





29 requiring an annual financial report; providing for  
 30 adoption of provisions relating to the support  
 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 Section 2. Chapters 28924 (1953), 61-1910, 63-1140, 69-  
 54 870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-  
 55 489, 91-339, 92-226, and 95-502, Laws of Florida, pertaining to



56 the North Brevard County Hospital District, are amended,  
 57 codified, reenacted, and repealed as herein provided.

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

60 Section 1. An independent special tax district is hereby  
 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  
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  
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  
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,  
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.

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  
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  
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  
282 board then in office and need not be published or posted;  
283 provided, however, that any general obligation bonds or combined  
284 revenue and general obligation bonds shall be approved by the  
285 qualified electors who are freeholders residing in the district.  
286 Bonds shall bear interest at the maximum legal interest rate  
287 provided by state law for the issue or reissue of bonds,  
288 certificates, or other obligations of any type or character  
289 authorized and issued by a county, municipality, district,  
290 commission, authority, or any other public body or agency or  
291 political subdivision of the state; may be in one or more  
292 series; may bear such date or dates; may mature at such time or  
293 times not exceeding 40 years from their respective dates; may be  
294 payable in such medium of payment, at such place or places  
295 within or without the state; may carry such registration  
296 privileges; may be subject to such terms for prior redemption,  
297 with or without premium; may be executed in such manner; may  
298 contain such terms, covenants, and conditions; and may otherwise  
299 be in such form as such resolution or subsequent resolution  
300 shall provide. Such bonds may be sold or exchanged for  
301 refunding bonds, or delivered to contractors in payment for any  
302 part of the properties acquired or improvements financed by such  
303 bonds, or delivered and exchanged for any properties, either  
304 real, personal, or mixed, to be acquired in connection with such  
305 hospital or hospitals, all at one time or in blocks from time to  
306 time, in such manner as the board in its discretion shall  
307 determine, and at such price or prices, computed according to



308 standard tables of bond values, as will yield to the purchaser,  
309 or the holders of outstanding obligations surrendered in  
310 exchange for refunding bonds, or the contractors paid with such  
311 bonds, or the owners of any properties exchanged for such bonds,  
312 income at a rate not exceeding the maximum legal interest rate  
313 provided by state law for the issue or reissue of bonds,  
314 certificates or any obligations of any type or character  
315 authorized and issued by a county, municipality, district,  
316 commission, authority, or any other public body or agency or  
317 political subdivision of the state to the stated maturity dates  
318 of the bonds on the moneys paid for the bonds or the principal  
319 amount of outstanding obligations exchanged for refunding bonds  
320 or the amount of any indebtedness to contractors paid with such  
321 bonds or the value of any properties exchanged for such bonds.

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

330 Pending the preparation of the definitive bonds, interim  
331 certificates or receipts or temporary bonds in such form and  
332 with such provisions as the board may determine may be issued to  
333 the purchasers of the bonds issued hereunder. Such bonds or  
334 interim certificates or receipts or temporary bonds shall be  
335 fully negotiable and shall be and constitute negotiable



336 instruments within the meaning of and for all purposes of the  
337 law of the State of Florida.

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

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

358 Section 10. The board is hereby authorized and empowered,  
359 at any time, in its discretion, to establish and maintain, in  
360 connection with the district's hospital or hospitals, and as a  
361 part thereof, a training school for nurses and, upon completion  
362 of a prescribed course of training, shall give to such nurses  
363 who have satisfactorily completed such training, a diploma. The



364 board is also authorized and empowered to set up all rules and  
365 regulations necessary for the operation of such nurses' training  
366 school, and to make all necessary expenditures in connection  
367 therewith.

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

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

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



391        Section 14. The board shall have the power to purchase any  
392 and all equipment that may be needed for the operation of the  
393 district's hospital or hospitals and shall have the power to  
394 appoint and hire such agent or agents, technical experts,  
395 attorneys, and all other employees as are necessary for carrying  
396 out the purposes of this act and to prescribe their salaries and  
397 duties. The board shall have the power to discharge all  
398 employees or agents when it shall be deemed by the board  
399 necessary for carrying out the purposes of this act.

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



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

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

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

445 No substantial part of the activities of the district shall  
446 be carrying on propaganda or otherwise attempting to influence





447 the Legislature, and the North Brevard County Hospital District  
448 shall not participate or intervene in any political campaign on  
449 behalf of any candidate for public office (including the  
450 publication or distribution of statements).

451 Notwithstanding any other provision of this act, the  
452 district shall not carry on any other activities not permitted  
453 to be carried on by:

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

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

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



475 which shall be jointly approved by the district One (1)  
476 Commissioner of the Brevard County Board of County Commissioners  
477 and four-fifths vote of the City Council of the City of  
478 Titusville.

479 Notwithstanding the foregoing, in no event shall the board  
480 sell the hospital facilities without first receiving the  
481 approval by a majority vote of the duly qualified electors who  
482 reside within the district and who vote in the election. Prior  
483 to any such sale, such qualified electors shall, by affirmative  
484 vote, consent to such sale of the hospital facilities, which  
485 consent must also approve the terms and conditions of the sale,  
486 and the disposition of the sale proceeds. The vote on this  
487 issue may be received at a general or special election to be  
488 held within the district, which shall not be called until notice  
489 thereof has been published in a newspaper of general circulation  
490 within the district once a week for 4 consecutive weeks next  
491 prior to the week during which the general or special election  
492 will be held. If a majority of the electors who vote in the  
493 general or special election vote in favor of the sale of the  
494 hospital facilities and if they approve the terms and conditions  
495 of the sale, then in that event, the board shall have the  
496 authority to consummate the sale upon the terms and conditions  
497 thus approved by the electors. In the event that the duly  
498 qualified electors do not ratify and approve the sale along with  
499 its terms and conditions, the board shall not have the authority  
500 to consummate the sale of the hospital facilities.

501 Section 18. The board is hereby authorized and empowered  
502 to lease such portions of its property and facilities to third



503 parties when it shall be deemed necessary by the board for  
504 carrying out the purposes of this act.

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

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



531 property after advertising the same for sale in a newspaper of  
532 general circulation at least 14 days prior to the date of  
533 receipt of bids. The board must require sealed bids, reserving  
534 the right to reject all bids. The surplus property may be sold  
535 only to the highest bidder for cash.

536 Section 21. The board is hereby authorized and empowered:  
537 To the extent permitted by the constitution and laws of  
538 this state, to establish, operate, and support a not-for-profit  
539 support corporation to assist the board in fulfilling its  
540 declared public purpose of provision for the health care needs  
541 of the people of the district and the financial stability and  
542 well-being of Parrish Medical Center through physician  
543 recruitment, patient acquisition, and the providing of medical  
544 goods and services and to accomplish such establishment,  
545 operation, or support of such not-for-profit support corporation  
546 by means of the lending of funds at reasonable rates of  
547 interest, leases of real or personal property at reasonable  
548 rental rates, grants of funds, or guarantees of indebtedness of  
549 such not-for-profit support corporation. The establishment,  
550 operation, or support of a not-for-profit support corporation is  
551 hereby found and declared to be a public purpose and necessary  
552 for the preservation of the public health and for a public use  
553 and for the welfare of the board and people of the district. It  
554 is the intent of the Legislature to authorize the formation of  
555 the support corporation described in this section to further the  
556 interests of the residents of the district in maintaining the  
557 financial well-being of Parrish Medical Center by providing for  
558 the delivery, financing, and support of hospital and nonhospital



559 health care services and related activities to the extent  
560 consistent with the financial, patient acquisition, and  
561 development needs of the district.

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

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

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

583 (c) That the support corporation of the district shall,  
584 consistent with the requirements of chapter 119, Florida  
585 Statutes, submit to the board and for public inspection all  
586 records, to the extent such records are not exempt from the



587 requirements of chapter 119, Florida Statutes, or except to the  
588 extent that any private individual or organization having  
589 contractual privity with such support corporation has prohibited  
590 disclosure in order to maintain the confidentiality of  
591 proprietary information of such private individual or  
592 organization.

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

- 598 1. Property acquisitions;  
599 2. Strategic planning;  
600 3. Pending or threatened litigation; or  
601 4. Matters otherwise exempt by general or special law from  
602 the public meeting requirements of chapter 286, Florida  
603 Statutes.

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

611 (f) That the support corporation of the district shall,  
612 consistent with the procedures and requirements of section  
613 11.45, Florida Statutes, submit to the board and for public



614 inspection an annual financial report certified by an  
615 independent certified public accountant.

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

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

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

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

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

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

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

635 e. One ex officio nonvoting director appointed by the City  
636 Council of the City of Titusville and who shall be a resident of  
637 the City of Titusville and not a member of the board.

638 f. One ex officio nonvoting director appointed by the  
639 district One (1) Commissioner of the Board of County  
640 Commissioners of Brevard County who shall be a resident of  
641 district One (1) and not a member of the board.



642 That the officers and the directors of the support  
643 corporation shall comply with all the State of Florida  
644 requirements for financial disclosure, provisions for voting on  
645 conflicts, and reporting of gifts as is provided by chapters  
646 112, 119, and 286, Florida Statutes, except as provided herein.

647 3. That the support corporation shall be expressly  
648 prohibited from distributing or providing any financial benefit  
649 to or for any director or officer other than reimbursement of  
650 reasonable expenses incurred, except reasonable compensation for  
651 services rendered by the executive director employed by the  
652 support corporation.

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

657 5. That the support corporation shall be expressly  
658 prohibited from conducting or carrying on propaganda or  
659 otherwise attempting to influence the Legislature, or  
660 intervening in any political campaign on behalf of any candidate  
661 for public office, or any other activity not permitted to be  
662 carried on by a corporation exempt from federal income tax under  
663 Section 501(c)(3) of the Internal Revenue Code of 1986 (or any  
664 other corresponding provisions of any future Internal Revenue  
665 Law).

666 (h) That the support corporation of the district shall not  
667 in any event adopt any amendment to its articles of  
668 incorporation or corporation bylaws inconsistent with the  
669 provisions of paragraph (g) or adopt any amendment otherwise





670 permitted until a public notice of such amendment is published  
671 in accordance with section 11.02, Florida Statutes, and shall  
672 further not implement any such amendment in the event a public  
673 referendum is initiated by the signed petition of at least 10  
674 percent of the registered electors residing in the district  
675 within such notice period and in accordance with the procedures  
676 of section 100.371, Florida Statutes.

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

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

692 Further and notwithstanding the foregoing grant of  
693 authority and powers, nothing under any authorization granted by  
694 this act shall authorize or permit any transfer or delegation by  
695 the board of any ownership, lease, management, control, and  
696 operating authority thereof to any subsidiary, affiliate, or  
697 other entity, except as to assets transferred to the support



698 corporation, as provided for in this section, and any other such  
699 transfer or delegation is expressly prohibited.

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

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

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



725 provision or application, and to this end the provisions of this  
 726 act are declared severable.

727 Section 5. In the event of a conflict between the  
 728 provisions of this act and the provisions of any other existing  
 729 or future general law or special act pertaining to the sale or  
 730 lease of district facilities, the provisions of this act shall  
 731 control to the extent of such conflict.

732 Section 6. This act shall be construed as a remedial act  
 733 and shall be liberally construed to promote the purpose for  
 734 which it is intended.

735 Section 7. Chapters 28924(1953), 61-1910, 63-1140, 69-870,  
 736 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489,  
 737 91-339, 92-226, and 95-502, Laws of Florida, are repealed.

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