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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:

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

28       1004.41   University of Florida; J. Hillis Miller Health

Center.—

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

(a) College of Dentistry.

(b) College of Public Health and Health Professions.

(c) College of Medicine.

(d) College of Nursing.

(e) College of Pharmacy.

(f) College of Veterinary Medicine and related teaching hospitals.

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

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

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

(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.

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.