

CHAPTER 96-449

Senate Bill No. 1742

An act relating to the Hillsborough County Hospital Authority; providing that the act supersedes chapter 80-510, Laws of Florida, as amended; providing for the appointment of a governing body of the Hospital Authority; providing terms of office; providing for filling vacancies on the Hospital Authority; providing for reimbursement of necessary expenses; requiring a member of the Hospital Authority to disclose certain conflicts and refrain from voting on related matters; providing that the exercise of powers by the Hospital Authority constitutes a public purpose; providing that assets and properties of the Hospital Authority are exempt from assessments and, to the extent allowed by general law, exempt from taxation; prescribing the powers of the Hospital Authority; requiring the Hospital Authority to administer a personnel plan; providing for an employee advisory committee; providing for admissions to a facility established by the Hospital Authority; authorizing the collection of fees; providing for the Hospital Authority to be reimbursed by Hillsborough County for indigent care; authorizing the Hospital Authority to settle accounts receivable and assign its interest in accounts or judgments; prohibiting the use of ad valorem taxes to fund bonds issued to pay for parking or private office facilities of the Hospital Authority; requiring a periodic audit of the Hospital Authority; providing requirements for the audit; providing procedures for contracting for the audit; requiring the Hospital Authority to report on the recommendations contained in the audit; providing for construction of the act; providing for severability; repealing chapters 80-510, 82-299, 82-300, 84-439, 84-441, 84-450, 91-342, 92-235, and 94-411, Laws of Florida, relating to the Hillsborough County Hospital Authority; providing an effective date.

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

Section 1. CHAPTER 80-510, LAWS OF FLORIDA, SUPERSEDED.— This act supersedes chapter 80-510, Laws of Florida, and all acts amendatory or supplementary thereto, relating to the Hillsborough County Hospital Authority, and constitutes a consolidation, compilation, and codification of all previously existing laws expressly repealed in this act which pertain to the Hillsborough County Hospital Authority.

Section 2. CREATION.—There is created in Hillsborough County the Hillsborough County Hospital Authority.

Section 3. GOVERNING BODY; COMPOSITION.—

(1) The governing body of the Hillsborough County Hospital Authority, referred to in this act as the Authority, shall consist of 15 members appointed for staggered terms of 4 years each by the Board of County Commissioners of Hillsborough County. One member must be from the University of South

Florida, selected by the president of that university. Two members must be members of the Board of County Commissioners of Hillsborough County. Members who are practitioners of the healing arts may not constitute more than three members of the Authority at any given time.

(2) The Board of County Commissioners shall fill any vacancy on the Authority. Any member of the Authority may be removed by the Board of County Commissioners for misfeasance, malfeasance, or willful neglect of duty.

(3) The Authority shall annually elect one of its members as chairman, one as vice chairman, and one as secretary.

(4) In accordance with general law, the Authority shall keep a record of its proceedings and shall be the custodian of all books, documents, and papers filed with it, and of its minute book, journal, and official seal. The Authority shall make copies of its minutes and other records and documents that are requested of it in accordance with general law and shall certify under its official seal, if asked to do so, that such copies are true copies and may be relied upon as such by the recipient.

(5) A majority of the membership of the Authority constitutes a quorum, and the affirmative vote of the majority of the quorum present at a meeting of the Authority is necessary for any official action to be taken by the Authority. Any action taken by the Authority may be authorized by resolution at a regular or special meeting, and each such resolution takes effect immediately and need not be published or posted. All meetings of the Authority shall be open to the public in accordance with general law.

(6) The members of the Authority shall serve without compensation for performing their duties under this act, but each member is entitled for reimbursement pursuant to general law for necessary expenses incurred while engaged in the performance of such duties. Any general or special law, rule, regulation, or ordinance of any local agency to the contrary notwithstanding, service on the Authority by a trustee, director, officer, or employee of a health facility, does not, in and of itself, constitute conflict of interest. However, any member of the Authority who is employed by or receives income from a health facility under consideration for acquisition by or under the control of the Authority must disclose such fact and may not vote on any matter related to such facility.

Section 4. PUBLIC PURPOSE.—The Authority is for the benefit of the people of the state and of Hillsborough County, and the exercise of powers by the Authority constitutes the performance of essential municipal and county purposes. The assets and properties owned, operated, supervised, and controlled by the Authority constitute public property, and the Authority is exempt from paying any assessments on such assets and properties, and, to the extent allowed by general law, such assets and properties are exempt from taxation.

Section 5. POWERS OF AUTHORITY.—The Authority exercises a proper public purpose and essential governmental function of the state and the county and shall have all power and authority necessary to carry out the

purposes of this act, including, without limitation, all powers authorized by law to hospital facilities, districts, and authorities and powers of a body corporate, including the powers to:

- (1) Form subsidiary and affiliate corporations.
- (2) Sue and be sued, but with all sovereign immunity and limitations permitted or granted to a governmental entity by the Florida Constitution or by statute.
- (3) Enter into contracts, including a contract with a governmental agency or entity.
- (4) Adopt and use a common seal and alter the same.
- (5) Make and adopt bylaws, rules, and regulations for the Authority's operation.
- (6) Prepare an annual budget for the cost and expense of operations each year and submit it to the Board of County Commissioners of Hillsborough County at the same time and in the same manner as other county officers' budgets are submitted; however, the Board of County Commissioners has the same authority over such budget as budgets of county officers.
- (7) Acquire, purchase, hold, lease, sell, and convey real and personal property upon terms determined by the Authority by resolution.
- (8) Establish rates and charges for using the facilities of or receiving care or assistance from the Authority and collect money pursuant thereto.
- (9) Accept gifts of money, services, and real and personal property.
- (10) Employ professional and other personnel necessary to its effective operation, fix their compensation, and adopt a personnel plan and facilitate an employee advisory committee pursuant to section 6 of this act.
- (11) By rule, establish a program of meritorious service awards, incentives, and recognition to employees who:
 - (a) Propose procedures or ideas that are adopted and that will result in increasing productivity, eliminating or reducing Authority expenditures, improving operations, or generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or
 - (b) By their superior accomplishments, make exceptional contributions to the efficiency or economy of the Authority or make other improvements in the operations of the Authority.
- (12) By rule, authorize a lump-sum bonus payment to reward outstanding employees whose performance exceeds standards. Such bonus payment shall be outside of the employee's regular base rate of pay and shall not carry over into subsequent years.

(13) Appoint guards or police with police powers.

(14) Issue negotiable notes, revenue bonds, refunding bonds, and other evidences of indebtedness pursuant to general law and borrow money.

(15) Establish, construct, enlarge, improve, equip, operate, and maintain facilities necessary to its purposes and, by resolution, vest authority for construction, enlargement, improvement, maintenance, equipment, and operation of those facilities in an officer or committee of the Authority, which resolution must prescribe the powers and duties of such officer or committee.

(16) Establish, maintain, and participate in medical training and research programs.

(17) Appoint the staff of physicians to practice in any facility operated by the Authority and approve the bylaws and rules adopted by such medical staff, which bylaws must be in accordance with the recommendations of the Joint Commission on Accreditation of Hospitals; however, the Authority must appoint the staff of physicians practicing in any facility in operation at the time the facility comes under the control of the Authority and must adopt the bylaws and rules of such staff which are in effect at that time.

(18) Perform all other acts necessary to accomplish the purpose of this act. —

Section 6. PERSONNEL.—

(1) All employees of the Authority, classified and unclassified, shall be governed by a personnel plan developed, adopted, and administered by the Authority. The plan must include, but need not be limited to, a classification and pay plan; procedures for examinations, appointments, suspensions, dismissals, resignations, reinstatements, promotions, and transfers; vacation and sick leave policies; and procedures for filing, investigating, and resolving grievances.

(2) An employee advisory committee may be elected by employees from the facilities under the jurisdiction of the Authority in a manner determined by the Authority to assure representation from each facility. The employee advisory committee must meet at least quarterly. Suggestions by the employee advisory committee relating to personnel matters must be considered by the Authority. The employee advisory committee will be the medium in providing a continuous and meaningful exchange between the authority and employees of ideas regarding and practical solutions to personnel matters.

Section 7. ADMISSIONS; INDIGENT CARE.—

(1) Any facility established by the Authority is for the use and benefit of the residents of Hillsborough County. County residents shall be admitted to such a facility subject to the rules adopted by the Authority. A person in need of immediate or emergency medical treatment may not be denied admission to a facility under the jurisdiction of the Authority because of an inability to pay for services rendered. Admission may be denied, however, when the medical treatment requires services not offered by the facility.

(2) The Authority shall collect, from persons financially able to pay, funds for services rendered in accordance with a fee schedule established by the Authority.

(3) When a resident of Hillsborough County has been certified as indigent under criteria established by the Board of County Commissioners of Hillsborough County, the Authority shall be reimbursed for its services by Hillsborough County an amount equal to the state-approved Medicaid rate plus a standard adjustment. The Authority and the Board of County Commissioners shall, at least once annually, negotiate the standard adjustment, which shall include consideration of the actual cost of indigent care. Both the reimbursement rate and the eligibility criteria shall be reviewed and approved at least once annually by the Board of County Commissioners.

(4) The Authority may extend the use of its facilities to nonresidents of Hillsborough County upon terms determined by the Authority by rule.

Section 8. ACCOUNTS RECEIVABLE; LIENS.—

(1) The Authority may declare accounts receivable to be uncollectible and write such accounts off as bad debts. The Authority may destroy records of uncollected accounts not less than 7 years after the write-off.

(2) The Authority may settle any account receivable or other claim on money due the Authority according to terms approved by the Authority. The Authority may consider in such settlement the ability of the debtor to pay and the probability of collection in full. The Authority may sell, assign, or convey to any person the right, title, and interest of the Authority in any account receivable or judgment owned by the Authority by full or partial payment of such account or judgment, as the Authority approves. The Authority may subordinate its interest in any mortgage or judgment lien to the interest of any third party, according to terms determined by the Authority.

(3) The Authority is entitled to a lien for all reasonable charges for services rendered by the Authority upon any cause of action, suit, claim, counterclaim, or demand accruing to any person or legal representative of the person to whom services have been rendered and upon all judgments, settlements, and settlement agreements entered by virtue of the illness or injury for which services were rendered by the Authority.

Section 9. PARKING AND OFFICE FACILITIES.—Ad valorem taxes may not be used or pledged for revenue or for refunding bonds issued for the construction of parking facilities or private office facilities. Any office facility must be constructed on premises on or contiguous to the hospital grounds.

Section 10. PERFORMANCE AUDITS—

(1) The Authority is subject to a performance audit every 4 years, with the first such audit to be completed by April 30, 1997.

(a) The performance audit must be conducted in accordance with Government Auditing Standards, as promulgated by the United States Comptroller General, and must contain:

1. An appraisal of management performance, including the effectiveness of administration and the efficiency and adequacy of the program the Authority is authorized by law to perform.
2. An assessment of adherence to general and special law and any rules adopted thereunder.
3. Recommendations for changes required in general or special law which, if enacted, would enhance the efficiency and effectiveness of the program.
4. An examination and evaluation of alternative methods of providing program services or products more efficiently and effectively.
5. The adequacy of operating controls and operating procedures.
6. An assessment of relations with employees and the public generally.
7. A copy of the response received pursuant to sub-subparagraph (c)2.c.

(b) The audit may not be performed by any agency of state or local government, with the exception of the Auditor General of the State of Florida as provided by general law. However, this section does not prohibit other audits authorized by law.

(c)1. In contracting for the audit, the Authority shall use standard procedures for any public body when contracting for professional services, including, but not limited to:

a. Public announcement, in a uniform and consistent manner, when auditing services are required to be purchased; a general description of the audit; and an indication of how interested parties may apply for consideration.

b. Adopting procedures for evaluating professional auditing services, including, but not limited to, capabilities, adequacy and ability of professional personnel, past record, experience, basis for fees, ability to meet time requirements, and other factors determined by the Authority to be applicable to its particular requirements.

c. Making a finding that the firm or individual to be employed is fully qualified under the adopted evaluation procedures.

2. The contract must be evidenced by a written document that embodies all provisions and conditions of the procurement of such services, and must include, but need not be limited to:

a. A provision that bills for fees or other compensation for services or expenses be submitted in detail with supporting documentation sufficient for a proper preaudit and postaudit thereof.

b. A provision that bills for any travel and per diem expenses be submitted in accordance with section 112.061, Florida Statutes.

c. A provision that, at the conclusion of the audit, the entity conducting the audit shall discuss the audit with the chairman of the Authority and submit

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to that person preliminary audit findings, including relevant supporting documentation, which may be included in the final audit report. If the chairman is not available to receive the audit findings, with any adverse findings clearly designated as such, delivery thereof is presumed to be made when it is delivered to the Authority's executive office. The chairman shall submit to the entity conducting the audit, within 60 days after receipt of the preliminary findings, his written response concerning all such findings, including corrective action to be taken to preclude a recurrence of any adverse findings. Thereafter, a final audit report shall be issued which must include the chairman's response and any rebuttal thereto by the entity that conducted the audit.

d. A provision that workpapers necessary to support the conclusions in the final audit report shall be retained by the entity that conducted the audit for 2 years following delivery of the final audit and shall be made available to the Authority upon a vote of the majority of the governing board of the Authority. The audit report, when final, shall be retained by the Authority pursuant to chapter 119, Florida Statutes.

e. A provision that, upon completion of the audit, sufficient copies shall be filed with the Office of the Hillsborough County Legislative Delegation for distribution to members of the delegation and that sufficient copies be provided to the Authority to meet anticipated public demand for copies of such audit.

(d) Funds shall be appropriated by the Authority for payment of costs incurred in connection with the audit.

(2) The performance audit required by this section may be fulfilled by completing, within 2 years after the audit completion dates required in this section, any substantially similar audit that is required for continued accredited status of the Authority by any accrediting organization, as defined in section 395.002(1), Florida Statutes. To meet the requirements of this subsection, the audit must include the mandatory components prescribed in paragraph (1)(a) and meet the requirements of sub-subparagraphs (1)(c)c., d., and e.

(3) One year after the date of the final audit report, the chairman of the Authority shall submit to the Office of the Hillsborough County Legislative Delegation a written statement of the status of recommendations contained in the audit report.

Section 11. CONSTRUCTION.—This act shall be liberally construed to effectively carry out its provisions.

Section 12. SEVERABILITY.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 13. Chapters 80-510, 82-299, 82-300, 84-439, 84-441, 84-450, 91-342, 92-235, and 94-411, Laws of Florida, are repealed.

Section 14. This act shall take effect upon becoming a law.
Became a law without the Governor's approval June 2, 1996.
Filed in Office Secretary of State May 31, 1996.

CHAPTER 96-450

Senate Bill No. 1752

An act relating to Palm Beach County; amending chapter 93-367, Laws of Florida; providing for the preservation of certain enumerated employment benefits and emoluments for employees and appointees of the Palm Beach County Sheriff's Office; providing certain duties of the sheriff; providing an effective date.

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

Section 1. Section 3 is added to chapter 93-367, Laws of Florida, to read:

Section 3. Preservation of employment benefits and emoluments.—

(1) The provisions of this section shall apply to all certified and noncertified persons in the employ of the Sheriff of Palm Beach County, including deputy sheriffs, as specified in section 1(2)(a) of chapter 93-367, Laws of Florida.

(2) Whenever a new sheriff takes office, the sheriff shall preserve current employment benefits and emoluments during the remainder of that fiscal year or 6 calendar months, whichever is greater.

(3) At all other times, existing employer-paid benefits and emoluments with regard to the pay plan, longevity plan, tuition-reimbursement plan, career-path program, health insurance, life insurance, and disability benefits may not be substantially reduced, except in the case of exigent operational necessity.

(4) Nothing in this act shall preclude the sheriff from enhancing those benefits and emoluments for employees and appointees of the Palm Beach County Sheriff's Office.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 2, 1996.

Filed in Office Secretary of State May 31, 1996.

House Bill No. 851

An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

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

Section 1. Subsection (10) of section 5 of chapter 96-449, Laws of Florida, is amended to read:

Section 5. POWERS OF AUTHORITY.—The Authority exercises a proper public purpose and essential governmental function of the state and the county and shall have all power and authority necessary to carry out the purposes of this act, including, without limitation, all powers authorized by law to hospital facilities, districts, and authorities and powers of a body corporate, including the powers to:

(10) Employ professional and other personnel necessary to its effective operation, fix their compensation, and adopt a personnel plan and, for each hospital operated by the Authority, facilitate an employee advisory committee pursuant to section 6 of this act.

Section 2. Subsection (2) of section 6 of chapter 96-449, Laws of Florida, is amended to read:

Section 6. PERSONNEL.—

(2) For each hospital operated by the Authority, an employee advisory committee may be elected by employees from the facilities under the jurisdiction of the Authority in a manner determined by the Authority to assure representation from each facility. The employee advisory committee must meet at least quarterly. Suggestions by the employee advisory committee relating to personnel matters must be considered by the Authority. The employee advisory committee will be the medium in providing a continuous and meaningful exchange between the Authority and employees of ideas regarding and practical solutions to personnel matters.

Section 3. Subsection (3) of section 7 of chapter 96-449, Laws of Florida, is amended to read:

Section 7. ADMISSIONS; INDIGENT CARE.—

(3) When a resident of Hillsborough County has been certified as indigent under criteria established by the Board of County Commissioners of

Hillsborough County, the Authority, for each hospital which it operates, shall be reimbursed for its services by Hillsborough County an amount equal to the state-approved Medicaid rate plus a standard adjustment. The Authority and the Board of County Commissioners shall, at least once annually, negotiate the standard adjustment, which shall include consideration of the actual cost of indigent care when any such hospital is operational. Both the reimbursement rate and the eligibility criteria shall be reviewed and approved at least once annually by the Board of County Commissioners if any such hospital is operational.

Section 4. Section 9 of chapter 96-449, Laws of Florida, is amended to read:

Section 9. PARKING AND OFFICE FACILITIES.—Ad valorem taxes may not be used or pledged for revenue or for refunding bonds issued for the construction of parking facilities or private office facilities. For each hospital operated by the Authority, any office facility must be constructed on premises on or contiguous to the hospital grounds.

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

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.