



1 A bill to be entitled

2 An act relating to the Lower Florida Keys Hospital  
3 District, Monroe County; providing legislative intent;  
4 codifying, amending, repealing, and reenacting all special  
5 acts relating to the district; repealing chapters 67-1724,  
6 69-1322, 72-617, 73-555, 73-558, 75-450, 77-600, 77-601,  
7 77-602, 77-603, 78-565, 79-511, 82-414, 87-459, 89-551,  
8 and 94-415, Laws of Florida; providing an effective date.  
9

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

15  
16 Be It Enacted by the Legislature of the State of Florida:  
17

18 Section 1. Pursuant to section 189.429, Florida Statutes,  
19 this act constitutes the codification of all special acts  
20 relating to the Lower Florida Keys Hospital District. It is the  
21 intent of the Legislature in enacting this law to provide a  
22 single, comprehensive special act charter for the district  
23 including all current legislative authority granted to the  
24 district by its several legislative enactments and any  
25 additional authority granted by this act. It is further the  
26 intent of this act to preserve all District authority in  
27 addition to any authority contained in the Florida Statutes, as  
28 amended from time to time.



29           Section 2. Chapters 67-1724, 69-1322, 72-617, 73-555, 73-  
 30 558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-  
 31 414, 87-459, 89-551, and 94-415, Laws of Florida, are amended,  
 32 codified, reenacted, and repealed as herein provided.

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

35           Section 1. A special tax district is created and  
 36 incorporated in Monroe County to be known as the "Lower Florida  
 37 Keys Hospital District," hereafter referred to as the  
 38 "district." Said district shall include that portion of Monroe  
 39 County embracing Key West and the Florida Keys that is between  
 40 range 24 east and range 31 east.

41           Section 2. The governing body of the Lower Florida Keys  
 42 Hospital District, hereinafter referred to as the "board," shall  
 43 consist of nine commissioners, of whom no more than one  
 44 commissioner may be a member of the medical profession. On or  
 45 before September 12, 1977, the Governor shall appoint all nine  
 46 commissioners as follows: two for a term of four years each,  
 47 two for a term of three years each, two for a term of two years  
 48 each, and three for a term of one year each. Thereafter, all  
 49 commissioners shall be appointed by the Governor for terms of  
 50 four years each and vacancies shall be filled by appointment by  
 51 the Governor for the unexpired term. All commissioners shall  
 52 serve without compensation and shall be qualified electors  
 53 residing in the Lower Florida Keys Hospital District for more  
 54 than one year prior to the appointment; at least three  
 55 commissioners shall reside in said hospital district other than  
 56 at Key West, at least three commissioners shall reside in Key



57 West, and the remaining commissioners shall reside in any area  
58 of the district. The commissioners shall be reimbursed for per  
59 diem and traveling expenses in accordance with the provisions of  
60 s. 112.061, Florida Statutes. Each commissioner shall give bond  
61 to the Governor for the faithful performance of his or her  
62 duties in the sum of \$5,000 with a security company qualified to  
63 do business in this state as surety, which bond shall be  
64 approved and kept by the Clerk of the Circuit Court of Monroe  
65 County. The board shall elect annually one of its members chair  
66 and shall elect or appoint a vice chair, a secretary, a  
67 treasurer, and such other officers and assistants as the board  
68 may determine, who need not be members of the board. The office  
69 of secretary and treasurer may be held by one person. Should the  
70 treasurer be other than a member of the board, he or she shall  
71 give a like bond of \$5,000 for the faithful performance of his  
72 or her duties. Premiums on all bonds required by this section  
73 shall be paid as part of the expenses of the district. The  
74 Governor of the State of Florida shall have the power to remove  
75 any member of said board for cause.

76 Section 3.

77 (1) The board shall have all the powers of a body  
78 corporate, including, but not limited to, the power to sue and  
79 be sued under the name of the Lower Florida Keys Hospital  
80 District; to enter into contracts; to adopt and use a common  
81 seal and to alter same at pleasure; to create, establish, or  
82 otherwise acquire corporations, under the control of the  
83 district, which corporations shall have all the powers  
84 enumerated in chapter 607, Florida Statutes, unless prohibited



85 by the Florida Constitution or this act; to enter into capital  
86 or operating leases; to acquire, purchase, hold, lease,  
87 mortgage, and convey such real and personal property as the  
88 board may deem proper or expedient to carry out the purposes of  
89 this act; to appoint and employ an administrator, and such other  
90 agents and employees as the board may deem advisable to operate  
91 and manage the district's facilities; to fix the compensation of  
92 all employees and to remove any appointees or employees; to  
93 ensure the improvements, fixtures, and equipment against loss by  
94 fire, windstorm, or other coverage in such amounts as may be  
95 determined reasonable and proper; to borrow money and to issue  
96 evidence of indebtedness of the district therefor to carry out  
97 the provisions of this act in the manner as set forth in this  
98 act.

99 (2) Without limitation by any other provision of this act  
100 and notwithstanding any other provision of this act, the  
101 district is authorized and empowered to: form a Florida not-for-  
102 profit corporation of which the district is the sole member but  
103 which may include on its board a minority of the members thereof  
104 designated by a private person; lease the district's facilities  
105 to such not-for-profit corporation; provide in such leases  
106 options to sell and/or purchase such facilities for fair market  
107 value as determined in a manner acceptable to the district;  
108 transfer the operations of the district's facilities to such  
109 not-for-profit corporation; sell, assign, or transfer contracts  
110 or leases of the district to such not-for-profit corporation;  
111 and enter into and perform agreements for the provision of  
112 hospital and other health care services to indigent and other



113 residents of the district, with all of the foregoing being on  
114 such terms and conditions as the district in its sole discretion  
115 may determine is in the public interest, but subject to  
116 subsection (3). Nevertheless, the district shall supervise such  
117 not-for-profit corporation by election of a majority of such  
118 not-for-profit corporation's board and by review and approval of  
119 such not-for-profit corporation's budgets, rates, and charges;  
120 its policies regarding medical staff appointment, reappointment,  
121 and adverse action; and its policies regarding admission and  
122 discharge of patients and purchases of goods and services. Each  
123 member of the not-for-profit corporation's board must file full  
124 and public disclosure of his or her financial interest in the  
125 same manner and to the same extent as is required of  
126 constitutional officers by Section 8 of Article II of the State  
127 Constitution. For the purposes of the foregoing, the word  
128 "person" has the meaning ascribed thereto in section 1.01,  
129 Florida Statutes, 1989. This section does not abrogate or limit  
130 the district's responsibilities under this act relating to the  
131 provision of indigent care to residents of the district.

132 (3) Any transaction entered into pursuant to subsection  
133 (2) must:

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

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

139 (c) Provide for the return of the district's facilities  
140 upon termination of the lease thereof or dissolution of such



141 not-for-profit corporation except that the district may not be  
142 prohibited from granting and performing options to purchase any  
143 or all of the district's facilities for fair market value  
144 determined in a manner acceptable to the district.

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

157 Section 4. Regular meetings shall be held not less than  
158 quarterly, but may be held as frequently as deemed necessary,  
159 which additional regular meetings shall be called in the same  
160 manner as special meetings. A special meeting may be called by  
161 the chair or at the request of three (3) members of the board of  
162 commissioners, and said meeting shall be held no later than  
163 three (3) days from the date called or requested. A quorum for  
164 special and regular meetings shall consist of at least one half  
165 (1/2) of the membership of said board then appointed, qualified,  
166 and so serving. Death and accepted resignation of members shall  
167 not be considered in ascertaining the number necessary for a  
168 quorum. In the absence of the chair or his or her inability to



169 act at any regular or special meeting, warrants for payment of  
170 money may be signed by the vice chair or by any other member of  
171 the board selected by the members present as chair pro tem.

172 Section 5. The board through its secretary, or secretary-  
173 treasurer as the case may be, shall keep true and accurate  
174 minutes and records of all business transacted by it, and shall  
175 keep full, true, and complete books of account and minutes,  
176 which minutes, records, and books of account at all reasonable  
177 times shall be open and subject to inspection and copying by any  
178 inhabitant of the district. Failure to comply with this section  
179 shall constitute a misdemeanor and be punishable as such as  
180 provided by law.

181 Section 6. The board is authorized to establish,  
182 construct, lease, operate, and maintain a hospital or hospitals,  
183 medical facilities, and other health care related facilities and  
184 services as in its opinion shall be necessary for the use of the  
185 people of the district. Said hospital or hospitals, medical  
186 facilities, and other health care related facilities and  
187 services shall be established, constructed, leased, operated,  
188 and maintained by the board for the preservation of the public  
189 health, for the public good, and for the use of the public of  
190 the district, and maintenance of such hospital or hospitals,  
191 medical facilities, or other health care related facilities and  
192 services within the district is hereby found and declared to be  
193 a public purpose and necessary for the preservation of the  
194 public health and welfare of the district and inhabitants  
195 thereof. The board may enter into contractual relationships  
196 with other health service organizations, either public or



197 private, for the provision of such administrative and medical  
198 services as it does not on its own provide in connection with  
199 said hospital or hospitals, medical facilities, or other health  
200 care related facilities and services. The location of any  
201 hospital, medical facility, or other health care related  
202 facility established under this act shall be determined by the  
203 board. The board is authorized to accept any and all gifts,  
204 loans, or advancements for the purchase of property, real or  
205 personal, for the construction, equipping, and maintenance of  
206 any hospital, medical facility, or other health care related  
207 facility established hereunder.

208 Section 7. (1) Before any single purchase of merchandise,  
209 supplies, materials, machinery, or equipment is made, the price  
210 of which exceeds five thousand dollars (\$5,000.00), or any  
211 contracts for any construction work is let, the price of which  
212 exceeds five thousand dollars (\$5,000.00), there shall be an  
213 advertisement by the board at least one (1) time in a newspaper  
214 of general circulation published in Key West, inviting sealed  
215 bids or proposals to furnish such merchandise, supplies,  
216 materials, machinery, or equipment or to perform such  
217 construction. Sealed bids or proposals received shall be  
218 properly evaluated by the board and the lowest responsible bid  
219 or proposal shall be accepted unless the board shall reject all  
220 sealed bids or proposals. If all sealed bids be rejected, new  
221 sealed bids or proposals shall be solicited by advertisement.  
222 The board may, by resolution or motion, dispense with  
223 advertising for sealed bids or proposals in the event of an  
224 emergency requiring that merchandise, supplies, materials,





225 machinery, or equipment or construction work is necessary and  
226 required. If after two (2) successive unsuccessful attempts to  
227 obtain sealed bids or proposals, or in the event of an  
228 emergency, the board may purchase merchandise, supplies, or  
229 materials or contract for construction or repairs by negotiation  
230 with suppliers or contractors. When an emergency is declared to  
231 exist by action of the majority of the board members meeting in  
232 a regular or special meeting, the basis of such determination  
233 and the vote of each member of the board shall be set forth in  
234 writing in the minutes of the meeting.

235 (2) The district's board of commissioners is specifically  
236 delegated the authority to grant, deny, revoke, or suspend staff  
237 privileges at its hospitals, medical facilities, or other health  
238 care related facilities according to the applicable Florida  
239 Statutes and the applicable rules and regulations. A decision  
240 of the board of commissioners of the Lower Florida Keys Hospital  
241 District to refuse, revoke, or suspend membership on the staff,  
242 or to refuse, revoke, or suspend any privileges attendant to  
243 such membership, is hereby declared to be a quasi-judicial  
244 function of the board and judicial review of such decision shall  
245 be by petition for certiorari to the District Court of Appeal of  
246 Florida prescribed by the Florida Appellate Rules having  
247 jurisdiction of the appeals from Monroe County, in the time and  
248 manner prescribed by the Florida Appellate Rules for such  
249 petitions for writ of certiorari, unless the provisions of such  
250 appellate rules shall confer exclusive jurisdiction of such  
251 petition upon the Supreme Court of Florida.



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

268        Section 9. The board of commissioners is authorized and  
269 empowered, at any time in its discretion, to establish,  
270 maintain, or participate in such programs and projects of and  
271 for medical research, education, and development affecting human  
272 physical or mental health and well-being as it may deem  
273 desirable; and in connection with such programs and projects the  
274 board of commissioners is authorized and empowered to cooperate  
275 with public and private educational or research institutions,  
276 corporations, foundations, or organizations of any and all types  
277 as well as agencies, departments, divisions, branches, or bodies  
278 of government, or created by government, whether federal, state,  
279 county, municipal, or otherwise. In furtherance of such



280 programs and projects, the board of commissioners is further  
281 authorized and empowered to expend moneys and utilize assets and  
282 property, real or personal, of the district and to receive  
283 donations, grants, or gifts of money or property, real or  
284 personal, from any person or persons, firm, organization,  
285 corporation, society, institution, foundation, or legal entity  
286 of whatever nature whether private, governmental, or public.

287 Section 10. To carry out the provisions of this act, the  
288 board is authorized to borrow money from time to time for  
289 periods of time not exceeding one (1) year at any one time and  
290 to issue any note of the district therefor upon such terms and  
291 upon such rates of interest not exceeding the current prime rate  
292 as the board may deem advisable and to secure the payment of  
293 same by note or mortgage and note upon any property, real or  
294 personal, owned by the district. The board shall have the  
295 additional right to pledge as security for money borrowed any  
296 moneys accruing to it or to accrue to it from any source,  
297 including revenues derived from the operation of any hospital  
298 established under this act; provided, however, that the  
299 aggregate amount of principal of moneys so borrowed upon the  
300 note or notes of the district shall not at any one time exceed  
301 the sum of \$3 million or 20 percent of the appraised value of  
302 the capital assets of the district, whichever sum is greater.  
303 The board shall have the authority to receive and accept grants,  
304 gifts, and donations from any person, firm, trust, foundation,  
305 corporation (whether profit or nonprofit), partnership, estate,  
306 or governmental agency. The board shall have exclusive control  
307 of all expenditures of and from the moneys, loan proceeds,



308 contributions, and revenues of the district, except that persons  
309 who desire to make contributions to the district shall have the  
310 right to attach conditions to their gifts. The board, upon  
311 accepting any such contribution, shall be controlled by the  
312 terms of the gift, bequest, or devise, and may, in such cases,  
313 establish funds therefor separate and apart from items of  
314 general revenue. Any such contribution made to the district  
315 without conditions attached thereto may be expended by the board  
316 for such purposes as shall be deemed necessary and proper by the  
317 board of commissioners.

318 Section 11. The board is authorized to issue bonds of the  
319 district bearing interest for the purposes set forth in this  
320 act, for the purpose of raising funds to establish, construct,  
321 refinance, or pay off existing obligations previously incurred  
322 on capital expenditures, and maintain any hospital as in the  
323 board's opinion is necessary in the district, and for the  
324 acquisition and development of real property, including  
325 appurtenances, fixtures, and equipment, and for major repairs or  
326 renovations to real property which significantly extend its  
327 useful life or change its function, and for any necessary  
328 operating capital outlay to furnish and operate a new or  
329 improved facility. The board shall have the power to refund any  
330 and all previous issues of bonds for any and all lawful hospital  
331 purposes. All the proceeds derived from the sale of bonds or  
332 refunding bonds, exclusive of expenses, shall be deposited in a  
333 depository selected by the board. Nothing herein shall limit  
334 any rights the district has or may have under general law.



335 Section 12. Prior to the issuance of bonds, the board  
336 shall, by resolution, determine the amount which in its opinion  
337 will be necessary to be raised annually by taxation for an  
338 interest and sinking fund with which to pay the interest and  
339 principal of the bonds; and the board is authorized and required  
340 to provide annually for the levy and collection of a sufficient  
341 tax upon all the taxable property in the district, not exempt by  
342 law, to pay such interest, and with which to provide and  
343 maintain a sinking fund for the payment of the principal of  
344 bonds.

345 Section 13. All bonds issued by the board, except  
346 refunding bonds, revenue bonds, or certificates and anticipation  
347 time warrants, shall be issued only after the same shall have  
348 been approved by the majority vote of the electors voting in an  
349 election called and held by the board subject to reasonable  
350 rules and regulations prepared by the board. In the event it is  
351 determined to hold an election to decide whether the electors  
352 are in favor of the issuance of bonds, the board, by resolution,  
353 shall order an election to be held in the district and shall  
354 give 30 days' notice of election by publication in a newspaper  
355 of general circulation within the district once a week for 4  
356 consecutive weeks during such period.

357 Section 14. Only registered electors of the district shall  
358 be permitted to vote at a bond election. For the purpose of  
359 determining the total number of qualified electors residing in  
360 the district, the Supervisor of Registration of Monroe County  
361 shall prepare a list of the names of all qualified electors  
362 appearing upon the registration books of Monroe County and



363 qualified to vote in the election. Such lists shall be  
364 furnished to the inspectors or clerks of the election at each  
365 voting place and such lists shall be prima facie evidence of the  
366 total number of qualified electors eligible to participate in  
367 the election. No person shall be permitted to vote in such  
368 election whose name does not appear on such list.

369 Section 15. As far as practicable and where not  
370 inconsistent with the provisions of this act, the procedure  
371 outlined in chapter 100, Florida Statutes, providing the  
372 procedure for bond elections, shall govern.

373 Section 16. All bonds issued under this act shall be in  
374 the denomination of \$500 or some multiple thereof, shall bear  
375 interest payable annually or semiannually, and both principal  
376 and interest shall be payable at such prices as the board may  
377 determine. The form of such bond shall be fixed by resolution  
378 of the board and said bonds shall be signed by the chair and  
379 countersigned by the secretary under the seal of the district.  
380 The coupons, if any, shall be executed by the facsimile  
381 signatures of said officers. The delivery at any subsequent  
382 date of any bond and coupons so executed shall be valid,  
383 although before the date of delivery the persons signing bonds  
384 or coupons shall cease to hold office.

385 Section 17. Bonds issued hereunder may be either  
386 registered or coupon bonds. Coupon bonds may be registered as  
387 to principal in the holder's name on the books of the district,  
388 the registration being noted upon the bonds, after which no  
389 transfer shall be valid unless made on the district's books by  
390 the registered holder and similarly noted on the bonds. Bonds



391 registered as to principal may be discharged from registration  
392 by being transferred to bearer, after which they shall be  
393 transferable by delivery, but may be again registered as to  
394 principal as before. The registration of the bonds as to  
395 principal shall not restrain the negotiability of the coupons by  
396 delivery merely.

397 Section 18. Before any bonds of the district are issued  
398 hereunder, the board shall investigate and determine the  
399 legality of the proceedings. The resolution authorizing the  
400 bonds may direct that they shall contain the following recital:  
401 "It is certified that this bond is authorized by and is issued  
402 in conformity with the requirements of the constitution and  
403 statutes of the State of Florida."

404 Such recital shall be an authorized declaration by the board and  
405 shall import that there is constitutional and statutory  
406 authority for incurring the debts and issuing the bonds; that  
407 all the proceedings therefor are regular; that all acts,  
408 conditions, and things required to exist, happen, and be  
409 performed precedent to and in the issuance of the bond have  
410 existed, happened, and been performed in due time, form, and  
411 manner, as required by law; and that the amount of the bond,  
412 together with all other indebtedness, does not exceed any limit  
413 prescribed by the constitution and statutes of this state. If  
414 any bond be issued containing the recital, it shall be  
415 conclusively presumed that the recital, construed according to  
416 the import hereby declared, is true, and the district shall not  
417 be permitted to question the validity or legality of the  
418 obligation in any court in any action or proceeding.



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

422 Section 20. All bonds issued hereunder shall be advertised  
423 for sale on sealed bids, which advertisement shall be published  
424 once a week for three (3) weeks, the first publication to be  
425 made at least twenty-one (21) days preceding the date fixed for  
426 the reception of bids, in a newspaper published in the hospital  
427 district. Notice of sale shall also be published once a week  
428 for three (3) weeks preceding the date fixed for the reception  
429 of bids, either in a financial paper published in the city of  
430 New York, the city of Chicago, or the city of Baltimore, or in a  
431 newspaper of general circulation published in a city in Florida  
432 having a population of not less than twenty thousand (20,000)  
433 inhabitants according to the latest official decennial census.  
434 The board may reject any and all bids. If the bonds are not  
435 sold pursuant to such advertisements, they may be sold by the  
436 board at private sale within sixty (60) days after the date  
437 advertised for the reception of sealed bids, but no private sale  
438 shall be made at a price less than the highest bid which shall  
439 have been received. If not sold, bonds shall be readvertised in  
440 the manner herein prescribed. No bonds issued hereunder shall  
441 be sold for less than ninety-five percent (95%) of the par value  
442 and accrued interest.

443 Section 21. No resolution or proceeding in respect to the  
444 issuance of bonds shall be necessary except as required by this  
445 act. Any publication prescribed hereby may be made in any  
446 newspaper conforming to the terms of this act, without regard to





447 the designation thereof as the official organ of the district.  
448 Bonds issued hereunder shall have all the qualities of  
449 negotiable paper under the law merchant, shall not be invalid  
450 for any irregularity or defect in the proceedings for the issue  
451 and sale thereof, and shall be incontestable in the hands of a  
452 bona fide purchaser or holder for value.

453 Section 22. The board shall have the power to provide by  
454 resolution for the issuance of refunding bonds to refund  
455 principal and interest of an existing bond indebtedness, for the  
456 payment of which the tax moneys derived from the district is  
457 pledged, and such bonds may be issued at or prior to maturity of  
458 the bonds to be refunded. Such resolution may be adopted at a  
459 regular or special meeting, and at the same meeting at which it  
460 is introduced, by a majority of the members of the board then in  
461 office. It is determined and declared as a matter of  
462 legislative intent that no election to authorize the issuance of  
463 refunding bonds shall be necessary except in cases where an  
464 election may be required by the state constitution. In all  
465 cases where it is not necessary under the constitution to hold  
466 an election on the issuance of such refunding bonds, such  
467 resolution shall take effect immediately upon the adoption  
468 thereof. No other proceedings shall be required for the  
469 issuance of bonds by the district other than the provisions of  
470 section 20 of this act which shall be applicable to this  
471 section.

472 Section 23. The resolution of the board authorizing the  
473 issuance of the refunding bonds may provide that the refunding  
474 bonds may be issued in one (1) or more series, bear the date,



475 mature at the time not exceeding thirty (30) years from their  
476 respective dates, bear interest at the rate not exceeding the  
477 maximum rate of interest borne by the notes, bonds, or other  
478 obligations refinanced thereby, be in the denomination, be in  
479 the form either coupon or registered, carry the registration and  
480 conversion privileges, be executed in the manner, be payable in  
481 the medium of payment at the place, be subject to the terms of  
482 redemption with or without a premium, be declared or become due  
483 before the maturity date thereof, provide for the replacement of  
484 mutilated, destroyed, stolen, or lost bonds, be authenticated in  
485 the manner and upon compliance with the conditions, and contain  
486 such other terms and covenants as may be desired.

487 Notwithstanding the form or tenor of a bond and in the absence  
488 of an express recital on the face that the bond is  
489 nonnegotiable, all refunding bonds shall be considered  
490 negotiable instruments for all purposes.

491 Section 24. Refunding bonds bearing the signature of board  
492 officers of the district in office on the date of the signing  
493 thereof shall be valid and binding obligations of the district  
494 for all purposes, notwithstanding that before the delivery  
495 thereof any or all of the persons whose signatures appear  
496 thereon shall have ceased to be officers of the district. Any  
497 resolution authorizing refunding bonds may provide that any  
498 refunding bonds issued pursuant to this act may contain such a  
499 recital, and any refunding bond issued under authority of any  
500 resolution shall be conclusively deemed to be valid and to have  
501 been issued in conformity with the provisions of this act. The  
502 authority of a district to issue obligations under this act may



503 be determined and obligations to be issued under this act may be  
504 validated as provided by law.

505 Section 25. Refunding bonds may be sold or exchanged as  
506 follows:

507 (1) In installments at different times, or an entire issue  
508 or series may be sold or exchanged at one (1) time. Any issue  
509 or series of refunding bonds may be exchanged in part or sold in  
510 parts in installments at different times or at one (1) time.  
511 The refunding bonds may be sold or exchanged at any time on,  
512 before, or after the maturity of any of the outstanding notes,  
513 bonds, certificates, or other obligations to be refinanced  
514 thereby.

515 (2) If the board determines to exchange any refunding  
516 bonds, the refunding bonds may be exchanged privately for and in  
517 payment and discharge of any of the outstanding notes, bonds, or  
518 other obligations of the district. The refunding bonds may be  
519 exchanged for a like or greater principal amount of notes,  
520 bonds, or other obligations of the district, except the  
521 principal amount of the outstanding notes, bonds, or other  
522 obligations to the extent necessary or advisable, in the  
523 discretion of the board, to fund interest in arrears or about to  
524 become due. The holder of outstanding notes, bonds, or other  
525 obligations need not pay accrued interest on the refunding bonds  
526 to be delivered in exchange therefor if and to the extent that  
527 interest is due or accrued and unpaid on the outstanding notes,  
528 bonds, or other obligations to be surrendered.

529 (3) If the board determines to sell any refunding bonds,  
530 the refunding bonds shall be sold at not less than ninety-five



531 percent (95%) of par at public or private sale, in such manner  
532 and upon the terms the board shall deem best for the interest of  
533 the district.

534 Section 26. All bonds or refunding bonds issued pursuant  
535 to this act shall be legal investments for state, county,  
536 municipal, and all other public funds and for banks, savings  
537 banks, insurance companies, executors, administrators, trustees,  
538 and all other fiduciaries, and shall also be and constitute  
539 securities eligible as collateral security for all state,  
540 county, municipal, or other public funds.

541 Section 27. The funds of the district shall be paid out  
542 only upon warrants signed by the chair or vice chair or such  
543 other member of the board designated by the board. Warrants  
544 shall have affixed thereto the corporate seal of the district  
545 which may be an impression thereon or facsimile thereof. No  
546 warrant shall be drawn or issued against funds of the district  
547 except for a purpose authorized by this act after the account or  
548 expenditure for which the same is to be given in payment has  
549 been ordered and approved by the board at a meeting in which a  
550 quorum is present.

551 Section 28. A special account shall be set up which shall  
552 require only the signature of the administrator of the hospital  
553 or hospitals or such other employees as the board shall  
554 determine for such purposes. The administrator's account shall  
555 be such sum or sums as the board deems necessary from time to  
556 time and shall be used only as a payroll account or for such  
557 other purposes as the board shall determine.



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

568        Section 30. The levy by the board of the taxes authorized  
569 by any provision of this act shall be by resolution of the board  
570 duly entered upon the minutes of the board. Certified copies of  
571 such resolution executed in the name of the board by its chair,  
572 under its corporate seal, shall be made and delivered to the  
573 board of county commissioners of Monroe County and to the  
574 comptroller of the state no later than July 1 of each year. It  
575 shall be the mandatory duty of the county commissioners of  
576 Monroe County to order and require the county tax assessor of  
577 the county to assess, and the county tax collector of the county  
578 to collect the amount of taxes so assessed or levied by the  
579 board of the district upon the taxable property in the district,  
580 not exempt by law, at the rate of taxation adopted by the board  
581 of the district for the year and included in the warrant of the  
582 tax assessor and attached to the assessment roll of taxes for  
583 said county of each year. The tax collector shall collect such  
584 tax so levied by the board in the same manner as other taxes are  
585 collected and shall pay the same over to the board within the



586 time and in the manner prescribed by law for the payment by the  
587 tax collector of county taxes to the county depository. All  
588 such taxes shall be held by the board and paid out by them as  
589 provided in this act. The board is authorized to pay necessary  
590 expenses to the forenamed officers for the assessment and  
591 collection of taxes on a reasonable fee basis. If any surplus  
592 shall occur in the operation and maintenance fund, the board is  
593 authorized to use the surplus or any portion thereof to retire  
594 bonded indebtedness, but not to the extent that the financial  
595 security of the operation and maintenance fund shall be  
596 impaired.

597 Section 31. The board is authorized to pay from the funds  
598 of the district all expenses of the organization of the board  
599 and all expenses necessarily incurred with the formation of the  
600 district and all other reasonable and necessary expenses  
601 approved and certified by the board, including the fees and  
602 expenses of an attorney in the transaction of the business of  
603 the district, and in carrying out and accomplishing the purposes  
604 of this act. This section, however, shall not be construed to  
605 limit or destroy any of the powers vested in the board by any  
606 other section or provision of this act.

607 Section 32. (1) Subject to such provisions and  
608 restrictions as may be set forth in the resolution authorizing  
609 or securing any bonds issued under the provisions of this act,  
610 the board shall have the power to enter into contracts with the  
611 government of the United States or any agency or instrumentality  
612 thereof, or with the state or any county, municipality,  
613 district, authority, or political subdivision, private



614 corporation, partnership, association, or individual providing  
615 for or relating to the construction or acquisition of additions,  
616 extensions, and improvements to the hospital or hospitals,  
617 medical facilities, or other health care related facilities, and  
618 any other matters relevant thereto or otherwise necessary to  
619 effect the purpose of this act, and to receive and accept from  
620 any federal agency, state agency, or other public body grants or  
621 loans for or in aid of said purposes and to receive and accept  
622 aid or contributions or loans from any other source of either  
623 money, property, labor, or other things of value, to be held,  
624 used, and applied only for the purpose for which such grants,  
625 contributions, or loans may be made.

626 (2) The board is hereby authorized and empowered to lease  
627 or sell any real or personal property owned by the district, or  
628 to otherwise relinquish and dispose of the district's title or  
629 right to immediate possession of such property, according to the  
630 following terms and conditions:

631 (a) Any real or personal property of a fair value of less  
632 than \$2,500 may be leased or sold, or the title or right to  
633 immediate possession otherwise relinquished or disposed of  
634 according to the manner and procedure and according to the terms  
635 and conditions the board at the time might determine.

636 (b) Any real or personal property of a fair market value  
637 of more than \$2,500 may be leased, or the right to immediate  
638 possession otherwise relinquished, according to the procedures,  
639 terms, and conditions that the board approves, to a public or  
640 private health service organization for the provision of medical



641 services that the board cannot on its own provide, as authorized  
642 by section 6.

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





669 district, unless otherwise specified in the published notice,  
670 and any bidder may submit any number of alternate offers at any  
671 time during the bidding period.

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

677 (e) The board is authorized and empowered to convey to  
678 Monroe County, or to any municipality or to any other  
679 governmental body or agency of the State of Florida or of the  
680 United States located partially or entirely within the  
681 boundaries of the district, any surplus property for a nominal  
682 consideration and according to those terms and conditions as the  
683 board may at that time determine, regardless of the value of  
684 such property, whenever it shall appear to the board that such  
685 conveyance would be in the best interests of the district and  
686 the residents thereof; provided, however, that such conveyance  
687 for nominal consideration shall not be made until at least 30  
688 days after the terms and conditions thereof shall have been  
689 published in a newspaper of general circulation published in Key  
690 West, or until residents and taxpayers of the district shall  
691 have been afforded an opportunity to be heard upon such  
692 conveyance at a regular meeting of the board.

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



697 Section 33. At least once each year the board shall  
698 publish once in some newspaper published in the district, a  
699 complete detailed annual statement of all moneys received and  
700 disbursed by them since the creation of the district as to the  
701 first published statement and since the last published statement  
702 as to any other year. The statements shall also show the  
703 several sources from which the funds were received and shall  
704 show the balance on hand at the time of the published statement.  
705 It shall show a complete statement of the financial condition of  
706 the district.

707 Section 34. Each hospital, medical facility, or other  
708 health care related facility established under this act shall be  
709 for the use and benefit of the residents of the district.  
710 Residents shall be admitted to the hospital or hospitals or any  
711 of the related facilities and shall be entitled to  
712 hospitalization and treatment, subject, however, to the rules  
713 and regulations prescribed by the board effective as of the date  
714 of admission of such resident. The board shall be authorized to  
715 accept money from any welfare funds provided for Monroe County  
716 or moneys available to the indigent patients from a federal,  
717 state, or county agency or municipality or moneys available to  
718 Monroe County from said governmental agencies for welfare and  
719 hospital purposes, for the payment of costs of treatment and  
720 care of indigent residents of the district; the board may  
721 collect from patients financially able such charges as the board  
722 may from time to time establish. The board may exclude from  
723 treatment and care any person having a communicable or  
724 contagious disease where such disease may be a detriment to the



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

747 Section 35. Realizing that factors other than professional  
748 must enter into qualification of those who practice medicine and  
749 surgery, the board is authorized to promulgate and adopt rules,  
750 regulations, and bylaws for the governing of the operation of  
751 any hospital, nursing home, ambulance service, or such other  
752 services as may be established under this act and the hospital



753 staff, nursing home, nursing home staff, ambulance service, and  
754 medical staff; and the board is authorized to give, refuse,  
755 grant, revoke, suspend, and otherwise curtail licenses and/or  
756 privileges of staff members so that the welfare and health of  
757 patients and the interests of any such hospital, nursing home,  
758 and ambulance service may be best served at all times. The  
759 board further is authorized to set up rules and regulations for  
760 the hospital, nursing home, and an ambulance service, which  
761 terms shall include nurses on general duty or on private duty  
762 attending patients, and all other personnel in the hospital,  
763 nursing home, and ambulance service who are in any capacity in  
764 attendance upon patients. There shall be no liability on the  
765 part of, and no cause of action of any nature shall arise  
766 against any hospital, nursing home, hospital medical staff,  
767 ambulance service, district board of commissioners, individually  
768 or collectively, or hospital disciplinary body or its agents or  
769 employees for any action taken in good faith and without malice  
770 in carrying out the provisions of this section. However,  
771 nothing in this section shall be construed to relieve any person  
772 of liability in the case of medical malpractice or negligence.

773 Section 36. The board on behalf of the district shall  
774 secure and keep in force in amounts it may determine reasonable,  
775 in companies duly authorized to do business in Florida,  
776 liability insurance covering vehicles and premises. The board  
777 on behalf of the district shall attempt to secure and keep in  
778 force in amounts it may determine reasonable, in companies duly  
779 authorized to do business in Florida, liability insurance  
780 covering professional malpractice. In the event such



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

800 Section 37. The board is empowered to destroy any of its  
801 records together with any of the records of the hospital or  
802 hospitals or related facilities established under this act  
803 provided that the records are photographed or microfilmed prior  
804 to their destruction.

805 Section 38. It is declared to be the legislative intent  
806 that if any section, subsection, paragraph, sentence, clause, or  
807 provision of this act is held invalid, the remainder of the act  
808 shall not be affected.



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

822        Section 4. If any provision of this act or the application  
823 thereof to any person or circumstance is held invalid, the  
824 invalidity shall not affect other provisions or applications of  
825 the act which can be given effect without the invalid provision  
826 or application, and to this end the provisions of this act are  
827 declared severable.

828        Section 5. This act shall be construed as a remedial act  
829 and shall be liberally construed to promote the purpose for  
830 which it is intended.

831        Section 6. Chapters 67-1724, 69-1322, 72-617, 73-555, 73-  
832 558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-  
833 414, 87-459, 89-551, and 94-415, Laws of Florida, are repealed.

834        Section 7. This act shall take effect upon becoming a law.  
835