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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

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.; authorizing an exchange of submerged lands under specified conditions; declaring public purpose; approving any authorized permitted activities; authorizing the district to prepare a public facilities report and enact regulations to implement such report; deeming the public facilities report to be consistent with the City of Cocoa Beach's charter provisions and comprehensive plan regulating height, density, and fill of submerged lands provided specified state law standards are satisfied; providing severability; providing applicability; providing for liberal construction; repealing chapters 59-1121, 61-1903,



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28 | 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of
29 | Florida; providing an effective date.

30

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

32

33 | Section 1. Pursuant to section 189.429, Florida Statutes,
34 | this act constitutes the codification of all special acts
35 | relating to the Cape Canaveral Hospital District, an independent
36 | special tax district. It is the intent of the Legislature in
37 | enacting this law to provide a single, comprehensive special act
38 | charter for the District, including all current legislative
39 | authority granted to the District by its several legislative
40 | enactments and any additional authority granted by this act. It
41 | is further the intent of this act to preserve all District
42 | authority in addition to any authority contained in general law.

43 | Section 2. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-
44 | 332, 81-345, and 86-426, Laws of Florida, are codified,
45 | reenacted, amended, and repealed as herein provided.

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

49 | Section 1. An independent special tax district is hereby
50 | created and incorporated and shall be known as "the Cape
51 | Canaveral Hospital District" in Brevard County. The Cape
52 | Canaveral Hospital District shall support the health and welfare
53 | of all those in the District's boundaries and the surrounding
54 | communities by providing health care facilities and services to
55 | all those in need regardless of ability to pay. The Cape



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56 Canaveral Hospital District is created for the purpose of
57 planning, building, constructing, repairing, fixing, equipping,
58 furnishing, supplying, operating, maintaining, and leasing a
59 hospital and related facilities, and to fund, support, organize,
60 and participate in such other health care related projects as
61 authorized by the Board. The District shall embrace and include
62 that part of Brevard County bounded and described as:

63
64 Those lands bounded on the north by the north line
65 of Section 14 and the north line, produced west, of
66 Section 15, Township 24 South, Range 37 East; on
67 the west by the west boundary of the Banana River;
68 on the south by a line parallel to and 988.6 feet
69 south of the north line, produced west, of Section
70 35, Township 25 South, Range 37 East; and on the
71 east by the waters of the Atlantic Ocean.

72
73 Section 2. All references herein to the Hospital District
74 mean the Cape Canaveral Hospital District; all references herein
75 to the Board mean the Cape Canaveral Hospital District Board;
76 all references herein to the Hospital mean the Cape Canaveral
77 Hospital; and all references to the Hospital Board mean the
78 Board of Trustees of Cape Canaveral Hospital, Inc.

79 Section 3. The governing authority or body of the Hospital
80 District shall be known as the Cape Canaveral Hospital District
81 Board and the Board shall constitute a body politic and a body
82 corporate; it shall have perpetual existence; it shall adopt and
83 use a common seal and may alter the same; it may contract and be



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84 contracted with; and it may sue and be sued in its corporate
85 name.

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

91 (1) To acquire by grant, purchase, lease, devise, gift,
92 bequest, or condemnation, or in any other manner, real or
93 personal property, or any estate or interest therein, within or
94 without the Hospital District, which by resolution the Board
95 shall determine to be necessary for the purposes of the Hospital
96 District, said determination to be conclusive, except in case of
97 fraud or gross abuse of discretion; and to improve, maintain,
98 sell, lease, mortgage, or otherwise encumber the same, any part
99 thereof, or any interest therein upon such terms and conditions
100 as the Board shall fix and determine, and said determination
101 shall be deemed conclusive, except in case of fraud or gross
102 abuse of discretion.

103 (2) To plan, build, construct, repair, fix, purchase,
104 sell, mortgage, encumber, furnish, equip, supply, operate,
105 manage, maintain, and conduct a hospital and any facilities,
106 buildings, schools, and structures related to and customarily
107 used, conducted, or operated in conjunction with a hospital or
108 the provision of health care related services; however, in no
109 event shall the Board sell the hospital facilities without first
110 receiving the approval by a majority vote of the duly qualified
111 electors who reside within the Hospital District and who vote in



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112 the election. Prior to any such sale, the qualified electors who
113 reside within the District shall by affirmative vote consent to
114 such sale of the hospital facilities, which consent must also
115 approve the terms and conditions of the sale and the disposition
116 of the sale proceeds. The vote on this issue may be received at
117 a general or special election to be held within the Hospital
118 District which shall not be called until notice thereof has been
119 published in a newspaper of general circulation within the
120 Hospital District once a week for 4 consecutive weeks prior to
121 the week during which the general or special election will be
122 held. If a majority of the electors who vote in the general or
123 special election shall vote in favor of the sale of the hospital
124 facilities and if they shall approve the terms and conditions of
125 the sale, the Board shall have the authority to consummate the
126 sale upon the terms and conditions thus approved by the
127 electors. In the event that the duly qualified electors shall
128 not ratify and approve the sale along with its terms and
129 conditions, the Board shall not have the authority to consummate
130 the sale of the hospital facilities.

131 (3) To adopt all rules and regulations necessary for the
132 orderly, proper, and efficient operation of the Hospital,
133 including rules regulating the admission thereto and treatment
134 of patients of all classes, including charity patients who may
135 apply for admission to the Hospital and who shall be citizens of
136 the State of Florida and residents of the Hospital District; and
137 rules regulating the fees and charges to be made for the
138 admission and treatment therein of all other patients.



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139 (4) To establish a medical staff of the hospital, herein
140 referred to as the medical staff, and to establish and designate
141 professional and other qualifications for membership, term of
142 membership, classes of membership, and types of privileges to be
143 exercised by members of the medical staff. The Board shall have
144 the power to appoint, remove, suspend, and otherwise regulate
145 members of the medical staff; to establish and designate
146 procedures to be followed by applicants for staff membership,
147 changes of class of membership, changes in types of privileges
148 to be exercised by members of the medical staff, and renewal of
149 membership on the medical staff; and to set forth such
150 procedures as shall seem fit and proper to the Board in the
151 bylaws of the Board and of the medical staff. The Board shall
152 request the advice of the medical staff on all applications for
153 membership on the medical staff, including advice on the class
154 of membership to be given to the applicants and the types of
155 privileges to be exercised by the applicants, renewal of
156 membership on the medical staff, changes in classes of
157 membership, and changes in privileges to be exercised by members
158 of the medical staff; however, such advice shall not be binding
159 on the Board and the final decision on such matters shall be
160 made by the Board. The Board shall provide in its bylaws and in
161 the medical staff bylaws procedures to be followed by such
162 applicants who may be aggrieved by any decisions of the medical
163 staff regarding its advice to the Board.

164 (5) To contract with individuals, partnerships, limited
165 liability companies, corporations, municipalities, political
166 subdivisions, agencies, or districts of the State of Florida,



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167 the United States of America, or any of the several States
168 thereof, and any other country of the world and any political
169 subdivision thereof.

170 (6) To determine the sum or amount of money, over and
171 above and in addition to anticipated income and receipts to be
172 paid by the patients who will be treated in the Hospital, which
173 will be required during the ensuing fiscal year to pay and
174 satisfy all anticipated obligations and expenses to be incurred
175 by the Hospital during the said ensuing fiscal year in the
176 performance of the functions and purposes authorized under this
177 act, including debt service on any bonds which may be issued
178 hereunder; subject to the provision that the sum estimated by
179 the Board to be required to pay and satisfy the expenses of the
180 Hospital for all purposes, other than debt service on any bonds
181 which may have been issued hereunder, for said fiscal year shall
182 not exceed the amount which would be realized from a tax of 1
183 mill upon all real and personal property, less all such property
184 exempted from taxation by the Florida Constitution or the
185 Statutes of the State of Florida, located within the Hospital
186 District; and further subject to the provision that the sum
187 estimated by the Board to be required to pay and satisfy all
188 obligations and expenses incurred by the Hospital for all
189 purposes, including debt service on any bonds which may have
190 been issued by the Hospital District hereunder, shall not exceed
191 the amount which would be realized from a tax of 2 1/4 mills
192 upon all real and personal property, less all such property
193 exempt from taxation by the Florida Constitution or the Statutes
194 of the State of Florida, located within the Hospital District.



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195 Such determination shall be made by resolution of the Board and
196 it shall be the duty of the President and the Secretary of the
197 Board to certify to the Board of County Commissioners of Brevard
198 County the total sum which the Board believes and estimates will
199 be required during the ensuing fiscal year to pay and satisfy
200 all expenses of the Hospital, except debt service on any bonds
201 which may have been issued hereunder, and the sum which the
202 Board believes and anticipates will be required for debt service
203 on said bonds, in the event that any bonds have been issued and
204 sold hereunder by the Hospital District.

205 The Board of County Commissioners of Brevard County, upon
206 being furnished a certified copy of the resolution of the Board,
207 shall levy the necessary millage against all real and personal
208 property, less all such property exempt from taxation by the
209 Florida Constitution or the Statutes of the State of Florida,
210 situated within the Hospital District, required to raise such
211 amount, provided such millage shall not exceed 1 mill for all
212 expenses of the Hospital other than debt service on any bonds
213 which may have been issued and sold hereunder and shall not
214 exceed 2 1/4 mills for all obligations and expenses of the
215 Hospital including debt service on any such bonds. The certified
216 copy of the resolution of the Board shall be filed with the
217 Board of County Commissioners of Brevard County not less than 10
218 days prior to the time fixed by law for the levy of general
219 county taxes, and all taxes so levied by the Board of County
220 Commissioners of Brevard County for the Board shall be collected
221 by the Tax Collector of Brevard County and paid over to the
222 Board.



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223 (7) To appoint, comply, hire, and discharge such agents,
224 employees, servants, or other employees, including attorneys,
225 accountants, architects, administrators, and other nonmedical
226 professional agents or employees, as may be required to carry
227 out the purposes of this act; to prescribe their duties,
228 authority, and responsibilities; and to fix their salaries,
229 wages, or compensation.

230 (8) To designate a depository or depositories for the
231 funds of the Board and to establish by resolution of the Board
232 the method and authority under which such funds may be withdrawn
233 from such depository or depositories, provided, however, that
234 any officer of the Board or any agent or employee thereof, who
235 shall be authorized to sign checks, drafts, orders, or warrants
236 on any account of the Board, shall first execute a bond in favor
237 of the Board in a penal sum of \$25,000 with a surety company
238 authorized to do business in the State of Florida. The aforesaid
239 bonds shall be conditioned upon the faithful performance of the
240 duties of such officers, agents, or employees and shall be
241 approved by the remaining members of the Board, and the premiums
242 on all such bonds shall be paid by the Board.

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

245 (10) To issue bonds of the Hospital District to finance
246 the planning, purchase, lease, construction, furnishing, and
247 equipping of any buildings, facilities, or land therefor, which
248 the Board is authorized to purchase, lease, build, construct,
249 and operate, which bonds may be payable from the taxes herein
250 authorized, and for the payment of which the full faith and



251 credit of the Hospital District may be pledged, in an amount
 252 never to exceed 20 percent of the total assessed valuation or
 253 market valuation, whichever is greater, as determined by Brevard
 254 County, of all taxable property within the limits of the
 255 Hospital District. Such bonds shall be signed in the name of the
 256 Hospital District by the President of the Board, shall be
 257 attested by the Secretary of the Board, shall be under the seal
 258 of the Hospital District, may bear interest coupons to be signed
 259 with the facsimile signature of the Secretary of the Board, and
 260 may be of such denominations as shall be determined by the
 261 Hospital Board. Said bonds may bear interest at a rate to be
 262 fixed by the Board; however, said rate of interest shall not
 263 exceed that provided by general law and shall be payable either
 264 annually or semiannually. Said bonds shall be due not more than
 265 40 years from the date thereof.

266 Prior to the issuance of any such bonds, the Board shall by
 267 resolution authorize the issuance of the same, fixing the
 268 aggregate amount of the proposed issue, the denomination, the
 269 rate of interest, the purpose for which the moneys derived
 270 therefrom shall be expended, and the maturity of the bonds
 271 either in serial form or all to mature at a fixed date, and
 272 shall provide for and create a sinking fund to pay the principal
 273 and interest of the said bonds as the same shall mature. The
 274 bonds may be sold by the Board at public sale, or sealed bids,
 275 after advertisement for sale at least once a week for 3
 276 consecutive weeks in a newspaper published in Brevard County
 277 having a general circulation in the Hospital District, or
 278 advertisement of the said sale may, at the option of the Board,



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279 be published once a week for 2 consecutive weeks in a financial
280 paper published in the City of New York. If the bonds are not
281 sold after either of such advertisements, the bonds may be sold
282 at private sale at any time after the date advertised for the
283 reception of the sealed bids; however, no bonds shall be sold
284 for less than 95 percent of the par value thereof, with accrued
285 interest, and no private sale of the bonds shall be made at a
286 price lower than the best sealed bid received therefor.

287 All bonds issued and sold by the Hospital District under
288 the provisions of this act, or under the laws of the State of
289 Florida, shall be, constitute, and have all of the qualities and
290 incidents of negotiable instruments under the law merchant and
291 the Negotiable Instrument Law of the State of Florida; shall be
292 incontestable in the hands of bona fide purchasers or holders
293 for value; and shall not be invalid because of any irregularity
294 or defect in the proceedings for the issue and sale thereof.

295 No general obligation bonds for the payment of which the
296 full faith and credit of the Hospital District shall be pledged
297 or obligated shall be issued and sold, unless the issuance of
298 the same shall have been approved by the majority of the votes
299 cast in a freeholders' election in which a majority of the
300 freeholders who are qualified electors residing within the
301 Hospital District shall participate and said election shall be
302 held in the manner provided by the Florida Constitution and
303 applicable Statutes of the State of Florida relating to the
304 calling and holding of freeholders' elections for the approval
305 of the issuance of bonds by special tax districts.



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306 The payment of any general obligation bonds, including
307 interest thereon, issued and sold by the Hospital District shall
308 be secured by a first lien against the taxes to be levied by the
309 Board of County Commissioners of Brevard County as authorized by
310 this act to the extent that such taxes may be required to pay
311 such interest and principal, and the Board shall certify to the
312 Board of County Commissioners of Brevard County each year, as
313 herein provided, such sums as may be required for debt service
314 on said bonds and to pay the interest and principal thereon, and
315 the Board of County Commissioners of Brevard County shall levy
316 such taxes, within the limits specified in this act, as will be
317 required for said debt service on said bonds.

318 (11)(a) To provide by resolution at one time or from time
319 to time for the issuance of Revenue Certificates of the Hospital
320 District for the purpose of paying all or a part of the cost of
321 acquisition, construction, planning, leasing, repairing,
322 extensions to, additions, equipping, and reconstruction of any
323 hospital buildings and facilities of the Hospital District. The
324 Certificates of each issue shall be dated, shall bear interest
325 at a rate to be fixed by the Board, however, said rate of
326 interest shall not exceed that provided by general law, shall
327 mature at such time or times, not exceeding 40 years from their
328 date or dates, as may be determined by the Board, and may be
329 made redeemable before maturity, at the option of the Board, at
330 such price or prices and under such terms and conditions as may
331 be fixed by the Board prior to the issuance of the Certificates.
332 The Board shall determine the form of the Certificates,
333 including any interest coupons to be attached thereto, and the



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334 manner of execution of the Certificates and coupons to be
335 attached thereto, and shall fix the denomination or
336 denominations of the Certificates and the place or places of
337 payment of principal and interest, which may be at any bank or
338 trust company within or without the State. In case any officer
339 whose signature or a facsimile of whose signature shall appear
340 on any certificates or coupons shall cease to be such officer
341 before the delivery of such Certificates, such signature or such
342 facsimile shall nevertheless be valid and sufficient for all
343 purposes the same as if he or she had remained in office until
344 such delivery. All Certificates issued under the provisions of
345 this act shall have and are hereby declared to have all the
346 qualities and incidents of negotiable instruments under the
347 negotiable instruments laws of the State. The Certificates may
348 be issued in coupon or in registered form, or both, as the Board
349 may determine, and provisions may be made for the registration
350 of any coupon Certificates as to principal alone and also as to
351 both principal and interest and for the reconversion into coupon
352 Certificates of any Certificates registered as to both principal
353 and interest. The issuance of such Certificates shall not be
354 subject to any limitations or conditions contained in any other
355 law, and the Board may sell such Certificates in such manner and
356 for such price as it may determine to be for the best interest
357 of the Board, but no such sale shall be made at a price so low
358 as to require the payment of interest on the money received
359 therefor which shall exceed that provided by general law,
360 computed with relation to the absolute maturity of the
361 Certificates in accordance with standard tables of certificate



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362 values, excluding, however, from such computations the amount of
363 any premium to be paid on redemption of any Certificates prior
364 to maturity. Prior to the preparation of definitive
365 Certificates, the Board may, under like restrictions, issue
366 interim receipts or temporary Certificates with or without
367 coupons, exchangeable for definitive Certificates when such
368 Certificates have been executed and are available for delivery.
369 The Board may also provide for the replacement of any
370 Certificates which shall be mutilated, destroyed, or lost.

371 (b) Certificates may be issued under the provisions of
372 this act without obtaining the consent of any commission, board,
373 bureau, or agency of the State or County and without any other
374 proceedings or the happening of any other condition or thing
375 than those proceedings, conditions, or things which are
376 specifically required by this act.

377 (c) The proceeds of the Certificates shall be used solely
378 for the payment of the cost of the hospital facilities for which
379 such Certificates shall have been authorized and shall be
380 disbursed in the manner provided in the resolution or in the
381 Trust Agreement authorizing the issuance of such Certificates.
382 If the proceeds of the Certificates of any issue shall exceed
383 the amount required for the purpose for which the same shall
384 have been issued, the surplus shall be set aside and used only
385 for the payment of the cost of additional projects or for the
386 payment of the principal of and interest on such Certificates.
387 In the event that the actual cost of the project exceeds the
388 estimated cost, the Board may issue additional Certificates to



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389 cover the deficiency, subject to the same restrictions as
390 required for the original issue.

391 (d) Revenue Certificates issued under the provisions of
392 this act may be payable from the revenue derived from the
393 operation of any hospital facility or combination of hospital
394 facilities of the Hospital District under the supervision,
395 operation, and control of the Hospital Board and from any other
396 funds legally available therefor. The issuance of such Revenue
397 Certificates shall not directly, indirectly, or contingently
398 obligate the State, the Board, or the Hospital District to levy
399 any ad valorem taxes or to make any appropriations for their
400 payment or for the operation and maintenance of the hospital
401 facilities of the Hospital District.

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

405 (f) In the discretion of the Board, each or any issue of
406 such Revenue Certificates may be secured by a Trust Agreement by
407 and between the Hospital District and a corporate trustee, which
408 may be any trust company or bank having the powers of a trust
409 company within or without the State. Such Trust Agreement may
410 pledge or assign the revenues to be received by the Board. The
411 resolution providing for the issuance of Revenue Certificates or
412 such Trust Agreement may contain such provisions for protecting
413 and enforcing the rights and remedies of the Certificate holders
414 as may be reasonable, proper, and not in violation of law,
415 including covenants setting forth the duties of the Board in
416 relation to the acquisition, construction, improvement,



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417 maintenance, operation, repair, equipping, and insurance of the
418 hospital facilities, and the custody, safeguarding, and
419 application of all moneys. It shall be lawful for any bank or
420 trust company incorporated under the laws of this State to act
421 as such depository and to furnish such indemnifying certificates
422 or to pledge such securities as may be required by the Board.
423 Such resolution or such Trust Agreement may restrict the
424 individual right of action by Certificate holders as is
425 customary in Trust Agreements securing certificates or
426 debentures of corporations. In addition to the foregoing, such
427 resolution or such Trust Agreement may contain such other
428 provisions as the Board may deem reasonable and proper for the
429 security of the Certificate holders. Except as otherwise
430 provided in this act, the Board may provide, by resolution or by
431 Trust Agreement, for the payment of the proceeds of the sale of
432 the Revenue Certificates and the revenues of the facilities to
433 such officer, board, or depository as it may determine for the
434 custody thereof, and for the method of disbursement thereof,
435 with such safeguards and restrictions as it may determine. All
436 expenses incurred in carrying out such Trust Agreement may be
437 treated as a part of the cost of operation of the facilities
438 affected by such Trust Agreement.

439 (g) The resolution or Trust Agreement providing for the
440 issuance of the Revenue Certificates may also contain such
441 limitations upon the issuance of additional Revenue Certificates
442 as the Hospital District may deem proper, and such additional
443 Certificates shall be issued under such restriction or



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444 limitations as may be prescribed by such resolution or Trust
445 Agreement.

446 (h) The Board is hereby authorized to provide by
447 resolution for the issuance of Refunding Revenue Certificates
448 for the purpose of refunding any Revenue Certificates,
449 respectively, then outstanding and issued under the provisions
450 of this act. The Board is further authorized to provide by
451 resolution for the issuance of Revenue Certificates for the
452 combined purpose of (1) paying the cost of any acquisition,
453 construction, planning, leasing, extension to, addition,
454 improving, equipping, or reconstruction of a facility or
455 facilities of the Hospital District, and (2) refunding Revenue
456 Certificates of the Hospital District which shall theretofore
457 have been issued under the provisions of this act and shall then
458 be outstanding. The issuance of such obligations, the maturities
459 and other details thereof, the right and remedies of the holders
460 thereof, and the rights, powers, privileges, duties, and
461 obligations of the Hospital District with respect to the same
462 shall be governed by the foregoing provisions of this act
463 insofar as the same may be applicable.

464 (12) To provide a retirement program for the Hospital
465 District's employees who become covered by the program, to
466 establish qualifications for coverage under the program, to pay
467 part of the cost of such program, to contract with any insurance
468 company licensed to do business in Florida for the establishment
469 and operation of the program, to charge its covered employees
470 for the employees' share of the cost of the program, and to take
471 such other action as may be necessary to establish and operate



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472 the retirement program. Said Board shall have the power to
473 withdraw, by resolution, from the State and County Officers and
474 Employees' Retirement System as established by chapter 122,
475 Florida Statutes, and this provision shall specifically amend
476 section 122.061, Florida Statutes, insofar as the section
477 prohibits the withdrawal of the Cape Canaveral Hospital
478 employees from the retirement system. In the event that the
479 Board shall adopt a resolution by which the employees of the
480 Hospital District shall be withdrawn from the State and County
481 Officers and Employees' Retirement System, such withdrawal shall
482 become effective on July 1 following the adoption of the
483 resolution, and the Board shall send a certified copy of the
484 resolution to the Chief Financial Officer of the State.
485 Beginning on July 1 following the adoption of the resolution,
486 the Hospital District shall not be required to contribute to the
487 State and County Officers and Employees' Retirement System.

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

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



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500 District, said determination to be conclusive, except in case of
501 fraud or gross abuse of discretion; and to improve, maintain,
502 sell, lease, mortgage, or otherwise encumber the same, any part
503 thereof, or any interest therein upon such terms and conditions
504 as the Board shall fix and determine, and said determination
505 shall be deemed conclusive, except in case of fraud or gross
506 abuse of discretion.

507 (2) To contract with individuals, partnerships, limited
508 liability companies, corporations, municipalities, political
509 subdivisions, agencies, or districts of the State of Florida,
510 the United States of America, or any of the several States
511 thereof, and any other country of the world and any political
512 subdivision thereof.

513 (3) To determine the sum or amount of money, over and
514 above and in addition to anticipated income and receipts to be
515 paid by the patients who will be treated in the Hospital, which
516 will be required during the ensuing fiscal year to pay and
517 satisfy all anticipated obligations and expenses to be incurred
518 by the Hospital during the said ensuing fiscal year in the
519 performance of the functions and purposes authorized under this
520 act, including debt service on any bonds which may be issued
521 hereunder; subject to the provision that the sum estimated by
522 the Board to be required to pay and satisfy the expenses of the
523 Hospital for all purposes, other than debt service on any bonds
524 which may have been issued hereunder, for said fiscal year shall
525 not exceed the amount which would be realized from a tax of 1
526 mill upon all real and personal property, less all such property
527 exempted from taxation by the Florida Constitution or the



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528 Statutes of the State of Florida, located within the Hospital
529 District; and further subject to the provision that the sum
530 estimated by the Board to be required to pay and satisfy all
531 obligations and expenses incurred by the Hospital for all
532 purposes, including debt service on any bonds which may have
533 been issued by the Hospital District hereunder, shall not exceed
534 the amount which would be realized from a tax of 2 1/4 mills
535 upon all real and personal property, less all such property
536 exempt from taxation by the Florida Constitution or the Statutes
537 of the State of Florida, located within the Hospital District.
538 Such determination shall be made by resolution of the Board and
539 it shall be the duty of the President and the Secretary of the
540 Board to certify to the Board of County Commissioners of Brevard
541 County the total sum which the Board believes and estimates will
542 be required during the ensuing fiscal year to pay and satisfy
543 all expenses of the Hospital, except debt service on any bonds
544 which may have been issued hereunder, and the sum which the
545 Board believes and anticipates will be required for debt service
546 on said bonds, in the event that any bonds have been issued and
547 sold hereunder by the Hospital District.

548 The Board of County Commissioners of Brevard County, upon
549 being furnished a certified copy of the resolution of the Board,
550 shall levy the necessary millage against all real and personal
551 property, less all such property exempt from taxation by the
552 Florida Constitution or the Statutes of the State of Florida,
553 situated within the Hospital District, required to raise such
554 amount, provided such millage shall not exceed 1 mill for all
555 expenses of the Hospital other than debt service on any bonds



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556 which may have been issued and sold hereunder and shall not
557 exceed 2 1/4 mills for all obligations and expenses of the
558 Hospital including debt service on any such bonds. The certified
559 copy of the resolution of the Board shall be filed with the
560 Board of County Commissioners of Brevard County not less than 10
561 days prior to the time fixed by law for the levy of general
562 county taxes, and all taxes so levied by the Board of County
563 Commissioners of Brevard County for the Board shall be collected
564 by the Tax Collector of Brevard County and paid over to the
565 Board.

566 (4) To designate a depository or depositories for the
567 funds of the Board and to establish by resolution of the Board
568 the method and authority under which such funds may be withdrawn
569 from such depository or depositories, provided, however, that
570 any officer of the Board or any agent or employee thereof, who
571 shall be authorized to sign checks, drafts, orders, or warrants
572 on any account of the Board, shall first execute a bond in favor
573 of the Board in a penal sum of \$25,000 with a surety company
574 authorized to do business in the State of Florida. The aforesaid
575 bonds shall be conditioned upon the faithful performance of the
576 duties of such officers, agents, or employees and shall be
577 approved by the remaining members of the Board, and the premiums
578 on all such bonds shall be paid by the Board.

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

581 (6) To issue bonds of the Hospital District to finance the
582 planning, purchase, lease, construction, furnishing, and
583 equipping of any buildings, facilities, or land therefor, which



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584 the Board is authorized to purchase, lease, build, construct,
585 and operate, which bonds may be payable from the taxes herein
586 authorized, and for the payment of which the full faith and
587 credit of the Hospital District may be pledged, in an amount
588 never to exceed 20 percent of the total assessed valuation or
589 market valuation, whichever is greater, as determined by Brevard
590 County, of all taxable property within the limits of the
591 Hospital District. Such bonds shall be signed in the name of the
592 Hospital District by the President of the Board, shall be
593 attested by the Secretary of the Board, shall be under the seal
594 of the Hospital District, may bear interest coupons to be signed
595 with the facsimile signature of the Secretary of the Board, and
596 may be of such denominations as shall be determined by the
597 Hospital Board. Said bonds may bear interest at a rate to be
598 fixed by the Board; however, said rate of interest shall not
599 exceed that provided by general law and shall be payable either
600 annually or semiannually. Said bonds shall be due not more than
601 40 years from the date thereof.

602 Prior to the issuance of any such bonds, the Board shall by
603 resolution authorize the issuance of the same, fixing the
604 aggregate amount of the proposed issue, the denomination, the
605 rate of interest, the purpose for which the moneys derived
606 therefrom shall be expended, and the maturity of the bonds,
607 either in serial form or all to mature at a fixed date, and
608 shall provide for and create a sinking fund to pay the principal
609 and interest of the said bonds as the same shall mature. The
610 bonds may be sold by the Board at public sale, or sealed bids,
611 after advertisement for sale at least once a week for 3



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612 consecutive weeks in a newspaper published in Brevard County
613 having a general circulation in the Hospital District, or
614 advertisement of the said sale may, at the option of the Board,
615 be published once a week for 2 consecutive weeks in a financial
616 paper published in the City of New York. If the bonds are not
617 sold after either of such advertisements, the bonds may be sold
618 at private sale at any time after the date advertised for the
619 reception of the sealed bids; however, no bonds shall be sold
620 for less than 95 percent of the par value thereof, with accrued
621 interest, and no private sale of the bonds shall be made at a
622 price lower than the best sealed bid received therefor.

623 All bonds issued and sold by the Hospital District under
624 the provisions of this act, or under the laws of the State of
625 Florida, shall be, constitute, and have all of the qualities and
626 incidents of negotiable instruments under the law merchant and
627 the Negotiable Instrument Law of the State of Florida; shall be
628 incontestable in the hands of bona fide purchasers or holders
629 for value; and shall not be invalid because of any irregularity
630 or defect in the proceedings for the issue and sale thereof.

631 No general obligation bonds for the payment of which the
632 full faith and credit of the Hospital District shall be pledged
633 or obligated shall be issued and sold, unless the issuance of
634 the same shall have been approved by the majority of the votes
635 cast in a freeholders' election in which a majority of the
636 freeholders who are qualified electors residing within the
637 Hospital District shall participate and said election shall be
638 held in the manner provided by the Florida Constitution and
639 applicable Statutes of the State of Florida relating to the



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640 calling and holding of freeholders' elections for the approval
641 of the issuance of bonds by special tax districts.

642 The payment of any general obligation bonds, including
643 interest thereon, issued and sold by the Hospital District shall
644 be secured by a first lien against the taxes to be levied by the
645 Board of County Commissioners of Brevard County as authorized by
646 this act to the extent that such taxes may be required to pay
647 such interest and principal, and the Board shall certify to the
648 Board of County Commissioners of Brevard County each year, as
649 herein provided, such sums as may be required for debt service
650 on said bonds and to pay the interest and principal thereon, and
651 the Board of County Commissioners of Brevard County shall levy
652 such taxes, within the limits specified in this act, as will be
653 required for said debt service on said bonds.

654 (7) To provide by resolution at one time or from time to
655 time for the issuance of Revenue Certificates of the Hospital
656 District for the purpose of paying all or a part of the cost of
657 acquisition, construction, planning, leasing, repairing,
658 extensions to, additions, equipping, and reconstruction of any
659 hospital buildings and facilities of the Hospital District. The
660 Certificates of each issue shall be dated, shall bear interest
661 at a rate to be fixed by the Board, however, said rate of
662 interest shall not exceed that provided by general law, shall
663 mature at such time or times, not exceeding 40 years from their
664 date or dates, as may be determined by the Board, and may be
665 made redeemable before maturity, at the option of the Board, at
666 such price or prices and under such terms and conditions as may
667 be fixed by the Board prior to the issuance of the Certificates.



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668 The Board shall determine the form of the Certificates,
669 including any interest coupons to be attached thereto, and the
670 manner of execution of the Certificates and coupons to be
671 attached thereto, and shall fix the denomination or
672 denominations of the Certificates and the place or places of
673 payment of principal and interest, which may be at any bank or
674 trust company within or without the State. In case any officer
675 whose signature or a facsimile of whose signature shall appear
676 on any certificates or coupons shall cease to be such officer
677 before the delivery of such Certificates, such signature or such
678 facsimile shall nevertheless be valid and sufficient for all
679 purposes the same as if he or she had remained in office until
680 such delivery. All Certificates issued under the provisions of
681 this act shall have and are hereby declared to have all the
682 qualities and incidents of negotiable instruments under the
683 negotiable instruments laws of the State. The Certificates may
684 be issued in coupon or in registered form, or both, as the Board
685 may determine, and provisions may be made for the registration
686 of any coupon Certificates as to principal alone and also as to
687 both principal and interest and for the reconversion into coupon
688 Certificates of any Certificates registered as to both principal
689 and interest. The issuance of such Certificates shall not be
690 subject to any limitations or conditions contained in any other
691 law, and the Board may sell such Certificates in such manner and
692 for such price as it may determine to be for the best interest
693 of the Board, but no such sale shall be made at a price so low
694 as to require the payment of interest on the money received
695 therefor which shall exceed that provided by general law,



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696 computed with relation to the absolute maturity of the
697 Certificates in accordance with standard tables of certificate
698 values, excluding, however, from such computations the amount of
699 any premium to be paid on redemption of any Certificates prior
700 to maturity. Prior to the preparation of definitive
701 Certificates, the Board may, under like restrictions, issue
702 interim receipts or temporary Certificates with or without
703 coupons, exchangeable for definitive Certificates when such
704 Certificates have been executed and are available for delivery.
705 The Board may also provide for the replacement of any
706 Certificates which shall be mutilated, destroyed, or lost.

707 Certificates may be issued under the provisions of this act
708 without obtaining the consent of any commission, board, bureau,
709 or agency of the State or County and without any other
710 proceedings or the happening of any other condition or thing
711 than those proceedings, conditions, or things which are
712 specifically required by this act.

713 The proceeds of the Certificates shall be used solely for
714 the payment of the cost of the hospital facilities for which
715 such Certificates shall have been authorized and shall be
716 disbursed in the manner provided in the resolution or in the
717 Trust Agreement authorizing the issuance of such Certificates.
718 If the proceeds of the Certificates of any issue shall exceed
719 the amount required for the purpose for which the same shall
720 have been issued, the surplus shall be set aside and used only
721 for the payment of the cost of additional projects or for the
722 payment of the principal of and interest on such Certificates.
723 In the event that the actual cost of the project exceeds the



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724 estimated cost, the Board may issue additional Certificates to
725 cover the deficiency, subject to the same restrictions as
726 required for the original issue.

727 Revenue Certificates issued under the provisions of this
728 act may be payable from the revenue derived from the operation
729 of any hospital facility or combination of hospital facilities
730 of the Hospital District under the supervision, operation, and
731 control of the Hospital Board and from any other funds legally
732 available therefor. The issuance of such Revenue Certificates
733 shall not directly, indirectly, or contingently obligate the
734 State, the Board, or the Hospital District to levy any ad
735 valorem taxes or to make any appropriations for their payment or
736 for the operation and maintenance of the hospital facilities of
737 the Hospital District.

738 The Board shall not convey or mortgage any hospital
739 facility or any part thereof as security for the payment of the
740 Revenue Certificates.

741 In the discretion of the Board, each or any issue of such
742 Revenue Certificates may be secured by a Trust Agreement by and
743 between the Hospital District and a corporate trustee, which may
744 be any trust company or bank having the powers of a trust
745 company within or without the State. Such Trust Agreement may
746 pledge or assign the revenues to be received by the Board. The
747 resolution providing for the issuance of Revenue Certificates or
748 such Trust Agreement may contain such provisions for protecting
749 and enforcing the rights and remedies of the Certificate holders
750 as may be reasonable, proper, and not in violation of law,
751 including covenants setting forth the duties of the Board in



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752 relation to the acquisition, construction, improvement,
753 maintenance, operation, repair, equipping, and insurance of the
754 hospital facilities, and the custody, safeguarding, and
755 application of all moneys. It shall be lawful for any bank or
756 trust company incorporated under the laws of this State to act
757 as such depository and to furnish such indemnifying certificates
758 or to pledge such securities as may be required by the Board.
759 Such resolution or such Trust Agreement may restrict the
760 individual right of action by Certificate holders as is
761 customary in Trust Agreements securing certificates or
762 debentures of corporations. In addition to the foregoing, such
763 resolution or such Trust Agreement may contain such other
764 provisions as the Board may deem reasonable and proper for the
765 security of the Certificate holders. Except as otherwise
766 provided in this act, the Board may provide, by resolution or by
767 Trust Agreement, for the payment of the proceeds of the sale of
768 the Revenue Certificates and the revenues of the facilities to
769 such officer, board, or depository as it may determine for the
770 custody thereof, and for the method of disbursement thereof,
771 with such safeguards and restrictions as it may determine. All
772 expenses incurred in carrying out such Trust Agreement may be
773 treated as a part of the cost of operation of the facilities
774 affected by such Trust Agreement.

775 The resolution or Trust Agreement providing for the
776 issuance of the Revenue Certificates may also contain such
777 limitations upon the issuance of additional Revenue Certificates
778 as the Hospital District may deem proper, and such additional
779 Certificates shall be issued under such restriction or



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780 limitations as may be prescribed by such resolution or Trust
781 Agreement.

782 The Board is hereby authorized to provide by resolution for
783 the issuance of Refunding Revenue Certificates for the purpose
784 of refunding any Revenue Certificates, respectively, then
785 outstanding and issued under the provisions of this act. The
786 Board is further authorized to provide by resolution for the
787 issuance of Revenue Certificates for the combined purpose of(1)
788 paying the cost of any acquisition, construction, planning,
789 leasing, extension to, addition, improving, equipping, or
790 reconstruction of a facility or facilities of the Hospital
791 District, and (2) refunding Revenue Certificates of the Hospital
792 District which shall theretofore have been issued under the
793 provisions of this act and shall then be outstanding. The
794 issuance of such obligations, the maturities and other details
795 thereof, the right and remedies of the holders thereof, and the
796 rights, powers, privileges, duties, and obligations of the
797 Hospital District with respect to the same shall be governed by
798 the foregoing provisions of this act insofar as the same may be
799 applicable.

800 Section 5. The governing authority of the Hospital
801 District is hereby created and designated as the Cape Canaveral
802 Hospital District Board, and it shall consist of 12 members,
803 each of whom shall be a qualified elector residing within the
804 Hospital District.

805 Section 6. Each member of the Board shall serve for a term
806 of 4 years or until his or her successor has been appointed and
807 qualified. Each member shall serve without compensation. In the



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808 event that the Board shall heretofore or hereafter lease the
809 hospital facilities to a nonprofit corporation, the members of
810 the Board of Directors or Trustees of such nonprofit corporation
811 shall also serve on a voluntary basis without compensation.
812 After October 1, 1989, no more than 1/2 of the members of the
813 Board shall also serve as members of the Board of Directors or
814 Trustees of any Lessee nonprofit corporation.

815 Section 7. The Governor of the State of Florida shall
816 appoint the successors to the Board upon expiration of the term
817 of office of each member or upon the death, resignation, or
818 removal of a member of the Board. Any member appointed to fill a
819 vacancy on the Board caused by the death, resignation, or
820 removal of a member shall serve for the balance of the term of
821 office of the member whom he or she succeeded.

822 Section 8. The Board shall elect from its own members a
823 chair, vice chair, secretary, and treasurer, each of whom shall
824 serve for a term of 1 year or until his or her successor has
825 been elected and has qualified. The officers shall be elected
826 each year at the organizational meeting of the Board. If any
827 officer of the Board does not complete his or her term of
828 office, his or her successor shall be elected by the Board, and
829 any successor so elected shall serve the remainder of the term
830 of the succeeded officer. The duties, responsibilities,
831 authorities, and privileges of each of the officers of the Board
832 shall be stated in the Board bylaws.

833 Section 9. Seven members of the Board shall constitute a
834 quorum of the Board for the purpose of conducting business and
835 exercising its powers, and action may be taken by the Board only



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836 upon the affirmative vote of a majority of the members of the
837 Board then serving.

838 Section 10. Regular meetings of the Board shall be held
839 annually at a time to be designated by the Board by resolution,
840 and at such other times as may be established by the Board, by
841 resolution thereof, in the event that the Board deems it
842 advisable to hold additional regular meetings. Special meetings
843 of the Board shall be held upon the call of the President of the
844 Board, or in his or her absence the Vice President of the Board,
845 or upon the written request of a majority of the members of the
846 Board, provided that at least 48 hours' written notice of any
847 special meeting is given to each member of the Board; however,
848 any meeting shall be considered to have been duly called if at
849 least 10 members of the Board waive written notice of the
850 meeting.

851 Section 11. The Board shall keep accurate minutes of its
852 meetings and proceedings, and the minutes shall be open to
853 public inspection at all reasonable times at the premises or
854 office of the Hospital District.

855 Section 12. All meetings of the Board shall be open to the
856 public and conducted in accordance with applicable law. All
857 meetings of the Board shall be held within the Hospital
858 District. In the event that the Board shall heretofore or
859 hereafter lease the hospital facilities to a nonprofit
860 corporation, the Board of Directors or Trustees of the nonprofit
861 corporation shall be obligated to hold their regular and special
862 meetings in such a manner so that they will be open to the
863 public; however, they shall have the right to go into executive



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864 session in order to discuss and resolve the following issues:
865 (a) employee issues, (b) medical staff issues, including
866 disciplinary actions, (c) property acquisitions, (d) strategic
867 planning, and (e) pending or threatened litigation.

868 Section 13. The Hospital and any related facilities
869 constructed, equipped, operated, and maintained under this act
870 will be for the preservation of public health, for the public
871 good, and for the use of the public of said district, and the
872 building, equipping, operation, construction, and maintenance of
873 such Hospital and related facilities authorized by this act
874 within such district is hereby found and declared to be for the
875 preservation of the public health and for the use and welfare of
876 the said Hospital District and the inhabitants thereof. Any
877 equal exchange of submerged lands made by the Board of Trustees
878 of the Internal Improvement Trust Fund for submerged lands
879 within the same water body as the submerged lands previously
880 conveyed by the Board of Trustees of the Internal Improvement
881 Trust Fund to the Hospital District is authorized and is deemed
882 to be in the public interest so long as the purpose is
883 consistent with this section and chapters 253 and 373, Florida
884 Statutes. Those activities for which permits are issued to the
885 Hospital District pursuant to chapter 373, Florida Statutes, are
886 deemed necessary to enhance the quality of the public health and
887 are hereby authorized.

888 Section 14. The Legislature recognizes that the Hospital
889 District provides health care facilities and services to
890 individuals within the jurisdiction of multiple local
891 governments and that it is in the public interest for the Board



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892 to engage in planning for the Hospital District in order to most
893 efficiently provide such health care facilities and services.
894 The Board is therefore authorized, pursuant to chapter 189,
895 Florida Statutes, to prepare a comprehensive Public Facilities
896 Report for the use of the lands, resources, and waters conveyed
897 to it by the Board of Trustees of the Internal Improvement Trust
898 Fund, to participate in such planning with other public agencies
899 as authorized by chapter 189, Florida Statutes, to enter into
900 interlocal agreements, and to enact such regulations as are
901 necessary to implement said Public Facilities Report. Further,
902 upon adoption of said Public Facilities Report by the Board in
903 accordance with the procedures and requirements of this act and
904 chapter 189, Florida Statutes, all development within the
905 boundaries of the lands conveyed to the Hospital District by the
906 Board of Trustees of the Internal Improvement Trust Fund must be
907 consistent with said Public Facilities Report. The height,
908 density, or intensity of any construction or reconstruction of
909 facilities and filling of submerged lands required for facility
910 construction or reconstruction pursuant to the Public Facilities
911 Report shall be in compliance with applicable provisions of the
912 Agency for Health Care Administration contained within chapter
913 59A, Florida Administrative Code, chapter 4 of the Florida
914 Building Code, chapters 253 and 373, Florida Statutes, and all
915 provisions of the City of Cocoa Beach Charter and land
916 development regulations other than height, density, or intensity
917 and filling submerged lands. Provided the foregoing conditions
918 are satisfied, the district's Public Facilities Report shall be
919 deemed in compliance with section 189.4155, Florida Statutes,



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920 the City of Cocoa Beach Charter, Comprehensive Plan, and
921 applicable land development regulations.

922 Section 15. The provisions of this act shall be liberally
923 construed in order to effectively carry out the purposes of this
924 act in the interest of the health, safety, and welfare of the
925 residents of the Hospital District.

926 Section 16. It is declared to be the legislative intent
927 that if any section, subsection, sentence, clause, or provision
928 of this act be held invalid, the remainder of this act shall not
929 be affected.

930 Section 17. In accordance with section 189.404(3), Florida
931 Statutes, the following subsections shall constitute the minimum
932 charter requirements for the District:

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

935 (2) The powers, functions, and duties of the District,
936 including, but not limited to, ad valorem taxation, bond
937 issuance, other revenue-raising capabilities, budget preparation
938 and approval, liens and foreclosure of liens, use of tax deeds
939 and tax certificates as appropriate for non-ad valorem
940 assessments, and contractual agreements shall be as set forth in
941 this act, chapters 189 and 197, Florida Statutes, or any other
942 applicable general or special law, as they may be amended from
943 time to time.

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

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



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

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

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

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

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

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

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

972 (12) The District does not collect non-ad valorem
973 assessments, fees, or service charges as set forth in chapter
974 197, Florida Statutes.



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

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

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

983 Section 4. If any provision of this act or the application
 984 thereof to any person or circumstance is held invalid, the
 985 invalidity shall not affect other provisions or applications of
 986 the act which can be given effect without the invalid provision
 987 or application, and to this end the provisions of this act are
 988 declared severable.

989 Section 5. In the event of a conflict between the
 990 provisions of this act and the provisions of any other act, the
 991 provisions of this act shall control to the extent of such
 992 conflict.

993 Section 6. This act shall be construed as a remedial act
 994 and shall be liberally construed to promote the purpose for
 995 which it is intended.

996 Section 7. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-
 997 332, 81-345, and 86-426, Laws of Florida, are repealed.

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