

By Representative Argenziano

1                                   A bill to be entitled  
2           An act relating to Citrus County; amending  
3           chapter 65-1371, Laws of Florida, as amended,  
4           the "Citrus County Hospital and Medical Nursing  
5           and Convalescent Home Act"; removing references  
6           to freeholders; deleting obsolete language;  
7           making technical revisions; providing an  
8           effective date.

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

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12           Section 1. Chapter 65-1371, Laws of Florida, as  
13           amended by chapters 69-944 and 70-1001, Laws of Florida, is  
14           amended to read:

15           Section 1. This act shall be known and may be cited as  
16           the "Citrus County Hospital and Medical Nursing and  
17           Convalescent Home Act."

18           Section 2. As used in this act the words and terms  
19           shall have the following meanings:

20           (a) The term "Citrus County Hospital Board" or the  
21           word "board" shall mean the Citrus County Hospital Board.

22           (b) The word "County" shall mean the County of Citrus,  
23           in the State of Florida.

24           (c) The word "State" shall mean the State of Florida.

25           (d) The word "property" as used herein shall mean the  
26           real and personal property of every nature whatsoever.

27           (e) The word "operate" shall include build, construct,  
28           maintain, repair, alter, expand, equip, lease, finance and  
29           operate.

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1 (f) The words "county hospital and medical nursing and  
2 convalescent homes" shall include hospitals, medical care  
3 facilities, clinics and other allied medical care units.

4 Section 3. (a) There is hereby created the Citrus  
5 County Hospital Board, and by that name the board may sue and  
6 be sued, plead and be impleaded, contract and be contracted  
7 with, acquire and dispose of property or any interest therein,  
8 and have an official seal. The board is created as a public  
9 nonprofit corporation without stock and is composed of and  
10 governed by the five (5) members herein provided for to be  
11 known as trustees. The hospital board is hereby constituted  
12 and declared to be an agency of the county and incorporated  
13 for the purpose of operating hospitals, and medical nursing  
14 homes, and convalescent homes in the county. The hospital  
15 board shall consist of five (5) trustees appointed by the  
16 Governor and, upon this act ~~law~~ becoming a law ~~effective~~, the  
17 present members will automatically become trustees and shall  
18 constitute the board. Their respective terms of office shall  
19 be the term ~~terms~~ each member is presently serving. All  
20 subsequent appointments, upon the expiration of the present  
21 terms, shall be for the term of four (4) years. Upon the  
22 expiration of the term of each trustee, the successor shall be  
23 appointed by the Governor. Likewise, any vacancy occurring  
24 shall be filled by appointment by the Governor for the  
25 unexpired term. Each appointment by the Governor is subject  
26 to approval and confirmation by the Florida Senate.

27 (b) The trustees of said board shall elect from its  
28 members a chair, a vice chair, ~~chairman, vice-chairman~~ and a  
29 secretary-treasurer who shall each hold office for a period of  
30 two (2) years. Each trustee shall execute a bond in the  
31 penal sum of five thousand dollars (\$5,000) with two (2) good

1 and sufficient sureties of a surety company authorized under  
2 the laws of the state to become surety, payable to the Citrus  
3 County Hospital Board, conditioned upon the faithful  
4 performance of the duties of the officer, which bonds shall be  
5 approved by the remaining trustees of the board and which  
6 shall be filed with the Board of County Commissioners of  
7 Citrus County. The premiums on said bonds shall be paid by  
8 the hospital board.

9 (c) The hospital board shall select and designate one  
10 (1) or more depositories, located within Citrus County, for  
11 the deposit ~~depository~~ of hospital funds. In addition, the  
12 board may select and designate one (1) or more depositories  
13 outside of Citrus County for trust funds received from the  
14 sale and/or for payment of bonds or revenue certificates when  
15 permitted or required to do so by an order, decree, or  
16 judgment from any state or federal court. Any depository  
17 selected must be:

18 (1) A national or state bank insured by the Federal  
19 Deposit Insurance Corporation; and

20 (2) Qualified to act as a depository for the deposit  
21 of funds of the state or funds for the office of the state  
22 treasury.

23 (d) Any and all funds so deposited shall be withdrawn  
24 by a check or warrant signed by two (2) trustees of the  
25 hospital board, of which one (1) shall be the chair, vice  
26 chair, chairman, vice-chairman or secretary-treasurer. No  
27 check or warrant shall be delivered to the payee without  
28 approval thereof shown in the minutes of the hospital board.

29 Section 4. The trustees of the board shall receive no  
30 compensation for their services. Three trustees shall  
31 constitute a quorum of the hospital board for the purpose of

1 conducting its business and exercising its powers and for all  
2 other purposes. Action may be taken by the board only upon a  
3 vote in the affirmative of three trustees thereof.

4 Section 5. The Citrus County Hospital Board as hereby  
5 created shall be for the purpose of operating, in the County  
6 of Citrus, public hospitals,~~and~~ medical nursing homes,and  
7 convalescent homes, primarily and chiefly for the benefit of  
8 the citizens and residents of Citrus County. Authority is  
9 hereby given to said board to build, erect, expand, equip,  
10 maintain, operate, alter, change, lease,and repair public  
11 hospitals,~~and~~ medical nursing homes,and convalescent homes  
12 in Citrus County. The corporation is authorized, when rooms  
13 and services are available, without detriment or deprivation  
14 to the citizens and residents of Citrus County, to extend the  
15 hospitalization and medical nursing home and convalescent home  
16 services provided by said hospitals, medical nursing homes,  
17 and convalescent homes,~~to~~ patients from adjoining and other  
18 counties of Florida and from other states, upon the payment of  
19 the cost of such hospitalization, medical nursing home  
20 services,and convalescent home services as may be determined  
21 by the trustees of the hospital board. The board shall have  
22 the power and authority to operate an ambulance system and  
23 ambulance services. The board shall have the authority to  
24 charge all patients for all services rendered in any facility  
25 owned or operated by the hospital board, including the  
26 ambulance facility. The board may charge patients interest on  
27 the patient's account; may sell, discount,or assign said  
28 account to a bank, finance company, collection agency,or  
29 other type of collection facility; may accept promissory notes  
30 or other types of debt obligations from a patient;~~;~~may assign  
31 or discount said accounts receivable, notes,or other

1 obligations; may require a patient to guarantee the payment of  
2 an existing account or note; may require a guarantee of  
3 payment before admitting a patient; and may receive and assign  
4 any assignment of all types of insurance proceeds.

5           Section 6. It shall be the duty of the Board of County  
6 Commissioners of Citrus County, ~~Florida~~ and/or their  
7 successors to levy or cause to be levied each year beginning  
8 with the fiscal year commencing July 1, 1965, the millage  
9 certified to said board of county commissioners by the  
10 trustees of the Citrus County Hospital Board, upon all taxable  
11 real and personal property in ~~said~~ Citrus County, not  
12 including, however, homestead property that is exempt from  
13 general taxation by the Constitution of the State of Florida,  
14 for the purpose of erecting, building, equipping, maintaining,  
15 changing, altering, repairing, leasing, and operating the  
16 public hospital herein provided for, such tax to be known as  
17 the hospital tax, and it is hereby made the duty of the tax  
18 assessor of said county to make such assessments, and duty of  
19 the tax collector to collect such assessments when made, and  
20 the money collected shall be paid over monthly to the ~~said~~  
21 Citrus County Hospital Board. ~~It is provided, However, that~~  
22 in no event shall the annual tax herein authorized and  
23 required exceed three mills on the dollar.

24           Section 7. From and after the effective date of this  
25 act, in each year, (beginning with the year 1965), it shall be  
26 the duty of the hospital board, not later than July 15th, to  
27 determine the amount required during the ensuing fiscal year  
28 for the purpose of erecting, building, expanding, equipping,  
29 maintaining, operating, altering, changing, leasing,  
30 financing, and repairing said county hospitals, medical  
31 nursing homes, and convalescent homes, or for any one or more

1 of said purposes. Such determination shall be by resolution  
2 of the hospital board, and it shall be the duty of the chair  
3 ~~Chairman~~ and secretary of said board to certify to the board  
4 of county commissioners the amount required as aforesaid,  
5 which shall be provided in a tax levied by the board of county  
6 commissioners for the ensuing fiscal year for the "hospital  
7 fund." The board of county commissioners, upon being  
8 furnished a certified copy of the resolution of the hospital  
9 board last mentioned shall levy the necessary millage to raise  
10 such amount, provided, however, such millage shall not exceed  
11 three mills per calendar year on the dollar, upon the taxable  
12 real and personal property situate in Citrus County, ~~Florida,~~  
13 less all such property exempt from taxation by the Florida  
14 Constitution. The resolution of the county hospital board  
15 above referred to shall be adopted and a certified copy  
16 thereof filed with the Board of County Commissioners of ~~said~~  
17 Citrus County, ~~Florida,~~ not less than ten days prior to the  
18 time fixed by law for the levy of general county taxes.

19 Section 8. The hospital board is hereby authorized and  
20 empowered to own and acquire property by purchase, lease,  
21 gift, grant, or transfer from the county, the state, or the  
22 Federal Government, or any subdivision or agency thereof, any  
23 municipality, person, partnership, or corporation, and to  
24 acquire, construct, maintain, operate, expand, alter, repair,  
25 change, lease, finance, and equip hospitals, medical nursing  
26 homes, convalescent homes, medical care facilities, and  
27 clinics in the county.

28 Section 9. The hospital board is authorized and  
29 empowered to enter into contracts with individuals,  
30 partnerships, corporations, municipalities, the county, the  
31 state or any subdivision or agency thereof, and the United

1 States of America or any subdivision or agency thereof, to  
2 carry out the purposes of this act.

3 Section 10. The ~~Said~~ hospital board is empowered to  
4 and shall adopt all necessary rules and regulations and bylaws  
5 for the operation of ~~said~~ hospitals, medical nursing homes,  
6 and convalescent homes; to provide for the admission thereto  
7 and treatment of such charity patients who are citizens of  
8 Florida and residents of Citrus County for the last two  
9 preceding ~~proceeding~~ years; to set the fees and charges to be  
10 made for the admission and treatment therein of all patients;  
11 and to establish the qualifications for members of the medical  
12 profession to be entitled to practice therein.

13 Section 11. The ~~Said~~ hospital board shall have the  
14 power to purchase any and all equipment that may be needed for  
15 the operation of ~~said~~ hospitals, medical nursing homes, and  
16 convalescent homes, and shall have the power to appoint and  
17 hire such agent or agents, technical experts, attorneys, and  
18 all other employees as are necessary for carrying out the  
19 purposes of this act, and to prescribe their salaries and  
20 duties. The ~~Said~~ board shall have the power to discharge all  
21 employees or agents when it shall be deemed by the board  
22 necessary for the carrying out of the purposes of this act.

23 Section 12. For the fiscal year ending September 30,  
24 1965, and at the end of each fiscal year thereafter, the  
25 Citrus County Hospital Board shall within thirty days  
26 thereafter file with the Clerk of the Circuit Court of Citrus  
27 County, ~~Florida~~, a full, complete, and detailed accounting of  
28 the preceding year and at the same time shall file a certified  
29 copy of said financial report with the Board of County  
30 Commissioners of Citrus County, ~~Florida~~, which ~~said~~ report  
31 shall be recorded in the minutes of the board of county

1 commissioners. The ~~Said~~ board of county commissioners at its  
2 discretion and at the expense of the county may publish and  
3 report an accounting in a newspaper of general circulation in  
4 Citrus County, ~~Florida~~.

5 Section 13. In addition to all other implied and  
6 express powers contained herein, the board shall have the  
7 express authority to negotiate loans to borrow money from the  
8 Surgeon General's office, or some other agency of the United  
9 States Government or from an agency of the State of Florida,  
10 for the purpose or purposes of constructing, maintaining,  
11 repairing, altering, expanding, equipping, leasing, and  
12 operating county hospitals, medical nursing homes, ~~and~~  
13 convalescent homes, medical care facilities, clinics, and all  
14 other types of allied medical care units. Said loan or loans,  
15 as provided in this specific section, must be directly related  
16 and tied in with a grant-in-aid to said hospital, such as a  
17 Hill-Burton grant under the National Hospital Act. The amount  
18 of said loan, such as a Surgeon General's loan, shall not  
19 exceed the amount of the grant such as a Hill-Burton grant.

20 Section 14. In addition to all other implied and  
21 express powers contained herein, the board shall have the  
22 express authority to borrow money, with or without issuing  
23 notes, ~~therefor~~, for the purpose or purposes of constructing,  
24 maintaining, repairing, altering, expanding, equipping,  
25 leasing, and operating county hospitals, medical nursing  
26 homes, ~~and~~ convalescent homes, medical care facilities,  
27 clinics, and all other types of allied medical care units.  
28 The board's authority to borrow money, with or without issuing  
29 notes, shall be subject to the conditions of this act,  
30 applying to the board's right to issue revenue certificates.  
31 ~~Provided~~, ~~However~~, the board shall not be required to have any



1 type of validation suit or court approval to borrow money when  
2 ~~(1)~~the amount of the loan or loans does ~~do~~ not exceed an  
3 amount equal to two times the annual hospital tax, assuming  
4 said tax is based upon the yearly millage of three (3) mills,  
5 and~~(2)~~the term of the loan does not exceed five (5) years.

6 Section 15. Said board shall have express authority to  
7 issue bonds, subject to approval by a referendum of the voters  
8 ~~Free Holders~~ of said county, and to issue Revenue  
9 Certificates, without a referendum of the voters ~~Free Holders~~  
10 of said county, the proceeds of which shall be used for  
11 erecting, equipping, building, expanding, altering, changing,  
12 maintaining, operating, leasing, and repairing said hospitals,  
13 medical nursing homes, and convalescent homes.

14 Section 16. (a) Said bonds, federal or state hospital  
15 loans, notes, or revenue certificates shall mature within  
16 twenty (20) years from the year in which they are issued or  
17 made, and shall mature in equal amounts each year including  
18 the interest. The aggregate amount of all bonds, revenue  
19 certificates, and federal or state hospital loans issued and  
20 outstanding at any one~~(1)~~time shall not exceed an amount  
21 equal to five (5) times the annual hospital tax at the date of  
22 issue, assuming said tax is based upon the yearly millage of  
23 three (3) mills. Said bonds and interest thereon shall be  
24 payable solely from a millage not to exceed one and one half  
25 (1 1/2) mills per year. Said millage is included in the  
26 maximum millage of three (3) mills per year. The loans, notes  
27 and revenue certificates, together with the interest, shall be  
28 payable from the gross receipts of the hospital and/or medical  
29 nursing home.

30 (b) The full faith and credit of Citrus County shall  
31 be pledged for the payment of the bonds and interest, but the

1 full faith and credit of Citrus County shall not be pledged  
2 for the payment of the loans, notes, or revenue certificates  
3 and interest unless voted upon and approved by the voters  
4 ~~freeholders~~ of said county.

5 (c) Whenever this board shall pass a resolution  
6 approving the issuance of said bonds, the board of county  
7 commissioners shall immediately thereafter pass a resolution  
8 approving the bond issue and calling an ~~a freeholders~~  
9 election and, subject to said election, permitting the  
10 repayment of the bonds out of the annual levy of three (3)  
11 mills per year. The bonds or revenue certificates shall not be  
12 issued until after the same have been approved in a validation  
13 suit.

14 (d) Said loans, notes, bonds, or revenue certificates  
15 shall not bear interest in excess of six percent (6%) per year  
16 and such lesser amounts that may be available in the open  
17 market. The interest rate may ~~can~~ be increased as provided in  
18 subsection ~~under provision of such section~~ (h).

19 (e) The board shall determine the form of the loans,  
20 notes, bonds, and revenue certificates, including any interest  
21 coupons to be attached thereto, and the manner of executing  
22 it, shall fix the denomination or denominations thereof and  
23 the place or places of payment of principal and interest which  
24 may be at any bank or trust company within or without the  
25 state. In case an officer whose signature or a facsimile of  
26 whose signature shall appear on any loan, note, bond, or  
27 revenue certificate, ~~or~~ coupon shall cease to be such officer  
28 before the delivery thereof, such signature or facsimile shall  
29 nevertheless be valid and sufficient for all purposes the same  
30 as if the officer ~~he~~ had remained in office until such  
31 delivery. All loan agreements, notes, bonds, and revenue

1 certificates issued hereunder shall have and are hereby  
2 declared to have all the qualities and incidents of negotiable  
3 instruments under the negotiable instruments law of the state.

4 (f) The board may sell bonds or revenue certificates  
5 in such manner, either at public or private sale, and for such  
6 price as it may determine to be for the best interest of the  
7 hospital board, but no such sale shall be made at a price so  
8 low as to require the payment of interest on the money  
9 received therefor, of more than six percent (6%) per annum.  
10 The interest rate may ~~can~~ be increased as provided in  
11 subsection ~~under provision of section~~ (h).

12 (g) The board of county commissioners during said  
13 period shall, in addition to the ~~a~~ maximum of one and one half  
14 (1 1/2) mills ~~mill~~ levy above authorized for the repayment of  
15 the bonds and interest, levy annually the remainder of the  
16 hospital tax in the amount up to one and one half (1 1/2)  
17 mills on the dollar for the purpose of maintaining and  
18 operating the county hospitals, medical nursing homes, and  
19 convalescent homes.

20 (h) In the event the maturity date of the debt is more  
21 than two (2) years after the date the debt is created, the  
22 maximum interest rate that can be applied to said debt or debt  
23 paper obligation shall not exceed six percent (6%) or one  
24 percent (1%) less than the "prime interest rate," as  
25 established by the Chase Manhattan Bank, National Association,  
26 whichever is the higher, on the date the agreement to create  
27 the debt is executed by the board and the lender. This shall  
28 apply only to debts, ~~created or incurred,~~ subsequent to the  
29 effective date of this amendment. The term debt paper  
30 obligation shall include notes, bonds, and revenue bonds and  
31 certificates.

1           Section 17. The total amount outstanding indebtedness  
2 of said hospital at any one time shall not exceed an amount  
3 equal to six (6) times the annual hospital tax, assuming said  
4 tax is based upon the yearly millage of three mills.

5           Section 18. Heretofore, the Legislature of the State  
6 of Florida authorized said previously existing hospital board  
7 to issue bonds in the amount not to exceed one hundred fifty  
8 thousand (\$150,000.00) dollars of said bonds. ~~Said Board,~~  
9 ~~however, has issued only Seventy-Five Thousand (\$75,000.00)~~  
10 ~~Dollars of said Bonds.~~ This act shall not preclude said  
11 previously existing hospital board or its successors from  
12 issuing ~~said Seventy-Five Thousand (\$75,000.00) Dollars in~~  
13 previously authorized and validated hospital bonds.

14           Section 19. If any part, section, paragraph, or  
15 provision of this ~~the~~ act shall be held unconstitutional by a  
16 court of competent jurisdiction, it shall nevertheless not  
17 effect the constitutionality or effectiveness of the remainder  
18 of this act.

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

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