

By Senator Posey

24-1138-03

See HB

1 A bill to be entitled
2 An act relating to the North Brevard County
3 Hospital District, a special taxing district in
4 Brevard County; codifying, reenacting, and
5 amending the district's charter; providing
6 purpose; providing boundaries; establishing the
7 North Broward County Hospital District Board;
8 providing for membership, procedures, terms of
9 office, removal from office, and filling of
10 vacancies; providing for election of officers
11 of the board; providing for a depository of
12 board funds; authorizing the issuance of bonds;
13 authorizing the establishment, construction,
14 equipping, operation, maintenance, repair, or
15 lease of facilities; providing for ad valorem
16 taxation; authorizing contracts; providing for
17 a training school for nurses; providing for
18 public records; empowering the board to adopt
19 rules and regulations; designating the Parrish
20 Medical Center; providing for purchase of
21 equipment; providing for discharge of employees
22 or agents; providing for an employee retirement
23 program; providing for use of moneys received;
24 providing for transfer of residual assets in
25 the event of dissolution of the district;
26 providing for the sale of hospital facilities
27 under certain circumstances; providing for
28 lease of certain properties to third parties
29 under certain circumstances; providing for
30 disposition of surplus property; authorizing
31 the board to establish a not-for-profit support

1 corporation; providing for expenditure of funds
2 therefor; providing for public records and
3 meetings; providing exceptions; requiring an
4 annual financial report; providing for adoption
5 of provisions relating to the support
6 corporation; providing for directors of the
7 support corporation; providing for terms and
8 financial disclosure; prohibiting certain acts
9 of the support corporation; providing for
10 adoption of articles of incorporation;
11 providing for distribution of assets;
12 prohibiting certain use of funds of the
13 district; providing severability; providing for
14 conflict; providing construction; repealing
15 chapters 28924 (1953), 61-1910, 63-1140,
16 69-870, 70-606, 72-478, 73-409, 77-503, 81-347,
17 87-435, 88-453, 90-489, 91-339, 92-226, and
18 95-502, Laws of Florida; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Pursuant to section 189.429, Florida
24 Statutes, this act constitutes the codification of all special
25 acts relating to the North Brevard County Hospital
26 District. It is the intent of the Legislature in enacting
27 this law to provide a single, comprehensive special act
28 charter for the district, including all current legislative
29 authority granted to the district by its several legislative
30 enactments and any additional authority granted by this act.

31

1 Section 2. Chapters 28924 (1953), 61-1910, 63-1140,
2 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435,
3 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida,
4 pertaining to the North Brevard County Hospital District, are
5 amended, codified, reenacted, and repealed as herein provided.

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

8 Section 1. An independent special tax district is
9 hereby created and incorporated, as a political subdivision of
10 the state, to be known as the North Brevard County Hospital
11 District in Brevard County for the purpose of establishing,
12 constructing, equipping, operating and maintaining, repairing,
13 or leasing a hospital or hospitals and the district shall
14 embrace and include that portion of Brevard County described
15 as follows, to wit:

16
17 Commencing at the Northwest corner of Brevard
18 County, Florida, same being the Northwest
19 corner of Section 6, Township 20 South, Range
20 34 East; go thence East along the North
21 boundary line of the County of Brevard, same
22 being the South boundary line of Volusia
23 County, Florida, to its intersection with the
24 waters of the Atlantic Ocean; thence
25 Southeasterly along the waters of the Atlantic
26 Ocean to the North line of Section 6, Township
27 23 South, Range 38 East; thence West to the
28 channel of the Banana River; thence go
29 Northwesterly to the Northeast corner of
30 Section 22, Township 22 South, Range 37 East,
31 to Banana Creek; thence Westerly along the

1 channel of Banana Creek to the channel of the
2 Indian River; thence Southerly along the
3 channel of the Indian River to a point on the
4 North line of Sections 19 and 20, Township 23
5 South, Range 36 East, projected East; thence
6 West along the North boundary line of the
7 Section 19, Township 23 South, Range 36 East,
8 and Sections 19, 20, 21, 22, 23, 24, Township
9 23 South, Range 35 East, and Section 24,
10 Township 23 South, Range 34 East to the waters
11 of the St. Johns River; thence along the West
12 boundary line of Brevard County, which is also
13 the East boundary line of Orange County,
14 Florida, to a point in Section 1, Township 22
15 South, Range 33 East; where same intersects the
16 South boundary of Volusia County; thence East
17 along the South boundary line of Volusia
18 County, Florida, to the Southwest corner of
19 Section 31, Township 21 South, Range 34 East;
20 thence North continuing along the West boundary
21 of Brevard County, Florida, which is the East
22 boundary line of Volusia County, Florida, to
23 point of beginning."

24
25 Section 2. The governing body authority of the
26 district shall be known as the North Brevard County Hospital
27 District Board. The board shall constitute a body politic and
28 a body corporate; it may adopt and use a common seal; it may
29 contract and be contracted with; and it may sue and be sued in
30 its corporate name or in the corporate name of the district.
31

1 The board shall be composed of nine members. The
2 office of each member shall be designated specifically by
3 number as member one through nine. The office of each member
4 shall be for a term of 4 years beginning on the first day of
5 January. Each member shall serve until his or her successor
6 is appointed by the appropriate governing body as hereinafter
7 provided. Any vacancy occurring in any office of a member
8 shall be filled by the appropriate governing body in the
9 manner provided herein for regular appointments for the
10 remainder of the unexpired term of office. All board members
11 shall reside within the boundaries of the district.

12 Board members one, two, and three shall be appointed by
13 the City Council of the City of Titusville.

14 Board members four, five, and seven shall be appointed
15 by the Board of County Commissioners of Brevard County.

16 Board members six, eight, and nine shall be appointed
17 by the Board of County Commissioners of Brevard County subject
18 to confirmation by the City Council of the City of Titusville.

19 In the event any board member ceases to reside within
20 the boundaries of the district, the office of such member
21 shall be deemed vacant as of the date of such change in
22 residence.

23 Any board member may be removed from office in the
24 event a request for removal for violation of policies and
25 procedures established by the board is approved by two-thirds
26 of the membership of the board and in the event the majority
27 of the governing body responsible for appointing such member
28 approves of such removal without the necessity of any
29 requirement of advice and consent as provided herein for an
30 appointment.

31

1 Section 3. The members of the board shall elect from
2 their number a chair, vice chair, secretary, and treasurer,
3 who shall each hold office for a period of not less than 1
4 year. The chair, vice chair, secretary, and treasurer shall
5 each execute a bond in the amount of \$2,000, endorsed by two
6 good and sufficient sureties or a surety company authorized
7 under the laws of the state, payable to the district board
8 conditioned upon the faithful performance of the duties of the
9 officers, which bonds shall be approved by the remaining
10 members of the board and which shall be filed with the board
11 of county commissioners. The premium of the bonds shall be
12 paid by the board.

13 Section 4. The board shall designate a depository for
14 the funds of the board, and the funds deposited therein shall
15 be withdrawn upon specific authorization as set forth in the
16 minutes of any board meeting. Such funds shall be withdrawn
17 by warrant signed by the chair and countersigned by the
18 secretary, or their duly authorized alternates. The board may
19 designate the administrator or business manager to sign
20 warrants covering bills for all routine items having prior
21 board approval in the current budget.

22 Section 5. Members of the board shall receive no
23 compensation for their services. A majority of the members of
24 the board then holding office shall constitute a quorum of the
25 board for the purpose of conducting its business and
26 exercising its powers and for all other purposes. Action may
27 be taken by the board only upon the affirmative vote of a
28 majority of the members of the board then holding office and
29 present and constituting a quorum; however, any resolution
30 authorizing the issuance of bonds, notes, or other obligations
31 shall be adopted by the affirmative vote of not less than a

1 majority of the members of the board then holding office. The
2 board is authorized to construct, equip, operate, maintain,
3 repair, or lease a hospital or hospitals in the district. The
4 hospital or hospitals so established, constructed, equipped,
5 operated, maintained, repaired, or leased will be for the
6 preservation of public health and for public good, and for the
7 use of the public of the district. The establishment,
8 construction, equipping, operation, maintenance, repairing, or
9 leasing of such hospital or hospitals within the district is
10 hereby found and declared to be a public purpose and a
11 necessity for the preservation of the public health and for
12 the public use and for the welfare of the district and the
13 inhabitants thereof.

14 Section 6. It shall be the duty of the board, not
15 later than July 15, to determine the amount required during
16 the ensuing fiscal year for the purpose of establishing,
17 constructing, equipping, operating, maintaining, repairing, or
18 leasing of the hospital or hospitals, or for the payment of
19 debt service and reserves on bonds, notes, or other
20 obligations issued by the district, or reserves therefor, or
21 for any one or more of the above purposes. Such determination
22 shall be by resolution of the board and it shall be the duty
23 of the chair and the secretary of the board to certify to the
24 Board of County Commissioners of Brevard County the amount
25 required, which shall be provided by an ad valorem tax levied
26 by the Board of County Commissioners of Brevard County on all
27 taxable real and personal property in the district for the
28 ensuing fiscal year for the hospital fund. The Board of
29 County Commissioners of Brevard County, upon being furnished a
30 certified copy of the resolution of the board regarding the
31 amount required for its stated purposes, shall levy the

1 necessary ad valorem taxes on all the taxable real and
2 personal property within the district to raise the required
3 amount, provided such millage shall not exceed 5 mills on the
4 dollar of the assessed valuation of the taxable real and
5 personal property situated in the district in Brevard County,
6 less all such property exempt from taxation by the Florida
7 Constitution; and further provided that the board, in issuing
8 any bonds, notes, or other obligations as hereinafter
9 provided, may covenant with the holders of such bonds, notes,
10 or other obligations that such holders shall have a first lien
11 on all such ad valorem taxes levied for the payment of such
12 bonds, notes, or other obligations. The resolution of the
13 board above shall be adopted and a certified copy thereof
14 shall be filed with the Board of County Commissioners of
15 Brevard County not less than 10 days prior to the time fixed
16 by law for the levy of general county taxes.

17 Section 7. Wherever in this section the word bonds is
18 used, such word shall mean bonds, notes, or other obligations
19 issued by the district. The board shall have power to issue
20 bonds, notes, or other obligations of the district for which
21 the full faith and credit and taxing power of the district
22 shall be pledged, within the limitations herein set forth, for
23 the purpose of paying the cost or part of the cost of the
24 construction, acquisition, extension, improvement, or
25 repairing and equipping of any hospital or hospitals in the
26 district. Such bonds shall be general obligations of the
27 district and shall not be issued until the issuance thereof
28 has been duly approved by the qualified electors residing
29 within the district who are freeholders in the manner provided
30 in the constitution and statutes of the state relating to bond
31 elections. Such bond elections shall be held in the manner

1 provided in the general election laws of the state for bond
2 elections in special tax districts and shall be called to be
3 held in the district by the board of county commissioners of
4 the county upon the request of the board.

5 The board shall also have power to issue revenue bonds
6 of the district for the purpose of paying all or part of the
7 cost of the construction, acquisition, extension, improvement,
8 or repairing and equipping of a hospital or hospitals in the
9 district, and the issuance of any revenue bonds of the
10 district payable solely from the revenues of a hospital or
11 hospitals in the district, which may be a gross pledge or a
12 net pledge of such revenues as the board shall in its
13 discretion determine. Bonds issued which are payable solely
14 from the revenues of a hospital or hospitals of the district
15 shall not be or constitute an indebtedness of the district and
16 no approval of the qualified electors or the qualified
17 electors who are freeholders of the district shall be required
18 for the issuance of such bonds payable solely from the
19 revenues of such hospital or hospitals.

20 The board may also issue bonds payable from the
21 revenues derived from a hospital or hospitals of the district,
22 which may be either a gross pledge or a net pledge of such
23 revenues. Such may be additionally secured by the full faith
24 and credit and taxing power of the district, within the
25 limitations of and for the purposes set forth above, to the
26 full extent that the revenues derived from the district's
27 hospital or hospitals are insufficient for the payment of the
28 principal and interest of, or reserves therefor, or other
29 payments required by the proceedings authorizing the issuance
30 of such bonds; provided, however, that any bonds pledging the
31 full faith and credit of the district as additional security

1 to the revenues derived from the hospital or hospitals of the
2 district shall also be approved, prior to being issued, by the
3 qualified electors residing in the district who are
4 freeholders in the manner provided for general obligation
5 bonds above and in the constitution and statutes of the state.

6 In issuing the revenue bonds, or the combined revenue
7 and general obligation bonds, the board may enter into
8 covenants with the holders of such bonds relating to the
9 fixing and collecting of fees, rentals, or other charges for
10 the use of the services and facilities of the hospital or
11 hospitals and the maintenance of sufficient fees or other
12 charges to pay the debt service and other payments required in
13 the proceedings authorizing the issuance of such revenue bonds
14 or combined revenue and general obligation bonds, the board
15 may agree to the appointment of a trustee for bondholders, for
16 a receiver of such hospital or hospitals upon defaults as
17 provided in the bond proceedings. The board may provide for
18 such other covenants, terms, and conditions as are necessary
19 and customary in revenue bonds and which in the opinion of the
20 board are necessary and desirable for the security of the
21 holders of such bonds or the marketability of such bonds.

22 All bonds issued pursuant to this act, whether general
23 obligation bonds, revenue bonds, or combined revenue and
24 general obligation bonds, may be authorized by resolution or
25 resolutions of the board, which may be adopted at the same
26 meeting at which they are introduced by a majority of all the
27 members of the board then in office and need not be published
28 or posted; provided, however, that any general obligation
29 bonds or combined revenue and general obligation bonds shall
30 be approved by the qualified electors who are freeholders
31 residing in the district. Bonds shall bear interest at the

1 maximum legal interest rate provided by state law for the
2 issue or reissue of bonds, certificates, or other obligations
3 of any type or character authorized and issued by a county,
4 municipality, district, commission, authority, or any other
5 public body or agency or political subdivision of the state;
6 may be in one or more series; may bear such date or dates; may
7 mature at such time or times not exceeding 40 years from their
8 respective dates; may be payable in such medium of payment, at
9 such place or places within or without the state; may carry
10 such registration privileges; may be subject to such terms for
11 prior redemption, with or without premium; may be executed in
12 such manner; may contain such terms, covenants, and
13 conditions; and may otherwise be in such form as such
14 resolution or subsequent resolution shall provide. Such bonds
15 may be sold or exchanged for refunding bonds, or delivered to
16 contractors in payment for any part of the properties acquired
17 or improvements financed by such bonds, or delivered and
18 exchanged for any properties, either real, personal, or mixed,
19 to be acquired in connection with such hospital or hospitals,
20 all at one time or in blocks from time to time, in such manner
21 as the board in its discretion shall determine, and at such
22 price or prices, computed according to standard tables of bond
23 values, as will yield to the purchaser, or the holders of
24 outstanding obligations surrendered in exchange for refunding
25 bonds, or the contractors paid with such bonds, or the owners
26 of any properties exchanged for such bonds, income at a rate
27 not exceeding the maximum legal interest rate provided by
28 state law for the issue or reissue of bonds, certificates or
29 any obligations of any type or character authorized and issued
30 by a county, municipality, district, commission, authority, or
31 any other public body or agency or political subdivision of

1 the state to the stated maturity dates of the bonds on the
2 moneys paid for the bonds or the principal amount of
3 outstanding obligations exchanged for refunding bonds or the
4 amount of any indebtedness to contractors paid with such bonds
5 or the value of any properties exchanged for such bonds.

6 The board may also issue refunding bonds to fund or
7 refund any bonds issued pursuant to this act or any other law,
8 and such refunding bonds shall be subject to all the
9 applicable provisions of this section; however, no approval of
10 the qualified electors who are freeholders residing in the
11 district shall be required for the issuance of such refunding
12 bonds, except in cases where such approval is required by the
13 Constitution of the State of Florida.

14 Pending the preparation of the definitive bonds,
15 interim certificates or receipts or temporary bonds in such
16 form and with such provisions as the board may determine may
17 be issued to the purchasers of the bonds issued hereunder.
18 Such bonds or interim certificates or receipts or temporary
19 bonds shall be fully negotiable and shall be and constitute
20 negotiable instruments within the meaning of and for all
21 purposes of the law of the State of Florida.

22 Section 8. The board is hereby authorized and
23 empowered to own and acquire property by purchase, lease,
24 gift, grant, or transfer, from the county, state, or federal
25 government or any subdivision or agency thereof, any
26 municipality, person, partnership, or corporation, and to
27 establish, construct, equip, operate, maintain, repair, or
28 lease, hospital facilities in the district.

29 Section 9. The district is authorized and empowered to
30 contract with individuals, partnerships, corporations,
31 municipalities, the county, the state, any subdivision or

1 agency thereof in the United States of America, or any
2 subdivision or agency thereof to carry out the purposes of
3 this act, including participation in the joint provision with
4 other hospitals and health care providers of all manner of
5 inpatient and outpatient facilities and health care services
6 which provide benefit to those members of the public served by
7 the hospital or hospitals of the district both within and
8 beyond the boundaries of the North Brevard County Hospital
9 District and to the extent such participation is consistent
10 with all restrictions contained in the constitution and
11 general laws of the state.

12 Section 10. The board is hereby authorized and
13 empowered, at any time, in its discretion, to establish and
14 maintain, in connection with the district's hospital or
15 hospitals, and as a part thereof, a training school for nurses
16 and, upon completion of a prescribed course of training, shall
17 give to such nurses who have satisfactorily completed such
18 training, a diploma. The board is also authorized and
19 empowered to set up all rules and regulations necessary for
20 the operation of such nurses' training school, and to make all
21 necessary expenditures in connection therewith.

22 Section 11. The minutes and acts of the board shall be
23 open to public inspection at reasonable and convenient times
24 at the hospital or hospitals of the district on demand of any
25 taxpayer in the district. At least once a year the board
26 shall cause the financial records and accounts of the
27 district's hospital or hospitals to be audited by a certified
28 public accountant authorized to practice public accounting in
29 the state, and shall turn over to the Board of County
30 Commissioners of Brevard County a copy of the audit report.

31

1 Section 12. The board is empowered to and shall adopt
2 all necessary rules and regulations for the operation of the
3 district's hospital or hospitals, provide for the admission
4 thereto and treatment of such charity patients as apply
5 therefor and who are citizens of Florida and residents of
6 Brevard County for the last 2 preceding years, establish the
7 fees and charges to be made for the admission and treatment
8 therein of other patients, and to establish qualifications for
9 the members of the medical profession to be entitled to
10 practice therein.

11 Section 13. The hospital and other medical facilities
12 owned and operated by the board within the district are hereby
13 designated and named the Parrish Medical Center and the prior
14 action of the board in adopting this name is hereby ratified
15 and confirmed.

16 Section 14. The board shall have the power to purchase
17 any and all equipment that may be needed for the operation of
18 the district's hospital or hospitals and shall have the power
19 to appoint and hire such agent or agents, technical experts,
20 attorneys, and all other employees as are necessary for
21 carrying out the purposes of this act and to prescribe their
22 salaries and duties. The board shall have the power to
23 discharge all employees or agents when it shall be deemed by
24 the board necessary for carrying out the purposes of this act.

25 Section 15. The board shall have the power to provide
26 a retirement program for the district's employees, including
27 establishing qualifications for coverage; paying part or all
28 of the cost of such program; contracting with any insurance
29 company licensed to do business in Florida for the
30 establishment and operation of the program; charging its
31 covered employees for the employees' share of the cost of the

1 program; taking such other action as may be necessary to
2 establish and operate the retirement program; and withdrawing
3 by resolution of the board, from the State and County
4 Officers' and Employees' Retirement System of Florida, as
5 established by chapter 122, Florida Statutes. All general,
6 special, or local laws or parts thereof inconsistent herewith,
7 are hereby declared to be inapplicable to the provisions of
8 this act, including specifically section 122.061, Florida
9 Statutes, which shall not apply and which is hereby amended
10 insofar as it prohibits the withdrawal of the district and its
11 employees from the retirement system. In the event that the
12 board shall adopt a resolution by which the district and its
13 employees shall be withdrawn from the State and County
14 Officers' and Employees' Retirement System of Florida, such
15 withdrawal shall become effective on the first day of the next
16 month following the adoption of the resolution, and the board
17 shall send a certified copy of the resolution to the Secretary
18 of Management Services. Beginning on the first day of the next
19 month following the adoption of the resolution, the district
20 shall not be required to contribute to the State and County
21 Officers' and Employees' Retirement System of Florida, and its
22 employees shall not thereafter be participants in the system.
23 Following the adoption of the resolution, each employee of the
24 district shall be entitled to a refund of 100 percent of his
25 or her contributions previously made to the state retirement
26 system, without interest, and the Department of Management
27 Services shall make such refund to each such employee upon
28 application therefor by each employee, notwithstanding any
29 other provisions of the general law relating to such refund.
30 Section 16. All revenue, profit income, and money
31 received from the conduct of the business or enterprise of the

1 district is to be used and employed in the furtherance of the
2 business for which it is organized.

3 No part of the net earnings of the district shall enure
4 to the benefit, or be distributable to, its members, trustees,
5 officers, or other private persons, except that it shall be
6 authorized and empowered to pay reasonable compensation for
7 services rendered and to make payments and distributions in
8 furtherance of its purposes as set forth in above.

9 No substantial part of the activities of the district
10 shall be carrying on propaganda or otherwise attempting to
11 influence the Legislature, and the North Brevard County
12 Hospital District shall not participate or intervene in any
13 political campaign on behalf of any candidate for public
14 office (including the publication or distribution of
15 statements).

16 Notwithstanding any other provision of this act, the
17 district shall not carry on any other activities not permitted
18 to be carried on by:

19 (a) A corporation exempt from federal income tax under
20 Section 501(c)(3) of the Internal Revenue Code of 1986 (or any
21 other corresponding provisions of any future Internal Revenue
22 Law); or

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

27 Section 17. In the event of dissolution of the
28 district, the residual assets of the district may only be
29 transferred to one or more organizations which are exempt
30 organizations as described in Section 501(c)(3) or Section
31 170(c)(2) of the Internal Revenue Code of 1986 (or any other

1 corresponding provisions of any future Internal Revenue Law)
2 and which shall have as their primary purpose those same
3 health care responsibilities as then performed by the
4 district, together with other public needs of the district,
5 and shall be required to provide the same annual percentage of
6 charity care, indigent care, and Medicaid care, based on gross
7 revenues, that was provided by the public hospital and
8 reported to the Health Care Cost Containment Board in its most
9 recent reporting cycle, and which shall be jointly approved by
10 the district One (1) Commissioner of the Brevard County Board
11 of County Commissioners and four-fifths vote of the City
12 Council of the City of Titusville.

13 Notwithstanding the foregoing, in no event shall the
14 board sell the hospital facilities without first receiving the
15 approval by a majority vote of the duly qualified electors who
16 reside within the district and who vote in the
17 election. Prior to any such sale, such qualified electors
18 shall, by affirmative vote, consent to such sale of the
19 hospital facilities, which consent must also approve the terms
20 and conditions of the sale, and the disposition of the sale
21 proceeds. The vote on this issue may be received at a general
22 or special election to be held within the district, which
23 shall not be called until notice thereof has been published in
24 a newspaper of general circulation within the district once a
25 week for 4 consecutive weeks next prior to the week during
26 which the general or special election will be held. If a
27 majority of the electors who vote in the general or special
28 election vote in favor of the sale of the hospital facilities
29 and if they approve the terms and conditions of the sale, then
30 in that event, the board shall have the authority to
31 consummate the sale upon the terms and conditions thus

1 approved by the electors. In the event that the duly qualified
2 electors do not ratify and approve the sale along with its
3 terms and conditions, the board shall not have the authority
4 to consummate the sale of the hospital facilities.

5 Section 18. The board is hereby authorized and
6 empowered to lease such portions of its property and
7 facilities to third parties when it shall be deemed necessary
8 by the board for carrying out the purposes of this act.

9 Section 19. In the event the board enters into a lease
10 agreement as provided in section 18, the facility shall be
11 required to provide, on an annual basis, not less than the
12 same percentage of the hospital's gross revenues attributed to
13 charity care, indigent care, and Medicaid, previously provided
14 by that hospital as reported to the Hospital Cost Containment
15 Board prior to the execution of the agreement.

16 Section 20. The board is hereby authorized to dispose
17 of surplus real property owned by the district as described
18 herein. The board must hold a public hearing to determine that
19 the real property is not presently needed by the district for
20 carrying out the purposes of this act, that there is not a
21 future need for the property, and that the property should be
22 declared surplus. The public hearing must be held at either a
23 regular meeting or a special meeting called for such purpose
24 after publishing a notice in a newspaper of general
25 circulation specifically describing the real property proposed
26 to be declared surplus, which notice must be published at
27 least 14 days prior to the holding of a special
28 meeting. After the board determines by resolution that real
29 property is surplus, it must obtain an appraisal of the
30 property from an independent appraiser. After receipt of the
31 appraisal, the board may negotiate an exchange of the surplus

1 property for other property needed by the district so long as
2 the board obtains consideration equivalent to the appraised
3 value of the surplus property. In the alternative, the board
4 may sell the surplus property after advertising the same for
5 sale in a newspaper of general circulation at least 14 days
6 prior to the date of receipt of bids. The board must require
7 sealed bids, reserving the right to reject all bids. The
8 surplus property may be sold only to the highest bidder for
9 cash.

10 Section 21. The board is hereby authorized and
11 empowered:

12 To the extent permitted by the constitution and laws of
13 this state, to establish, operate, and support a
14 not-for-profit support corporation to assist the board in
15 fulfilling its declared public purpose of provision for the
16 health care needs of the people of the district and the
17 financial stability and well-being of Parrish Medical Center
18 through physician recruitment, patient acquisition, and the
19 providing of medical goods and services and to accomplish such
20 establishment, operation, or support of such not-for-profit
21 support corporation by means of the lending of funds at
22 reasonable rates of interest, leases of real or personal
23 property at reasonable rental rates, grants of funds, or
24 guarantees of indebtedness of such not-for-profit support
25 corporation. The establishment, operation, or support of a
26 not-for-profit support corporation is hereby found and
27 declared to be a public purpose and necessary for the
28 preservation of the public health and for a public use and for
29 the welfare of the board and people of the district. It is
30 the intent of the Legislature to authorize the formation of
31 the support corporation described in this section to further

1 the interests of the residents of the district in maintaining
2 the financial well-being of Parrish Medical Center by
3 providing for the delivery, financing, and support of hospital
4 and nonhospital health care services and related activities to
5 the extent consistent with the financial, patient acquisition,
6 and development needs of the district.

7 Notwithstanding the foregoing grant of authority and
8 powers, the board shall expend funds to the support
9 corporation of the North Brevard County Hospital District only
10 in accordance with the following provisions:

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

16 (b) That the maximum allowable amount of funds which
17 the board shall be authorized to expend to or for the benefit
18 of the support corporation of the district either in the form
19 of grants, capital, or equity contributions, or loans at
20 reasonable rates of interest shall not exceed in any fiscal
21 year the lesser of the net revenue of the district for its
22 preceding fiscal year, or 2 1/2 percent of the gross revenue
23 of the district for its preceding fiscal year; provided
24 further, that any public tax revenue of the district shall be
25 disregarded in the foregoing formula and such tax revenue
26 shall only be applied to indigent care and the purchase of
27 capital improvements or capital equipment to be owned by the
28 district.

29 (c) That the support corporation of the district
30 shall, consistent with the requirements of chapter 119,
31 Florida Statutes, submit to the board and for public

1 inspection all records, to the extent such records are not
2 exempt from the requirements of chapter 119, Florida Statutes,
3 or except to the extent that any private individual or
4 organization having contractual privity with such support
5 corporation has prohibited disclosure in order to maintain the
6 confidentiality of proprietary information of such private
7 individual or organization.

8 (d) That the support corporation of the district
9 shall, consistent with the requirements of chapter 286,
10 Florida Statutes, conduct all meetings open to the public
11 except, and only to the extent a meeting is scheduled and
12 conducted in executive session, in order to discuss the
13 following:

- 14 1. Property acquisitions;
15 2. Strategic planning;
16 3. Pending or threatened litigation; or
17 4. Matters otherwise exempt by general or special law
18 from the public meeting requirements of chapter 286, Florida
19 Statutes.

20 (e) That the support corporation of the district
21 shall, at least annually, present a report to the City Council
22 of the City of Titusville and a report to the district One
23 County Commissioner of the Brevard County Board of County
24 Commissioners and conduct a public meeting to advise the
25 general public as to its activities in conjunction with and in
26 support of the district.

27 (f) That the support corporation of the district
28 shall, consistent with the procedures and requirements of
29 section 11.45, Florida Statutes, submit to the board and for
30 public inspection an annual financial report certified by an
31 independent certified public accountant.

1 (g) That the support corporation of the district shall
2 adopt and maintain without amendment in its articles of
3 incorporation and corporation bylaws, the following express
4 provisions:

5 1. That the support corporation shall exist and
6 conduct its affairs solely to benefit and further the
7 interests of the district.

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

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

14 b. The chair of the Jess Parrish Medical Foundation,
15 Inc., Board of Directors, or his or her designee who is a
16 member of the Jess Parrish Medical Foundation, Inc., Board of
17 Directors.

18 c. The chief executive officer of Parrish Medical
19 Center.

20 d. Two residents of the district who shall be elected
21 by a majority vote of the other voting directors and who shall
22 not be members of the board or employees of Parrish Medical
23 Center.

24 e. One ex officio nonvoting director appointed by the
25 City Council of the City of Titusville and who shall be a
26 resident of the City of Titusville and not a member of the
27 board.

28 f. One ex officio nonvoting director appointed by the
29 district One (1) Commissioner of the Board of County
30 Commissioners of Brevard County who shall be a resident of
31 district One (1) and not a member of the board.

1 That the officers and the directors of the support
2 corporation shall comply with all the State of Florida
3 requirements for financial disclosure, provisions for voting
4 on conflicts, and reporting of gifts as is provided by
5 chapters 112, 119, and 286, Florida Statutes, except as
6 provided herein.

7 3. That the support corporation shall be expressly
8 prohibited from distributing or providing any financial
9 benefit to or for any director or officer other than
10 reimbursement of reasonable expenses incurred, except
11 reasonable compensation for services rendered by the executive
12 director employed by the support corporation.

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

17 5. That the support corporation shall be expressly
18 prohibited from conducting or carrying on propaganda or
19 otherwise attempting to influence the Legislature, or
20 intervening in any political campaign on behalf of any
21 candidate for public office, or any other activity not
22 permitted to be carried on by a corporation exempt from
23 federal income tax under Section 501(c)(3) of the Internal
24 Revenue Code of 1986 (or any other corresponding provisions of
25 any future Internal Revenue Law).

26 (h) That the support corporation of the district shall
27 not in any event adopt any amendment to its articles of
28 incorporation or corporation bylaws inconsistent with the
29 provisions of paragraph (g) or adopt any amendment otherwise
30 permitted until a public notice of such amendment is published
31 in accordance with section 11.02, Florida Statutes, and shall

1 further not implement any such amendment in the event a public
2 referendum is initiated by the signed petition of at least 10
3 percent of the registered electors residing in the district
4 within such notice period and in accordance with the
5 procedures of section 100.371, Florida Statutes.

6 (i) That the support corporation of the district shall
7 adopt and maintain without amendment its articles of
8 incorporation and corporation bylaws, a provision that in the
9 event of the disposition of any surplus or abandoned property
10 by or dissolution of such support corporation, then such
11 property or residual assets shall revert back and be
12 distributed to the district or its lawful successor.

13 (j) To the extent of assets and other financial
14 support transferred or provided to the support corporation by
15 the district, the support corporation shall be required to
16 provide toward charity care, indigent care, and Medicaid not
17 less than the same percentage of such support corporation's
18 financial support as received from the district as equals the
19 percentage provided directly by the district, itself, toward
20 charity care, indigent care, and Medicaid.

21 Further and notwithstanding the foregoing grant of
22 authority and powers, nothing under any authorization granted
23 by this act shall authorize or permit any transfer or
24 delegation by the board of any ownership, lease, management,
25 control, and operating authority thereof to any subsidiary,
26 affiliate, or other entity, except as to assets transferred to
27 the support corporation, as provided for in this section, and
28 any other such transfer or delegation is expressly prohibited.

29 Section 22. The board is hereby authorized and
30 empowered, notwithstanding any provisions contained elsewhere
31 in this act to the contrary, to establish, construct, equip,

1 operate, and maintain both within and beyond the boundaries of
2 the district and in addition to hospitals, all manner of other
3 health care facilities and all manner of other health care
4 services which promote the public health and the health care
5 needs of those members of the public served by Parrish Medical
6 Center.

7 Section 23. Notwithstanding any other provision of
8 this act which permits the joint participation with other
9 hospitals and health care providers or which permits the
10 establishment or providing of other health care facilities or
11 services beyond the boundaries of the district, the board
12 shall be expressly prohibited from using any funds derived
13 from the assessment of ad valorem taxes on property located
14 within the district to support any such joint participation or
15 to establish or provide any health care facility or health
16 care service beyond the boundaries of the district, it being
17 the express intent of the Legislature that any ad valorem tax
18 funds be used solely toward health care facilities or health
19 care services within the district.

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

26 Section 5. In the event of a conflict between the
27 provisions of the act and the provisions of any other act
28 pertaining to the district, the provisions of this act shall
29 control to the extent of such conflict.

30
31

1 Section 6. This act shall be construed as a remedial
2 act and shall be liberally construed to promote the purpose
3 for which it is intended.

4 Section 7. Chapters 28924(1953), 61-1910, 63-1140,
5 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435,
6 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida,
7 are repealed.

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

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