

Bill No. SB 2938

Amendment No. Barcode 954558

CHAMBER ACTION

Senate

House

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Senator Carlton moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to Sarasota County Public Hospital District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the District including all current legislative authority granted to the District by its several legislative enactments, inclusive of authority conferred in referenda of Sarasota County electors, and any additional authority granted by this act. It is further the intent of this act to preserve all District authority in addition to any authority contained in general law as amended from time to time.

Section 2. Chapters 26468 (1949), 27888 (1951), 31262 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868, 63-1893, 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047,

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1 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373,
2 87-526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of
3 Florida, are amended, codified, reenacted, and repealed as
4 herein provided.

5 Section 3. The Sarasota County Public Hospital
6 District is re-created, and the charter for such District is
7 re-created and reenacted to read:

8 Section 1. (1) The Sarasota County Public Hospital
9 District ("District"), an independent special district, is
10 hereby established with jurisdiction extending territorially
11 throughout all of Sarasota County, which territory is hereby
12 known as the Sarasota County Public Hospital District, and
13 which shall be governed by the Sarasota County Public Hospital
14 Board ("Hospital Board"), as a body corporate.

15 (2) For purposes of election of Hospital Board
16 members, the Hospital Board shall create three hospital board
17 districts within the Sarasota County Public Hospital District,
18 the boundaries of which shall be within the boundaries of
19 Sarasota County, which shall be designated as northern,
20 central, and southern districts, and which shall be as nearly
21 equal in population as practicable. The Hospital Board by
22 resolution adopted from time to time, at intervals of no more
23 than 10 years, shall fix the boundaries of the districts along
24 the lines of precincts as they exist at the time such
25 boundaries are fixed. A certified copy of the resolution shall
26 be furnished by the secretary of the Hospital Board to the
27 Sarasota County Supervisor of Elections at least 10 months
28 prior to the next ensuing general election following adoption
29 of the resolution.

30 (3) The membership of the Hospital Board shall consist
31 of nine members, all of whom must be qualified electors of the

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1 District. Commencing with the election of 1988, two such
2 members must reside in each of said hospital board districts.
3 All members shall be elected in a partisan election by the
4 qualified electors of the District. Two members who are
5 residents of the southern district shall be elected to
6 district seats in 1986 and every fourth year thereafter; two
7 members who are residents of the northern district shall be
8 elected to district seats in 1986 and every fourth year
9 thereafter; one member who is a resident of the central
10 district shall be elected to a district seat in 1986 and every
11 fourth year thereafter; one member who is a resident of the
12 central district shall be elected to a district seat in 1988
13 and every fourth year thereafter; and three members shall be
14 elected to at-large seats in 1988 and every fourth year
15 thereafter. Candidates for the six district seats and the
16 three at-large seats shall be numerically or otherwise grouped
17 for a specific seat on primary or general election ballots as
18 provided in the Florida Election Code. Candidates for district
19 seats shall be placed in districts on primary and general
20 election ballots. In any year in which hospital board district
21 seats are to be filled, the hospital board district (northern,
22 central, or southern) shall be printed on the ballot beneath
23 the name of the office. The format of the ballot shall be in
24 conformity with the Florida Election Code. Four members who
25 were elected for 4-year terms in the election of November 2000
26 shall serve until the expiration of their terms of office, and
27 four members shall be elected for 4-year terms in 2004 and
28 each fourth year thereafter. Five members who were elected for
29 4-year terms in the election of November 2002 shall serve
30 until the expiration of their terms of office, and five
31 members shall be elected for 4-year terms in 2006 and each

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1 fourth year thereafter.

2 (4) If a vacancy occurs on the Hospital Board due to a
3 member's death, resignation, removal from office for neglect
4 of duty, removal of residence from the territorial limits of
5 the county, or removal of residence from the territorial
6 limits of the district in the case of a district seat holder,
7 the remainder of the Hospital Board shall appoint a temporary
8 member to fill the vacancy until the next ensuing general
9 election, at which time a new member must be elected for the
10 remainder of the term of the member whose membership has been
11 so vacated. To be eligible for appointment to such Hospital
12 Board, a person must be a qualified elector of the territory
13 covered by this act, and if the vacancy occurs in a hospital
14 board district seat, such person must also be a resident of
15 that district in which the vacancy occurs.

16 (5) The term of office of a Hospital Board member
17 begins on the Tuesday 2 weeks following the day of general
18 election in which the member is elected. The term of office of
19 a member's immediate predecessor expires contemporaneously
20 with the commencement of the term of such newly elected
21 member.

22 (6) Each Hospital Board member shall attend not less
23 than 75 percent of the regular meetings of the Hospital Board
24 during each year of such board member's term. For purposes of
25 this subsection, the year of a board member's term commences
26 on the date, followed by the yearly anniversary of the date,
27 upon which the board member takes office. The failure of any
28 Hospital Board member to meet this attendance requirement
29 without being excused by the chair of the Hospital Board
30 constitutes neglect of duty. By resolution specifying facts
31 sufficient to advise a Hospital Board member as to the basis

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1 for his or her suspension or removal and after providing the
2 Hospital Board member with reasonable notice and an informal
3 opportunity for him or her to be heard, the Hospital Board may
4 suspend or remove from office any Hospital Board member for
5 neglect of duty. If a vacancy occurs on the Hospital Board due
6 to removal from office pursuant to this subsection, the
7 remainder of the Hospital Board shall fill the vacancy in the
8 manner set forth in subsection (4).

9 Section 2. The members of said Hospital Board shall
10 receive no salary as board members but shall be reimbursed for
11 the amount of actual expenses incurred by them in the
12 performance of their duties. Reimbursement for mileage shall
13 include mileage from members' places of residence to Hospital
14 Board facilities and return and for vicinity mileage incurred
15 in the performance of their duties and shall be computed as
16 provided in section 112.061, Florida Statutes. The travel
17 expenses, subsistence, and lodging expenses of a member may
18 not exceed those prescribed by section 112.061, Florida
19 Statutes, unless actual reasonable expenses in excess of those
20 prescribed by section 112.061, Florida Statutes, are
21 specifically authorized prior to the incurring of such
22 expenses, by action of the Hospital Board taken at a regular
23 monthly meeting at which the question of such expenses appears
24 as a separate item on the agenda.

25 Section 3. The Hospital Board shall select a meeting
26 place and a place for its principal office, and the board
27 meetings shall be held at least once a month. The Hospital
28 Board may elect one of its members to serve as secretary, one
29 to serve as assistant secretary, one to serve as treasurer,
30 and two to serve as assistant treasurers; or it may appoint
31 persons not members of the Hospital Board to serve in those

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1 capacities. There shall be a chair of the board, a first vice
2 chair, and a second vice chair. The Hospital Board is
3 authorized to establish and maintain a refund account in a
4 commercial bank of its choosing and may designate the
5 president, executive vice president, vice presidents, business
6 office manager, or controller of the Hospital Board, or any of
7 them, as the sole authorized signatories for such refund
8 account. The president appointed by the Hospital Board, the
9 chair, the first vice chair, the second vice chair, the
10 treasurer, and the assistant treasurers shall be empowered to
11 issue, without a cosignature, warrants for payment of salaries
12 and wages of employees of the Hospital Board. All other
13 vouchers and warrants shall be issued by either the treasurer
14 or assistant treasurer and shall be signed by the chair, and
15 in the event of the absence of the chair, by the first vice
16 chair, and in the event of the absence of the chair and the
17 first vice chair, by the second vice chair. The Hospital
18 Board is authorized to issue its checks, warrants, and
19 vouchers bearing facsimile signatures which are affixed by
20 check-signing machines and devices of the officers and
21 employees of the Hospital Board who are authorized to sign on
22 its behalf. Said treasurer and assistant treasurers shall
23 give bonds, in amounts to be designated by a majority vote of
24 said Hospital Board, of the faithful performance of their
25 duties, by some reputable bonding company authorized to do
26 business in the State of Florida. The said Hospital Board is
27 authorized to pay to the treasurer, assistant treasurers,
28 secretary, and assistant secretary a salary and expenses
29 commensurate with the work done and in keeping with the salary
30 paid for like work by other businesses in the community from
31 time to time.

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1 Section 4. The said Sarasota County Public Hospital
2 Board, as the governing body of the District, is hereby
3 declared to be a body corporate and it shall adopt a common
4 seal.

5 Section 5. The duties of the secretary duly elected by
6 said Hospital Board shall be to keep full and correct minutes
7 of all proceedings and minutes of the Hospital Board. The
8 duties of the treasurer duly elected by said Hospital Board
9 shall be to keep a separate account of all expenditures and
10 disbursements by said Hospital Board and an account of all
11 receipts.

12 Section 6. The said Hospital Board shall make and
13 adopt such bylaws, rules, and regulations for its guidance and
14 for the governance of any hospitals that may be established,
15 as may be deemed expedient for the economic and equitable
16 conduct thereof, and shall have exclusive control of the
17 expenditures of all moneys collected or paid to the secretary
18 of the Hospital Board, and shall have power to purchase a site
19 or sites, and to construct any hospital building or buildings
20 necessary, and shall have full supervision, care, and custody
21 of all properties belonging to said Sarasota County Public
22 Hospital Board, or leased to it, or set apart to it for its
23 purposes. Said Hospital Board shall also have the right to
24 buy at a reasonable price any buildings or hospitals which may
25 be now in use and suitable for the purposes of said Board.

26 Section 7. All moneys and receipts for such hospital
27 or hospitals and other health care services, if any, shall be
28 deposited in a bank or banks designated by said Hospital Board
29 and placed to the credit of said Hospital Board. Such moneys
30 may be paid out in the same manner as provided in section 3,
31 without an order from said Hospital Board, for general

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1 operating expenses including, but not limited to, such
2 categories of expense as drugs, food, fuel, linens, supplies,
3 laundry, medicines, salaries, wages, utilities, and items of
4 equipment; for capital expenses for land, buildings, and
5 equipment; and for other valid corporate purposes. The
6 Hospital Board is empowered to adopt resolutions or to adopt
7 provisions in its bylaws from time to time which establish a
8 procedure which requires the approval and order of the
9 Hospital Board for the payment of any of the foregoing
10 designated categories of expense which exceed a dollar amount
11 or which meet any other expense criteria as established in
12 such Hospital Board resolutions or bylaws. When such items
13 requiring board approval have been approved by the Hospital
14 Board in regular session and a voucher issued, a warrant may
15 be drawn for same.

16 Section 8. A majority of said Hospital Board shall
17 constitute a quorum for the transaction of its business, and
18 said Hospital Board shall be and is hereby authorized and
19 empowered:

20 (1) To appoint a suitable president, fix his or her
21 compensation, remove any such appointee, and authorize the
22 president to do all things reasonable and necessary to direct
23 the operations and activities of facilities owned or operated
24 by the Hospital Board.

25 (2) To acquire by purchase, gift, or otherwise real
26 and personal property necessary or useful for the
27 construction, operation, and maintenance of hospital buildings
28 and other buildings necessary, in the opinion of the Hospital
29 Board, for health care purposes; to sell or exchange real
30 estate or any interest in real estate; and to construct
31 hospitals, health facilities which may include outpatient

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1 health facilities and medical offices, and buildings and
 2 accessories incidental thereto on such real estate, and, if
 3 such construction occurs within the Memorial Hospital Core as
 4 defined by the Comprehensive Plan of the City of Sarasota, to
 5 do so without regard to municipal and county zoning
 6 ordinances, laws, and regulations.

7 (3) To adopt from time to time resolutions requesting
 8 the Board of County Commissioners of Sarasota County to call
 9 elections in the District for the purpose of submitting to the
 10 qualified electors in the District the question of issuing
 11 bonds of the District for the purpose of acquiring a site or
 12 sites, the construction thereon of a hospital or hospitals and
 13 buildings incidental thereto, and to improve buildings or
 14 buildings and the furnishings and equipping of any such
 15 hospital or hospitals and buildings. Said Hospital Board may
 16 adopt such resolutions on its own initiative and shall adopt
 17 such resolutions upon the filing with it of a petition signed
 18 by not less than 5 percent of the qualified electors of the
 19 District requesting the Hospital Board to adopt such
 20 resolutions. Upon the adoption of such resolution by the
 21 Hospital Board, it shall be the duty of the Board of County
 22 Commissioners of Sarasota County to forthwith adopt a
 23 resolution or resolutions which order an election to be held
 24 in such county and provide for the date of such elections and
 25 the publication of notices thereof, all in the form and manner
 26 provided by law.

27 (4) To issue negotiable coupon bonds of the District,
 28 from time to time, if approved by a majority of the votes cast
 29 in an election by the qualified electors of the District,
 30 bearing interest at such rate or rates not exceeding 6 percent
 31 per annum, maturing at such time or times not exceeding 30

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1 years from the date thereof, and redeemable at such times and
2 at such price or prices, all as said Hospital Board may
3 determine by resolution, and to sell such bonds at public or
4 private sale and for such price, not less than 95 percent of
5 the par value thereof, as said county Hospital Board may by
6 resolution determine.

7 (5) To supervise, operate, and maintain all properties
8 belonging to it.

9 (6) To enter into contracts or leases with any
10 individual, corporation, public body, board of commissioners,
11 the State of Florida, Sarasota County, or any municipality, or
12 agency or instrumentality of said state, county, or
13 municipality, with respect to the use of any of the property
14 belonging to the Hospital Board by any thereof.

15 (7) To borrow money from any person, firm,
16 association, corporation, or governmental agency necessary for
17 the purpose of purchasing property, constructing buildings,
18 equipping the hospital or hospitals or other health facilities
19 owned or operated by the Hospital Board, and maintaining said
20 hospital or hospitals or other health facilities, from time to
21 time as may be necessary in properly carrying out the spirit
22 and purpose of this act, and as evidence thereof to make,
23 execute, and deliver promissory notes or other evidences of
24 other indebtedness; and, to the extent permitted by the
25 Florida Constitution and general laws, to secure the payment
26 of same by mortgages, liens, and other kinds of security upon
27 any property owned or held by the Hospital Board.

28 (8) To certify to the Board of County Commissioners of
29 Sarasota County the amount of the principal and interest upon
30 bonds issued by the Hospital Board and falling due in which
31 any such principal or interest may be payable and the amount

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1 necessary to be raised in the District for the purposes of
2 providing a fund sufficient in the opinion of the Hospital
3 Board to pay the cost of operating and maintaining properties
4 of the Hospital Board in each year. In the event bonds shall
5 be issued under the provisions of this act, it shall be the
6 duty of the Hospital Board to certify such facts in writing to
7 the Board of County Commissioners within 30 days after the
8 delivery of such bonds and on or before the expiration of each
9 12-month period thereafter, and it shall be the duty of the
10 Board of County Commissioners to levy upon all taxable
11 property in the District and collect a tax sufficient to
12 provide funds for the payment of the principal and the
13 interest upon such bonds as such principal and the interest
14 upon such bonds fall due and a tax, not to exceed 2 mills on
15 assessed valuation of property in the District, to provide
16 funds for the operation, maintenance, and repair of and for
17 the making of alterations and additions to any hospitals
18 established by the Hospital Board under the provisions of this
19 act. The proceeds of all such taxes shall be paid over to the
20 secretary and treasurer of the District as such taxes are
21 received.

22 (9) To certify to the Board of County Commissioners of
23 Sarasota County, on or before the 15th day of each month
24 commencing with the month of November 1959, a list of all the
25 medically indigent persons who have been hospitalized in any
26 of the hospitals which are operated by the Hospital Board
27 during the preceding month, together with the itemized charges
28 for the hospital services and care for each of said medically
29 indigent persons which have been rendered in such preceding
30 month by the said hospital. The Board of County Commissioners
31 of Sarasota County shall, within 45 days after the receipt of

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1 such certified list of medically indigent patients with the
2 hospital charges, make remittance to the treasurer of the
3 Hospital Board of the sum total of the amount shown on the
4 certified list to be the amount owing to the Hospital Board
5 for the hospital services and care rendered to the medically
6 indigent persons during the month embraced in said
7 certification.

8 The Hospital Board shall give written notice to the
9 Welfare Department of Sarasota County of the proposed
10 admission of each medically indigent person to hospitals
11 operated by said Hospital Board, prior to the actual admission
12 of each such medically indigent person, provided, however,
13 that notice to said Welfare Department prior to the admission
14 of a medically indigent person shall not be required in
15 emergency cases.

16 The said Board of County Commissioners shall in like
17 manner reimburse any other hospital in Sarasota County,
18 approved by the State Board of Health, for hospital services
19 rendered to medically indigent persons as herein defined, upon
20 like certification by such hospital and at such rates as shall
21 not exceed those prescribed for such patients by hospitals
22 owned and operated by said Hospital Board.

23 The term "medically indigent person," as used in this
24 act, shall be deemed to mean an inhabitant of Sarasota County
25 who is ill or injured and who requires treatment in a hospital
26 as prescribed and ordered by a physician and who is unable to
27 provide himself or herself with such necessary hospital
28 services.

29 (10) To expend hospital funds and withhold employees'
30 wages in order to make payment (including any amount paid for
31 insurance and annuities, or into a fund, to provide for any

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1 such payment) to or on behalf of an employee of the Hospital
2 Board or any of his or her dependents under any plan or system
3 established by the Hospital Board, when such payment is on
4 account of (a) retirement; (b) sickness or accident
5 disability; (c) medical or hospitalization expenses in
6 connection with sickness or accident disability; or (d) death.

7 (11) To expend funds and provide facilities and
8 personnel to conduct formal and informal courses of
9 instruction, demonstration, and education through hospitals
10 under its jurisdiction relating to hospital procedures,
11 services, and care and the operation and care of apparatus and
12 equipment utilized in connection with usual hospital
13 functions, and to authorize the participation in such courses
14 with private or other governmental agencies; and to award
15 scholarship grants and make scholarship loans to qualified
16 students of nursing, X-ray technology, and other
17 hospital-related fields of study in consideration for the
18 promises of such students to enter the employment of said
19 Hospital Board and to meet other conditions and requirements
20 to be established by said Hospital Board from time to time.

21 (12) To provide hospital and other health care
22 services within the confines of facilities which are owned or
23 operated by the Board. Additionally, the Hospital Board is
24 authorized to provide hospital and other health care services
25 within the boundaries of the Hospital District but outside of
26 facilities which are owned or operated by the Board, provided
27 that the Hospital Board shall adopt a resolution or
28 resolutions from time to time defining the type and scope of
29 hospital and other health care services which the Hospital
30 Board employees, agents, and staff are authorized to render
31 outside of the facilities of the Board.

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1 (13) To participate, to the extent permitted by the
2 constitution and laws of this state, as a shareholder in a
3 corporation, as a joint venturer in a joint venture, as a
4 partner in a limited partnership or a general partnership, or
5 as a member of any other lawful form of business organization
6 which provides health care or engages in activities related
7 thereto; to make or arrange for loans, contributions to
8 capital, and other debt and equity financing for the
9 activities of such corporations, joint ventures, partnerships,
10 or other lawful forms of business organization and to
11 guarantee loans for such purposes; to elect the boards of
12 directors of its not-for-profit corporations; and to utilize,
13 for any lawful purpose, assets and resources of the Hospital
14 Board to the extent not needed for health care and related
15 activities.

16 (14) To establish a fund out of hospital revenues
17 other than those revenues derived from ad valorem taxation to
18 promote the activities of the facilities owned or operated by
19 the Hospital Board. The term "promote," as used in this
20 subsection, shall be defined in its broadest sense to include,
21 but not be limited to, advertising, the extension of
22 hospitality or entertainment, the use of news media, and the
23 employment of public relations methods. Expenditures from the
24 fund shall be limited to those determined by the Hospital
25 Board to be reasonable and necessary to encourage and develop
26 support for the facilities owned and operated by the Hospital
27 Board. The Hospital Board may adopt rules for the effective
28 implementation of this subsection.

29 (15) To compromise and settle any accounts receivable
30 or other claim for money due and owing to the hospital by
31 persons unable to pay on demand according to such terms and

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1 conditions as the Hospital Board in its discretion may
2 determine. The Hospital Board is further authorized and
3 empowered to sell, assign, or convey to any person, financial
4 institution, or organization the right, title, and interest in
5 any account receivable or judgment owned by the Hospital Board
6 by full or partial payment of such account or judgments as the
7 Hospital Board in its discretion may determine.

8 (16) To establish, own, provide, or participate in
9 health maintenance organizations, in preferred provider
10 organizations, in food services, and in other
11 health-care-related activities using assets and resources of
12 the Hospital Board to the extent not needed for health
13 care. Any of such activities may be carried out by the
14 Hospital Board through any of its forms of organization
15 authorized under this act.

16 (17) To the extent permitted by the constitution and
17 laws of this state, to establish, operate, or support
18 subsidiaries and affiliates, either for profit or not for
19 profit, to assist the Hospital Board in fulfilling its
20 declared public purpose of provision for the health care needs
21 of the people of the District; to establish or support
22 nonaffiliated, not-for-profit corporations which operate
23 primarily within the District and which have as their purposes
24 the furtherance of the Hospital Board's provision for the
25 health care needs of the people of the District; and to
26 accomplish such establishment, operation, or support of any
27 such subsidiary, affiliate, or nonaffiliated, not-for-profit
28 corporation by means of loans of funds either interest free or
29 at low interest, leases of real or personal property either
30 rent free or for low rental, gifts and grants of funds, or
31 guarantees of indebtedness of such subsidiaries, affiliates,

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1 and nonaffiliated, not-for-profit corporations. The
2 establishment, operation, or support of a subsidiary or
3 affiliate corporation or nonaffiliated, not-for-profit
4 corporation is hereby found and declared to be a public
5 purpose and necessary for the preservation of the public
6 health and for a public use and for the welfare of the
7 Hospital Board and inhabitants of the District. It is the
8 intent of the Legislature to authorize the formation of the
9 entities described in this section to further the interests of
10 the residents of Sarasota County in maintaining the financial
11 well-being of Memorial Hospital of Sarasota by providing,
12 directly or indirectly, for the delivery, financing, and
13 support of hospital and nonhospital health care services and
14 related activities to the extent consistent with the
15 financial, patient acquisition, and development needs of
16 Memorial Hospital of Sarasota.

17 (18) In addition to any investment authorized by
18 general law, and to the extent permitted by the constitution
19 of this state, to invest any funds in its control or
20 possession in the following:

21 (a) Bankers' acceptances which are drawn upon and
22 accepted by a commercial bank which is a member bank of the
23 Federal Reserve System maintaining capital accounts in excess
24 of 7.5 percent of total assets, and which member bank or its
25 holding company carries a credit rating in one of the two
26 highest alphabetical categories from at least two nationally
27 recognized debt rating agencies.

28 (b) Commercial paper of prime quality rated by at
29 least two nationally recognized debt rating agencies in the
30 highest letter and numerical rating of each agency. If not so
31 rated, such prime quality commercial paper may be purchased if

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1 secured by a letter of credit provided by a commercial bank,
2 which bank or its holding company carries a credit rating in
3 one of the two highest alphabetical categories from at least
4 two nationally recognized debt rating agencies.

5 (c) Interest-bearing bonds, debentures, and other such
6 evidence of indebtedness with a fixed maturity of any domestic
7 corporation within the United States which is listed on any
8 one or more of the recognized national stock exchanges in the
9 United States and conforms with the periodic reporting
10 requirements under the Securities Exchange Act of 1934. Such
11 obligation shall either carry ratings in one of the two
12 highest classifications of at least two nationally recognized
13 debt rating agencies or be secured by a letter of credit
14 provided by a commercial bank, which bank or its holding
15 company carries a credit rating in one of the two highest
16 alphabetical categories from at least two nationally
17 recognized debt rating agencies.

18 (d) Negotiable direct obligations of, or obligations
19 the principal and interest of which are unconditionally
20 guaranteed by, the United States Government at the then
21 prevailing market price for such securities; and obligations
22 of the Federal Farm Credit Banks, Federal Home Loan Mortgage
23 Corporation, or Federal Home Loan Bank or its district banks,
24 including Federal Home Loan Mortgage Corporation participation
25 certificates, or obligations guaranteed by the Government
26 National Mortgage Association, or obligations of such Federal
27 Agencies and Government Sponsored Enterprises which are
28 qualified for purchase under paragraph (f); which are
29 purchased and sold under repurchase agreements and reverse
30 repurchase agreements. Repurchase agreements and reverse
31 repurchase agreements may be entered into only with a member

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1 bank of the Federal Reserve System or primary dealer in U.S.
2 Government Securities, which member bank or primary dealer
3 must have \$100 million in capital. Securities purchased or
4 repurchased by the Hospital Board shall be delivered to the
5 Hospital Board or its agent versus payment.

6 (e) Purchase of options so as to engage in bona fide
7 hedging activities for the purpose of protecting the asset
8 value of the underlying portfolio, provided the instruments
9 for such purpose are traded on a securities exchange or board
10 of trade regulated by the Securities Exchange Commission or
11 the Commodity Futures Trading Commission.

12 (f) Negotiable direct obligations of Federal Agencies
13 or Government Sponsored Enterprises (GSE) which meet each of
14 the following criteria:

15 1. An agency or GSE with at least \$10 billion in
16 outstanding debt.

17 2. A rating of at least an AA by a nationally
18 recognized securities rating agency.

19 3. A selling group of at least three nationally
20 recognized securities dealers.

21 4. Chartered by or pursuant to an Act of Congress.

22 5. Bonds issued under authority of, or pursuant to, an
23 Act of Congress.

24 6. Accepted as security for fiduciary, trust, and
25 public funds under control of the United States Government.

26 7. Eligible as collateral for Federal Reserve Bank
27 discount window transactions.

28 8. Eligible as collateral for Treasury Tax and Loan
29 accounts.

30 9. Eligible for National Bank purchase without regard
31 to statutory limitations and restrictions generally applicable

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1 to investment securities.

2 10. Authority to borrow from the United States
3 Treasury.

4 (19) In addition to other power and authority
5 conferred by this act or by general law, the Hospital Board is
6 vested with the following powers for issuance of revenue bonds
7 of the District:

8 (a) The Hospital Board is hereby authorized to provide
9 by resolution at one time or from time to time for the
10 issuance of revenue bonds of the District for the purpose of
11 paying all or a part of the cost of acquisition, construction,
12 planning, leasing, repairing, extensions to, additions,
13 equipping, and reconstruction of any hospital buildings and
14 facilities of the District. The bonds of each issue shall be
15 dated, shall bear interest at such rate or rates not exceeding
16 7 percent per annum, shall mature at such time or times, not
17 exceeding 40 years from their date or dates, as may be
18 determined by the Hospital Board, and may be made redeemable
19 before maturity, at the option of the Hospital Board, at such
20 price or prices and under such terms and conditions as may be
21 fixed by the Hospital Board prior to the issuance of the
22 bonds. The Hospital Board shall determine the form of the
23 bonds, including any interest coupons to be attached thereto,
24 and the manner of execution of the bonds and coupons, and
25 shall fix the denominations of the bonds and the place or
26 places of payment of principal and interest, which may be at
27 any bank or trust company within or without the state. In
28 case any officer whose signature or a facsimile of whose
29 signature shall appear on any bonds or coupons shall cease to
30 be such officer before the delivery of such bonds, such
31 signature or such facsimile shall nevertheless be valid and

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1 sufficient for all purposes the same as if he or she had
2 remained in office until such delivery. All bonds issued
3 under the provisions of this act shall have and are hereby
4 declared to have all the qualities and incidents of negotiable
5 instruments under the negotiable instruments laws of the
6 state. The bonds may be issued in coupon or in registered
7 form, or both, as the Hospital Board may determine, and
8 provisions may be made for the registration of any coupon
9 bonds as to the principal alone and also as to both principal
10 and interest, and for the reconversion into coupon bonds of
11 any bonds registered as to both principal and interest. The
12 issuance of such bonds shall not be subject to any limitations
13 or conditions contained in any other law, and the Hospital
14 Board may sell bonds in such manner at public or private sale
15 and for such price as it may determine to be for the best
16 interest of the Hospital Board, but no such sale shall be made
17 at a price so low as to require the payment of interest on the
18 money received therefor at more than 7 percent per annum,
19 computed with relation to the absolute maturity of the bonds
20 in accordance with standard tables of bond values, excluding,
21 however, from such computations the amount of any premium to
22 be paid on redemption of any bonds prior to maturity. Prior
23 to the preparation of definitive bonds, the Hospital Board
24 may, under like restrictions, issue interim receipts or
25 temporary bonds with or without coupons, exchangeable for
26 definitive bonds when such bonds have been executed and are
27 available for delivery. The Hospital Board may also provide
28 for the replacement of any bonds which shall be mutilated,
29 destroyed, or lost.

30 (b) Bonds may be issued under the provisions of this
31 act without obtaining the consent of any commission, board,

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1 bureau, or agency of the state or county and without any other
2 proceedings or the happening of any other condition or thing
3 than those proceedings, conditions, or things which are
4 specifically required by this act.

5 (c) No approval of the issuance of the revenue bonds
6 herein authorized at an election of the freeholders who are
7 qualified electors residing in the District shall be necessary
8 unless such election is required by the Constitution of the
9 State of Florida; then, and only in such event, such election
10 shall be called, noticed, and conducted and the results
11 thereof determined and declared as may be required by the
12 general laws of the state.

13 (d) The proceeds of the bonds shall be used solely for
14 the payment of the cost of the hospital facilities for which
15 such bonds shall have been authorized and shall be disbursed
16 in the manner provided in the resolution or in the trust
17 agreement authorizing the issuance of such bonds. If the
18 proceeds of the bonds of any issue shall exceed the amount
19 required for the purpose for which the same shall have been
20 issued, the surplus shall be set aside and used only for the
21 payment of the cost of additional hospital facilities or shall
22 be deposited in the sinking fund for such bonds. In the event
23 that the actual cost of the hospital facilities exceeds the
24 estimated cost, the Hospital Board may issue additional bonds
25 to cover the deficiency, subject to the same restrictions as
26 required for the original issue.

27 (e) The Hospital Board is authorized and empowered to
28 fix, charge, and collect rates, fees, and charges for the use
29 of and for the services furnished or to be furnished by any
30 hospital facilities under the supervision, operation, and
31 control of the Hospital Board in amounts sufficient, with any

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1 other funds legally available therefor, first to pay the
2 principal of and the interest on any revenue bonds issued
3 under the provisions of this act, including reserves therefor,
4 and second to pay the cost of operating and maintaining such
5 hospital facilities.

6 (f) Revenue bonds issued under the provisions of this
7 act may be payable from the revenues derived from the
8 operation of any hospital facility or combination of hospital
9 facilities of the District under the supervision, operation,
10 and control of the Hospital Board and from any other funds
11 legally available therefor. The issuance of such revenue
12 bonds shall not directly, indirectly, or contingently obligate
13 the state, Sarasota County, the Hospital Board, or the
14 District to levy any ad valorem taxes or to make any
15 appropriations for their payment or for the operation and
16 maintenance of the hospital facilities of the District.

17 (g) The Hospital Board shall not convey or mortgage
18 any hospital facility or any part thereof as security for the
19 payment of the revenue bonds.

20 (h) In the discretion of the Hospital Board, each or
21 any issue of such revenue bonds may be secured by a trust
22 agreement by and between the Hospital Board and a corporate
23 trustee, which may be any trust company or bank having the
24 powers of a trust company within or without the state. Such
25 trust agreement may pledge or assign the revenues to be
26 received by the Hospital Board. The resolution providing for
27 the issuance of revenue bonds or such trust agreement may
28 contain such provisions for protecting and enforcing the
29 rights and remedies of the bondholders as may be reasonable,
30 proper, and not in violation of law, including covenants
31 setting forth the duties of the Hospital Board in relation to

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1 the acquisition, construction, improvement, maintenance,
2 operation, repair, equipping, and insurance of the hospital
3 facilities, and the custody, safeguarding, and application of
4 all moneys. It shall be lawful for any bank or trust company
5 incorporated under the laws of this state to act as such
6 depository and to furnish such indemnifying bonds or to pledge
7 such securities as may be required by the Hospital
8 Board. Such resolution or such trust agreement may restrict
9 the individual right of action by bondholders as is customary
10 in trust agreements securing similar securities. In addition
11 to the foregoing, such resolution or such trust agreement may
12 contain such other provisions as the Hospital Board may deem
13 reasonable and proper for the security of the
14 bondholders. Except as in this act otherwise provided, the
15 Hospital Board may provide, by resolution or by trust
16 agreement, for the payment of the proceeds of the sale of the
17 revenue bonds and the revenues of the facilities to such
18 officer, board, or depository as it may determine for the
19 custody thereof, and for the method of disbursement thereof,
20 with such safeguards and restrictions as it may
21 determine. All expenses incurred in carrying out such trust
22 agreement may be treated as a part of the cost of operation of
23 the facilities affected by such trust agreement.

24 (i) The resolution or trust agreement providing for
25 the issuance of the revenue bonds may also contain such
26 limitations upon the issuance of additional revenue bonds as
27 the Hospital Board may deem proper, and such additional bonds
28 shall be issued under such restrictions or limitations as may
29 be prescribed by such resolution or trust agreement.

30 (j) The Hospital Board is hereby authorized to provide
31 by resolution for the issuance of refunding revenue bonds for

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1 the purpose of refunding any revenue bonds, respectively, then
2 outstanding and issued under the provisions of this act. The
3 Hospital Board is further authorized to provide by resolution
4 for the issuance of revenue bonds for the combined purpose of
5 paying the cost of any acquisition, construction, planning,
6 leasing, extension to, addition, improving, equipping, or
7 reconstruction of a facility or facilities of the District and
8 refunding revenue bonds of the District which shall
9 theretofore have been issued under the provisions of this act
10 and shall then be outstanding. The issuance of such bonds,
11 the maturities and other details thereof, the right and
12 remedies of the holders thereof, and the rights, powers,
13 privileges, duties, and obligations of the District with
14 respect to the same shall be governed by the foregoing
15 provisions of this act insofar as the same may be applicable.

16 Section 9. If the Hospital Board and the owners of the
17 property desired by said Hospital Board for hospital purposes
18 cannot agree as to the price to be paid therefor, said
19 Hospital Board is empowered to bring condemnation proceedings
20 against said property for the purpose of condemning said
21 property for public hospital purposes, and said Hospital Board
22 is hereby authorized and empowered to employ an attorney or
23 attorneys to prosecute said condemnation proceedings. The
24 said Hospital Board is hereby given and granted the same
25 powers as the counties of this state so far as condemnation of
26 property is concerned and the same procedure shall be
27 followed. The right of eminent domain hereby granted shall be
28 exercised in accordance with the provisions of chapter 74,
29 Florida Statutes, in the same manner as therein provided for
30 the acquiring of right-of-way for the state highway system and
31 to take title to lands in fee simple absolute or such lesser

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1 estate as may be specified in the declaration of taking, upon
2 the deposit of such sum as the court shall determine will
3 fully secure and fully compensate the persons lawfully
4 entitled to compensation.

5 Section 10. Any hospital established under this act
6 shall be for the benefit of the inhabitants of said territory,
7 but said hospital may extend the privileges and use of said
8 hospital for persons residing outside of said District, upon
9 such terms and conditions as the Hospital Board may from time
10 to time by its rules and regulations prescribe. Every such
11 person or inhabitant who is not a pauper shall pay said
12 Hospital Board a reasonable compensation for occupancy,
13 nursing, care, medicine, and attendance according to the rules
14 and regulations prescribed by said Hospital Board. Each
15 municipal corporation situated within the District shall be
16 liable to said Hospital Board for occupancy, nursing, care,
17 medicine, and attendance for prisoners in the custody of any
18 such municipal corporation who are admitted to any hospital
19 operated by said Hospital Board. Said hospital always shall
20 be subject to such rules as such Hospital Board may adopt from
21 time to time in order for said hospital to render the greatest
22 benefit to the greatest number, and said Hospital Board may
23 exclude from treatment and care any indigent or paying case
24 having a communicable or contagious disease when such disease
25 may be a detriment to the best interests of such hospital or a
26 source of contagion or infection to the patients in its care,
27 unless a separate building or ward has been established for
28 the special treatment and care of patients having communicable
29 or contagious diseases and it can properly and with safety to
30 the other patients retain such communicable cases in such
31 separate building or ward.

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1 Section 11. When such hospital or hospitals are
 2 established, the physicians, nurses, attendants, the persons
 3 sick therein, and all other persons approaching or coming
 4 within the limits of same, and all furniture or other articles
 5 used or brought there, shall be subject to such rules and
 6 regulations as said Hospital Board may prescribe.

7 Section 12. The Hospital Board shall organize a staff
 8 of physicians and dentists, and the Hospital Board is
 9 authorized to give, grant, or revoke staff membership and
 10 privileges of the medical staff members for practice in the
 11 hospital or hospitals maintained under this act so that the
 12 welfare and health of patients and the best interests of the
 13 hospital may, at all times, be best served. Membership on the
 14 medical staff of the hospital or hospitals owned by the
 15 Hospital Board shall be restricted to persons with the
 16 following qualifications:

17 (1) Graduates of:

18 (a) Recognized medical schools approved and accredited
 19 by the American Medical Association;

20 (b) Recognized dental schools approved and accredited
 21 by the American Dental Association;

22 (c) An accredited college of osteopathy who have
 23 successfully completed an internship or residency for at least
 24 1 academic year of supervised clinical training in a hospital
 25 affiliated with a medical school approved by the Council of
 26 Medical Education of the American Medical Association, or who
 27 have successfully completed any equivalent program established
 28 by or relating to the American Osteopathic Association; or

29 (d) A foreign medical school who meet the
 30 qualifications for licensure prescribed by section 458.311 or
 31 section 458.313, Florida Statutes; and

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1 (2) Who are legally licensed to practice medicine,
2 osteopathy, or dentistry in the State of Florida and who are
3 qualified for membership in the Sarasota County Medical
4 Society or the Sarasota County Dental Society, and who are
5 regularly practicing physicians or dentists in the territory
6 in which that hospital or hospitals are located, and who are
7 competent to perform the work required of physicians or
8 dentists with similar privileges on the hospital staff.

9 The term "physician," as used herein, includes only
10 physicians licensed to practice medicine under the Florida
11 Medical Practice Act, chapter 458, Florida Statutes, and
12 physicians licensed to practice osteopathic medicine under
13 chapter 459, Florida Statutes.

14 Medical staff membership or professional privileges
15 shall not be denied to any applicant solely because the
16 applicant is licensed as a doctor of medicine under chapter
17 458, Florida Statutes, as a doctor of osteopathy under chapter
18 459, Florida Statutes, nor shall professional privileges be
19 denied to an applicant solely because the applicant is
20 licensed as a doctor of podiatry under chapter 461, Florida
21 Statutes.

22 Any patient shall have the right to employ at his or
23 her expense his or her own physician or dentist, provided such
24 physician or dentist shall have been accorded privileges in
25 the hospital. A physician or dentist, when employed by the
26 patient, shall have exclusive charge of the care and treatment
27 of such patient, subject always to such general rules and
28 regulations as shall be established by the Hospital Board
29 under the provisions of this act. It shall be the duty of the
30 medical staff to organize in the manner prescribed by the said
31 Hospital Board.

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1 The Hospital Board is further authorized and empowered
2 to set up rules and regulations for the control of all
3 professional and nonprofessional employees of the hospital,
4 which terms shall include nurses on general duty or on private
5 duty attending patients, and all parties in the hospital,
6 either as employees or in any manner in attendance of
7 patients.

8 Section 13. The millage necessary for the maintenance
9 of said Hospital District shall not exceed a maximum of 2
10 mills per annum. The millage necessary to pay the interest
11 and provide a sinking fund on bonded indebtedness shall be
12 levied separately from the millage necessary for maintenance
13 of the hospital or hospitals to be constructed or purchased
14 under the provisions of this act, and the Board of County
15 Commissioners of Sarasota County shall make said levy pursuant
16 to the provisions of section 14 of this act.

17 Section 14. (1) The County Property Appraiser of
18 Sarasota County, immediately after said Hospital Board shall
19 have been appointed, shall report in writing to said Hospital
20 Board the assessed valuation on all taxable property within
21 the limits of said District as assessed valuation for taxation
22 by said Hospital Board, and said report shall be made by said
23 Property Appraiser each year thereafter immediately after the
24 tax assessment of said District for that year shall have been
25 reviewed and equalized by the Board of County Commissioners of
26 Sarasota County. Said Hospital Board shall present each year,
27 determined by resolution, the total amount to be raised by
28 taxation upon said taxable property located within said
29 hospital district for such year. The amount necessary to pay
30 the interest for sinking fund or bonded or other secured
31 indebtedness, and the amount necessary for the operation,

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1 maintenance, repair, alteration, and addition, shall be stated
2 separately. Said Hospital Board shall thereupon determine the
3 rate of taxation which, when levied upon the assessed
4 valuations of all taxable property within said District, will
5 raise the sums of money theretofore determined by resolutions,
6 as the total amount to be raised for such year by taxation,
7 and shall by resolution levy and fix the rate of taxation on
8 all property in said District, the rate to be levied for
9 operation, maintenance, repair, alteration, and addition to be
10 fixed separately, and the rate for such operation,
11 maintenance, repair, alteration, and addition not to exceed 2
12 mills per annum.

13 A certified copy of said Tax Resolution, executed by
14 the chair of said Hospital Board and attested by the secretary
15 of said Hospital Board, under its corporate seal, shall be
16 made and delivered to the Board of County Commissioners of
17 Sarasota County on or before August 1 of each year, or within
18 15 days after receipt of the tax assessment roll from the
19 County Property Appraiser. It shall be the mandatory duty of
20 said Board of County Commissioners of Sarasota County to order
21 and direct the County Property Appraiser of Sarasota County to
22 assess and levy, and to order and direct the County Tax
23 Collector of said county to collect, the tax at the rate fixed
24 and determined by said resolution of the said Hospital Board,
25 upon all taxable property located within said District, and
26 the said levies and assessments shall be included in the tax
27 roll and warrant of said Property Appraiser of said county for
28 each fiscal year thereafter. The said Tax Collector shall
29 collect said taxes in the same manner and at the same time as
30 state and county taxes are collected and shall pay and remit
31 the same upon the collection thereof to the said Hospital

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1 Board.

2 (2) In the event the millage authorized herein be
3 reduced in the year of a revaluation as provided in section
4 193.03, Florida Statutes, 1965, then in each and every year
5 thereafter the millage to be levied may be increased (a) by
6 not more than 10 percent of what it was in the preceding year,
7 or (b) by no more than that which is required for a 10-percent
8 increase in the amount which was yielded by millage levied for
9 such Hospital District in the year immediately preceding such
10 revaluation, whichever is greater, provided that nothing
11 herein shall be construed to alter the 2-mill limitation
12 imposed by section 13 hereof.

13 Section 15. The Hospital Board shall have power to
14 determine whether or not persons presented to said public
15 hospital for treatment are subject to charity and shall fix
16 charges for occupancy, nursing, care, medicine, and
17 attendance, other than medical or surgical attendance, for
18 these persons able to pay for same, as the Hospital Board may
19 deem just and proper, and all receipts therefor shall be
20 deposited to the credit of the Hospital Board.

21 Section 16. Any person or persons, firms,
22 organizations, corporations, or societies desiring to make
23 donations of money, personal property, or real estate for the
24 benefit of any hospital or hospitals erected under this act
25 shall have the right to vest title of the money, personal
26 property, or real estate so donated in said Hospital Board, to
27 be controlled when accepted by said Hospital Board, according
28 to the terms of the bequests, devises, or gifts pertaining to
29 such property.

30 Section 17. The Hospital Board shall have the right to
31 operate or participate in a nonprofit hospital service plan

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1 whereby hospital care may be furnished by the said corporation
2 or by any hospital or hospitals established by said Hospital
3 Board, and said Hospital Board may agree with the subscribers
4 to certain hospital care, and said Hospital Board and those
5 persons with whom it deals on the nonprofit hospital service
6 plan shall be exempt from provisions of the insurance laws of
7 the State of Florida pertaining to insurance which may in any
8 way conflict with the hospital service plan of said Hospital
9 Board. When a contract for hospital service has been
10 executed, the Hospital Board shall be required to render the
11 service set forth in said contract and the other party to the
12 contract shall be required to fully comply with his or her
13 parts of said agreement.

14 Section 18. The purposes for which any hospital
15 created under the provisions of this act shall be used are
16 hereby declared to be for public purposes.

17 Section 19. The term "mill," as used in subsection (8)
18 of section 8 of this act and as used in sections 13 and 14 of
19 chapter 26468 (1949), Laws of Florida, as amended, shall be
20 deemed to mean 1/10th part of a cent, and that the application
21 of the rate of 1 mill to each \$1,000 of assessed valuation of
22 property shall yield \$1.

23 Section 20. The Hospital Board shall be empowered to
24 destroy any of its records together with any of the records of
25 the hospital or hospitals owned and operated by the Hospital
26 Board, provided that such records are photographed or
27 microfilmed prior to their destruction.

28 Section 21. Sarasota County Public Hospital Board is
29 authorized to construct, maintain, operate, and lease parking
30 facilities for hospital agents, employees, patients, staff
31 members, patient guests, business invitees, and the visiting

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1 public in conjunction with hospitals which are under the
2 jurisdiction of the Hospital Board upon real property which is
3 presently owned or which may be subsequently acquired by the
4 Hospital Board. The Hospital Board may enter into lease or
5 franchise agreements with private persons or corporations as
6 tenants or operators of such facilities upon such terms and
7 for such periods of time as the Board may deem
8 appropriate. The Hospital Board shall hold a public hearing,
9 after the publication of a notice of such meeting in a
10 newspaper of general circulation in Sarasota County at least
11 one time no less than 10 nor more than 25 days prior to such
12 hearing: (1) to consider the establishment of rates or fees,
13 if any, which shall be charged to motorists who utilize any
14 such hospital parking facility and (2) to consider any
15 subsequent revisions therein which increase the rates or fees
16 which shall be charged to motorists who utilize the hospital
17 parking facility. The Hospital Board is authorized to pledge
18 the income and revenues derived from such leases and franchise
19 agreements as security for the repayment of loans extended to
20 the Hospital Board as the Hospital Board may deem necessary or
21 desirable from time to time. All real property used for such
22 hospital purposes, either by the Hospital Board or by its
23 licensees and franchisees, shall be exempt from ad valorem
24 taxes of Sarasota County and of any municipality in which such
25 real estate may be located.

26 Section 22. The Tax Collector of Sarasota County shall
27 issue a special beverage license authorizing the Hospital
28 Board to sell intoxicating beverages for medicinal purposes
29 only in quantities not in excess of 2 ounces per sale,
30 provided such sales are made only to inpatients of any
31 hospital operated by the Hospital Board and only upon the

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1 prescription of a duly licensed physician. The special
2 license shall authorize the Hospital Board to purchase
3 alcoholic beverages from any duly licensed manufacturer or
4 distributor of alcoholic beverages as defined in chapter 561,
5 Florida Statutes, and all such manufacturers and distributors
6 have authority to sell alcoholic beverages to the Hospital
7 Board for resale within the limitations of its special
8 license. The Hospital shall be exempt from the payment of a
9 fee for the special license, which shall be renewed annually
10 by filing with the Tax Collector a resolution by the Hospital
11 Board requesting the renewal of the license.

12 Section 23. Every individual, partnership, firm,
13 association, corporation, institution, governmental district,
14 or other governmental unit, and every combination of any of
15 the foregoing, operating a hospital or hospitals in the County
16 of Sarasota shall be entitled to and is hereby given a lien as
17 herein provided for all reasonable charges for hospital care,
18 treatment, and maintenance of ill or injured persons and the
19 charges for test, laboratory work, X rays, drugs, and other
20 items incident to such care and treatment supplied by or
21 charged to the hospital for the benefit of such ill or injured
22 persons, the total or unpaid part of which is hereafter called
23 hospital bill, which lien shall be and is hereby declared upon
24 all causes of action, suits, claims, counterclaims, and
25 demands accruing to the person or persons to or for whom such
26 care, treatment, or maintenance is furnished, or accruing to
27 the legal representatives of such persons or to the person or
28 persons incurring or liable for the hospital bill, and such
29 lien is also hereby given upon the amounts due or payable
30 under hospitalization insurance, hospital or medical expenses
31 due and payable under public liability policies, or other

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1 indemnity, and upon all judgments, settlements, and settlement
2 agreements and the sums payable thereunder rendered or entered
3 into by virtue thereof, on account of illness or injuries
4 giving rise to such causes of action, suits, claims,
5 counterclaims, demands, judgments, settlements, or settlement
6 agreements and which necessitated or shall have necessitated
7 or have directly contributed to the necessity for such
8 hospital care, treatment, and maintenance, and upon proceeds
9 of such insurance or indemnity agreements as above specified,
10 whether the illness or injury be the result of tort or
11 otherwise. The term "hospital care," as used in this section,
12 shall be broadly construed to include all hospital and
13 nonhospital health care services and related activities which
14 are rendered through any hospital or other health care
15 facility owned or operated by the Hospital Board or its
16 subsidiaries or affiliates or nonaffiliated, not-for-profit
17 corporations.

18 (1) In order to perfect such lien, an executive
19 officer, controller, or agent of a hospital, before or within
20 30 days after such person shall have been discharged from such
21 hospital, shall file in the office of the Clerk of the Circuit
22 Court of Sarasota County a verified claim in writing setting
23 forth the following: (a) the name and address of such
24 patient, as it shall appear on the records of such hospital,
25 and if the patient is a minor, it shall contain the name of
26 the parents or guardian of such minor patient, (b) the name and
27 location of such hospital, (c) the dates of admission to and
28 discharge of such patient therefrom, (d) the amount claimed to
29 be due for such hospital care, treatment, and maintenance, and
30 (e) to the best knowledge of the person signing such claim,
31 the names and addresses, if the same be known, of all persons,

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1 firms, or corporations claimed by such ill or injured person
2 or his or her legal representative to be liable on hospital or
3 other indemnity insurance if known to claimant; such claimant
4 shall also, within 1 day after the filing of such claim of
5 lien, mail a copy thereof by registered or certified mail with
6 return receipt requested, postage prepaid, to each person,
7 firm, or corporation so claimed to be liable on account of
8 such illness or injuries at the address so given in such
9 statement filed by the hospital claimant. The filing of such
10 claim shall constitute notice thereof to all persons, firms,
11 or corporations who may be liable on account of such illness
12 or injuries, whether or not they are named in such claim, and
13 whether or not a copy of such claim shall have been received
14 by them. Such statement shall not constitute a lien upon
15 anything other than causes of action, suits, claims,
16 counterclaims, demands, and insurance and indemnity proceeds
17 specified in this section, and this is not a general lien upon
18 the property of the persons named in such statement.

19 (2) The clerk of the circuit court shall endorse on
20 each such claim the date and hour of filing in the official
21 records of Sarasota County or may provide a hospital lien book
22 with proper index in which he or she shall record such claims,
23 and shall show therein the date and hour of such filing. The
24 clerk shall be paid by the claimant, as his or her fee for
25 filing and recording of each claim, the same amount he or she
26 is authorized to charge for recording mortgages.

27 (3) The clerk shall record any satisfaction which is
28 executed and acknowledged under oath by the lien claimant, or
29 its executive officer, comptroller, or agent, in the official
30 records of Sarasota County at the same filing fees which are
31 required by the clerk for recording satisfactions of

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1 mortgages. It shall be the duty of the hospital lien claimant
2 to furnish the patient with a properly executed satisfaction
3 upon payment or discharge of the lien.

4 (4) No release or satisfaction of any action, suit,
5 claim, counterclaim, demand, judgment, settlement, or
6 settlement agreement shall be valid or effectual as against
7 such lien unless such lienholder shall join therein or execute
8 a release of such lien.

9 (5) Any acceptance of a release or satisfaction of any
10 such cause of action, suit, claim, counterclaim, demand, or
11 judgment and any settlement of any of the foregoing in the
12 absence of a release or satisfaction of the lien referred to
13 in this act shall prima facie constitute an impairment of such
14 lien, and the lienholder shall be entitled to an action at law
15 for damages on account of such impairment, and in such action
16 may recover from the one accepting such release or
17 satisfaction or making such settlement the reasonable cost of
18 such hospital care, treatment, and maintenance. Satisfaction
19 of any judgment rendered in favor of the lienholder in any
20 such action shall operate as a satisfaction of the lien. Any
21 action by the lienholder shall be brought in the court having
22 jurisdiction of the amount of the lienholder's claim. If the
23 lienholder shall prevail in such action, the lienholder shall
24 be entitled to recover from the defendant all costs allowed by
25 law, together with reasonable attorney's fees to the
26 lienholder's attorney for handling the action. If the
27 plaintiff or counterclaimant shall have employed an attorney
28 for the collection of the claims or damages, including the
29 hospital expenses, on account of or resulting from the illness
30 or injury of said plaintiff or counterclaimant or on account
31 of or resulting from the illness, injury, or death of a

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1 deceased patient, the court costs shall first be paid and the
2 attorney representing such plaintiff or counterclaimant shall
3 receive his or her fees or compensation out of the judgment or
4 settlement proceeds and the hospital lien provided for in this
5 act shall next be fully paid to the hospital, and the balance
6 of the proceeds of any such settlement or judgment, if any,
7 shall then be paid to the plaintiff or counterclaimant.

8 (6) Upon suit being filed by the patient or on the
9 patient's behalf, the owner or operator of the hospital, as
10 the case may be, may also file in the suit a notice of
11 nonpayment of hospital bill, which said notice shall be
12 recorded and the same shall constitute a lien upon any
13 judgment recovered or settlement made to the extent that the
14 court may determine the hospital's pro rata share for unpaid
15 hospital bill, based upon such equitable distribution of the
16 amount recovered as the court may determine, less its pro rata
17 share of all court costs expended by the plaintiff in the
18 prosecution of the suit and less the reasonable attorney's
19 fees for the plaintiff's attorney, such proration to be made
20 by the judge of the trial court upon application therefor and
21 notice to the adverse party. Such notice shall be served upon
22 all parties to the suit, and their attorneys of record, by
23 registered or certified mail.

24 (7) If the hospital has given such written notice of
25 its lien and rights against an alleged tortfeasor, a party to
26 said suit, and thereafter settlement of any such claim or
27 action at law is made either before or after suit is filed and
28 the parties fail to agree on the proportion to be paid to
29 each, the court in which the action is pending shall determine
30 the amount to be paid to the hospital in accordance with the
31 provisions of this law.

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1 (8) The provisions of this act shall not be applicable
2 to accidents or injuries within the purview of the Workers'
3 Compensation Act of this state.

4 (9) No hospital lien provided by this act shall
5 continue for a longer period than 5 years after the claim of
6 lien provided for under subsections(2) and (3) has been filed,
7 unless within that time an action has been commenced in a
8 court of competent jurisdiction by or on behalf of the person
9 to whom the hospital care, treatment, or maintenance was
10 rendered to collect on account or for the illness or injuries
11 necessitating such hospitalization; and in the event that any
12 such action has been commenced within such 5-year period, then
13 such hospital lien shall continue, unless otherwise satisfied,
14 for the duration of any judgment entered in favor of the party
15 claiming damages for the hospital care, treatment, or
16 maintenance, and shall attach to any settlement proceeds made
17 pendente lite and shall continue for 3 years after the date of
18 any such settlement pendente lite.

19 (10) The acceptance of hospital care shall be deemed
20 and construed as a determination that hospitalization
21 insurance was taken out for the benefit of the hospital and as
22 an equitable assignment of the proceeds to the
23 hospital. Unless the policy or policies are endorsed or
24 assigned to the hospital, the hospital may write or stamp upon
25 every statement rendered that it claims a lien upon the
26 proceeds of all hospitalization insurance, and such legend
27 shall be notice to any corporation into whose possession the
28 statement comes that the hospital has a lien. In this event,
29 payment to policyholder without settlement direct to the
30 hospital by the insurance company will make the insurance
31 company liable to the hospital for the amount of the bill or

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1 so much thereof as the policy indemnifies.

2 Section 24. Notwithstanding any other provisions of
3 law, all operations of the hospital established under the
4 provisions of chapter 26468 (1949), Laws of Florida, shall
5 remain under the direct control and administration of the
6 Hospital Board established by referendum pursuant to section
7 21 of said chapter. The Hospital Board shall not take any
8 action which would result in the termination of such direct
9 control and administration unless such action is approved by
10 the electors of Sarasota County at a referendum called for
11 that purpose; however, for purposes of this section, the term
12 "operations of the hospital" does not include:

13 (1) The operation of nonhospital health care services
14 or related activities, which services or activities may be
15 controlled and administered by subsidiaries or affiliates of
16 the Hospital Board or nonaffiliated, not-for-profit
17 corporations operating primarily within the territory of the
18 Hospital Board; or

19 (2) The operation and provision of hospital services
20 through any form of shared service arrangement approved by
21 resolution of the said Hospital Board adopted in public
22 session and wherein the Hospital Board shall be represented by
23 two or more Hospital Board members on the governing body of
24 such entity.

25 Section 25. In order to secure and promote the
26 provision of quality medical services to the public, the
27 authority provided for herein is found by the Legislature to
28 be within the public policy of this state. The Hospital Board
29 is authorized to exercise all the powers granted in this act,
30 and those granted in the Hospital Board's enabling
31 legislation, as amended, in such manner as it may determine to

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1 be consistent with the purposes of such enabling legislation.

2 Section 4. Chapter 26468 (1949), Laws of Florida,
3 which was approved by Sarasota County electors in referendum
4 held on January 10, 1950, is hereby repealed; provided,
5 however, that, as provided in section 189.429(3), Florida
6 Statutes, nothing in this act, including specifically this
7 section 4, shall (i) modify, amend, or alter any covenants,
8 contracts, or other obligations of the Hospital Board with
9 respect to its bonded indebtedness; and (ii) affect the
10 ability of the Hospital Board to levy and collect taxes as
11 permitted under prior law and herein. Chapters 27888 (1951),
12 31262 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868,
13 63-1893, 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232,
14 67-2047, 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501,
15 86-373, 87-526, 88-534, 90-411, 90-422, 95-507, and 2000-400,
16 Laws of Florida, are repealed. Chapter 69-1583, Laws of
17 Florida, which was approved by Sarasota County electors in
18 referendum conducted pursuant to such act on November 4, 1969,
19 is reenacted, except for requirements of referendum to approve
20 the act, and all actions heretofore taken by the Sarasota
21 County Public Hospital District and the Sarasota County Public
22 Hospital Board pursuant to the authority and powers conferred
23 by chapter 69-1583, Laws of Florida, are ratified and
24 confirmed.

25 Section 5. If any section, paragraph, sentence,
26 clause, phrase, or other part of this act shall be declared
27 unconstitutional, or if this act should be declared
28 inapplicable in any case, such declaration shall not affect
29 the remainder of this act or the applicability thereof in any
30 other case.

31 Section 6. This act shall be construed as remedial and

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1 shall be liberally construed to promote the purpose for which
2 it is intended.

3 Section 7. This act shall take effect upon becoming a
4 law.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything after the enacting clause

10

11 and insert:

12

A bill to be entitled

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An act relating to Sarasota County; providing

14

legislative intent; amending, codifying, and

15

reenacting all special acts relating to the

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Sarasota County Public Hospital District;

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providing District boundaries; providing for a

18

governing board; providing powers, functions,

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and duties of the District and its governing

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board, including express power to sell and

21

exchange real estate; repealing chapters 26468

22

(1949), 27888 (1951), 31262 (1955), 57-1838,

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59-1839, 61-2807, 61-2855, 61-2868, 63-1893,

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63-1895, 63-1896, 63-1913, 65-2226, 65-2227,

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65-2232, 67-2047, 69-1583, 69-1593, 71-907,

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83-525, 84-530, 85-501, 86-373, 87-526, 88-534,

27

90-411, 90-422, 95-507, and 2000-400, Laws of

28

Florida, except for the provisions approved in

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referendum on January 10, 1950, conferring ad

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valorem taxing authority; ratifying actions of

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the District and the governing board taken

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1 pursuant to chapter 69-1583, Laws of Florida;
2 providing severability; providing for
3 construction and effect; providing an effective
4 date.

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