

**RESOLUTION OF CHAPTER 164, CONFLICT RESOLUTION
BETWEEN LAKE SHORE HOSPITAL AUTHORITY AND
THE CITY OF LAKE CITY, FLORIDA**

WHEREAS, on January 13, 2025, the Lake Shore Hospital Authority (the “Authority”) and the City of Lake City, Florida (the “City”), officially engaged in the Conflict Resolution Process pursuant to Chapter 164, Florida Statutes, to negotiate a solution to the conflict over whether the Lake Shore Hospital, located at 440 NE Leon Street, Lake City, FL, and better described in Exhibit A (“Property”), which formerly operated as a hospital in buildings that were constructed on the Property from 1963 forward, is a legal non-conforming use under the City’s comprehensive plan and land development regulations (“Conflict”) sufficient to enable a potential purchaser of the Property to use it as set forth below; and

WHEREAS, on March 12, 2025, representatives of the Authority and the City held an initial conflict assessment meeting pursuant to Section 164.1053(1), Florida Statutes to discuss the issues pertaining to the Conflict and an assessment of the Conflict from the perspective of each governmental entity; and

WHEREAS, at the initial conflict assessment meeting, the representatives of the Authority and the City agreed to propose a resolution to the Conflict and avoid further cost and inconvenience to all concerned, as set forth below; and

WHEREAS, Meridian Behavioral Healthcare, Inc., a Florida not-for-profit corporation (“Meridian”), has contracted with the Authority to purchase the Property for the following uses, along with such other uses as are permitted under the draft Deed Restrictions set forth in Exhibit C., ¶1 to the Agreement for the Conveyance of Real Property (the “Conveyance Agreement”) between the Lake Shore Hospital Authority of Columbia County, Florida (the “Authority”) and Meridian as of April 7, 2025:

- Primary Care or Federally Qualified Health Center (“FQHC”)

- Inpatient Crisis/Emergency Program
 - Crisis Stabilization Unit for Children and Adults
 - Inpatient Psychiatric Beds (with the number of beds subject to funding)
- (collectively, the “Proposed Meridian Uses”); and

WHEREAS, the Proposed Meridian Uses are subject to various state regulations by the Agency for Healthcare Administration (“AHCA”)¹ and the Department of Children and Families (“DCF”)²; and

WHEREAS, the City’s Comprehensive Land Use Plan (“Plan”) designates the Property as “Public,” which the Plan defines as follows: “PUBLIC – Land classified as public consist of public buildings and grounds, ... [and] public health facilities ...”; and

WHEREAS, a portion of the Property is zoned Residential (Conventional) Single Family (RSF-1), and the remainder of the Property is zoned Residential/Office (RO); and

WHEREAS, the Property has been previously used by a public hospital or a private hospital by lease, sublease, or lease assignment, from the Authority as Lessor; and

WHEREAS, RSF-1 does not allow hospitals, but RO lists hospitals as uses that are permissible by special exception; and

WHEREAS, no one has sought a rezoning or special exception from RS-1 or under RO, respectively; and

WHEREAS, the prior hospital uses on the Property did not include such components as the Florida Mental Health Act, Part I, Ch. 394, Fla. Stat. (“Baker Act”), or the Hal S. Marchman Alcohol and Other Drug Services Act of 1993, Part V, Ch. 397, Fla. Stat. (“Marchman Act”), but

¹ Health Care Clinic, Crisis Stabilization Unit/Short-Term Residential Treatment Facility, Residential Treatment Facility, and as a Class-3 Psychiatric Hospital.

² All listed uses but Inpatient Psychiatric Beds that do not include short-term residential treatment beds require designation as a Baker Act Receiving Facility.

Baker Act and Marchman Act facilities are typical in general service hospitals; and

WHEREAS, land use planning and zoning programs have been held to constitute “programs ... [of] public entities” covered by Title II (“Title II”) of the Americans with Disabilities Act (the “ADA”), 42 U.S.C. §§ 12115, et seq.; and

WHEREAS, the Proposed Meridian Uses largely serve individuals with mental illness who constitute “qualified individual[s] with a disability” under Title II (28 C.F.R. § 35.104); and

WHEREAS, the City is willing to authorize the Proposed Meridian Uses of the Property consistent with Title II; and

WHEREAS, Title II does not protect persons who constitute “direct threat(s)” to the health or safety of others (28 C.F.R. §35.139(a)); and

WHEREAS, Title II requires a “direct threat” to be analyzed based on: (1) the nature, duration and severity of any risk; (2) the probability of a potential injury; and (3) whether reasonable modifications of policies, practices, or procedures would mitigate or eliminate the risk (28 C.F.R. §35.139(b)); and

WHEREAS, the City is willing to provide Title II reasonable modifications, accommodations, or both, to authorize the Proposed Meridian Uses, on conditions that the City determines minimize risk of direct threat to the health or safety of others; and

WHEREAS, Exhibit “B” memorializes the City’s authorization of the Proposed Meridian Uses on those conditions, consistent with Title II (the “Authorization”); and

WHEREAS, the Authority and the City are willing to enter into this Resolution based on the Authorization; and

WHEREAS, the Florida Supreme Court held in *City of Temple Terrace v. Hillsborough Association for Retarded Citizens*, 322 So.2d 571 (Fla. 2d DCA 1975), aff’d and adopted by *Hillsborough Association for Retarded Citizens v. City of Temple Terrace*, 332 So.2d 610 (Fla.

1976), that local administrative proceedings should balance public interests when a governmental unit seeks a use contrary to applicable zoning; and

WHEREAS, Chapter 63-1247, Laws of Florida, as amended by Chapter 2005-315, Laws of Florida, creating the Authority (the “Special Law”), provided at section 7 that the Authority’s purpose and power were “generally to acquire, construct, improve, enlarge, repair, equip, operate and maintain hospitals and hospital facilities in Columbia County, Florida”; and

WHEREAS, subsection 7.(4) of the Special Law authorized the Authority to dispose of any such property; and

WHEREAS, the DCF lists Meridian facilities among Baker Act receiving facilities, with each county utilizing its own transportation plan; and

WHEREAS, regardless of whether Meridian will act on behalf of a governmental entity as the Hillsborough Association did,³ the Title II balancing test serves the same purpose of balancing public interests of the facilities and the community.

WHEREFORE, pursuant to Section 164.1053(2), Florida Statutes, the representatives of the Authority and City involved in the conflict assessment meeting propose the following tentative resolution to the Conflict.

1. The Recitals are incorporated and binding on the Authority and on the City.
2. The City and the Authority agree to incorporate the Authorization in this Resolution to facilitate Meridian’s serving qualified individuals with a disability, while mitigating any direct threat as required by Title II.

³ See, also, *Good Fella’s Roll-Off Waste Disposal, Inc., v. Citrus County*, DOAH Final Order (September 4, 2015), aff’d Case No. 16-1667 (Fla. 5th DCA 2016) (hauler acting under contract to school board had home rule exemption from tipping ordinance).

3. The City shall authorize the Authority to transfer to Meridian, and Meridian to transfer ownership and control of the hospital and Property to another public or private mental healthcare provider who may operate on the Property pursuant to the Authorization, provided that all such users of the Property must be subject to sufficient conditions by the City for the intended successor use to meet Title II.
4. The representatives of the Authority and the City shall present this Potential Resolution of the Chapter 164 Conflict Resolution Between Lake Shore Hospital Authority and the City of Lake City to the Board of Trustees of the Authority and to the City Council for consideration and formal approval, which may be accepted by a written agreement between the Parties, a separate resolution by the governing board for each Party, or both, authorizing the Proposed Meridian Uses as set forth herein.
5. This Resolution may be signed in counterparts, which together shall constitute one original.

LAKE SHORE HOSPITAL AUTHORITY

By: Dale Williams, Executive Director
Date:

CITY OF LAKE CITY, FLORIDA

By: Don Rosenthal, City Manager
Date:

EXHIBIT “A”

Parcels as defined by Property Appraiser’s office:

00-00-00-11789-000 – Hospital Property, less and except East ½ of the parking lot north of the 2-Story Women’s Center (south of Franklin Street); the parking lot north of Franklin Street, south of Leon Street, and east of the LSHA Administration Building; and the Maintenance Building located on the NE corner of the LSHA Campus (proposed for lease to Columbia EMS)

00-00-00-11793-000 – tiny parcel northeast of hospital building

00-00-00-11794-000 – other tiny parcel northeast of hospital building

32-3S-17-13122-000 – parcel southeast of hospital (part of hospital grounds)

32-3S-17-13123-000 – parcel with helipad, southeast of hospital building

EXHIBIT “B”

AMERICANS WITH DISABILITIES ACT, TITLE II, AUTHORIZATION

Consistent with Title II (“Title II”) of the Americans with Disabilities Act (“ADA”), the City of Lake City, Florida (the “City”) authorizes Meridian Behavioral Healthcare, Inc., a Florida not-for-profit corporation (“Meridian”), to conduct the following uses (“Uses”) at the “Property” as better described in Exhibit “A” to this Authorization, along with such other uses as are permitted under the draft Deed Restrictions set forth in Exhibit C., ¶1 to the Agreement for the Conveyance of Real Property (the “Conveyance Agreement”) between the Lake Shore Hospital Authority of Columbia County, Florida (the “Authority”) and Meridian as of April 7, 2025:

- Primary Care or Federally Qualified Health Center (“FQHC”)
- Inpatient Crisis/Emergency Program
- Crisis Stabilization Unit for Children and Adults
- Inpatient Psychiatric Beds (with the number of beds subject to funding)
- Not Including an Outpatient Medication Assisted Treatment Program
- Not Including Long-Term Adult Residential Treatment Facility
- Not Including a Traditional Addictions Outpatient Counseling Program
- Not Including a Youth Residential Treatment Program

to facilitate Meridian’s service to individuals with mental illness, which constitutes a “disability” covered by Title II. This Authorization is effective upon the latter of: (1) resolution of the Chapter 164, Conflict Resolution between Lake Shore Hospital Authority (“Authority”) and the City concerning the Property, which was initiated by the Authority on January 13, 2025; or (2) Meridian taking fee simple title to the Property.

The City authorizes Meridian’s use, on the following conditions:

- Meridian shall provide 24/7 security on the Property, which shall be an integrated part of the on-site Meridian team, and shall be able to assist Meridian staff and respond to situations on the units.
- Accordingly, Meridian and the Lake City Police Department (“LCPD”) shall work collaboratively to promote the efficient use of law enforcement personnel and to minimize situations requiring law enforcement presence at the Property.
- Specific requirements are as follows:
 - Prior to issuance of CO for the Meridian facility on the Property (the “Facility”), Meridian shall install sallyport(s) at all patient intake entryways to facilitate secure patient intake
 - Prior to issuance of CO, Meridian shall install fencing consistent with the “IAHSS Security Design Guidelines for Healthcare Facilities” and Florida

regulatory standards for Crisis Stabilization Units. Fencing on the lakeside shall meet all applicable codes.

- Meridian shall utilize best efforts to provide for coordinated discharge for individuals receiving care by Meridian, to include transportation to home, or other accommodations when needed, providing for discharge planners to assist in securing placement and step-down services and collaboration with caregivers and patient family members on transition plans, and to comply with all applicable court orders relating to the placement or discharge of individuals receiving care by Meridian.
- Notify LCPD if a patient is reasonably believed to be a risk to self or others, or as otherwise authorized by 45 C.F.R. 164.512 (j) and Meridian reasonably determines that LCPD assistance is needed to address such risks.
- To the extent authorized by 45 C.F.R. 164.512 (f)(2), notify LCPD of disclosable information for a patient who is missing from the Property.
- Prior to issuance of CO, Meridian will retain Columbia County's emergency service and public safety radio dispatch system vendor to assess the Facility to determine if the Columbia County's emergency services and public safety radio system (LCPD/LCFD/CCSO/CCFD/EMS) works within the entire Facility prior to issuance of a CO for the Facility. If not found adequate, Meridian will coordinate with the City, and with Columbia County, which owns the emergency services and public safety radio dispatch system the City uses, to install a suitable BDA/BBU (Bi-Directional Amplifier/Baseband Unit) prior to issuance of CO, with such coordination to include consideration of the sharing of costs associated with such installation.

In the event of an alleged default of this Authorization:

- a. The City will notify Meridian in writing of the alleged default and call an informal meeting between senior staff of the City and Meridian to attempt to resolve the alleged default.
- b. If informal resolution efforts fail, the City or Meridian may seek mediation.
- c. Failing resolution in mediation, the City may file for injunctive relief to enforce the terms of this Authorization, which shall be the City's sole remedy for violation of this Authorization. For the avoidance of doubt, violation of this Agreement shall not alone result in the withdrawal by the City of the rights of Meridian to engage in the Proposed Meridian Uses on the Property.

This Authorization binds and inures to the benefit of all successors and assigns of Meridian, including all successors in title to or operation of the Property, that are subject to Title II reasonable accommodation of use of treating patients with mental illness.

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