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A bill to be entitled  
 An act relating to the Cape Canaveral Hospital District,  
 Brevard County; providing legislative intent; codifying,  
 amending, and reenacting special acts relating to the  
 district; providing minimum charter requirements in  
 accordance with s. 189.404(3), F.S.; providing  
 severability; providing applicability; providing for  
 liberal construction; repealing chapters 59-1121, 61-1903,  
 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of  
 Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes,  
this act constitutes the codification of all special acts  
relating to the Cape Canaveral Hospital District, an independent  
special tax 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 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.

Section 2. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-  
332, 81-345, and 86-426, Laws of Florida, are codified,  
reenacted, amended, and repealed as herein provided.

Section 3. The Cape Canaveral Hospital District is re-  
 created, and the charter for such District is re-created and  
 reenacted to read:

Section 1. An independent special tax district is hereby



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31 created and incorporated and shall be known as "the Cape  
 32 Canaveral Hospital District" in Brevard County. The Cape  
 33 Canaveral Hospital District shall support the health and welfare  
 34 of all those in the District's boundaries and the surrounding  
 35 communities by providing health care facilities and services to  
 36 all those in need regardless of ability to pay. The Cape  
 37 Canaveral Hospital District is created for the purpose of  
 38 planning, building, constructing, repairing, fixing, equipping,  
 39 furnishing, supplying, operating, maintaining, and leasing a  
 40 hospital and related facilities, and to fund, support, organize,  
 41 and participate in such other health care related projects as  
 42 authorized by the Board. The District shall embrace and include  
 43 that part of Brevard County bounded and described as:

44  
 45 Those lands bounded on the north by the north line  
 46 of Section 14 and the north line, produced west, of  
 47 Section 15, Township 24 South, Range 37 East; on  
 48 the west by the west boundary of the Banana River;  
 49 on the south by a line parallel to and 988.6 feet  
 50 south of the north line, produced west, of Section  
 51 35, Township 25 South, Range 37 East; and on the  
 52 east by the waters of the Atlantic Ocean.

53  
 54 Section 2. All references herein to the Hospital District  
 55 mean the Cape Canaveral Hospital District; all references herein  
 56 to the Board mean the Cape Canaveral Hospital District Board;  
 57 all references herein to the Hospital mean the Cape Canaveral  
 58 Hospital; and all references to the Hospital Board mean the  
 59 Board of Trustees of Cape Canaveral Hospital, Inc.

60 Section 3. The governing authority or body of the Hospital



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61 District shall be known as the Cape Canaveral Hospital District  
62 Board and the Board shall constitute a body politic and a body  
63 corporate; it shall have perpetual existence; it shall adopt and  
64 use a common seal and may alter the same; it may contract and be  
65 contracted with; and it may sue and be sued in its corporate  
66 name.

67 Section 4(A). So long as the Cape Canaveral Hospital  
68 District Board has direct responsibility for the operation and  
69 management of the hospital facility, and does not lease the  
70 hospital facility to a not-for-profit corporation, the Board  
71 shall have the following additional powers:

72 (1) To acquire by grant, purchase, lease, devise, gift,  
73 bequest, or condemnation, or in any other manner, real or  
74 personal property, or any estate or interest therein, within or  
75 without the Hospital District, which by resolution the Board  
76 shall determine to be necessary for the purposes of the Hospital  
77 District, said determination to be conclusive, except in case of  
78 fraud or gross abuse of discretion; and to improve, maintain,  
79 sell, lease, mortgage, or otherwise encumber the same, any part  
80 thereof, or any interest therein upon such terms and conditions  
81 as the Board shall fix and determine, and said determination  
82 shall be deemed conclusive, except in case of fraud or gross  
83 abuse of discretion.

84 (2) To plan, build, construct, repair, fix, purchase,  
85 sell, mortgage, encumber, furnish, equip, supply, operate,  
86 manage, maintain, and conduct a hospital and any facilities,  
87 buildings, schools, and structures related to and customarily  
88 used, conducted, or operated in conjunction with a hospital or  
89 the provision of health care related services; however, in no  
90 event shall the Board sell the hospital facilities without first



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91 receiving the approval by a majority vote of the duly qualified  
92 electors who reside within the Hospital District and who vote in  
93 the election. Prior to any such sale, the qualified electors who  
94 reside within the District shall by affirmative vote consent to  
95 such sale of the hospital facilities, which consent must also  
96 approve the terms and conditions of the sale and the disposition  
97 of the sale proceeds. The vote on this issue may be received at  
98 a general or special election to be held within the Hospital  
99 District which shall not be called until notice thereof has been  
100 published in a newspaper of general circulation within the  
101 Hospital District once a week for 4 consecutive weeks prior to  
102 the week during which the general or special election will be  
103 held. If a majority of the electors who vote in the general or  
104 special election shall vote in favor of the sale of the hospital  
105 facilities and if they shall approve the terms and conditions of  
106 the sale, the Board shall have the authority to consummate the  
107 sale upon the terms and conditions thus approved by the  
108 electors. In the event that the duly qualified electors shall  
109 not ratify and approve the sale along with its terms and  
110 conditions, the Board shall not have the authority to consummate  
111 the sale of the hospital facilities.

112 (3) To adopt all rules and regulations necessary for the  
113 orderly, proper, and efficient operation of the Hospital,  
114 including rules regulating the admission thereto and treatment  
115 of patients of all classes, including charity patients who may  
116 apply for admission to the Hospital and who shall be citizens of  
117 the State of Florida and residents of the Hospital District; and  
118 rules regulating the fees and charges to be made for the  
119 admission and treatment therein of all other patients.

120 (4) To establish a medical staff of the hospital, herein



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121 referred to as the medical staff, and to establish and designate  
122 professional and other qualifications for membership, term of  
123 membership, classes of membership, and types of privileges to be  
124 exercised by members of the medical staff. The Board shall have  
125 the power to appoint, remove, suspend, and otherwise regulate  
126 members of the medical staff; to establish and designate  
127 procedures to be followed by applicants for staff membership,  
128 changes of class of membership, changes in types of privileges  
129 to be exercised by members of the medical staff, and renewal of  
130 membership on the medical staff; and to set forth such  
131 procedures as shall seem fit and proper to the Board in the  
132 bylaws of the Board and of the medical staff. The Board shall  
133 request the advice of the medical staff on all applications for  
134 membership on the medical staff, including advice on the class  
135 of membership to be given to the applicants and the types of  
136 privileges to be exercised by the applicants, renewal of  
137 membership on the medical staff, changes in classes of  
138 membership, and changes in privileges to be exercised by members  
139 of the medical staff; however, such advice shall not be binding  
140 on the Board and the final decision on such matters shall be  
141 made by the Board. The Board shall provide in its bylaws and in  
142 the medical staff bylaws procedures to be followed by such  
143 applicants who may be aggrieved by any decisions of the medical  
144 staff regarding its advice to the Board.

145 (5) To contract with individuals, partnerships, limited  
146 liability companies, corporations, municipalities, political  
147 subdivisions, agencies, or districts of the State of Florida,  
148 the United States of America, or any of the several States  
149 thereof, and any other country of the world and any political  
150 subdivision thereof.



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151 (6) To determine the sum or amount of money, over and  
 152 above and in addition to anticipated income and receipts to be  
 153 paid by the patients who will be treated in the Hospital, which  
 154 will be required during the ensuing fiscal year to pay and  
 155 satisfy all anticipated obligations and expenses to be incurred  
 156 by the Hospital during the said ensuing fiscal year in the  
 157 performance of the functions and purposes authorized under this  
 158 act, including debt service on any bonds which may be issued  
 159 hereunder; subject to the provision that the sum estimated by  
 160 the Board to be required to pay and satisfy the expenses of the  
 161 Hospital for all purposes, other than debt service on any bonds  
 162 which may have been issued hereunder, for said fiscal year shall  
 163 not exceed the amount which would be realized from a tax of 1  
 164 mill upon all real and personal property, less all such property  
 165 exempted from taxation by the Florida Constitution or the  
 166 Statutes of the State of Florida, located within the Hospital  
 167 District; and further subject to the provision that the sum  
 168 estimated by the Board to be required to pay and satisfy all  
 169 obligations and expenses incurred by the Hospital for all  
 170 purposes, including debt service on any bonds which may have  
 171 been issued by the Hospital District hereunder, shall not exceed  
 172 the amount which would be realized from a tax of 2 1/4 mills  
 173 upon all real and personal property, less all such property  
 174 exempt from taxation by the Florida Constitution or the Statutes  
 175 of the State of Florida, located within the Hospital District.  
 176 Such determination shall be made by resolution of the Board and  
 177 it shall be the duty of the President and the Secretary of the  
 178 Board to certify to the Board of County Commissioners of Brevard  
 179 County the total sum which the Board believes and estimates will  
 180 be required during the ensuing fiscal year to pay and satisfy



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181 all expenses of the Hospital, except debt service on any bonds  
182 which may have been issued hereunder, and the sum which the  
183 Board believes and anticipates will be required for debt service  
184 on said bonds, in the event that any bonds have been issued and  
185 sold hereunder by the Hospital District.

186 The Board of County Commissioners of Brevard County, upon  
187 being furnished a certified copy of the resolution of the Board,  
188 shall levy the necessary millage against all real and personal  
189 property, less all such property exempt from taxation by the  
190 Florida Constitution or the Statutes of the State of Florida,  
191 situated within the Hospital District, required to raise such  
192 amount, provided such millage shall not exceed 1 mill for all  
193 expenses of the Hospital other than debt service on any bonds  
194 which may have been issued and sold hereunder and shall not  
195 exceed 2 1/4 mills for all obligations and expenses of the  
196 Hospital including debt service on any such bonds. The certified  
197 copy of the resolution of the Board shall be filed with the  
198 Board of County Commissioners of Brevard County not less than 10  
199 days prior to the time fixed by law for the levy of general  
200 county taxes, and all taxes so levied by the Board of County  
201 Commissioners of Brevard County for the Board shall be collected  
202 by the Tax Collector of Brevard County and paid over to the  
203 Board.

204 (7) To appoint, comply, hire, and discharge such agents,  
205 employees, servants, or other employees, including attorneys,  
206 accountants, architects, administrators, and other nonmedical  
207 professional agents or employees, as may be required to carry  
208 out the purposes of this act; to prescribe their duties,  
209 authority, and responsibilities; and to fix their salaries,  
210 wages, or compensation.



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211 (8) To designate a depository or depositories for the  
212 funds of the Board and to establish by resolution of the Board  
213 the method and authority under which such funds may be withdrawn  
214 from such depository or depositories, provided, however, that  
215 any officer of the Board or any agent or employee thereof, who  
216 shall be authorized to sign checks, drafts, orders, or warrants  
217 on any account of the Board, shall first execute a bond in favor  
218 of the Board in a penal sum of \$25,000 with a surety company  
219 authorized to do business in the State of Florida. The aforesaid  
220 bonds shall be conditioned upon the faithful performance of the  
221 duties of such officers, agents, or employees and shall be  
222 approved by the remaining members of the Board, and the premiums  
223 on all such bonds shall be paid by the Board.

224 (9) To designate by resolution a fiscal year for the  
225 Hospital District and to change the same from time to time.

226 (10) To issue bonds of the Hospital District to finance  
227 the planning, purchase, lease, construction, furnishing, and  
228 equipping of any buildings, facilities, or land therefor, which  
229 the Board is authorized to purchase, lease, build, construct,  
230 and operate, which bonds may be payable from the taxes herein  
231 authorized, and for the payment of which the full faith and  
232 credit of the Hospital District may be pledged, in an amount  
233 never to exceed 20 percent of the total assessed valuation or  
234 market valuation, whichever is greater, as determined by Brevard  
235 County, of all taxable property within the limits of the  
236 Hospital District. Such bonds shall be signed in the name of the  
237 Hospital District by the President of the Board, shall be  
238 attested by the Secretary of the Board, shall be under the seal  
239 of the Hospital District, may bear interest coupons to be signed  
240 with the facsimile signature of the Secretary of the Board, and





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241 may be of such denominations as shall be determined by the  
 242 Hospital Board. Said bonds may bear interest at a rate to be  
 243 fixed by the Board; however, said rate of interest shall not  
 244 exceed that provided by general law and shall be payable either  
 245 annually or semiannually. Said bonds shall be due not more than  
 246 40 years from the date thereof.

247 Prior to the issuance of any such bonds, the Board shall by  
 248 resolution authorize the issuance of the same, fixing the  
 249 aggregate amount of the proposed issue, the denomination, the  
 250 rate of interest, the purpose for which the moneys derived  
 251 therefrom shall be expended, and the maturity of the bonds  
 252 either in serial form or all to mature at a fixed date, and  
 253 shall provide for and create a sinking fund to pay the principal  
 254 and interest of the said bonds as the same shall mature. The  
 255 bonds may be sold by the Board at public sale, or sealed bids,  
 256 after advertisement for sale at least once a week for 3  
 257 consecutive weeks in a newspaper published in Brevard County  
 258 having a general circulation in the Hospital District, or  
 259 advertisement of the said sale may, at the option of the Board,  
 260 be published once a week for 2 consecutive weeks in a financial  
 261 paper published in the City of New York. If the bonds are not  
 262 sold after either of such advertisements, the bonds may be sold  
 263 at private sale at any time after the date advertised for the  
 264 reception of the sealed bids; however, no bonds shall be sold  
 265 for less than 95 percent of the par value thereof, with accrued  
 266 interest, and no private sale of the bonds shall be made at a  
 267 price lower than the best sealed bid received therefor.

268 All bonds issued and sold by the Hospital District under  
 269 the provisions of this act, or under the laws of the State of  
 270 Florida, shall be, constitute, and have all of the qualities and



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271 incidents of negotiable instruments under the law merchant and  
272 the Negotiable Instrument Law of the State of Florida; shall be  
273 incontestable in the hands of bona fide purchasers or holders  
274 for value; and shall not be invalid because of any irregularity  
275 or defect in the proceedings for the issue and sale thereof.

276 No general obligation bonds for the payment of which the  
277 full faith and credit of the Hospital District shall be pledged  
278 or obligated shall be issued and sold, unless the issuance of  
279 the same shall have been approved by the majority of the votes  
280 cast in a freeholders' election in which a majority of the  
281 freeholders who are qualified electors residing within the  
282 Hospital District shall participate and said election shall be  
283 held in the manner provided by the Florida Constitution and  
284 applicable Statutes of the State of Florida relating to the  
285 calling and holding of freeholders' elections for the approval  
286 of the issuance of bonds by special tax districts.

287 The payment of any general obligation bonds, including  
288 interest thereon, issued and sold by the Hospital District shall  
289 be secured by a first lien against the taxes to be levied by the  
290 Board of County Commissioners of Brevard County as authorized by  
291 this act to the extent that such taxes may be required to pay  
292 such interest and principal, and the Board shall certify to the  
293 Board of County Commissioners of Brevard County each year, as  
294 herein provided, such sums as may be required for debt service  
295 on said bonds and to pay the interest and principal thereon, and  
296 the Board of County Commissioners of Brevard County shall levy  
297 such taxes, within the limits specified in this act, as will be  
298 required for said debt service on said bonds.

299 (11)(a) To provide by resolution at one time or from time  
300 to time for the issuance of Revenue Certificates of the Hospital



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301 District for the purpose of paying all or a part of the cost of  
 302 acquisition, construction, planning, leasing, repairing,  
 303 extensions to, additions, equipping, and reconstruction of any  
 304 hospital buildings and facilities of the Hospital District. The  
 305 Certificates of each issue shall be dated, shall bear interest  
 306 at a rate to be fixed by the Board, however, said rate of  
 307 interest shall not exceed that provided by general law, shall  
 308 mature at such time or times, not exceeding 40 years from their  
 309 date or dates, as may be determined by the Board, and may be  
 310 made redeemable before maturity, at the option of the Board, at  
 311 such price or prices and under such terms and conditions as may  
 312 be fixed by the Board prior to the issuance of the Certificates.  
 313 The Board shall determine the form of the Certificates,  
 314 including any interest coupons to be attached thereto, and the  
 315 manner of execution of the Certificates and coupons to be  
 316 attached thereto, and shall fix the denomination or  
 317 denominations of the Certificates and the place or places of  
 318 payment of principal and interest, which may be at any bank or  
 319 trust company within or without the State. In case any officer  
 320 whose signature or a facsimile of whose signature shall appear  
 321 on any certificates or coupons shall cease to be such officer  
 322 before the delivery of such Certificates, such signature or such  
 323 facsimile shall nevertheless be valid and sufficient for all  
 324 purposes the same as if he or she had remained in office until  
 325 such delivery. All Certificates issued under the provisions of  
 326 this act shall have and are hereby declared to have all the  
 327 qualities and incidents of negotiable instruments under the  
 328 negotiable instruments laws of the State. The Certificates may  
 329 be issued in coupon or in registered form, or both, as the Board  
 330 may determine, and provisions may be made for the registration



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331 of any coupon Certificates as to principal alone and also as to  
 332 both principal and interest and for the reconversion into coupon  
 333 Certificates of any Certificates registered as to both principal  
 334 and interest. The issuance of such Certificates shall not be  
 335 subject to any limitations or conditions contained in any other  
 336 law, and the Board may sell such Certificates in such manner and  
 337 for such price as it may determine to be for the best interest  
 338 of the Board, but no such sale shall be made at a price so low  
 339 as to require the payment of interest on the money received  
 340 therefor which shall exceed that provided by general law,  
 341 computed with relation to the absolute maturity of the  
 342 Certificates in accordance with standard tables of certificate  
 343 values, excluding, however, from such computations the amount of  
 344 any premium to be paid on redemption of any Certificates prior  
 345 to maturity. Prior to the preparation of definitive  
 346 Certificates, the Board may, under like restrictions, issue  
 347 interim receipts or temporary Certificates with or without  
 348 coupons, exchangeable for definitive Certificates when such  
 349 Certificates have been executed and are available for delivery.  
 350 The Board may also provide for the replacement of any  
 351 Certificates which shall be mutilated, destroyed, or lost.

352 (b) Certificates may be issued under the provisions of  
 353 this act without obtaining the consent of any commission, board,  
 354 bureau, or agency of the State or County and without any other  
 355 proceedings or the happening of any other condition or thing  
 356 than those proceedings, conditions, or things which are  
 357 specifically required by this act.

358 (c) The proceeds of the Certificates shall be used solely  
 359 for the payment of the cost of the hospital facilities for which  
 360 such Certificates shall have been authorized and shall be



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361 disbursed in the manner provided in the resolution or in the  
 362 Trust Agreement authorizing the issuance of such Certificates.  
 363 If the proceeds of the Certificates of any issue shall exceed  
 364 the amount required for the purpose for which the same shall  
 365 have been issued, the surplus shall be set aside and used only  
 366 for the payment of the cost of additional projects or for the  
 367 payment of the principal of and interest on such Certificates.  
 368 In the event that the actual cost of the project exceeds the  
 369 estimated cost, the Board may issue additional Certificates to  
 370 cover the deficiency, subject to the same restrictions as  
 371 required for the original issue.

372 (d) Revenue Certificates issued under the provisions of  
 373 this act may be payable from the revenue derived from the  
 374 operation of any hospital facility or combination of hospital  
 375 facilities of the Hospital District under the supervision,  
 376 operation, and control of the Hospital Board and from any other  
 377 funds legally available therefor. The issuance of such Revenue  
 378 Certificates shall not directly, indirectly, or contingently  
 379 obligate the State, the Board, or the Hospital District to levy  
 380 any ad valorem taxes or to make any appropriations for their  
 381 payment or for the operation and maintenance of the hospital  
 382 facilities of the Hospital District.

383 (e) The Board shall not convey or mortgage any hospital  
 384 facility or any part thereof as security for the payment of the  
 385 Revenue Certificates.

386 (f) In the discretion of the Board, each or any issue of  
 387 such Revenue Certificates may be secured by a Trust Agreement by  
 388 and between the Hospital District and a corporate trustee, which  
 389 may be any trust company or bank having the powers of a trust  
 390 company within or without the State. Such Trust Agreement may



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391 pledge or assign the revenues to be received by the Board. The  
392 resolution providing for the issuance of Revenue Certificates or  
393 such Trust Agreement may contain such provisions for protecting  
394 and enforcing the rights and remedies of the Certificate holders  
395 as may be reasonable, proper, and not in violation of law,  
396 including covenants setting forth the duties of the Board in  
397 relation to the acquisition, construction, improvement,  
398 maintenance, operation, repair, equipping, and insurance of the  
399 hospital facilities, and the custody, safeguarding, and  
400 application of all moneys. It shall be lawful for any bank or  
401 trust company incorporated under the laws of this State to act  
402 as such depository and to furnish such indemnifying certificates  
403 or to pledge such securities as may be required by the Board.  
404 Such resolution or such Trust Agreement may restrict the  
405 individual right of action by Certificate holders as is  
406 customary in Trust Agreements securing certificates or  
407 debentures of corporations. In addition to the foregoing, such  
408 resolution or such Trust Agreement may contain such other  
409 provisions as the Board may deem reasonable and proper for the  
410 security of the Certificate holders. Except as otherwise  
411 provided in this act, the Board may provide, by resolution or by  
412 Trust Agreement, for the payment of the proceeds of the sale of  
413 the Revenue Certificates and the revenues of the facilities to  
414 such officer, board, or depository as it may determine for the  
415 custody thereof, and for the method of disbursement thereof,  
416 with such safeguards and restrictions as it may determine. All  
417 expenses incurred in carrying out such Trust Agreement may be  
418 treated as a part of the cost of operation of the facilities  
419 affected by such Trust Agreement.

420 (g) The resolution or Trust Agreement providing for the



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421 issuance of the Revenue Certificates may also contain such  
422 limitations upon the issuance of additional Revenue Certificates  
423 as the Hospital District may deem proper, and such additional  
424 Certificates shall be issued under such restriction or  
425 limitations as may be prescribed by such resolution or Trust  
426 Agreement.

427 (h) The Board is hereby authorized to provide by  
428 resolution for the issuance of Refunding Revenue Certificates  
429 for the purpose of refunding any Revenue Certificates,  
430 respectively, then outstanding and issued under the provisions  
431 of this act. The Board is further authorized to provide by  
432 resolution for the issuance of Revenue Certificates for the  
433 combined purpose of (1) paying the cost of any acquisition,  
434 construction, planning, leasing, extension to, addition,  
435 improving, equipping, or reconstruction of a facility or  
436 facilities of the Hospital District, and (2) refunding Revenue  
437 Certificates of the Hospital District which shall theretofore  
438 have been issued under the provisions of this act and shall then  
439 be outstanding. The issuance of such obligations, the maturities  
440 and other details thereof, the right and remedies of the holders  
441 thereof, and the rights, powers, privileges, duties, and  
442 obligations of the Hospital District with respect to the same  
443 shall be governed by the foregoing provisions of this act  
444 insofar as the same may be applicable.

445 (12) To provide a retirement program for the Hospital  
446 District's employees who become covered by the program, to  
447 establish qualifications for coverage under the program, to pay  
448 part of the cost of such program, to contract with any insurance  
449 company licensed to do business in Florida for the establishment  
450 and operation of the program, to charge its covered employees



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451 for the employees' share of the cost of the program, and to take  
452 such other action as may be necessary to establish and operate  
453 the retirement program. Said Board shall have the power to  
454 withdraw, by resolution, from the State and County Officers and  
455 Employees' Retirement System as established by chapter 122,  
456 Florida Statutes, and this provision shall specifically amend  
457 section 122.061, Florida Statutes, insofar as the section  
458 prohibits the withdrawal of the Cape Canaveral Hospital  
459 employees from the retirement system. In the event that the  
460 Board shall adopt a resolution by which the employees of the  
461 Hospital District shall be withdrawn from the State and County  
462 Officers and Employees' Retirement System, such withdrawal shall  
463 become effective on July 1 following the adoption of the  
464 resolution, and the Board shall send a certified copy of the  
465 resolution to the Chief Financial Officer of the State.  
466 Beginning on July 1 following the adoption of the resolution,  
467 the Hospital District shall not be required to contribute to the  
468 State and County Officers and Employees' Retirement System.

469 Section 4(B). In the event that the Board no longer has  
470 responsibility for operation and management of Cape Canaveral  
471 Hospital by heretofore or hereafter leasing the hospital  
472 facilities to a not-for-profit corporation, so long as such  
473 lease remains in force and effect, the Board shall not have the  
474 powers contained in section 4(A) hereof but shall have the  
475 following additional powers:

476 (1) To acquire by grant, purchase, lease, devise, gift,  
477 bequest, or condemnation, or in any other manner, real or  
478 personal property, or any estate or interest therein, within or  
479 without the Hospital District, which by resolution the Board  
480 shall determine to be necessary for the purposes of the Hospital





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481 District, said determination to be conclusive, except in case of  
482 fraud or gross abuse of discretion; and to improve, maintain,  
483 sell, lease, mortgage, or otherwise encumber the same, any part  
484 thereof, or any interest therein upon such terms and conditions  
485 as the Board shall fix and determine, and said determination  
486 shall be deemed conclusive, except in case of fraud or gross  
487 abuse of discretion.

488 (2) To contract with individuals, partnerships, limited  
489 liability companies, corporations, municipalities, political  
490 subdivisions, agencies, or districts of the State of Florida,  
491 the United States of America, or any of the several States  
492 thereof, and any other country of the world and any political  
493 subdivision thereof.

494 (3) To determine the sum or amount of money, over and  
495 above and in addition to anticipated income and receipts to be  
496 paid by the patients who will be treated in the Hospital, which  
497 will be required during the ensuing fiscal year to pay and  
498 satisfy all anticipated obligations and expenses to be incurred  
499 by the Hospital during the said ensuing fiscal year in the  
500 performance of the functions and purposes authorized under this  
501 act, including debt service on any bonds which may be issued  
502 hereunder; subject to the provision that the sum estimated by  
503 the Board to be required to pay and satisfy the expenses of the  
504 Hospital for all purposes, other than debt service on any bonds  
505 which may have been issued hereunder, for said fiscal year shall  
506 not exceed the amount which would be realized from a tax of 1  
507 mill upon all real and personal property, less all such property  
508 exempted from taxation by the Florida Constitution or the  
509 Statutes of the State of Florida, located within the Hospital  
510 District; and further subject to the provision that the sum



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511 estimated by the Board to be required to pay and satisfy all  
512 obligations and expenses incurred by the Hospital for all  
513 purposes, including debt service on any bonds which may have  
514 been issued by the Hospital District hereunder, shall not exceed  
515 the amount which would be realized from a tax of 2 1/4 mills  
516 upon all real and personal property, less all such property  
517 exempt from taxation by the Florida Constitution or the Statutes  
518 of the State of Florida, located within the Hospital District.  
519 Such determination shall be made by resolution of the Board and  
520 it shall be the duty of the President and the Secretary of the  
521 Board to certify to the Board of County Commissioners of Brevard  
522 County the total sum which the Board believes and estimates will  
523 be required during the ensuing fiscal year to pay and satisfy  
524 all expenses of the Hospital, except debt service on any bonds  
525 which may have been issued hereunder, and the sum which the  
526 Board believes and anticipates will be required for debt service  
527 on said bonds, in the event that any bonds have been issued and  
528 sold hereunder by the Hospital District.

529 The Board of County Commissioners of Brevard County, upon  
530 being furnished a certified copy of the resolution of the Board,  
531 shall levy the necessary millage against all real and personal  
532 property, less all such property exempt from taxation by the  
533 Florida Constitution or the Statutes of the State of Florida,  
534 situated within the Hospital District, required to raise such  
535 amount, provided such millage shall not exceed 1 mill for all  
536 expenses of the Hospital other than debt service on any bonds  
537 which may have been issued and sold hereunder and shall not  
538 exceed 2 1/4 mills for all obligations and expenses of the  
539 Hospital including debt service on any such bonds. The certified  
540 copy of the resolution of the Board shall be filed with the



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541 Board of County Commissioners of Brevard County not less than 10  
 542 days prior to the time fixed by law for the levy of general  
 543 county taxes, and all taxes so levied by the Board of County  
 544 Commissioners of Brevard County for the Board shall be collected  
 545 by the Tax Collector of Brevard County and paid over to the  
 546 Board.

547 (4) To designate a depository or depositories for the  
 548 funds of the Board and to establish by resolution of the Board  
 549 the method and authority under which such funds may be withdrawn  
 550 from such depository or depositories, provided, however, that  
 551 any officer of the Board or any agent or employee thereof, who  
 552 shall be authorized to sign checks, drafts, orders, or warrants  
 553 on any account of the Board, shall first execute a bond in favor  
 554 of the Board in a penal sum of \$25,000 with a surety company  
 555 authorized to do business in the State of Florida. The aforesaid  
 556 bonds shall be conditioned upon the faithful performance of the  
 557 duties of such officers, agents, or employees and shall be  
 558 approved by the remaining members of the Board, and the premiums  
 559 on all such bonds shall be paid by the Board.

560 (5) To designate by resolution a fiscal year for the  
 561 Hospital District and to change the same from time to time.

562 (6) To issue bonds of the Hospital District to finance the  
 563 planning, purchase, lease, construction, furnishing, and  
 564 equipping of any buildings, facilities, or land therefor, which  
 565 the Board is authorized to purchase, lease, build, construct,  
 566 and operate, which bonds may be payable from the taxes herein  
 567 authorized, and for the payment of which the full faith and  
 568 credit of the Hospital District may be pledged, in an amount  
 569 never to exceed 20 percent of the total assessed valuation or  
 570 market valuation, whichever is greater, as determined by Brevard



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571 County, of all taxable property within the limits of the  
572 Hospital District. Such bonds shall be signed in the name of the  
573 Hospital District by the President of the Board, shall be  
574 attested by the Secretary of the Board, shall be under the seal  
575 of the Hospital District, may bear interest coupons to be signed  
576 with the facsimile signature of the Secretary of the Board, and  
577 may be of such denominations as shall be determined by the  
578 Hospital Board. Said bonds may bear interest at a rate to be  
579 fixed by the Board; however, said rate of interest shall not  
580 exceed that provided by general law and shall be payable either  
581 annually or semiannually. Said bonds shall be due not more than  
582 40 years from the date thereof.

583 Prior to the issuance of any such bonds, the Board shall by  
584 resolution authorize the issuance of the same, fixing the  
585 aggregate amount of the proposed issue, the denomination, the  
586 rate of interest, the purpose for which the moneys derived  
587 therefrom shall be expended, and the maturity of the bonds,  
588 either in serial form or all to mature at a fixed date, and  
589 shall provide for and create a sinking fund to pay the principal  
590 and interest of the said bonds as the same shall mature. The  
591 bonds may be sold by the Board at public sale, or sealed bids,  
592 after advertisement for sale at least once a week for 3  
593 consecutive weeks in a newspaper published in Brevard County  
594 having a general circulation in the Hospital District, or  
595 advertisement of the said sale may, at the option of the Board,  
596 be published once a week for 2 consecutive weeks in a financial  
597 paper published in the City of New York. If the bonds are not  
598 sold after either of such advertisements, the bonds may be sold  
599 at private sale at any time after the date advertised for the  
600 reception of the sealed bids; however, no bonds shall be sold



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601 for less than 95 percent of the par value thereof, with accrued  
602 interest, and no private sale of the bonds shall be made at a  
603 price lower than the best sealed bid received therefor.

604 All bonds issued and sold by the Hospital District under  
605 the provisions of this act, or under the laws of the State of  
606 Florida, shall be, constitute, and have all of the qualities and  
607 incidents of negotiable instruments under the law merchant and  
608 the Negotiable Instrument Law of the State of Florida; shall be  
609 incontestable in the hands of bona fide purchasers or holders  
610 for value; and shall not be invalid because of any irregularity  
611 or defect in the proceedings for the issue and sale thereof.

612 No general obligation bonds for the payment of which the  
613 full faith and credit of the Hospital District shall be pledged  
614 or obligated shall be issued and sold, unless the issuance of  
615 the same shall have been approved by the majority of the votes  
616 cast in a freeholders' election in which a majority of the  
617 freeholders who are qualified electors residing within the  
618 Hospital District shall participate and said election shall be  
619 held in the manner provided by the Florida Constitution and  
620 applicable Statutes of the State of Florida relating to the  
621 calling and holding of freeholders' elections for the approval  
622 of the issuance of bonds by special tax districts.

623 The payment of any general obligation bonds, including  
624 interest thereon, issued and sold by the Hospital District shall  
625 be secured by a first lien against the taxes to be levied by the  
626 Board of County Commissioners of Brevard County as authorized by  
627 this act to the extent that such taxes may be required to pay  
628 such interest and principal, and the Board shall certify to the  
629 Board of County Commissioners of Brevard County each year, as  
630 herein provided, such sums as may be required for debt service



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631 on said bonds and to pay the interest and principal thereon, and  
632 the Board of County Commissioners of Brevard County shall levy  
633 such taxes, within the limits specified in this act, as will be  
634 required for said debt service on said bonds.

635 (7) To provide by resolution at one time or from time to  
636 time for the issuance of Revenue Certificates of the Hospital  
637 District for the purpose of paying all or a part of the cost of  
638 acquisition, construction, planning, leasing, repairing,  
639 extensions to, additions, equipping, and reconstruction of any  
640 hospital buildings and facilities of the Hospital District. The  
641 Certificates of each issue shall be dated, shall bear interest  
642 at a rate to be fixed by the Board, however, said rate of  
643 interest shall not exceed that provided by general law, shall  
644 mature at such time or times, not exceeding 40 years from their  
645 date or dates, as may be determined by the Board, and may be  
646 made redeemable before maturity, at the option of the Board, at  
647 such price or prices and under such terms and conditions as may  
648 be fixed by the Board prior to the issuance of the Certificates.  
649 The Board shall determine the form of the Certificates,  
650 including any interest coupons to be attached thereto, and the  
651 manner of execution of the Certificates and coupons to be  
652 attached thereto, and shall fix the denomination or  
653 denominations of the Certificates and the place or places of  
654 payment of principal and interest, which may be at any bank or  
655 trust company within or without the State. In case any officer  
656 whose signature or a facsimile of whose signature shall appear  
657 on any certificates or coupons shall cease to be such officer  
658 before the delivery of such Certificates, such signature or such  
659 facsimile shall nevertheless be valid and sufficient for all  
660 purposes the same as if he or she had remained in office until



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661 such delivery. All Certificates issued under the provisions of  
662 this act shall have and are hereby declared to have all the  
663 qualities and incidents of negotiable instruments under the  
664 negotiable instruments laws of the State. The Certificates may  
665 be issued in coupon or in registered form, or both, as the Board  
666 may determine, and provisions may be made for the registration  
667 of any coupon Certificates as to principal alone and also as to  
668 both principal and interest and for the reconversion into coupon  
669 Certificates of any Certificates registered as to both principal  
670 and interest. The issuance of such Certificates shall not be  
671 subject to any limitations or conditions contained in any other  
672 law, and the Board may sell such Certificates in such manner and  
673 for such price as it may determine to be for the best interest  
674 of the Board, but no such sale shall be made at a price so low  
675 as to require the payment of interest on the money received  
676 therefor which shall exceed that provided by general law,  
677 computed with relation to the absolute maturity of the  
678 Certificates in accordance with standard tables of certificate  
679 values, excluding, however, from such computations the amount of  
680 any premium to be paid on redemption of any Certificates prior  
681 to maturity. Prior to the preparation of definitive  
682 Certificates, the Board may, under like restrictions, issue  
683 interim receipts or temporary Certificates with or without  
684 coupons, exchangeable for definitive Certificates when such  
685 Certificates have been executed and are available for delivery.  
686 The Board may also provide for the replacement of any  
687 Certificates which shall be mutilated, destroyed, or lost.

688 Certificates may be issued under the provisions of this act  
689 without obtaining the consent of any commission, board, bureau,  
690 or agency of the State or County and without any other



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691 proceedings or the happening of any other condition or thing  
692 than those proceedings, conditions, or things which are  
693 specifically required by this act.

694 The proceeds of the Certificates shall be used solely for  
695 the payment of the cost of the hospital facilities for which  
696 such Certificates shall have been authorized and shall be  
697 disbursed in the manner provided in the resolution or in the  
698 Trust Agreement authorizing the issuance of such Certificates.  
699 If the proceeds of the Certificates of any issue shall exceed  
700 the amount required for the purpose for which the same shall  
701 have been issued, the surplus shall be set aside and used only  
702 for the payment of the cost of additional projects or for the  
703 payment of the principal of and interest on such Certificates.  
704 In the event that the actual cost of the project exceeds the  
705 estimated cost, the Board may issue additional Certificates to  
706 cover the deficiency, subject to the same restrictions as  
707 required for the original issue.

708 Revenue Certificates issued under the provisions of this  
709 act may be payable from the revenue derived from the operation  
710 of any hospital facility or combination of hospital facilities  
711 of the Hospital District under the supervision, operation, and  
712 control of the Hospital Board and from any other funds legally  
713 available therefor. The issuance of such Revenue Certificates  
714 shall not directly, indirectly, or contingently obligate the  
715 State, the Board, or the Hospital District to levy any ad  
716 valorem taxes or to make any appropriations for their payment or  
717 for the operation and maintenance of the hospital facilities of  
718 the Hospital District.

719 The Board shall not convey or mortgage any hospital  
720 facility or any part thereof as security for the payment of the





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721 Revenue Certificates.

722 In the discretion of the Board, each or any issue of such  
723 Revenue Certificates may be secured by a Trust Agreement by and  
724 between the Hospital District and a corporate trustee, which may  
725 be any trust company or bank having the powers of a trust  
726 company within or without the State. Such Trust Agreement may  
727 pledge or assign the revenues to be received by the Board. The  
728 resolution providing for the issuance of Revenue Certificates or  
729 such Trust Agreement may contain such provisions for protecting  
730 and enforcing the rights and remedies of the Certificate holders  
731 as may be reasonable, proper, and not in violation of law,  
732 including covenants setting forth the duties of the Board in  
733 relation to the acquisition, construction, improvement,  
734 maintenance, operation, repair, equipping, and insurance of the  
735 hospital facilities, and the custody, safeguarding, and  
736 application of all moneys. It shall be lawful for any bank or  
737 trust company incorporated under the laws of this State to act  
738 as such depository and to furnish such indemnifying certificates  
739 or to pledge such securities as may be required by the Board.  
740 Such resolution or such Trust Agreement may restrict the  
741 individual right of action by Certificate holders as is  
742 customary in Trust Agreements securing certificates or  
743 debentures of corporations. In addition to the foregoing, such  
744 resolution or such Trust Agreement may contain such other  
745 provisions as the Board may deem reasonable and proper for the  
746 security of the Certificate holders. Except as otherwise  
747 provided in this act, the Board may provide, by resolution or by  
748 Trust Agreement, for the payment of the proceeds of the sale of  
749 the Revenue Certificates and the revenues of the facilities to  
750 such officer, board, or depository as it may determine for the



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751 custody thereof, and for the method of disbursement thereof,  
752 with such safeguards and restrictions as it may determine. All  
753 expenses incurred in carrying out such Trust Agreement may be  
754 treated as a part of the cost of operation of the facilities  
755 affected by such Trust Agreement.

756 The resolution or Trust Agreement providing for the  
757 issuance of the Revenue Certificates may also contain such  
758 limitations upon the issuance of additional Revenue Certificates  
759 as the Hospital District may deem proper, and such additional  
760 Certificates shall be issued under such restriction or  
761 limitations as may be prescribed by such resolution or Trust  
762 Agreement.

763 The Board is hereby authorized to provide by resolution for  
764 the issuance of Refunding Revenue Certificates for the purpose  
765 of refunding any Revenue Certificates, respectively, then  
766 outstanding and issued under the provisions of this act. The  
767 Board is further authorized to provide by resolution for the  
768 issuance of Revenue Certificates for the combined purpose of (1)  
769 paying the cost of any acquisition, construction, planning,  
770 leasing, extension to, addition, improving, equipping, or  
771 reconstruction of a facility or facilities of the Hospital  
772 District, and (2) refunding Revenue Certificates of the Hospital  
773 District which shall theretofore have been issued under the  
774 provisions of this act and shall then be outstanding. The  
775 issuance of such obligations, the maturities and other details  
776 thereof, the right and remedies of the holders thereof, and the  
777 rights, powers, privileges, duties, and obligations of the  
778 Hospital District with respect to the same shall be governed by  
779 the foregoing provisions of this act insofar as the same may be  
780 applicable.



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781 Section 5. The governing authority of the Hospital  
782 District is hereby created and designated as the Cape Canaveral  
783 Hospital District Board, and it shall consist of 12 members,  
784 each of whom shall be a qualified elector residing within the  
785 Hospital District.

786 Section 6. Each member of the Board shall serve for a term  
787 of 4 years or until his or her successor has been appointed and  
788 qualified. Each member shall serve without compensation. In the  
789 event that the Board shall heretofore or hereafter lease the  
790 hospital facilities to a nonprofit corporation, the members of  
791 the Board of Directors or Trustees of such nonprofit corporation  
792 shall also serve on a voluntary basis without compensation.  
793 After October 1, 1989, no more than 1/2 of the members of the  
794 Board shall also serve as members of the Board of Directors or  
795 Trustees of any Lessee nonprofit corporation.

796 Section 7. The Governor of the State of Florida shall  
797 appoint the successors to the Board upon expiration of the term  
798 of office of each member or upon the death, resignation, or  
799 removal of a member of the Board. Any member appointed to fill a  
800 vacancy on the Board caused by the death, resignation, or  
801 removal of a member shall serve for the balance of the term of  
802 office of the member whom he or she succeeded.

803 Section 8. The Board shall elect from its own members a  
804 chair, vice chair, secretary, and treasurer, each of whom shall  
805 serve for a term of 1 year or until his or her successor has  
806 been elected and has qualified. The officers shall be elected  
807 each year at the organizational meeting of the Board. If any  
808 officer of the Board does not complete his or her term of  
809 office, his or her successor shall be elected by the Board, and  
810 any successor so elected shall serve the remainder of the term



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811 of the succeeded officer. The duties, responsibilities,  
812 authorities, and privileges of each of the officers of the Board  
813 shall be stated in the Board bylaws.

814 Section 9. Seven members of the Board shall constitute a  
815 quorum of the Board for the purpose of conducting business and  
816 exercising its powers, and action may be taken by the Board only  
817 upon the affirmative vote of a majority of the members of the  
818 Board then serving.

819 Section 10. Regular meetings of the Board shall be held  
820 annually at a time to be designated by the Board by resolution,  
821 and at such other times as may be established by the Board, by  
822 resolution thereof, in the event that the Board deems it  
823 advisable to hold additional regular meetings. Special meetings  
824 of the Board shall be held upon the call of the President of the  
825 Board, or in his or her absence the Vice President of the Board,  
826 or upon the written request of a majority of the members of the  
827 Board, provided that at least 48 hours' written notice of any  
828 special meeting is given to each member of the Board; however,  
829 any meeting shall be considered to have been duly called if at  
830 least 10 members of the Board waive written notice of the  
831 meeting.

832 Section 11. The Board shall keep accurate minutes of its  
833 meetings and proceedings, and the minutes shall be open to  
834 public inspection at all reasonable times at the premises or  
835 office of the Hospital District.

836 Section 12. All meetings of the Board shall be open to the  
837 public and conducted in accordance with applicable law. All  
838 meetings of the Board shall be held within the Hospital  
839 District. In the event that the Board shall heretofore or  
840 hereafter lease the hospital facilities to a nonprofit



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841 corporation, the Board of Directors or Trustees of the nonprofit  
842 corporation shall be obligated to hold their regular and special  
843 meetings in such a manner so that they will be open to the  
844 public; however, they shall have the right to go into executive  
845 session in order to discuss and resolve the following issues:  
846 (a) employee issues, (b) medical staff issues, including  
847 disciplinary actions, (c) property acquisitions, (d) strategic  
848 planning, and (e) pending or threatened litigation.

849 Section 13. The Hospital and any related facilities  
850 constructed, equipped, operated, and maintained under this act  
851 will be for the preservation of public health, for the public  
852 good, and for the use of the public of said district, and the  
853 building, equipping, operation, construction, and maintenance of  
854 such Hospital and related facilities authorized by this act  
855 within such district is hereby found and declared to be for the  
856 preservation of the public health and for the use and welfare of  
857 the said Hospital District and the inhabitants thereof.

858 Section 14. The provisions of this act shall be liberally  
859 construed in order to effectively carry out the purposes of this  
860 act in the interest of the health, safety, and welfare of the  
861 residents of the Hospital District.

862 Section 15. It is declared to be the legislative intent  
863 that if any section, subsection, sentence, clause, or provision  
864 of this act be held invalid, the remainder of this act shall not  
865 be affected.

866 Section 16. In accordance with section 189.404(3), Florida  
867 Statutes, the following subsections shall constitute the minimum  
868 charter requirements for the District:

869 (1) The District is organized and exists for the purpose  
870 set forth in this act, as it may be amended from time to time.



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871 (2) The powers, functions, and duties of the District,  
872 including, but not limited to, ad valorem taxation, bond  
873 issuance, other revenue-raising capabilities, budget preparation  
874 and approval, liens and foreclosure of liens, use of tax deeds  
875 and tax certificates as appropriate for non-ad valorem  
876 assessments, and contractual agreements shall be as set forth in  
877 this act, chapters 189 and 197, Florida Statutes, or any other  
878 applicable general or special law, as they may be amended from  
879 time to time.

880 (3) The District was created by special act of the Florida  
881 Legislature by chapter 59-1121, Laws of Florida, as amended.

882 (4) The District's charter may be amended only by special  
883 act of the Legislature.

884 (5) In accordance with chapter 189, Florida Statutes, and  
885 this act, the District is governed by a 12-member Board as  
886 provided for herein.

887 (6) The compensation of the Board Members shall be as  
888 provided for by this act.

889 (7) The administrative duties of the Board shall be as set  
890 forth in this act and chapter 189, Florida Statutes, as they may  
891 be amended from time to time.

892 (8) Requirements for financial disclosure, meeting  
893 notices, reporting, public records maintenance, and per diem  
894 expenses for officers and employees shall be as set forth in  
895 chapters 112, 119, 189, and 286, Florida Statutes, and this act,  
896 as they may be amended from time to time.

897 (9) The procedures and requirements governing the issuance  
898 of bonds, notes, and other evidence of indebtedness by the  
899 District shall be as set forth in this act and applicable  
900 general laws, as they may be amended from time to time.



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901       (10) The procedures for conducting any required District  
902 elections or referenda, and for qualification of electors, shall  
903 be pursuant to this act and chapter 189, Florida Statutes, as  
904 they may be amended from time to time.

905       (11) The District may be financed by any method  
906 established in this act and applicable general laws, as they may  
907 be amended from time to time.

908       (12) The District does not collect non-ad valorem  
909 assessments, fees, or service charges as set forth in chapter  
910 197, Florida Statutes.

911       (13) The District's planning requirements shall be as set  
912 forth in chapter 189, Florida Statutes, and this act, as they  
913 may be amended from time to time.

914       (14) The District's geographic boundary limitations shall  
915 be as set forth in this act.

916       (15) This section shall not be construed to limit or  
917 restrict any of the powers vested in said Board by any other  
918 section or provision of this act.

919       Section 4. If any provision of this act or the application  
920 thereof to any person or circumstance is held invalid, the  
921 invalidity shall not affect other provisions or applications of  
922 the act which can be given effect without the invalid provision  
923 or application, and to this end the provisions of this act are  
924 declared severable.

925       Section 5. In the event of a conflict between the  
926 provisions of this act and the provisions of any other act, the  
927 provisions of this act shall control to the extent of such  
928 conflict.

929       Section 6. This act shall be construed as a remedial act  
930 and shall be liberally construed to promote the purpose for



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931 which it is intended.

932 Section 7. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-  
 933 332, 81-345, and 86-426, Laws of Florida, are repealed.

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