



1 A bill to be entitled

2 An act relating to the Cape Canaveral Hospital District,
 3 Brevard County; providing legislative intent; codifying,
 4 amending, and reenacting special acts relating to the
 5 district; providing minimum charter requirements in
 6 accordance with s. 189.404(3), F.S.; authorizing an
 7 exchange of submerged lands under specified conditions;
 8 declaring public purpose; approving any authorized
 9 permitted activities; authorizing the district to prepare
 10 a public facilities report and enact regulations to
 11 implement such report; deeming the public facilities
 12 report to be consistent with the City of Cocoa Beach's
 13 charter provisions and comprehensive plan regulating
 14 height, density, and fill of submerged lands provided
 15 specified state law standards are satisfied; providing
 16 severability; providing for liberal construction;
 17 repealing chapters 59-1121, 61-1903, 65-1290, 69-861, 75-
 18 332, 81-345, and 86-426, Laws of Florida; providing an
 19 effective date.

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

22
 23 Section 1. Pursuant to section 189.429, Florida Statutes,
 24 this act constitutes the codification of all special acts
 25 relating to the Cape Canaveral Hospital District, an independent
 26 special tax district. It is the intent of the Legislature in
 27 enacting this law to provide a single, comprehensive special act
 28 charter for the District, including all current legislative



29 authority granted to the District by its several legislative
30 enactments and any additional authority granted by this act. It
31 is further the intent of this act to preserve all District
32 authority in addition to any authority contained in general law.

33 Section 2. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-
34 332, 81-345, and 86-426, Laws of Florida, are codified,
35 reenacted, amended, and repealed as herein provided.

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

39 Section 1. An independent special tax district is hereby
40 created and incorporated and shall be known as "the Cape
41 Canaveral Hospital District" in Brevard County. The Cape
42 Canaveral Hospital District shall support the health and welfare
43 of all those in the District's boundaries and the surrounding
44 communities by providing health care facilities and services to
45 all those in need regardless of ability to pay. The Cape
46 Canaveral Hospital District is created for the purpose of
47 planning, building, constructing, repairing, fixing, equipping,
48 furnishing, supplying, operating, maintaining, and leasing a
49 hospital and related facilities, and to fund, support, organize,
50 and participate in such other health care related projects as
51 authorized by the Board. The District shall embrace and include
52 that part of Brevard County bounded and described as:

53
54 Those lands bounded on the north by the north line
55 of Section 14 and the north line, produced west, of
56 Section 15, Township 24 South, Range 37 East; on



57 the west by the west boundary of the Banana River;
58 on the south by a line parallel to and 988.6 feet
59 south of the north line, produced west, of Section
60 35, Township 25 South, Range 37 East; and on the
61 east by the waters of the Atlantic Ocean.

62
63 Section 2. All references herein to the Hospital District
64 mean the Cape Canaveral Hospital District; all references herein
65 to the Board mean the Cape Canaveral Hospital District Board;
66 all references herein to the Hospital mean the Cape Canaveral
67 Hospital; and all references to the Hospital Board mean the
68 Board of Trustees of Cape Canaveral Hospital, Inc.

69 Section 3. The governing authority or body of the Hospital
70 District shall be known as the Cape Canaveral Hospital District
71 Board and the Board shall constitute a body politic and a body
72 corporate; it shall have perpetual existence; it shall adopt and
73 use a common seal and may alter the same; it may contract and be
74 contracted with; and it may sue and be sued in its corporate
75 name.

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

81 (1) To acquire by grant, purchase, lease, devise, gift,
82 bequest, or condemnation, or in any other manner, real or
83 personal property, or any estate or interest therein, within or
84 without the Hospital District, which by resolution the Board



85 shall determine to be necessary for the purposes of the Hospital
86 District, said determination to be conclusive, except in case of
87 fraud or gross abuse of discretion; and to improve, maintain,
88 sell, lease, mortgage, or otherwise encumber the same, any part
89 thereof, or any interest therein upon such terms and conditions
90 as the Board shall fix and determine, and said determination
91 shall be deemed conclusive, except in case of fraud or gross
92 abuse of discretion.

93 (2) To plan, build, construct, repair, fix, purchase,
94 sell, mortgage, encumber, furnish, equip, supply, operate,
95 manage, maintain, and conduct a hospital and any facilities,
96 buildings, schools, and structures related to and customarily
97 used, conducted, or operated in conjunction with a hospital or
98 the provision of health care related services; however, in no
99 event shall the Board sell the hospital facilities without first
100 receiving the approval by a majority vote of the duly qualified
101 electors who reside within the Hospital District and who vote in
102 the election. Prior to any such sale, the qualified electors who
103 reside within the District shall by affirmative vote consent to
104 such sale of the hospital facilities, which consent must also
105 approve the terms and conditions of the sale and the disposition
106 of the sale proceeds. The vote on this issue may be received at
107 a general or special election to be held within the Hospital
108 District which shall not be called until notice thereof has been
109 published in a newspaper of general circulation within the
110 Hospital District once a week for 4 consecutive weeks prior to
111 the week during which the general or special election will be
112 held. If a majority of the electors who vote in the general or



113 special election shall vote in favor of the sale of the hospital
114 facilities and if they shall approve the terms and conditions of
115 the sale, the Board shall have the authority to consummate the
116 sale upon the terms and conditions thus approved by the
117 electors. In the event that the duly qualified electors shall
118 not ratify and approve the sale along with its terms and
119 conditions, the Board shall not have the authority to consummate
120 the sale of the hospital facilities.

121 (3) To adopt all rules and regulations necessary for the
122 orderly, proper, and efficient operation of the Hospital,
123 including rules regulating the admission thereto and treatment
124 of patients of all classes, including charity patients who may
125 apply for admission to the Hospital and who shall be citizens of
126 the State of Florida and residents of the Hospital District; and
127 rules regulating the fees and charges to be made for the
128 admission and treatment therein of all other patients.

129 (4) To establish a medical staff of the hospital, herein
130 referred to as the medical staff, and to establish and designate
131 professional and other qualifications for membership, term of
132 membership, classes of membership, and types of privileges to be
133 exercised by members of the medical staff. The Board shall have
134 the power to appoint, remove, suspend, and otherwise regulate
135 members of the medical staff; to establish and designate
136 procedures to be followed by applicants for staff membership,
137 changes of class of membership, changes in types of privileges
138 to be exercised by members of the medical staff, and renewal of
139 membership on the medical staff; and to set forth such
140 procedures as shall seem fit and proper to the Board in the



141 bylaws of the Board and of the medical staff. The Board shall
142 request the advice of the medical staff on all applications for
143 membership on the medical staff, including advice on the class
144 of membership to be given to the applicants and the types of
145 privileges to be exercised by the applicants, renewal of
146 membership on the medical staff, changes in classes of
147 membership, and changes in privileges to be exercised by members
148 of the medical staff; however, such advice shall not be binding
149 on the Board and the final decision on such matters shall be
150 made by the Board. The Board shall provide in its bylaws and in
151 the medical staff bylaws procedures to be followed by such
152 applicants who may be aggrieved by any decisions of the medical
153 staff regarding its advice to the Board.

154 (5) To contract with individuals, partnerships, limited
155 liability companies, corporations, municipalities, political
156 subdivisions, agencies, or districts of the State of Florida,
157 the United States of America, or any of the several States
158 thereof, and any other country of the world and any political
159 subdivision thereof.

160 (6) To determine the sum or amount of money, over and
161 above and in addition to anticipated income and receipts to be
162 paid by the patients who will be treated in the Hospital, which
163 will be required during the ensuing fiscal year to pay and
164 satisfy all anticipated obligations and expenses to be incurred
165 by the Hospital during the said ensuing fiscal year in the
166 performance of the functions and purposes authorized under this
167 act, including debt service on any bonds which may be issued
168 hereunder; subject to the provision that the sum estimated by



169 the Board to be required to pay and satisfy the expenses of the
170 Hospital for all purposes, other than debt service on any bonds
171 which may have been issued hereunder, for said fiscal year shall
172 not exceed the amount which would be realized from a tax of 1
173 mill upon all real and personal property, less all such property
174 exempted from taxation by the Florida Constitution or the
175 Statutes of the State of Florida, located within the Hospital
176 District; and further subject to the provision that the sum
177 estimated by the Board to be required to pay and satisfy all
178 obligations and expenses incurred by the Hospital for all
179 purposes, including debt service on any bonds which may have
180 been issued by the Hospital District hereunder, shall not exceed
181 the amount which would be realized from a tax of 2 1/4 mills
182 upon all real and personal property, less all such property
183 exempt from taxation by the Florida Constitution or the Statutes
184 of the State of Florida, located within the Hospital District.
185 Such determination shall be made by resolution of the Board and
186 it shall be the duty of the President and the Secretary of the
187 Board to certify to the Board of County Commissioners of Brevard
188 County the total sum which the Board believes and estimates will
189 be required during the ensuing fiscal year to pay and satisfy
190 all expenses of the Hospital, except debt service on any bonds
191 which may have been issued hereunder, and the sum which the
192 Board believes and anticipates will be required for debt service
193 on said bonds, in the event that any bonds have been issued and
194 sold hereunder by the Hospital District.

195 The Board of County Commissioners of Brevard County, upon
196 being furnished a certified copy of the resolution of the Board,



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

213 (7) To appoint, comply, hire, and discharge such agents,
214 employees, servants, or other employees, including attorneys,
215 accountants, architects, administrators, and other nonmedical
216 professional agents or employees, as may be required to carry
217 out the purposes of this act; to prescribe their duties,
218 authority, and responsibilities; and to fix their salaries,
219 wages, or compensation.

220 (8) To designate a depository or depositories for the
221 funds of the Board and to establish by resolution of the Board
222 the method and authority under which such funds may be withdrawn
223 from such depository or depositories, provided, however, that
224 any officer of the Board or any agent or employee thereof, who



225 shall be authorized to sign checks, drafts, orders, or warrants
226 on any account of the Board, shall first execute a bond in favor
227 of the Board in a penal sum of \$25,000 with a surety company
228 authorized to do business in the State of Florida. The aforesaid
229 bonds shall be conditioned upon the faithful performance of the
230 duties of such officers, agents, or employees and shall be
231 approved by the remaining members of the Board, and the premiums
232 on all such bonds shall be paid by the Board.

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

235 (10) To issue bonds of the Hospital District to finance
236 the planning, purchase, lease, construction, furnishing, and
237 equipping of any buildings, facilities, or land therefor, which
238 the Board is authorized to purchase, lease, build, construct,
239 and operate, which bonds may be payable from the taxes herein
240 authorized, and for the payment of which the full faith and
241 credit of the Hospital District may be pledged, in an amount
242 never to exceed 20 percent of the total assessed valuation or
243 market valuation, whichever is greater, as determined by Brevard
244 County, of all taxable property within the limits of the
245 Hospital District. Such bonds shall be signed in the name of the
246 Hospital District by the President of the Board, shall be
247 attested by the Secretary of the Board, shall be under the seal
248 of the Hospital District, may bear interest coupons to be signed
249 with the facsimile signature of the Secretary of the Board, and
250 may be of such denominations as shall be determined by the
251 Hospital Board. Said bonds may bear interest at a rate to be
252 fixed by the Board; however, said rate of interest shall not



253 exceed that provided by general law and shall be payable either
254 annually or semiannually. Said bonds shall be due not more than
255 40 years from the date thereof.

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

277 All bonds issued and sold by the Hospital District under
278 the provisions of this act, or under the laws of the State of
279 Florida, shall be, constitute, and have all of the qualities and
280 incidents of negotiable instruments under the law merchant and



281 the Negotiable Instrument Law of the State of Florida; shall be
282 incontestable in the hands of bona fide purchasers or holders
283 for value; and shall not be invalid because of any irregularity
284 or defect in the proceedings for the issue and sale thereof.

285 No general obligation bonds for the payment of which the
286 full faith and credit of the Hospital District shall be pledged
287 or obligated shall be issued and sold, unless the issuance of
288 the same shall have been approved by the majority of the votes
289 cast in a freeholders' election in which a majority of the
290 freeholders who are qualified electors residing within the
291 Hospital District shall participate and said election shall be
292 held in the manner provided by the Florida Constitution and
293 applicable Statutes of the State of Florida relating to the
294 calling and holding of freeholders' elections for the approval
295 of the issuance of bonds by special tax districts.

296 The payment of any general obligation bonds, including
297 interest thereon, issued and sold by the Hospital District shall
298 be secured by a first lien against the taxes to be levied by the
299 Board of County Commissioners of Brevard County as authorized by
300 this act to the extent that such taxes may be required to pay
301 such interest and principal, and the Board shall certify to the
302 Board of County Commissioners of Brevard County each year, as
303 herein provided, such sums as may be required for debt service
304 on said bonds and to pay the interest and principal thereon, and
305 the Board of County Commissioners of Brevard County shall levy
306 such taxes, within the limits specified in this act, as will be
307 required for said debt service on said bonds.



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



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

361 (b) Certificates may be issued under the provisions of
362 this act without obtaining the consent of any commission, board,
363 bureau, or agency of the State or County and without any other



364 proceedings or the happening of any other condition or thing
365 than those proceedings, conditions, or things which are
366 specifically required by this act.

367 (c) The proceeds of the Certificates shall be used solely
368 for the payment of the cost of the hospital facilities for which
369 such Certificates shall have been authorized and shall be
370 disbursed in the manner provided in the resolution or in the
371 Trust Agreement authorizing the issuance of such Certificates.
372 If the proceeds of the Certificates of any issue shall exceed
373 the amount required for the purpose for which the same shall
374 have been issued, the surplus shall be set aside and used only
375 for the payment of the cost of additional projects or for the
376 payment of the principal of and interest on such Certificates.
377 In the event that the actual cost of the project exceeds the
378 estimated cost, the Board may issue additional Certificates to
379 cover the deficiency, subject to the same restrictions as
380 required for the original issue.

381 (d) Revenue Certificates issued under the provisions of
382 this act may be payable from the revenue derived from the
383 operation of any hospital facility or combination of hospital
384 facilities of the Hospital District under the supervision,
385 operation, and control of the Hospital Board and from any other
386 funds legally available therefor. The issuance of such Revenue
387 Certificates shall not directly, indirectly, or contingently
388 obligate the State, the Board, or the Hospital District to levy
389 any ad valorem taxes or to make any appropriations for their
390 payment or for the operation and maintenance of the hospital
391 facilities of the Hospital District.



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

395 (f) In the discretion of the Board, each or any issue of
396 such Revenue Certificates may be secured by a Trust Agreement by
397 and between the Hospital District and a corporate trustee, which
398 may be any trust company or bank having the powers of a trust
399 company within or without the State. Such Trust Agreement may
400 pledge or assign the revenues to be received by the Board. The
401 resolution providing for the issuance of Revenue Certificates or
402 such Trust Agreement may contain such provisions for protecting
403 and enforcing the rights and remedies of the Certificate holders
404 as may be reasonable, proper, and not in violation of law,
405 including covenants setting forth the duties of the Board in
406 relation to the acquisition, construction, improvement,
407 maintenance, operation, repair, equipping, and insurance of the
408 hospital facilities, and the custody, safeguarding, and
409 application of all moneys. It shall be lawful for any bank or
410 trust company incorporated under the laws of this State to act
411 as such depository and to furnish such indemnifying certificates
412 or to pledge such securities as may be required by the Board.
413 Such resolution or such Trust Agreement may restrict the
414 individual right of action by Certificate holders as is
415 customary in Trust Agreements securing certificates or
416 debentures of corporations. In addition to the foregoing, such
417 resolution or such Trust Agreement may contain such other
418 provisions as the Board may deem reasonable and proper for the
419 security of the Certificate holders. Except as otherwise



420 provided in this act, the Board may provide, by resolution or by
421 Trust Agreement, for the payment of the proceeds of the sale of
422 the Revenue Certificates and the revenues of the facilities to
423 such officer, board, or depository as it may determine for the
424 custody thereof, and for the method of disbursement thereof,
425 with such safeguards and restrictions as it may determine. All
426 expenses incurred in carrying out such Trust Agreement may be
427 treated as a part of the cost of operation of the facilities
428 affected by such Trust Agreement.

429 (g) The resolution or Trust Agreement providing for the
430 issuance of the Revenue Certificates may also contain such
431 limitations upon the issuance of additional Revenue Certificates
432 as the Hospital District may deem proper, and such additional
433 Certificates shall be issued under such restriction or
434 limitations as may be prescribed by such resolution or Trust
435 Agreement.

436 (h) The Board is hereby authorized to provide by
437 resolution for the issuance of Refunding Revenue Certificates
438 for the purpose of refunding any Revenue Certificates,
439 respectively, then outstanding and issued under the provisions
440 of this act. The Board is further authorized to provide by
441 resolution for the issuance of Revenue Certificates for the
442 combined purpose of (1) paying the cost of any acquisition,
443 construction, planning, leasing, extension to, addition,
444 improving, equipping, or reconstruction of a facility or
445 facilities of the Hospital District, and (2) refunding Revenue
446 Certificates of the Hospital District which shall theretofore
447 have been issued under the provisions of this act and shall then



448 be outstanding. The issuance of such obligations, the maturities
449 and other details thereof, the right and remedies of the holders
450 thereof, and the rights, powers, privileges, duties, and
451 obligations of the Hospital District with respect to the same
452 shall be governed by the foregoing provisions of this act
453 insofar as the same may be applicable.

454 (12) To provide a retirement program for the Hospital
455 District's employees who become covered by the program, to
456 establish qualifications for coverage under the program, to pay
457 part of the cost of such program, to contract with any insurance
458 company licensed to do business in Florida for the establishment
459 and operation of the program, to charge its covered employees
460 for the employees' share of the cost of the program, and to take
461 such other action as may be necessary to establish and operate
462 the retirement program. Said Board shall have the power to
463 withdraw, by resolution, from the State and County Officers and
464 Employees' Retirement System as established by chapter 122,
465 Florida Statutes, and this provision shall specifically amend
466 section 122.061, Florida Statutes, insofar as the section
467 prohibits the withdrawal of the Cape Canaveral Hospital
468 employees from the retirement system. In the event that the
469 Board shall adopt a resolution by which the employees of the
470 Hospital District shall be withdrawn from the State and County
471 Officers and Employees' Retirement System, such withdrawal shall
472 become effective on July 1 following the adoption of the
473 resolution, and the Board shall send a certified copy of the
474 resolution to the Chief Financial Officer of the State.
475 Beginning on July 1 following the adoption of the resolution,



476 the Hospital District shall not be required to contribute to the
477 State and County Officers and Employees' Retirement System.

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

485 (1) To acquire by grant, purchase, lease, devise, gift,
486 bequest, or condemnation, or in any other manner, real or
487 personal property, or any estate or interest therein, within or
488 without the Hospital District, which by resolution the Board
489 shall determine to be necessary for the purposes of the Hospital
490 District, said determination to be conclusive, except in case of
491 fraud or gross abuse of discretion; and to improve, maintain,
492 sell, lease, mortgage, or otherwise encumber the same, any part
493 thereof, or any interest therein upon such terms and conditions
494 as the Board shall fix and determine, and said determination
495 shall be deemed conclusive, except in case of fraud or gross
496 abuse of discretion.

497 (2) To contract with individuals, partnerships, limited
498 liability companies, corporations, municipalities, political
499 subdivisions, agencies, or districts of the State of Florida,
500 the United States of America, or any of the several States
501 thereof, and any other country of the world and any political
502 subdivision thereof.



503 (3) To determine the sum or amount of money, over and
504 above and in addition to anticipated income and receipts to be
505 paid by the patients who will be treated in the Hospital, which
506 will be required during the ensuing fiscal year to pay and
507 satisfy all anticipated obligations and expenses to be incurred
508 by the Hospital during the said ensuing fiscal year in the
509 performance of the functions and purposes authorized under this
510 act, including debt service on any bonds which may be issued
511 hereunder; subject to the provision that the sum estimated by
512 the Board to be required to pay and satisfy the expenses of the
513 Hospital for all purposes, other than debt service on any bonds
514 which may have been issued hereunder, for said fiscal year shall
515 not exceed the amount which would be realized from a tax of 1
516 mill upon all real and personal property, less all such property
517 exempted from taxation by the Florida Constitution or the
518 Statutes of the State of Florida, located within the Hospital
519 District; and further subject to the provision that the sum
520 estimated by the Board to be required to pay and satisfy all
521 obligations and expenses incurred by the Hospital for all
522 purposes, including debt service on any bonds which may have
523 been issued by the Hospital District hereunder, shall not exceed
524 the amount which would be realized from a tax of 2 1/4 mills
525 upon all real and personal property, less all such property
526 exempt from taxation by the Florida Constitution or the Statutes
527 of the State of Florida, located within the Hospital District.
528 Such determination shall be made by resolution of the Board and
529 it shall be the duty of the President and the Secretary of the
530 Board to certify to the Board of County Commissioners of Brevard



531 County the total sum which the Board believes and estimates will
532 be required during the ensuing fiscal year to pay and satisfy
533 all expenses of the Hospital, except debt service on any bonds
534 which may have been issued hereunder, and the sum which the
535 Board believes and anticipates will be required for debt service
536 on said bonds, in the event that any bonds have been issued and
537 sold hereunder by the Hospital District.

538 The Board of County Commissioners of Brevard County, upon
539 being furnished a certified copy of the resolution of the Board,
540 shall levy the necessary millage against all real and personal
541 property, less all such property exempt from taxation by the
542 Florida Constitution or the Statutes of the State of Florida,
543 situated within the Hospital District, required to raise such
544 amount, provided such millage shall not exceed 1 mill for all
545 expenses of the Hospital other than debt service on any bonds
546 which may have been issued and sold hereunder and shall not
547 exceed 2 1/4 mills for all obligations and expenses of the
548 Hospital including debt service on any such bonds. The certified
549 copy of the resolution of the Board shall be filed with the
550 Board of County Commissioners of Brevard County not less than 10
551 days prior to the time fixed by law for the levy of general
552 county taxes, and all taxes so levied by the Board of County
553 Commissioners of Brevard County for the Board shall be collected
554 by the Tax Collector of Brevard County and paid over to the
555 Board.

556 (4) To designate a depository or depositories for the
557 funds of the Board and to establish by resolution of the Board
558 the method and authority under which such funds may be withdrawn



559 from such depository or depositories, provided, however, that
560 any officer of the Board or any agent or employee thereof, who
561 shall be authorized to sign checks, drafts, orders, or warrants
562 on any account of the Board, shall first execute a bond in favor
563 of the Board in a penal sum of \$25,000 with a surety company
564 authorized to do business in the State of Florida. The aforesaid
565 bonds shall be conditioned upon the faithful performance of the
566 duties of such officers, agents, or employees and shall be
567 approved by the remaining members of the Board, and the premiums
568 on all such bonds shall be paid by the Board.

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

571 (6) To issue bonds of the Hospital District to finance the
572 planning, purchase, lease, construction, furnishing, and
573 equipping of any buildings, facilities, or land therefor, which
574 the Board is authorized to purchase, lease, build, construct,
575 and operate, which bonds may be payable from the taxes herein
576 authorized, and for the payment of which the full faith and
577 credit of the Hospital District may be pledged, in an amount
578 never to exceed 20 percent of the total assessed valuation or
579 market valuation, whichever is greater, as determined by Brevard
580 County, of all taxable property within the limits of the
581 Hospital District. Such bonds shall be signed in the name of the
582 Hospital District by the President of the Board, shall be
583 attested by the Secretary of the Board, shall be under the seal
584 of the Hospital District, may bear interest coupons to be signed
585 with the facsimile signature of the Secretary of the Board, and
586 may be of such denominations as shall be determined by the



587 Hospital Board. Said bonds may bear interest at a rate to be
588 fixed by the Board; however, said rate of interest shall not
589 exceed that provided by general law and shall be payable either
590 annually or semiannually. Said bonds shall be due not more than
591 40 years from the date thereof.

592 Prior to the issuance of any such bonds, the Board shall by
593 resolution authorize the issuance of the same, fixing the
594 aggregate amount of the proposed issue, the denomination, the
595 rate of interest, the purpose for which the moneys derived
596 therefrom shall be expended, and the maturity of the bonds,
597 either in serial form or all to mature at a fixed date, and
598 shall provide for and create a sinking fund to pay the principal
599 and interest of the said bonds as the same shall mature. The
600 bonds may be sold by the Board at public sale, or sealed bids,
601 after advertisement for sale at least once a week for 3
602 consecutive weeks in a newspaper published in Brevard County
603 having a general circulation in the Hospital District, or
604 advertisement of the said sale may, at the option of the Board,
605 be published once a week for 2 consecutive weeks in a financial
606 paper published in the City of New York. If the bonds are not
607 sold after either of such advertisements, the bonds may be sold
608 at private sale at any time after the date advertised for the
609 reception of the sealed bids; however, no bonds shall be sold
610 for less than 95 percent of the par value thereof, with accrued
611 interest, and no private sale of the bonds shall be made at a
612 price lower than the best sealed bid received therefor.

613 All bonds issued and sold by the Hospital District under
614 the provisions of this act, or under the laws of the State of



615 Florida, shall be, constitute, and have all of the qualities and
616 incidents of negotiable instruments under the law merchant and
617 the Negotiable Instrument Law of the State of Florida; shall be
618 incontestable in the hands of bona fide purchasers or holders
619 for value; and shall not be invalid because of any irregularity
620 or defect in the proceedings for the issue and sale thereof.

621 No general obligation bonds for the payment of which the
622 full faith and credit of the Hospital District shall be pledged
623 or obligated shall be issued and sold, unless the issuance of
624 the same shall have been approved by the majority of the votes
625 cast in a freeholders' election in which a majority of the
626 freeholders who are qualified electors residing within the
627 Hospital District shall participate and said election shall be
628 held in the manner provided by the Florida Constitution and
629 applicable Statutes of the State of Florida relating to the
630 calling and holding of freeholders' elections for the approval
631 of the issuance of bonds by special tax districts.

632 The payment of any general obligation bonds, including
633 interest thereon, issued and sold by the Hospital District shall
634 be secured by a first lien against the taxes to be levied by the
635 Board of County Commissioners of Brevard County as authorized by
636 this act to the extent that such taxes may be required to pay
637 such interest and principal, and the Board shall certify to the
638 Board of County Commissioners of Brevard County each year, as
639 herein provided, such sums as may be required for debt service
640 on said bonds and to pay the interest and principal thereon, and
641 the Board of County Commissioners of Brevard County shall levy



642 such taxes, within the limits specified in this act, as will be
643 required for said debt service on said bonds.

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



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



697 Certificates may be issued under the provisions of this act
698 without obtaining the consent of any commission, board, bureau,
699 or agency of the State or County and without any other
700 proceedings or the happening of any other condition or thing
701 than those proceedings, conditions, or things which are
702 specifically required by this act.

703 The proceeds of the Certificates shall be used solely for
704 the payment of the cost of the hospital facilities for which
705 such Certificates shall have been authorized and shall be
706 disbursed in the manner provided in the resolution or in the
707 Trust Agreement authorizing the issuance of such Certificates.
708 If the proceeds of the Certificates of any issue shall exceed
709 the amount required for the purpose for which the same shall
710 have been issued, the surplus shall be set aside and used only
711 for the payment of the cost of additional projects or for the
712 payment of the principal of and interest on such Certificates.
713 In the event that the actual cost of the project exceeds the
714 estimated cost, the Board may issue additional Certificates to
715 cover the deficiency, subject to the same restrictions as
716 required for the original issue.

717 Revenue Certificates issued under the provisions of this
718 act may be payable from the revenue derived from the operation
719 of any hospital facility or combination of hospital facilities
720 of the Hospital District under the supervision, operation, and
721 control of the Hospital Board and from any other funds legally
722 available therefor. The issuance of such Revenue Certificates
723 shall not directly, indirectly, or contingently obligate the
724 State, the Board, or the Hospital District to levy any ad



725 valorem taxes or to make any appropriations for their payment or
726 for the operation and maintenance of the hospital facilities of
727 the Hospital District.

728 The Board shall not convey or mortgage any hospital
729 facility or any part thereof as security for the payment of the
730 Revenue Certificates.

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



753 resolution or such Trust Agreement may contain such other
754 provisions as the Board may deem reasonable and proper for the
755 security of the Certificate holders. Except as otherwise
756 provided in this act, the Board may provide, by resolution or by
757 Trust Agreement, for the payment of the proceeds of the sale of
758 the Revenue Certificates and the revenues of the facilities to
759 such officer, board, or depository as it may determine for the
760 custody thereof, and for the method of disbursement thereof,
761 with such safeguards and restrictions as it may determine. All
762 expenses incurred in carrying out such Trust Agreement may be
763 treated as a part of the cost of operation of the facilities
764 affected by such Trust Agreement.

765 The resolution or Trust Agreement providing for the
766 issuance of the Revenue Certificates may also contain such
767 limitations upon the issuance of additional Revenue Certificates
768 as the Hospital District may deem proper, and such additional
769 Certificates shall be issued under such restriction or
770 limitations as may be prescribed by such resolution or Trust
771 Agreement.

772 The Board is hereby authorized to provide by resolution for
773 the issuance of Refunding Revenue Certificates for the purpose
774 of refunding any Revenue Certificates, respectively, then
775 outstanding and issued under the provisions of this act. The
776 Board is further authorized to provide by resolution for the
777 issuance of Revenue Certificates for the combined purpose of(1)
778 paying the cost of any acquisition, construction, planning,
779 leasing, extension to, addition, improving, equipping, or
780 reconstruction of a facility or facilities of the Hospital



781 District, and (2) refunding Revenue Certificates of the Hospital
782 District which shall theretofore have been issued under the
783 provisions of this act and shall then be outstanding. The
784 issuance of such obligations, the maturities and other details
785 thereof, the right and remedies of the holders thereof, and the
786 rights, powers, privileges, duties, and obligations of the
787 Hospital District with respect to the same shall be governed by
788 the foregoing provisions of this act insofar as the same may be
789 applicable.

790 Section 5. The governing authority of the Hospital
791 District is hereby created and designated as the Cape Canaveral
792 Hospital District Board, and it shall consist of 12 members,
793 each of whom shall be a qualified elector residing within the
794 Hospital District.

795 Section 6. Each member of the Board shall serve for a term
796 of 4 years or until his or her successor has been appointed and
797 qualified. Each member shall serve without compensation. In the
798 event that the Board shall heretofore or hereafter lease the
799 hospital facilities to a nonprofit corporation, the members of
800 the Board of Directors or Trustees of such nonprofit corporation
801 shall also serve on a voluntary basis without compensation.
802 After October 1, 1989, no more than 1/2 of the members of the
803 Board shall also serve as members of the Board of Directors or
804 Trustees of any Lessee nonprofit corporation.

805 Section 7. The Governor of the State of Florida shall
806 appoint the successors to the Board upon expiration of the term
807 of office of each member or upon the death, resignation, or
808 removal of a member of the Board. Any member appointed to fill a



809 vacancy on the Board caused by the death, resignation, or
810 removal of a member shall serve for the balance of the term of
811 office of the member whom he or she succeeded.

812 Section 8. The Board shall elect from its own members a
813 chair, vice chair, secretary, and treasurer, each of whom shall
814 serve for a term of 1 year or until his or her successor has
815 been elected and has qualified. The officers shall be elected
816 each year at the organizational meeting of the Board. If any
817 officer of the Board does not complete his or her term of
818 office, his or her successor shall be elected by the Board, and
819 any successor so elected shall serve the remainder of the term
820 of the succeeded officer. The duties, responsibilities,
821 authorities, and privileges of each of the officers of the Board
822 shall be stated in the Board bylaws.

823 Section 9. Seven members of the Board shall constitute a
824 quorum of the Board for the purpose of conducting business and
825 exercising its powers, and action may be taken by the Board only
826 upon the affirmative vote of a majority of the members of the
827 Board then serving.

828 Section 10. Regular meetings of the Board shall be held
829 annually at a time to be designated by the Board by resolution,
830 and at such other times as may be established by the Board, by
831 resolution thereof, in the event that the Board deems it
832 advisable to hold additional regular meetings. Special meetings
833 of the Board shall be held upon the call of the President of the
834 Board, or in his or her absence the Vice President of the Board,
835 or upon the written request of a majority of the members of the
836 Board, provided that at least 48 hours' written notice of any



837 special meeting is given to each member of the Board; however,
838 any meeting shall be considered to have been duly called if at
839 least 10 members of the Board waive written notice of the
840 meeting.

841 Section 11. The Board shall keep accurate minutes of its
842 meetings and proceedings, and the minutes shall be open to
843 public inspection at all reasonable times at the premises or
844 office of the Hospital District.

845 Section 12. All meetings of the Board shall be open to the
846 public and conducted in accordance with applicable law. All
847 meetings of the Board shall be held within the Hospital
848 District. In the event that the Board shall heretofore or
849 hereafter lease the hospital facilities to a nonprofit
850 corporation, the Board of Directors or Trustees of the nonprofit
851 corporation shall be obligated to hold their regular and special
852 meetings in such a manner so that they will be open to the
853 public; however, they shall have the right to go into executive
854 session in order to discuss and resolve the following issues:
855 (a) employee issues, (b) medical staff issues, including
856 disciplinary actions, (c) property acquisitions, (d) strategic
857 planning, and (e) pending or threatened litigation.

858 Section 13. If the Hospital District desires to exchange
859 sovereignty submerged lands for submerged lands owned by the
860 Hospital District within the same water body, the Hospital
861 District shall submit an application for an exchange to the
862 Board of Trustees of the Internal Improvement Trust Fund for
863 consideration pursuant to chapter 253, Florida Statutes, and
864 Board of Trustees rules. The Board of Trustees of the Internal



865 Improvement Trust Fund shall determine, pursuant to s. 11, Art.
866 X of the Florida Constitution, whether such an exchange is in
867 the public interest and may authorize such an exchange if it so
868 determines. If the Board of Trustees of the Internal Improvement
869 Trust Fund approves the exchange, any development on the
870 submerged lands shall be deemed in the public interest by the
871 Legislature. Those activities that meet the applicable criteria
872 for permit issuance pursuant to chapter 373, Florida Statutes,
873 and for which the Department of Environmental Protection or a
874 water management district has issued such a permit are deemed
875 necessary to enhance the quality of the public health and are
876 hereby authorized.

877 Section 14. The Legislature recognizes that the Hospital
878 District provides health care facilities and services to
879 individuals within the jurisdiction of multiple local
880 governments and that it is in the public interest for the Board
881 to engage in planning for the Hospital District in order to most
882 efficiently provide such health care facilities and services.
883 The Board is therefore authorized, pursuant to chapter 189,
884 Florida Statutes, to prepare a comprehensive Public Facilities
885 Report for the use of the lands, resources, and waters conveyed
886 to it by the Board of Trustees of the Internal Improvement Trust
887 Fund, to participate in such planning with other public agencies
888 as authorized by chapter 189, Florida Statutes, to enter into
889 interlocal agreements, and to enact such regulations as are
890 necessary to implement said Public Facilities Report. Further,
891 upon adoption of said Public Facilities Report by the Board in
892 accordance with the procedures and requirements of this act and



893 chapter 189, Florida Statutes, all development within the
894 boundaries of the lands conveyed to the Hospital District by the
895 Board of Trustees of the Internal Improvement Trust Fund must be
896 consistent with said Public Facilities Report. The height,
897 density, or intensity of any construction or reconstruction of
898 facilities and filling of submerged lands required for facility
899 construction or reconstruction pursuant to the Public Facilities
900 Report shall be in compliance with applicable provisions of the
901 Agency for Health Care Administration contained within chapter
902 59A, Florida Administrative Code, chapter 4 of the Florida
903 Building Code, chapters 253 and 373, Florida Statutes, and all
904 provisions of the City of Cocoa Beach Charter and land
905 development regulations other than height, density, or intensity
906 and filling submerged lands. Provided the foregoing conditions
907 are satisfied, the district's Public Facilities Report shall be
908 deemed in compliance with section 189.4155, Florida Statutes,
909 the City of Cocoa Beach Charter, Comprehensive Plan, and
910 applicable land development regulations.

911 Section 15. The provisions of this act shall be liberally
912 construed in order to effectively carry out the purposes of this
913 act in the interest of the health, safety, and welfare of the
914 residents of the Hospital District.

915 Section 16. It is declared to be the legislative intent
916 that if any section, subsection, sentence, clause, or provision
917 of this act be held invalid, the remainder of this act shall not
918 be affected.



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

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

924 (2) The powers, functions, and duties of the District,
925 including, but not limited to, ad valorem taxation, bond
926 issuance, other revenue-raising capabilities, budget preparation
927 and approval, liens and foreclosure of liens, use of tax deeds
928 and tax certificates as appropriate for non-ad valorem
929 assessments, and contractual agreements shall be as set forth in
930 this act, chapters 189 and 197, Florida Statutes, or any other
931 applicable general or special law, as they may be amended from
932 time to time.

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

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

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

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

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

945 (8) Requirements for financial disclosure, meeting
946 notices, reporting, public records maintenance, and per diem



947 expenses for officers and employees shall be as set forth in
948 chapters 112, 119, 189, and 286, Florida Statutes, and this act,
949 as they may be amended from time to time.

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

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

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

961 (12) The District does not collect non-ad valorem
962 assessments, fees, or service charges as set forth in chapter
963 197, Florida Statutes.

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

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

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

972 Section 4. If any provision of this act or the application
973 thereof to any person or circumstance is held invalid, the
974 invalidity shall not affect other provisions or applications of



975 the act which can be given effect without the invalid provision
976 or application, and to this end the provisions of this act are
977 declared severable.

978 Section 5. This act shall be construed as a remedial act
979 and shall be liberally construed to promote the purpose for
980 which it is intended.

981 Section 6. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-
982 332, 81-345, and 86-426, Laws of Florida, are repealed.

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