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27 facilities; providing retroactive applicability;
 28 providing an effective date.

29

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

31

32 Section 1. Section 3 of chapter 2011-256, Laws of Florida,
 33 is amended to read:

34 Section 1. This act may be cited as the "Citrus County
 35 Hospital and Medical Nursing and Convalescent Home Act."

36 Section 2. As used in this act, the following words and
 37 terms have the following meanings:

38 (1) "Citrus County Hospital Board," "hospital board," and
 39 "board" means the Citrus County Hospital Board.

40 (2) "County" means Citrus County.

41 (3) "County hospital and medical nursing and convalescent
 42 homes" includes hospitals, medical care facilities, clinics, and
 43 other allied medical care units.

44 (4) "Indigent care" means medically necessary health care
 45 provided to Citrus County residents who are determined to be
 46 qualified pursuant to the provisions of the Florida Health Care
 47 Responsibility Act, section 154.304(9), Florida Statutes, and
 48 the Florida Health Care Indigency Eligibility Certification
 49 Standards, Florida Administrative Code, rule 59H-1.0035(30).

50 (5) "Operate" includes build, construct, maintain, repair,
 51 alter, expand, equip, lease pursuant to and consistent with the
 52 provisions of this act, finance, and operate.

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53 (6) "Property" means real and personal property of every
 54 nature whatsoever.

55 (7) "State" means the State of Florida.

56 Section 3. (1) There is hereby created the Citrus County
 57 Hospital Board, an independent special district, and by that
 58 name the board may sue and be sued, plead and be impleaded,
 59 contract and be contracted with, acquire and dispose of property
 60 or any interest therein, and have an official seal. The board is
 61 created as a public nonprofit corporation without stock and is
 62 composed of and governed by the five members herein provided
 63 for, to be known as trustees. The hospital board is hereby
 64 constituted and declared to be an agency of the county and
 65 incorporated for the purpose of operating hospitals, medical
 66 nursing homes, and convalescent homes in the county. The
 67 hospital board shall consist of five trustees appointed by the
 68 Governor, and, upon this act becoming a law, the present members
 69 will automatically become trustees and shall constitute the
 70 board. Their respective terms of office shall be the term each
 71 member is presently serving. All subsequent appointments, upon
 72 the expiration of the present terms, shall be for terms of 4
 73 years each. Upon the expiration of the term of each trustee, the
 74 successor shall be appointed by the Governor. Likewise, any
 75 vacancy occurring shall be filled by appointment by the Governor
 76 for the unexpired term. Each appointment by the Governor is
 77 subject to approval and confirmation by the Senate.

78 (2) The trustees of the board shall elect from among its

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79 members a chair, a vice chair, and a secretary-treasurer, who
 80 shall each hold office for a period of 1 year. Each trustee
 81 shall execute a bond in the penal sum of \$5,000 with a good and
 82 sufficient surety of a surety company authorized under the laws
 83 of the state to become surety, payable to the Citrus County
 84 Hospital Board, conditioned upon the faithful performance of the
 85 duties of the trustee, which bonds shall be approved by the
 86 remaining trustees of the board and shall be filed with the
 87 Board of County Commissioners of Citrus County. The premiums on
 88 such bonds shall be paid by the hospital board.

89 (3) The hospital board shall comply with the applicable
 90 requirements of chapter 280, Florida Statutes, and part IV of
 91 chapter 218, Florida Statutes.

92 (4) Any and all funds so deposited shall be withdrawn by a
 93 check or warrant signed by two trustees of the hospital board,
 94 of which one shall be the chair, vice chair, or secretary-
 95 treasurer. No check or warrant exceeding the sum of \$25,000
 96 shall be delivered to the payee without approval thereof shown
 97 in the minutes of the hospital board meeting.

98 Section 4. The trustees of the board shall receive no
 99 compensation for their services. Three trustees shall constitute
 100 a quorum of the hospital board for the purpose of conducting its
 101 business and exercising its powers and for all other purposes.
 102 Action may be taken by the board only upon a vote in the
 103 affirmative of three trustees thereof.

104 Section 5. The Citrus County Hospital Board as hereby

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105 created shall be for the purpose of operating, in Citrus County,
 106 public hospitals, medical nursing homes, and convalescent homes,
 107 primarily and chiefly for the benefit of the citizens and
 108 residents of Citrus County. Authority is hereby given to the
 109 board to build, erect, expand, equip, maintain, operate, alter,
 110 change, lease pursuant to and consistent with the provisions of
 111 this act, and repair public hospitals, medical nursing homes,
 112 and convalescent homes in Citrus County. The corporation is
 113 authorized, when rooms and services are available, without
 114 detriment or deprivation to the citizens and residents of Citrus
 115 County, to extend the hospitalization and medical nursing home
 116 and convalescent home services provided by such hospitals,
 117 medical nursing homes, and convalescent homes to patients from
 118 adjoining and other counties of Florida and from other states,
 119 upon the payment of the cost of such hospitalization, medical
 120 nursing home services, and convalescent home services as may be
 121 determined by the trustees of the hospital board. The board
 122 shall have the power and authority to operate an ambulance
 123 system and ambulance services and to charge all patients for all
 124 services rendered in any facility owned or operated by the
 125 hospital board, including the ambulance facility. The board may
 126 charge a patient interest on the patient's account; sell,
 127 discount, or assign such account to a bank, finance company,
 128 collection agency, or other type of collection facility; accept
 129 promissory notes or other types of debt obligations from a
 130 patient; assign or discount such accounts receivable, notes, or

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131 other obligations; require a patient to guarantee the payment of
 132 an existing account or note; require a guarantee of payment
 133 before admitting a patient; and receive and assign any
 134 assignment of all types of insurance proceeds. In addition to
 135 all other powers, the board shall have the power and authority
 136 to:

137 (1) Provide for the payment of indigent care services by
 138 private health care providers in the county, or to partner with
 139 other entities such as the Department of Health, in furtherance
 140 of the hospital board's public purpose and the necessity for the
 141 preservation of the public health and welfare of the residents
 142 of the county by the hospital board.

143 (2) Develop and implement a county health plan.

144 (3) In its discretion, create an irrevocable community
 145 trust or foundation to manage the proceeds of a lease of the
 146 hospital and its facilities to a private for-profit entity.

147 (a) The board may create and staff an irrevocable
 148 community trust or foundation to manage the proceeds of a lease
 149 of the hospital and its facilities to a private for-profit
 150 entity if such lease results in net proceeds that exceed
 151 existing debt associated with the hospital and its facilities
 152 for loans, notes, revenue bonds, or other bond obligations and a
 153 reasonable estimate of the board's administrative costs and
 154 costs to facilitate, manage, or enforce the lease and its
 155 covenants for the term of the lease. Such proceeds and any
 156 interest derived therefrom may be appropriated by the

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157 irrevocable community trust or foundation only for the medically
 158 related needs of citizens and residents of Citrus County.

159 (b) The governing body of the community trust or
 160 foundation must include at least two members who are citizens of
 161 Citrus County who shall be elected on a nonpartisan, countywide
 162 basis to serve a single 4-year term, except, for purposes of
 163 establishing staggered terms, the term of one initial citizen
 164 member shall be for 2 years. A citizen member may not serve more
 165 than one term on the governing body of the irrevocable community
 166 trust or foundation. Any vacancy occurring during a term of
 167 office for a citizen member shall be filled by appointment of
 168 the board for the remainder of the unexpired portion of the
 169 term. Upon the request of the board, the Supervisor of Elections
 170 for Citrus County shall conduct elections to fill the seats of
 171 the citizen members of the governing body of the irrevocable
 172 community trust or foundation.

173 (c) The irrevocable community trust or foundation shall be
 174 considered a quasi-governmental entity and must comply with all
 175 disclosure, accountability, ethics, and government-in-the-
 176 sunshine requirements which apply both to governmental entities
 177 and to their elected and appointed officials.

178 (d) The irrevocable community trust or foundation is
 179 subject to the audit authority of the Clerk of the Court for
 180 Citrus County.

181 ~~Section 6. The board of county commissioners shall levy or~~
 182 ~~cause to be levied each year beginning July 1, 1965, the millage~~

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183 ~~certified to the board of county commissioners by the trustees~~
 184 ~~of the board upon all taxable real and personal property in~~
 185 ~~Citrus County, not including, however, homestead property that~~
 186 ~~is exempt from general taxation by the Constitution of the State~~
 187 ~~of Florida, for the purpose of erecting, building, equipping,~~
 188 ~~maintaining, changing, altering, repairing, leasing, and~~
 189 ~~operating the public hospital provided for in this act. Such tax~~
 190 ~~shall be known as the hospital tax, and the property appraiser~~
 191 ~~shall make such assessments and the tax collector shall collect~~
 192 ~~such assessments when made. The money collected shall be paid~~
 193 ~~monthly to the board. However, the annual tax levied under this~~
 194 ~~section may not exceed 3 mills.~~

195 Section 6.7. The hospital board is hereby authorized and
 196 empowered to own and acquire property by purchase, lease, gift,
 197 grant, or transfer from the county, the state, or the Federal
 198 Government, or any subdivision or agency thereof, or from any
 199 municipality, person, partnership, or corporation and to
 200 acquire, construct, maintain, operate, expand, alter, repair,
 201 change, lease, finance, and equip hospitals, medical nursing
 202 homes, convalescent homes, medical care facilities, and clinics
 203 in the county.

204 Section 7.8. The hospital board is authorized and
 205 empowered to enter into contracts with individuals,
 206 partnerships, corporations, municipalities, the county, the
 207 state or any subdivision or agency thereof, or the United States
 208 of America or any subdivision or agency thereof to carry out the

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209 purposes of this act.

210 Section 8.9. The hospital board is empowered to and shall
 211 adopt all necessary rules, regulations, and bylaws for the
 212 operation of hospitals, medical nursing homes, and convalescent
 213 homes; provide for the admission thereto and treatment of such
 214 charity patients who are citizens of the state and residents of
 215 the county for the preceding 2 years; set the fees and charges
 216 to be made for the admission and treatment therein of all
 217 patients; and establish the qualifications for members of the
 218 medical profession to be entitled to practice therein.

219 Section 9.10. The hospital board shall have the power to
 220 purchase any and all equipment that may be needed for the
 221 operation of hospitals, medical nursing homes, and convalescent
 222 homes and shall have the power to appoint and hire such agent or
 223 agents, technical experts, attorneys, and all other employees as
 224 are necessary for carrying out the purposes of this act,
 225 regardless of any lease to a not-for-profit corporation,
 226 including the hiring and maintenance of staff personnel as it
 227 may deem appropriate to assist the board in the discharge of its
 228 operational, financial, and statutory responsibilities, and in
 229 carrying out its fiduciary duties to the taxpayers of Citrus
 230 County, and to prescribe their salaries and duties. The board
 231 shall have the power to discharge all employees or agents when
 232 deemed necessary by the board for the carrying out of the
 233 purposes of this act.

234 Section 10.11. At the end of each fiscal year, the Citrus

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235 County Hospital Board shall within 30 days file with the Clerk
 236 of the Circuit Court of Citrus County a full, complete, and
 237 detailed accounting of the preceding year and at the same time
 238 shall file a certified copy of such financial report with the
 239 Board of County Commissioners of Citrus County, which report
 240 shall be recorded in the minutes of the board of county
 241 commissioners. The board of county commissioners, at its
 242 discretion and at the expense of the county, may publish and
 243 report an accounting in a newspaper of general circulation in
 244 Citrus County.

245 Section 11.12. In addition to all other implied and
 246 express powers contained in this act, the board shall have the
 247 express authority to negotiate loans to borrow money from any
 248 state or federal agency for the purpose or purposes of
 249 constructing, maintaining, repairing, altering, expanding,
 250 equipping, leasing, and operating county hospitals, medical
 251 nursing homes, convalescent homes, medical care facilities,
 252 clinics, and all other types of allied medical care units.

253 Section 12.13. (1) In addition to all other implied and
 254 express powers contained in this act, the board shall have the
 255 express authority to borrow money, with or without issuing notes
 256 therefor, for the purpose or purposes of constructing,
 257 maintaining, repairing, altering, expanding, equipping, leasing,
 258 and operating county hospitals, medical nursing homes,
 259 convalescent homes, medical care facilities, clinics, and all
 260 other types of allied medical care units. The board's authority

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261 to borrow money, with or without issuing notes, shall be subject
 262 to the conditions of this act applying to the board's right to
 263 issue revenue bonds.

264 (2) The board shall have express authority to issue bonds,
 265 subject to approval at a referendum of the voters of the county,
 266 and to issue revenue bonds, without a referendum of the voters
 267 of the county, the proceeds of which shall be used for erecting,
 268 equipping, building, expanding, altering, changing, maintaining,
 269 operating, leasing, and repairing such hospitals, medical
 270 nursing homes, and convalescent homes. Such bonds, federal or
 271 state hospital loans, notes, or revenue bonds shall mature
 272 within 30 years after the year in which they are issued or made
 273 and shall be payable in such years and amounts as shall be
 274 approved by the board.

275 (3) The board shall determine the form of the loans,
 276 notes, bonds, and revenue bonds, including any interest coupons
 277 to be attached thereto, and the manner of executing them, and
 278 shall fix the denomination or denominations thereof and the
 279 place or places of payment of principal and interest, which may
 280 be at any bank or trust company within or without the state. In
 281 case a trustee whose signature or a facsimile of whose signature
 282 appears on any loan, note, bond, or revenue certificate or
 283 coupon ceases to be such trustee before the delivery thereof,
 284 such signature or facsimile shall nevertheless be valid and
 285 sufficient for all purposes the same as if the trustee had
 286 remained in office until such delivery. All loan agreements,

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287 notes, bonds, and revenue bonds issued hereunder shall have and
 288 are hereby declared to have all the qualities and incidents of
 289 negotiable instruments under the negotiable instruments law of
 290 the state.

291 (4) Whenever the board passes a resolution approving the
 292 issuance of such bonds, the board shall call for an election
 293 and, subject to such election, permit the repayment of the bonds
 294 out of an annual levy not to exceed 1.5 mills per year. Such
 295 millage is included in the maximum millage of 3 mills per year.
 296 Subject to such limitations, such bonds shall be payable from
 297 the full faith and credit of the board.

298 (5) The loans, notes, and revenue bonds, together with the
 299 interest, shall be payable from gross or net receipts of the
 300 hospital board or any portion thereof.

301 (6) Such loans, notes, bonds, or revenue bonds shall not
 302 bear interest in excess of the maximum rate permitted by the
 303 laws of the state.

304 (7) The board may sell bonds, loans, notes, or revenue
 305 bonds in such manner, either at public or private sale, and for
 306 such price as it may determine to be for the best interest of
 307 the hospital board.

308 Section ~~13.14~~. The total amount of outstanding bonds of
 309 the hospital payable from ad valorem taxation at any one time
 310 shall not exceed an amount equal to 6 times the annual hospital
 311 tax, assuming such tax is based upon the yearly millage of 3
 312 mills.

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313 Section ~~14.15~~. (1) The Citrus County Hospital Board shall
 314 have the authority to enter into leases or contracts with a ~~not-~~
 315 ~~for-profit~~ Florida corporation for the purpose of operating and
 316 managing the hospital and any or all of its facilities of any
 317 kind and nature.

318 (2) The Citrus County Hospital Board shall have the power
 319 and authority to:

320 (a) Provide health care services to residents of the
 321 county through the use of health care facilities not owned and
 322 operated by the hospital board. The provision of such care is
 323 hereby found and declared to be a public purpose and necessary
 324 for the preservation of the public health and welfare of the
 325 residents of the county.

326 (b) Maintain an office.

327 (c) Provide for reimbursement to hospitals, physicians, or
 328 other health care providers or facilities, whether public or
 329 private, and pay private physicians for indigent care.

330 (3) The hospital board is hereby restricted from
 331 reimbursing any health care providers or facilities, including
 332 hospitals and physicians, for their bad debts arising from those
 333 patients who are not eligible for reimbursement under hospital
 334 board guidelines. The hospital board, however, shall continue to
 335 reimburse such health care providers for the medical care of
 336 medically needy patients, to the extent of the hospital board's
 337 financial resources, taking into account funds available from
 338 other sources, including other governmental funding sources.

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339 Section ~~15.16~~. To ensure public oversight, accountability,
 340 and public benefit, in addition to the requirements for any such
 341 lease set forth in section 155.40, Florida Statutes:

342 (1) The not-for-profit corporation shall separately
 343 account for the expenditure of all ad valorem tax moneys
 344 provided to it by the Citrus County Hospital Board, including
 345 maintaining them in a separate accounting fund. The expenditure
 346 for all such public tax funds shall be approved in a public
 347 meeting and separately accounted for annually by the not-for-
 348 profit corporation in a report provided to the Citrus County
 349 Hospital Board.

350 (2) The articles of incorporation, all amendments or
 351 restatements of the articles of incorporation, all corporate
 352 bylaws, all amendments or restatements of the corporate bylaws,
 353 and all other governing documents of the not-for-profit
 354 corporation shall be subject to the approval of the hospital
 355 board, and any such documents that have not heretofore been
 356 approved by the hospital board shall be submitted forthwith to
 357 the hospital board for approval.

358 (3) The hospital board shall be the sole member of the
 359 not-for-profit corporation.

360 (4) The hospital board shall independently approve any
 361 plan of merger or dissolution of the not-for-profit corporation
 362 pursuant to sections 617.1103 and 617.1402, Florida Statutes,
 363 and may reject any such plan in its sole discretion.

364 (5) The members of the hospital board shall be voting

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365 directors of the not-for-profit board of directors who
 366 constitute a majority of the voting directors of the not-for-
 367 profit corporation; and, to the extent that any governance
 368 documents of the not-for-profit corporation do not so presently
 369 provide, the not-for-profit corporation shall forthwith take all
 370 steps necessary to bring them into conformity with this majority
 371 membership requirement.

372 (6) All members of the not-for-profit board of directors
 373 shall be subject to approval by the hospital board, and any
 374 board members presently serving who have not heretofore been
 375 approved by the hospital board shall be submitted forthwith to
 376 the hospital board for approval.

377 (7) The chief executive officer of the not-for-profit
 378 corporation and his or her term of office and any extensions
 379 thereof shall be approved by the hospital board, and the
 380 hospital board may terminate the term of the chief executive
 381 officer of the not-for-profit corporation with or without cause
 382 in its sole discretion, subject to the terms of any and all
 383 then-existing contracts.

384 (8) The hospital board shall approve all borrowing of
 385 money by the not-for-profit corporation in any form and for any
 386 reason in an amount exceeding \$100,000, any additional loan
 387 indebtedness or leases in excess of \$1.25 million per instrument
 388 or contract, and all policies of the not-for-profit corporation
 389 that govern travel reimbursements and contract bid procedures.

390 (9) No annual operating and capital budget of the not-for-

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391 profit corporation shall become effective until approved by the
 392 hospital board.

393 (10) Any capital project of the not-for-profit corporation
 394 having a value in excess of \$250,000 per project, and any
 395 nonbudgeted operative expenditure in excess of \$125,000 in the
 396 per annum aggregate, shall be approved by the hospital board.

397 (11) At the discretion of the hospital board, each and
 398 every year the not-for-profit corporation shall complete an
 399 independent audit of the fiscal management of the hospital by an
 400 auditor chosen by the hospital board, with the audit to be paid
 401 for by the not-for-profit corporation.

402 (12) All records of the not-for-profit corporation shall
 403 be public records unless exempt by law.

404 (13) Subject to the annual approved budget, the hospital
 405 board shall reimburse the not-for-profit corporation for
 406 indigent care pursuant to the Florida Health Care Responsibility
 407 Act and the Florida Indigent Certification Standards and shall
 408 take into account funds available from other sources, including
 409 other governmental funding sources.

410 (14) The provisions in this act and the hospital board's
 411 lease with the not-for-profit corporation shall be construed and
 412 interpreted as furthering the public health and welfare and the
 413 open government requirements of s. 24, Art. I of the State
 414 Constitution and sections 119.01 and 286.011, Florida Statutes.

415 (15) Any dispute between the hospital board and the not-
 416 for-profit corporation shall be subject to any court action

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417 | pursuant to sections 164.101-164.1065, Florida Statutes.

418 | Section 2. The amendments made by this act to section 5 of
419 | the charter of the Citrus County Hospital Board apply to leases
420 | entered into after January 1, 2014, with a for-profit Florida
421 | corporation.

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