

By Senator Carlton

23-1289-03

See HB 1113

1 A bill to be entitled
2 An act relating to Sarasota County; providing
3 legislative intent; amending, codifying, and
4 reenacting all special acts relating to the
5 Sarasota County Public Hospital District;
6 providing District boundaries; providing for a
7 governing board; providing powers, functions,
8 and duties of the District and its governing
9 board, including express power to sell and
10 exchange real estate; repealing chapters 26468
11 (1949), 27888 (1951), 31262 (1955), 57-1838,
12 59-1839, 61-2807, 61-2855, 61-2868, 63-1893,
13 63-1895, 63-1896, 63-1913, 65-2226, 65-2227,
14 65-2232, 67-2047, 69-1583, 69-1593, 71-907,
15 83-525, 84-530, 85-501, 86-373, 87-526, 88-534,
16 90-411, 90-422, 95-507, and 2000-400, Laws of
17 Florida, except for the provisions approved in
18 referendum on January 10, 1950, conferring ad
19 valorem taxing authority; ratifying actions of
20 the District and the governing board taken
21 pursuant to chapter 69-1583, Laws of Florida;
22 providing severability; providing for
23 construction and effect; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Pursuant to section 189.429, Florida
29 Statutes, this act constitutes the codification of all special
30 acts relating to Sarasota County Public Hospital District. It
31 is the intent of the Legislature in enacting this law to

1 provide a single, comprehensive special act charter for the
2 District including all current legislative authority granted
3 to the District by its several legislative enactments,
4 inclusive of authority conferred in referenda of Sarasota
5 County electors, and any additional authority granted by this
6 act. It is further the intent of this act to preserve all
7 District authority in addition to any authority contained in
8 general law as amended from time to time.

9 Section 2. Chapters 26468 (1949), 27888 (1951), 31262
10 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868, 63-1893,
11 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047,
12 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373,
13 87-526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of
14 Florida, are amended, codified, reenacted, and repealed as
15 herein provided.

16 Section 3. The Sarasota County Public Hospital
17 District is re-created, and the charter for such District is
18 re-created and reenacted to read:

19 Section 1. (1) The Sarasota County Public Hospital
20 District ("District"), an independent special district, is
21 hereby established with jurisdiction extending territorially
22 throughout all of Sarasota County, which territory is hereby
23 known as the Sarasota County Public Hospital District, and
24 which shall be governed by the Sarasota County Public Hospital
25 Board ("Hospital Board"), as a body corporate.

26 (2) For purposes of election of Hospital Board
27 members, the Hospital Board shall create three hospital board
28 districts within the Sarasota County Public Hospital District,
29 the boundaries of which shall be within the boundaries of
30 Sarasota County, which shall be designated as northern,
31 central, and southern districts, and which shall be as nearly

1 equal in population as practicable. The Hospital Board by
2 resolution adopted from time to time, at intervals of no more
3 than 10 years, shall fix the boundaries of the districts along
4 the lines of precincts as they exist at the time such
5 boundaries are fixed. A certified copy of the resolution
6 shall be furnished by the secretary of the Hospital Board to
7 the Sarasota County Supervisor of Elections at least 10 months
8 prior to the next ensuing general election following adoption
9 of the resolution.

10 (3) The membership of the Hospital Board shall consist
11 of nine members, all of whom must be qualified electors of the
12 District. Commencing with the election of 1988, two such
13 members must reside in each of said hospital board
14 districts. All members shall be elected in a partisan
15 election by the qualified electors of the District. Two
16 members who are residents of the southern district shall be
17 elected to district seats in 1986 and every fourth year
18 thereafter; two members who are residents of the northern
19 district shall be elected to district seats in 1986 and every
20 fourth year thereafter; one member who is a resident of the
21 central district shall be elected to a district seat in 1986
22 and every fourth year thereafter; one member who is a resident
23 of the central district shall be elected to a district seat in
24 1988 and every fourth year thereafter; and three members shall
25 be elected to at-large seats in 1988 and every fourth year
26 thereafter. Candidates for the six district seats and the
27 three at-large seats shall be numerically or otherwise grouped
28 for a specific seat on primary or general election ballots as
29 provided in the Florida Election Code. Candidates for
30 district seats shall be placed in districts on primary and
31 general election ballots. In any year in which hospital board

1 district seats are to be filled, the hospital board district
2 (northern, central, or southern) shall be printed on the
3 ballot beneath the name of the office. The format of the
4 ballot shall be in conformity with the Florida Election
5 Code. Four members who were elected for 4-year terms in the
6 election of November 1982 and one member who was elected for a
7 2-year term in the election of November 1984 shall serve until
8 the expiration of their terms of office, and five members
9 shall be elected for 4-year terms in 1986 and each fourth year
10 thereafter. Four members who were elected for 4-year terms in
11 the election of November 1984 shall serve until the expiration
12 of their terms of office, and four members shall be elected
13 for 4-year terms in 1988 and each fourth year thereafter.

14 (4) If a vacancy occurs on the Hospital Board due to a
15 member's death, resignation, removal from office for neglect
16 of duty, removal of residence from the territorial limits of
17 the county, or removal of residence from the territorial
18 limits of the district in the case of a district seat holder,
19 the remainder of the Hospital Board shall appoint a temporary
20 member to fill the vacancy until the next ensuing general
21 election, at which time a new member must be elected for the
22 remainder of the term of the member whose membership has been
23 so vacated. To be eligible for appointment to such Hospital
24 Board, a person must be a qualified elector of the territory
25 covered by this act, and if the vacancy occurs in a hospital
26 board district seat, such person must also be a resident of
27 that district in which the vacancy occurs.

28 (5) The term of office of a Hospital Board member
29 begins on the Tuesday 2 weeks following the day of general
30 election in which the member is elected. The term of office
31 of a member's immediate predecessor expires contemporaneously

1 with the commencement of the term of such newly elected
2 member.

3 (6) Each Hospital Board member shall attend not less
4 than 75 percent of the regular meetings of the Hospital Board
5 during each year of such board member's term. For purposes of
6 this subsection, the year of a board member's term commences
7 on the date, followed by the yearly anniversary of the date,
8 upon which the board member takes office. The failure of any
9 Hospital Board member to meet this attendance requirement
10 without being excused by the chair of the Hospital Board
11 constitutes neglect of duty. By resolution specifying facts
12 sufficient to advise a Hospital Board member as to the basis
13 for his or her suspension or removal and after providing the
14 Hospital Board member with reasonable notice and an informal
15 opportunity for him or her to be heard, the Hospital Board may
16 suspend or remove from office any Hospital Board member for
17 neglect of duty. If a vacancy occurs on the Hospital Board
18 due to removal from office pursuant to this subsection, the
19 remainder of the Hospital Board shall fill the vacancy in the
20 manner set forth in subsection (4).

21 Section 2. The members of said Hospital Board shall
22 receive no salary as board members but shall be reimbursed for
23 the amount of actual expenses incurred by them in the
24 performance of their duties. Reimbursement for mileage shall
25 include mileage from members' places of residence to Hospital
26 Board facilities and return and for vicinity mileage incurred
27 in the performance of their duties and shall be computed as
28 provided in section 112.061, Florida Statutes. The travel
29 expenses, subsistence, and lodging expenses of a member may
30 not exceed those prescribed by section 112.061, Florida
31 Statutes, unless actual reasonable expenses in excess of those

1 prescribed by section 112.061, Florida Statutes, are
2 specifically authorized prior to the incurring of such
3 expenses, by action of the Hospital Board taken at a regular
4 monthly meeting at which the question of such expenses appears
5 as a separate item on the agenda.

6 Section 3. The Hospital Board shall select a meeting
7 place and a place for its principal office, and the board
8 meetings shall be held at least once a month. The Hospital
9 Board may elect one of its members to serve as secretary, one
10 to serve as assistant secretary, one to serve as treasurer,
11 and two to serve as assistant treasurers; or it may appoint
12 persons not members of the Hospital Board to serve in those
13 capacities. There shall be a chair of the board, a first vice
14 chair, and a second vice chair. The Hospital Board is
15 authorized to establish and maintain a refund account in a
16 commercial bank of its choosing and may designate the
17 president, executive vice president, vice presidents, business
18 office manager, or controller of the Hospital Board, or any of
19 them, as the sole authorized signatories for such refund
20 account. The president appointed by the Hospital Board, the
21 chair, the first vice chair, the second vice chair, the
22 treasurer, and the assistant treasurers shall be empowered to
23 issue, without a cosignature, warrants for payment of salaries
24 and wages of employees of the Hospital Board. All other
25 vouchers and warrants shall be issued by either the treasurer
26 or assistant treasurer and shall be signed by the chair, and
27 in the event of the absence of the chair, by the first vice
28 chair, and in the event of the absence of the chair and the
29 first vice chair, by the second vice chair. The Hospital
30 Board is authorized to issue its checks, warrants, and
31 vouchers bearing facsimile signatures which are affixed by

1 check-signing machines and devices of the officers and
2 employees of the Hospital Board who are authorized to sign on
3 its behalf. Said treasurer and assistant treasurers shall
4 give bonds, in amounts to be designated by a majority vote of
5 said Hospital Board, of the faithful performance of their
6 duties, by some reputable bonding company authorized to do
7 business in the State of Florida. The said Hospital Board is
8 authorized to pay to the treasurer, assistant treasurers,
9 secretary, and assistant secretary a salary and expenses
10 commensurate with the work done and in keeping with the salary
11 paid for like work by other businesses in the community from
12 time to time.

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

17 Section 5. The duties of the secretary duly elected by
18 said Hospital Board shall be to keep full and correct minutes
19 of all proceedings and minutes of the Hospital Board. The
20 duties of the treasurer duly elected by said Hospital Board
21 shall be to keep a separate account of all expenditures and
22 disbursements by said Hospital Board and an account of all
23 receipts.

24 Section 6. The said Hospital Board shall make and
25 adopt such bylaws, rules, and regulations for its guidance and
26 for the governance of any hospitals that may be established,
27 as may be deemed expedient for the economic and equitable
28 conduct thereof, and shall have exclusive control of the
29 expenditures of all moneys collected or paid to the secretary
30 of the Hospital Board, and shall have power to purchase a site
31 or sites, and to construct any hospital building or buildings

1 necessary, and shall have full supervision, care, and custody
2 of all properties belonging to said Sarasota County Public
3 Hospital Board, or leased to it, or set apart to it for its
4 purposes. Said Hospital Board shall also have the right to
5 buy at a reasonable price any buildings or hospitals which may
6 be now in use and suitable for the purposes of said Board.

7 Section 7. All moneys and receipts for such hospital
8 or hospitals and other health care services, if any, shall be
9 deposited in a bank or banks designated by said Hospital Board
10 and placed to the credit of said Hospital Board. Such moneys
11 may be paid out in the same manner as provided in section 3,
12 without an order from said Hospital Board, for general
13 operating expenses including, but not limited to, such
14 categories of expense as drugs, food, fuel, linens, supplies,
15 laundry, medicines, salaries, wages, utilities, and items of
16 equipment; for capital expenses for land, buildings, and
17 equipment; and for other valid corporate purposes. The
18 Hospital Board is empowered to adopt resolutions or to adopt
19 provisions in its bylaws from time to time which establish a
20 procedure which requires the approval and order of the
21 Hospital Board for the payment of any of the foregoing
22 designated categories of expense which exceed a dollar amount
23 or which meet any other expense criteria as established in
24 such Hospital Board resolutions or bylaws. When such items
25 requiring board approval have been approved by the Hospital
26 Board in regular session and a voucher issued, a warrant may
27 be drawn for same.

28 Section 8. A majority of said Hospital Board shall
29 constitute a quorum for the transaction of its business, and
30 said Hospital Board shall be and is hereby authorized and
31 empowered:

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

6 (2) To acquire by purchase, gift, or otherwise real
7 and personal property necessary or useful for the
8 construction, operation, and maintenance of hospital buildings
9 and other buildings necessary, in the opinion of the Hospital
10 Board, for health care purposes; to sell or exchange real
11 estate or any interest in real estate; and to construct
12 hospitals, health facilities which may include outpatient
13 health facilities and medical offices, and buildings and
14 accessories incidental thereto on such real estate, and, if
15 such construction occurs within the Memorial Hospital Core as
16 defined by the Comprehensive Plan of the City of Sarasota, to
17 do so without regard to municipal and county zoning
18 ordinances, laws, and regulations.

19 (3) To adopt from time to time resolutions requesting
20 the Board of County Commissioners of Sarasota County to call
21 elections in the District for the purpose of submitting to the
22 qualified electors in the District the question of issuing
23 bonds of the District for the purpose of acquiring a site or
24 sites, the construction thereon of a hospital or hospitals and
25 buildings incidental thereto, and to improve buildings or
26 buildings and the furnishings and equipping of any such
27 hospital or hospitals and buildings. Said Hospital Board may
28 adopt such resolutions on its own initiative and shall adopt
29 such resolutions upon the filing with it of a petition signed
30 by not less than 5 percent of the qualified electors of the
31 District requesting the Hospital Board to adopt such

1 resolutions. Upon the adoption of such resolution by the
2 Hospital Board, it shall be the duty of the Board of County
3 Commissioners of Sarasota County to forthwith adopt a
4 resolution or resolutions which order an election to be held
5 in such county and provide for the date of such elections and
6 the publication of notices thereof, all in the form and manner
7 provided by law.

8 (4) To issue negotiable coupon bonds of the District,
9 from time to time, if approved by a majority of the votes cast
10 in an election by the qualified electors of the District,
11 bearing interest at such rate or rates not exceeding 6 percent
12 per annum, maturing at such time or times not exceeding 30
13 years from the date thereof, and redeemable at such times and
14 at such price or prices, all as said Hospital Board may
15 determine by resolution, and to sell such bonds at public or
16 private sale and for such price, not less than 95 percent of
17 the par value thereof, as said county Hospital Board may by
18 resolution determine.

19 (5) To supervise, operate, and maintain all properties
20 belonging to it.

21 (6) To enter into contracts or leases with any
22 individual, corporation, public body, board of commissioners,
23 the State of Florida, Sarasota County, or any municipality, or
24 agency or instrumentality of said state, county, or
25 municipality, with respect to the use of any of the property
26 belonging to the Hospital Board by any thereof.

27 (7) To borrow money from any person, firm,
28 association, corporation, or governmental agency necessary for
29 the purpose of purchasing property, constructing buildings,
30 equipping the hospital or hospitals or other health facilities
31 owned or operated by the Hospital Board, and maintaining said

1 hospital or hospitals or other health facilities, from time to
2 time as may be necessary in properly carrying out the spirit
3 and purpose of this act, and as evidence thereof to make,
4 execute, and deliver promissory notes or other evidences of
5 other indebtedness; and, to the extent permitted by the
6 Florida Constitution and general laws, to secure the payment
7 of same by mortgages, liens, and other kinds of security upon
8 any property owned or held by the Hospital Board.

9 (8) To certify to the Board of County Commissioners of
10 Sarasota County the amount of the principal and interest upon
11 bonds issued by the Hospital Board and falling due in which
12 any such principal or interest may be payable and the amount
13 necessary to be raised in the District for the purposes of
14 providing a fund sufficient in the opinion of the Hospital
15 Board to pay the cost of operating and maintaining properties
16 of the Hospital Board in each year. In the event bonds shall
17 be issued under the provisions of this act, it shall be the
18 duty of the Hospital Board to certify such facts in writing to
19 the Board of County Commissioners within 30 days after the
20 delivery of such bonds and on or before the expiration of each
21 12-month period thereafter, and it shall be the duty of the
22 Board of County Commissioners to levy upon all taxable
23 property in the District and collect a tax sufficient to
24 provide funds for the payment of the principal and the
25 interest upon such bonds as such principal and the interest
26 upon such bonds fall due and a tax, not to exceed 2 mills on
27 assessed valuation of property in the District, to provide
28 funds for the operation, maintenance, and repair of and for
29 the making of alterations and additions to any hospitals
30 established by the Hospital Board under the provisions of this
31 act. The proceeds of all such taxes shall be paid over to the

1 secretary and treasurer of the District as such taxes are
2 received.

3 (9) To certify to the Board of County Commissioners of
4 Sarasota County, on or before the 15th day of each month
5 commencing with the month of November 1959, a list of all the
6 medically indigent persons who have been hospitalized in any
7 of the hospitals which are operated by the Hospital Board
8 during the preceding month, together with the itemized charges
9 for the hospital services and care for each of said medically
10 indigent persons which have been rendered in such preceding
11 month by the said hospital. The Board of County Commissioners
12 of Sarasota County shall, within 45 days after the receipt of
13 such certified list of medically indigent patients with the
14 hospital charges, make remittance to the treasurer of the
15 Hospital Board of the sum total of the amount shown on the
16 certified list to be the amount owing to the Hospital Board
17 for the hospital services and care rendered to the medically
18 indigent persons during the month embraced in said
19 certification.

20
21 The Hospital Board shall give written notice to the Welfare
22 Department of Sarasota County of the proposed admission of
23 each medically indigent person to hospitals operated by said
24 Hospital Board, prior to the actual admission of each such
25 medically indigent person, provided, however, that notice to
26 said Welfare Department prior to the admission of a medically
27 indigent person shall not be required in emergency cases.

28
29 The said Board of County Commissioners shall in like manner
30 reimburse any other hospital in Sarasota County, approved by
31 the State Board of Health, for hospital services rendered to

1 medically indigent persons as herein defined, upon like
2 certification by such hospital and at such rates as shall not
3 exceed those prescribed for such patients by hospitals owned
4 and operated by said Hospital Board.

5
6 The term "medically indigent person," as used in this act,
7 shall be deemed to mean an inhabitant of Sarasota County who
8 is ill or injured and who requires treatment in a hospital as
9 prescribed and ordered by a physician and who is unable to
10 provide himself or herself with such necessary hospital
11 services.

12 (10) To expend hospital funds and withhold employees'
13 wages in order to make payment (including any amount paid for
14 insurance and annuities, or into a fund, to provide for any
15 such payment) to or on behalf of an employee of the Hospital
16 Board or any of his or her dependents under any plan or system
17 established by the Hospital Board, when such payment is on
18 account of (a) retirement; (b) sickness or accident
19 disability; (c) medical or hospitalization expenses in
20 connection with sickness or accident disability; or (d) death.

21 (11) To expend funds and provide facilities and
22 personnel to conduct formal and informal courses of
23 instruction, demonstration, and education through hospitals
24 under its jurisdiction relating to hospital procedures,
25 services, and care and the operation and care of apparatus and
26 equipment utilized in connection with usual hospital
27 functions, and to authorize the participation in such courses
28 with private or other governmental agencies; and to award
29 scholarship grants and make scholarship loans to qualified
30 students of nursing, X-ray technology, and other
31 hospital-related fields of study in consideration for the

1 promises of such students to enter the employment of said
2 Hospital Board and to meet other conditions and requirements
3 to be established by said Hospital Board from time to time.

4 (12) To provide hospital and other health care
5 services within the confines of facilities which are owned or
6 operated by the Board. Additionally, the Hospital Board is
7 authorized to provide hospital and other health care services
8 within the boundaries of the Hospital District but outside of
9 facilities which are owned or operated by the Board, provided
10 that the Hospital Board shall adopt a resolution or
11 resolutions from time to time defining the type and scope of
12 hospital and other health care services which the Hospital
13 Board employees, agents, and staff are authorized to render
14 outside of the facilities of the Board.

15 (13) To participate, to the extent permitted by the
16 constitution and laws of this state, as a shareholder in a
17 corporation, as a joint venturer in a joint venture, as a
18 partner in a limited partnership or a general partnership, or
19 as a member of any other lawful form of business organization
20 which provides health care or engages in activities related
21 thereto; to make or arrange for loans, contributions to
22 capital, and other debt and equity financing for the
23 activities of such corporations, joint ventures, partnerships,
24 or other lawful forms of business organization and to
25 guarantee loans for such purposes; to elect the boards of
26 directors of its not-for-profit corporations; and to utilize,
27 for any lawful purpose, assets and resources of the Hospital
28 Board to the extent not needed for health care and related
29 activities.

30 (14) To establish a fund out of hospital revenues
31 other than those revenues derived from ad valorem taxation to

1 promote the activities of the facilities owned or operated by
2 the Hospital Board. The term "promote," as used in this
3 subsection, shall be defined in its broadest sense to include,
4 but not be limited to, advertising, the extension of
5 hospitality or entertainment, the use of news media, and the
6 employment of public relations methods. Expenditures from the
7 fund shall be limited to those determined by the Hospital
8 Board to be reasonable and necessary to encourage and develop
9 support for the facilities owned and operated by the Hospital
10 Board. The Hospital Board may adopt rules for the effective
11 implementation of this subsection.

12 (15) To compromise and settle any accounts receivable
13 or other claim for money due and owing to the hospital by
14 persons unable to pay on demand according to such terms and
15 conditions as the Hospital Board in its discretion may
16 determine. The Hospital Board is further authorized and
17 empowered to sell, assign, or convey to any person, financial
18 institution, or organization the right, title, and interest in
19 any account receivable or judgment owned by the Hospital Board
20 by full or partial payment of such account or judgments as the
21 Hospital Board in its discretion may determine.

22 (16) To establish, own, provide, or participate in
23 health maintenance organizations, in preferred provider
24 organizations, in food services, and in other
25 health-care-related activities using assets and resources of
26 the Hospital Board to the extent not needed for health
27 care. Any of such activities may be carried out by the
28 Hospital Board through any of its forms of organization
29 authorized under this act.

30 (17) To the extent permitted by the constitution and
31 laws of this state, to establish, operate, or support

1 subsidiaries and affiliates, either for profit or not for
2 profit, to assist the Hospital Board in fulfilling its
3 declared public purpose of provision for the health care needs
4 of the people of the District; to establish or support
5 nonaffiliated, not-for-profit corporations which operate
6 primarily within the District and which have as their purposes
7 the furtherance of the Hospital Board's provision for the
8 health care needs of the people of the District; and to
9 accomplish such establishment, operation, or support of any
10 such subsidiary, affiliate, or nonaffiliated, not-for-profit
11 corporation by means of loans of funds either interest free or
12 at low interest, leases of real or personal property either
13 rent free or for low rental, gifts and grants of funds, or
14 guarantees of indebtedness of such subsidiaries, affiliates,
15 and nonaffiliated, not-for-profit corporations. The
16 establishment, operation, or support of a subsidiary or
17 affiliate corporation or nonaffiliated, not-for-profit
18 corporation is hereby found and declared to be a public
19 purpose and necessary for the preservation of the public
20 health and for a public use and for the welfare of the
21 Hospital Board and inhabitants of the District. It is the
22 intent of the Legislature to authorize the formation of the
23 entities described in this section to further the interests of
24 the residents of Sarasota County in maintaining the financial
25 well-being of Memorial Hospital of Sarasota by providing,
26 directly or indirectly, for the delivery, financing, and
27 support of hospital and nonhospital health care services and
28 related activities to the extent consistent with the
29 financial, patient acquisition, and development needs of
30 Memorial Hospital of Sarasota.

31

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

5 (a) Bankers' acceptances which are drawn upon and
6 accepted by a commercial bank which is a member bank of the
7 Federal Reserve System maintaining capital accounts in excess
8 of 7.5 percent of total assets, and which member bank or its
9 holding company carries a credit rating in one of the two
10 highest alphabetical categories from at least two nationally
11 recognized debt rating agencies.

12 (b) Commercial paper of prime quality rated by at
13 least two nationally recognized debt rating agencies in the
14 highest letter and numerical rating of each agency. If not so
15 rated, such prime quality commercial paper may be purchased if
16 secured by a letter of credit provided by a commercial bank,
17 which bank or its holding company carries a credit rating in
18 one of the two highest alphabetical categories from at least
19 two nationally recognized debt rating agencies.

20 (c) Interest-bearing bonds, debentures, and other such
21 evidence of indebtedness with a fixed maturity of any domestic
22 corporation within the United States which is listed on any
23 one or more of the recognized national stock exchanges in the
24 United States and conforms with the periodic reporting
25 requirements under the Securities Exchange Act of 1934. Such
26 obligation shall either carry ratings in one of the two
27 highest classifications of at least two nationally recognized
28 debt rating agencies or be secured by a letter of credit
29 provided by a commercial bank, which bank or its holding
30 company carries a credit rating in one of the two highest

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1 alphabetical categories from at least two nationally
2 recognized debt rating agencies.

3 (d) Negotiable direct obligations of, or obligations
4 the principal and interest of which are unconditionally
5 guaranteed by, the United States Government at the then
6 prevailing market price for such securities; and obligations
7 of the Federal Farm Credit Banks, Federal Home Loan Mortgage
8 Corporation, or Federal Home Loan Bank or its district banks,
9 including Federal Home Loan Mortgage Corporation participation
10 certificates, or obligations guaranteed by the Government
11 National Mortgage Association, or obligations of such Federal
12 Agencies and Government Sponsored Enterprises which are
13 qualified for purchase under paragraph (f); which are
14 purchased and sold under repurchase agreements and reverse
15 repurchase agreements. Repurchase agreements and reverse
16 repurchase agreements may be entered into only with a member
17 bank of the Federal Reserve System or primary dealer in U.S.
18 Government Securities, which member bank or primary dealer
19 must have \$100 million in capital. Securities purchased or
20 repurchased by the Hospital Board shall be delivered to the
21 Hospital Board or its agent versus payment.

22 (e) Purchase of options so as to engage in bona fide
23 hedging activities for the purpose of protecting the asset
24 value of the underlying portfolio, provided the instruments
25 for such purpose are traded on a securities exchange or board
26 of trade regulated by the Securities Exchange Commission or
27 the Commodity Futures Trading Commission.

28 (f) Negotiable direct obligations of Federal Agencies
29 or Government Sponsored Enterprises (GSE) which meet each of
30 the following criteria:

31

- 1 1. An agency or GSE with at least \$10 billion in
2 outstanding debt.
- 3 2. A rating of at least an AA by a nationally
4 recognized securities rating agency.
- 5 3. A selling group of at least three nationally
6 recognized securities dealers.
- 7 4. Chartered by or pursuant to an Act of Congress.
- 8 5. Bonds issued under authority of, or pursuant to, an
9 Act of Congress.
- 10 6. Accepted as security for fiduciary, trust, and
11 public funds under control of the United States Government.
- 12 7. Eligible as collateral for Federal Reserve Bank
13 discount window transactions.
- 14 8. Eligible as collateral for Treasury Tax and Loan
15 accounts.
- 16 9. Eligible for National Bank purchase without regard
17 to statutory limitations and restrictions generally applicable
18 to investment securities.
- 19 10. Authority to borrow from the United States
20 Treasury.
- 21 (19) In addition to other power and authority
22 conferred by this act or by general law, the Hospital Board is
23 vested with the following powers for issuance of revenue bonds
24 of the District:
- 25 (a) The Hospital Board is hereby authorized to provide
26 by resolution at one time or from time to time for the
27 issuance of revenue bonds of the District for the purpose of
28 paying all or a part of the cost of acquisition, construction,
29 planning, leasing, repairing, extensions to, additions,
30 equipping, and reconstruction of any hospital buildings and
31 facilities of the District. The bonds of each issue shall be

1 dated, shall bear interest at such rate or rates not exceeding
2 7 percent per annum, shall mature at such time or times, not
3 exceeding 40 years from their date or dates, as may be
4 determined by the Hospital Board, and may be made redeemable
5 before maturity, at the option of the Hospital Board, at such
6 price or prices and under such terms and conditions as may be
7 fixed by the Hospital Board prior to the issuance of the
8 bonds. The Hospital Board shall determine the form of the
9 bonds, including any interest coupons to be attached thereto,
10 and the manner of execution of the bonds and coupons, and
11 shall fix the denominations of the bonds and the place or
12 places of payment of principal and interest, which may be at
13 any bank or trust company within or without the state. In
14 case any officer whose signature or a facsimile of whose
15 signature shall appear on any bonds or coupons shall cease to
16 be such officer before the delivery of such bonds, such
17 signature or such facsimile shall nevertheless be valid and
18 sufficient for all purposes the same as if he or she had
19 remained in office until such delivery. All bonds issued
20 under the provisions of this act shall have and are hereby
21 declared to have all the qualities and incidents of negotiable
22 instruments under the negotiable instruments laws of the
23 state. The bonds may be issued in coupon or in registered
24 form, or both, as the Hospital Board may determine, and
25 provisions may be made for the registration of any coupon
26 bonds as to the principal alone and also as to both principal
27 and interest, and for the reconversion into coupon bonds of
28 any bonds registered as to both principal and interest. The
29 issuance of such bonds shall not be subject to any limitations
30 or conditions contained in any other law, and the Hospital
31 Board may sell bonds in such manner at public or private sale

1 and for such price as it may determine to be for the best
2 interest of the Hospital Board, but no such sale shall be made
3 at a price so low as to require the payment of interest on the
4 money received therefor at more than 7 percent per annum,
5 computed with relation to the absolute maturity of the bonds
6 in accordance with standard tables of bond values, excluding,
7 however, from such computations the amount of any premium to
8 be paid on redemption of any bonds prior to maturity. Prior
9 to the preparation of definitive bonds, the Hospital Board
10 may, under like restrictions, issue interim receipts or
11 temporary bonds with or without coupons, exchangeable for
12 definitive bonds when such bonds have been executed and are
13 available for delivery. The Hospital Board may also provide
14 for the replacement of any bonds which shall be mutilated,
15 destroyed, or lost.

16 (b) Bonds may be issued under the provisions of this
17 act without obtaining the consent of any commission, board,
18 bureau, or agency of the state or county and without any other
19 proceedings or the happening of any other condition or thing
20 than those proceedings, conditions, or things which are
21 specifically required by this act.

22 (c) No approval of the issuance of the revenue bonds
23 herein authorized at an election of the freeholders who are
24 qualified electors residing in the District shall be necessary
25 unless such election is required by the Constitution of the
26 State of Florida; then, and only in such event, such election
27 shall be called, noticed, and conducted and the results
28 thereof determined and declared as may be required by the
29 general laws of the state.

30 (d) The proceeds of the bonds shall be used solely for
31 the payment of the cost of the hospital facilities for which

1 such bonds shall have been authorized and shall be disbursed
2 in the manner provided in the resolution or in the trust
3 agreement authorizing the issuance of such bonds. If the
4 proceeds of the bonds of any issue shall exceed the amount
5 required for the purpose for which the same shall have been
6 issued, the surplus shall be set aside and used only for the
7 payment of the cost of additional hospital facilities or shall
8 be deposited in the sinking fund for such bonds. In the event
9 that the actual cost of the hospital facilities exceeds the
10 estimated cost, the Hospital Board may issue additional bonds
11 to cover the deficiency, subject to the same restrictions as
12 required for the original issue.

13 (e) The Hospital Board is authorized and empowered to
14 fix, charge, and collect rates, fees, and charges for the use
15 of and for the services furnished or to be furnished by any
16 hospital facilities under the supervision, operation, and
17 control of the Hospital Board in amounts sufficient, with any
18 other funds legally available therefor, first to pay the
19 principal of and the interest on any revenue bonds issued
20 under the provisions of this act, including reserves therefor,
21 and second to pay the cost of operating and maintaining such
22 hospital facilities.

23 (f) Revenue bonds issued under the provisions of this
24 act may be payable from the revenues derived from the
25 operation of any hospital facility or combination of hospital
26 facilities of the District under the supervision, operation,
27 and control of the Hospital Board and from any other funds
28 legally available therefor. The issuance of such revenue
29 bonds shall not directly, indirectly, or contingently obligate
30 the state, Sarasota County, the Hospital Board, or the
31 District to levy any ad valorem taxes or to make any

1 appropriations for their payment or for the operation and
2 maintenance of the hospital facilities of the District.

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

6 (h) In the discretion of the Hospital Board, each or
7 any issue of such revenue bonds may be secured by a trust
8 agreement by and between the Hospital Board and a corporate
9 trustee, which may be any trust company or bank having the
10 powers of a trust company within or without the state. Such
11 trust agreement may pledge or assign the revenues to be
12 received by the Hospital Board. The resolution providing for
13 the issuance of revenue bonds or such trust agreement may
14 contain such provisions for protecting and enforcing the
15 rights and remedies of the bondholders as may be reasonable,
16 proper, and not in violation of law, including covenants
17 setting forth the duties of the Hospital Board in relation to
18 the acquisition, construction, improvement, maintenance,
19 operation, repair, equipping, and insurance of the hospital
20 facilities, and the custody, safeguarding, and application of
21 all moneys. It shall be lawful for any bank or trust company
22 incorporated under the laws of this state to act as such
23 depository and to furnish such indemnifying bonds or to pledge
24 such securities as may be required by the Hospital
25 Board. Such resolution or such trust agreement may restrict
26 the individual right of action by bondholders as is customary
27 in trust agreements securing similar securities. In addition
28 to the foregoing, such resolution or such trust agreement may
29 contain such other provisions as the Hospital Board may deem
30 reasonable and proper for the security of the
31 bondholders. Except as in this act otherwise provided, the

1 Hospital Board may provide, by resolution or by trust
2 agreement, for the payment of the proceeds of the sale of the
3 revenue bonds and the revenues of the facilities to such
4 officer, board, or depository as it may determine for the
5 custody thereof, and for the method of disbursement thereof,
6 with such safeguards and restrictions as it may
7 determine. All expenses incurred in carrying out such trust
8 agreement may be treated as a part of the cost of operation of
9 the facilities affected by such trust agreement.

10 (i) The resolution or trust agreement providing for
11 the issuance of the revenue bonds may also contain such
12 limitations upon the issuance of additional revenue bonds as
13 the Hospital Board may deem proper, and such additional bonds
14 shall be issued under such restrictions or limitations as may
15 be prescribed by such resolution or trust agreement.

16 (j) The Hospital Board is hereby authorized to provide
17 by resolution for the issuance of refunding revenue bonds for
18 the purpose of refunding any revenue bonds, respectively, then
19 outstanding and issued under the provisions of this act. The
20 Hospital Board is further authorized to provide by resolution
21 for the issuance of revenue bonds for the combined purpose of
22 paying the cost of any acquisition, construction, planning,
23 leasing, extension to, addition, improving, equipping, or
24 reconstruction of a facility or facilities of the District and
25 refunding revenue bonds of the District which shall
26 theretofore have been issued under the provisions of this act
27 and shall then be outstanding. The issuance of such bonds,
28 the maturities and other details thereof, the right and
29 remedies of the holders thereof, and the rights, powers,
30 privileges, duties, and obligations of the District with
31

1 respect to the same shall be governed by the foregoing
2 provisions of this act insofar as the same may be applicable.

3 Section 9. If the Hospital Board and the owners of the
4 property desired by said Hospital Board for hospital purposes
5 cannot agree as to the price to be paid therefor, said
6 Hospital Board is empowered to bring condemnation proceedings
7 against said property for the purpose of condemning said
8 property for public hospital purposes, and said Hospital Board
9 is hereby authorized and empowered to employ an attorney or
10 attorneys to prosecute said condemnation proceedings. The
11 said Hospital Board is hereby given and granted the same
12 powers as the counties of this state so far as condemnation of
13 property is concerned and the same procedure shall be
14 followed. The right of eminent domain hereby granted shall be
15 exercised in accordance with the provisions of chapter 74,
16 Florida Statutes, in the same manner as therein provided for
17 the acquiring of right-of-way for the state highway system and
18 to take title to lands in fee simple absolute or such lesser
19 estate as may be specified in the declaration of taking, upon
20 the deposit of such sum as the court shall determine will
21 fully secure and fully compensate the persons lawfully
22 entitled to compensation.

23 Section 10. Any hospital established under this act
24 shall be for the benefit of the inhabitants of said territory,
25 but said hospital may extend the privileges and use of said
26 hospital for persons residing outside of said District, upon
27 such terms and conditions as the Hospital Board may from time
28 to time by its rules and regulations prescribe. Every such
29 person or inhabitant who is not a pauper shall pay said
30 Hospital Board a reasonable compensation for occupancy,
31 nursing, care, medicine, and attendance according to the rules

1 and regulations prescribed by said Hospital Board. Each
2 municipal corporation situated within the District shall be
3 liable to said Hospital Board for occupancy, nursing, care,
4 medicine, and attendance for prisoners in the custody of any
5 such municipal corporation who are admitted to any hospital
6 operated by said Hospital Board. Said hospital always shall
7 be subject to such rules as such Hospital Board may adopt from
8 time to time in order for said hospital to render the greatest
9 benefit to the greatest number, and said Hospital Board may
10 exclude from treatment and care any indigent or paying case
11 having a communicable or contagious disease when such disease
12 may be a detriment to the best interests of such hospital or a
13 source of contagion or infection to the patients in its care,
14 unless a separate building or ward has been established for
15 the special treatment and care of patients having communicable
16 or contagious diseases and it can properly and with safety to
17 the other patients retain such communicable cases in such
18 separate building or ward.

19 Section 11. When such hospital or hospitals are
20 established, the physicians, nurses, attendants, the persons
21 sick therein, and all other persons approaching or coming
22 within the limits of same, and all furniture or other articles
23 used or brought there, shall be subject to such rules and
24 regulations as said Hospital Board may prescribe.

25 Section 12. The Hospital Board shall organize a staff
26 of physicians and dentists, and the Hospital Board is
27 authorized to give, grant, or revoke staff membership and
28 privileges of the medical staff members for practice in the
29 hospital or hospitals maintained under this act so that the
30 welfare and health of patients and the best interests of the
31 hospital may, at all times, be best served. Membership on the

1 medical staff of the hospital or hospitals owned by the
2 Hospital Board shall be restricted to persons with the
3 following qualifications:

4 (1) Graduates of:

5 (a) Recognized medical schools approved and accredited
6 by the American Medical Association;

7 (b) Recognized dental schools approved and accredited
8 by the American Dental Association;

9 (c) An accredited college of osteopathy who have
10 successfully completed an internship or residency for at least
11 1 academic year of supervised clinical training in a hospital
12 affiliated with a medical school approved by the Council of
13 Medical Education of the American Medical Association, or who
14 have successfully completed any equivalent program established
15 by or relating to the American Osteopathic Association; or

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

19 (2) Who are legally licensed to practice medicine,
20 osteopathy, or dentistry in the State of Florida and who are
21 qualified for membership in the Sarasota County Medical
22 Society or the Sarasota County Dental Society, and who are
23 regularly practicing physicians or dentists in the territory
24 in which that hospital or hospitals are located, and who are
25 competent to perform the work required of physicians or
26 dentists with similar privileges on the hospital staff.

27
28 The term "physician," as used herein, includes only physicians
29 licensed to practice medicine under the Florida Medical
30 Practice Act, chapter 458, Florida Statutes, and physicians

31

1 licensed to practice osteopathic medicine under chapter 459,
2 Florida Statutes.

3
4 Medical staff membership or professional privileges shall not
5 be denied to any applicant solely because the applicant is
6 licensed as a doctor of medicine under chapter 458, Florida
7 Statutes, as a doctor of osteopathy under chapter 459, Florida
8 Statutes, nor shall professional privileges be denied to an
9 applicant solely because the applicant is licensed as a doctor
10 of podiatry under chapter 461, Florida Statutes.

11
12 Any patient shall have the right to employ at his or her
13 expense his or her own physician or dentist, provided such
14 physician or dentist shall have been accorded privileges in
15 the hospital. A physician or dentist, when employed by the
16 patient, shall have exclusive charge of the care and treatment
17 of such patient, subject always to such general rules and
18 regulations as shall be established by the Hospital Board
19 under the provisions of this act. It shall be the duty of the
20 medical staff to organize in the manner prescribed by the said
21 Hospital Board.

22
23 The Hospital Board is further authorized and empowered to set
24 up rules and regulations for the control of all professional
25 and nonprofessional employees of the hospital, which terms
26 shall include nurses on general duty or on private duty
27 attending patients, and all parties in the hospital, either as
28 employees or in any manner in attendance of patients.

29 Section 13. The millage necessary for the maintenance
30 of said Hospital District shall not exceed a maximum of 2
31 mills per annum. The millage necessary to pay the interest

1 and provide a sinking fund on bonded indebtedness shall be
2 levied separately from the millage necessary for maintenance
3 of the hospital or hospitals to be constructed or purchased
4 under the provisions of this act, and the Board of County
5 Commissioners of Sarasota County shall make said levy pursuant
6 to the provisions of section 14 of this act.

7 Section 14. (1) The County Property Appraiser of
8 Sarasota County, immediately after said Hospital Board shall
9 have been appointed, shall report in writing to said Hospital
10 Board the assessed valuation on all taxable property within
11 the limits of said District as assessed valuation for taxation
12 by said Hospital Board, and said report shall be made by said
13 Property Appraiser each year thereafter immediately after the
14 tax assessment of said District for that year shall have been
15 reviewed and equalized by the Board of County Commissioners of
16 Sarasota County. Said Hospital Board shall present each year,
17 determined by resolution, the total amount to be raised by
18 taxation upon said taxable property located within said
19 hospital district for such year. The amount necessary to pay
20 the interest for sinking fund or bonded or other secured
21 indebtedness, and the amount necessary for the operation,
22 maintenance, repair, alteration, and addition, shall be stated
23 separately. Said Hospital Board shall thereupon determine the
24 rate of taxation which, when levied upon the assessed
25 valuations of all taxable property within said District, will
26 raise the sums of money theretofore determined by resolutions,
27 as the total amount to be raised for such year by taxation,
28 and shall by resolution levy and fix the rate of taxation on
29 all property in said District, the rate to be levied for
30 operation, maintenance, repair, alteration, and addition to be
31 fixed separately, and the rate for such operation,

1 maintenance, repair, alteration, and addition not to exceed 2
2 mills per annum.

3
4 A certified copy of said Tax Resolution, executed by the chair
5 of said Hospital Board and attested by the secretary of said
6 Hospital Board, under its corporate seal, shall be made and
7 delivered to the Board of County Commissioners of Sarasota
8 County on or before August 1 of each year, or within 15 days
9 after receipt of the tax assessment roll from the County
10 Property Appraiser. It shall be the mandatory duty of said
11 Board of County Commissioners of Sarasota County to order and
12 direct the County Property Appraiser of Sarasota County to
13 assess and levy, and to order and direct the County Tax
14 Collector of said county to collect, the tax at the rate fixed
15 and determined by said resolution of the said Hospital Board,
16 upon all taxable property located within said District, and
17 the said levies and assessments shall be included in the tax
18 roll and warrant of said Property Appraiser of said county for
19 each fiscal year thereafter. The said Tax Collector shall
20 collect said taxes in the same manner and at the same time as
21 state and county taxes are collected and shall pay and remit
22 the same upon the collection thereof to the said Hospital
23 Board.

24 (2) In the event the millage authorized herein be
25 reduced in the year of a revaluation as provided in section
26 193.03, Florida Statutes, 1965, then in each and every year
27 thereafter the millage to be levied may be increased (a) by
28 not more than 10 percent of what it was in the preceding year,
29 or (b) by no more than that which is required for a 10-percent
30 increase in the amount which was yielded by millage levied for
31 such Hospital District in the year immediately preceding such

1 revaluation, whichever is greater, provided that nothing
2 herein shall be construed to alter the 2-mill limitation
3 imposed by section 13 hereof.

4 Section 15. The Hospital Board shall have power to
5 determine whether or not persons presented to said public
6 hospital for treatment are subject to charity and shall fix
7 charges for occupancy, nursing, care, medicine, and
8 attendance, other than medical or surgical attendance, for
9 these persons able to pay for same, as the Hospital Board may
10 deem just and proper, and all receipts therefor shall be
11 deposited to the credit of the Hospital Board.

12 Section 16. Any person or persons, firms,
13 organizations, corporations, or societies desiring to make
14 donations of money, personal property, or real estate for the
15 benefit of any hospital or hospitals erected under this act
16 shall have the right to vest title of the money, personal
17 property, or real estate so donated in said Hospital Board, to
18 be controlled when accepted by said Hospital Board, according
19 to the terms of the bequests, devises, or gifts pertaining to
20 such property.

21 Section 17. The Hospital Board shall have the right to
22 operate or participate in a nonprofit hospital service plan
23 whereby hospital care may be furnished by the said corporation
24 or by any hospital or hospitals established by said Hospital
25 Board, and said Hospital Board may agree with the subscribers
26 to certain hospital care, and said Hospital Board and those
27 persons with whom it deals on the nonprofit hospital service
28 plan shall be exempt from provisions of the insurance laws of
29 the State of Florida pertaining to insurance which may in any
30 way conflict with the hospital service plan of said Hospital
31 Board. When a contract for hospital service has been

1 executed, the Hospital Board shall be required to render the
2 service set forth in said contract and the other party to the
3 contract shall be required to fully comply with his or her
4 parts of said agreement.

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

8 Section 19. When this act has been adopted by the
9 Legislature and approved by the Governor, or passed without
10 the approval in accordance with the Constitution of the State
11 of Florida, it shall be the duty of the County Commissioners
12 of Sarasota County within 6 months from the date of the
13 passage of this act to call an election in the territory
14 affected by the terms of this act in Sarasota County of all
15 the qualified electors to determine whether or not the people
16 wish to accept the terms and conditions of this act. Notice
17 of such election shall be given by publishing a notice of the
18 same in a newspaper of general circulation in Sarasota County
19 once a week for 4 consecutive weeks prior to said election,
20 and such notice shall set out the proposed act verbatim. The
21 ballot submitted to the qualified electors participating in
22 said election shall state this proposed act verbatim and shall
23 provide a space and under this shall state "For the Sarasota
24 County Public Hospital Board Act" and a space for a cross;
25 following and below "Against the Sarasota County Public
26 Hospital Board Act" and a space for a cross. If a majority of
27 those participating in said election shall approve the act,
28 then the provisions hereof shall be and become of full force
29 and effect at noon on the 3rd day after such election is held;
30 otherwise this act shall be null and void. The electors
31 participating in said election shall vote in the precinct in

1 which they reside according to the registration books of the
2 Supervisor of Registration of Sarasota County.

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

9 Section 21. The Hospital Board shall be empowered to
10 destroy any of its records together with any of the records of
11 the hospital or hospitals owned and operated by the Hospital
12 Board, provided that such records are photographed or
13 microfilmed prior to their destruction.

14 Section 22. Sarasota County Public Hospital Board is
15 authorized to construct, maintain, operate, and lease parking
16 facilities for hospital agents, employees, patients, staff
17 members, patient guests, business invitees, and the visiting
18 public in conjunction with hospitals which are under the
19 jurisdiction of the Hospital Board upon real property which is
20 presently owned or which may be subsequently acquired by the
21 Hospital Board. The Hospital Board may enter into lease or
22 franchise agreements with private persons or corporations as
23 tenants or operators of such facilities upon such terms and
24 for such periods of time as the Board may deem
25 appropriate. The Hospital Board shall hold a public hearing,
26 after the publication of a notice of such meeting in a
27 newspaper of general circulation in Sarasota County at least
28 one time no less than 10 nor more than 25 days prior to such
29 hearing: (1) to consider the establishment of rates or fees,
30 if any, which shall be charged to motorists who utilize any
31 such hospital parking facility and (2) to consider any

1 subsequent revisions therein which increase the rates or fees
2 which shall be charged to motorists who utilize the hospital
3 parking facility. The Hospital Board is authorized to pledge
4 the income and revenues derived from such leases and franchise
5 agreements as security for the repayment of loans extended to
6 the Hospital Board as the Hospital Board may deem necessary or
7 desirable from time to time. All real property used for such
8 hospital purposes, either by the Hospital Board or by its
9 licensees and franchisees, shall be exempt from ad valorem
10 taxes of Sarasota County and of any municipality in which such
11 real estate may be located.

12 Section 23. The Tax Collector of Sarasota County shall
13 issue a special beverage license authorizing the Hospital
14 Board to sell intoxicating beverages for medicinal purposes
15 only in quantities not in excess of 2 ounces per sale,
16 provided such sales are made only to inpatients of any
17 hospital operated by the Hospital Board and only upon the
18 prescription of a duly licensed physician. The special
19 license shall authorize the Hospital Board to purchase
20 alcoholic beverages from any duly licensed manufacturer or
21 distributor of alcoholic beverages as defined in chapter 561,
22 Florida Statutes, and all such manufacturers and distributors
23 have authority to sell alcoholic beverages to the Hospital
24 Board for resale within the limitations of its special
25 license. The Hospital shall be exempt from the payment of a
26 fee for the special license, which shall be renewed annually
27 by filing with the Tax Collector a resolution by the Hospital
28 Board requesting the renewal of the license.

29 Section 24. Every individual, partnership, firm,
30 association, corporation, institution, governmental district,
31 or other governmental unit, and every combination of any of

1 the foregoing, operating a hospital or hospitals in the County
2 of Sarasota shall be entitled to and is hereby given a lien as
3 herein provided for all reasonable charges for hospital care,
4 treatment, and maintenance of ill or injured persons and the
5 charges for test, laboratory work, X rays, drugs, and other
6 items incident to such care and treatment supplied by or
7 charged to the hospital for the benefit of such ill or injured
8 persons, the total or unpaid part of which is hereafter called
9 hospital bill, which lien shall be and is hereby declared upon
10 all causes of action, suits, claims, counterclaims, and
11 demands accruing to the person or persons to or for whom such
12 care, treatment, or maintenance is furnished, or accruing to
13 the legal representatives of such persons or to the person or
14 persons incurring or liable for the hospital bill, and such
15 lien is also hereby given upon the amounts due or payable
16 under hospitalization insurance, hospital or medical expenses
17 due and payable under public liability policies, or other
18 indemnity, and upon all judgments, settlements, and settlement
19 agreements and the sums payable thereunder rendered or entered
20 into by virtue thereof, on account of illness or injuries
21 giving rise to such causes of action, suits, claims,
22 counterclaims, demands, judgments, settlements, or settlement
23 agreements and which necessitated or shall have necessitated
24 or have directly contributed to the necessity for such
25 hospital care, treatment, and maintenance, and upon proceeds
26 of such insurance or indemnity agreements as above specified,
27 whether the illness or injury be the result of tort or
28 otherwise. The term "hospital care," as used in this section,
29 shall be broadly construed to include all hospital and
30 nonhospital health care services and related activities which
31 are rendered through any hospital or other health care

1 facility owned or operated by the Hospital Board or its
2 subsidiaries or affiliates or nonaffiliated, not-for-profit
3 corporations.

4 (1) In order to perfect such lien, an executive
5 officer, controller, or agent of a hospital, before or within
6 30 days after such person shall have been discharged from such
7 hospital, shall file in the office of the Clerk of the Circuit
8 Court of Sarasota County a verified claim in writing setting
9 forth the following: (a) the name and address of such
10 patient, as it shall appear on the records of such hospital,
11 and if the patient is a minor, it shall contain the name of
12 the parents or guardian of such minor patient, (b) the name
13 and location of such hospital, (c) the dates of admission to
14 and discharge of such patient therefrom, (d) the amount
15 claimed to be due for such hospital care, treatment, and
16 maintenance, and (e) to the best knowledge of the person
17 signing such claim, the names and addresses, if the same be
18 known, of all persons, firms, or corporations claimed by such
19 ill or injured person or his or her legal representative to be
20 liable on hospital or other indemnity insurance if known to
21 claimant; such claimant shall also, within 1 day after the
22 filing of such claim of lien, mail a copy thereof by
23 registered or certified mail with return receipt requested,
24 postage prepaid, to each person, firm, or corporation so
25 claimed to be liable on account of such illness or injuries at
26 the address so given in such statement filed by the hospital
27 claimant. The filing of such claim shall constitute notice
28 thereof to all persons, firms, or corporations who may be
29 liable on account of such illness or injuries, whether or not
30 they are named in such claim, and whether or not a copy of
31 such claim shall have been received by them. Such statement

1 shall not constitute a lien upon anything other than causes of
2 action, suits, claims, counterclaims, demands, and insurance
3 and indemnity proceeds specified in this section, and this is
4 not a general lien upon the property of the persons named in
5 such statement.

6 (2) The clerk of the circuit court shall endorse on
7 each such claim the date and hour of filing in the official
8 records of Sarasota County or may provide a hospital lien book
9 with proper index in which he or she shall record such claims,
10 and shall show therein the date and hour of such filing. The
11 clerk shall be paid by the claimant, as his or her fee for
12 filing and recording of each claim, the same amount he or she
13 is authorized to charge for recording mortgages.

14 (3) The clerk shall record any satisfaction which is
15 executed and acknowledged under oath by the lien claimant, or
16 its executive officer, comptroller, or agent, in the official
17 records of Sarasota County at the same filing fees which are
18 required by the clerk for recording satisfactions of
19 mortgages. It shall be the duty of the hospital lien claimant
20 to furnish the patient with a properly executed satisfaction
21 upon payment or discharge of the lien.

22 (4) No release or satisfaction of any action, suit,
23 claim, counterclaim, demand, judgment, settlement, or
24 settlement agreement shall be valid or effectual as against
25 such lien unless such lienholder shall join therein or execute
26 a release of such lien.

27 (5) Any acceptance of a release or satisfaction of any
28 such cause of action, suit, claim, counterclaim, demand, or
29 judgment and any settlement of any of the foregoing in the
30 absence of a release or satisfaction of the lien referred to
31 in this act shall prima facie constitute an impairment of such

1 lien, and the lienholder shall be entitled to an action at law
2 for damages on account of such impairment, and in such action
3 may recover from the one accepting such release or
4 satisfaction or making such settlement the reasonable cost of
5 such hospital care, treatment, and maintenance. Satisfaction
6 of any judgment rendered in favor of the lienholder in any
7 such action shall operate as a satisfaction of the lien. Any
8 action by the lienholder shall be brought in the court having
9 jurisdiction of the amount of the lienholder's claim. If the
10 lienholder shall prevail in such action, the lienholder shall
11 be entitled to recover from the defendant all costs allowed by
12 law, together with reasonable attorney's fees to the
13 lienholder's attorney for handling the action. If the
14 plaintiff or counterclaimant shall have employed an attorney
15 for the collection of the claims or damages, including the
16 hospital expenses, on account of or resulting from the illness
17 or injury of said plaintiff or counterclaimant or on account
18 of or resulting from the illness, injury, or death of a
19 deceased patient, the court costs shall first be paid and the
20 attorney representing such plaintiff or counterclaimant shall
21 receive his or her fees or compensation out of the judgment or
22 settlement proceeds and the hospital lien provided for in this
23 act shall next be fully paid to the hospital, and the balance
24 of the proceeds of any such settlement or judgment, if any,
25 shall then be paid to the plaintiff or counterclaimant.

26 (6) Upon suit being filed by the patient or on the
27 patient's behalf, the owner or operator of the hospital, as
28 the case may be, may also file in the suit a notice of
29 nonpayment of hospital bill, which said notice shall be
30 recorded and the same shall constitute a lien upon any
31 judgment recovered or settlement made to the extent that the

1 court may determine the hospital's pro rata share for unpaid
2 hospital bill, based upon such equitable distribution of the
3 amount recovered as the court may determine, less its pro rata
4 share of all court costs expended by the plaintiff in the
5 prosecution of the suit and less the reasonable attorney's
6 fees for the plaintiff's attorney, such proration to be made
7 by the judge of the trial court upon application therefor and
8 notice to the adverse party. Such notice shall be served upon
9 all parties to the suit, and their attorneys of record, by
10 registered or certified mail.

11 (7) If the hospital has given such written notice of
12 its lien and rights against an alleged tortfeasor, a party to
13 said suit, and thereafter settlement of any such claim or
14 action at law is made either before or after suit is filed and
15 the parties fail to agree on the proportion to be paid to
16 each, the court in which the action is pending shall determine
17 the amount to be paid to the hospital in accordance with the
18 provisions of this law.

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

22 (9) No hospital lien provided by this act shall
23 continue for a longer period than 5 years after the claim of
24 lien provided for under subsections (2) and (3) has been
25 filed, unless within that time an action has been commenced in
26 a court of competent jurisdiction by or on behalf of the
27 person to whom the hospital care, treatment, or maintenance
28 was rendered to collect on account or for the illness or
29 injuries necessitating such hospitalization; and in the event
30 that any such action has been commenced within such 5-year
31 period, then such hospital lien shall continue, unless

1 otherwise satisfied, for the duration of any judgment entered
2 in favor of the party claiming damages for the hospital care,
3 treatment, or maintenance, and shall attach to any settlement
4 proceeds made pendente lite and shall continue for 3 years
5 after the date of any such settlement pendente lite.

6 (10) The acceptance of hospital care shall be deemed
7 and construed as a determination that hospitalization
8 insurance was taken out for the benefit of the hospital and as
9 an equitable assignment of the proceeds to the
10 hospital. Unless the policy or policies are endorsed or
11 assigned to the hospital, the hospital may write or stamp upon
12 every statement rendered that it claims a lien upon the
13 proceeds of all hospitalization insurance, and such legend
14 shall be notice to any corporation into whose possession the
15 statement comes that the hospital has a lien. In this event,
16 payment to policyholder without settlement direct to the
17 hospital by the insurance company will make the insurance
18 company liable to the hospital for the amount of the bill or
19 so much thereof as the policy indemnifies.

20 Section 25. Notwithstanding any other provisions of
21 law, all operations of the hospital established under the
22 provisions of chapter 26468 (1949), Laws of Florida, shall
23 remain under the direct control and administration of the
24 Hospital Board established by referendum pursuant to section
25 21 of said chapter. The Hospital Board shall not take any
26 action which would result in the termination of such direct
27 control and administration unless such action is approved by
28 the electors of Sarasota County at a referendum called for
29 that purpose; however, for purposes of this section, the term
30 "operations of the hospital" does not include:

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1 (1) The operation of nonhospital health care services
2 or related activities, which services or activities may be
3 controlled and administered by subsidiaries or affiliates of
4 the Hospital Board or nonaffiliated, not-for-profit
5 corporations operating primarily within the territory of the
6 Hospital Board; or

7 (2) The operation and provision of hospital services
8 through any form of shared service arrangement approved by
9 resolution of the said Hospital Board adopted in public
10 session and wherein the Hospital Board shall be represented by
11 two or more Hospital Board members on the governing body of
12 such entity.

13 Section 26. In order to secure and promote the
14 provision of quality medical services to the public, the
15 authority provided for herein is found by the Legislature to
16 be within the public policy of this state. The Hospital Board
17 is authorized to exercise all the powers granted in this act,
18 and those granted in the Hospital Board's enabling
19 legislation, as amended, in such manner as it may determine to
20 be consistent with the purposes of such enabling legislation.

21 Section 4. Chapter 26468 (1949), Laws of Florida,
22 which was approved by Sarasota County electors in referendum
23 held on January 10, 1950, is hereby repealed except that, in
24 order not to abrogate the ad valorem taxing power which vested
25 in the Sarasota County Public Hospital Board under such act
26 and referendum, the provisions of sections 14 and 15 of such
27 act, which granted taxing authority to the Hospital Board, are
28 not repealed and are preserved. Chapters 27888 (1951), 31262
29 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868, 63-1893,
30 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047,
31 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373,

1 87-526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of
2 Florida, are repealed. Chapter 69-1583, Laws of Florida,
3 which was approved by Sarasota County electors in referendum
4 conducted pursuant to such act on November 4, 1969, is
5 reenacted, except for requirements of referendum to approve
6 the act, and all actions heretofore taken by the Sarasota
7 County Public Hospital District and the Sarasota County Public
8 Hospital Board pursuant to the authority and powers conferred
9 by chapter 69-1583, Laws of Florida, are ratified and
10 confirmed.

11 Section 5. This act shall take effect upon becoming a
12 law.

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