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1 A bill to be entitled

2 An act relating to the North Brevard County Hospital  
3 District, a special taxing district in Brevard County;  
4 codifying, reenacting, and amending the district's  
5 charter; providing purpose; providing boundaries;  
6 establishing the North Broward County Hospital District  
7 Board; providing for membership, procedures, terms of  
8 office, removal from office, and filling of vacancies;  
9 providing for election of officers of the board; providing  
10 for a depository of board funds; authorizing the issuance  
11 of bonds; authorizing the establishment, construction,  
12 equipping, operation, maintenance, repair, or lease of  
13 facilities; providing for ad valorem taxation; authorizing  
14 contracts; providing for a training school for nurses;  
15 providing for public records; empowering the board to  
16 adopt rules and regulations; designating the Parrish  
17 Medical Center; providing for purchase of equipment;  
18 providing for discharge of employees or agents; providing  
19 for an employee retirement program; providing for use of  
20 moneys received; providing for transfer of residual assets  
21 in the event of dissolution of the district; providing for  
22 the sale of hospital facilities under certain  
23 circumstances; providing for lease of certain properties  
24 to third parties under certain circumstances; providing  
25 for disposition of surplus property; authorizing the board  
26 to establish a not-for-profit support corporation;  
27 providing for expenditure of funds therefor; providing for  
28 public records and meetings; providing exceptions;  
29 requiring an annual financial report; providing for  
30 adoption of provisions relating to the support



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31 corporation; providing for directors of the support  
 32 corporation; providing for terms and financial disclosure;  
 33 prohibiting certain acts of the support corporation;  
 34 providing for adoption of articles of incorporation;  
 35 providing for distribution of assets; prohibiting certain  
 36 use of funds of the district; providing severability;  
 37 providing for conflict; providing construction; repealing  
 38 chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606,  
 39 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489,  
 40 91-339, 92-226, and 95-502, Laws of Florida; providing an  
 41 effective date.

42

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

44

45 Section 1. Pursuant to section 189.429, Florida Statutes,  
 46 this act constitutes the codification of all special acts  
 47 relating to the North Brevard County Hospital District. It is  
 48 the intent of the Legislature in enacting this law to provide a  
 49 single, comprehensive special act charter for the district,  
 50 including all current legislative authority granted to the  
 51 district by its several legislative enactments and any  
 52 additional authority granted by this act.

53

54 Section 2. Chapters 28924 (1953), 61-1910, 63-1140, 69-  
 55 870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-  
 56 489, 91-339, 92-226, and 95-502, Laws of Florida, pertaining to  
 57 the North Brevard County Hospital District, are amended,  
codified, reenacted, and repealed as herein provided.

58

59 Section 3. The charter for the North Brevard County

60

Hospital District is re-created and reenacted to read:  
Section 1. An independent special tax district is hereby



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61 created and incorporated, as a political subdivision of the  
 62 state, to be known as the North Brevard County Hospital District  
 63 in Brevard County for the purpose of establishing, constructing,  
 64 equipping, operating and maintaining, repairing, or leasing a  
 65 hospital or hospitals and the district shall embrace and include  
 66 that portion of Brevard County described as follows, to wit:

67  
 68 Commencing at the Northwest corner of Brevard County,  
 69 Florida, same being the Northwest corner of Section 6,  
 70 Township 20 South, Range 34 East; go thence East along  
 71 the North boundary line of the County of Brevard, same  
 72 being the South boundary line of Volusia County,  
 73 Florida, to its intersection with the waters of the  
 74 Atlantic Ocean; thence Southeasterly along the waters  
 75 of the Atlantic Ocean to the North line of Section 6,  
 76 Township 23 South, Range 38 East; thence West to the  
 77 channel of the Banana River; thence go Northwesterly  
 78 to the Northeast corner of Section 22, Township 22  
 79 South, Range 37 East, to Banana Creek; thence Westerly  
 80 along the channel of Banana Creek to the channel of  
 81 the Indian River; thence Southerly along the channel  
 82 of the Indian River to a point on the North line of  
 83 Sections 19 and 20, Township 23 South, Range 36 East,  
 84 projected East; thence West along the North boundary  
 85 line of the Section 19, Township 23 South, Range 36  
 86 East, and Sections 19, 20, 21, 22, 23, 24, Township 23  
 87 South, Range 35 East, and Section 24, Township 23  
 88 South, Range 34 East to the waters of the St. Johns  
 89 River; thence along the West boundary line of Brevard  
 90 County, which is also the East boundary line of Orange



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91 County, Florida, to a point in Section 1, Township 22  
92 South, Range 33 East; where same intersects the South  
93 boundary of Volusia County; thence East along the  
94 South boundary line of Volusia County, Florida, to the  
95 Southwest corner of Section 31, Township 21 South,  
96 Range 34 East; thence North continuing along the West  
97 boundary of Brevard County, Florida, which is the East  
98 boundary line of Volusia County, Florida, to point of  
99 beginning."

100  
101 Section 2. The governing body authority of the district  
102 shall be known as the North Brevard County Hospital District  
103 Board. The board shall constitute a body politic and a body  
104 corporate; it may adopt and use a common seal; it may contract  
105 and be contracted with; and it may sue and be sued in its  
106 corporate name or in the corporate name of the district.

107 The board shall be composed of nine members. The office of  
108 each member shall be designated specifically by number as member  
109 one through nine. The office of each member shall be for a term  
110 of 4 years beginning on the first day of January. Each member  
111 shall serve until his or her successor is appointed by the  
112 appropriate governing body as hereinafter provided. Any vacancy  
113 occurring in any office of a member shall be filled by the  
114 appropriate governing body in the manner provided herein for  
115 regular appointments for the remainder of the unexpired term of  
116 office. All board members shall reside within the boundaries of  
117 the district.

118 Board members one, two, and three shall be appointed by the  
119 City Council of the City of Titusville.

120 Board members four, five, and seven shall be appointed by



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121 the Board of County Commissioners of Brevard County.

122 Board members six, eight, and nine shall be appointed by  
123 the Board of County Commissioners of Brevard County subject to  
124 confirmation by the City Council of the City of Titusville.

125 In the event any board member ceases to reside within the  
126 boundaries of the district, the office of such member shall be  
127 deemed vacant as of the date of such change in residence.

128 Any board member may be removed from office in the event a  
129 request for removal for violation of policies and procedures  
130 established by the board is approved by two-thirds of the  
131 membership of the board and in the event the majority of the  
132 governing body responsible for appointing such member approves  
133 of such removal without the necessity of any requirement of  
134 advice and consent as provided herein for an appointment.

135 Section 3. The members of the board shall elect from their  
136 number a chair, vice chair, secretary, and treasurer, who shall  
137 each hold office for a period of not less than 1 year. The  
138 chair, vice chair, secretary, and treasurer shall each execute a  
139 bond in the amount of \$2,000, endorsed by two good and  
140 sufficient sureties or a surety company authorized under the  
141 laws of the state, payable to the district board conditioned  
142 upon the faithful performance of the duties of the officers,  
143 which bonds shall be approved by the remaining members of the  
144 board and which shall be filed with the board of county  
145 commissioners. The premium of the bonds shall be paid by the  
146 board.

147 Section 4. The board shall designate a depository for the  
148 funds of the board, and the funds deposited therein shall be  
149 withdrawn upon specific authorization as set forth in the  
150 minutes of any board meeting. Such funds shall be withdrawn by



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151 warrant signed by the chair and countersigned by the secretary,  
 152 or their duly authorized alternates. The board may designate  
 153 the administrator or business manager to sign warrants covering  
 154 bills for all routine items having prior board approval in the  
 155 current budget.

156 Section 5. Members of the board shall receive no  
 157 compensation for their services. A majority of the members of  
 158 the board then holding office shall constitute a quorum of the  
 159 board for the purpose of conducting its business and exercising  
 160 its powers and for all other purposes. Action may be taken by  
 161 the board only upon the affirmative vote of a majority of the  
 162 members of the board then holding office and present and  
 163 constituting a quorum; provided, however, that any resolution  
 164 authorizing the issuance of bonds, notes, or other obligations  
 165 shall be adopted by the affirmative vote of not less than a  
 166 majority of the members of the board then holding office. The  
 167 board is authorized to construct, equip, operate, maintain,  
 168 repair, or lease a hospital or hospitals in the district. The  
 169 hospital or hospitals so established, constructed, equipped,  
 170 operated, maintained, repaired, or leased will be for the  
 171 preservation of public health and for public good, and for the  
 172 use of the public of the district. The establishment,  
 173 construction, equipping, operation, maintenance, repairing, or  
 174 leasing of such hospital or hospitals within the district is  
 175 hereby found and declared to be a public purpose and a necessity  
 176 for the preservation of the public health and for the public use  
 177 and for the welfare of the district and the inhabitants thereof.

178 Section 6. It shall be the duty of the board, not later  
 179 than July 15, to determine the amount required during the  
 180 ensuing fiscal year for the purpose of establishing,



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181 constructing, equipping, operating, maintaining, repairing, or  
 182 leasing of the hospital or hospitals, or for the payment of debt  
 183 service and reserves on bonds, notes, or other obligations  
 184 issued by the district, or reserves therefor, or for any one or  
 185 more of the above purposes. Such determination shall be by  
 186 resolution of the board and it shall be the duty of the chair  
 187 and the secretary of the board to certify to the Board of County  
 188 Commissioners of Brevard County the amount required, which shall  
 189 be provided by an ad valorem tax levied by the Board of County  
 190 Commissioners of Brevard County on all taxable real and personal  
 191 property in the district for the ensuing fiscal year for the  
 192 hospital fund. The Board of County Commissioners of Brevard  
 193 County, upon being furnished a certified copy of the resolution  
 194 of the board regarding the amount required for its stated  
 195 purposes, shall levy the necessary ad valorem taxes on all the  
 196 taxable real and personal property within the district to raise  
 197 the required amount, provided such millage shall not exceed 5  
 198 mills on the dollar of the assessed valuation of the taxable  
 199 real and personal property situated in the district in Brevard  
 200 County, less all such property exempt from taxation by the  
 201 Florida Constitution; and further provided that the board, in  
 202 issuing any bonds, notes, or other obligations as hereinafter  
 203 provided, may covenant with the holders of such bonds, notes, or  
 204 other obligations that such holders shall have a first lien on  
 205 all such ad valorem taxes levied for the payment of such bonds,  
 206 notes, or other obligations. The resolution of the board above  
 207 shall be adopted and a certified copy thereof shall be filed  
 208 with the Board of County Commissioners of Brevard County not  
 209 less than 10 days prior to the time fixed by law for the levy of  
 210 general county taxes.



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211 Section 7. Wherever in this section the word bonds is  
212 used, such word shall mean bonds, notes, or other obligations  
213 issued by the district. The board shall have power to issue  
214 bonds, notes, or other obligations of the district for which the  
215 full faith and credit and taxing power of the district shall be  
216 pledged, within the limitations herein set forth, for the  
217 purpose of paying the cost or part of the cost of the  
218 construction, acquisition, extension, improvement, or repairing  
219 and equipping of any hospital or hospitals in the district.  
220 Such bonds shall be general obligations of the district and  
221 shall not be issued until the issuance thereof has been duly  
222 approved by the qualified electors residing within the district  
223 who are freeholders in the manner provided in the constitution  
224 and statutes of the state relating to bond elections. Such bond  
225 elections shall be held in the manner provided in the general  
226 election laws of the state for bond elections in special tax  
227 districts and shall be called to be held in the district by the  
228 board of county commissioners of the county upon the request of  
229 the board.

230 The board shall also have power to issue revenue bonds of  
231 the district for the purpose of paying all or part of the cost  
232 of the construction, acquisition, extension, improvement, or  
233 repairing and equipping of a hospital or hospitals in the  
234 district, and the issuance of any revenue bonds of the district  
235 payable solely from the revenues of a hospital or hospitals in  
236 the district, which may be a gross pledge or a net pledge of  
237 such revenues as the board shall in its discretion determine.  
238 Bonds issued which are payable solely from the revenues of a  
239 hospital or hospitals of the district shall not be or constitute  
240 an indebtedness of the district and no approval of the qualified





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241 electors or the qualified electors who are freeholders of the  
 242 district shall be required for the issuance of such bonds  
 243 payable solely from the revenues of such hospital or hospitals.

244 The board may also issue bonds payable from the revenues  
 245 derived from a hospital or hospitals of the district, which may  
 246 be either a gross pledge or a net pledge of such revenues. Such  
 247 may be additionally secured by the full faith and credit and  
 248 taxing power of the district, within the limitations of and for  
 249 the purposes set forth above, to the full extent that the  
 250 revenues derived from the district's hospital or hospitals are  
 251 insufficient for the payment of the principal and interest of,  
 252 or reserves therefor, or other payments required by the  
 253 proceedings authorizing the issuance of such bonds; provided,  
 254 however, that any bonds pledging the full faith and credit of  
 255 the district as additional security to the revenues derived from  
 256 the hospital or hospitals of the district shall also be  
 257 approved, prior to being issued, by the qualified electors  
 258 residing in the district who are freeholders in the manner  
 259 provided for general obligation bonds above and in the  
 260 constitution and statutes of the state.

261 In issuing the revenue bonds, or the combined revenue and  
 262 general obligation bonds, the board may enter into covenants  
 263 with the holders of such bonds relating to the fixing and  
 264 collecting of fees, rentals, or other charges for the use of the  
 265 services and facilities of the hospital or hospitals and the  
 266 maintenance of sufficient fees or other charges to pay the debt  
 267 service and other payments required in the proceedings  
 268 authorizing the issuance of such revenue bonds or combined  
 269 revenue and general obligation bonds, the board may agree to the  
 270 appointment of a trustee for bondholders, for a receiver of such



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271 hospital or hospitals upon defaults as provided in the bond  
272 proceedings. The board may provide for such other covenants,  
273 terms, and conditions as are necessary and customary in revenue  
274 bonds and which in the opinion of the board are necessary and  
275 desirable for the security of the holders of such bonds or the  
276 marketability of such bonds.

277 All bonds issued pursuant to this act, whether general  
278 obligation bonds, revenue bonds, or combined revenue and general  
279 obligation bonds, may be authorized by resolution or resolutions  
280 of the board, which may be adopted at the same meeting at which  
281 they are introduced by a majority of all the members of the board  
282 then in office and need not be published or posted; provided,  
283 however, that any general obligation bonds or combined revenue  
284 and general obligation bonds shall be approved by the qualified  
285 electors who are freeholders residing in the district. Bonds  
286 shall bear interest at the maximum legal interest rate provided  
287 by state law for the issue or reissue of bonds, certificates, or  
288 other obligations of any type or character authorized and issued  
289 by a county, municipality, district, commission, authority, or  
290 any other public body or agency or political subdivision of the  
291 state; may be in one or more series; may bear such date or dates;  
292 may mature at such time or times not exceeding 40 years from  
293 their respective dates; may be payable in such medium of payment,  
294 at such place or places within or without the state; may carry  
295 such registration privileges; may be subject to such terms for  
296 prior redemption, with or without premium; may be executed in  
297 such manner; may contain such terms, covenants, and conditions;  
298 and may otherwise be in such form as such resolution or  
299 subsequent resolution shall provide. Such bonds may be sold or  
300 exchanged for refunding bonds, or delivered to contractors in



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301 payment for any part of the properties acquired or improvements  
302 financed by such bonds, or delivered and exchanged for any  
303 properties, either real, personal, or mixed, to be acquired in  
304 connection with such hospital or hospitals, all at one time or in  
305 blocks from time to time, in such manner as the board in its  
306 discretion shall determine, and at such price or prices, computed  
307 according to standard tables of bond values, as will yield to the  
308 purchaser, or the holders of outstanding obligations surrendered  
309 in exchange for refunding bonds, or the contractors paid with  
310 such bonds, or the owners of any properties exchanged for such  
311 bonds, income at a rate not exceeding the maximum legal interest  
312 rate provided by state law for the issue or reissue of bonds,  
313 certificates or any obligations of any type or character  
314 authorized and issued by a county, municipality, district,  
315 commission, authority, or any other public body or agency or  
316 political subdivision of the state to the stated maturity dates  
317 of the bonds on the moneys paid for the bonds or the principal  
318 amount of outstanding obligations exchanged for refunding bonds  
319 or the amount of any indebtedness to contractors paid with such  
320 bonds or the value of any properties exchanged for such bonds.

321 The board may also issue refunding bonds to fund or refund  
322 any bonds issued pursuant to this act or any other law, and such  
323 refunding bonds shall be subject to all the applicable  
324 provisions of this section; provided, however, that no approval  
325 of the qualified electors who are freeholders residing in the  
326 district shall be required for the issuance of such refunding  
327 bonds, except in cases where such approval is required by the  
328 Constitution of the State of Florida.

329 Pending the preparation of the definitive bonds, interim  
330 certificates or receipts or temporary bonds in such form and



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331 with such provisions as the board may determine may be issued to  
 332 the purchasers of the bonds issued hereunder. Such bonds or  
 333 interim certificates or receipts or temporary bonds shall be  
 334 fully negotiable and shall be and constitute negotiable  
 335 instruments within the meaning of and for all purposes of the  
 336 law of the State of Florida.

337 Section 8. The board is hereby authorized and empowered to  
 338 own and acquire property by purchase, lease, gift, grant, or  
 339 transfer, from the county, state, or federal government or any  
 340 subdivision or agency thereof, any municipality, person,  
 341 partnership, or corporation, and to establish, construct, equip,  
 342 operate, maintain, repair, or lease, hospital facilities in the  
 343 district.

344 Section 9. The district is authorized and empowered to  
 345 contract with individuals, partnerships, corporations,  
 346 municipalities, the county, the state, any subdivision or agency  
 347 thereof in the United States of America, or any subdivision or  
 348 agency thereof to carry out the purposes of this act, including  
 349 participation in the joint provision with other hospitals and  
 350 health care providers of all manner of inpatient and outpatient  
 351 facilities and health care services which provide benefit to  
 352 those members of the public served by the hospital or hospitals  
 353 of the district both within and beyond the boundaries of the  
 354 North Brevard County Hospital District and to the extent such  
 355 participation is consistent with all restrictions contained in  
 356 the constitution and general laws of the state.

357 Section 10. The board is hereby authorized and empowered,  
 358 at any time, in its discretion, to establish and maintain, in  
 359 connection with the district's hospital or hospitals, and as a  
 360 part thereof, a training school for nurses and, upon completion



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361 of a prescribed course of training, shall give to such nurses who  
362 have satisfactorily completed such training, a diploma. The  
363 board is also authorized and empowered to set up all rules and  
364 regulations necessary for the operation of such nurses' training  
365 school, and to make all necessary expenditures in connection  
366 therewith.

367 Section 11. The minutes and acts of the board shall be open  
368 to public inspection at reasonable and convenient times at the  
369 hospital or hospitals of the district on demand of any taxpayer  
370 in the district. At least once a year the board shall cause the  
371 financial records and accounts of the district's hospital or  
372 hospitals to be audited by a certified public accountant  
373 authorized to practice public accounting in the state, and shall  
374 turn over to the Board of County Commissioners of Brevard County  
375 a copy of the audit report.

376 Section 12. The board is empowered to and shall adopt all  
377 necessary rules and regulations for the operation of the  
378 district's hospital or hospitals, provide for the admission  
379 thereto and treatment of such charity patients as apply therefor  
380 and who are citizens of Florida and residents of Brevard County  
381 for the last 2 preceding years, establish the fees and charges  
382 to be made for the admission and treatment therein of other  
383 patients, and to establish qualifications for the members of the  
384 medical profession to be entitled to practice therein.

385 Section 13. The hospital and other medical facilities  
386 owned and operated by the board within the district are hereby  
387 designated and named the Parrish Medical Center and the prior  
388 action of the board in adopting this name is hereby ratified and  
389 confirmed.

390 Section 14. The board shall have the power to purchase any



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391 and all equipment that may be needed for the operation of the  
392 district's hospital or hospitals and shall have the power to  
393 appoint and hire such agent or agents, technical experts,  
394 attorneys, and all other employees as are necessary for carrying  
395 out the purposes of this act and to prescribe their salaries and  
396 duties. The board shall have the power to discharge all  
397 employees or agents when it shall be deemed by the board  
398 necessary for carrying out the purposes of this act.

399 Section 15. The board shall have the power to provide a  
400 retirement program for the district's employees, including  
401 establishing qualifications for coverage; paying part or all of  
402 the cost of such program; contracting with any insurance company  
403 licensed to do business in Florida for the establishment and  
404 operation of the program; charging its covered employees for the  
405 employees' share of the cost of the program; taking such other  
406 action as may be necessary to establish and operate the  
407 retirement program; and withdrawing by resolution of the board,  
408 from the State and County Officers and Employees' Retirement  
409 System of Florida, as established by chapter 122, Florida  
410 Statutes. All general, special, or local laws or parts thereof  
411 inconsistent herewith, are hereby declared to be inapplicable to  
412 the provisions of this act, including specifically section  
413 122.061, Florida Statutes, which shall not apply and which is  
414 hereby amended insofar as it prohibits the withdrawal of the  
415 district and its employees from the retirement system. In the  
416 event that the board shall adopt a resolution by which the  
417 district and its employees shall be withdrawn from the State and  
418 County Officers and Employees' Retirement System of Florida,  
419 such withdrawal shall become effective on the first day of the  
420 next month following the adoption of the resolution, and the



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421 board shall send a certified copy of the resolution to the  
422 Secretary of Management Services. Beginning on the first day of  
423 the next month following the adoption of the resolution, the  
424 district shall not be required to contribute to the State and  
425 County Officers and Employees' Retirement System of Florida, and  
426 its employees shall not thereafter be participants in the  
427 system. Following the adoption of the resolution, each employee  
428 of the district shall be entitled to a refund of 100 percent of  
429 his or her contributions previously made to the state retirement  
430 system, without interest, and the Department of Management  
431 Services shall make such refund to each such employee upon  
432 application therefor by each employee, notwithstanding any other  
433 provisions of the general law relating to such refund.

434 Section 16. All revenue, profit income, and money received  
435 from the conduct of the business or enterprise of the district  
436 is to be used and employed in the furtherance of the business  
437 for which it is organized.

438 No part of the net earnings of the district shall enure to  
439 the benefit, or be distributable to, its members, trustees,  
440 officers, or other private persons, except that it shall be  
441 authorized and empowered to pay reasonable compensation for  
442 services rendered and to make payments and distributions in  
443 furtherance of its purposes as set forth in above.

444 No substantial part of the activities of the district shall  
445 be carrying on propaganda or otherwise attempting to influence  
446 the Legislature, and the North Brevard County Hospital District  
447 shall not participate or intervene in any political campaign on  
448 behalf of any candidate for public office (including the  
449 publication or distribution of statements).

450 Notwithstanding any other provision of this act, the



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451 district shall not carry on any other activities not permitted  
452 to be carried on by:

453 (a) A corporation exempt from federal income tax under  
454 Section 501(c)(3) of the Internal Revenue Code of 1986 (or any  
455 other corresponding provisions of any future Internal Revenue  
456 Law); or

457 (b) A corporation with respect to which contributions made  
458 thereto are deductible under Section 170(c)(2) of the Internal  
459 Revenue Code of 1986 (or any other corresponding provisions of  
460 any future Internal Revenue Law).

461 Section 17. In the event of dissolution of the district,  
462 the residual assets of the district may only be transferred to  
463 one or more organizations which are exempt organizations as  
464 described in Section 501(c)(3) or Section 170(c)(2) of the  
465 Internal Revenue Code of 1986 (or any other corresponding  
466 provisions of any future Internal Revenue Law) and which shall  
467 have as their primary purpose those same health care  
468 responsibilities as then performed by the district, together with  
469 other public needs of the district, and shall be required to  
470 provide the same annual percentage of charity care, indigent  
471 care, and Medicaid care, based on gross revenues, that was  
472 provided by the public hospital and reported to the Health Care  
473 Cost Containment Board in its most recent reporting cycle, and  
474 which shall be jointly approved by the district One (1)  
475 Commissioner of the Brevard County Board of County Commissioners  
476 and four-fifths vote of the City Council of the City of  
477 Titusville.

478 Notwithstanding the foregoing, in no event shall the board  
479 sell the hospital facilities without first receiving the approval  
480 by a majority vote of the duly qualified electors who reside





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481 within the district and who vote in the election. Prior to any  
482 such sale, such qualified electors shall, by affirmative vote,  
483 consent to such sale of the hospital facilities, which consent  
484 must also approve the terms and conditions of the sale, and the  
485 disposition of the sale proceeds. The vote on this issue may be  
486 received at a general or special election to be held within the  
487 district, which shall not be called until notice thereof has been  
488 published in a newspaper of general circulation within the  
489 district once a week for 4 consecutive weeks next prior to the  
490 week during which the general or special election will be held.  
491 If a majority of the electors who vote in the general or special  
492 election vote in favor of the sale of the hospital facilities and  
493 if they approve the terms and conditions of the sale, then in  
494 that event, the board shall have the authority to consummate the  
495 sale upon the terms and conditions thus approved by the electors.  
496 In the event that the duly qualified electors do not ratify and  
497 approve the sale along with its terms and conditions, the board  
498 shall not have the authority to consummate the sale of the  
499 hospital facilities.

500 Section 18. The board is hereby authorized and empowered to  
501 lease such portions of its property and facilities to third  
502 parties when it shall be deemed necessary by the board for  
503 carrying out the purposes of this act.

504 Section 19. In the event the board enters into a lease  
505 agreement as provided in section 18, the facility shall be  
506 required to provide, on an annual basis, not less than the same  
507 percentage of the hospital's gross revenues attributed to charity  
508 care, indigent care, and Medicaid, previously provided by that  
509 hospital as reported to the Hospital Cost Containment Board prior  
510 to the execution of the agreement.



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511 Section 20. The board is hereby authorized to dispose of  
512 surplus real property owned by the district as described herein.  
513 The board must hold a public hearing to determine that the real  
514 property is not presently needed by the district for carrying out  
515 the purposes of this act, that there is not a future need for the  
516 property, and that the property should be declared surplus. The  
517 public hearing must be held at either a regular meeting or a  
518 special meeting called for such purpose after publishing a notice  
519 in a newspaper of general circulation specifically describing the  
520 real property proposed to be declared surplus, which notice must  
521 be published at least 14 days prior to the holding of a special  
522 meeting. After the board determines by resolution that real  
523 property is surplus, it must obtain an appraisal of the property  
524 from an independent appraiser. After receipt of the appraisal,  
525 the board may negotiate an exchange of the surplus property for  
526 other property needed by the district so long as the board  
527 obtains consideration equivalent to the appraised value of the  
528 surplus property. In the alternative, the board may sell the  
529 surplus property after advertising the same for sale in a  
530 newspaper of general circulation at least 14 days prior to the  
531 date of receipt of bids. The board must require sealed bids,  
532 reserving the right to reject all bids. The surplus property may  
533 be sold only to the highest bidder for cash.

534 Section 21. The board is hereby authorized and empowered:  
535 To the extent permitted by the constitution and laws of  
536 this state, to establish, operate, and support a not-for-profit  
537 support corporation to assist the board in fulfilling its  
538 declared public purpose of provision for the health care needs  
539 of the people of the district and the financial stability and  
540 well-being of Parrish Medical Center through physician



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541 recruitment, patient acquisition, and the providing of medical  
542 goods and services and to accomplish such establishment,  
543 operation, or support of such not-for-profit support corporation  
544 by means of the lending of funds at reasonable rates of  
545 interest, leases of real or personal property at reasonable  
546 rental rates, grants of funds, or guarantees of indebtedness of  
547 such not-for-profit support corporation. The establishment,  
548 operation, or support of a not-for-profit support corporation is  
549 hereby found and declared to be a public purpose and necessary  
550 for the preservation of the public health and for a public use  
551 and for the welfare of the board and people of the district. It  
552 is the intent of the Legislature to authorize the formation of  
553 the support corporation described in this section to further the  
554 interests of the residents of the district in maintaining the  
555 financial well-being of Parrish Medical Center by providing for  
556 the delivery, financing, and support of hospital and nonhospital  
557 health care services and related activities to the extent  
558 consistent with the financial, patient acquisition, and  
559 development needs of the district.

560 Notwithstanding the foregoing grant of authority and  
561 powers, the board shall expend funds to the support corporation  
562 of the North Brevard County Hospital District only in accordance  
563 with the following provisions:

564 (a) That the disbursement of any funds by the district in  
565 any form authorized by this act shall only be pursuant to a  
566 resolution specifying the health care-related activity for which  
567 such funds are to be applied and which is adopted at any regular  
568 or special public meeting of the board.

569 (b) That the maximum allowable amount of funds which the  
570 board shall be authorized to expend to or for the benefit of the



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571 support corporation of the district either in the form of  
572 grants, capital, or equity contributions, or loans at reasonable  
573 rates of interest shall not exceed in any fiscal year the lesser  
574 of the net revenue of the district for its preceding fiscal  
575 year, or 2 1/2 percent of the gross revenue of the district for  
576 its preceding fiscal year; provided further, that any public tax  
577 revenue of the district shall be disregarded in the foregoing  
578 formula and such tax revenue shall only be applied to indigent  
579 care and the purchase of capital improvements or capital  
580 equipment to be owned by the district.

581 (c) That the support corporation of the district shall,  
582 consistent with the requirements of chapter 119, Florida  
583 Statutes, submit to the board and for public inspection all  
584 records, to the extent such records are not exempt from the  
585 requirements of chapter 119, Florida Statutes, or except to the  
586 extent that any private individual or organization having  
587 contractual privity with such support corporation has prohibited  
588 disclosure in order to maintain the confidentiality of  
589 proprietary information of such private individual or  
590 organization.

591 (d) That the support corporation of the district shall,  
592 consistent with the requirements of chapter 286, Florida  
593 Statutes, conduct all meetings open to the public except, and  
594 only to the extent a meeting is scheduled and conducted in  
595 executive session, in order to discuss the following:

- 596 1. Property acquisitions;
- 597 2. Strategic planning;
- 598 3. Pending or threatened litigation; or



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599 4. Matters otherwise exempt by general or special law from  
600 the public meeting requirements of chapter 286, Florida  
601 Statutes.

602 (e) That the support corporation of the district shall, at  
603 least annually, present a report to the City Council of the City  
604 of Titusville and a report to the district One County  
605 Commissioner of the Brevard County Board of County Commissioners  
606 and conduct a public meeting to advise the general public as to  
607 its activities in conjunction with and in support of the  
608 district.

609 (f) That the support corporation of the district shall,  
610 consistent with the procedures and requirements of section  
611 11.45, Florida Statutes, submit to the board and for public  
612 inspection an annual financial report certified by an  
613 independent certified public accountant.

614 (g) That the support corporation of the district shall  
615 adopt and maintain without amendment in its articles of  
616 incorporation and corporation bylaws, the following express  
617 provisions:

618 1. That the support corporation shall exist and conduct  
619 its affairs solely to benefit and further the interests of the  
620 district.

621 2. That membership in the support corporation shall  
622 consist of the following seven voting and nonvoting directors  
623 who shall hold office for a 2-year term and may be reappointed:

624 a. The chair of the district, or his or her designee who  
625 is a member of the board.

626 b. The chair of the Jess Parrish Medical Foundation, Inc.,  
627 Board of Directors, or his or her designee who is a member of  
628 the Jess Parrish Medical Foundation, Inc., Board of Directors.



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- 629 c. The chief executive officer of Parrish Medical Center.
- 630 d. Two residents of the district who shall be elected by a
- 631 majority vote of the other voting directors and who shall not be
- 632 members of the board or employees of Parrish Medical Center.
- 633 e. One ex officio nonvoting director appointed by the City
- 634 Council of the City of Titusville and who shall be a resident of
- 635 the City of Titusville and not a member of the board.
- 636 f. One ex officio nonvoting director appointed by the
- 637 district One (1) Commissioner of the Board of County
- 638 Commissioners of Brevard County who shall be a resident of
- 639 district One (1) and not a member of the board.
- 640 That the officers and the directors of the support
- 641 corporation shall comply with all the State of Florida
- 642 requirements for financial disclosure, provisions for voting on
- 643 conflicts, and reporting of gifts as is provided by chapters
- 644 112, 119, and 286, Florida Statutes, except as provided herein.
- 645 3. That the support corporation shall be expressly
- 646 prohibited from distributing or providing any financial benefit
- 647 to or for any director or officer other than reimbursement of
- 648 reasonable expenses incurred, except reasonable compensation for
- 649 services rendered by the executive director employed by the
- 650 support corporation.
- 651 4. That the support corporation shall be expressly
- 652 prohibited from employing or otherwise compensating in any
- 653 manner any current member of the board, or who has been a former
- 654 member thereof for a period of less than 3 years.
- 655 5. That the support corporation shall be expressly
- 656 prohibited from conducting or carrying on propaganda or
- 657 otherwise attempting to influence the Legislature, or
- 658 intervening in any political campaign on behalf of any candidate



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659 for public office, or any other activity not permitted to be  
660 carried on by a corporation exempt from federal income tax under  
661 Section 501(c)(3) of the Internal Revenue Code of 1986 (or any  
662 other corresponding provisions of any future Internal Revenue  
663 Law).

664 (h) That the support corporation of the district shall not  
665 in any event adopt any amendment to its articles of  
666 incorporation or corporation bylaws inconsistent with the  
667 provisions of paragraph (g) or adopt any amendment otherwise  
668 permitted until a public notice of such amendment is published  
669 in accordance with section 11.02, Florida Statutes, and shall  
670 further not implement any such amendment in the event a public  
671 referendum is initiated by the signed petition of at least 10  
672 percent of the registered electors residing in the district  
673 within such notice period and in accordance with the procedures  
674 of section 100.371, Florida Statutes.

675 (i) That the support corporation of the district shall  
676 adopt and maintain without amendment its articles of  
677 incorporation and corporation bylaws, a provision that in the  
678 event of the disposition of any surplus or abandoned property by  
679 or dissolution of such support corporation, then such property  
680 or residual assets shall revert back and be distributed to the  
681 district or its lawful successor.

682 (j) To the extent of assets and other financial support  
683 transferred or provided to the support corporation by the  
684 district, the support corporation shall be required to provide  
685 toward charity care, indigent care, and Medicaid not less than  
686 the same percentage of such support corporation's financial  
687 support as received from the district as equals the percentage



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688 provided directly by the district, itself, toward charity care,  
 689 indigent care, and Medicaid.

690 Further and notwithstanding the foregoing grant of  
 691 authority and powers, nothing under any authorization granted by  
 692 this act shall authorize or permit any transfer or delegation by  
 693 the board of any ownership, lease, management, control, and  
 694 operating authority thereof to any subsidiary, affiliate, or  
 695 other entity, except as to assets transferred to the support  
 696 corporation, as provided for in this section, and any other such  
 697 transfer or delegation is expressly prohibited.

698 Section 22. The board is hereby authorized and empowered,  
 699 notwithstanding any language contained elsewhere in this act to  
 700 the contrary, to establish, construct, equip, operate, and  
 701 maintain both within and beyond the boundaries of the district  
 702 and in addition to hospitals, all manner of other health care  
 703 facilities and all manner of other health care services which  
 704 promote the public health and the health care needs of those  
 705 members of the public served by Parrish Medical Center.

706 Section 23. Notwithstanding any other provision of this  
 707 act which permits the joint participation with other hospitals  
 708 and health care providers or which permits the establishment or  
 709 providing of other health care facilities or services beyond the  
 710 boundaries of the district, the board shall be expressly  
 711 prohibited from using any funds derived from the assessment of  
 712 ad valorem taxes on property located within the district to  
 713 support any such joint participation or to establish or provide  
 714 any health care facility or health care service beyond the  
 715 boundaries of the district, it being the express intent of the  
 716 Legislature that any ad valorem tax funds be used solely toward  
 717 health care facilities or health care services within the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.





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718 district.

719       Section 4. If any provision of this act or the application  
720 thereof to any person or circumstance is held invalid, the  
721 invalidity shall not affect the other provisions or applications  
722 of the act which can be given effect without the invalid  
723 provision or application, and to this end the provisions of this  
724 act are declared severable.

725       Section 5. In the event of a conflict between the  
726 provisions of the act and the provisions of any other act  
727 pertaining to the district, the provisions of this act shall  
728 control to the extent of such conflict.

729       Section 6. This act shall be construed as a remedial act  
730 and shall be liberally construed to promote the purpose for  
731 which it is intended.

732       Section 7. Chapters 28924(1953), 61-1910, 63-1140, 69-870,  
733 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489,  
734 91-339, 92-226, and 95-502, Laws of Florida, are repealed.

735       Section 8. This act shall take effect upon becoming a law.