



CHAMBER ACTION

The Committee on Finance & Tax recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Lower Florida Keys Hospital District, Monroe County; providing legislative intent; codifying, amending, repealing, and reenacting all special acts relating to the district; repealing chapters 67-1724, 69-1322, 72-617, 73-555, 73-558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-414, 87-459, 89-551, and 94-415, Laws of Florida; providing an effective date.

WHEREAS, the transactions authorized by this act will enhance the efficiency of the delivery of hospital services to residents of the district and protect the availability of needed hospital services to residents of the district, including indigent residents, NOW, THEREFORE,

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

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



HB 0203

2003
CS

29 relating to the Lower Florida Keys Hospital District. It is the
30 intent of the Legislature in enacting this law to provide a
31 single, comprehensive special act charter for the district
32 including all current legislative authority granted to the
33 district by its several legislative enactments and any
34 additional authority granted by this act. It is further the
35 intent of this act to preserve all District authority in
36 addition to any authority contained in the Florida Statutes, as
37 amended from time to time.

38 Section 2. Chapters 67-1724, 69-1322, 72-617, 73-555, 73-
39 558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-
40 414, 87-459, 89-551, and 94-415, Laws of Florida, are amended,
41 codified, reenacted, and repealed as herein provided.

42 Section 3. The charter for the Lower Florida Keys Hospital
43 District is re-created and reenacted to read:

44 Section 1. A special tax district is created and
45 incorporated in Monroe County to be known as the "Lower Florida
46 Keys Hospital District," hereafter referred to as the
47 "district." Said district shall include that portion of Monroe
48 County embracing Key West and the Florida Keys that is between
49 range 24 east and range 31 east.

50 Section 2. The governing body of the Lower Florida Keys
51 Hospital District, hereinafter referred to as the "board," shall
52 consist of nine commissioners, of whom no more than one
53 commissioner may be a member of the medical profession. On or
54 before September 12, 1977, the Governor shall appoint all nine
55 commissioners as follows: two for a term of four years each,
56 two for a term of three years each, two for a term of two years



HB 0203

2003
CS

57 | each, and three for a term of one year each. Thereafter, all
58 | commissioners shall be appointed by the Governor for terms of
59 | four years each and vacancies shall be filled by appointment by
60 | the Governor for the unexpired term. All commissioners shall
61 | serve without compensation and shall be qualified electors
62 | residing in the Lower Florida Keys Hospital District for more
63 | than one year prior to the appointment; at least three
64 | commissioners shall reside in said hospital district other than
65 | at Key West, at least three commissioners shall reside in Key
66 | West, and the remaining commissioners shall reside in any area
67 | of the district. The commissioners shall be reimbursed for per
68 | diem and traveling expenses in accordance with the provisions of
69 | s. 112.061, Florida Statutes. Each commissioner shall give bond
70 | to the Governor for the faithful performance of his or her
71 | duties in the sum of \$5,000 with a security company qualified to
72 | do business in this state as surety, which bond shall be
73 | approved and kept by the Clerk of the Circuit Court of Monroe
74 | County. The board shall elect annually one of its members chair
75 | and shall elect or appoint a vice chair, a secretary, a
76 | treasurer, and such other officers and assistants as the board
77 | may determine, who need not be members of the board. The office
78 | of secretary and treasurer may be held by one person. Should the
79 | treasurer be other than a member of the board, he or she shall
80 | give a like bond of \$5,000 for the faithful performance of his
81 | or her duties. Premiums on all bonds required by this section
82 | shall be paid as part of the expenses of the district. The
83 | Governor of the State of Florida shall have the power to remove
84 | any member of said board for cause.



85 Section 3.
 86 (1) The board shall have all the powers of a body
 87 corporate, including, but not limited to, the power to sue and
 88 be sued under the name of the Lower Florida Keys Hospital
 89 District; to enter into contracts; to adopt and use a common
 90 seal and to alter same at pleasure; to create, establish, or
 91 otherwise acquire corporations, under the control of the
 92 district, which corporations shall have all the powers
 93 enumerated in chapter 607, Florida Statutes, unless prohibited
 94 by the Florida Constitution or this act; to enter into capital
 95 or operating leases; to acquire, purchase, hold, lease,
 96 mortgage, and convey such real and personal property as the
 97 board may deem proper or expedient to carry out the purposes of
 98 this act; to appoint and employ an administrator, and such other
 99 agents and employees as the board may deem advisable to operate
 100 and manage the district's facilities; to fix the compensation of
 101 all employees and to remove any appointees or employees; to
 102 ensure the improvements, fixtures, and equipment against loss by
 103 fire, windstorm, or other coverage in such amounts as may be
 104 determined reasonable and proper; to borrow money and to issue
 105 evidence of indebtedness of the district therefor to carry out
 106 the provisions of this act in the manner as set forth in this
 107 act.

108 (2) Without limitation by any other provision of this act
 109 and notwithstanding any other provision of this act, the
 110 district is authorized and empowered to: form a Florida not-for-
 111 profit corporation of which the district is the sole member but
 112 which may include on its board a minority of the members thereof



HB 0203

2003
CS

113 designated by a private person; lease the district's facilities
114 to such not-for-profit corporation; provide in such leases
115 options to sell and/or purchase such facilities for fair market
116 value as determined in a manner acceptable to the district;
117 transfer the operations of the district's facilities to such
118 not-for-profit corporation; sell, assign, or transfer contracts
119 or leases of the district to such not-for-profit corporation;
120 and enter into and perform agreements for the provision of
121 hospital and other health care services to indigent and other
122 residents of the district, with all of the foregoing being on
123 such terms and conditions as the district in its sole discretion
124 may determine is in the public interest, but subject to
125 subsection (3). Nevertheless, the district shall supervise such
126 not-for-profit corporation by election of a majority of such
127 not-for-profit corporation's board and by review and approval of
128 such not-for-profit corporation's budgets, rates, and charges;
129 its policies regarding medical staff appointment, reappointment,
130 and adverse action; and its policies regarding admission and
131 discharge of patients and purchases of goods and services. Each
132 member of the not-for-profit corporation's board must file full
133 and public disclosure of his or her financial interest in the
134 same manner and to the same extent as is required of
135 constitutional officers by Section 8 of Article II of the State
136 Constitution. For the purposes of the foregoing, the word
137 "person" has the meaning ascribed thereto in section 1.01,
138 Florida Statutes, 1989. This section does not abrogate or limit
139 the district's responsibilities under this act relating to the
140 provision of indigent care to residents of the district.



HB 0203

2003
CS

141 (3) Any transaction entered into pursuant to subsection
142 (2) must:

143 (a) Provide that the articles of incorporation of each
144 such not-for-profit corporation be subject to the approval of
145 the board of commissioners of the district;

146 (b) Provide for the orderly transition of the district's
147 hospital facilities to not-for-profit corporate status; and

148 (c) Provide for the return of the district's facilities
149 upon termination of the lease thereof or dissolution of such
150 not-for-profit corporation except that the district may not be
151 prohibited from granting and performing options to purchase any
152 or all of the district's facilities for fair market value
153 determined in a manner acceptable to the district.

154 (d) Any transfer, sale, or lease of a hospital facility by
155 the district shall be preconditioned upon the transferee, buyer,
156 or lessee providing, on an annual basis, an amount of indigent
157 care and Medicaid care to residents of the district which is not
158 less than the amount of such care previously provided by the
159 hospital as reported to the Health Care Cost Containment Board
160 in the last year prior to the transfer, sale, or lease of the
161 hospital facility, provided there is the demand for such level
162 of indigent care and Medicaid care in the district. Any
163 contract, agreement, or lease of a hospital entered into by the
164 district shall also comply with the provisions of section
165 155.40, Florida Statutes.

166 Section 4. Regular meetings shall be held not less than
167 quarterly, but may be held as frequently as deemed necessary,
168 which additional regular meetings shall be called in the same



HB 0203

2003
CS

169 manner as special meetings. A special meeting may be called by
170 the chair or at the request of three (3) members of the board of
171 commissioners, and said meeting shall be held no later than
172 three (3) days from the date called or requested. A quorum for
173 special and regular meetings shall consist of at least one half
174 (1/2) of the membership of said board then appointed, qualified,
175 and so serving. Death and accepted resignation of members shall
176 not be considered in ascertaining the number necessary for a
177 quorum. In the absence of the chair or his or her inability to
178 act at any regular or special meeting, warrants for payment of
179 money may be signed by the vice chair or by any other member of
180 the board selected by the members present as chair pro tem.

181 Section 5. The board through its secretary, or secretary-
182 treasurer as the case may be, shall keep true and accurate
183 minutes and records of all business transacted by it, and shall
184 keep full, true, and complete books of account and minutes,
185 which minutes, records, and books of account at all reasonable
186 times shall be open and subject to inspection and copying by any
187 inhabitant of the district. Failure to comply with this section
188 shall constitute a misdemeanor and be punishable as such as
189 provided by law.

190 Section 6. The board is authorized to establish,
191 construct, lease, operate, and maintain a hospital or hospitals,
192 medical facilities, and other health care related facilities and
193 services as in its opinion shall be necessary for the use of the
194 people of the district. Said hospital or hospitals, medical
195 facilities, and other health care related facilities and
196 services shall be established, constructed, leased, operated,



HB 0203

2003
CS

197 and maintained by the board for the preservation of the public
198 health, for the public good, and for the use of the public of
199 the district, and maintenance of such hospital or hospitals,
200 medical facilities, or other health care related facilities and
201 services within the district is hereby found and declared to be
202 a public purpose and necessary for the preservation of the
203 public health and welfare of the district and inhabitants
204 thereof. The board may enter into contractual relationships
205 with other health service organizations, either public or
206 private, for the provision of such administrative and medical
207 services as it does not on its own provide in connection with
208 said hospital or hospitals, medical facilities, or other health
209 care related facilities and services. The location of any
210 hospital, medical facility, or other health care related
211 facility established under this act shall be determined by the
212 board. The board is authorized to accept any and all gifts,
213 loans, or advancements for the purchase of property, real or
214 personal, for the construction, equipping, and maintenance of
215 any hospital, medical facility, or other health care related
216 facility established hereunder.

217 Section 7. (1) Before any single purchase of merchandise,
218 supplies, materials, machinery, or equipment is made, the price
219 of which exceeds five thousand dollars (\$5,000.00), or any
220 contracts for any construction work is let, the price of which
221 exceeds five thousand dollars (\$5,000.00), there shall be an
222 advertisement by the board at least one (1) time in a newspaper
223 of general circulation published in Key West, inviting sealed
224 bids or proposals to furnish such merchandise, supplies,



HB 0203

2003
CS

225 materials, machinery, or equipment or to perform such
226 construction. Sealed bids or proposals received shall be
227 properly evaluated by the board and the lowest responsible bid
228 or proposal shall be accepted unless the board shall reject all
229 sealed bids or proposals. If all sealed bids be rejected, new
230 sealed bids or proposals shall be solicited by advertisement.
231 The board may, by resolution or motion, dispense with
232 advertising for sealed bids or proposals in the event of an
233 emergency requiring that merchandise, supplies, materials,
234 machinery, or equipment or construction work is necessary and
235 required. If after two (2) successive unsuccessful attempts to
236 obtain sealed bids or proposals, or in the event of an
237 emergency, the board may purchase merchandise, supplies, or
238 materials or contract for construction or repairs by negotiation
239 with suppliers or contractors. When an emergency is declared to
240 exist by action of the majority of the board members meeting in
241 a regular or special meeting, the basis of such determination
242 and the vote of each member of the board shall be set forth in
243 writing in the minutes of the meeting.

244 (2) The district's board of commissioners is specifically
245 delegated the authority to grant, deny, revoke, or suspend staff
246 privileges at its hospitals, medical facilities, or other health
247 care related facilities according to the applicable Florida
248 Statutes and the applicable rules and regulations. A decision
249 of the board of commissioners of the Lower Florida Keys Hospital
250 District to refuse, revoke, or suspend membership on the staff,
251 or to refuse, revoke, or suspend any privileges attendant to
252 such membership, is hereby declared to be a quasi-judicial



HB 0203

2003
CS

253 function of the board and judicial review of such decision shall
254 be by petition for certiorari to the District Court of Appeal of
255 Florida prescribed by the Florida Appellate Rules having
256 jurisdiction of the appeals from Monroe County, in the time and
257 manner prescribed by the Florida Appellate Rules for such
258 petitions for writ of certiorari, unless the provisions of such
259 appellate rules shall confer exclusive jurisdiction of such
260 petition upon the Supreme Court of Florida.

261 Section 8. The board in its discretion is authorized to
262 establish and maintain in connection with any hospital, medical
263 facility, or other health care related facility established
264 under this act a training school for nurses and other health
265 care related professionals, which school must conform to all the
266 requirements of the general state law governing schools of
267 professional nursing and the practice of nursing and such other
268 professional sciences. The board is authorized to promulgate
269 and adopt all rules and regulations necessary or required by
270 general law for the operation of such training schools and to
271 make all necessary expenditures in connection therewith. The
272 board is also authorized in its discretion to establish,
273 operate, and maintain a nursing home, an ambulance service, and
274 such other services related to the operation and maintenance of
275 a hospital, medical facility, or other health care related
276 facility in a manner provided by general law.

277 Section 9. The board of commissioners is authorized and
278 empowered, at any time in its discretion, to establish,
279 maintain, or participate in such programs and projects of and
280 for medical research, education, and development affecting human



HB 0203

2003
CS

281 physical or mental health and well-being as it may deem
282 desirable; and in connection with such programs and projects the
283 board of commissioners is authorized and empowered to cooperate
284 with public and private educational or research institutions,
285 corporations, foundations, or organizations of any and all types
286 as well as agencies, departments, divisions, branches, or bodies
287 of government, or created by government, whether federal, state,
288 county, municipal, or otherwise. In furtherance of such
289 programs and projects, the board of commissioners is further
290 authorized and empowered to expend moneys and utilize assets and
291 property, real or personal, of the district and to receive
292 donations, grants, or gifts of money or property, real or
293 personal, from any person or persons, firm, organization,
294 corporation, society, institution, foundation, or legal entity
295 of whatever nature whether private, governmental, or public.

296 Section 10. To carry out the provisions of this act, the
297 board is authorized to borrow money from time to time for
298 periods of time not exceeding one (1) year at any one time and
299 to issue any note of the district therefor upon such terms and
300 upon such rates of interest not exceeding the current prime rate
301 as the board may deem advisable and to secure the payment of
302 same by note or mortgage and note upon any property, real or
303 personal, owned by the district. The board shall have the
304 additional right to pledge as security for money borrowed any
305 moneys accruing to it or to accrue to it from any source,
306 including revenues derived from the operation of any hospital
307 established under this act; provided, however, that the
308 aggregate amount of principal of moneys so borrowed upon the



HB 0203

2003
CS

309 | note or notes of the district shall not at any one time exceed
310 | the sum of \$3 million or 20 percent of the appraised value of
311 | the capital assets of the district, whichever sum is greater.
312 | The board shall have the authority to receive and accept grants,
313 | gifts, and donations from any person, firm, trust, foundation,
314 | corporation (whether profit or nonprofit), partnership, estate,
315 | or governmental agency. The board shall have exclusive control
316 | of all expenditures of and from the moneys, loan proceeds,
317 | contributions, and revenues of the district, except that persons
318 | who desire to make contributions to the district shall have the
319 | right to attach conditions to their gifts. The board, upon
320 | accepting any such contribution, shall be controlled by the
321 | terms of the gift, bequest, or devise, and may, in such cases,
322 | establish funds therefor separate and apart from items of
323 | general revenue. Any such contribution made to the district
324 | without conditions attached thereto may be expended by the board
325 | for such purposes as shall be deemed necessary and proper by the
326 | board of commissioners.

327 | Section 11. The board is authorized to issue bonds of the
328 | district bearing interest for the purposes set forth in this
329 | act, for the purpose of raising funds to establish, construct,
330 | refinance, or pay off existing obligations previously incurred
331 | on capital expenditures, and maintain any hospital as in the
332 | board's opinion is necessary in the district, and for the
333 | acquisition and development of real property, including
334 | appurtenances, fixtures, and equipment, and for major repairs or
335 | renovations to real property which significantly extend its
336 | useful life or change its function, and for any necessary



HB 0203

2003
CS

337 operating capital outlay to furnish and operate a new or
338 improved facility. The board shall have the power to refund any
339 and all previous issues of bonds for any and all lawful hospital
340 purposes. All the proceeds derived from the sale of bonds or
341 refunding bonds, exclusive of expenses, shall be deposited in a
342 depository selected by the board. Nothing herein shall limit
343 any rights the district has or may have under general law.

344 Section 12. Prior to the issuance of bonds, the board
345 shall, by resolution, determine the amount which in its opinion
346 will be necessary to be raised annually by taxation for an
347 interest and sinking fund with which to pay the interest and
348 principal of the bonds; and the board is authorized and required
349 to provide annually for the levy and collection of a sufficient
350 tax upon all the taxable property in the district, not exempt by
351 law, to pay such interest, and with which to provide and
352 maintain a sinking fund for the payment of the principal of
353 bonds.

354 Section 13. All bonds issued by the board, except
355 refunding bonds, revenue bonds, or certificates and anticipation
356 time warrants, shall be issued only after the same shall have
357 been approved by the majority vote of the electors voting in an
358 election called and held by the board subject to reasonable
359 rules and regulations prepared by the board. In the event it is
360 determined to hold an election to decide whether the electors
361 are in favor of the issuance of bonds, the board, by resolution,
362 shall order an election to be held in the district and shall
363 give 30 days' notice of election by publication in a newspaper



HB 0203

2003
CS

364 of general circulation within the district once a week for 4
365 consecutive weeks during such period.

366 Section 14. Only registered electors of the district shall
367 be permitted to vote at a bond election. For the purpose of
368 determining the total number of qualified electors residing in
369 the district, the Supervisor of Registration of Monroe County
370 shall prepare a list of the names of all qualified electors
371 appearing upon the registration books of Monroe County and
372 qualified to vote in the election. Such lists shall be
373 furnished to the inspectors or clerks of the election at each
374 voting place and such lists shall be prima facie evidence of the
375 total number of qualified electors eligible to participate in
376 the election. No person shall be permitted to vote in such
377 election whose name does not appear on such list.

378 Section 15. As far as practicable and where not
379 inconsistent with the provisions of this act, the procedure
380 outlined in chapter 100, Florida Statutes, providing the
381 procedure for bond elections, shall govern.

382 Section 16. All bonds issued under this act shall be in
383 the denomination of \$500 or some multiple thereof, shall bear
384 interest payable annually or semiannually, and both principal
385 and interest shall be payable at such prices as the board may
386 determine. The form of such bond shall be fixed by resolution
387 of the board and said bonds shall be signed by the chair and
388 countersigned by the secretary under the seal of the district.
389 The coupons, if any, shall be executed by the facsimile
390 signatures of said officers. The delivery at any subsequent
391 date of any bond and coupons so executed shall be valid,



HB 0203

2003
CS

392 although before the date of delivery the persons signing bonds
393 or coupons shall cease to hold office.

394 Section 17. Bonds issued hereunder may be either
395 registered or coupon bonds. Coupon bonds may be registered as
396 to principal in the holder's name on the books of the district,
397 the registration being noted upon the bonds, after which no
398 transfer shall be valid unless made on the district's books by
399 the registered holder and similarly noted on the bonds. Bonds
400 registered as to principal may be discharged from registration
401 by being transferred to bearer, after which they shall be
402 transferable by delivery, but may be again registered as to
403 principal as before. The registration of the bonds as to
404 principal shall not restrain the negotiability of the coupons by
405 delivery merely.

406 Section 18. Before any bonds of the district are issued
407 hereunder, the board shall investigate and determine the
408 legality of the proceedings. The resolution authorizing the
409 bonds may direct that they shall contain the following recital:
410 "It is certified that this bond is authorized by and is issued
411 in conformity with the requirements of the constitution and
412 statutes of the State of Florida."
413 Such recital shall be an authorized declaration by the board and
414 shall import that there is constitutional and statutory
415 authority for incurring the debts and issuing the bonds; that
416 all the proceedings therefor are regular; that all acts,
417 conditions, and things required to exist, happen, and be
418 performed precedent to and in the issuance of the bond have
419 existed, happened, and been performed in due time, form, and



HB 0203

2003
CS

420 manner, as required by law; and that the amount of the bond,
421 together with all other indebtedness, does not exceed any limit
422 prescribed by the constitution and statutes of this state. If
423 any bond be issued containing the recital, it shall be
424 conclusively presumed that the recital, construed according to
425 the import hereby declared, is true, and the district shall not
426 be permitted to question the validity or legality of the
427 obligation in any court in any action or proceeding.

428 Section 19. In issuing bonds under the provision of this
429 act, it shall be lawful for the board to include more than one
430 (1) improvement or hospital purpose in any bond issue.

431 Section 20. All bonds issued hereunder shall be advertised
432 for sale on sealed bids, which advertisement shall be published
433 once a week for three (3) weeks, the first publication to be
434 made at least twenty-one (21) days preceding the date fixed for
435 the reception of bids, in a newspaper published in the hospital
436 district. Notice of sale shall also be published once a week
437 for three (3) weeks preceding the date fixed for the reception
438 of bids, either in a financial paper published in the city of
439 New York, the city of Chicago, or the city of Baltimore, or in a
440 newspaper of general circulation published in a city in Florida
441 having a population of not less than twenty thousand (20,000)
442 inhabitants according to the latest official decennial census.
443 The board may reject any and all bids. If the bonds are not
444 sold pursuant to such advertisements, they may be sold by the
445 board at private sale within sixty (60) days after the date
446 advertised for the reception of sealed bids, but no private sale
447 shall be made at a price less than the highest bid which shall



HB 0203

2003
CS

448 have been received. If not sold, bonds shall be readvertised in
449 the manner herein prescribed. No bonds issued hereunder shall
450 be sold for less than ninety-five percent (95%) of the par value
451 and accrued interest.

452 Section 21. No resolution or proceeding in respect to the
453 issuance of bonds shall be necessary except as required by this
454 act. Any publication prescribed hereby may be made in any
455 newspaper conforming to the terms of this act, without regard to
456 the designation thereof as the official organ of the district.
457 Bonds issued hereunder shall have all the qualities of
458 negotiable paper under the law merchant, shall not be invalid
459 for any irregularity or defect in the proceedings for the issue
460 and sale thereof, and shall be incontestable in the hands of a
461 bona fide purchaser or holder for value.

462 Section 22. The board shall have the power to provide by
463 resolution for the issuance of refunding bonds to refund
464 principal and interest of an existing bond indebtedness, for the
465 payment of which the tax moneys derived from the district is
466 pledged, and such bonds may be issued at or prior to maturity of
467 the bonds to be refunded. Such resolution may be adopted at a
468 regular or special meeting, and at the same meeting at which it
469 is introduced, by a majority of the members of the board then in
470 office. It is determined and declared as a matter of
471 legislative intent that no election to authorize the issuance of
472 refunding bonds shall be necessary except in cases where an
473 election may be required by the state constitution. In all
474 cases where it is not necessary under the constitution to hold
475 an election on the issuance of such refunding bonds, such



HB 0203

2003
CS

476 resolution shall take effect immediately upon the adoption
477 thereof. No other proceedings shall be required for the
478 issuance of bonds by the district other than the provisions of
479 section 20 of this act which shall be applicable to this
480 section.

481 Section 23. The resolution of the board authorizing the
482 issuance of the refunding bonds may provide that the refunding
483 bonds may be issued in one (1) or more series, bear the date,
484 mature at the time not exceeding thirty (30) years from their
485 respective dates, bear interest at the rate not exceeding the
486 maximum rate of interest borne by the notes, bonds, or other
487 obligations refinanced thereby, be in the denomination, be in
488 the form either coupon or registered, carry the registration and
489 conversion privileges, be executed in the manner, be payable in
490 the medium of payment at the place, be subject to the terms of
491 redemption with or without a premium, be declared or become due
492 before the maturity date thereof, provide for the replacement of
493 mutilated, destroyed, stolen, or lost bonds, be authenticated in
494 the manner and upon compliance with the conditions, and contain
495 such other terms and covenants as may be desired.

496 Notwithstanding the form or tenor of a bond and in the absence
497 of an express recital on the face that the bond is
498 nonnegotiable, all refunding bonds shall be considered
499 negotiable instruments for all purposes.

500 Section 24. Refunding bonds bearing the signature of board
501 officers of the district in office on the date of the signing
502 thereof shall be valid and binding obligations of the district
503 for all purposes, notwithstanding that before the delivery



HB 0203

2003
CS

504 thereof any or all of the persons whose signatures appear
505 thereon shall have ceased to be officers of the district. Any
506 resolution authorizing refunding bonds may provide that any
507 refunding bonds issued pursuant to this act may contain such a
508 recital, and any refunding bond issued under authority of any
509 resolution shall be conclusively deemed to be valid and to have
510 been issued in conformity with the provisions of this act. The
511 authority of a district to issue obligations under this act may
512 be determined and obligations to be issued under this act may be
513 validated as provided by law.

514 Section 25. Refunding bonds may be sold or exchanged as
515 follows:

516 (1) In installments at different times, or an entire issue
517 or series may be sold or exchanged at one (1) time. Any issue
518 or series of refunding bonds may be exchanged in part or sold in
519 parts in installments at different times or at one (1) time.
520 The refunding bonds may be sold or exchanged at any time on,
521 before, or after the maturity of any of the outstanding notes,
522 bonds, certificates, or other obligations to be refinanced
523 thereby.

524 (2) If the board determines to exchange any refunding
525 bonds, the refunding bonds may be exchanged privately for and in
526 payment and discharge of any of the outstanding notes, bonds, or
527 other obligations of the district. The refunding bonds may be
528 exchanged for a like or greater principal amount of notes,
529 bonds, or other obligations of the district, except the
530 principal amount of the outstanding notes, bonds, or other
531 obligations to the extent necessary or advisable, in the



HB 0203

2003
CS

532 discretion of the board, to fund interest in arrears or about to
533 become due. The holder of outstanding notes, bonds, or other
534 obligations need not pay accrued interest on the refunding bonds
535 to be delivered in exchange therefor if and to the extent that
536 interest is due or accrued and unpaid on the outstanding notes,
537 bonds, or other obligations to be surrendered.

538 (3) If the board determines to sell any refunding bonds,
539 the refunding bonds shall be sold at not less than ninety-five
540 percent (95%) of par at public or private sale, in such manner
541 and upon the terms the board shall deem best for the interest of
542 the district.

543 Section 26. All bonds or refunding bonds issued pursuant
544 to this act shall be legal investments for state, county,
545 municipal, and all other public funds and for banks, savings
546 banks, insurance companies, executors, administrators, trustees,
547 and all other fiduciaries, and shall also be and constitute
548 securities eligible as collateral security for all state,
549 county, municipal, or other public funds.

550 Section 27. The funds of the district shall be paid out
551 only upon warrants signed by the chair or vice chair or such
552 other member of the board designated by the board. Warrants
553 shall have affixed thereto the corporate seal of the district
554 which may be an impression thereon or facsimile thereof. No
555 warrant shall be drawn or issued against funds of the district
556 except for a purpose authorized by this act after the account or
557 expenditure for which the same is to be given in payment has
558 been ordered and approved by the board at a meeting in which a
559 quorum is present.



HB 0203

2003
CS

560 Section 28. A special account shall be set up which shall
561 require only the signature of the administrator of the hospital
562 or hospitals or such other employees as the board shall
563 determine for such purposes. The administrator's account shall
564 be such sum or sums as the board deems necessary from time to
565 time and shall be used only as a payroll account or for such
566 other purposes as the board shall determine.

567 Section 29. The board is authorized and directed annually
568 to levy upon taxable real property only within the district, not
569 exempt by law, a sufficient tax necessary for the purposes and
570 needs of the district incurred in the exercise of the powers and
571 purposes herein granted. The rate of taxation per annum shall
572 not exceed two (2) mills on the dollar of the county assessed
573 valuation of the property within the district for tax purposes.
574 The term "mill" as used in this section shall be deemed to mean
575 one-tenth (1/10) part of one cent (1c) or one thousandth
576 (1/1000) of a dollar (\$1).

577 Section 30. The levy by the board of the taxes authorized
578 by any provision of this act shall be by resolution of the board
579 duly entered upon the minutes of the board. Certified copies of
580 such resolution executed in the name of the board by its chair,
581 under its corporate seal, shall be made and delivered to the
582 board of county commissioners of Monroe County and to the
583 comptroller of the state no later than July 1 of each year. It
584 shall be the mandatory duty of the county commissioners of
585 Monroe County to order and require the county tax assessor of
586 the county to assess, and the county tax collector of the county
587 to collect the amount of taxes so assessed or levied by the



HB 0203

2003
CS

588 board of the district upon the taxable property in the district,
589 not exempt by law, at the rate of taxation adopted by the board
590 of the district for the year and included in the warrant of the
591 tax assessor and attached to the assessment roll of taxes for
592 said county of each year. The tax collector shall collect such
593 tax so levied by the board in the same manner as other taxes are
594 collected and shall pay the same over to the board within the
595 time and in the manner prescribed by law for the payment by the
596 tax collector of county taxes to the county depository. All
597 such taxes shall be held by the board and paid out by them as
598 provided in this act. The board is authorized to pay necessary
599 expenses to the forenamed officers for the assessment and
600 collection of taxes on a reasonable fee basis. If any surplus
601 shall occur in the operation and maintenance fund, the board is
602 authorized to use the surplus or any portion thereof to retire
603 bonded indebtedness, but not to the extent that the financial
604 security of the operation and maintenance fund shall be
605 impaired.

606 Section 31. The board is authorized to pay from the funds
607 of the district all expenses of the organization of the board
608 and all expenses necessarily incurred with the formation of the
609 district and all other reasonable and necessary expenses
610 approved and certified by the board, including the fees and
611 expenses of an attorney in the transaction of the business of
612 the district, and in carrying out and accomplishing the purposes
613 of this act. This section, however, shall not be construed to
614 limit or destroy any of the powers vested in the board by any
615 other section or provision of this act.



HB 0203

2003
CS

616 Section 32. (1) Subject to such provisions and
617 restrictions as may be set forth in the resolution authorizing
618 or securing any bonds issued under the provisions of this act,
619 the board shall have the power to enter into contracts with the
620 government of the United States or any agency or instrumentality
621 thereof, or with the state or any county, municipality,
622 district, authority, or political subdivision, private
623 corporation, partnership, association, or individual providing
624 for or relating to the construction or acquisition of additions,
625 extensions, and improvements to the hospital or hospitals,
626 medical facilities, or other health care related facilities, and
627 any other matters relevant thereto or otherwise necessary to
628 effect the purpose of this act, and to receive and accept from
629 any federal agency, state agency, or other public body grants or
630 loans for or in aid of said purposes and to receive and accept
631 aid or contributions or loans from any other source of either
632 money, property, labor, or other things of value, to be held,
633 used, and applied only for the purpose for which such grants,
634 contributions, or loans may be made.

635 (2) The board is hereby authorized and empowered to lease
636 or sell any real or personal property owned by the district, or
637 to otherwise relinquish and dispose of the district's title or
638 right to immediate possession of such property, according to the
639 following terms and conditions:

640 (a) Any real or personal property of a fair value of less
641 than \$2,500 may be leased or sold, or the title or right to
642 immediate possession otherwise relinquished or disposed of



HB 0203

2003
CS

643 according to the manner and procedure and according to the terms
644 and conditions the board at the time might determine.

645 (b) Any real or personal property of a fair market value
646 of more than \$2,500 may be leased, or the right to immediate
647 possession otherwise relinquished, according to the procedures,
648 terms, and conditions that the board approves, to a public or
649 private health service organization for the provision of medical
650 services that the board cannot on its own provide, as authorized
651 by section 6.

652 (c) Any real or personal property of a fair value of more
653 than \$2,500 may be sold, or leased for a term of more than 1
654 year and 1 day, or the title or right to immediate possession
655 otherwise relinquished or disposed of for a term of more than 1
656 year and 1 day, after the board has determined by appropriate
657 resolution that such property is surplus to the needs and
658 requirements of the district, and after the board has submitted
659 the property to the general public for offers by publishing a
660 Notice of Intent to Dispose of Property in a newspaper of
661 general circulation published in Key West at least 30 days in
662 advance of such lease, sale, or other disposition. Any person
663 desiring such property shall submit his or her offer to lease or
664 buy to the board during such 30-day period, or during such
665 longer period as the board might establish, along with the terms
666 and conditions of such offer. The published notice shall be
667 sufficient if it shall reasonably identify the property in
668 question and inform any persons interested in such property that
669 the board desires to dispose of said property and seeks offers
670 to lease or buy thereon. It is not required that such notice



HB 0203

2003
CS

671 specify the terms and conditions desired by the district, and if
672 such terms and conditions are included in such notice, or
673 otherwise provided, they are to be for general information only
674 and shall not prevent the board from accepting different terms
675 and conditions which the board might determine to be more
676 beneficial to the district. Offers submitted by the bidders are
677 not required to be sealed or to be kept confidential to the
678 district, unless otherwise specified in the published notice,
679 and any bidder may submit any number of alternate offers at any
680 time during the bidding period.

681 (d) The board is hereby authorized and empowered to accept
682 any bid upon surplus property, and to lease, sell, or otherwise
683 convey said property, in accordance with the provisions of this
684 section, or to reject all the bids, as the board might determine
685 to be in the best interests of the district.

686 (e) The board is authorized and empowered to convey to
687 Monroe County, or to any municipality or to any other
688 governmental body or agency of the State of Florida or of the
689 United States located partially or entirely within the
690 boundaries of the district, any surplus property for a nominal
691 consideration and according to those terms and conditions as the
692 board may at that time determine, regardless of the value of
693 such property, whenever it shall appear to the board that such
694 conveyance would be in the best interests of the district and
695 the residents thereof; provided, however, that such conveyance
696 for nominal consideration shall not be made until at least 30
697 days after the terms and conditions thereof shall have been
698 published in a newspaper of general circulation published in Key



HB 0203

2003
CS

699 West, or until residents and taxpayers of the district shall
700 have been afforded an opportunity to be heard upon such
701 conveyance at a regular meeting of the board.

702 (f) Except as authorized in this section, any real or
703 personal property of a fair market value of more than \$2,500 may
704 not be leased, nor may right to immediate possession be
705 otherwise relinquished, for a term exceeding 1 year and 1 day.

706 Section 33. At least once each year the board shall
707 publish once in some newspaper published in the district, a
708 complete detailed annual statement of all moneys received and
709 disbursed by them since the creation of the district as to the
710 first published statement and since the last published statement
711 as to any other year. The statements shall also show the
712 several sources from which the funds were received and shall
713 show the balance on hand at the time of the published statement.
714 It shall show a complete statement of the financial condition of
715 the district.

716 Section 34. Each hospital, medical facility, or other
717 health care related facility established under this act shall be
718 for the use and benefit of the residents of the district.
719 Residents shall be admitted to the hospital or hospitals or any
720 of the related facilities and shall be entitled to
721 hospitalization and treatment, subject, however, to the rules
722 and regulations prescribed by the board effective as of the date
723 of admission of such resident. The board shall be authorized to
724 accept money from any welfare funds provided for Monroe County
725 or moneys available to the indigent patients from a federal,
726 state, or county agency or municipality or moneys available to



HB 0203

2003
CS

727 Monroe County from said governmental agencies for welfare and
728 hospital purposes, for the payment of costs of treatment and
729 care of indigent residents of the district; the board may
730 collect from patients financially able such charges as the board
731 may from time to time establish. The board may exclude from
732 treatment and care any person having a communicable or
733 contagious disease where such disease may be a detriment to the
734 best interests of the hospital or hospitals or related
735 facilities or which may constitute a source of contagion or
736 infection to the patients in its care, unless the institution
737 involved has a separate building or ward for the special
738 treatment of such persons and can properly and with safety to
739 the other patients retain the communicable or contagious case in
740 such separate ward or building. The board may extend the
741 privileges and use of a hospital or related facilities to
742 nonresidents of the district but who pay the rates established
743 by the board and upon such terms and conditions as the board may
744 from time to time by its rules and regulations provide.
745 However, the residents of the district wherein a hospital or
746 related facility is located shall have first claim to admission.
747 The board further shall have the power to furnish and extend the
748 benefits of a hospital or related facility and treatment to the
749 homes of indigent residents of the district. Each municipal
750 corporation situated within the district and the law enforcing
751 agencies of Monroe County shall be liable to the board for the
752 occupancy, care, medicine, and treatment of prisoners in the
753 custody of the municipal corporation or county officers who are



HB 0203

2003
CS

754 admitted to the hospital or other facility operated by the
755 board.

756 Section 35. Realizing that factors other than professional
757 must enter into qualification of those who practice medicine and
758 surgery, the board is authorized to promulgate and adopt rules,
759 regulations, and bylaws for the governing of the operation of
760 any hospital, nursing home, ambulance service, or such other
761 services as may be established under this act and the hospital
762 staff, nursing home, nursing home staff, ambulance service, and
763 medical staff; and the board is authorized to give, refuse,
764 grant, revoke, suspend, and otherwise curtail licenses and/or
765 privileges of staff members so that the welfare and health of
766 patients and the interests of any such hospital, nursing home,
767 and ambulance service may be best served at all times. The
768 board further is authorized to set up rules and regulations for
769 the hospital, nursing home, and an ambulance service, which
770 terms shall include nurses on general duty or on private duty
771 attending patients, and all other personnel in the hospital,
772 nursing home, and ambulance service who are in any capacity in
773 attendance upon patients. There shall be no liability on the
774 part of, and no cause of action of any nature shall arise
775 against any hospital, nursing home, hospital medical staff,
776 ambulance service, district board of commissioners, individually
777 or collectively, or hospital disciplinary body or its agents or
778 employees for any action taken in good faith and without malice
779 in carrying out the provisions of this section. However,
780 nothing in this section shall be construed to relieve any person
781 of liability in the case of medical malpractice or negligence.



HB 0203

2003
CS

782 Section 36. The board on behalf of the district shall
783 secure and keep in force in amounts it may determine reasonable,
784 in companies duly authorized to do business in Florida,
785 liability insurance covering vehicles and premises. The board
786 on behalf of the district shall attempt to secure and keep in
787 force in amounts it may determine reasonable, in companies duly
788 authorized to do business in Florida, liability insurance
789 covering professional malpractice. In the event such
790 professional malpractice insurance is not available or is
791 otherwise available at costs the board deems unreasonable, the
792 board on behalf of the district may elect to self-insure for
793 such risk. In consideration of the premium at which each policy
794 of insurance, if any, shall be written, it shall be part of the
795 insurance contract that the insurance company shall not be
796 entitled to the benefit of the defense of governmental immunity
797 for the insured by reason of exercising a governmental function
798 on any suit brought against the insured. Immunity of the
799 hospital district against liability damages is waived to the
800 extent of liability insurance carried. However, no attempt
801 shall be made at the trial of any action against the district to
802 suggest the existence of any insurance which covers in whole or
803 in part any judgment which may be rendered in favor of a
804 plaintiff. The board, on its behalf individually and on behalf
805 of the district, shall be indemnified by the district for any
806 and all acts taken by it, both collectively and individually, in
807 good faith and without malice in carrying out their duties under
808 this act.



HB 0203

2003
CS

809 Section 37. The board is empowered to destroy any of its
810 records together with any of the records of the hospital or
811 hospitals or related facilities established under this act
812 provided that the records are photographed or microfilmed prior
813 to their destruction.

814 Section 38. It is declared to be the legislative intent
815 that if any section, subsection, paragraph, sentence, clause, or
816 provision of this act is held invalid, the remainder of the act
817 shall not be affected.

818 Section 39. This act shall become effective only upon
819 approval by a majority vote of the qualified freeholder electors
820 voting in a referendum election in which a majority of the
821 freeholders who are qualified registered electors in the
822 district shall participate, to be held in Monroe County at a
823 special election to be called by the county commission within
824 forty-five (45) days from the date this act is filed with the
825 Secretary of State. If the election so held is favorable to the
826 establishment of a hospital district, then the cost of said
827 election shall be borne by the hospital commission created
828 thereby. If such measure fails, then the cost of the special
829 election shall be borne by the county commission of Monroe
830 County.

831 Section 4. If any provision of this act or the application
832 thereof to any person or circumstance is held invalid, the
833 invalidity shall not affect other provisions or applications of
834 the act which can be given effect without the invalid provision
835 or application, and to this end the provisions of this act are
836 declared severable.



HB 0203

2003
CS

837 Section 5. This act shall be construed as a remedial act
838 and shall be liberally construed to promote the purpose for
839 which it is intended.

840 Section 6. Chapters 67-1724, 69-1322, 72-617, 73-555, 73-
841 558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-
842 414, 87-459, 89-551, and 94-415, Laws of Florida, are repealed.

843 Section 7. This act shall take effect upon becoming a law.
844