



CHAMBER ACTION

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The Committee on Local Government and Veterans' Affairs  
recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the North Brevard County Hospital District, a special taxing district in Brevard County; codifying, reenacting, and amending the district's charter; providing purpose; providing boundaries; establishing the North Broward County Hospital District Board; providing for membership, procedures, terms of office, removal from office, and filling of vacancies; providing for election of officers of the board; providing for a depository of board funds; authorizing the issuance of bonds; authorizing the establishment, construction, equipping, operation, maintenance, repair, or lease of facilities; providing for ad valorem taxation; authorizing contracts; providing for a training school for nurses; providing for public records; empowering the board to adopt rules and regulations; designating the Parrish Medical Center; providing for purchase of equipment; providing for discharge of employees or agents; providing



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29 | for an employee retirement program; providing for use of  
30 | moneys received; providing for transfer of residual assets  
31 | in the event of dissolution of the district; providing for  
32 | the sale of hospital facilities under certain  
33 | circumstances; providing for lease of certain properties  
34 | to third parties under certain circumstances; providing  
35 | for disposition of surplus property; authorizing the board  
36 | to establish a not-for-profit support corporation;  
37 | providing for expenditure of funds therefor; providing for  
38 | public records and meetings; providing exceptions;  
39 | requiring an annual financial report; providing for  
40 | adoption of provisions relating to the support  
41 | corporation; providing for directors of the support  
42 | corporation; providing for terms and financial disclosure;  
43 | prohibiting certain acts of the support corporation;  
44 | providing for adoption of articles of incorporation;  
45 | providing for distribution of assets; prohibiting certain  
46 | use of funds of the district; providing severability;  
47 | providing for conflict; providing construction; repealing  
48 | chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606,  
49 | 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489,  
50 | 91-339, 92-226, and 95-502, Laws of Florida; providing an  
51 | effective date.

52

53 | Be It Enacted by the Legislature of the State of Florida:

54

55 | Section 1. Pursuant to section 189.429, Florida Statutes,  
56 | this act constitutes the codification of all special acts



57 relating to the North Brevard County Hospital District. It is  
 58 the intent of the Legislature in enacting this law to provide a  
 59 single, comprehensive special act charter for the district,  
 60 including all current legislative authority granted to the  
 61 district by its several legislative enactments and any  
 62 additional authority granted by this act.

63 Section 2. Chapters 28924 (1953), 61-1910, 63-1140, 69-  
 64 870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-  
 65 489, 91-339, 92-226, and 95-502, Laws of Florida, pertaining to  
 66 the North Brevard County Hospital District, are amended,  
 67 codified, reenacted, and repealed as herein provided.

68 Section 3. The charter for the North Brevard County  
 69 Hospital District is re-created and reenacted to read:

70 Section 1. An independent special tax district is hereby  
 71 created and incorporated, as a political subdivision of the  
 72 state, to be known as the North Brevard County Hospital District  
 73 in Brevard County for the purpose of establishing, constructing,  
 74 equipping, operating and maintaining, repairing, or leasing a  
 75 hospital or hospitals and the district shall embrace and include  
 76 that portion of Brevard County described as follows, to wit:

77  
 78 Commencing at the Northwest corner of Brevard County,  
 79 Florida, same being the Northwest corner of Section 6,  
 80 Township 20 South, Range 34 East; go thence East along  
 81 the North boundary line of the County of Brevard, same  
 82 being the South boundary line of Volusia County,  
 83 Florida, to its intersection with the waters of the  
 84 Atlantic Ocean; thence Southeasterly along the waters



85 | of the Atlantic Ocean to the North line of Section 6,  
 86 | Township 23 South, Range 38 East; thence West to the  
 87 | channel of the Banana River; thence go Northwesterly  
 88 | to the Northeast corner of Section 22, Township 22  
 89 | South, Range 37 East, to Banana Creek; thence Westerly  
 90 | along the channel of Banana Creek to the channel of  
 91 | the Indian River; thence Southerly along the channel  
 92 | of the Indian River to a point on the North line of  
 93 | Sections 19 and 20, Township 23 South, Range 36 East,  
 94 | projected East; thence West along the North boundary  
 95 | line of the Section 19, Township 23 South, Range 36  
 96 | East, and Sections 19, 20, 21, 22, 23, 24, Township 23  
 97 | South, Range 35 East, and Section 24, Township 23  
 98 | South, Range 34 East to the waters of the St. Johns  
 99 | River; thence along the West boundary line of Brevard  
 100 | County, which is also the East boundary line of Orange  
 101 | County, Florida, to a point in Section 1, Township 22  
 102 | South, Range 33 East; where same intersects the South  
 103 | boundary of Volusia County; thence East along the  
 104 | South boundary line of Volusia County, Florida, to the  
 105 | Southwest corner of Section 31, Township 21 South,  
 106 | Range 34 East; thence North continuing along the West  
 107 | boundary of Brevard County, Florida, which is the East  
 108 | boundary line of Volusia County, Florida, to point of  
 109 | beginning."

110 |  
 111 | Section 2. The governing body authority of the district  
 112 | shall be known as the North Brevard County Hospital District



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113 Board. The board shall constitute a body politic and a body  
114 corporate; it may adopt and use a common seal; it may contract  
115 and be contracted with; and it may sue and be sued in its  
116 corporate name or in the corporate name of the district.

117 The board shall be composed of nine members. The office of  
118 each member shall be designated specifically by number as member  
119 one through nine. The office of each member shall be for a term  
120 of 4 years beginning on the first day of January. Each member  
121 shall serve until his or her successor is appointed by the  
122 appropriate governing body as hereinafter provided. Any vacancy  
123 occurring in any office of a member shall be filled by the  
124 appropriate governing body in the manner provided herein for  
125 regular appointments for the remainder of the unexpired term of  
126 office. All board members shall reside within the boundaries of  
127 the district.

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

130 Board members four, five, and seven shall be appointed by  
131 the Board of County Commissioners of Brevard County.

132 Board members six, eight, and nine shall be appointed by  
133 the Board of County Commissioners of Brevard County subject to  
134 confirmation by the City Council of the City of Titusville.

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

138 Any board member may be removed from office in the event a  
139 request for removal for violation of policies and procedures  
140 established by the board is approved by two-thirds of the



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141 membership of the board and in the event the majority of the  
142 governing body responsible for appointing such member approves  
143 of such removal without the necessity of any requirement of  
144 advice and consent as provided herein for an appointment.

145 Section 3. The members of the board shall elect from their  
146 number a chair, vice chair, secretary, and treasurer, who shall  
147 each hold office for a period of not less than 1 year. The  
148 chair, vice chair, secretary, and treasurer shall each execute a  
149 bond in the amount of \$2,000, endorsed by two good and  
150 sufficient sureties or a surety company authorized under the  
151 laws of the state, payable to the district board conditioned  
152 upon the faithful performance of the duties of the officers,  
153 which bonds shall be approved by the remaining members of the  
154 board and which shall be filed with the board of county  
155 commissioners. The premium of the bonds shall be paid by the  
156 board.

157 Section 4. The board shall designate a depository for the  
158 funds of the board, and the funds deposited therein shall be  
159 withdrawn upon specific authorization as set forth in the  
160 minutes of any board meeting. Such funds shall be withdrawn by  
161 warrant signed by the chair and countersigned by the secretary,  
162 or their duly authorized alternates. The board may designate  
163 the administrator or business manager to sign warrants covering  
164 bills for all routine items having prior board approval in the  
165 current budget.

166 Section 5. Members of the board shall receive no  
167 compensation for their services. A majority of the members of  
168 the board then holding office shall constitute a quorum of the



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169 board for the purpose of conducting its business and exercising  
170 its powers and for all other purposes. Action may be taken by  
171 the board only upon the affirmative vote of a majority of the  
172 members of the board then holding office and present and  
173 constituting a quorum; provided, however, that any resolution  
174 authorizing the issuance of bonds, notes, or other obligations  
175 shall be adopted by the affirmative vote of not less than a  
176 majority of the members of the board then holding office. The  
177 board is authorized to construct, equip, operate, maintain,  
178 repair, or lease a hospital or hospitals in the district. The  
179 hospital or hospitals so established, constructed, equipped,  
180 operated, maintained, repaired, or leased will be for the  
181 preservation of public health and for public good, and for the  
182 use of the public of the district. The establishment,  
183 construction, equipping, operation, maintenance, repairing, or  
184 leasing of such hospital or hospitals within the district is  
185 hereby found and declared to be a public purpose and a necessity  
186 for the preservation of the public health and for the public use  
187 and for the welfare of the district and the inhabitants thereof.

188 Section 6. It shall be the duty of the board, not later  
189 than July 15, to determine the amount required during the  
190 ensuing fiscal year for the purpose of establishing,  
191 constructing, equipping, operating, maintaining, repairing, or  
192 leasing of the hospital or hospitals, or for the payment of debt  
193 service and reserves on bonds, notes, or other obligations  
194 issued by the district, or reserves therefor, or for any one or  
195 more of the above purposes. Such determination shall be by  
196 resolution of the board and it shall be the duty of the chair



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197 and the secretary of the board to certify to the Board of County  
198 Commissioners of Brevard County the amount required, which shall  
199 be provided by an ad valorem tax levied by the Board of County  
200 Commissioners of Brevard County on all taxable real and personal  
201 property in the district for the ensuing fiscal year for the  
202 hospital fund. The Board of County Commissioners of Brevard  
203 County, upon being furnished a certified copy of the resolution  
204 of the board regarding the amount required for its stated  
205 purposes, shall levy the necessary ad valorem taxes on all the  
206 taxable real and personal property within the district to raise  
207 the required amount, provided such millage shall not exceed 5  
208 mills on the dollar of the assessed valuation of the taxable  
209 real and personal property situated in the district in Brevard  
210 County, less all such property exempt from taxation by the  
211 Florida Constitution; and further provided that the board, in  
212 issuing any bonds, notes, or other obligations as hereinafter  
213 provided, may covenant with the holders of such bonds, notes, or  
214 other obligations that such holders shall have a first lien on  
215 all such ad valorem taxes levied for the payment of such bonds,  
216 notes, or other obligations. The resolution of the board above  
217 shall be adopted and a certified copy thereof shall be filed  
218 with the Board of County Commissioners of Brevard County not  
219 less than 10 days prior to the time fixed by law for the levy of  
220 general county taxes.

221 Section 7. Wherever in this section the word bonds is  
222 used, such word shall mean bonds, notes, or other obligations  
223 issued by the district. The board shall have power to issue  
224 bonds, notes, or other obligations of the district for which the





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225 full faith and credit and taxing power of the district shall be  
226 pledged, within the limitations herein set forth, for the  
227 purpose of paying the cost or part of the cost of the  
228 construction, acquisition, extension, improvement, or repairing  
229 and equipping of any hospital or hospitals in the district.  
230 Such bonds shall be general obligations of the district and  
231 shall not be issued until the issuance thereof has been duly  
232 approved by the qualified electors residing within the district  
233 who are freeholders in the manner provided in the constitution  
234 and statutes of the state relating to bond elections. Such bond  
235 elections shall be held in the manner provided in the general  
236 election laws of the state for bond elections in special tax  
237 districts and shall be called to be held in the district by the  
238 board of county commissioners of the county upon the request of  
239 the board.

240 The board shall also have power to issue revenue bonds of  
241 the district for the purpose of paying all or part of the cost  
242 of the construction, acquisition, extension, improvement, or  
243 repairing and equipping of a hospital or hospitals in the  
244 district, and the issuance of any revenue bonds of the district  
245 payable solely from the revenues of a hospital or hospitals in  
246 the district, which may be a gross pledge or a net pledge of  
247 such revenues as the board shall in its discretion determine.  
248 Bonds issued which are payable solely from the revenues of a  
249 hospital or hospitals of the district shall not be or constitute  
250 an indebtedness of the district and no approval of the qualified  
251 electors or the qualified electors who are freeholders of the



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252 district shall be required for the issuance of such bonds  
253 payable solely from the revenues of such hospital or hospitals.

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

271 In issuing the revenue bonds, or the combined revenue and  
272 general obligation bonds, the board may enter into covenants  
273 with the holders of such bonds relating to the fixing and  
274 collecting of fees, rentals, or other charges for the use of the  
275 services and facilities of the hospital or hospitals and the  
276 maintenance of sufficient fees or other charges to pay the debt  
277 service and other payments required in the proceedings  
278 authorizing the issuance of such revenue bonds or combined  
279 revenue and general obligation bonds, the board may agree to the



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280 appointment of a trustee for bondholders, for a receiver of such  
281 hospital or hospitals upon defaults as provided in the bond  
282 proceedings. The board may provide for such other covenants,  
283 terms, and conditions as are necessary and customary in revenue  
284 bonds and which in the opinion of the board are necessary and  
285 desirable for the security of the holders of such bonds or the  
286 marketability of such bonds.

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



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308 contain such terms, covenants, and conditions; and may otherwise  
309 be in such form as such resolution or subsequent resolution  
310 shall provide. Such bonds may be sold or exchanged for  
311 refunding bonds, or delivered to contractors in payment for any  
312 part of the properties acquired or improvements financed by such  
313 bonds, or delivered and exchanged for any properties, either  
314 real, personal, or mixed, to be acquired in connection with such  
315 hospital or hospitals, all at one time or in blocks from time to  
316 time, in such manner as the board in its discretion shall  
317 determine, and at such price or prices, computed according to  
318 standard tables of bond values, as will yield to the purchaser,  
319 or the holders of outstanding obligations surrendered in  
320 exchange for refunding bonds, or the contractors paid with such  
321 bonds, or the owners of any properties exchanged for such bonds,  
322 income at a rate not exceeding the maximum legal interest rate  
323 provided by state law for the issue or reissue of bonds,  
324 certificates or any obligations of any type or character  
325 authorized and issued by a county, municipality, district,  
326 commission, authority, or any other public body or agency or  
327 political subdivision of the state to the stated maturity dates  
328 of the bonds on the moneys paid for the bonds or the principal  
329 amount of outstanding obligations exchanged for refunding bonds  
330 or the amount of any indebtedness to contractors paid with such  
331 bonds or the value of any properties exchanged for such bonds.

332 The board may also issue refunding bonds to fund or refund  
333 any bonds issued pursuant to this act or any other law, and such  
334 refunding bonds shall be subject to all the applicable  
335 provisions of this section; provided, however, that no approval



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336 of the qualified electors who are freeholders residing in the  
337 district shall be required for the issuance of such refunding  
338 bonds, except in cases where such approval is required by the  
339 Constitution of the State of Florida.

340 Pending the preparation of the definitive bonds, interim  
341 certificates or receipts or temporary bonds in such form and  
342 with such provisions as the board may determine may be issued to  
343 the purchasers of the bonds issued hereunder. Such bonds or  
344 interim certificates or receipts or temporary bonds shall be  
345 fully negotiable and shall be and constitute negotiable  
346 instruments within the meaning of and for all purposes of the  
347 law of the State of Florida.

348 Section 8. The board is hereby authorized and empowered to  
349 own and acquire property by purchase, lease, gift, grant, or  
350 transfer, from the county, state, or federal government or any  
351 subdivision or agency thereof, any municipality, person,  
352 partnership, or corporation, and to establish, construct, equip,  
353 operate, maintain, repair, or lease, hospital facilities in the  
354 district.

355 Section 9. The district is authorized and empowered to  
356 contract with individuals, partnerships, corporations,  
357 municipalities, the county, the state, any subdivision or agency  
358 thereof in the United States of America, or any subdivision or  
359 agency thereof to carry out the purposes of this act, including  
360 participation in the joint provision with other hospitals and  
361 health care providers of all manner of inpatient and outpatient  
362 facilities and health care services which provide benefit to  
363 those members of the public served by the hospital or hospitals



364 | of the district both within and beyond the boundaries of the  
 365 | North Brevard County Hospital District and to the extent such  
 366 | participation is consistent with all restrictions contained in  
 367 | the constitution and general laws of the state.

368 | Section 10. The board is hereby authorized and empowered,  
 369 | at any time, in its discretion, to establish and maintain, in  
 370 | connection with the district's hospital or hospitals, and as a  
 371 | part thereof, a training school for nurses and, upon completion  
 372 | of a prescribed course of training, shall give to such nurses  
 373 | who have satisfactorily completed such training, a diploma. The  
 374 | board is also authorized and empowered to set up all rules and  
 375 | regulations necessary for the operation of such nurses' training  
 376 | school, and to make all necessary expenditures in connection  
 377 | therewith.

378 | Section 11. The minutes and acts of the board shall be  
 379 | open to public inspection at reasonable and convenient times at  
 380 | the hospital or hospitals of the district on demand of any  
 381 | taxpayer in the district. At least once a year the board shall  
 382 | cause the financial records and accounts of the district's  
 383 | hospital or hospitals to be audited by a certified public  
 384 | accountant authorized to practice public accounting in the  
 385 | state, and shall turn over to the Board of County Commissioners  
 386 | of Brevard County a copy of the audit report.

387 | Section 12. The board is empowered to and shall adopt all  
 388 | necessary rules and regulations for the operation of the  
 389 | district's hospital or hospitals, provide for the admission  
 390 | thereto and treatment of such charity patients as apply therefor  
 391 | and who are citizens of Florida and residents of Brevard County



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392 for the last 2 preceding years, establish the fees and charges  
393 to be made for the admission and treatment therein of other  
394 patients, and to establish qualifications for the members of the  
395 medical profession to be entitled to practice therein.

396 Section 13. The hospital and other medical facilities  
397 owned and operated by the board within the district are hereby  
398 designated and named the Parrish Medical Center and the prior  
399 action of the board in adopting this name is hereby ratified and  
400 confirmed.

401 Section 14. The board shall have the power to purchase any  
402 and all equipment that may be needed for the operation of the  
403 district's hospital or hospitals and shall have the power to  
404 appoint and hire such agent or agents, technical experts,  
405 attorneys, and all other employees as are necessary for carrying  
406 out the purposes of this act and to prescribe their salaries and  
407 duties. The board shall have the power to discharge all  
408 employees or agents when it shall be deemed by the board  
409 necessary for carrying out the purposes of this act.

410 Section 15. The board shall have the power to provide a  
411 retirement program for the district's employees, including  
412 establishing qualifications for coverage; paying part or all of  
413 the cost of such program; contracting with any insurance company  
414 licensed to do business in Florida for the establishment and  
415 operation of the program; charging its covered employees for the  
416 employees' share of the cost of the program; taking such other  
417 action as may be necessary to establish and operate the  
418 retirement program; and withdrawing by resolution of the board,  
419 from the State and County Officers and Employees' Retirement



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420 System of Florida, as established by chapter 122, Florida  
421 Statutes. All general, special, or local laws or parts thereof  
422 inconsistent herewith, are hereby declared to be inapplicable to  
423 the provisions of this act, including specifically section  
424 122.061, Florida Statutes, which shall not apply and which is  
425 hereby amended insofar as it prohibits the withdrawal of the  
426 district and its employees from the retirement system. In the  
427 event that the board shall adopt a resolution by which the  
428 district and its employees shall be withdrawn from the State and  
429 County Officers and Employees' Retirement System of Florida,  
430 such withdrawal shall become effective on the first day of the  
431 next month following the adoption of the resolution, and the  
432 board shall send a certified copy of the resolution to the  
433 Secretary of Management Services. Beginning on the first day of  
434 the next month following the adoption of the resolution, the  
435 district shall not be required to contribute to the State and  
436 County Officers and Employees' Retirement System of Florida, and  
437 its employees shall not thereafter be participants in the  
438 system. Following the adoption of the resolution, each employee  
439 of the district shall be entitled to a refund of 100 percent of  
440 his or her contributions previously made to the state retirement  
441 system, without interest, and the Department of Management  
442 Services shall make such refund to each such employee upon  
443 application therefor by each employee, notwithstanding any other  
444 provisions of the general law relating to such refund.

445 Section 16. All revenue, profit income, and money received  
446 from the conduct of the business or enterprise of the district





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447 is to be used and employed in the furtherance of the business  
448 for which it is organized.

449 No part of the net earnings of the district shall enure to  
450 the benefit, or be distributable to, its members, trustees,  
451 officers, or other private persons, except that it shall be  
452 authorized and empowered to pay reasonable compensation for  
453 services rendered and to make payments and distributions in  
454 furtherance of its purposes as set forth in above.

455 No substantial part of the activities of the district shall  
456 be carrying on propaganda or otherwise attempting to influence  
457 the Legislature, and the North Brevard County Hospital District  
458 shall not participate or intervene in any political campaign on  
459 behalf of any candidate for public office (including the  
460 publication or distribution of statements).

461 Notwithstanding any other provision of this act, the  
462 district shall not carry on any other activities not permitted  
463 to be carried on by:

464 (a) A corporation exempt from federal income tax under  
465 Section 501(c)(3) of the Internal Revenue Code of 1986 (or any  
466 other corresponding provisions of any future Internal Revenue  
467 Law); or

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

472 Section 17. In the event of dissolution of the district,  
473 the residual assets of the district may only be transferred to  
474 one or more organizations which are exempt organizations as



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475 described in Section 501(c)(3) or Section 170(c)(2) of the  
476 Internal Revenue Code of 1986 (or any other corresponding  
477 provisions of any future Internal Revenue Law) and which shall  
478 have as their primary purpose those same health care  
479 responsibilities as then performed by the district, together  
480 with other public needs of the district, and shall be required  
481 to provide the same annual percentage of charity care, indigent  
482 care, and Medicaid care, based on gross revenues, that was  
483 provided by the public hospital and reported to the Health Care  
484 Cost Containment Board in its most recent reporting cycle, and  
485 which shall be jointly approved by the district One (1)  
486 Commissioner of the Brevard County Board of County Commissioners  
487 and four-fifths vote of the City Council of the City of  
488 Titusville.

489 Notwithstanding the foregoing, in no event shall the board  
490 sell the hospital facilities without first receiving the  
491 approval by a majority vote of the duly qualified electors who  
492 reside within the district and who vote in the election. Prior  
493 to any such sale, such qualified electors shall, by affirmative  
494 vote, consent to such sale of the hospital facilities, which  
495 consent must also approve the terms and conditions of the sale,  
496 and the disposition of the sale proceeds. The vote on this  
497 issue may be received at a general or special election to be  
498 held within the district, which shall not be called until notice  
499 thereof has been published in a newspaper of general circulation  
500 within the district once a week for 4 consecutive weeks next  
501 prior to the week during which the general or special election  
502 will be held. If a majority of the electors who vote in the



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503 general or special election vote in favor of the sale of the  
504 hospital facilities and if they approve the terms and conditions  
505 of the sale, then in that event, the board shall have the  
506 authority to consummate the sale upon the terms and conditions  
507 thus approved by the electors. In the event that the duly  
508 qualified electors do not ratify and approve the sale along with  
509 its terms and conditions, the board shall not have the authority  
510 to consummate the sale of the hospital facilities.

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

515 Section 19. In the event the board enters into a lease  
516 agreement as provided in section 18, the facility shall be  
517 required to provide, on an annual basis, not less than the same  
518 percentage of the hospital's gross revenues attributed to  
519 charity care, indigent care, and Medicaid, previously provided  
520 by that hospital as reported to the Hospital Cost Containment  
521 Board prior to the execution of the agreement.

522 Section 20. The board is hereby authorized to dispose of  
523 surplus real property owned by the district as described herein.  
524 The board must hold a public hearing to determine that the real  
525 property is not presently needed by the district for carrying  
526 out the purposes of this act, that there is not a future need  
527 for the property, and that the property should be declared  
528 surplus. The public hearing must be held at either a regular  
529 meeting or a special meeting called for such purpose after  
530 publishing a notice in a newspaper of general circulation



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531 specifically describing the real property proposed to be  
532 declared surplus, which notice must be published at least 14  
533 days prior to the holding of a special meeting. After the board  
534 determines by resolution that real property is surplus, it must  
535 obtain an appraisal of the property from an independent  
536 appraiser. After receipt of the appraisal, the board may  
537 negotiate an exchange of the surplus property for other property  
538 needed by the district so long as the board obtains  
539 consideration equivalent to the appraised value of the surplus  
540 property. In the alternative, the board may sell the surplus  
541 property after advertising the same for sale in a newspaper of  
542 general circulation at least 14 days prior to the date of  
543 receipt of bids. The board must require sealed bids, reserving  
544 the right to reject all bids. The surplus property may be sold  
545 only to the highest bidder for cash.

546 Section 21. The board is hereby authorized and empowered:  
547 To the extent permitted by the constitution and laws of  
548 this state, to establish, operate, and support a not-for-profit  
549 support corporation to assist the board in fulfilling its  
550 declared public purpose of provision for the health care needs  
551 of the people of the district and the financial stability and  
552 well-being of Parrish Medical Center through physician  
553 recruitment, patient acquisition, and the providing of medical  
554 goods and services and to accomplish such establishment,  
555 operation, or support of such not-for-profit support corporation  
556 by means of the lending of funds at reasonable rates of  
557 interest, leases of real or personal property at reasonable  
558 rental rates, grants of funds, or guarantees of indebtedness of



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559 such not-for-profit support corporation. The establishment,  
560 operation, or support of a not-for-profit support corporation is  
561 hereby found and declared to be a public purpose and necessary  
562 for the preservation of the public health and for a public use  
563 and for the welfare of the board and people of the district. It  
564 is the intent of the Legislature to authorize the formation of  
565 the support corporation described in this section to further the  
566 interests of the residents of the district in maintaining the  
567 financial well-being of Parrish Medical Center by providing for  
568 the delivery, financing, and support of hospital and nonhospital  
569 health care services and related activities to the extent  
570 consistent with the financial, patient acquisition, and  
571 development needs of the district.

572 Notwithstanding the foregoing grant of authority and  
573 powers, the board shall expend funds to the support corporation  
574 of the North Brevard County Hospital District only in accordance  
575 with the following provisions:

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

581 (b) That the maximum allowable amount of funds which the  
582 board shall be authorized to expend to or for the benefit of the  
583 support corporation of the district either in the form of  
584 grants, capital, or equity contributions, or loans at reasonable  
585 rates of interest shall not exceed in any fiscal year the lesser  
586 of the net revenue of the district for its preceding fiscal



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587 year, or 2 1/2 percent of the gross revenue of the district for  
588 its preceding fiscal year; provided further, that any public tax  
589 revenue of the district shall be disregarded in the foregoing  
590 formula and such tax revenue shall only be applied to indigent  
591 care and the purchase of capital improvements or capital  
592 equipment to be owned by the district.

593 (c) That the support corporation of the district shall,  
594 consistent with the requirements of chapter 119, Florida  
595 Statutes, submit to the board and for public inspection all  
596 records, to the extent such records are not exempt from the  
597 requirements of chapter 119, Florida Statutes, or except to the  
598 extent that any private individual or organization having  
599 contractual privity with such support corporation has prohibited  
600 disclosure in order to maintain the confidentiality of  
601 proprietary information of such private individual or  
602 organization.

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

- 608 1. Property acquisitions;
- 609 2. Strategic planning;
- 610 3. Pending or threatened litigation; or
- 611 4. Matters otherwise exempt by general or special law from  
612 the public meeting requirements of chapter 286, Florida  
613 Statutes.



614 (e) That the support corporation of the district shall, at  
 615 least annually, present a report to the City Council of the City  
 616 of Titusville and a report to the district One County  
 617 Commissioner of the Brevard County Board of County Commissioners  
 618 and conduct a public meeting to advise the general public as to  
 619 its activities in conjunction with and in support of the  
 620 district.

621 (f) That the support corporation of the district shall,  
 622 consistent with the procedures and requirements of section  
 623 11.45, Florida Statutes, submit to the board and for public  
 624 inspection an annual financial report certified by an  
 625 independent certified public accountant.

626 (g) That the support corporation of the district shall  
 627 adopt and maintain without amendment in its articles of  
 628 incorporation and corporation bylaws, the following express  
 629 provisions:

630 1. That the support corporation shall exist and conduct  
 631 its affairs solely to benefit and further the interests of the  
 632 district.

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

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

638 b. The chair of the Jess Parrish Medical Foundation, Inc.,  
 639 Board of Directors, or his or her designee who is a member of  
 640 the Jess Parrish Medical Foundation, Inc., Board of Directors.

641 c. The chief executive officer of Parrish Medical Center.



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642 d. Two residents of the district who shall be elected by a  
643 majority vote of the other voting directors and who shall not be  
644 members of the board or employees of Parrish Medical Center.

645 e. One ex officio nonvoting director appointed by the City  
646 Council of the City of Titusville and who shall be a resident of  
647 the City of Titusville and not a member of the board.

648 f. One ex officio nonvoting director appointed by the  
649 district One (1) Commissioner of the Board of County  
650 Commissioners of Brevard County who shall be a resident of  
651 district One (1) and not a member of the board.

652 That the officers and the directors of the support  
653 corporation shall comply with all the State of Florida  
654 requirements for financial disclosure, provisions for voting on  
655 conflicts, and reporting of gifts as is provided by chapters  
656 112, 119, and 286, Florida Statutes, except as provided herein.

657 3. That the support corporation shall be expressly  
658 prohibited from distributing or providing any financial benefit  
659 to or for any director or officer other than reimbursement of  
660 reasonable expenses incurred, except reasonable compensation for  
661 services rendered by the executive director employed by the  
662 support corporation.

663 4. That the support corporation shall be expressly  
664 prohibited from employing or otherwise compensating in any  
665 manner any current member of the board, or who has been a former  
666 member thereof for a period of less than 3 years.

667 5. That the support corporation shall be expressly  
668 prohibited from conducting or carrying on propaganda or  
669 otherwise attempting to influence the Legislature, or





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670 intervening in any political campaign on behalf of any candidate  
671 for public office, or any other activity not permitted to be  
672 carried on by a corporation exempt from federal income tax under  
673 Section 501(c)(3) of the Internal Revenue Code of 1986 (or any  
674 other corresponding provisions of any future Internal Revenue  
675 Law).

676 (h) That the support corporation of the district shall not  
677 in any event adopt any amendment to its articles of  
678 incorporation or corporation bylaws inconsistent with the  
679 provisions of paragraph (g) or adopt any amendment otherwise  
680 permitted until a public notice of such amendment is published  
681 in accordance with section 11.02, Florida Statutes, and shall  
682 further not implement any such amendment in the event a public  
683 referendum is initiated by the signed petition of at least 10  
684 percent of the registered electors residing in the district  
685 within such notice period and in accordance with the procedures  
686 of section 100.371, Florida Statutes.

687 (i) That the support corporation of the district shall  
688 adopt and maintain without amendment its articles of  
689 incorporation and corporation bylaws, a provision that in the  
690 event of the disposition of any surplus or abandoned property by  
691 or dissolution of such support corporation, then such property  
692 or residual assets shall revert back and be distributed to the  
693 district or its lawful successor.

694 (j) To the extent of assets and other financial support  
695 transferred or provided to the support corporation by the  
696 district, the support corporation shall be required to provide  
697 toward charity care, indigent care, and Medicaid not less than



698 the same percentage of such support corporation's financial  
 699 support as received from the district as equals the percentage  
 700 provided directly by the district, itself, toward charity care,  
 701 indigent care, and Medicaid.

702 Further and notwithstanding the foregoing grant of  
 703 authority and powers, nothing under any authorization granted by  
 704 this act shall authorize or permit any transfer or delegation by  
 705 the board of any ownership, lease, management, control, and  
 706 operating authority thereof to any subsidiary, affiliate, or  
 707 other entity, except as to assets transferred to the support  
 708 corporation, as provided for in this section, and any other such  
 709 transfer or delegation is expressly prohibited.

710 Section 22. The board is hereby authorized and empowered,  
 711 notwithstanding any language contained elsewhere in this act to  
 712 the contrary, to establish, construct, equip, operate, and  
 713 maintain both within and beyond the boundaries of the district  
 714 and in addition to hospitals, all manner of other health care  
 715 facilities and all manner of other health care services which  
 716 promote the public health and the health care needs of those  
 717 members of the public served by Parrish Medical Center.

718 Section 23. Notwithstanding any other provision of this  
 719 act which permits the joint participation with other hospitals  
 720 and health care providers or which permits the establishment or  
 721 providing of other health care facilities or services beyond the  
 722 boundaries of the district, the board shall be expressly  
 723 prohibited from using any funds derived from the assessment of  
 724 ad valorem taxes on property located within the district to  
 725 support any such joint participation or to establish or provide



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726 any health care facility or health care service beyond the  
727 boundaries of the district, it being the express intent of the  
728 Legislature that any ad valorem tax funds be used solely toward  
729 health care facilities or health care services within the  
730 district.

731 Section 4. If any provision of this act or the application  
732 thereof to any person or circumstance is held invalid, the  
733 invalidity shall not affect the other provisions or applications  
734 of the act which can be given effect without the invalid  
735 provision or application, and to this end the provisions of this  
736 act are declared severable.

737 Section 5. In the event of a conflict between the  
738 provisions of this act and the provisions of any other existing  
739 or future general law or special act pertaining to the sale or  
740 lease of district facilities, the provisions of this act shall  
741 control to the extent of such conflict.

742 Section 6. This act shall be construed as a remedial act  
743 and shall be liberally construed to promote the purpose for  
744 which it is intended.

745 Section 7. Chapters 28924(1953), 61-1910, 63-1140, 69-870,  
746 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489,  
747 91-339, 92-226, and 95-502, Laws of Florida, are repealed.

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