

By Senator Bullard

39-1077-03

See HB 203

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

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

17
18 Be It Enacted by the Legislature of the State of Florida:

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

31

1 Section 2. Chapters 67-1724, 69-1322, 72-617, 73-555,
2 73-558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565,
3 79-511, 82-414, 87-459, 89-551, and 94-415, Laws of Florida,
4 are amended, codified, reenacted, and repealed as herein
5 provided.

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

8 Section 1. A special tax district is created and
9 incorporated in Monroe County to be known as the "Lower
10 Florida Keys Hospital District," hereafter referred to as the
11 "district." Said district shall include that portion of
12 Monroe County embracing Key West and the Florida Keys that is
13 between range 24 east and range 31 east.

14 Section 2. The governing body of the Lower Florida
15 Keys Hospital District, hereinafter referred to as the
16 "board," shall consist of nine commissioners, of whom no more
17 than one commissioner may be a member of the medical
18 profession. On or before September 12, 1977, the Governor
19 shall appoint all nine commissioners as follows: two for a
20 term of 4 years each, two for a term of 3 years each, two for
21 a term of 2 years each, and three for a term of 1 year
22 each. Thereafter, all commissioners shall be appointed by the
23 Governor for terms of 4 years each and vacancies shall be
24 filled by appointment by the Governor for the unexpired
25 term. All commissioners shall serve without compensation and
26 shall be qualified electors residing in the Lower Florida Keys
27 Hospital District for more than 1 year prior to the
28 appointment; at least three commissioners shall reside in said
29 hospital district other than at Key West, at least three
30 commissioners shall reside in Key West, and the remaining
31 commissioners shall reside in any area of the district. The

1 commissioners shall be reimbursed for per diem and traveling
2 expenses in accordance with the provisions of section 112.061,
3 Florida Statutes. Each commissioner shall give bond to the
4 Governor for the faithful performance of his or her duties in
5 the sum of \$5,000 with a security company qualified to do
6 business in this state as surety, which bond shall be approved
7 and kept by the Clerk of the Circuit Court of Monroe
8 County. The board shall elect annually one of its members
9 chair and shall elect or appoint a vice chair, a secretary, a
10 treasurer, and such other officers and assistants as the board
11 may determine, who need not be members of the board. The
12 office of secretary and treasurer may be held by one person.
13 Should the treasurer be other than a member of the board, he
14 or she shall give a like bond of \$5,000 for the faithful
15 performance of his or her duties. Premiums on all bonds
16 required by this section shall be paid as part of the expenses
17 of the district. The Governor of the State of Florida shall
18 have the power to remove any member of said board for cause.

19 Section 3. (1) The board shall have all the powers of
20 a body corporate, including, but not limited to, the power to
21 sue and be sued under the name of the Lower Florida Keys
22 Hospital District; to enter into contracts; to adopt and use a
23 common seal and to alter same at pleasure; to create,
24 establish, or otherwise acquire corporations, under the
25 control of the district, which corporations shall have all the
26 powers enumerated in chapter 607, Florida Statutes, unless
27 prohibited by the Florida Constitution or this act; to enter
28 into capital or operating leases; to acquire, purchase, hold,
29 lease, mortgage, and convey such real and personal property as
30 the board may deem proper or expedient to carry out the
31 purposes of this act; to appoint and employ an administrator,

1 and such other agents and employees as the board may deem
2 advisable to operate and manage the district's facilities; to
3 fix the compensation of all employees and to remove any
4 appointees or employees; to ensure the improvements, fixtures,
5 and equipment against loss by fire, windstorm, or other
6 coverage in such amounts as may be determined reasonable and
7 proper; to borrow money and to issue evidence of indebtedness
8 of the district therefor to carry out the provisions of this
9 act in the manner as set forth in this act.

10 (2) Without limitation by any other provision of this
11 act and notwithstanding any other provision of this act, the
12 district is authorized and empowered to: form a Florida
13 not-for-profit corporation of which the district is the sole
14 member but which may include on its board a minority of the
15 members thereof designated by a private person; lease the
16 district's facilities to such not-for-profit corporation;
17 provide in such leases options to sell or purchase such
18 facilities for fair market value as determined in a manner
19 acceptable to the district; transfer the operations of the
20 district's facilities to such not-for-profit corporation;
21 sell, assign, or transfer contracts or leases of the district
22 to such not-for-profit corporation; and enter into and perform
23 agreements for the provision of hospital and other health care
24 services to indigent and other residents of the district, with
25 all of the foregoing being on such terms and conditions as the
26 district in its sole discretion may determine is in the public
27 interest, but subject to subsection (3). Nevertheless, the
28 district shall supervise such not-for-profit corporation by
29 election of a majority of such not-for-profit corporation's
30 board and by review and approval of such not-for-profit
31 corporation's budgets, rates, and charges; its policies

1 regarding medical staff appointment, reappointment, and
2 adverse action; and its policies regarding admission and
3 discharge of patients and purchases of goods and
4 services. Each member of the not-for-profit corporation's
5 board must file full and public disclosure of his or her
6 financial interest in the same manner and to the same extent
7 as is required of constitutional officers by Section 8 of
8 Article II of the State Constitution. For the purposes of the
9 foregoing, the word "person" has the meaning ascribed thereto
10 in section 1.01, Florida Statutes, 1989. This section does
11 not abrogate or limit the district's responsibilities under
12 this act relating to the provision of indigent care to
13 residents of the district.

14 (3) Any transaction entered into pursuant to
15 subsection (2) must:

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

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

21 (c) Provide for the return of the district's
22 facilities upon termination of the lease thereof or
23 dissolution of such not-for-profit corporation except that the
24 district may not be prohibited from granting and performing
25 options to purchase any or all of the district's facilities
26 for fair market value determined in a manner acceptable to the
27 district.

28
29 Any transfer, sale, or lease of a hospital facility by the
30 district shall be preconditioned upon the transferee, buyer,
31 or lessee providing, on an annual basis, an amount of indigent

1 care and Medicaid care to residents of the district which is
2 not less than the amount of such care previously provided by
3 the hospital as reported to the Health Care Cost Containment
4 Board in the last year prior to the transfer, sale, or lease
5 of the hospital facility, provided there is the demand for
6 such level of indigent care and Medicaid care in the
7 district. Any contract, agreement, or lease of a hospital
8 entered into by the district shall also comply with the
9 provisions of section 155.40, Florida Statutes.

10 Section 4. Regular meetings shall be held not less
11 than quarterly, but may be held as frequently as deemed
12 necessary, which additional regular meetings shall be called
13 in the same manner as special meetings. A special meeting may
14 be called by the chair or at the request of three members of
15 the board of commissioners, and said meeting shall be held no
16 later than 3 days from the date called or requested. A quorum
17 for special and regular meetings shall consist of at least one
18 half of the membership of said board then appointed,
19 qualified, and so serving. Death and accepted resignation of
20 members shall not be considered in ascertaining the number
21 necessary for a quorum. In the absence of the chair or his or
22 her inability to act at any regular or special meeting,
23 warrants for payment of money may be signed by the vice chair
24 or by any other member of the board selected by the members
25 present as chair pro tem.

26 Section 5. The board through its secretary, or
27 secretary-treasurer as the case may be, shall keep true and
28 accurate minutes and records of all business transacted by it,
29 and shall keep full, true, and complete books of account and
30 minutes, which minutes, records, and books of account at all
31 reasonable times shall be open and subject to inspection and

1 copying by any inhabitant of the district. Failure to comply
2 with this section shall constitute a misdemeanor and be
3 punishable as such as provided by law.

4 Section 6. The board is authorized to establish,
5 construct, lease, operate, and maintain a hospital or
6 hospitals, medical facilities, and other health care related
7 facilities and services as in its opinion shall be necessary
8 for the use of the people of the district. Said hospital or
9 hospitals, medical facilities, and other health care related
10 facilities and services shall be established, constructed,
11 leased, operated, and maintained by the board for the
12 preservation of the public health, for the public good, and
13 for the use of the public of the district, and maintenance of
14 such hospital or hospitals, medical facilities, or other
15 health care related facilities and services within the
16 district is hereby found and declared to be a public purpose
17 and necessary for the preservation of the public health and
18 welfare of the district and inhabitants thereof. The board
19 may enter into contractual relationships with other health
20 service organizations, either public or private, for the
21 provision of such administrative and medical services as it
22 does not on its own provide in connection with said hospital
23 or hospitals, medical facilities, or other health care related
24 facilities and services. The location of any hospital,
25 medical facility, or other health care related facility
26 established under this act shall be determined by the
27 board. The board is authorized to accept any and all gifts,
28 loans, or advancements for the purchase of property, real or
29 personal, for the construction, equipping, and maintenance of
30 any hospital, medical facility, or other health care related
31 facility established hereunder.

1 Section 7. (1) Before any single purchase of
2 merchandise, supplies, materials, machinery, or equipment is
3 made, the price of which exceeds \$5,000, or any contracts for
4 any construction work is let, the price of which exceeds
5 \$5,000, there shall be an advertisement by the board at least
6 one time in a newspaper of general circulation published in
7 Key West, inviting sealed bids or proposals to furnish such
8 merchandise, supplies, materials, machinery, or equipment or
9 to perform such construction. Sealed bids or proposals
10 received shall be properly evaluated by the board and the
11 lowest responsible bid or proposal shall be accepted unless
12 the board shall reject all sealed bids or proposals. If all
13 sealed bids be rejected, new sealed bids or proposals shall be
14 solicited by advertisement. The board may, by resolution or
15 motion, dispense with advertising for sealed bids or proposals
16 in the event of an emergency requiring that merchandise,
17 supplies, materials, machinery, or equipment or construction
18 work is necessary and required. If after two successive
19 unsuccessful attempts to obtain sealed bids or proposals, or
20 in the event of an emergency, the board may purchase
21 merchandise, supplies, or materials or contract for
22 construction or repairs by negotiation with suppliers or
23 contractors. When an emergency is declared to exist by action
24 of the majority of the board members meeting in a regular or
25 special meeting, the basis of such determination and the vote
26 of each member of the board shall be set forth in writing in
27 the minutes of the meeting.

28 (2) The district's board of commissioners is
29 specifically delegated the authority to grant, deny, revoke,
30 or suspend staff privileges at its hospitals, medical
31 facilities, or other health care related facilities according

1 to the applicable Florida Statutes and the applicable rules
2 and regulations. A decision of the board of commissioners of
3 the Lower Florida Keys Hospital District to refuse, revoke, or
4 suspend membership on the staff, or to refuse, revoke, or
5 suspend any privileges attendant to such membership, is hereby
6 declared to be a quasi-judicial function of the board and
7 judicial review of such decision shall be by petition for
8 certiorari to the District Court of Appeal of Florida
9 prescribed by the Florida Appellate Rules having jurisdiction
10 of the appeals from Monroe County, in the time and manner
11 prescribed by the Florida Appellate Rules for such petitions
12 for writ of certiorari, unless the provisions of such
13 appellate rules shall confer exclusive jurisdiction of such
14 petition upon the Supreme Court of Florida.

15 Section 8. The board in its discretion is authorized
16 to establish and maintain in connection with any hospital,
17 medical facility, or other health care related facility
18 established under this act a training school for nurses and
19 other health care related professionals, which school must
20 conform to all the requirements of the general state law
21 governing schools of professional nursing and the practice of
22 nursing and such other professional sciences. The board is
23 authorized to promulgate and adopt all rules and regulations
24 necessary or required by general law for the operation of such
25 training schools and to make all necessary expenditures in
26 connection therewith. The board is also authorized in its
27 discretion to establish, operate, and maintain a nursing home,
28 an ambulance service, and such other services related to the
29 operation and maintenance of a hospital, medical facility, or
30 other health care related facility in a manner provided by
31 general law.

1 Section 9. The board of commissioners is authorized
2 and empowered, at any time in its discretion, to establish,
3 maintain, or participate in such programs and projects of and
4 for medical research, education, and development affecting
5 human physical or mental health and well-being as it may deem
6 desirable; and in connection with such programs and projects
7 the board of commissioners is authorized and empowered to
8 cooperate with public and private educational or research
9 institutions, corporations, foundations, or organizations of
10 any and all types as well as agencies, departments, divisions,
11 branches, or bodies of government, or created by government,
12 whether federal, state, county, municipal, or otherwise. In
13 furtherance of such programs and projects, the board of
14 commissioners is further authorized and empowered to expend
15 moneys and utilize assets and property, real or personal, of
16 the district and to receive donations, grants, or gifts of
17 money or property, real or personal, from any person or
18 persons, firm, organization, corporation, society,
19 institution, foundation, or legal entity of whatever nature
20 whether private, governmental, or public.

21 Section 10. To carry out the provisions of this act,
22 the board is authorized to borrow money from time to time for
23 periods of time not exceeding 1 year at any one time and to
24 issue any note of the district therefor upon such terms and
25 upon such rates of interest not exceeding the current prime
26 rate as the board may deem advisable and to secure the payment
27 of same by note or mortgage and note upon any property, real
28 or personal, owned by the district. The board shall have the
29 additional right to pledge as security for money borrowed any
30 moneys accruing to it or to accrue to it from any source,
31 including revenues derived from the operation of any hospital

1 established under this act; provided, however, that the
2 aggregate amount of principal of moneys so borrowed upon the
3 note or notes of the district shall not at any one time exceed
4 the sum of \$3 million or 20 percent of the appraised value of
5 the capital assets of the district, whichever sum is
6 greater. The board shall have the authority to receive and
7 accept grants, gifts, and donations from any person, firm,
8 trust, foundation, corporation (whether profit or nonprofit),
9 partnership, estate, or governmental agency. The board shall
10 have exclusive control of all expenditures of and from the
11 moneys, loan proceeds, contributions, and revenues of the
12 district, except that persons who desire to make contributions
13 to the district shall have the right to attach conditions to
14 their gifts. The board, upon accepting any such contribution,
15 shall be controlled by the terms of the gift, bequest, or
16 devise, and may, in such cases, establish funds therefor
17 separate and apart from items of general revenue. Any such
18 contribution made to the district without conditions attached
19 thereto may be expended by the board for such purposes as
20 shall be deemed necessary and proper by the board of
21 commissioners.

22 Section 11. The board is authorized to issue bonds of
23 the district bearing interest for the purposes set forth in
24 this act, for the purpose of raising funds to establish,
25 construct, refinance, or pay off existing obligations
26 previously incurred on capital expenditures, and maintain any
27 hospital as in the board's opinion is necessary in the
28 district, and for the acquisition and development of real
29 property, including appurtenances, fixtures, and equipment,
30 and for major repairs or renovations to real property which
31 significantly extend its useful life or change its function,

1 and for any necessary operating capital outlay to furnish and
2 operate a new or improved facility. The board shall have the
3 power to refund any and all previous issues of bonds for any
4 and all lawful hospital purposes. All the proceeds derived
5 from the sale of bonds or refunding bonds, exclusive of
6 expenses, shall be deposited in a depository selected by the
7 board. Nothing herein shall limit any rights the district has
8 or may have under general law.

9 Section 12. Prior to the issuance of bonds, the board
10 shall, by resolution, determine the amount which in its
11 opinion will be necessary to be raised annually by taxation
12 for an interest and sinking fund with which to pay the
13 interest and principal of the bonds; and the board is
14 authorized and required to provide annually for the levy and
15 collection of a sufficient tax upon all the taxable property
16 in the district, not exempt by law, to pay such interest, and
17 with which to provide and maintain a sinking fund for the
18 payment of the principal of bonds.

19 Section 13. All bonds issued by the board, except
20 refunding bonds, revenue bonds, or certificates and
21 anticipation time warrants, shall be issued only after the
22 same shall have been approved by the majority vote of the
23 electors voting in an election called and held by the board
24 subject to reasonable rules and regulations prepared by the
25 board. In the event it is determined to hold an election to
26 decide whether the electors are in favor of the issuance of
27 bonds, the board, by resolution, shall order an election to be
28 held in the district and shall give 30 days' notice of
29 election by publication in a newspaper of general circulation
30 within the district once a week for 4 consecutive weeks during
31 such period.

1 Section 14. Only registered electors of the district
2 shall be permitted to vote at a bond election. For the
3 purpose of determining the total number of qualified electors
4 residing in the district, the Supervisor of Registration of
5 Monroe County shall prepare a list of the names of all
6 qualified electors appearing upon the registration books of
7 Monroe County and qualified to vote in the election. Such
8 lists shall be furnished to the inspectors or clerks of the
9 election at each voting place and such lists shall be prima
10 facie evidence of the total number of qualified electors
11 eligible to participate in the election. No person shall be
12 permitted to vote in such election whose name does not appear
13 on such list.

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

18 Section 16. All bonds issued under this act shall be
19 in the denomination of \$500 or some multiple thereof, shall
20 bear interest payable annually or semiannually, and both
21 principal and interest shall be payable at such prices as the
22 board may determine. The form of such bond shall be fixed by
23 resolution of the board and said bonds shall be signed by the
24 chair and countersigned by the secretary under the seal of the
25 district. The coupons, if any, shall be executed by the
26 facsimile signatures of said officers. The delivery at any
27 subsequent date of any bond and coupons so executed shall be
28 valid, although before the date of delivery the persons
29 signing bonds or coupons shall cease to hold office.

30 Section 17. Bonds issued hereunder may be either
31 registered or coupon bonds. Coupon bonds may be registered as

1 to principal in the holder's name on the books of the
2 district, the registration being noted upon the bonds, after
3 which no transfer shall be valid unless made on the district s
4 books by the registered holder and similarly noted on the
5 bonds. Bonds registered as to principal may be discharged
6 from registration by being transferred to bearer, after which
7 they shall be transferable by delivery, but may be again
8 registered as to principal as before. The registration of the
9 bonds as to principal shall not restrain the negotiability of
10 the coupons by delivery merely.

11 Section 18. Before any bonds of the district are
12 issued hereunder, the board shall investigate and determine
13 the legality of the proceedings. The resolution authorizing
14 the bonds may direct that they shall contain the following
15 recital:

16 "It is certified that this bond is authorized by and is
17 issued in conformity with the requirements of the constitution
18 and statutes of the State of Florida."

19 Such recital shall be an authorized declaration by the
20 board and shall import that there is constitutional and
21 statutory authority for incurring the debts and issuing the
22 bonds; that all the proceedings therefor are regular; that all
23 acts, conditions, and things required to exist, happen, and be
24 performed precedent to and in the issuance of the bond have
25 existed, happened, and been performed in due time, form, and
26 manner, as required by law; and that the amount of the bond,
27 together with all other indebtedness, does not exceed any
28 limit prescribed by the constitution and statutes of this
29 state. If any bond be issued containing the recital, it shall
30 be conclusively presumed that the recital, construed according
31 to the import hereby declared, is true, and the district shall

1 not be permitted to question the validity or legality of the
2 obligation in any court in any action or proceeding.

3 Section 19. In issuing bonds under the provision of
4 this act, it shall be lawful for the board to include more
5 than one improvement or hospital purpose in any bond issue.

6 Section 20. All bonds issued hereunder shall be
7 advertised for sale on sealed bids, which advertisement shall
8 be published once a week for 3 weeks, the first publication to
9 be made at least 21 days preceding the date fixed for the
10 reception of bids, in a newspaper published in the hospital
11 district. Notice of sale shall also be published once a week
12 for 3 weeks preceding the date fixed for the reception of
13 bids, either in a financial paper published in the city of New
14 York, the city of Chicago, or the city of Baltimore, or in a
15 newspaper of general circulation published in a city in
16 Florida having a population of not less than 20,000
17 inhabitants according to the latest official decennial
18 census. The board may reject any and all bids. If the bonds
19 are not sold pursuant to such advertisements, they may be sold
20 by the board at private sale within 60 days after the date
21 advertised for the reception of sealed bids, but no private
22 sale shall be made at a price less than the highest bid which
23 shall have been received. If not sold, bonds shall be
24 readvertised in the manner herein prescribed. No bonds issued
25 hereunder shall be sold for less than 95 percent of the par
26 value and accrued interest.

27 Section 21. No resolution or proceeding in respect to
28 the issuance of bonds shall be necessary except as required by
29 this act. Any publication prescribed hereby may be made in any
30 newspaper conforming to the terms of this act, without regard
31 to the designation thereof as the official organ of the

1 district. Bonds issued hereunder shall have all the qualities
2 of negotiable paper under the law merchant, shall not be
3 invalid for any irregularity or defect in the proceedings for
4 the issue and sale thereof, and shall be incontestable in the
5 hands of a bona fide purchaser or holder for value.

6 Section 22. The board shall have the power to provide
7 by resolution for the issuance of refunding bonds to refund
8 principal and interest of an existing bond indebtedness, for
9 the payment of which the tax moneys derived from the district
10 is pledged, and such bonds may be issued at or prior to
11 maturity of the bonds to be refunded. Such resolution may be
12 adopted at a regular or special meeting, and at the same
13 meeting at which it is introduced, by a majority of the
14 members of the board then in office. It is determined and
15 declared as a matter of legislative intent that no election to
16 authorize the issuance of refunding bonds shall be necessary
17 except in cases where an election may be required by the state
18 constitution. In all cases where it is not necessary under
19 the constitution to hold an election on the issuance of such
20 refunding bonds, such resolution shall take effect immediately
21 upon the adoption thereof. No other proceedings shall be
22 required for the issuance of bonds by the district other than
23 the provisions of section 20 of this act which shall be
24 applicable to this section.

25 Section 23. The resolution of the board authorizing
26 the issuance of the refunding bonds may provide that the
27 refunding bonds may be issued in one or more series, bear the
28 date, mature at the time not exceeding 30 years from their
29 respective dates, bear interest at the rate not exceeding the
30 maximum rate of interest borne by the notes, bonds, or other
31 obligations refinanced thereby, be in the denomination, be in

1 the form either coupon or registered, carry the registration
2 and conversion privileges, be executed in the manner, be
3 payable in the medium of payment at the place, be subject to
4 the terms of redemption with or without a premium, be declared
5 or become due before the maturity date thereof, provide for
6 the replacement of mutilated, destroyed, stolen, or lost
7 bonds, be authenticated in the manner and upon compliance with
8 the conditions, and contain such other terms and covenants as
9 may be desired. Notwithstanding the form or tenor of a bond
10 and in the absence of an express recital on the face that the
11 bond is nonnegotiable, all refunding bonds shall be considered
12 negotiable instruments for all purposes.

13 Section 24. Refunding bonds bearing the signature of
14 board officers of the district in office on the date of the
15 signing thereof shall be valid and binding obligations of the
16 district for all purposes, notwithstanding that before the
17 delivery thereof any or all of the persons whose signatures
18 appear thereon shall have ceased to be officers of the
19 district. Any resolution authorizing refunding bonds may
20 provide that any refunding bonds issued pursuant to this act
21 may contain such a recital, and any refunding bond issued
22 under authority of any resolution shall be conclusively deemed
23 to be valid and to have been issued in conformity with the
24 provisions of this act. The authority of a district to issue
25 obligations under this act may be determined and obligations
26 to be issued under this act may be validated as provided by
27 law.

28 Section 25. Refunding bonds may be sold or exchanged
29 as follows:

30 (1) In installments at different times, or an entire
31 issue or series may be sold or exchanged at one time. Any

1 issue or series of refunding bonds may be exchanged in part or
2 sold in parts in installments at different times or at one
3 time. The refunding bonds may be sold or exchanged at any
4 time on, before, or after the maturity of any of the
5 outstanding notes, bonds, certificates, or other obligations
6 to be refinanced thereby.

7 (2) If the board determines to exchange any refunding
8 bonds, the refunding bonds may be exchanged privately for and
9 in payment and discharge of any of the outstanding notes,
10 bonds, or other obligations of the district. The refunding
11 bonds may be exchanged for a like or greater principal amount
12 of notes, bonds, or other obligations of the district, except
13 the principal amount of the outstanding notes, bonds, or other
14 obligations to the extent necessary or advisable, in the
15 discretion of the board, to fund interest in arrears or about
16 to become due. The holder of outstanding notes, bonds, or
17 other obligations need not pay accrued interest on the
18 refunding bonds to be delivered in exchange therefor if and to
19 the extent that interest is due or accrued and unpaid on the
20 outstanding notes, bonds, or other obligations to be
21 surrendered.

22 (3) If the board determines to sell any refunding
23 bonds, the refunding bonds shall be sold at not less than 95
24 percent of par at public or private sale, in such manner and
25 upon the terms the board shall deem best for the interest of
26 the district.

27 Section 26. All bonds or refunding bonds issued
28 pursuant to this act shall be legal investments for state,
29 county, municipal, and all other public funds and for banks,
30 savings banks, insurance companies, executors, administrators,
31 trustees, and all other fiduciaries, and shall also be and

1 constitute securities eligible as collateral security for all
2 state, county, municipal, or other public funds.

3 Section 27. The funds of the district shall be paid
4 out only upon warrants signed by the chair or vice chair or
5 such other member of the board designated by the
6 board. Warrants shall have affixed thereto the corporate seal
7 of the district which may be an impression thereon or
8 facsimile thereof. No warrant shall be drawn or issued
9 against funds of the district except for a purpose authorized
10 by this act after the account or expenditure for which the
11 same is to be given in payment has been ordered and approved
12 by the board at a meeting in which a quorum is present.

13 Section 28. A special account shall be set up which
14 shall require only the signature of the administrator of the
15 hospital or hospitals or such other employees as the board
16 shall determine for such purposes. The administrator's
17 account shall be such sum or sums as the board deems necessary
18 from time to time and shall be used only as a payroll account
19 or for such other purposes as the board shall determine.

20 Section 29. The board is authorized and directed
21 annually to levy upon taxable real property only within the
22 district, not exempt by law, a sufficient tax necessary for
23 the purposes and needs of the district incurred in the
24 exercise of the powers and purposes herein granted. The rate
25 of taxation per annum shall not exceed 2 mills on the dollar
26 of the county assessed valuation of the property within the
27 district for tax purposes. The term "mill" as used in this
28 section shall be deemed to mean one-tenth part of one cent or
29 one thousandth of a dollar.

30 Section 30. The levy by the board of the taxes
31 authorized by any provision of this act shall be by resolution

1 of the board duly entered upon the minutes of the
2 board. Certified copies of such resolution executed in the
3 name of the board by its chair, under its corporate seal,
4 shall be made and delivered to the board of county
5 commissioners of Monroe County and to the comptroller of the
6 state no later than July 1 of each year. It shall be the
7 mandatory duty of the county commissioners of Monroe County to
8 order and require the county tax assessor of the county to
9 assess, and the county tax collector of the county to collect
10 the amount of taxes so assessed or levied by the board of the
11 district upon the taxable property in the district, not exempt
12 by law, at the rate of taxation adopted by the board of the
13 district for the year and included in the warrant of the tax
14 assessor and attached to the assessment roll of taxes for said
15 county of each year. The tax collector shall collect such tax
16 so levied by the board in the same manner as other taxes are
17 collected and shall pay the same over to the board within the
18 time and in the manner prescribed by law for the payment by
19 the tax collector of county taxes to the county
20 depository. All such taxes shall be held by the board and
21 paid out by them as provided in this act. The board is
22 authorized to pay necessary expenses to the forenamed officers
23 for the assessment and collection of taxes on a reasonable fee
24 basis. If any surplus shall occur in the operation and
25 maintenance fund, the board is authorized to use the surplus
26 or any portion thereof to retire bonded indebtedness, but not
27 to the extent that the financial security of the operation and
28 maintenance fund shall be impaired.

29 Section 31. The board is authorized to pay from the
30 funds of the district all expenses of the organization of the
31 board and all expenses necessarily incurred with the formation

1 of the district and all other reasonable and necessary
2 expenses approved and certified by the board, including the
3 fees and expenses of an attorney in the transaction of the
4 business of the district, and in carrying out and
5 accomplishing the purposes of this act. This section, however,
6 shall not be construed to limit or destroy any of the powers
7 vested in the board by any other section or provision of this
8 act.

9 Section 32. (1) Subject to such provisions and
10 restrictions as may be set forth in the resolution authorizing
11 or securing any bonds issued under the provisions of this act,
12 the board shall have the power to enter into contracts with
13 the government of the United States or any agency or
14 instrumentality thereof, or with the state or any county,
15 municipality, district, authority, or political subdivision,
16 private corporation, partnership, association, or individual
17 providing for or relating to the construction or acquisition
18 of additions, extensions, and improvements to the hospital or
19 hospitals, medical facilities, or other health care related
20 facilities, and any other matters relevant thereto or
21 otherwise necessary to effect the purpose of this act, and to
22 receive and accept from any federal agency, state agency, or
23 other public body grants or loans for or in aid of said
24 purposes and to receive and accept aid or contributions or
25 loans from any other source of either money, property, labor,
26 or other things of value, to be held, used, and applied only
27 for the purpose for which such grants, contributions, or loans
28 may be made.

29 (2) The board is hereby authorized and empowered to
30 lease or sell any real or personal property owned by the
31 district, or to otherwise relinquish and dispose of the

1 district's title or right to immediate possession of such
2 property, according to the following terms and conditions:

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

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

15 (c) Any real or personal property of a fair value of
16 more than \$2,500 may be sold, or leased for a term of more
17 than 1 year and 1 day, or the title or right to immediate
18 possession otherwise relinquished or disposed of for a term of
19 more than 1 year and 1 day, after the board has determined by
20 appropriate resolution that such property is surplus to the
21 needs and requirements of the district, and after the board
22 has submitted the property to the general public for offers by
23 publishing a Notice of Intent to Dispose of Property in a
24 newspaper of general circulation published in Key West at
25 least 30 days in advance of such lease, sale, or other
26 disposition. Any person desiring such property shall submit
27 his or her offer to lease or buy to the board during such
28 30-day period, or during such longer period as the board might
29 establish, along with the terms and conditions of such
30 offer. The published notice shall be sufficient if it shall
31 reasonably identify the property in question and inform any

1 persons interested in such property that the board desires to
2 dispose of said property and seeks offers to lease or buy
3 thereon. It is not required that such notice specify the
4 terms and conditions desired by the district, and if such
5 terms and conditions are included in such notice, or otherwise
6 provided, they are to be for general information only and
7 shall not prevent the board from accepting different terms and
8 conditions which the board might determine to be more
9 beneficial to the district. Offers submitted by the bidders
10 are not required to be sealed or to be kept confidential to
11 the district, unless otherwise specified in the published
12 notice, and any bidder may submit any number of alternate
13 offers at any time during the bidding period.

14 (d) The board is hereby authorized and empowered to
15 accept any bid upon surplus property, and to lease, sell, or
16 otherwise convey said property, in accordance with the
17 provisions of this section, or to reject all the bids, as the
18 board might determine to be in the best interests of the
19 district.

20 (e) The board is authorized and empowered to convey to
21 Monroe County, or to any municipality or to any other
22 governmental body or agency of the State of Florida or of the
23 United States located partially or entirely within the
24 boundaries of the district, any surplus property for a nominal
25 consideration and according to those terms and conditions as
26 the board may at that time determine, regardless of the value
27 of such property, whenever it shall appear to the board that
28 such conveyance would be in the best interests of the district
29 and the residents thereof; provided, however, that such
30 conveyance for nominal consideration shall not be made until
31 at least 30 days after the terms and conditions thereof shall

1 have been published in a newspaper of general circulation
2 published in Key West, or until residents and taxpayers of the
3 district shall have been afforded an opportunity to be heard
4 upon such conveyance at a regular meeting of the board.

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

9 Section 33. At least once each year the board shall
10 publish once in some newspaper published in the district, a
11 complete detailed annual statement of all moneys received and
12 disbursed by them since the creation of the district as to the
13 first published statement and since the last published
14 statement as to any other year. The statements shall also
15 show the several sources from which the funds were received
16 and shall show the balance on hand at the time of the
17 published statement. It shall show a complete statement of
18 the financial condition of the district.

19 Section 34. Each hospital, medical facility, or other
20 health care related facility established under this act shall
21 be for the use and benefit of the residents of the
22 district. Residents shall be admitted to the hospital or
23 hospitals or any of the related facilities and shall be
24 entitled to hospitalization and treatment, subject, however,
25 to the rules and regulations prescribed by the board effective
26 as of the date of admission of such resident. The board shall
27 be authorized to accept money from any welfare funds provided
28 for Monroe County or moneys available to the indigent patients
29 from a federal, state, or county agency or municipality or
30 moneys available to Monroe County from said governmental
31 agencies for welfare and hospital purposes, for the payment of

1 costs of treatment and care of indigent residents of the
2 district; the board may collect from patients financially able
3 such charges as the board may from time to time
4 establish. The board may exclude from treatment and care any
5 person having a communicable or contagious disease where such
6 disease may be a detriment to the best interests of the
7 hospital or hospitals or related facilities or which may
8 constitute a source of contagion or infection to the patients
9 in its care, unless the institution involved has a separate
10 building or ward for the special treatment of such persons and
11 can properly and with safety to the other patients retain the
12 communicable or contagious case in such separate ward or
13 building. The board may extend the privileges and use of a
14 hospital or related facilities to nonresidents of the district
15 but who pay the rates established by the board and upon such
16 terms and conditions as the board may from time to time by its
17 rules and regulations provide. However, the residents of the
18 district wherein a hospital or related facility is located
19 shall have first claim to admission. The board further shall
20 have the power to furnish and extend the benefits of a
21 hospital or related facility and treatment to the homes of
22 indigent residents of the district. Each municipal
23 corporation situated within the district and the law enforcing
24 agencies of Monroe County shall be liable to the board for the
25 occupancy, care, medicine, and treatment of prisoners in the
26 custody of the municipal corporation or county officers who
27 are admitted to the hospital or other facility operated by the
28 board.

29 Section 35. Realizing that factors other than
30 professional must enter into qualification of those who
31 practice medicine and surgery, the board is authorized to

1 promulgate and adopt rules, regulations, and bylaws for the
2 governing of the operation of any hospital, nursing home,
3 ambulance service, or such other services as may be
4 established under this act and the hospital staff, nursing
5 home, nursing home staff, ambulance service, and medical
6 staff; and the board is authorized to give, refuse, grant,
7 revoke, suspend, and otherwise curtail licenses or privileges
8 of staff members so that the welfare and health of patients
9 and the interests of any such hospital, nursing home, and
10 ambulance service may be best served at all times. The board
11 further is authorized to set up rules and regulations for the
12 hospital, nursing home, and an ambulance service, which terms
13 shall include nurses on general duty or on private duty
14 attending patients, and all other personnel in the hospital,
15 nursing home, and ambulance service who are in any capacity in
16 attendance upon patients. There shall be no liability on the
17 part of, and no cause of action of any nature shall arise
18 against any hospital, nursing home, hospital medical staff,
19 ambulance service, district board of commissioners,
20 individually or collectively, or hospital disciplinary body or
21 its agents or employees for any action taken in good faith and
22 without malice in carrying out the provisions of this
23 section. However, nothing in this section shall be construed
24 to relieve any person of liability in the case of medical
25 malpractice or negligence.

26 Section 36. The board on behalf of the district shall
27 secure and keep in force in amounts it may determine
28 reasonable, in companies duly authorized to do business in
29 Florida, liability insurance covering vehicles and
30 premises. The board on behalf of the district shall attempt
31 to secure and keep in force in amounts it may determine

1 reasonable, in companies duly authorized to do business in
2 Florida, liability insurance covering professional
3 malpractice. In the event such professional malpractice
4 insurance is not available or is otherwise available at costs
5 the board deems unreasonable, the board on behalf of the
6 district may elect to self-insure for such risk. In
7 consideration of the premium at which each policy of
8 insurance, if any, shall be written, it shall be part of the
9 insurance contract that the insurance company shall not be
10 entitled to the benefit of the defense of governmental
11 immunity for the insured by reason of exercising a
12 governmental function on any suit brought against the
13 insured. Immunity of the hospital district against liability
14 damages is waived to the extent of liability insurance
15 carried. However, no attempt shall be made at the trial of
16 any action against the district to suggest the existence of
17 any insurance which covers in whole or in part any judgment
18 which may be rendered in favor of a plaintiff. The board, on
19 its behalf individually and on behalf of the district, shall
20 be indemnified by the district for any and all acts taken by
21 it, both collectively and individually, in good faith and
22 without malice in carrying out their duties under this act.

23 Section 37. The board is empowered to destroy any of
24 its records together with any of the records of the hospital
25 or hospitals or related facilities established under this act
26 provided that the records are photographed or microfilmed
27 prior to their destruction.

28 Section 38. It is declared to be the legislative
29 intent that if any section, subsection, paragraph, sentence,
30 clause, or provision of this act is held invalid, the
31 remainder of the act shall not be affected.

1 Section 39. All laws or parts of laws in conflict
2 herewith are hereby repealed to the extent of such conflict.

3 Section 40. This act shall become effective only upon
4 approval by a majority vote of the qualified freeholder
5 electors voting in a referendum election in which a majority
6 of the freeholders who are qualified registered electors in
7 the district shall participate, to be held in Monroe County at
8 a special election to be called by the county commission
9 within 45 days from the date this act is filed with the
10 secretary of state. If the election so held is favorable to
11 the establishment of a hospital district, then the cost of
12 said election shall be borne by the hospital commission
13 created thereby. If such measure fails, then the cost of the
14 special election shall be borne by the county commission of
15 Monroe County.

16 Section 4. If any provision of this act or the
17 application thereof to any person or circumstance is held
18 invalid, the invalidity shall not affect other provisions or
19 applications of the act which can be given effect without the
20 invalid provision or application, and to this end the
21 provisions of this act are declared severable.

22 Section 5. In the event of a conflict between the
23 provisions of this act and the provisions of any other act,
24 the provisions of this act shall control to the extent of such
25 conflict.

26 Section 6. This act shall be construed as a remedial
27 act and shall be liberally construed to promote the purpose
28 for which it is intended.

29 Section 7. Chapters 67-1724, 69-1322, 72-617, 73-555,
30 73-558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565,

31

1 79-511, 82-414, 87-459, 89-551, and 94-415, Laws of Florida,
2 are repealed.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31