

1 A bill to be entitled
 2 An act relating to the University of Florida J. Hillis
 3 Miller Health Center; amending s. 1004.41, F.S.;
 4 correcting the name of one of the health center's
 5 colleges; specifying that the University of Florida Board
 6 of Trustees shall lease the hospital facilities of the
 7 Shands Teaching Hospital and Clinics on the Gainesville
 8 campus to Shands Teaching Hospital and Clinics, Inc.;
 9 specifying the primary purpose of Shands Teaching Hospital
 10 and Clinics, Inc.; providing requirements for the lease,
 11 contract, or agreement; authorizing the creation of
 12 corporate subsidiaries and affiliates; providing the right
 13 of control; providing requirements relating to sovereign
 14 immunity; providing that Shands Jacksonville Medical
 15 Center, Inc., and its parent, Shands Jacksonville
 16 Healthcare, Inc., are private not-for-profit corporations
 17 organized primarily to support the health affairs mission
 18 of the University of Florida Board of Trustees;
 19 authorizing the creation of corporate subsidiaries and
 20 affiliates; providing the right of control; providing
 21 requirements relating to sovereign immunity; providing an
 22 effective date.

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

25
 26 Section 1. Section 1004.41, Florida Statutes, is amended
 27 to read:

28 1004.41 University of Florida; J. Hillis Miller Health

29 Center.—

30 (1) There is established the J. Hillis Miller Health
 31 Center at the University of Florida, including campuses at
 32 Gainesville and Jacksonville and affiliated teaching hospitals,
 33 which shall include the following colleges:

- 34 (a) College of Dentistry.
- 35 (b) College of Public Health and Health Professions.
- 36 (c) College of Medicine.
- 37 (d) College of Nursing.
- 38 (e) College of Pharmacy.
- 39 (f) College of Veterinary Medicine and related teaching
 40 hospitals.

41 (2) Each college of the health center shall be so
 42 maintained and operated as to comply with the standards approved
 43 by a nationally recognized association for accreditation.

44 (3) (a) The University of Florida Health Center Operations
 45 and Maintenance Trust Fund shall be administered by the
 46 University of Florida Board of Trustees. Funds shall be credited
 47 to the trust fund from the sale of goods and services performed
 48 by the University of Florida Veterinary Medicine Teaching
 49 Hospital. The purpose of the trust fund is to support the
 50 instruction, research, and service missions of the University of
 51 Florida College of Veterinary Medicine.

52 (b) Notwithstanding the provisions of s. 216.301, and
 53 pursuant to s. 216.351, any balance in the trust fund at the end
 54 of any fiscal year shall remain in the trust fund and shall be
 55 available for carrying out the purposes of the trust fund.

56 (4) (a) The University of Florida Board of Trustees shall

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57 | lease the hospital facilities of the health center known as the
58 | Shands Teaching Hospital and Clinics on the Gainesville campus
59 | of the University of Florida, and all furnishings, equipment,
60 | and other chattels or choses in action used in the operation of
61 | the hospital, to Shands Teaching Hospital and Clinics, Inc., a
62 | private not-for-profit corporation organized ~~solely~~ for the
63 | primary purpose of supporting the University of Florida Board of
64 | Trustees' health affairs mission of community service and
65 | patient care, education and training of health professionals,
66 | and clinical research. In furtherance of that primary purpose,
67 | Shands Teaching Hospital and Clinics, Inc., shall operate
68 | ~~operating~~ the hospital and ancillary health care facilities as
69 | deemed of the health center and other health care facilities and
70 | ~~programs determined to be~~ necessary by the board of the Shands
71 | Teaching Hospital and Clinics, Inc. nonprofit corporation. The
72 | rental for the hospital facilities shall be an amount equal to
73 | the debt service on bonds or revenue certificates issued solely
74 | for capital improvements to the hospital facilities or as
75 | otherwise provided by law.

76 | (b) The University of Florida Board of Trustees shall
77 | provide in the lease or by separate contract or agreement with
78 | Shands Teaching Hospital and Clinics, Inc., ~~the not-for-profit~~
79 | ~~corporation~~ for the following:

80 | 1. Approval of the articles of incorporation of Shands
81 | Teaching Hospital and Clinics, Inc., ~~the not-for-profit~~
82 | ~~corporation~~ by the University of Florida Board of Trustees and
83 | the governance of that ~~the~~ not-for-profit corporation by a board
84 | of directors appointed, subject to removal, and chaired by the

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85 President of the University of Florida, or his or her designee,
86 and vice chaired by the Vice President for Health Affairs of the
87 University of Florida or his or her designee.

88 2. The use of hospital facilities and personnel in support
89 of community service and patient care, ~~the~~ research programs,
90 and ~~of~~ the teaching role of the health center.

91 3. The continued recognition of the collective bargaining
92 units and collective bargaining agreements as currently composed
93 and recognition of the certified labor organizations
94 representing those units and agreements.

95 4. The use of hospital facilities and personnel in
96 connection with research programs conducted by the health
97 center.

98 5. Reimbursement to the hospital for indigent patients,
99 state-mandated programs, underfunded state programs, and costs
100 to the hospital for support of the teaching and research
101 programs of the health center. Such reimbursement shall be
102 appropriated to either the health center or the hospital each
103 year by the Legislature after review and approval of the request
104 for funds.

105 (c) The University of Florida Board of Trustees may, with
106 the approval of the Legislature, increase the hospital
107 facilities or remodel or renovate them, provided that the rental
108 paid by the hospital for such new, remodeled, or renovated
109 facilities is sufficient to amortize the costs thereof over a
110 reasonable period of time or fund the debt service for any bonds
111 or revenue certificates issued to finance such improvements.

112 (d) The University of Florida Board of Trustees is

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113 authorized to provide to Shands Teaching Hospital and Clinics,
114 Inc., the not-for-profit corporation leasing the hospital
115 facilities, and its not-for-profit subsidiaries and affiliates,
116 comprehensive general liability insurance, including
117 professional liability, from a self-insurance trust program
118 established pursuant to s. 1004.24.

119 (e) Shands Teaching Hospital and Clinics, Inc., may, in
120 support of the health affairs mission of the University of
121 Florida Board of Trustees and with its prior approval, create
122 either for-profit or not-for-profit corporate subsidiaries and
123 affiliates, or both. The University of Florida Board of
124 Trustees, which may act through the President of the University
125 of Florida or his or her designee, has the right to control
126 Shands Teaching Hospital and Clinics, Inc. Shands Teaching
127 Hospital and Clinics, Inc., and any not-for-profit subsidiary
128 shall be conclusively deemed corporations primarily acting as
129 instrumentalities of the state, pursuant to s. 768.28(2), for
130 purposes of sovereign immunity.

131 (f)~~(e)~~ In the event that the lease of the hospital
132 facilities to Shands Teaching Hospital and Clinics, Inc., ~~the~~
133 ~~not-for-profit corporation~~ is terminated for any reason, the
134 University of Florida Board of Trustees shall resume management
135 and operation of the hospital facilities. In such event, the
136 University of Florida Board of Trustees is authorized to utilize
137 revenues generated from the operation of the hospital facilities
138 to pay the costs and expenses of operating the hospital facility
139 for the remainder of the fiscal year in which such termination
140 occurs.

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141 (5) (a) Shands Jacksonville Medical Center, Inc., and its
142 parent, Shands Jacksonville Healthcare, Inc., are private not-
143 for-profit corporations organized primarily to support the
144 health affairs mission of the University of Florida Board of
145 Trustees in community service and patient care, education and
146 training of health affairs professionals, and clinical research.
147 Shands Jacksonville Medical Center, Inc., is a teaching hospital
148 affiliated with the University of Florida Board of Trustees,
149 located on the Jacksonville campus of the University of Florida.
150 Shands Jacksonville Medical Center, Inc., and Shands
151 Jacksonville Healthcare, Inc., may, in support of the health
152 affairs mission of the University of Florida Board of Trustees
153 and with its prior approval, create either for-profit or not-
154 for-profit corporate subsidiaries and affiliates, or both. The
155 University of Florida Board of Trustees, which may act through
156 the President of the University of Florida or his or her
157 designee, has the right to control Shands Jacksonville Medical
158 Center, Inc., and Shands Jacksonville Healthcare, Inc. Shands
159 Jacksonville Medical Center, Inc., Shands Jacksonville
160 Healthcare, Inc., and any not-for-profit subsidiary of Shands
161 Jacksonville Medical Center, Inc., shall be conclusively deemed
162 corporations primarily acting as instrumentalities of the state,
163 pursuant to s. 768.28(2), for purposes of sovereign immunity.

164 (b) ~~(f)~~ The University of Florida Board of Trustees is
165 authorized to provide to Shands Jacksonville Healthcare, Inc.,
166 and its not-for-profit subsidiaries and affiliates and any
167 successor corporation that acts in support of the board of
168 trustees, comprehensive general liability coverage, including

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169 professional liability, from a ~~the~~ self-insurance program

170 ~~programs~~ established pursuant to s. 1004.24.

171 Section 2. This act shall take effect July 1, 2011.