



CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Indian River County Hospital District, Indian River County; codifying special laws relating to the district; providing legislative intent; amending, codifying, reenacting, and repealing chapters 61-2275, 63-1432, 65-1708, 67-1515, 67-1516, 71-688, 72-568, 74-499, 76-387, 84-451, 99-485, and 2002-345, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing for the incorporation of the sunshine law, the public records act, the election code, and the bidding requirements of chapters 255 and 287, Florida Statutes; authorizing the board to levy ad valorem tax within the district; providing for the purpose of the tax; providing for a method for such levy; exempting property of the district for assessment;



HB 1601

2003
CS

28 providing for benefits for staff; providing an effective
29 date.
30

31 Be It Enacted by the Legislature of the State of Florida:
32

33 Section 1. Pursuant to section 189.429, Florida Statutes,
34 this act constitutes the codification of all special acts
35 relating to the Indian River County Hospital District. It is
36 the intent of the Legislature to provide a single comprehensive
37 special act charter for the district including all current
38 legislative authority granted to the district by its several
39 legislative enactments. It is further the intent of this act to
40 preserve all district authority.

41 Section 2. Chapters 61-2275, 63-1432, 65-1708, 67-1515,
42 67-1516, 71-688, 72-568, 74-499, 76-387, 84-451, 99-485, and
43 2002-345, Laws of Florida, are amended, codified, reenacted and
44 repealed as herein provided.

45 Section 3. The Indian River County Hospital District is
46 re-created and the charter is re-created and reenacted to read:

47 Section 1. District Creation; Boundaries. That the
48 special tax district now existing and known and designated as
49 "Indian River County Hospital District," as created and
50 incorporated by chapter 59-1385, Laws of Florida, and as
51 abolished, recreated, and reincorporated by chapter 61-2275,
52 Laws of Florida, shall embrace and include all that land and
53 area situated and being in Indian River County, Florida, within
54 the following territorial boundaries, to-wit:
55



56 Begin at the point where the South boundary line of
 57 Indian River County, Florida, intersects the Atlantic
 58 Ocean; thence run West along said South boundary line
 59 to the Southwest corner of Section 31, Township 33
 60 South, Range 36 East; thence run North along the range
 61 line dividing Range 35 East and Range 36 East to the
 62 Northeast corner of Township 33 South, Range 35 East;
 63 thence run West along the North line of said Township
 64 33 South to the Southwest corner of Section 31,
 65 Township 32 South, Range 35 East; thence run North on
 66 the line dividing Indian River County and Osceola
 67 County to the South line of Township 31 South, Range
 68 35 East; thence run East along said South line of
 69 Township 31 South to the Southeast corner of Section
 70 31, Township 31 South, Range 35 East; thence run North
 71 along the East line of Sections 31, 30, 19, 18, 7 and
 72 6, all said sections being in Township 31 South, Range
 73 35 East, to the North boundary line of Indian River
 74 County; thence run East along said North boundary line
 75 of Indian River County to the point where said line
 76 intersects the medial line of the South Fork of the
 77 St. Sebastian River; thence Northerly down the thread
 78 of said stream to the main stream of the St. Sebastian
 79 River; thence down the thread of the St. Sebastian
 80 River to its confluence with the Indian River; thence
 81 East to the intersection with the Southwesterly
 82 extension of the center line of the approach channel
 83 to the Sebastian inlet from the Indian River; thence



84 Northeasterly along said center line and continue
 85 Northeasterly and Easterly along the center line of
 86 the Sebastian inlet to the Atlantic Ocean; thence run
 87 Southerly along and following the Easterly boundary
 88 line of Indian River County, Florida, to the point of
 89 beginning.

91 Section 1.1. Definitions. The following words and terms,
 92 unless the context clearly indicates a different meaning, shall
 93 have the following meanings:

94 (1) "District" means the Indian River County Hospital
 95 District, a special tax district located in Indian River County,
 96 Florida, created and incorporated by chapter 61-2275, Laws of
 97 Florida, as amended.

98 (2) "Health facility" or "health facilities" means a
 99 building, structure, or unit or any improvement to real
 100 property, including all necessary or usual attendant and related
 101 equipment, facilities, or fixtures, or any part or parts
 102 thereof, or any combination or combinations thereof, including,
 103 but not limited to, a general hospital, psychiatric hospital,
 104 ambulatory clinic or center, chronic disease hospital,
 105 rehabilitation hospital, urgent care center, extended care and
 106 intermediate care facility, nursing home, life-care facility
 107 dispensary, laboratory, laundry, administration building,
 108 research facility, maintenance facility, storage facility,
 109 medical office buildings, conference centers, physical fitness
 110 centers, or any other related facility, including parking and
 111 other facilities necessary or desirable for the orderly



HB 1601

2003
CS

112 operation of a health facility, also including equipment and
113 machinery and other similar items necessary or convenient for
114 the operation of a health facility in the manner for which its
115 use is intended, or items of equipment which are necessary or
116 desirable for the operation of a health facility, or any
117 combination thereof, but shall not include such items as fuel,
118 supplies, or other items which are customarily deemed to result
119 in a current operating charge.

120 (3) "Health and medical services" shall mean items or
121 services provided by or under the supervision of a physician or
122 other person trained or licensed to render health care necessary
123 for the prevention, care, diagnosis, or treatment of human
124 disease, pain, injury, deformity, or other physical or mental
125 condition, including, but not limited to, preadmission,
126 outpatient, inpatient and postdischarge care, home care,
127 physician's care, nursing care, extended care, intermediate
128 care, urgent care, emergency care, and medical care provided by
129 interns or residents-in-training and other paramedical care,
130 ambulance service, bed and board, drugs, biologicals, supplies,
131 appliances, equipment, laboratory services, x-ray, radium, and
132 radioactive isotope therapy, and billing and collection
133 services.

134 (4) "Cost" means the sum total of all or any part of costs
135 incurred or estimated to be incurred by the district or by a
136 health facility which are reasonable and necessary for carrying
137 out all works and undertakings and providing all necessary or
138 desirable equipment for the development of a health facility,
139 exclusive of the amount of any private or federal, state, or



HB 1601

2003
CS

140 local financial assistance for and received by a health facility
141 for the payment of such cost. Such costs shall include, but are
142 not necessarily limited to, interest prior to, during, and for a
143 cost of operation and maintenance during the construction period
144 and for a reasonable additional period thereafter, the cost of
145 necessary studies, surveys, plans and specifications,
146 architectural, engineering, legal or other special services, the
147 cost of acquisition of land, buildings, and improvements
148 thereon, including payments for the relocation of persons
149 displaced by such acquisition, site preparation and development,
150 construction, reconstruction, equipment, including fixtures,
151 equipment, and cost of demolition and removal, and articles of
152 personal property required, the reasonable cost of financing
153 incurred in the course of the development of the health
154 facility, reserves for debt service, the fees imposed by the
155 district, other fees charged, and necessary expenses incurred in
156 connection with the initial occupancy of the health facility,
157 and the cost of such other items as may be reasonable and
158 necessary for the development of a health facility.

159 (5) "General obligation bonds" means bonds of the district
160 issued hereunder, which are secured by the levy of ad valorem
161 taxes and which may be issued only after the same have been
162 approved by the majority of votes cast in an election of the
163 qualified voters residing in the district.

164 (6) "Revenue bonds" means bonds of the district issued
165 hereunder, payable solely out of the revenues derived by the
166 district from the sale, operation, or leasing of any health
167 facility or facilities.



HB 1601

2003
CS

168 (7) "Bonds" means all bonds, notes, or other obligations
169 of the district issued hereunder.

170 (8) "State" means the State of Florida.

171 Section 2. Authority. The board of trustees is authorized
172 and empowered to establish, construct, purchase, operate,
173 maintain, and lease, as lessee or lessor, such health facilities
174 in or through which the district provides health and medical
175 services as in its opinion are necessary and desirable for the
176 use of the people of the district. The health facilities in or
177 through which the district provides health and medical services
178 which may be purchased, established, constructed, operated,
179 maintained, and leased by or through or from the board of
180 trustees shall be for the preservation of the public health, and
181 for the public good and for the use of the public of the
182 district. Maintenance of such health facilities in or through
183 which health and medical services are provided within the
184 district is found and declared to be a public purpose and
185 necessary for the preservation of the public health and public
186 use and for the welfare of the district and the inhabitants
187 thereof. The location of such health facilities shall be
188 determined by the board. The trustees may assume and agree to
189 pay any outstanding indebtedness, obligations, or contracts in
190 connection with any health facilities in or through which health
191 and medical services are provided. The board of trustees is
192 further authorized and empowered to expend district funds for
193 any purposes related to or supportive of the authorized
194 activities of the district. The powers granted to the board of



HB 1601

2003
CS

195 trustees herein are in addition to those granted by the general
196 law of the state.

197 Section 2.1. (1) The board of trustees is authorized and
198 empowered to enter into contracts or agreements for the purpose
199 of operating and managing any such health facilities in or
200 through which the district provides health and medical services.

201 (2) The board of trustees is authorized and empowered to
202 enter into financing agreements, to lease, as lessee or lessor,
203 any such health facilities in which the district provides or
204 proposes to provide health and medical services, or any land or
205 property of the district. Any financing agreement to secure
206 bonds of the district shall require that the other party to the
207 financing agreement shall be a governmental unit or nonprofit
208 corporation qualified under Section 501(c)(3) of the United
209 States Internal Revenue Code of 1954, as amended, and exempt
210 from federal income taxes under Section 501(a) or a successor
211 provision thereto, and that such health facilities in or through
212 which the district, prior to entering into the financing
213 agreement, shall be returned to the district upon the
214 termination of the financing agreement, or the dissolution of
215 the nonprofit corporation.

216 (3) The board of trustees shall determine the terms of
217 such financing agreements, contracts, or agreements, and the
218 conditions, covenants, and agreements to be contained therein.

219 (4) The board of trustees is authorized and empowered to
220 from time to time sell such rights in real or personal property
221 or other portions of any health facilities as the district by
222 resolution determines are no longer useful in connection with



HB 1601

2003
CS

223 such health facilities and the health and medical services
224 provided therein.

225 (5) The board of trustees is authorized and empowered to
226 enter into in interlocal agreement pursuant to Florida
227 Interlocal Cooperation Act of 1969, as amended from time to
228 time, and may thereby exercise jointly with any other public
229 entity in the state any power, privilege, or authority which any
230 such entity shares in common with the district and which each
231 might exercise separately.

232 (6) Prior to any decision to sell all or substantially all
233 of the facilities which make up Indian River Memorial Hospital,
234 the district shall cause a referendum to be held at which the
235 electors of Indian River County shall have the opportunity to
236 express their approval or disapproval of the proposed sale. The
237 referendum shall be held in accordance with:

238 (a) The bond referendum procedure set forth in chapter 100
239 and chapter 101, Florida Statutes;

240 (b) The procedure for a mail ballot referendum set forth
241 in section 101.6101, Florida Statutes; or

242 (c) Any other comparable procedure set forth in then
243 existing Florida law.

244
245 The specific procedure to be utilized shall be determined by the
246 district in the resolution calling for such referendum. The
247 result of the referendum shall be binding upon the district.
248 Nothing herein shall prevent the district from changing minor
249 details of the proposed sale following the referendum, provided



HB 1601

2003
CS

250 the district determines that such changes are in the best
251 interest of the residents of Indian River County.

252 Section 3. Governing Body; Elections. The governing body
253 of the Indian River County Hospital District shall consist of
254 seven trustees who shall be qualified electors and freeholders
255 residing in said district. The board of trustees elected at the
256 general election in 1964 shall remain in office until the
257 expiration of their terms. At the general election to be held
258 in 1966, three trustees shall be elected for 4-year terms. At
259 subsequent general elections, the trustees shall be elected for
260 4-year terms so that four trustees are elected at one general
261 election and three trustees are elected at the next ensuing
262 general election. The trustees so elected shall serve for a
263 term of 4 years and until their successors are elected and
264 qualified.

265 The election of the trustees shall be conducted in
266 accordance with the Florida Election Code and the Uniform
267 Special District Accountability Act of 1989, as each is amended
268 from time to time, provided, however, that a candidate may
269 qualify by submitting a petition that contains the signatures of
270 at least 25 of the district's registered electors.

271 Each trustee shall give bond to the Governor of the State
272 of Florida for the faithful performance of his or her duties in
273 the sum of \$5,000 with a surety company qualified to do business
274 in the State of Florida as surety, which bond shall be approved
275 and kept by the Clerk of the Circuit Court of Indian River
276 County, Florida. The premiums on said bonds shall be paid as
277 part of the expenses of said district.



HB 1601

2003
CS

278 Section 4. Additional Authority. The board of trustees of
279 said Indian River County Hospital District shall have all the
280 powers of a body corporate, including the power to contract and
281 be contracted with; to adopt and use a common seal, and to alter
282 the same at pleasure; to acquire, purchase, hold, lease, as
283 lessee or lessor, sell, and convey by financing agreement,
284 lease, deed, or other instrument of conveyance real and personal
285 property; and to perform such other acts as said board may deem
286 proper or expedient to carry out the purposes of this act, and
287 the power to sue and be sued under the name of the Indian River
288 County Hospital District, provided, however, that all suits
289 against said board of trustees shall be begun only in Indian
290 River County, regardless of the location of any property
291 involved in the litigation and regardless of where the cause of
292 action accrued. The board is authorized to provide for the
293 management of health facilities of the district, and may employ
294 administrators, a chief surgeon, pathologist, radiologist, and
295 such other specialists, agents, and employees as said board may
296 deem advisable. The board shall have power to borrow money and
297 to issue the notes, bonds, and other evidences of said district
298 therefor to carry out the provisions of this act in the manner
299 hereinafter provided. The trustees of said board shall have the
300 authority and the power to make contracts extending beyond their
301 terms of office. The powers granted to the board of trustees
302 herein are in addition to those granted by the general law of
303 the state.

304 If, in the absolute opinion of the board, adequate
305 emergency ambulance service is not supplied and maintained in



HB 1601

2003
CS

306 the district by private or volunteer ambulance companies or
307 associations, then the board shall have the authority and power
308 to provide, maintain, and operate emergency ambulance services
309 within the area of the district and to prescribe rules and
310 regulations for the operation and use of such ambulances and to
311 charge such fee for the use of such facilities as it might
312 determine. The board is further authorized and empowered to
313 secure and keep in force, in companies duly authorized to do
314 business in Florida, insurance covering liability for damages on
315 account of bodily injury, death, or property damage, in such
316 amounts as the board may determine, resulting from the operation
317 of such ambulances or by reason of the ownership, maintenance,
318 operation, or use of such ambulances.

319 Section 5. Organization of Board. The trustees shall
320 organize the board of said district, at their regular meeting
321 held in January of each year, by the election of one of their
322 members as chair, one as vice chair, one as secretary, and one
323 as treasurer, and by the election of such other officers as they
324 deem necessary.

325 Section 6. Meetings; Sunshine Law. The board of trustees
326 shall hold regular meetings for the transaction of business
327 according to a schedule arranged by the board of trustees and
328 shall convene in special sessions when called by the chair of
329 the board or by a majority of the trustees of the board,
330 provided that actions taken at special meetings shall have the
331 same force and effect as if taken at a regular meeting. All
332 meetings of the board of trustees, including notices and minutes
333 relating thereto, shall be governed by chapter 286, Florida



HB 1601

2003
CS

334 Statutes, including those provisions commonly referred to as the
335 Florida Government in the Sunshine Law, and the Uniform Special
336 District Accountability Act of 1989, as each is amended from
337 time to time.

338 Section 7. Quorum; Public Records. Four of said trustees
339 shall constitute a quorum, and an affirmative vote of at least
340 three of said trustees shall be necessary to the transaction of
341 any business of the district. The trustees shall cause true and
342 accurate minutes and records to be kept of all business
343 transacted by them, and shall keep full, true, and complete
344 books of accounts and minutes. The district shall comply with
345 chapter 119, Florida Statutes, commonly referred to as the
346 Florida Public Records Act, as amended from time to time.

347 Section 8. Travel Expenses. The trustees under this act,
348 the employees of the district, and other authorized travelers
349 shall be paid per diem and travel expenses provided in section
350 112.061, Florida Statutes, as amended from time to time, to be
351 substantiated by paid bills therefor.

352 Section 9. Expenses. The board is authorized to pay from
353 the funds of the district all expenses of the organization of
354 said board and all expenses necessarily incurred in the
355 formation of said district and all other reasonable and
356 necessary expenses, including the fees and expenses of any
357 attorney in the transaction of the business of the district and
358 in carrying out and accomplishing the purposes of this act.

359 This section, however, shall not be construed to limit or
360 restrict any of the powers vested in said board of trustees by
361 any other section or provision of this act.



HB 1601

2003
CS

362 Section 10. Vacancies. Vacancies in the board of trustees
363 occasioned by resignations, removals, or otherwise shall be
364 reported to the Governor of the state, who shall fill such
365 vacancies by appointment within 45 days after the occurrence
366 thereof. Any vacancies not so filled within such time shall
367 remain vacant until the next general election, and at such
368 general election the vacancies shall be filled by the election
369 of a trustee to serve for the remainder of the term in which
370 such vacancy occurred. Any appointments made by the Governor to
371 fill vacancies shall hold office until the next general
372 election, and at such general election the vacancies shall be
373 filled by the election of a trustee to serve for the remainder
374 of the term in which the vacancy occurred.

375 Section 11. Rules and Regulations. The board of trustees
376 of the Indian River County Hospital District is further
377 authorized and empowered to establish reasonable rules and
378 regulations to govern the operation of district-owned or
379 district-operated health facilities in or through which the
380 district provides health and medical services and to govern and
381 control the conduct of all employees, patients, private duty
382 nurses, sitters, guests and visitors, and any other parties or
383 persons who are, in any manner, upon or using the premises and
384 facilities of the district health facilities, so that the health
385 and welfare of the patients and the best interest of the
386 district will at all times be served.

387 Section 12. Medical Staff.

388 (1) In the management of such hospital, no discrimination
389 shall be made against any medical doctors, commonly known as



HB 1601

2003
CS

390 MD's, duly licensed to practice materia medica in the state, and
391 graduate dentists licensed to practice in the state, and who
392 shall qualify under the bylaws, rules, and regulations
393 established by the board and under the bylaws of the medical
394 staff as approved by the board, and all such regular medical
395 doctors and dentists shall have equal privileges in treating
396 patients in said hospital. The patient shall have the right to
397 employ, at his or her own expense, his or her own medical doctor
398 or dentist, so qualified as aforesaid, and when acting for any
399 patient in such hospital, such medical doctor or dentist
400 employed by such patient shall have exclusive charge of the care
401 and treatment of such patient, and nurses therein as to such
402 patient shall be subject to the direction of said medical
403 doctor, subject always to such general rules and regulations as
404 shall be established by the board of trustees under the
405 provisions of this act.

406 (2) The board of trustees shall organize a staff of
407 medical doctors and dentists of every practicing medical doctor
408 and dentist who shall qualify under the rules and regulations
409 established by the board. The board of trustees is hereby
410 authorized and empowered to establish reasonable rules,
411 regulations, and bylaws to govern said staff, and the members
412 thereof, and to prescribe and establish in said rules,
413 regulations, and bylaws reasonable duties and responsibilities
414 for the staff, and member thereof, so that the welfare and
415 health of the patients and the best interests of the hospital
416 may at all times be best served. It shall be the duty of said
417 staff to organize in a manner prescribed by the said board so



HB 1601

2003
CS

418 that there shall be a rotation of service among the members of
419 said staff to give proper medical and surgical attention to the
420 indigent sick, injured, or maimed who may be admitted to said
421 hospital for treatment.

422 (3) The board of trustees is hereby authorized and
423 empowered to grant or refuse, revoke, or suspend membership on
424 the said staff, and to grant or refuse, revoke, or suspend any
425 privileges attendant to such membership so that the welfare and
426 health of the patients and the best interests of the district
427 may at all times be best served, provided, further, that:

428 (a) The board of trustees is hereby authorized and
429 empowered to require members of the staff to abide by all
430 reasonable rules, regulations, and bylaws established by the
431 board of trustees under the authorization of this act, and to
432 require the performance of those duties and responsibilities
433 prescribed by said rules, regulations, and bylaws, and to
434 enforce such requirements by the revocation or suspension of
435 staff membership and privileges, under the terms of this act.

436 (b) The board of trustees shall adopt rules and bylaws
437 providing the procedure for considering the refusal, revocation,
438 or suspension of staff membership of any person, or suspension
439 or modification of privileges attendant to such membership. The
440 procedure adopted shall afford due process to the parties and
441 shall provide for an orderly, fair, and impartial proceeding.

442 (c) In those instances when the board of trustees, under
443 its rules or bylaws, considers the refusal, revocation, or
444 suspension of staff membership of any person, or suspension or
445 modification of privileges which are attendant to such



HB 1601

2003
CS

446 membership, the vote of five of the seven trustees shall be
447 required to revoke, suspend, or modify staff membership or
448 privileges of any staff member for any reason whatsoever or to
449 refuse to grant staff membership to any practitioner. The right
450 of judicial review shall at all times be preserved.

451 Section 13. Bank Accounts; Investments; Procurement of
452 Personal Property or Services.

453 (1) The board of trustees shall designate a bank or banks,
454 or other depository or depositories, to receive and be custodian
455 of all the moneys received by the board for the operation and
456 maintenance of health facilities within the district. The board
457 of trustees, pursuant to chapter 218, Florida Statutes, as
458 amended, is authorized and empowered, as the board of a special
459 district of the state, to invest district surplus funds, as
460 defined in that chapter, as it now exists and as it may be
461 amended from time to time. The board of trustees shall also
462 have the power to delegate its authority to invest these surplus
463 funds, as outlined above, to a national or State of Florida
464 banking organization acting pursuant to a written trust
465 agreement as a trustee of district funds, provided that such
466 delegation is made in writing by the board of trustees.

467 (2) The funds of the district shall be paid out only upon
468 warrants signed as the trustees may in their bylaws, rules, and
469 regulations provide, provided that no warrant shall be drawn or
470 issued against funds of the district except for a purpose
471 authorized by this act. All funds of the district paid out by
472 warrants as described above shall be approved by the board of
473 trustees. The board may by resolution provide for such special



474 accounts as the board may deem desirable, and may designate the
 475 persons authorized to draw on such special accounts in advance
 476 of approval by a majority of the board.

477 (3) All purchases or procurement of personal property or
 478 services shall be made in accordance with chapter 287, Florida
 479 Statutes, as amended from time to time.

480 Section 13.1. Construction or Repairs. All contracts
 481 concerning any construction, improvement, or repair to any
 482 facility or property owned or leased by the district shall be
 483 entered into in accordance with the procedure set forth in
 484 chapter 255, Florida Statutes, as amended from time to time.

485 Section 14. Ad Valorem Taxes; Additional Authority.

486 (1) It shall be the duty of the board of trustees and the
 487 said board is hereby authorized and empowered to annually assess
 488 and levy against the taxable property within the district a
 489 special tax not to exceed 5 mills on the dollar to be collected
 490 and paid into the district fund and used by said board of
 491 trustees for:

492 (a) First, to pay the interest and to provide and maintain
 493 a sinking fund for the payment of the interest and principal of
 494 the ad valorem bonds provided for and authorized by section 17
 495 of this act, and any other ad valorem bonds which may be assumed
 496 by said board;

497 (b) Second, to pay any outstanding indebtedness incurred
 498 as authorized in section 16 of this act; and

499 (c) Third, to purchase, lease, as lessee or lessor,
 500 operate, maintain, and repair health facilities established as
 501 authorized by this act, and to pay other expenses reasonably



HB 1601

2003
CS

502 related to, or supportive of, the authorized activities of the
503 district.

504 (2) The board of trustees shall be authorized and
505 empowered:

506 (a) To declare accounts receivable, including charity
507 accounts, uncollectible and to write such accounts off the
508 active books of the financial records of the district as bad
509 debts. The board of trustees is further authorized to destroy
510 the account records of those accounts declared to be bad debts,
511 but such records shall not be destroyed earlier than 4 years
512 after the annual private audit of the district reflecting such
513 write-off;

514 (b) To compromise and settle any accounts receivable or
515 other claim for money due and owing to the district according to
516 such terms and conditions as the board of trustees, in its
517 discretion, may determine;

518 (c) To sell, assign, or convey to any person the right,
519 title, and interest in any account receivable or judgment owned
520 by the district by full or part payment of such account or
521 judgment as the board of trustees, in its discretion, may
522 determine; and

523 (d) At the discretion of the board, to provide for the
524 payment of hospital and nursing home expenses for patients
525 transferred from health facilities of the district to such other
526 institutions at the district's request, provided that said
527 patients shall be first certified to be medically indigent by
528 the Indian River County Hospital District, based upon the



HB 1601

2003
CS

529 definition and standards used by the State of Florida Department
530 of Health.

531 (3) All acts and procedures of the board of trustees
532 relative to subparagraphs (2)(a), (b), and (c) are hereby
533 validated retroactively to June 23, 1971.

534 Section 14.1. Non-Ad Valorem Revenues. The district is
535 authorized to fix, revise, charge, and collect rates, rents,
536 fees, and charges for the use of its health facilities and for
537 the health and medical services furnished or to be furnished in
538 each health facility and to contract with any person,
539 partnership, association or corporation, or other body, public
540 or private, in respect thereof. Such rates, rents, fees, and
541 charges shall be fixed and adjusted in respect of the aggregate
542 of rents, rates, fees, and charges from such health facility so
543 as to provide funds at least sufficient with other revenues or
544 moneys, if any:

545 (1) To pay the cost of maintaining, repairing, and
546 operating the health facility and each and every portion
547 thereof, to the extent that the payment of such cost has not
548 otherwise been adequately provided for;

549 (2) To pay the principal of and interest on outstanding
550 revenue bonds of the district issued in respect of such health
551 facility as the same shall become due and payable; and

552 (3) To create and maintain reserves required or provided
553 for in any resolution authorizing, or trust agreement securing,
554 such revenue bonds of the district.

555 Section 15. Levy of Ad Valorem Taxes. Levy by said board
556 of taxes authorized by any provision of this act shall be by



HB 1601

2003
CS

557 resolution of said board duly entered upon the minutes of the
558 board. Certified copies of such resolution executed in the name
559 of the board by its chair, under its corporate seal, shall be
560 made and delivered to the Board of County Commissioners of
561 Indian River County, Florida, the Property Appraiser of Indian
562 River County, Florida, the Tax Collector of Indian River County,
563 Florida, and the Department of Revenue of the state, within the
564 time as may be specified by the laws of the state. It shall be
565 the duty of the County Commissioners of Indian River County to
566 order and require the Property Appraiser of said County to
567 assess, and the County Tax Collector of said County to collect,
568 the amount of taxes so assessed or levied by the board of
569 trustees of said Indian River County Hospital District upon the
570 taxable property in said district, at the rate of taxation
571 adopted by said board of trustees of said district for said year
572 and included in the warrant of the Property Appraiser and
573 attached to the assessment roll of taxes for said County each
574 year. The Tax Collector shall collect such tax so levied by
575 said board in the same manner as other taxes are collected, and
576 shall pay the same over to the board of trustees of Indian River
577 County Hospital District within the time and in the manner
578 prescribed by law for the payment by the Tax Collector of county
579 taxes to the County depository. The assessment and levy of ad
580 valorem taxes on the railroad lines and railroad property, and
581 on the telegraph lines, telegraph property, and telephone lines
582 situated or located in said district, shall be in accordance
583 with general law. If any such taxes so assessed are not paid,
584 the said property shall be by said Tax Collector sold and



HB 1601

2003
CS

585 certificates issued and tax deeds issued in the same manner and
586 under the same laws relating to sales, issuance of certificates,
587 and deeds with reference to all other state and county taxes.
588 All such taxes shall be held by said board of trustees and paid
589 out of them as provided in this act.

590 Section 16. Tax Anticipation Financing. The board of
591 trustees of the Indian River County Hospital District is
592 authorized to borrow in any 1 tax year, calendar year, a sum not
593 to exceed 80 percent of the estimated taxes to be collected on
594 behalf of the district within such year and to evidence such
595 loan made to the district by its tax anticipation note or notes
596 bearing interest at a rate not to exceed the maximum rate
597 permissible under Florida law. Such notes shall be payable at a
598 time not greater than 1 year from the date of the borrowing of
599 such moneys. The sums so borrowed shall be repaid together with
600 interest at a rate not to exceed the maximum rate permissible
601 under Florida law. No sums shall be borrowed as herewith
602 provided in any subsequent year unless all moneys so borrowed in
603 any preceding year shall have been entirely paid as to both
604 principal and interest.

605 Section 16.1. Personal Property Acquisition Financing.

606 (1) The board of trustees of the Indian River County
607 Hospital District is hereby authorized and empowered, in order
608 to acquire and finance the acquisition of capital assets in the
609 form of personal property, to borrow money from time to time for
610 periods not exceeding 10 years at any one time, from a bank,
611 banks, banking institutions, or other lending institutions, from
612 local, state, or federal government agencies, or as part of a



HB 1601

2003
CS

613 pooled financing from designated lenders, and to repay such
614 financing on an amortized, monthly or yearly basis, and to issue
615 a note or notes of the district or enter into financing
616 agreements, or loan or lease arrangements, on such terms and
617 rates of interest, not to exceed the maximum rates permissible
618 under Florida law.

619 (2) For any loans procured pursuant to subsection (1), the
620 board of trustees of said district is further authorized and
621 empowered to secure a note or notes, lease, or loan arrangements
622 by executing such security instruments or lease instruments as
623 may be permitted by law if required by said lending institution
624 or institutions, pledging as security the equipment acquired
625 through the financing under this section.

626 (3) Any amounts borrowed under subsection (1) shall be
627 repaid solely and exclusively from nontax revenues and shall not
628 be construed to be a part of or fall within the limitations of
629 section 16, but shall be in addition thereto.

630 Section 16.2. Revenue Bonds.

631 (1) The board of trustees of the district is authorized
632 and empowered by resolution to issue and sell from time to time
633 negotiable revenue bonds of the district for the purpose of
634 raising funds to pay all or any part of the costs of any health
635 facility or facilities and to provide such health and medical
636 services as in its opinion are necessary or desirable in the
637 district. In anticipation of the sale of such revenue bonds,
638 the board of trustees of the district is authorized and
639 empowered by resolution to issue negotiable bond anticipation
640 notes and may renew the same from time to time, but the maximum



HB 1601

2003
CS

641 maturity of any such note, including renewals thereof, shall not
642 exceed 7 years from the date of issue of the original note.
643 Such notes shall be paid from any revenues of the district
644 available therefor and not otherwise pledged or from the
645 proceeds of the sale of revenue bonds of the district in
646 anticipation of which they were issued.

647 (2) The revenue bonds and notes of every issue shall be
648 payable solely out of the revenues derived by the district from
649 the sale, operation, or leasing of any health facility or
650 facilities, subject only to any agreements with the holders of
651 particular revenue bonds or notes pledging any particular
652 revenues. Notwithstanding that the revenue bonds and notes may
653 be payable from a special fund, they shall have all the quality
654 of negotiable instruments under the Florida Uniform Commercial
655 Code-Investment Securities and shall not be invalidated for any
656 irregularity or defect in the proceedings for the issue and sale
657 thereof, and shall be incontestable in the hands of bona fide
658 purchasers or holders for value.

659 (3) The revenue bonds may be issued as serial bonds or as
660 term bonds, or the district, in its discretion, may issue bonds
661 of both types. The revenue bonds shall be authorized by
662 resolution of the board of trustees of the district and shall
663 bear such date or dates; mature at such time or times, not
664 exceeding 40 years from their respective dates; bear interest at
665 such rate or rates; be payable at such time or times; be in such
666 denominations; be executed in such manner; be payable in lawful
667 money of the United States at such place or places; and be
668 subject to such terms of redemption, including redemption prior



HB 1601

2003
CS

669 to maturity, as the board of trustees shall determine in such
670 resolution or resolutions. The revenue bonds issued by the
671 district are exempt from all taxation to the extent provided by
672 the general law. The revenue bonds may be issued in coupon or
673 in registered form, as the board of trustees may determine or in
674 accordance with the Registered Public Obligations Act of
675 Florida, chapter 83-271, Laws of Florida, and provisions may be
676 made for the registration of coupon bonds as to principal alone,
677 and as to both principal and interest, and for the reconversion
678 into coupon bonds of any bonds as to both principal and
679 interest. The district shall determine the form and manner of
680 execution of the revenue bonds, including interest coupons, if
681 any, to be attached thereto, and shall fix the denomination or
682 denominations of the revenue bonds and the place or places of
683 payment of principal and interest, which may be at any bank or
684 trust company within or without the state. In case any board
685 member, officer, or employee of the district whose signature, or
686 a facsimile of whose signature, shall appear on any bonds or
687 coupons shall cease to be a board member, officer, or employee
688 of the district before the delivery of such bonds, such
689 signature or facsimile shall nevertheless be valid and
690 sufficient for all purposes as if he or she had remained in
691 office until such delivery. The district may also provide for
692 the authentication of the revenue bonds by a trustee, fiscal
693 agent, or registrar. The revenue bonds or notes may be sold at
694 public or private sale for such price or prices as the district
695 shall determine. Pending preparation of the definitive bonds,



HB 1601

2003
CS

696 the district may issue interim or temporary receipts or
697 certificates which shall be exchanged for such definitive bonds.

698 (4) Revenue bonds may be issued under the provision of
699 this section without obtaining the approval or consent of any
700 commission, board, or agency of the state or the country and
701 without any other proceedings or the happening of any other
702 condition or things.

703 (5) Any resolution or resolutions authorizing any revenue
704 bonds or any issue of revenue bonds may contain provisions which
705 shall be a part of the contract with the holders of the revenue
706 bonds to be authorized as to:

707 (a) Pledging of all or any part of the revenues of a
708 health facility or of the district to secure the payment of the
709 revenue bonds or of any particular issue of revenue bonds,
710 subject to such agreements with bondholders as may then exist.

711 (b) The rentals, fees, and other charges to be charged,
712 the amounts to be raised in each year thereby, and the use and
713 disposition of the revenues.

714 (c) The setting aside of reserves or sinking funds, and
715 the regulation and disposition thereof.

716 (d) Limitations on the right of the district to restrict
717 and regulate the use of the health facility.

718 (e) Limitations on the purpose to which the proceeds of
719 sale of any issue of revenue bonds then or thereafter to be
720 issued may be applied and pledging such proceeds to secure the
721 payment of the revenue bonds or any issue of the revenue bonds.



HB 1601

2003
CS

722 (f) Limitations on the issuance of additional bonds, the
723 terms upon which additional bonds may be issued and secured, and
724 the refunding of outstanding bonds.

725 (g) The procedure, if any, by which the terms of any
726 contract with bondholders may be amended or abrogated, the
727 amount of bonds the holders of which must consent thereto, and
728 the manner in which such consent may be given.

729 (h) Defining the acts or omissions to act which shall
730 constitute a default in the duties of the district to holders of
731 its obligations and providing the rights and remedies of such
732 holders in the event of a default.

733 (6) Neither the members of the board of trustees of the
734 district nor any person executing the revenue bonds or notes
735 shall be liable personally on the revenue bonds or notes or be
736 subject to any personal liability or accountability by reason of
737 the issuance thereof.

738 (7) In the discretion of the district, any revenue bonds
739 issued under the provisions of this part may be secured by a
740 trust agreement by and between the district and a corporate
741 trustee, which may be any trust company or bank having the
742 powers of a trust company within or without the state. Such
743 trust agreement or resolution providing for the issuance of such
744 bonds may pledge or assign the fees, rents, charges, or proceeds
745 from the sale of any health facility or part thereof, insurance
746 proceeds, condemnation awards, and other funds and revenues to
747 be received therefor as security for repayment of the bonds.
748 Such bonds shall contain such provisions for protecting and
749 enforcing the rights and remedies of the bondholders as may be



HB 1601

2003
CS

750 reasonable and proper and not in violation of law, including
751 covenants setting forth the duties of the district in relation
752 to the acquisition of property and the construction,
753 improvement, maintenance, repair, operation, and insurance of
754 the health facility or facilities in connection with which such
755 bonds shall have been authorized; the fees, rents, and other
756 charges to be fixed and collected; the sale of any health
757 facility, or part thereof, or other property; the terms and
758 conditions for the issuance of additional bonds; and the
759 custody, safeguarding, and application of all moneys. It shall
760 be lawful for any bank or trust company incorporated under the
761 laws of the state which may act as depository of the proceeds of
762 bonds, revenues, or other money hereunder to furnish such
763 indemnifying bonds or to pledge such securities as may be
764 required by the district. Any such trust agreement or
765 resolution shall set forth the rights and remedies of the
766 bondholders and of the trustee and may restrict the individual
767 right of action by bondholders. In addition to the foregoing,
768 any such trust agreement or resolution may contain such other
769 provisions as the district may deem reasonable and proper for
770 the security of the bondholders. All expenses incurred in
771 carrying out the provisions of such trust agreement or
772 resolution may be treated as a part of the cost of the health
773 facility or facilities in connection with which bonds are issued
774 or as an expense of administration of such health facilities as
775 the case may be.

776 (8) Revenue bonds issued under the provisions hereof shall
777 not be deemed to constitute a debt, liability, or obligation of



HB 1601

2003
CS

778 the state or any political subdivision thereof or of the
779 district, or a pledge of the faith and credit of the state or
780 any political subdivision thereof, but shall be payable solely
781 from the revenues provided therefor. All such revenue bonds
782 shall contain on the face thereof a statement to the effect that
783 the district shall not be obligated to pay the same or the
784 interest thereon except from the revenues of or derived from the
785 health facility or of the district, or any portion thereof, and
786 that neither the faith and credit nor the taxing power of the
787 state or of any political subdivision thereof, including the
788 district, is pledged to the payment of the principal of or the
789 interest on such bonds. The issuance of revenue bonds under the
790 provisions of this section shall not directly, indirectly, or
791 contingently obligate the state or any political subdivision
792 thereof or the district to levy or to pledge any form of
793 taxation whatever therefor or to make any appropriation for
794 their payment.

795 (9)(a) The district is hereby authorized to fix and
796 collect fees, rents, and charges for the use of any health
797 facility and any part or section thereof. The district may
798 require that the lessee or operator of any health facility or
799 part thereof shall operate, repair, and maintain the health
800 facility and bear the cost thereof and other costs of the
801 district in connection with the health facility or facilities
802 leased as may be provided in the financing agreement or other
803 contract with the district, in addition to other obligations
804 imposed under such financing agreement or contract.



HB 1601

2003
CS

805 (b) The repayments, fees, rents, and charges to the lessee
806 shall be fixed as to provide a fund at least sufficient to pay
807 the principal of, and the interest on, such bonds as the same
808 shall become due and payable and to create reserves, if any,
809 deemed by the district to be necessary for such purposes. The
810 repayments, fees, rents, charges, and all other revenues and
811 proceeds derived from the health facility or facilities in
812 connection with which the revenue bonds of any issue shall have
813 been issued, except such part thereof as may be necessary for
814 such reserves or any expenditures as may be provided in the
815 resolution authorizing the issuance of such bonds or in the
816 trust agreement securing the same, may be set aside at such
817 regular intervals as may be specified in such resolution or such
818 trust agreement in one or more sinking funds which may be
819 pledged to, and charged with, the payment of the principal of
820 and the interest on such bonds as the same shall become due and
821 the redemption price or the purchase price of bonds retired by
822 call or purchase as therein provided. Such pledge shall be
823 valid and binding from the time when the pledge is made.
824 Notwithstanding any provision of the Florida Uniform Commercial
825 Code requiring the filing of any pledge to create a perfected
826 security interest, the repayments, fees, rents, charges, and
827 other revenues and moneys so pledged and thereafter received by
828 the district shall immediately be subject to the lien of such
829 pledge without any physical delivery thereof or further act, and
830 the lien of any such pledge shall be valid and binding as
831 against all parties having claims of any kind in tort, contract,
832 or otherwise against the district, irrespective of whether such



HB 1601

2003
CS

833 parties have notice thereof. The use and disposition of money
834 to the credit of such sinking fund shall be subject to the
835 provisions of the resolution authorizing the issuance of such
836 bonds or of such trust agreement. Except as may otherwise be
837 provided in the resolution or the trust agreement, the sinking
838 fund shall be a fund for all such bonds without distinction or
839 priority of one over another.

840 Section 17. Bonds Payable From Ad Valorem Taxes.

841 (1) The board of trustees of the Indian River County
842 Hospital District is authorized and empowered by resolution to
843 issue and sell, from time to time, ad valorem bonds of the
844 district for the purpose of raising funds to purchase,
845 establish, construct, equip, and maintain such health facilities
846 for the provision of such health and medical services as in its
847 opinion are necessary or desirable in the district. All ad
848 valorem bonds issued as herein authorized shall be of the
849 denomination of \$100 or some multiple thereof, shall bear
850 interest at a rate not to exceed the maximum rate permissible
851 under Florida law, payable semiannually, and both principal and
852 interest shall be payable at such place or places as the board
853 of trustees may determine. The form of such bonds shall be
854 fixed by resolution of the board of trustees, and such bonds
855 shall be signed by the chair of the board of trustees and shall
856 have the seal of the Indian River County Hospital District
857 affixed thereto. The ad valorem bonds may be issued in coupon
858 or in registered form, as the board of trustees may determine in
859 accordance with the Registered Public Obligations Act of
860 Florida, chapter 83-271, Laws of Florida, and provisions may be



HB 1601

2003
CS

861 made for the registration of coupon bonds as to principal alone,
862 and as to both principal and interest, and for the reconversion
863 into coupon bonds of any bonds registered as to both principal
864 and interest. Ad valorem bonds so executed shall be valid
865 notwithstanding any change in the persons holding said office or
866 in the seal occurring after such execution. The ad valorem
867 bonds shall be due not more than 40 years from the date thereof
868 as the board of trustees may determine, and shall be exempt from
869 all state, county, and city taxation. All the ad valorem bonds
870 issued by the Indian River County Hospital District shall have
871 all the quality of negotiable instruments under the Florida
872 Uniform Commercial Code-Investment Securities and shall not be
873 invalidated for any irregularity or defect in the proceedings
874 for the issue and sale thereof, and shall be incontestable in
875 the hands of a bona fide purchasers or holders thereof for
876 value. The bonds in this section authorized and empowered to be
877 issued shall be issued only after the same have been approved by
878 the majority of votes cast in an election of the qualified
879 voters residing in the district. Such election shall be called,
880 held, and conducted in the manner as provided by the general law
881 of the state.

882 (2) Prior to the issuance of such ad valorem bonds, the
883 board of trustees shall, by resolution, determine the amount,
884 not exceeding 5 mills on the dollar, which, in their opinion,
885 will be necessary to be raised annually by taxation for an
886 interest and sinking fund with which to pay the interest and
887 principal of the ad valorem bonds. The board of trustees is
888 authorized, empowered, and required to provide for the levy and



HB 1601

2003
CS

889 collection annually of a sufficient tax, not exceeding 5 mills
890 on the dollar, upon all the taxable property in the district, to
891 pay such interest, and with which to provide and maintain a
892 sinking fund for the payment of the principal of the ad valorem
893 bonds and any ad valorem bonds which may have been assumed by
894 the board.

895 (3) The board of trustees shall offer the ad valorem bonds
896 for sale by notice stating the amount of ad valorem bonds for
897 sale, the maximum rate of interest and when due and payable, by
898 advertising once a week for 2 weeks in a newspaper published in
899 the district. The board of trustees shall receive bids for the
900 purchase of the ad valorem bonds or any part thereof on the date
901 fixed by the notice, being not less than 20 days from the date
902 of first publication. The board shall have the right to reject
903 any and all bids and readvertise the ad valorem bonds or any
904 portion thereof remaining unsold.

905 (4) A bank or banks or other depository or depositories to
906 be designated by the board of trustees shall receive and be
907 custodian of the ad valorem bonds and moneys arising from the
908 sale of said ad valorem bonds.

909 Section 17.1. Refunding Bonds.

910 (1) The board of trustees of the district is authorized
911 and empowered by resolution to issue and sell, from time to
912 time, refunding bonds of the district for the purpose of
913 refunding any bonds then outstanding and issued under the
914 provisions of sections 16.2 and 17, including any redemption
915 premium, and any interest accrued or to accrue to the earliest
916 or subsequent date of redemption, purchase, or maturity of such



HB 1601

2003
CS

917 bonds, and, if deemed advisable by the board of trustees, for
918 the additional purpose of paying all or any part of the cost of
919 constructing and acquiring additions, improvements, extensions,
920 or enlargements of a health facility or any portion thereof and
921 the costs of issuance of the bonds and the amounts necessary to
922 establish any reserve or other funds required to be established
923 in connection therewith.

924 (2) The proceeds of any such bonds issued for the purpose
925 of refunding outstanding bonds may, in the discretion of the
926 board of trustees, be applied to the purchase or retirement at
927 maturity or redemption of such outstanding bonds either on their
928 earliest or any subsequent redemption date or upon the purchase
929 or at the maturity thereof and may, pending such application, be
930 placed in escrow to be applied to such purchase or retirement at
931 maturity or redemption on such date as may be determined by the
932 board of trustees.

933 (3) Any such escrowed proceeds, pending such use, may be
934 invested and reinvested in obligations of, or guaranteed by, the
935 United States of America, or any agency or instrumentality
936 thereof presently existing or hereafter created or in
937 certificates of deposit or time deposits secured by obligations
938 of, or guaranteed by, the United States of America, maturing at
939 such time or times as shall be appropriate to assure the prompt
940 payment, as to the principal, interest, and redemption premium,
941 if any, of the outstanding bonds to be so refunded. The
942 interest, income, and profits, if any, earned or realized on any
943 such investment may also be applied to the payment of the
944 outstanding bonds to be so refunded. After the terms of the



HB 1601

2003
CS

945 escrow have been fully satisfied and carried out, any balance of
946 such proceeds and interest, income, and profits, if any, earned
947 or realized on the investments thereof may be returned to the
948 district for use by it in any lawful manner.

949 (4) The portion of the proceeds of any such bonds issued
950 for the additional purpose of paying all or any part of the cost
951 of constructing and acquiring additions, improvements,
952 extensions, or enlargements of a health facility may be invested
953 and reinvested in obligations of, or guaranteed by, the United
954 States of America, or in certificates of deposit or time
955 deposits secured by obligations of, or guaranteed by, the United
956 States of America, maturing not later than the time or times
957 when such proceeds will be needed for the purpose of paying all
958 or any part of such cost. The interest, income, and profits, if
959 any, earned or realized on such investment may be applied to the
960 payment of all or any part of such cost or may be used by the
961 district in any lawful manner.

962 (5) The issuance of such obligations, the maturities and
963 other details thereof, the rights and remedies of the holders
964 thereof, and the rights, powers, privileges, duties, and
965 obligations of the district with respect to the same shall be
966 governed by the provisions hereof, as amended, as they may be
967 applicable. The refunding bonds issued by the district are
968 exempt from all taxation to the extent provided by general law.

969 Section 18. Validation of Bonds. Any and all bonds issued
970 under the provisions of this act may be validated by the board
971 of trustees for said Indian River County Hospital District under
972 and in accordance with the provisions of the general laws of



HB 1601

2003
CS

973 Florida, in the same manner as is therein provided for
974 validation of bonds, etc., by any county, municipality, taxing
975 district, etc., of the State of Florida.

976 Section 19. Indigents. Each hospital and clinic
977 established under this act shall be for the use and benefit of
978 the indigent sick who have resided in such County for not less
979 than 1 year next preceding application for admission for
980 treatment. Such residents shall be admitted to such hospital
981 and clinic and be entitled to medical care without charge,
982 subject to the rules and regulations prescribed by said board of
983 trustees. Such hospital and clinics shall care for and treat
984 without charge only such patients who are found by such board of
985 trustees to be indigent, but such board may collect from
986 patients financially able such charges as such board of trustees
987 may, from time to time, establish. Such board of trustees shall
988 have the power to extend the benefits and privileges of such
989 hospitals and clinics and treatment and outpatient department to
990 the homes of the indigent residents of such county. Said board
991 of trustees may extend the privileges and use of such hospitals
992 and clinics to nonresidents of such district upon such terms and
993 conditions as the said board may from time to time by its rules
994 and regulations provide, provided, however, that the indigent
995 residents of the district wherein such hospitals and clinics are
996 located shall have the first claim to admission.

997 The board of trustees is authorized to accept moneys from
998 the welfare funds provided by Indian River County, the State of
999 Florida, the United States of America, or any other source for
1000 the payment of the cost of treatment and care of the indigent.



1001 Section 20. Eminent Domain. The board shall have the
 1002 power of eminent domain and may thereby condemn and acquire any
 1003 real property which the board may deem necessary for the use of
 1004 said district. Such power of condemnation shall be exercised in
 1005 the same manner as is now provided by the general law for the
 1006 exercise of the power of eminent domain by cities and towns of
 1007 the State of Florida.

1008 Section 21. Donations. Any person or persons, firm,
 1009 organizations, corporations, or society, public or private,
 1010 municipal corporations, or municipalities desiring to make
 1011 donations of money, personal property, or real estate for the
 1012 benefit of such hospital, for the creation of a memorial or an
 1013 endowment, or for any other purpose shall have the right to vest
 1014 title of the money, personal property, or real estate so donated
 1015 in said board of trustees to be controlled when accepted by the
 1016 board of trustees of said hospital according to the terms of the
 1017 deed, gift, devise, or bequest of such property.

1018 Section 22. Liberal Construction. It is intended that the
 1019 provisions of this act shall be liberally construed for
 1020 accomplishing the work authorized and provided for or intended
 1021 to be and provided for in this act, and where strict
 1022 construction would result in the defeat of the accomplishment of
 1023 any part of the work authorized by this act and a liberal
 1024 construction would permit or assist in the accomplishment
 1025 thereof, the liberal construction shall be chosen.

1026 Section 23. Invalidity. Any clause or section of this act
 1027 which for any reason may be held or declared invalid, may be
 1028 eliminated and the remaining portion or portions thereof shall



1029 be and remain in full force and be valid as if such invalid
 1030 clause or section had not been incorporated therein.

1031 Section 24. Retirement Program. The board of trustees
 1032 shall have the power to provide a retirement program for the
 1033 Indian River County Hospital District employees; to establish
 1034 qualifications for coverage under the program; to pay any part
 1035 or all of the cost of such program; to contract with any company
 1036 licensed to do business in Florida for the establishment and
 1037 operation of the program; to charge its covered employees for
 1038 the employees' share of the cost of the program; to take such
 1039 other action as may be necessary to establish and operate the
 1040 retirement program; and to withdraw, by resolution of the board
 1041 of trustees, from the State and County Officers and Employees'
 1042 Retirement System of Florida, as established by chapter 122,
 1043 Florida Statutes. All general, special, or local laws or parts
 1044 thereof inconsistent herewith are declared to be inapplicable to
 1045 the provisions of this act, including specifically section
 1046 122.061, Florida Statutes, which shall not apply and which is
 1047 hereby amended insofar as it prohibits the withdrawal of the
 1048 Indian River County Hospital District and its employees from the
 1049 retirement system. In the event that the board of trustees
 1050 adopts a resolution by which the Indian River County Hospital
 1051 District and its employees shall be withdrawn from the State and
 1052 County Officers and Employees' Retirement System, such
 1053 withdrawal shall become effective on the first day of the next
 1054 month following the adoption of such resolution, and the board
 1055 of trustees shall send a certified copy of the resolution to the
 1056 Department of Management Services. Beginning on the first day



HB 1601

2003
CS

1057 of the next month following the adoption of the resolution, the
 1058 Indian River County Hospital District shall not be required to
 1059 contribute to the State and County Officers and Employees'
 1060 Retirement System, and its employees shall not thereafter be
 1061 participants in said system. Following the adoption of the
 1062 resolution, 100 percent of the contributions previously made to
 1063 the state retirement system shall be refunded to the employees
 1064 of the Indian River County Hospital District and the said
 1065 district, without interest, and the Department of Management
 1066 Services shall make such refunds upon application therefor by
 1067 each employee and the district, notwithstanding any other
 1068 provisions of the general law relating to such refund.

1069 Section 24.1. Employee Insurance. The Indian River County
 1070 Hospital District is authorized and empowered to provide for
 1071 life and disability and medical insurance for all or any of its
 1072 employees or officers on a group insurance plan, or other
 1073 acceptable plan, approved by the board of trustees of the Indian
 1074 River County Hospital District, and to establish and create by
 1075 resolution such other employee benefit programs as the board of
 1076 trustees may deem proper for any groups of officers or employees
 1077 of the district qualified for such program, and to pay all or
 1078 such portion of the costs of any such plan or program from funds
 1079 available to the district from such balance thereof, if any, as
 1080 the board of trustees by resolution may determine for any and
 1081 all groups of officers or employees of the Indian River County
 1082 Hospital District.

1083 Section 25. Tax Anticipation Financing; Additional
 1084 Provisions. In addition to any other obligations authorized



HB 1601

2003
CS

1085 under this act, the board of trustees of the Indian River County
1086 Hospital District is hereby authorized to borrow a sum not to
1087 exceed the maximum outstanding amount at any time of \$15 million
1088 and to evidence such loan made to the district by its tax
1089 anticipation note or notes bearing interest at a rate not to
1090 exceed the maximum rate permissible under Florida law. The sum
1091 so borrowed shall be repaid together with interest at a rate not
1092 to exceed the maximum rate permissible under Florida law. The
1093 notes authorized in this section shall be made only after the
1094 same have been approved by the majority of votes cast in an
1095 election in which the majority of qualified voters residing in
1096 the district shall participate. Such election shall be called,
1097 held, and conducted in the manner as provided by the general law
1098 of the state.

1099 Section 4. Chapters 61-2275, 63-1432, 65-1708, 67-1515,
1100 67-1516, 71-688, 72-568, 74-499, 76-387, 84-451, 99-485, and
1101 2002-345, Laws of Florida, are repealed.

1102 Section 5. If any provision of this act or its application
1103 to any person or circumstance is held invalid, the invalidity
1104 does not affect other provisions or applications of the act
1105 which can be given effect without the invalid provision or
1106 application, and to this end the provisions of this act are
1107 declared severable.

1108 Section 6. This act shall take effect upon becoming a law.
1109