



1 A bill to be entitled
 2 An act relating to Sarasota County; providing legislative
 3 intent; amending, codifying, and reenacting all special
 4 acts relating to the Sarasota County Public Hospital
 5 District; providing District boundaries; providing for a
 6 governing board; providing powers, functions, and duties
 7 of the District and its governing board, including express
 8 power to sell and exchange real estate; repealing chapters
 9 26468 (1949), 27888 (1951), 31262 (1955), 57-1838, 59-
 10 1839, 61-2807, 61-2855, 61-2868, 63-1893, 63-1895, 63-
 11 1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047, 69-
 12 1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373, 87-
 13 526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of
 14 Florida, except for the provisions approved in referendum
 15 on January 10, 1950, conferring ad valorem taxing
 16 authority; ratifying actions of the District and the
 17 governing board taken pursuant to chapter 69-1583, Laws of
 18 Florida; providing severability; providing for
 19 construction and effect; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Pursuant to section 189.429, Florida Statutes,
 24 this act constitutes the codification of all special acts
 25 relating to Sarasota County Public Hospital District. It is the
 26 intent of the Legislature in enacting this law to provide a
 27 single, comprehensive special act charter for the District
 28 including all current legislative authority granted to the



29 District by its several legislative enactments, inclusive of
30 authority conferred in referenda of Sarasota County electors,
31 and any additional authority granted by this act. It is further
32 the intent of this act to preserve all District authority in
33 addition to any authority contained in general law as amended
34 from time to time.

35 Section 2. Chapters 26468 (1949), 27888 (1951), 31262
36 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868, 63-1893,
37 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047,
38 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373, 87-
39 526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of
40 Florida, are amended, codified, reenacted, and repealed as
41 herein provided.

42 Section 3. The Sarasota County Public Hospital District is
43 re-created, and the charter for such District is re-created and
44 reenacted to read:

45 Section 1. (1) The Sarasota County Public Hospital
46 District ("District"), an independent special district, is
47 hereby established with jurisdiction extending territorially
48 throughout all of Sarasota County, which territory is hereby
49 known as the Sarasota County Public Hospital District, and which
50 shall be governed by the Sarasota County Public Hospital
51 Board("Hospital Board"), as a body corporate.

52 (2) For purposes of election of Hospital Board members,
53 the Hospital Board shall create three hospital board districts
54 within the Sarasota County Public Hospital District, the
55 boundaries of which shall be within the boundaries of Sarasota
56 County, which shall be designated as northern, central, and



57 southern districts, and which shall be as nearly equal in
58 population as practicable. The Hospital Board by resolution
59 adopted from time to time, at intervals of no more than 10
60 years, shall fix the boundaries of the districts along the lines
61 of precincts as they exist at the time such boundaries are
62 fixed. A certified copy of the resolution shall be furnished by
63 the secretary of the Hospital Board to the Sarasota County
64 Supervisor of Elections at least 10 months prior to the next
65 ensuing general election following adoption of the resolution.

66 (3) The membership of the Hospital Board shall consist of
67 nine members, all of whom must be qualified electors of the
68 District. Commencing with the election of 1988, two such
69 members must reside in each of said hospital board districts.
70 All members shall be elected in a partisan election by the
71 qualified electors of the District. Two members who are
72 residents of the southern district shall be elected to district
73 seats in 1986 and every fourth year thereafter; two members who
74 are residents of the northern district shall be elected to
75 district seats in 1986 and every fourth year thereafter; one
76 member who is a resident of the central district shall be
77 elected to a district seat in 1986 and every fourth year
78 thereafter; one member who is a resident of the central district
79 shall be elected to a district seat in 1988 and every fourth
80 year thereafter; and three members shall be elected to at-large
81 seats in 1988 and every fourth year thereafter. Candidates for
82 the six district seats and the three at-large seats shall be
83 numerically or otherwise grouped for a specific seat on primary
84 or general election ballots as provided in the Florida Election



85 Code. Candidates for district seats shall be placed in
86 districts on primary and general election ballots. In any year
87 in which hospital board district seats are to be filled, the
88 hospital board district (northern, central, or southern) shall
89 be printed on the ballot beneath the name of the office. The
90 format of the ballot shall be in conformity with the Florida
91 Election Code. Four members who were elected for 4-year terms
92 in the election of November 2000 shall serve until the
93 expiration of their terms of office, and four members shall be
94 elected for 4-year terms in 2004 and each fourth year
95 thereafter. Five members who were elected for 4-year terms in
96 the election of November 2002 shall serve until the expiration
97 of their terms of office, and five members shall be elected for
98 4-year terms in 2006 and each fourth year thereafter.

99 (4) If a vacancy occurs on the Hospital Board due to a
100 member's death, resignation, removal from office for neglect of
101 duty, removal of residence from the territorial limits of the
102 county, or removal of residence from the territorial limits of
103 the district in the case of a district seat holder, the
104 remainder of the Hospital Board shall appoint a temporary member
105 to fill the vacancy until the next ensuing general election, at
106 which time a new member must be elected for the remainder of the
107 term of the member whose membership has been so vacated. To be
108 eligible for appointment to such Hospital Board, a person must
109 be a qualified elector of the territory covered by this act, and
110 if the vacancy occurs in a hospital board district seat, such
111 person must also be a resident of that district in which the
112 vacancy occurs.



113 (5) The term of office of a Hospital Board member begins
114 on the Tuesday 2 weeks following the day of general election in
115 which the member is elected. The term of office of a member's
116 immediate predecessor expires contemporaneously with the
117 commencement of the term of such newly elected member.

118 (6) Each Hospital Board member shall attend not less than
119 75 percent of the regular meetings of the Hospital Board during
120 each year of such board member's term. For purposes of this
121 subsection, the year of a board member's term commences on the
122 date, followed by the yearly anniversary of the date, upon which
123 the board member takes office. The failure of any Hospital
124 Board member to meet this attendance requirement without being
125 excused by the chair of the Hospital Board constitutes neglect
126 of duty. By resolution specifying facts sufficient to advise a
127 Hospital Board member as to the basis for his or her suspension
128 or removal and after providing the Hospital Board member with
129 reasonable notice and an informal opportunity for him or her to
130 be heard, the Hospital Board may suspend or remove from office
131 any Hospital Board member for neglect of duty. If a vacancy
132 occurs on the Hospital Board due to removal from office pursuant
133 to this subsection, the remainder of the Hospital Board shall
134 fill the vacancy in the manner set forth in subsection (4).

135 Section 2. The members of said Hospital Board shall
136 receive no salary as board members but shall be reimbursed for
137 the amount of actual expenses incurred by them in the
138 performance of their duties. Reimbursement for mileage shall
139 include mileage from members' places of residence to Hospital
140 Board facilities and return and for vicinity mileage incurred in



141 the performance of their duties and shall be computed as
142 provided in section 112.061, Florida Statutes. The travel
143 expenses, subsistence, and lodging expenses of a member may not
144 exceed those prescribed by section 112.061, Florida Statutes,
145 unless actual reasonable expenses in excess of those prescribed
146 by section 112.061, Florida Statutes, are specifically
147 authorized prior to the incurring of such expenses, by action of
148 the Hospital Board taken at a regular monthly meeting at which
149 the question of such expenses appears as a separate item on the
150 agenda.

151 Section 3. The Hospital Board shall select a meeting place
152 and a place for its principal office, and the board meetings
153 shall be held at least once a month. The Hospital Board may
154 elect one of its members to serve as secretary, one to serve as
155 assistant secretary, one to serve as treasurer, and two to serve
156 as assistant treasurers; or it may appoint persons not members
157 of the Hospital Board to serve in those capacities. There shall
158 be a chair of the board, a first vice chair, and a second vice
159 chair. The Hospital Board is authorized to establish and
160 maintain a refund account in a commercial bank of its choosing
161 and may designate the president, executive vice president, vice
162 presidents, business office manager, or controller of the
163 Hospital Board, or any of them, as the sole authorized
164 signatories for such refund account. The president appointed by
165 the Hospital Board, the chair, the first vice chair, the second
166 vice chair, the treasurer, and the assistant treasurers shall be
167 empowered to issue, without a cosignature, warrants for payment
168 of salaries and wages of employees of the Hospital Board. All



169 other vouchers and warrants shall be issued by either the
170 treasurer or assistant treasurer and shall be signed by the
171 chair, and in the event of the absence of the chair, by the
172 first vice chair, and in the event of the absence of the chair
173 and the first vice chair, by the second vice chair. The
174 Hospital Board is authorized to issue its checks, warrants, and
175 vouchers bearing facsimile signatures which are affixed by
176 check-signing machines and devices of the officers and employees
177 of the Hospital Board who are authorized to sign on its behalf.
178 Said treasurer and assistant treasurers shall give bonds, in
179 amounts to be designated by a majority vote of said Hospital
180 Board, of the faithful performance of their duties, by some
181 reputable bonding company authorized to do business in the State
182 of Florida. The said Hospital Board is authorized to pay to the
183 treasurer, assistant treasurers, secretary, and assistant
184 secretary a salary and expenses commensurate with the work done
185 and in keeping with the salary paid for like work by other
186 businesses in the community from time to time.

187 Section 4. The said Sarasota County Public Hospital Board,
188 as the governing body of the District, is hereby declared to be
189 a body corporate and it shall adopt a common seal.

190 Section 5. The duties of the secretary duly elected by
191 said Hospital Board shall be to keep full and correct minutes of
192 all proceedings and minutes of the Hospital Board. The duties
193 of the treasurer duly elected by said Hospital Board shall be to
194 keep a separate account of all expenditures and disbursements by
195 said Hospital Board and an account of all receipts.



196 Section 6. The said Hospital Board shall make and adopt
197 such bylaws, rules, and regulations for its guidance and for the
198 governance of any hospitals that may be established, as may be
199 deemed expedient for the economic and equitable conduct thereof,
200 and shall have exclusive control of the expenditures of all
201 moneys collected or paid to the secretary of the Hospital Board,
202 and shall have power to purchase a site or sites, and to
203 construct any hospital building or buildings necessary, and
204 shall have full supervision, care, and custody of all properties
205 belonging to said Sarasota County Public Hospital Board, or
206 leased to it, or set apart to it for its purposes. Said
207 Hospital Board shall also have the right to buy at a reasonable
208 price any buildings or hospitals which may be now in use and
209 suitable for the purposes of said Board.

210 Section 7. All moneys and receipts for such hospital or
211 hospitals and other health care services, if any, shall be
212 deposited in a bank or banks designated by said Hospital Board
213 and placed to the credit of said Hospital Board. Such moneys
214 may be paid out in the same manner as provided in section 3,
215 without an order from said Hospital Board, for general operating
216 expenses including, but not limited to, such categories of
217 expense as drugs, food, fuel, linens, supplies, laundry,
218 medicines, salaries, wages, utilities, and items of equipment;
219 for capital expenses for land, buildings, and equipment; and for
220 other valid corporate purposes. The Hospital Board is empowered
221 to adopt resolutions or to adopt provisions in its bylaws from
222 time to time which establish a procedure which requires the
223 approval and order of the Hospital Board for the payment of any



224 of the foregoing designated categories of expense which exceed a
225 dollar amount or which meet any other expense criteria as
226 established in such Hospital Board resolutions or bylaws. When
227 such items requiring board approval have been approved by the
228 Hospital Board in regular session and a voucher issued, a
229 warrant may be drawn for same.

230 Section 8. A majority of said Hospital Board shall
231 constitute a quorum for the transaction of its business, and
232 said Hospital Board shall be and is hereby authorized and
233 empowered:

234 (1) To appoint a suitable president, fix his or her
235 compensation, remove any such appointee, and authorize the
236 president to do all things reasonable and necessary to direct
237 the operations and activities of facilities owned or operated by
238 the Hospital Board.

239 (2) To acquire by purchase, gift, or otherwise real and
240 personal property necessary or useful for the construction,
241 operation, and maintenance of hospital buildings and other
242 buildings necessary, in the opinion of the Hospital Board, for
243 health care purposes; to sell or exchange real estate or any
244 interest in real estate; and to construct hospitals, health
245 facilities which may include outpatient health facilities and
246 medical offices, and buildings and accessories incidental
247 thereto on such real estate, and, if such construction occurs
248 within the Memorial Hospital Core as defined by the
249 Comprehensive Plan of the City of Sarasota, to do so without
250 regard to municipal and county zoning ordinances, laws, and
251 regulations.



252 (3) To adopt from time to time resolutions requesting the
253 Board of County Commissioners of Sarasota County to call
254 elections in the District for the purpose of submitting to the
255 qualified electors in the District the question of issuing bonds
256 of the District for the purpose of acquiring a site or sites,
257 the construction thereon of a hospital or hospitals and
258 buildings incidental thereto, and to improve buildings or
259 buildings and the furnishings and equipping of any such hospital
260 or hospitals and buildings. Said Hospital Board may adopt such
261 resolutions on its own initiative and shall adopt such
262 resolutions upon the filing with it of a petition signed by not
263 less than 5 percent of the qualified electors of the District
264 requesting the Hospital Board to adopt such resolutions. Upon
265 the adoption of such resolution by the Hospital Board, it shall
266 be the duty of the Board of County Commissioners of Sarasota
267 County to forthwith adopt a resolution or resolutions which
268 order an election to be held in such county and provide for the
269 date of such elections and the publication of notices thereof,
270 all in the form and manner provided by law.

271 (4) To issue negotiable coupon bonds of the District, from
272 time to time, if approved by a majority of the votes cast in an
273 election by the qualified electors of the District, bearing
274 interest at such rate or rates not exceeding 6 percent per
275 annum, maturing at such time or times not exceeding 30 years
276 from the date thereof, and redeemable at such times and at such
277 price or prices, all as said Hospital Board may determine by
278 resolution, and to sell such bonds at public or private sale and
279 for such price, not less than 95 percent of the par value



280 thereof, as said county Hospital Board may by resolution
 281 determine.

282 (5) To supervise, operate, and maintain all properties
 283 belonging to it.

284 (6) To enter into contracts or leases with any individual,
 285 corporation, public body, board of commissioners, the State of
 286 Florida, Sarasota County, or any municipality, or agency or
 287 instrumentality of said state, county, or municipality, with
 288 respect to the use of any of the property belonging to the
 289 Hospital Board by any thereof.

290 (7) To borrow money from any person, firm, association,
 291 corporation, or governmental agency necessary for the purpose of
 292 purchasing property, constructing buildings, equipping the
 293 hospital or hospitals or other health facilities owned or
 294 operated by the Hospital Board, and maintaining said hospital or
 295 hospitals or other health facilities, from time to time as may
 296 be necessary in properly carrying out the spirit and purpose of
 297 this act, and as evidence thereof to make, execute, and deliver
 298 promissory notes or other evidences of other indebtedness; and,
 299 to the extent permitted by the Florida Constitution and general
 300 laws, to secure the payment of same by mortgages, liens, and
 301 other kinds of security upon any property owned or held by the
 302 Hospital Board.

303 (8) To certify to the Board of County Commissioners of
 304 Sarasota County the amount of the principal and interest upon
 305 bonds issued by the Hospital Board and falling due in which any
 306 such principal or interest may be payable and the amount
 307 necessary to be raised in the District for the purposes of



308 providing a fund sufficient in the opinion of the Hospital Board
309 to pay the cost of operating and maintaining properties of the
310 Hospital Board in each year. In the event bonds shall be issued
311 under the provisions of this act, it shall be the duty of the
312 Hospital Board to certify such facts in writing to the Board of
313 County Commissioners within 30 days after the delivery of such
314 bonds and on or before the expiration of each 12-month period
315 thereafter, and it shall be the duty of the Board of County
316 Commissioners to levy upon all taxable property in the District
317 and collect a tax sufficient to provide funds for the payment of
318 the principal and the interest upon such bonds as such principal
319 and the interest upon such bonds fall due and a tax, not to
320 exceed 2 mills on assessed valuation of property in the
321 District, to provide funds for the operation, maintenance, and
322 repair of and for the making of alterations and additions to any
323 hospitals established by the Hospital Board under the provisions
324 of this act. The proceeds of all such taxes shall be paid over
325 to the secretary and treasurer of the District as such taxes are
326 received.

327 (9) To certify to the Board of County Commissioners of
328 Sarasota County, on or before the 15th day of each month
329 commencing with the month of November 1959, a list of all the
330 medically indigent persons who have been hospitalized in any of
331 the hospitals which are operated by the Hospital Board during
332 the preceding month, together with the itemized charges for the
333 hospital services and care for each of said medically indigent
334 persons which have been rendered in such preceding month by the
335 said hospital. The Board of County Commissioners of Sarasota



336 County shall, within 45 days after the receipt of such certified
337 list of medically indigent patients with the hospital charges,
338 make remittance to the treasurer of the Hospital Board of the
339 sum total of the amount shown on the certified list to be the
340 amount owing to the Hospital Board for the hospital services and
341 care rendered to the medically indigent persons during the month
342 embraced in said certification.

343 The Hospital Board shall give written notice to the Welfare
344 Department of Sarasota County of the proposed admission of each
345 medically indigent person to hospitals operated by said Hospital
346 Board, prior to the actual admission of each such medically
347 indigent person, provided, however, that notice to said Welfare
348 Department prior to the admission of a medically indigent person
349 shall not be required in emergency cases.

350 The said Board of County Commissioners shall in like manner
351 reimburse any other hospital in Sarasota County, approved by the
352 State Board of Health, for hospital services rendered to
353 medically indigent persons as herein defined, upon like
354 certification by such hospital and at such rates as shall not
355 exceed those prescribed for such patients by hospitals owned and
356 operated by said Hospital Board.

357 The term "medically indigent person," as used in this act,
358 shall be deemed to mean an inhabitant of Sarasota County who is
359 ill or injured and who requires treatment in a hospital as
360 prescribed and ordered by a physician and who is unable to
361 provide himself or herself with such necessary hospital
362 services.



363 (10) To expend hospital funds and withhold employees'
364 wages in order to make payment (including any amount paid for
365 insurance and annuities, or into a fund, to provide for any such
366 payment) to or on behalf of an employee of the Hospital Board or
367 any of his or her dependents under any plan or system
368 established by the Hospital Board, when such payment is on
369 account of (a) retirement; (b) sickness or accident
370 disability;(c) medical or hospitalization expenses in connection
371 with sickness or accident disability; or (d) death.

372 (11) To expend funds and provide facilities and personnel
373 to conduct formal and informal courses of instruction,
374 demonstration, and education through hospitals under its
375 jurisdiction relating to hospital procedures, services, and care
376 and the operation and care of apparatus and equipment utilized
377 in connection with usual hospital functions, and to authorize
378 the participation in such courses with private or other
379 governmental agencies; and to award scholarship grants and make
380 scholarship loans to qualified students of nursing, X-ray
381 technology, and other hospital-related fields of study in
382 consideration for the promises of such students to enter the
383 employment of said Hospital Board and to meet other conditions
384 and requirements to be established by said Hospital Board from
385 time to time.

386 (12) To provide hospital and other health care services
387 within the confines of facilities which are owned or operated by
388 the Board. Additionally, the Hospital Board is authorized to
389 provide hospital and other health care services within the
390 boundaries of the Hospital District but outside of facilities



391 which are owned or operated by the Board, provided that the
392 Hospital Board shall adopt a resolution or resolutions from time
393 to time defining the type and scope of hospital and other health
394 care services which the Hospital Board employees, agents, and
395 staff are authorized to render outside of the facilities of the
396 Board.

397 (13) To participate, to the extent permitted by the
398 constitution and laws of this state, as a shareholder in a
399 corporation, as a joint venturer in a joint venture, as a
400 partner in a limited partnership or a general partnership, or as
401 a member of any other lawful form of business organization which
402 provides health care or engages in activities related thereto;
403 to make or arrange for loans, contributions to capital, and
404 other debt and equity financing for the activities of such
405 corporations, joint ventures, partnerships, or other lawful
406 forms of business organization and to guarantee loans for such
407 purposes; to elect the boards of directors of its not-for-profit
408 corporations; and to utilize, for any lawful purpose, assets and
409 resources of the Hospital Board to the extent not needed for
410 health care and related activities.

411 (14) To establish a fund out of hospital revenues other
412 than those revenues derived from ad valorem taxation to promote
413 the activities of the facilities owned or operated by the
414 Hospital Board. The term "promote," as used in this subsection,
415 shall be defined in its broadest sense to include, but not be
416 limited to, advertising, the extension of hospitality or
417 entertainment, the use of news media, and the employment of
418 public relations methods. Expenditures from the fund shall be



419 limited to those determined by the Hospital Board to be
420 reasonable and necessary to encourage and develop support for
421 the facilities owned and operated by the Hospital Board. The
422 Hospital Board may adopt rules for the effective implementation
423 of this subsection.

424 (15) To compromise and settle any accounts receivable or
425 other claim for money due and owing to the hospital by persons
426 unable to pay on demand according to such terms and conditions
427 as the Hospital Board in its discretion may determine. The
428 Hospital Board is further authorized and empowered to sell,
429 assign, or convey to any person, financial institution, or
430 organization the right, title, and interest in any account
431 receivable or judgment owned by the Hospital Board by full or
432 partial payment of such account or judgments as the Hospital
433 Board in its discretion may determine.

434 (16) To establish, own, provide, or participate in health
435 maintenance organizations, in preferred provider organizations,
436 in food services, and in other health-care-related activities
437 using assets and resources of the Hospital Board to the extent
438 not needed for health care. Any of such activities may be
439 carried out by the Hospital Board through any of its forms of
440 organization authorized under this act.

441 (17) To the extent permitted by the constitution and laws
442 of this state, to establish, operate, or support subsidiaries
443 and affiliates, either for profit or not for profit, to assist
444 the Hospital Board in fulfilling its declared public purpose of
445 provision for the health care needs of the people of the
446 District; to establish or support nonaffiliated, not-for-profit



447 corporations which operate primarily within the District and
448 which have as their purposes the furtherance of the Hospital
449 Board's provision for the health care needs of the people of the
450 District; and to accomplish such establishment, operation, or
451 support of any such subsidiary, affiliate, or nonaffiliated,
452 not-for-profit corporation by means of loans of funds either
453 interest free or at low interest, leases of real or personal
454 property either rent free or for low rental, gifts and grants of
455 funds, or guarantees of indebtedness of such subsidiaries,
456 affiliates, and nonaffiliated, not-for-profit corporations. The
457 establishment, operation, or support of a subsidiary or
458 affiliate corporation or nonaffiliated, not-for-profit
459 corporation is hereby found and declared to be a public purpose
460 and necessary for the preservation of the public health and for
461 a public use and for the welfare of the Hospital Board and
462 inhabitants of the District. It is the intent of the
463 Legislature to authorize the formation of the entities described
464 in this section to further the interests of the residents of
465 Sarasota County in maintaining the financial well-being of
466 Memorial Hospital of Sarasota by providing, directly or
467 indirectly, for the delivery, financing, and support of hospital
468 and nonhospital health care services and related activities to
469 the extent consistent with the financial, patient acquisition,
470 and development needs of Memorial Hospital of Sarasota.

471 (18) In addition to any investment authorized by general
472 law, and to the extent permitted by the constitution of this
473 state, to invest any funds in its control or possession in the
474 following:



475 (a) Bankers' acceptances which are drawn upon and accepted
476 by a commercial bank which is a member bank of the Federal
477 Reserve System maintaining capital accounts in excess of 7.5
478 percent of total assets, and which member bank or its holding
479 company carries a credit rating in one of the two highest
480 alphabetical categories from at least two nationally recognized
481 debt rating agencies.

482 (b) Commercial paper of prime quality rated by at least
483 two nationally recognized debt rating agencies in the highest
484 letter and numerical rating of each agency. If not so rated,
485 such prime quality commercial paper may be purchased if secured
486 by a letter of credit provided by a commercial bank, which bank
487 or its holding company carries a credit rating in one of the two
488 highest alphabetical categories from at least two nationally
489 recognized debt rating agencies.

490 (c) Interest-bearing bonds, debentures, and other such
491 evidence of indebtedness with a fixed maturity of any domestic
492 corporation within the United States which is listed on any one
493 or more of the recognized national stock exchanges in the United
494 States and conforms with the periodic reporting requirements
495 under the Securities Exchange Act of 1934. Such obligation
496 shall either carry ratings in one of the two highest
497 classifications of at least two nationally recognized debt
498 rating agencies or be secured by a letter of credit provided by
499 a commercial bank, which bank or its holding company carries a
500 credit rating in one of the two highest alphabetical categories
501 from at least two nationally recognized debt rating agencies.



502 (d) Negotiable direct obligations of, or obligations the
503 principal and interest of which are unconditionally guaranteed
504 by, the United States Government at the then prevailing market
505 price for such securities; and obligations of the Federal Farm
506 Credit Banks, Federal Home Loan Mortgage Corporation, or Federal
507 Home Loan Bank or its district banks, including Federal Home
508 Loan Mortgage Corporation participation certificates, or
509 obligations guaranteed by the Government National Mortgage
510 Association, or obligations of such Federal Agencies and
511 Government Sponsored Enterprises which are qualified for
512 purchase under paragraph (f); which are purchased and sold under
513 repurchase agreements and reverse repurchase agreements.

514 Repurchase agreements and reverse repurchase agreements may be
515 entered into only with a member bank of the Federal Reserve
516 System or primary dealer in U.S. Government Securities, which
517 member bank or primary dealer must have \$100 million in capital.
518 Securities purchased or repurchased by the Hospital Board shall
519 be delivered to the Hospital Board or its agent versus payment.

520 (e) Purchase of options so as to engage in bona fide
521 hedging activities for the purpose of protecting the asset value
522 of the underlying portfolio, provided the instruments for such
523 purpose are traded on a securities exchange or board of trade
524 regulated by the Securities Exchange Commission or the Commodity
525 Futures Trading Commission.

526 (f) Negotiable direct obligations of Federal Agencies or
527 Government Sponsored Enterprises(GSE) which meet each of the
528 following criteria:



- 529 1. An agency or GSE with at least \$10 billion in
530 outstanding debt.
- 531 2. A rating of at least an AA by a nationally recognized
532 securities rating agency.
- 533 3. A selling group of at least three nationally recognized
534 securities dealers.
- 535 4. Chartered by or pursuant to an Act of Congress.
- 536 5. Bonds issued under authority of, or pursuant to, an Act
537 of Congress.
- 538 6. Accepted as security for fiduciary, trust, and public
539 funds under control of the United States Government.
- 540 7. Eligible as collateral for Federal Reserve Bank
541 discount window transactions.
- 542 8. Eligible as collateral for Treasury Tax and Loan
543 accounts.
- 544 9. Eligible for National Bank purchase without regard to
545 statutory limitations and restrictions generally applicable to
546 investment securities.
- 547 10. Authority to borrow from the United States Treasury.
- 548 (19) In addition to other power and authority conferred by
549 this act or by general law, the Hospital Board is vested with
550 the following powers for issuance of revenue bonds of the
551 District:
- 552 (a) The Hospital Board is hereby authorized to provide by
553 resolution at one time or from time to time for the issuance of
554 revenue bonds of the District for the purpose of paying all or a
555 part of the cost of acquisition, construction, planning,
556 leasing, repairing, extensions to, additions, equipping, and



557 reconstruction of any hospital buildings and facilities of the
558 District. The bonds of each issue shall be dated, shall bear
559 interest at such rate or rates not exceeding 7 percent per
560 annum, shall mature at such time or times, not exceeding 40
561 years from their date or dates, as may be determined by the
562 Hospital Board, and may be made redeemable before maturity, at
563 the option of the Hospital Board, at such price or prices and
564 under such terms and conditions as may be fixed by the Hospital
565 Board prior to the issuance of the bonds. The Hospital Board
566 shall determine the form of the bonds, including any interest
567 coupons to be attached thereto, and the manner of execution of
568 the bonds and coupons, and shall fix the denominations of the
569 bonds and the place or places of payment of principal and
570 interest, which may be at any bank or trust company within or
571 without the state. In case any officer whose signature or a
572 facsimile of whose signature shall appear on any bonds or
573 coupons shall cease to be such officer before the delivery of
574 such bonds, such signature or such facsimile shall nevertheless
575 be valid and sufficient for all purposes the same as if he or
576 she had remained in office until such delivery. All bonds
577 issued under the provisions of this act shall have and are
578 hereby declared to have all the qualities and incidents of
579 negotiable instruments under the negotiable instruments laws of
580 the state. The bonds may be issued in coupon or in registered
581 form, or both, as the Hospital Board may determine, and
582 provisions may be made for the registration of any coupon bonds
583 as to the principal alone and also as to both principal and
584 interest, and for the reconversion into coupon bonds of any



585 bonds registered as to both principal and interest. The issuance
586 of such bonds shall not be subject to any limitations or
587 conditions contained in any other law, and the Hospital Board
588 may sell bonds in such manner at public or private sale and for
589 such price as it may determine to be for the best interest of
590 the Hospital Board, but no such sale shall be made at a price so
591 low as to require the payment of interest on the money received
592 therefor at more than 7 percent per annum, computed with
593 relation to the absolute maturity of the bonds in accordance
594 with standard tables of bond values, excluding, however, from
595 such computations the amount of any premium to be paid on
596 redemption of any bonds prior to maturity. Prior to the
597 preparation of definitive bonds, the Hospital Board may, under
598 like restrictions, issue interim receipts or temporary bonds
599 with or without coupons, exchangeable for definitive bonds when
600 such bonds have been executed and are available for delivery.
601 The Hospital Board may also provide for the replacement of any
602 bonds which shall be mutilated, destroyed, or lost.

603 (b) Bonds may be issued under the provisions of this act
604 without obtaining the consent of any commission, board, bureau,
605 or agency of the state or county and without any other
606 proceedings or the happening of any other condition or thing
607 than those proceedings, conditions, or things which are
608 specifically required by this act.

609 (c) No approval of the issuance of the revenue bonds
610 herein authorized at an election of the freeholders who are
611 qualified electors residing in the District shall be necessary
612 unless such election is required by the Constitution of the



613 State of Florida; then, and only in such event, such election
614 shall be called, noticed, and conducted and the results thereof
615 determined and declared as may be required by the general laws
616 of the state.

617 (d) The proceeds of the bonds shall be used solely for the
618 payment of the cost of the hospital facilities for which such
619 bonds shall have been authorized and shall be disbursed in the
620 manner provided in the resolution or in the trust agreement
621 authorizing the issuance of such bonds. If the proceeds of the
622 bonds of any issue shall exceed the amount required for the
623 purpose for which the same shall have been issued, the surplus
624 shall be set aside and used only for the payment of the cost of
625 additional hospital facilities or shall be deposited in the
626 sinking fund for such bonds. In the event that the actual cost
627 of the hospital facilities exceeds the estimated cost, the
628 Hospital Board may issue additional bonds to cover the
629 deficiency, subject to the same restrictions as required for the
630 original issue.

631 (e) The Hospital Board is authorized and empowered to fix,
632 charge, and collect rates, fees, and charges for the use of and
633 for the services furnished or to be furnished by any hospital
634 facilities under the supervision, operation, and control of the
635 Hospital Board in amounts sufficient, with any other funds
636 legally available therefor, first to pay the principal of and
637 the interest on any revenue bonds issued under the provisions of
638 this act, including reserves therefor, and second to pay the
639 cost of operating and maintaining such hospital facilities.



640 (f) Revenue bonds issued under the provisions of this act
641 may be payable from the revenues derived from the operation of
642 any hospital facility or combination of hospital facilities of
643 the District under the supervision, operation, and control of
644 the Hospital Board and from any other funds legally available
645 therefor. The issuance of such revenue bonds shall not
646 directly, indirectly, or contingently obligate the state,
647 Sarasota County, the Hospital Board, or the District to levy any
648 ad valorem taxes or to make any appropriations for their payment
649 or for the operation and maintenance of the hospital facilities
650 of the District.

651 (g) The Hospital Board shall not convey or mortgage any
652 hospital facility or any part thereof as security for the
653 payment of the revenue bonds.

654 (h) In the discretion of the Hospital Board, each or any
655 issue of such revenue bonds may be secured by a trust agreement
656 by and between the Hospital Board and a corporate trustee, which
657 may be any trust company or bank having the powers of a trust
658 company within or without the state. Such trust agreement may
659 pledge or assign the revenues to be received by the Hospital
660 Board. The resolution providing for the issuance of revenue
661 bonds or such trust agreement may contain such provisions for
662 protecting and enforcing the rights and remedies of the
663 bondholders as may be reasonable, proper, and not in violation
664 of law, including covenants setting forth the duties of the
665 Hospital Board in relation to the acquisition, construction,
666 improvement, maintenance, operation, repair, equipping, and
667 insurance of the hospital facilities, and the custody,



668 safeguarding, and application of all moneys. It shall be lawful
669 for any bank or trust company incorporated under the laws of
670 this state to act as such depository and to furnish such
671 indemnifying bonds or to pledge such securities as may be
672 required by the Hospital Board. Such resolution or such trust
673 agreement may restrict the individual right of action by
674 bondholders as is customary in trust agreements securing similar
675 securities. In addition to the foregoing, such resolution or
676 such trust agreement may contain such other provisions as the
677 Hospital Board may deem reasonable and proper for the security
678 of the bondholders. Except as in this act otherwise provided,
679 the Hospital Board may provide, by resolution or by trust
680 agreement, for the payment of the proceeds of the sale of the
681 revenue bonds and the revenues of the facilities to such
682 officer, board, or depository as it may determine for the
683 custody thereof, and for the method of disbursement thereof,
684 with such safeguards and restrictions as it may determine. All
685 expenses incurred in carrying out such trust agreement may be
686 treated as a part of the cost of operation of the facilities
687 affected by such trust agreement.

688 (i) The resolution or trust agreement providing for the
689 issuance of the revenue bonds may also contain such limitations
690 upon the issuance of additional revenue bonds as the Hospital
691 Board may deem proper, and such additional bonds shall be issued
692 under such restrictions or limitations as may be prescribed by
693 such resolution or trust agreement.

694 (j) The Hospital Board is hereby authorized to provide by
695 resolution for the issuance of refunding revenue bonds for the



696 purpose of refunding any revenue bonds, respectively, then
697 outstanding and issued under the provisions of this act. The
698 Hospital Board is further authorized to provide by resolution
699 for the issuance of revenue bonds for the combined purpose of
700 paying the cost of any acquisition, construction, planning,
701 leasing, extension to, addition, improving, equipping, or
702 reconstruction of a facility or facilities of the District and
703 refunding revenue bonds of the District which shall theretofore
704 have been issued under the provisions of this act and shall then
705 be outstanding. The issuance of such bonds, the maturities and
706 other details thereof, the right and remedies of the holders
707 thereof, and the rights, powers, privileges, duties, and
708 obligations of the District with respect to the same shall be
709 governed by the foregoing provisions of this act insofar as the
710 same may be applicable.

711 Section 9. If the Hospital Board and the owners of the
712 property desired by said Hospital Board for hospital purposes
713 cannot agree as to the price to be paid therefor, said Hospital
714 Board is empowered to bring condemnation proceedings against
715 said property for the purpose of condemning said property for
716 public hospital purposes, and said Hospital Board is hereby
717 authorized and empowered to employ an attorney or attorneys to
718 prosecute said condemnation proceedings. The said Hospital
719 Board is hereby given and granted the same powers as the
720 counties of this state so far as condemnation of property is
721 concerned and the same procedure shall be followed. The right
722 of eminent domain hereby granted shall be exercised in
723 accordance with the provisions of chapter 74, Florida Statutes,



724 in the same manner as therein provided for the acquiring of
725 right-of-way for the state highway system and to take title to
726 lands in fee simple absolute or such lesser estate as may be
727 specified in the declaration of taking, upon the deposit of such
728 sum as the court shall determine will fully secure and fully
729 compensate the persons lawfully entitled to compensation.

730 Section 10. Any hospital established under this act shall
731 be for the benefit of the inhabitants of said territory, but
732 said hospital may extend the privileges and use of said hospital
733 for persons residing outside of said District, upon such terms
734 and conditions as the Hospital Board may from time to time by
735 its rules and regulations prescribe. Every such person or
736 inhabitant who is not a pauper shall pay said Hospital Board a
737 reasonable compensation for occupancy, nursing, care, medicine,
738 and attendance according to the rules and regulations prescribed
739 by said Hospital Board. Each municipal corporation situated
740 within the District shall be liable to said Hospital Board for
741 occupancy, nursing, care, medicine, and attendance for prisoners
742 in the custody of any such municipal corporation who are
743 admitted to any hospital operated by said Hospital Board. Said
744 hospital always shall be subject to such rules as such Hospital
745 Board may adopt from time to time in order for said hospital to
746 render the greatest benefit to the greatest number, and said
747 Hospital Board may exclude from treatment and care any indigent
748 or paying case having a communicable or contagious disease when
749 such disease may be a detriment to the best interests of such
750 hospital or a source of contagion or infection to the patients
751 in its care, unless a separate building or ward has been



752 established for the special treatment and care of patients
753 having communicable or contagious diseases and it can properly
754 and with safety to the other patients retain such communicable
755 cases in such separate building or ward.

756 Section 11. When such hospital or hospitals are
757 established, the physicians, nurses, attendants, the persons
758 sick therein, and all other persons approaching or coming within
759 the limits of same, and all furniture or other articles used or
760 brought there, shall be subject to such rules and regulations as
761 said Hospital Board may prescribe.

762 Section 12. The Hospital Board shall organize a staff of
763 physicians and dentists, and the Hospital Board is authorized to
764 give, grant, or revoke staff membership and privileges of the
765 medical staff members for practice in the hospital or hospitals
766 maintained under this act so that the welfare and health of
767 patients and the best interests of the hospital may, at all
768 times, be best served. Membership on the medical staff of the
769 hospital or hospitals owned by the Hospital Board shall be
770 restricted to persons with the following qualifications:

771 (1) Graduates of:

772 (a) Recognized medical schools approved and accredited by
773 the American Medical Association;

774 (b) Recognized dental schools approved and accredited by
775 the American Dental Association;

776 (c) An accredited college of osteopathy who have
777 successfully completed an internship or residency for at least 1
778 academic year of supervised clinical training in a hospital
779 affiliated with a medical school approved by the Council of



780 Medical Education of the American Medical Association, or who
781 have successfully completed any equivalent program established
782 by or relating to the American Osteopathic Association; or

783 (d) A foreign medical school who meet the qualifications
784 for licensure prescribed by section 458.311 or section 458.313,
785 Florida Statutes; and

786 (2) Who are legally licensed to practice medicine,
787 osteopathy, or dentistry in the State of Florida and who are
788 qualified for membership in the Sarasota County Medical Society
789 or the Sarasota County Dental Society, and who are regularly
790 practicing physicians or dentists in the territory in which that
791 hospital or hospitals are located, and who are competent to
792 perform the work required of physicians or dentists with similar
793 privileges on the hospital staff.

794 The term "physician," as used herein, includes only
795 physicians licensed to practice medicine under the Florida
796 Medical Practice Act, chapter 458, Florida Statutes, and
797 physicians licensed to practice osteopathic medicine under
798 chapter 459, Florida Statutes.

799 Medical staff membership or professional privileges shall
800 not be denied to any applicant solely because the applicant is
801 licensed as a doctor of medicine under chapter 458, Florida
802 Statutes, as a doctor of osteopathy under chapter 459, Florida
803 Statutes, nor shall professional privileges be denied to an
804 applicant solely because the applicant is licensed as a doctor
805 of podiatry under chapter 461, Florida Statutes.

806 Any patient shall have the right to employ at his or her
807 expense his or her own physician or dentist, provided such



808 physician or dentist shall have been accorded privileges in the
809 hospital. A physician or dentist, when employed by the patient,
810 shall have exclusive charge of the care and treatment of such
811 patient, subject always to such general rules and regulations as
812 shall be established by the Hospital Board under the provisions
813 of this act. It shall be the duty of the medical staff to
814 organize in the manner prescribed by the said Hospital Board.

815 The Hospital Board is further authorized and empowered to
816 set up rules and regulations for the control of all professional
817 and nonprofessional employees of the hospital, which terms shall
818 include nurses on general duty or on private duty attending
819 patients, and all parties in the hospital, either as employees
820 or in any manner in attendance of patients.

821 Section 13. The millage necessary for the maintenance of
822 said Hospital District shall not exceed a maximum of 2 mills per
823 annum. The millage necessary to pay the interest and provide a
824 sinking fund on bonded indebtedness shall be levied separately
825 from the millage necessary for maintenance of the hospital or
826 hospitals to be constructed or purchased under the provisions of
827 this act, and the Board of County Commissioners of Sarasota
828 County shall make said levy pursuant to the provisions of
829 section 14 of this act.

830 Section 14. (1) The County Property Appraiser of Sarasota
831 County, immediately after said Hospital Board shall have been
832 appointed, shall report in writing to said Hospital Board the
833 assessed valuation on all taxable property within the limits of
834 said District as assessed valuation for taxation by said
835 Hospital Board, and said report shall be made by said Property



836 Appraiser each year thereafter immediately after the tax
837 assessment of said District for that year shall have been
838 reviewed and equalized by the Board of County Commissioners of
839 Sarasota County. Said Hospital Board shall present each year,
840 determined by resolution, the total amount to be raised by
841 taxation upon said taxable property located within said hospital
842 district for such year. The amount necessary to pay the
843 interest for sinking fund or bonded or other secured
844 indebtedness, and the amount necessary for the operation,
845 maintenance, repair, alteration, and addition, shall be stated
846 separately. Said Hospital Board shall thereupon determine the
847 rate of taxation which, when levied upon the assessed valuations
848 of all taxable property within said District, will raise the
849 sums of money theretofore determined by resolutions, as the
850 total amount to be raised for such year by taxation, and shall
851 by resolution levy and fix the rate of taxation on all property
852 in said District, the rate to be levied for operation,
853 maintenance, repair, alteration, and addition to be fixed
854 separately, and the rate for such operation, maintenance,
855 repair, alteration, and addition not to exceed 2 mills per
856 annum.

857 A certified copy of said Tax Resolution, executed by the
858 chair of said Hospital Board and attested by the secretary of
859 said Hospital Board, under its corporate seal, shall be made and
860 delivered to the Board of County Commissioners of Sarasota
861 County on or before August 1 of each year, or within 15 days
862 after receipt of the tax assessment roll from the County
863 Property Appraiser. It shall be the mandatory duty of said



864 Board of County Commissioners of Sarasota County to order and
865 direct the County Property Appraiser of Sarasota County to
866 assess and levy, and to order and direct the County Tax
867 Collector of said county to collect, the tax at the rate fixed
868 and determined by said resolution of the said Hospital Board,
869 upon all taxable property located within said District, and the
870 said levies and assessments shall be included in the tax roll
871 and warrant of said Property Appraiser of said county for each
872 fiscal year thereafter. The said Tax Collector shall collect
873 said taxes in the same manner and at the same time as state and
874 county taxes are collected and shall pay and remit the same upon
875 the collection thereof to the said Hospital Board.

876 (2) In the event the millage authorized herein be reduced
877 in the year of a revaluation as provided in section 193.03,
878 Florida Statutes, 1965, then in each and every year thereafter
879 the millage to be levied may be increased (a) by not more than
880 10 percent of what it was in the preceding year, or (b) by no
881 more than that which is required for a 10-percent increase in
882 the amount which was yielded by millage levied for such Hospital
883 District in the year immediately preceding such revaluation,
884 whichever is greater, provided that nothing herein shall be
885 construed to alter the 2-mill limitation imposed by section 13
886 hereof.

887 Section 15. The Hospital Board shall have power to
888 determine whether or not persons presented to said public
889 hospital for treatment are subject to charity and shall fix
890 charges for occupancy, nursing, care, medicine, and attendance,
891 other than medical or surgical attendance, for these persons



892 able to pay for same, as the Hospital Board may deem just and
893 proper, and all receipts therefor shall be deposited to the
894 credit of the Hospital Board.

895 Section 16. Any person or persons, firms, organizations,
896 corporations, or societies desiring to make donations of money,
897 personal property, or real estate for the benefit of any
898 hospital or hospitals erected under this act shall have the
899 right to vest title of the money, personal property, or real
900 estate so donated in said Hospital Board, to be controlled when
901 accepted by said Hospital Board, according to the terms of the
902 bequests, devises, or gifts pertaining to such property.

903 Section 17. The Hospital Board shall have the right to
904 operate or participate in a nonprofit hospital service plan
905 whereby hospital care may be furnished by the said corporation
906 or by any hospital or hospitals established by said Hospital
907 Board, and said Hospital Board may agree with the subscribers to
908 certain hospital care, and said Hospital Board and those persons
909 with whom it deals on the nonprofit hospital service plan shall
910 be exempt from provisions of the insurance laws of the State of
911 Florida pertaining to insurance which may in any way conflict
912 with the hospital service plan of said Hospital Board. When a
913 contract for hospital service has been executed, the Hospital
914 Board shall be required to render the service set forth in said
915 contract and the other party to the contract shall be required
916 to fully comply with his or her parts of said agreement.

917 Section 18. The purposes for which any hospital created
918 under the provisions of this act shall be used are hereby
919 declared to be for public purposes.



920 Section 19. The term "mill," as used in subsection (8) of
921 section 8 of this act and as used in sections 13 and 14 of
922 chapter 26468 (1949), Laws of Florida, as amended, shall be
923 deemed to mean 1/10th part of a cent, and that the application
924 of the rate of 1 mill to each \$1,000 of assessed valuation of
925 property shall yield \$1.

926 Section 20. The Hospital Board shall be empowered to
927 destroy any of its records together with any of the records of
928 the hospital or hospitals owned and operated by the Hospital
929 Board, provided that such records are photographed or
930 microfilmed prior to their destruction.

931 Section 21. Sarasota County Public Hospital Board is
932 authorized to construct, maintain, operate, and lease parking
933 facilities for hospital agents, employees, patients, staff
934 members, patient guests, business invitees, and the visiting
935 public in conjunction with hospitals which are under the
936 jurisdiction of the Hospital Board upon real property which is
937 presently owned or which may be subsequently acquired by the
938 Hospital Board. The Hospital Board may enter into lease or
939 franchise agreements with private persons or corporations as
940 tenants or operators of such facilities upon such terms and for
941 such periods of time as the Board may deem appropriate. The
942 Hospital Board shall hold a public hearing, after the
943 publication of a notice of such meeting in a newspaper of
944 general circulation in Sarasota County at least one time no less
945 than 10 nor more than 25 days prior to such hearing: (1) to
946 consider the establishment of rates or fees, if any, which shall
947 be charged to motorists who utilize any such hospital parking



948 facility and (2) to consider any subsequent revisions therein
949 which increase the rates or fees which shall be charged to
950 motorists who utilize the hospital parking facility. The
951 Hospital Board is authorized to pledge the income and revenues
952 derived from such leases and franchise agreements as security
953 for the repayment of loans extended to the Hospital Board as the
954 Hospital Board may deem necessary or desirable from time to
955 time. All real property used for such hospital purposes, either
956 by the Hospital Board or by its licensees and franchisees, shall
957 be exempt from ad valorem taxes of Sarasota County and of any
958 municipality in which such real estate may be located.

959 Section 22. The Tax Collector of Sarasota County shall
960 issue a special beverage license authorizing the Hospital Board
961 to sell intoxicating beverages for medicinal purposes only in
962 quantities not in excess of 2 ounces per sale, provided such
963 sales are made only to inpatients of any hospital operated by
964 the Hospital Board and only upon the prescription of a duly
965 licensed physician. The special license shall authorize the
966 Hospital Board to purchase alcoholic beverages from any duly
967 licensed manufacturer or distributor of alcoholic beverages as
968 defined in chapter 561, Florida Statutes, and all such
969 manufacturers and distributors have authority to sell alcoholic
970 beverages to the Hospital Board for resale within the
971 limitations of its special license. The Hospital shall be
972 exempt from the payment of a fee for the special license, which
973 shall be renewed annually by filing with the Tax Collector a
974 resolution by the Hospital Board requesting the renewal of the
975 license.



976 Section 23. Every individual, partnership, firm,
977 association, corporation, institution, governmental district, or
978 other governmental unit, and every combination of any of the
979 foregoing, operating a hospital or hospitals in the County of
980 Sarasota shall be entitled to and is hereby given a lien as
981 herein provided for all reasonable charges for hospital care,
982 treatment, and maintenance of ill or injured persons and the
983 charges for test, laboratory work, X rays, drugs, and other
984 items incident to such care and treatment supplied by or charged
985 to the hospital for the benefit of such ill or injured persons,
986 the total or unpaid part of which is hereafter called hospital
987 bill, which lien shall be and is hereby declared upon all causes
988 of action, suits, claims, counterclaims, and demands accruing to
989 the person or persons to or for whom such care, treatment, or
990 maintenance is furnished, or accruing to the legal
991 representatives of such persons or to the person or persons
992 incurring or liable for the hospital bill, and such lien is also
993 hereby given upon the amounts due or payable under
994 hospitalization insurance, hospital or medical expenses due and
995 payable under public liability policies, or other indemnity, and
996 upon all judgments, settlements, and settlement agreements and
997 the sums payable thereunder rendered or entered into by virtue
998 thereof, on account of illness or injuries giving rise to such
999 causes of action, suits, claims, counterclaims, demands,
1000 judgments, settlements, or settlement agreements and which
1001 necessitated or shall have necessitated or have directly
1002 contributed to the necessity for such hospital care, treatment,
1003 and maintenance, and upon proceeds of such insurance or



1004 indemnity agreements as above specified, whether the illness or
1005 injury be the result of tort or otherwise. The term "hospital
1006 care," as used in this section, shall be broadly construed to
1007 include all hospital and nonhospital health care services and
1008 related activities which are rendered through any hospital or
1009 other health care facility owned or operated by the Hospital
1010 Board or its subsidiaries or affiliates or nonaffiliated, not-
1011 for-profit corporations.

1012 (1) In order to perfect such lien, an executive officer,
1013 controller, or agent of a hospital, before or within 30 days
1014 after such person shall have been discharged from such hospital,
1015 shall file in the office of the Clerk of the Circuit Court of
1016 Sarasota County a verified claim in writing setting forth the
1017 following: (a) the name and address of such patient, as it
1018 shall appear on the records of such hospital, and if the patient
1019 is a minor, it shall contain the name of the parents or guardian
1020 of such minor patient, (b) the name and location of such
1021 hospital, (c) the dates of admission to and discharge of such
1022 patient therefrom, (d) the amount claimed to be due for such
1023 hospital care, treatment, and maintenance, and (e) to the best
1024 knowledge of the person signing such claim, the names and
1025 addresses, if the same be known, of all persons, firms, or
1026 corporations claimed by such ill or injured person or his or her
1027 legal representative to be liable on hospital or other indemnity
1028 insurance if known to claimant; such claimant shall also, within
1029 1 day after the filing of such claim of lien, mail a copy
1030 thereof by registered or certified mail with return receipt
1031 requested, postage prepaid, to each person, firm, or corporation



1032 so claimed to be liable on account of such illness or injuries
1033 at the address so given in such statement filed by the hospital
1034 claimant. The filing of such claim shall constitute notice
1035 thereof to all persons, firms, or corporations who may be liable
1036 on account of such illness or injuries, whether or not they are
1037 named in such claim, and whether or not a copy of such claim
1038 shall have been received by them. Such statement shall not
1039 constitute a lien upon anything other than causes of action,
1040 suits, claims, counterclaims, demands, and insurance and
1041 indemnity proceeds specified in this section, and this is not a
1042 general lien upon the property of the persons named in such
1043 statement.

1044 (2) The clerk of the circuit court shall endorse on each
1045 such claim the date and hour of filing in the official records
1046 of Sarasota County or may provide a hospital lien book with
1047 proper index in which he or she shall record such claims, and
1048 shall show therein the date and hour of such filing. The clerk
1049 shall be paid by the claimant, as his or her fee for filing and
1050 recording of each claim, the same amount he or she is authorized
1051 to charge for recording mortgages.

1052 (3) The clerk shall record any satisfaction which is
1053 executed and acknowledged under oath by the lien claimant, or
1054 its executive officer, comptroller, or agent, in the official
1055 records of Sarasota County at the same filing fees which are
1056 required by the clerk for recording satisfactions of mortgages.
1057 It shall be the duty of the hospital lien claimant to furnish
1058 the patient with a properly executed satisfaction upon payment
1059 or discharge of the lien.



1060 (4) No release or satisfaction of any action, suit, claim,
1061 counterclaim, demand, judgment, settlement, or settlement
1062 agreement shall be valid or effectual as against such lien
1063 unless such lienholder shall join therein or execute a release
1064 of such lien.

1065 (5) Any acceptance of a release or satisfaction of any
1066 such cause of action, suit, claim, counterclaim, demand, or
1067 judgment and any settlement of any of the foregoing in the
1068 absence of a release or satisfaction of the lien referred to in
1069 this act shall prima facie constitute an impairment of such
1070 lien, and the lienholder shall be entitled to an action at law
1071 for damages on account of such impairment, and in such action
1072 may recover from the one accepting such release or satisfaction
1073 or making such settlement the reasonable cost of such hospital
1074 care, treatment, and maintenance. Satisfaction of any judgment
1075 rendered in favor of the lienholder in any such action shall
1076 operate as a satisfaction of the lien. Any action by the
1077 lienholder shall be brought in the court having jurisdiction of
1078 the amount of the lienholder's claim. If the lienholder shall
1079 prevail in such action, the lienholder shall be entitled to
1080 recover from the defendant all costs allowed by law, together
1081 with reasonable attorney's fees to the lienholder's attorney for
1082 handling the action. If the plaintiff or counterclaimant shall
1083 have employed an attorney for the collection of the claims or
1084 damages, including the hospital expenses, on account of or
1085 resulting from the illness or injury of said plaintiff or
1086 counterclaimant or on account of or resulting from the illness,
1087 injury, or death of a deceased patient, the court costs shall



1088 first be paid and the attorney representing such plaintiff or
1089 counterclaimant shall receive his or her fees or compensation
1090 out of the judgment or settlement proceeds and the hospital lien
1091 provided for in this act shall next be fully paid to the
1092 hospital, and the balance of the proceeds of any such settlement
1093 or judgment, if any, shall then be paid to the plaintiff or
1094 counterclaimant.

1095 (6) Upon suit being filed by the patient or on the
1096 patient's behalf, the owner or operator of the hospital, as the
1097 case may be, may also file in the suit a notice of nonpayment of
1098 hospital bill, which said notice shall be recorded and the same
1099 shall constitute a lien upon any judgment recovered or
1100 settlement made to the extent that the court may determine the
1101 hospital's pro rata share for unpaid hospital bill, based upon
1102 such equitable distribution of the amount recovered as the court
1103 may determine, less its pro rata share of all court costs
1104 expended by the plaintiff in the prosecution of the suit and
1105 less the reasonable attorney's fees for the plaintiff's
1106 attorney, such proration to be made by the judge of the trial
1107 court upon application therefor and notice to the adverse party.
1108 Such notice shall be served upon all parties to the suit, and
1109 their attorneys of record, by registered or certified mail.

1110 (7) If the hospital has given such written notice of its
1111 lien and rights against an alleged tortfeasor, a party to said
1112 suit, and thereafter settlement of any such claim or action at
1113 law is made either before or after suit is filed and the parties
1114 fail to agree on the proportion to be paid to each, the court in
1115 which the action is pending shall determine the amount to be



1116 paid to the hospital in accordance with the provisions of this
1117 law.

1118 (8) The provisions of this act shall not be applicable to
1119 accidents or injuries within the purview of the Workers'
1120 Compensation Act of this state.

1121 (9) No hospital lien provided by this act shall continue
1122 for a longer period than 5 years after the claim of lien
1123 provided for under subsections(2) and (3) has been filed, unless
1124 within that time an action has been commenced in a court of
1125 competent jurisdiction by or on behalf of the person to whom the
1126 hospital care, treatment, or maintenance was rendered to collect
1127 on account or for the illness or injuries necessitating such
1128 hospitalization; and in the event that any such action has been
1129 commenced within such 5-year period, then such hospital lien
1130 shall continue, unless otherwise satisfied, for the duration of
1131 any judgment entered in favor of the party claiming damages for
1132 the hospital care, treatment, or maintenance, and shall attach
1133 to any settlement proceeds made pendente lite and shall continue
1134 for 3 years after the date of any such settlement pendente lite.

1135 (10) The acceptance of hospital care shall be deemed and
1136 construed as a determination that hospitalization insurance was
1137 taken out for the benefit of the hospital and as an equitable
1138 assignment of the proceeds to the hospital. Unless the policy
1139 or policies are endorsed or assigned to the hospital, the
1140 hospital may write or stamp upon every statement rendered that
1141 it claims a lien upon the proceeds of all hospitalization
1142 insurance, and such legend shall be notice to any corporation
1143 into whose possession the statement comes that the hospital has



1144 a lien. In this event, payment to policyholder without
1145 settlement direct to the hospital by the insurance company will
1146 make the insurance company liable to the hospital for the amount
1147 of the bill or so much thereof as the policy indemnifies.

1148 Section 24. Notwithstanding any other provisions of law,
1149 all operations of the hospital established under the provisions
1150 of chapter 26468 (1949), Laws of Florida, shall remain under the
1151 direct control and administration of the Hospital Board
1152 established by referendum pursuant to section 21 of said
1153 chapter. The Hospital Board shall not take any action which
1154 would result in the termination of such direct control and
1155 administration unless such action is approved by the electors of
1156 Sarasota County at a referendum called for that purpose;
1157 however, for purposes of this section, the term "operations of
1158 the hospital" does not include:

1159 (1) The operation of nonhospital health care services or
1160 related activities, which services or activities may be
1161 controlled and administered by subsidiaries or affiliates of the
1162 Hospital Board or nonaffiliated, not-for-profit corporations
1163 operating primarily within the territory of the Hospital Board;
1164 or

1165 (2) The operation and provision of hospital services
1166 through any form of shared service arrangement approved by
1167 resolution of the said Hospital Board adopted in public session
1168 and wherein the Hospital Board shall be represented by two or
1169 more Hospital Board members on the governing body of such
1170 entity.



1171 Section 25. In order to secure and promote the provision
1172 of quality medical services to the public, the authority
1173 provided for herein is found by the Legislature to be within the
1174 public policy of this state. The Hospital Board is authorized
1175 to exercise all the powers granted in this act, and those
1176 granted in the Hospital Board's enabling legislation, as
1177 amended, in such manner as it may determine to be consistent
1178 with the purposes of such enabling legislation.

1179 Section 4. Chapter 26468 (1949), Laws of Florida, which
1180 was approved by Sarasota County electors in referendum held on
1181 January 10, 1950, is hereby repealed; provided, however, that,
1182 as provided in section 189.429(3), Florida Statutes, nothing in
1183 this act, including specifically this section 4, shall (i)
1184 modify, amend, or alter any covenants, contracts, or other
1185 obligations of the Hospital Board with respect to its bonded
1186 indebtedness; and (ii) affect the ability of the Hospital Board
1187 to levy and collect taxes as permitted under prior law and
1188 herein. Chapters 27888 (1951), 31262 (1955), 57-1838, 59-1839,
1189 61-2807, 61-2855, 61-2868, 63-1893, 63-1895, 63-1896, 63-1913,
1190 65-2226, 65-2227, 65-2232, 67-2047, 69-1583, 69-1593, 71-907,
1191 83-525, 84-530, 85-501, 86-373, 87-526, 88-534, 90-411, 90-422,
1192 95-507, and 2000-400, Laws of Florida, are repealed. Chapter
1193 69-1583, Laws of Florida, which was approved by Sarasota County
1194 electors in referendum conducted pursuant to such act on
1195 November 4, 1969, is reenacted, except for requirements of
1196 referendum to approve the act, and all actions heretofore taken
1197 by the Sarasota County Public Hospital District and the Sarasota
1198 County Public Hospital Board pursuant to the authority and



1199 powers conferred by chapter 69-1583, Laws of Florida, are
1200 ratified and confirmed.

1201 Section 5. If any section, paragraph, sentence, clause,
1202 phrase, or other part of this act shall be declared
1203 unconstitutional, or if this act should be declared inapplicable
1204 in any case, such declaration shall not affect the remainder of
1205 this act or the applicability thereof in any other case.

1206 Section 6. This act shall be construed as remedial and
1207 shall be liberally construed to promote the purpose for which it
1208 is intended.

1209 Section 7. This act shall take effect upon becoming a law.