
300 ~~included as a part of the cost of the investment.~~

301 ~~1. The title to real property acquired under this~~
 302 ~~paragraph shall be vested in the name of the respective fund.~~

303 ~~2. For purposes of taxation of property owned by any fund,~~
 304 ~~the provisions of section 196.199(2)(b), Florida Statutes, do~~
 305 ~~not apply.~~

306 ~~3. Real property acquired under the provisions of this~~
 307 ~~paragraph shall not be considered state lands or public lands~~
 308 ~~and property as defined in chapter 253, Florida Statutes, and~~
 309 ~~the provisions of that chapter do not apply to such real~~
 310 ~~property.~~

311 ~~(g) General obligations backed by the full faith and~~
 312 ~~credit of a foreign government which has not defaulted on~~
 313 ~~similar obligations for a minimum period of 25 years prior to~~
 314 ~~purchase of the obligation and has met its payments of similar~~
 315 ~~obligations when due.~~

316 ~~(h) Obligations of agencies of the government of the~~
 317 ~~United States, provided such obligations have been included in~~
 318 ~~and authorized by the Florida Retirement System Total Fund~~
 319 ~~Investment Plan established in section 215.475, Florida~~
 320 ~~Statutes.~~

321 ~~(i) United States dollar denominated obligations by~~
 322 ~~foreign governments, or political subdivisions or agencies~~
 323 ~~thereof, or foreign corporations or foreign commercial entities.~~

324 ~~(3) With no more than 50 percent of its funds in common~~
 325 ~~stock, preferred stock, and interest-bearing obligations of a~~

326 ~~corporation having an option to convert into common stock,~~
327 ~~provided:~~

328 ~~(a) The corporation is organized under the laws of the~~
329 ~~United States, any state or organized territory of the United~~
330 ~~States, or the District of Columbia.~~

331 ~~(b) The corporation is listed on any one or more of the~~
332 ~~recognized national stock exchanges in the United States and~~
333 ~~conforms with the periodic reporting requirements under the~~
334 ~~Securities Exchange Act of 1934.~~

335
336 ~~The system board shall not invest more than 10 percent of the~~
337 ~~equity assets of its funds in the common stock, preferred stock,~~
338 ~~and interest-bearing obligations having an option to convert~~
339 ~~into common stock, of any one issuing corporation; and the~~
340 ~~system board shall not invest more than 3 percent of the equity~~
341 ~~assets of any funds in such securities of any one issuing~~
342 ~~corporation except to the extent a higher percentage of the same~~
343 ~~issue is included in a nationally recognized market index, based~~
344 ~~on market values at least as broad as the Standard and Poor's~~
345 ~~Composite Index of 500 Companies, or except upon a specific~~
346 ~~finding by the system board that such higher percentage is in~~
347 ~~the best interest of the system board. The system board may only~~
348 ~~sell listed options to reduce investment risks, to improve cash~~
349 ~~flow, or to provide alternative means for the purchase and sale~~
350 ~~of underlying investment securities. Reversing transactions may~~

351 ~~be made to close out existing option positions.~~

352 ~~(4) With no more than 80 percent of its funds, in~~
353 ~~interest-bearing obligations with fixed maturity of any~~
354 ~~corporation or commercial entity within the United States.~~

355

356 ~~For the purpose of determining the above investment limitations,~~
357 ~~the value of bonds shall be the par value thereof, and the value~~
358 ~~of evidences of ownership and interest-bearing obligations~~
359 ~~having an option to convert to ownership shall be the cost~~
360 ~~thereof. Investments in any securities authorized by this~~
361 ~~section may be under repurchase agreements or reverse repurchase~~
362 ~~agreements. Investments made by the system board may be~~
363 ~~designated to maximize the financial return to the fund~~
364 ~~consistent with the risks incumbent in each investment and shall~~
365 ~~be designed to preserve an appropriate diversification of the~~
366 ~~portfolio. The system board is authorized to buy and sell~~
367 ~~futures and options, provided the instruments for such purpose~~
368 ~~are traded on a securities exchange or board of trade regulated~~
369 ~~by the Securities and Exchange Commission or the Commodity~~
370 ~~Futures Trading Commission, unless the system board by rule~~
371 ~~authorizes a different market. The system board is authorized to~~
372 ~~invest in domestic or foreign national principal contracts.~~

373 Section 18. The Lee Memorial Health System is authorized
374 to own and operate facilities and provide services and products
375 in conformity with this act both within and beyond the

376 ~~boundaries of Lee County shall be entitled to a lien for all~~
377 ~~reasonable charges for hospital, physician, and other health~~
378 ~~care services provided by the Lee Memorial Health System to ill~~
379 ~~or injured persons, upon the proceeds of all causes of action,~~
380 ~~suits, claims, counterclaims, and demands accruing to said~~
381 ~~persons or to their legal representatives, and upon all~~
382 ~~judgments, settlements, and settlement agreements rendered or~~
383 ~~entered into by virtue thereof, on account of injuries giving~~
384 ~~rise to such causes of action, suits, claims, counterclaims,~~
385 ~~demands, judgments, settlements, or settlement agreements, which~~
386 ~~injuries shall have necessitated such hospital, physician, and~~
387 ~~other services provided to such ill or injured persons. Lee~~
388 ~~Memorial Health System shall perfect and be entitled to enforce~~
389 ~~such lien as follows:~~

390 ~~(1) In order to perfect the lien provided for herein, the~~
391 ~~Lee Memorial Health System chief executive officer or an~~
392 ~~employee or employees of the Lee Memorial Health System~~
393 ~~authorized by the chief executive officer shall, before or~~
394 ~~within 10 days after such ill or injured person shall have been~~
395 ~~discharged from a Lee Memorial Health System hospital, file in~~
396 ~~the office of the Lee County Clerk of Circuit Court, a verified~~
397 ~~written notice of lien setting forth the name and address of the~~
398 ~~ill or injured person as they may appear in the records of said~~
399 ~~health system hospital, the name and location of said hospital,~~
400 ~~the name and address of the employee or other authorized person~~

401 ~~preparing the notice of lien, the date of admission to said~~
402 ~~hospital and the date of discharge from said hospital, the~~
403 ~~amount claimed to be due for hospital, physician, and other~~
404 ~~services provided, and to the best knowledge of the person~~
405 ~~preparing the notice of lien, the names and addresses of all~~
406 ~~persons, firms, or corporations who may be claimed by such ill~~
407 ~~or injured person or by the legal representative of such person,~~
408 ~~to be liable on account of such illness or injuries. When the~~
409 ~~notice of lien is filed, a copy thereof shall be sent by United~~
410 ~~States Postal Service to the ill or injured person, to said~~
411 ~~person's attorney, if known, and to all persons, firms, or~~
412 ~~corporations named in such notice of lien. The filing and~~
413 ~~mailing of the notice of lien in accordance with this section~~
414 ~~shall be notice thereof to all persons, firms, or corporations~~
415 ~~who may be liable on account of such illness or injuries, and to~~
416 ~~any other persons, firms, or corporations that may have an~~
417 ~~interest in the aforesaid causes of action, suits, claims,~~
418 ~~counterclaims, demands, judgments, settlements, or settlement~~
419 ~~agreements, whether or not they are named in the notice of lien,~~
420 ~~and whether or not a copy of the notice of lien shall have been~~
421 ~~received by them.~~

422 ~~(2) The Lee County Clerk of Circuit Court shall endorse on~~
423 ~~the written notice of lien the date and hour of filing and shall~~
424 ~~record said notice of lien in the Official Records of Lee~~
425 ~~County. The Clerk of Circuit Court shall be entitled to a fee~~

426 ~~from the Lee Memorial Health System for filing and recording the~~
427 ~~notice of lien that shall be the same fee as provided by general~~
428 ~~law for the filing and recording of other instruments.~~

429 ~~(3) No release or satisfaction of any cause of action,~~
430 ~~suit, claim, counterclaim, demand, judgment, settlement, or~~
431 ~~settlement agreement shall be valid or effectual as against the~~
432 ~~lien of Lee Memorial Health System unless the lienholder shall~~
433 ~~join therein or execute a release of its lien prior to the~~
434 ~~payment of any proceeds thereof. Any acceptance of a release or~~
435 ~~satisfaction of any cause of action, suit, claim, counterclaim,~~
436 ~~demand, judgment, settlement, or settlement agreement in the~~
437 ~~absence of a release or satisfaction of the lien of Lee Memorial~~
438 ~~Health System shall prima facie constitute an impairment of such~~
439 ~~lien and the lienholder shall be entitled to a cause of action~~
440 ~~for damages against any and all persons, firms, or corporations~~
441 ~~giving or accepting such release or satisfaction, or paying or~~
442 ~~accepting the proceeds from the same. In such action, Lee~~
443 ~~Memorial Health System may recover the full amount of its~~
444 ~~charges for such hospital, physician, or other health care~~
445 ~~services; regardless of the amount of proceeds paid or received~~
446 ~~in impairment of its lien. Satisfaction of a judgment rendered~~
447 ~~in favor of Lee Memorial Health System in such action shall~~
448 ~~operate as a satisfaction of the lien. The action by the~~
449 ~~lienholder shall be brought in the court in Lee County having~~
450 ~~jurisdiction of the amount of the lienholder's claim. If Lee~~

451 ~~Memorial Health System shall prevail in such action, it shall be~~
452 ~~entitled to recover from the defendant or defendants, in~~
453 ~~addition to costs otherwise allowable by law, all reasonable~~
454 ~~attorney fees and expenses.~~

455 ~~(4) No person shall be entitled to recover or receive~~
456 ~~damages based on the expense of hospital, physician, or other~~
457 ~~health care services provided by Lee Memorial Health System~~
458 ~~unless that person shall affirmatively show that Lee Memorial~~
459 ~~Health System's charges have been paid. Provided, however, that~~
460 ~~in any action, suit, or counterclaim brought on account of~~
461 ~~illness or injury, the plaintiff or counterclaimant may include~~
462 ~~as an item of damages the expense of such hospital, physician,~~
463 ~~or other health care services provided by Lee Memorial Health~~
464 ~~System, if prior to trial he or she shall have notified Lee~~
465 ~~Memorial Health System in writing of the pendency of such~~
466 ~~action, suit, or counterclaim; whereupon the lienholder shall~~
467 ~~have the right, without leave of court, to intervene in the case~~
468 ~~and prove the amount of its charges for such hospital,~~
469 ~~physician, or other health care services. Any judgment rendered~~
470 ~~in favor of the plaintiff or counterclaimant shall provide that~~
471 ~~the amount proved by the lienholder to be due shall be deducted~~
472 ~~from the damages awarded and paid to the Lee Memorial Health~~
473 ~~System.~~

474 ~~(5) The provisions of this section shall not be applicable~~
475 ~~to accidents or injuries within the purview of the workers'~~

476 ~~compensation laws of Florida.~~

477 Section 20. The Lee Memorial Health System shall have and
478 exercise all powers necessary, incidental, or convenient to
479 carry out and effectuate any and all purposes for which the Lee
480 Memorial Health System is organized under the provisions of this
481 act.

482 Section 21. The provisions of this act shall be construed
483 liberally in order to carry out its purpose effectively. Any of
484 the enumerated powers herein shall not be construed as a
485 limitation against any remaining powers but shall be construed
486 as cumulative.

487 Section 2. If any section, paragraph, sentence, clause,
488 phrase, or other part of this act is declared unconstitutional,
489 or if this act is declared inapplicable in any case, such
490 declaration does not affect the remainder of the act or the
491 applicability of the act in any other case.

492 Section 3. This act shall take effect upon becoming a law.