

CHAPTER 99-431

Senate Bill No. 2668

An act relating to Baker County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to Baker County Hospital District and Baker County Hospital Authority; codifying and reenacting chapter 28887, Laws of Florida, 1953, chapter 30563, Laws of Florida, 1955, chapter 59-1062, Laws of Florida, chapter 63-1108, Laws of Florida, and chapter 92-265, Laws of Florida; providing for the operation of a skilled nursing facility and outpatient medical facility; providing for directors to remain in office pending the appointment of a replacement by the Governor; establishing certain powers and responsibilities of the authority; providing for certain financial procedures of the authority; constituting the authority as an independent special district and providing for levy and collection of ad valorem taxation within the district; appropriating a portion of pari-mutuel revenues for the purposes of the authority; providing that all authority property shall be exempt from taxation of every kind; repealing section 2A, chapter 28887, Laws of Florida, 1953, as amended, relating to the building, erecting, equipping, maintaining, and operating of a geriatric center; providing for construction of the act; providing for repeal of special acts relating to the Baker County Hospital District and Baker County Hospital Authority; providing an effective date.

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

Section 1. Chapter 28887, Laws of Florida, as amended, is codified, reenacted, amended, and repealed as herein provided.

Section 2. The charter of the Baker County Hospital District and Baker County Hospital Authority are re-created and reenacted to read:

Section 1. The entire area embraced within the boundaries or limits of Baker County is declared to be and is established as a public hospital district, to be known as Baker County Hospital District, for the purpose of building, equipping, maintaining, and operating a hospital, geriatric and skilled nursing facility, and outpatient medical care facility within the county for the use and benefit of citizens and residents of Baker County and the extension, when available and feasible, of such care to patients from other and adjoining counties and states.

Section 2. There is created a public, nonprofit authority, which is designated as Baker County Hospital Authority, for the purpose of erecting, building, equipping, maintaining, and operating within the Baker County Hospital District, a hospital, geriatric and skilled nursing facility, and outpatient medical care facility; and authority is hereby given to the authority to build, erect, equip, maintain, and operate such facilities in Baker County. The authority is further authorized, when services are available without injury or deprivation to the citizens and residents of Baker County, to extend the use of such facilities to patients from adjoining and other counties and

states, upon the payment of the cost of the use of such facilities. However, at all times and in all cases, preference in use and services may be given to any patient or patients who may apply who are citizens or residents of Baker County; and the purposes of such facility are hereby declared to be public purposes.

Section 3. The directors of the Baker County Hospital Authority shall consist of five appointed by the Governor for terms of 4 years, except unexpired terms in which case the appointment shall be to the end of such unexpired term only. Upon failure of any person to accept within 30 days after appointment the Governor shall make another appointment. Any director whose term has expired shall remain in office until a replacement is appointed by the Governor. Each member of the authority shall be a citizen and resident of Baker County and be of good character and reputation. No person shall be a member of the authority who is engaged in the practice of medicine or is interested directly or indirectly in any drug business or who holds any of the following offices: clerk of circuit court, sheriff, county judge, superintendent of public instruction, property appraiser, tax collector, state senator, or state representative.

Section 4. The Baker County Hospital Authority shall:

(a) Have perpetual existence.

(b) Be entirely a nonprofit entity, its net earnings to be used solely for its stated purposes herein.

(c) May contract and be contracted with, and may sue and be sued, but the authority shall not be liable for any negligence of any of its officers, agents, or employees, including doctors and surgeons and nurses who may be engaged in work at or about the facilities and shall not be liable for any tort committed by any officer, agent, or employee of the authority.

(d)(1) The members of the authority shall have complete charge of all business and property of the authority, to the same extent and with the same general powers usually given to directors of a private corporation; and a majority of said members shall at any regular or called meeting constitute a quorum; and they shall have power to adopt and promulgate bylaws, and rules and regulations for the management of the authority and the operation and management of the facilities owned by the authority; to employ and discharge all persons who may be employed by the authority; and to fix their salaries; to receive and disburse for its purposes as herein authorized all moneys appropriated to and paid over to the Baker County Hospital Authority, to accept gifts, donations, and grants from the Federal Government or otherwise, for purposes of the authority, including grants of land and donations of money and other property, title to all such real and personal property shall vest in the authority and when deemed by them necessary and advisable, they may sell such property as may be donated and/or acquired and which is not needed for purposes of the authority; to employ and discharge such employees, as in their judgment may be needed for the purposes of the authority.

(2) The authority shall have the power to establish such reasonable charges to be made to patients or their families or to persons legally responsible for the treatment of such patients, as the authority shall determine necessary for the maintenance and operation of its facilities, and for the accomplishment of the maximum good of the people of Baker County; and the authority shall have the power to sue for and collect all amounts which may reasonably be charged to patients or others responsible for them.

(e) The authority shall be and have all the powers of a public body corporate and politic, to establish, acquire, own, and operate its hospital, geriatric, and other facilities, to lease such facilities for operation and to delegate to said lessee such of its rights hereunder as shall be in the opinion of the authority necessary for the operation of the leased facilities; to provide health care services determined by the authority to be in the best interest of the persons utilizing such facilities and services; to do and perform any and all acts or services that may be incidental or necessary to carry out those purposes or intended to improve the physical or mental health of the persons utilizing such facilities and services; to form, contribute to, and participate in all manner of alliances and organizations involved in the delivery, marketing, sale, and payment of health care services; and to engage in any lawful act or activity in which a not-for-profit corporation providing health care services may engage under the laws of Florida, including by way of example and not limitation, the power, the exercise of which is declared to be for a public purpose:

(1) To have perpetual existence as a body politic and corporate.

(2) To adopt and use, and prescribe the use of, a common seal and one or more service marks, and to alter the same at pleasure.

(3) To contract and enter agreements with public and private entities.

(4) To acquire, purchase, hold, develop, improve, modify, lease as lessee or lessor, and convey such real and personal property as the authority may deem proper or expedient to further the purposes of this act, as amended.

(5) To borrow money, incur indebtedness and, by resolution of the authority, to issue notes, revenue certificates, bonds, and other evidences of indebtedness payable from revenues, lease participations, or legally available funds of the authority, and to fund or refund the same, all upon such terms and conditions and containing such provisions as shall be approved by the authority.

(6) To borrow money and, by resolution of the authority, issue anticipation notes payable from the anticipated proceeds of bonds, notes, certificates, lease participations, revenues, grants, agreements with public or private entities, or legally available funds of the authority, and to fund or refund the same, all upon such terms and conditions and containing such provisions as shall be approved by the authority.

(7) To establish and authorize a medical staff to direct and control medical staff and allied health practitioners with privileges to perform professional services in the hospital and other facilities operated by the authority.

The authority may establish bylaws, rules, and regulations governing the organization of such medical staff; the selection, appointment, and reappointment of such medical staff members; the selection, credentialing, and recredentialing of allied health practitioners; the disciplining or removal of medical staff members and allied health practitioners; the delimitation of medical staff and allied health privileges; the professional and administrative duties of members of the medical staff; and such other matters as the authority may address so that the health and well-being of patients and the best interests of the hospital and other facilities authorized pursuant to this act may at all times be served.

(8) To enter into arrangements with other public or private hospitals or entities to provide for the cooperative sharing of facilities and other resources, as well as to provide for the merger or consolidation of hospitals or facilities into the authority's facilities, in order to improve the quality of patient care in Baker County and neighboring counties, achieve higher utilization of resources, improve cost control measures, avoid unnecessary duplication of resources within those counties, and help make it possible for residents of those counties to obtain and afford the benefits of technological and scientific improvements in hospital care and services.

(9) To engage in, and pay from its funds those expenses of the type normally incurred in, the establishment, acquisition, operation, repair, maintenance, expansion, and diversification of an integrated system for the delivery of physical, emotional, mental or other health care services, consisting of, without limitation, hospitals, clinics, health maintenance organizations, ambulatory care facilities, nursing homes and congregate and assisted living facilities, home health providers, hospice facilities, managed care organizations and facilities, other alternative delivery systems now or hereafter conceived, self-insurance and risk-retention programs, captive insurance companies and support organizations, and organizations and facilities intended to prevent sickness, injury, or disease or promote a healthy lifestyle.

(10) To provide either independently or in cooperation with other public or private agencies, an appropriate location or locations for the delivery of quality hospital care and related services and treatment to patients who are determined according to criteria established or approved by the authority to be medically indigent. The authority may establish policies providing at reduced or no charge for the treatment of those patients who, after reasonable inquiry, are found by the hospital management to be without the means to pay in full. The authority may, from time to time, establish guidelines for the hospital management in making such inquiry and determinations. The authority may collect from patients who are found to have the means to pay such charges as the authority may, in its sole discretion, from time to time establish.

(11) To do all things which are customarily done by other hospitals, public or private, similarly situated, and which will further the purposes of this act.

(12) To exercise all implied powers necessary to further the purposes of this act, which implied powers, although not named, are expressly granted.

The express examples of powers enumerated herein shall not be construed to limit or preclude the exercise of any other power, express or implied.

Section 5. (a) The members of the authority shall give a bond for the faithful handling and accounting of all money received by them, from whatever source, for the authority, and for the lawful disbursement thereof, in a sum or sums sufficient to indemnify the authority against all losses, such bond or bonds to be made payable to the authority, and the premiums for said bonds to be paid as an authority expense.

(b) Funds of the authority may be paid out only upon drafts, checks, or warrants signed by persons duly authorized by the authority to execute such instruments for purposes consistent with this act. The authority may authorize the use of facsimile signatures under conditions specified by the authority. All funds of the authority shall be deposited in banks which are qualified under state law to accept deposits of public funds. The authority may deposit or invest its surplus funds in interest-bearing accounts, instruments, or securities, to the fullest extent permitted by general law.

Section 6. The members shall serve the authority without compensation, but shall be reimbursed for their reasonable and necessary expenses incurred in attending to the affairs and business of the authority.

Section 7. (a) The authority shall be and remain an independent special district with the power to levy up to but not in excess of 5 mills of ad valorem taxation per year on all taxable real and personal property located within the boundaries of the Baker County Hospital District.

(b) It shall be the duty of the property appraiser of Baker County to make such assessment and the duty of the tax collector to collect such assessment imposed by the authority when made; and the money collected from such tax shall be paid over monthly to the authority.

(c) It shall be the duty of the authority to prepare a budget and to determine not later than such date of each year as shall enable the county tax collector to perform his or her statutory duties the amount of millage, not exceeding 5 mills, needed and required to be levied for the next ensuing fiscal year for the "Hospital Tax"; and it shall be the duty of all Baker County officials to cooperate with the authority in making available data on which such budget may be made.

Section 8. For the purpose of carrying out the provisions of this act there is hereby appropriated to the authority, the sum of the first \$25,000, or any part thereof, of any and all pari-mutuel revenues in excess of \$33,000 annually that may be received by Baker County under the provisions of chapter 550, Florida Statutes, to be used for the purposes of the authority.

Section 9. The members of the authority may elect one of their members as chair of the authority, and the chair shall exercise such powers with respect to the affairs of the authority as may be given him or her by a duly adopted resolution of the authority. The authority may establish such other officers as deemed necessary from time to time by the authority.

Section 10. All property which may be acquired or owned by the authority shall be exempt from taxation of every kind.

Section 11. The Legislature intends that the provisions of this act shall be liberally construed in order to accomplish the remedial purposes of this act which are to give the authority a reasonable opportunity to manage and develop a hospital or hospitals and other facilities in an increasingly competitive and rapidly changing marketplace in order to provide quality and comprehensive health care for the residents of Baker County. Where strict construction of this act would result in the defeat of the accomplishment of any of the purposes of this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 12. Nothing contained herein shall be deemed to impair the contractual obligation of the authority under any existing lease agreement or contract or to impose any additional obligation on any such contracting party.

Section 13. If any part, section, paragraph or provision of this act should be held unconstitutional, it shall not affect the constitutionality of the remainder of this act.

Section 3. Except as specifically reenacted herein, chapter 25679, Laws of Florida, 1949, chapter 28887, Laws of Florida, 1953, chapter 30563, Laws of Florida, 1955, chapter 59-1062, Laws of Florida, chapter 63-1108, Laws of Florida, and chapter 92-265, Laws of Florida, are repealed.

Section 4. In the event any section, or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 5. In the event of a conflict of the provisions of this act, with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.