

A bill to be entitled

An act relating to the Highlands County Hospital District; codifying, pursuant to s. 189.429, F.S., special laws relating to the Highlands County Hospital District; codifying, reenacting, amending, and repealing chapters 61-2232, 72-553, 74-487, 78-519, 80-506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of Florida; fixing and prescribing boundaries of the district; providing for its governing and administration; providing and defining powers and purposes of the district and its board of commissioners; authorizing the board to establish, contract for, lease, operate, and maintain any hospital it has established in the district; authorizing and providing for issuance and sale of district bonds; authorizing the board to borrow money and give notes therefor; authorizing and providing for levy and collection of taxes for payment of bonds and notes and interest thereon; providing for exercise of the power of eminent domain; authorizing establishment of hospital staff and a nursing school; providing for liability insurance; providing construction; providing severability; providing for the issuance of revenue bonds; authorizing the transfer of certain funds and limiting the uses thereof; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts

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30 relating to the Highlands County Hospital District. It is the
 31 intent of the Legislature in enacting this law to provide a
 32 single, comprehensive special act charter for the district,
 33 including all current legislative authority granted to the
 34 district by its several legislative enactments and any
 35 additional authority granted by this act.

36 Section 2. Chapters 61-2232, 72-553, 74-487, 78-519, 80-
 37 506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of
 38 Florida, are codified, reenacted, amended, and repealed as
 39 provided in this act.

40 Section 3. The charter for the Highlands County Hospital
 41 District is re-created and reenacted to read:

42 Section 1. A dependent special district is created,
 43 incorporated, and codified to be known as the Highlands County
 44 Hospital District in Highlands County, which district shall
 45 embrace and include all of Highlands County. This act codifies
 46 the prior enabling act, chapter 61-2232, Laws of Florida, as
 47 amended.

48 Section 2. The governing body of the Highlands County
 49 Hospital District shall consist of five commissioners, not more
 50 than one of whom may be a member of the medical profession. All
 51 commissioners, who shall serve without compensation, must be
 52 qualified electors and freeholders residing in Highlands County
 53 for more than 1 year prior to appointment, one of whom must
 54 reside in county commissioner's district No. 1; one of whom must
 55 reside in county commissioner's district No. 2; one of whom must
 56 reside in county commissioner's district No. 3; one of whom must
 57 reside in county commissioner's district No. 4; and one of whom
 58 must reside in county commissioner's district No. 5. The body

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59 shall be known and designated as the Board of Commissioners of
60 the Highlands County Hospital District. All commissioners shall
61 be appointed by the Board of County Commissioners of Highlands
62 County for a term of 4 years. The Board of County Commissioners
63 of Highlands County may remove any member of the board of
64 commissioners for cause and shall fill any vacancy that occurs
65 therein for the remainder of the term in which the vacancy
66 occurred. The members of the board of commissioners shall
67 receive no salary, but each shall be paid the sum of \$120 a year
68 as expense money; however, a member is not entitled to expense
69 money unless he or she has attended 75 percent of the regular
70 meetings held by the board during any year. A regular meeting of
71 the board shall be held at least once each quarter. Each member
72 shall give bond to the Board of County Commissioners of
73 Highlands County for the faithful performance of his or her
74 duties in the sum of \$5,000 with a surety company qualified to
75 do business in this state as surety, which bond shall be
76 approved and kept by the Clerk of the Circuit Court of Highlands
77 County. If the secretary and treasurer is not a member of the
78 board, he or she shall give a like bond of \$5,000 for the
79 faithful performance of his or her duties. Premiums on bonds
80 shall be paid as part of the expenses of the district.

81 Section 3. The Board of Commissioners of the Highlands
82 County Hospital District has all the powers of a body corporate,
83 including the power to sue and be sued under the name of the
84 Highlands County Hospital District; to contract and be
85 contracted with; to adopt and use a common seal and to alter it
86 at pleasure; to acquire, purchase, hold, lease, mortgage, and
87 convey such real and personal property as the board deems proper

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88 or expedient to carry out the purposes of this act; to appoint
 89 and employ a superintendent or matron or both, and such other
 90 agents and employees as the board deems advisable; to fix
 91 compensation of all employees and remove any appointees or
 92 employees; to insure the improvements, fixtures, and equipment
 93 against loss by fire, windstorm, or other coverage in such
 94 amounts as are determined reasonable and proper; and to borrow
 95 money and to issue evidence of indebtedness of the district
 96 therefor to carry out the provisions of this act in the manner
 97 provided in this act.

98 Section 4. There shall be a chair of the board of
 99 commissioners. The board may elect one of its members to serve
 100 as secretary and treasurer, or it may appoint some person not a
 101 member of the board to serve in that capacity. In the absence of
 102 the chair or his or her inability to act at any regular meeting,
 103 warrants may be signed by any other member of the board selected
 104 by the members present as chair pro tem. Three commissioners
 105 constitute a quorum, and a vote of at least two commissioners is
 106 necessary to the transaction of any business of the district.
 107 The commissioners shall cause true and accurate minutes and
 108 records to be kept of all business transacted by them and shall
 109 keep full, true, and complete books of account and minutes,
 110 which minutes, records, and books of account shall at all
 111 reasonable times be open and subject to inspection by
 112 inhabitants of the district. Any person desiring to do so may
 113 make or procure a copy of the minutes, records, or books of
 114 account, or such portions thereof as he or she may desire.

115 Section 5. The board of commissioners is authorized to
 116 establish, construct, lease, operate, and maintain any hospital

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117 as in its opinion is necessary for the use of the people of the
118 district. The hospital shall be established, constructed,
119 leased, operated, and maintained by the board of commissioners
120 for the preservation of the public health, for the public good,
121 and for the use of the public of the district, and maintenance
122 of any hospital within the district is found and declared to be
123 a public purpose and necessary for the preservation of the
124 public health, the public use, and the welfare of the district
125 and its inhabitants. The location of any hospital shall be
126 determined by the board. The board may accept any and all gifts,
127 loans, or advancements for the purchase of property, real or
128 personal, for the construction of, equipping of, and maintenance
129 of any hospital established by the board.

130 Section 6. The board of commissioners may at any time in
131 its discretion establish and maintain in connection with such
132 hospital and as part thereof a training school for nurses, and
133 upon completion of a prescribed course of training, it shall
134 give to nurses who have satisfactorily completed the course a
135 diploma. The board of commissioners may adopt all rules
136 necessary for the operation of a nurse's training school and
137 make all necessary expenditures in connection therewith.

138 Section 7. The board has the power of eminent domain, and
139 it may thereby condemn and acquire any real or personal property
140 within the territorial limits of the district which the board
141 deems necessary for the use of the district. Such power of
142 condemnation shall be exercised in the same manner as is now
143 provided by general law for the exercise of the power of eminent
144 domain by cities and towns of this state.

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145 Section 8. The board of commissioners may, in order to
146 provide for and carry out the work of this act, borrow money
147 from time to time for periods of time not exceeding 20 years at
148 any one time, and issue any notes of the district therefor upon
149 such terms and upon such rates of interest not exceeding 8
150 percent per year as the board deems advisable and secure the
151 payment of same by mortgage upon any property, real or personal,
152 owned by the district. The board additionally may pledge as
153 security for money borrowed by it, any moneys accruing to it or
154 to accrue to it from any source, including revenues derived from
155 the operation of the hospital and from any other funds legally
156 available to the district; however, the aggregate amount of
157 principal of moneys so borrowed upon the notes and mortgages of
158 the district, shall not, at any one time, exceed the sum of
159 \$750,000.

160 Section 9. The Board of Commissioners of the Highlands
161 County Hospital District may issue bonds of the district of such
162 form, denomination, and bearing such rate of interest not to
163 exceed 6 percent per year, and becoming due not less than 5 nor
164 more than 30 years from the date of issuance, in an amount not
165 to exceed \$1 million of the total bonded indebtedness of the
166 district, for the purpose of raising funds to establish,
167 construct, operate, and maintain any hospital as in the board's
168 opinion is necessary in the district. The board of commissioners
169 may refund any and all previous issues of bonds for any and all
170 lawful hospital purposes. All the proceeds derived from the sale
171 of bonds or refunding bonds, exclusive of expenses, shall be
172 deposited in a depository selected by the board.

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173 Section 10. Before the issuance of bonds, the board of
 174 commissioners shall, by resolution, determine the amount that in
 175 its opinion will be necessary to be raised annually by taxation
 176 for an interest and sinking fund with which to pay the interest
 177 and principal of the bonds; and the board shall provide for the
 178 levy and collection annually of a sufficient tax upon all the
 179 taxable property in the district, not exempt by law, to pay such
 180 interest and with which to provide and maintain a sinking fund
 181 for the payment of the principal of bonds.

182 Section 11. All bonds issued by the Board of Commissioners
 183 of the Highlands County Hospital District, except refunding
 184 bonds, revenue bonds, or certificates and anticipation time
 185 warrants, shall be issued only after they have been approved by
 186 the majority of the votes cast in an election in which a
 187 majority of the freeholders who are qualified registered
 188 electors in the district shall participate, which election shall
 189 be called and held by the board of commissioners, subject to
 190 reasonable rules adopted by the board. If it is determined to
 191 hold an election to decide whether a majority of the freeholders
 192 who are qualified electors are in favor of the issuance of
 193 bonds, the board of commissioners shall by resolution order an
 194 election to be held in the district, and shall give 30 days'
 195 notice of the election by publication in a newspaper of general
 196 circulation within the district once a week for 4 consecutive
 197 weeks during such period.

198 Section 12. Only registered electors of the district who
 199 are freeholders owning real property within the territorial
 200 limits of the district shall be permitted to vote at a bond
 201 election, and they may be required to submit proof by affidavit

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202 before the election official that they are freeholders owning
 203 property in the district and qualified as electors. For the
 204 purpose of determining the total number of qualified electors
 205 residing in the district who are freeholders and entitled to
 206 participate in such election, the board of commissioners shall
 207 prepare a list or file of the names of all qualified electors
 208 appearing upon the registration books of Highlands County who
 209 are determined to be freeholders residing in the district and
 210 qualified to vote in the election. Such lists or files shall be
 211 furnished to the inspectors or clerks of the election at each
 212 voting place, and such lists or files shall be prima facie
 213 evidence of the total number of qualified electors who are
 214 freeholders in the district and qualified to participate in the
 215 election. A person whose name does not appear upon such list or
 216 file may not be permitted to vote in such election; except that
 217 a qualified elector of a district whose name does not appear
 218 upon such file or list shall be permitted to vote upon taking a
 219 freeholder's oath before the clerk of the election and
 220 furnishing proof of his or her qualification as a freeholder.

221 Section 13. As far as practicable and where not
 222 inconsistent with the provisions of this act, the procedure
 223 outlined in chapter 100, Florida Statutes, providing the
 224 procedure for bond elections, shall govern.

225 Section 14. All bonds issued under this act shall be in
 226 the denomination of \$100 or some multiple thereof and shall bear
 227 interest not exceeding 6 percent per year, payable annually or
 228 semiannually, and both principal and interest shall be payable
 229 at such place as the governing authority determines. The form of
 230 such bonds shall be fixed by resolution of the board of

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231 commissioners and bonds shall be signed by the chair of the
 232 board and countersigned by the secretary of the board under the
 233 seal of the district. The coupons, if any, shall be executed by
 234 the facsimile signatures of the officers. The delivery at any
 235 subsequent date of any bond and coupon so executed shall be
 236 valid, although before the date of delivery the persons signing
 237 bonds or coupons cease to hold office.

238 Section 15. Bonds issued under this act may be either
 239 registered or coupon bonds. Coupon bonds may be registered as to
 240 principal in the holder's name on the books of the hospital
 241 district, the registration being noted upon the bonds, after
 242 which no transfer shall be valid unless made on such hospital
 243 district's books by the registered holder and similarly noted on
 244 the bonds. Bonds registered as to principal may be discharged
 245 from registration by being transferred to the bearer, after
 246 which they shall be transferable by delivery, but may be again
 247 registered as to principal as before. The registration of the
 248 bonds as to principal shall not restrain the negotiability of
 249 the coupons by delivery merely.

250 Section 16. Before any bonds of the Highlands County
 251 Hospital District are issued under this act, the board of
 252 commissioners shall investigate and determine the legality of
 253 the proceedings. The resolution authorizing the bonds may direct
 254 that they contain the following recital:

255
 256 "It is certified that this bond is authorized by and is issued
 257 in conformity with the requirements of the Constitution and
 258 Statutes of the State of Florida."

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260 Such recital shall be an authorized declaration by the governing
 261 authority of the district and shall import that there is
 262 constitutional and statutory authority for incurring the debts
 263 and issuing the bonds; that all the proceedings therefor are
 264 regular; that all acts, conditions, and things required to
 265 exist, happen, and be performed precedent to and in the issuance
 266 of the bond have existed, happened, and been performed in due
 267 time, form, and manner, as required by law; and that the amount
 268 of the bond, together with all other indebtedness, does not
 269 exceed any limit prescribed by the constitution and statutes of
 270 this state. If any bond is issued containing the recital, it
 271 shall be conclusively presumed that the recital, construed
 272 according to the import declared in this section, is true, and
 273 the district shall not be permitted to question the validity or
 274 legality of the obligation in any court in any action or
 275 proceeding.

276 Section 17. In issuing bonds under this act, it is lawful
 277 for the board of commissioners to include more than one
 278 improvement or hospital purpose in any bond issue.

279 Section 18. All bonds issued under this act shall be
 280 advertised for sale on sealed bids, which advertisement shall be
 281 published once a week for 3 weeks, the first publication to be
 282 made at least 21 days preceding the date fixed for the reception
 283 of bids in a newspaper published in the hospital district.
 284 Notice of sale shall also be published once a week for 3 weeks
 285 preceding the date fixed for the reception of bids, either in a
 286 financial paper published in the City of New York, the City of
 287 Chicago, or the City of Baltimore, or in a newspaper of general
 288 circulation published in a city in Florida having a population

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289 of not fewer than 20,000 inhabitants according to the latest
 290 official decennial census. The board of commissioners may reject
 291 any and all bids. If the bonds are not sold pursuant to such
 292 advertisements, they may be sold by the board of commissioners
 293 at private sale within 60 days after the date advertised for the
 294 reception of sealed bids, but no private sale shall be made at a
 295 price less than the highest bid that has been received. If not
 296 so sold, bonds shall be readvertised in the manner prescribed in
 297 this act. No bonds issued under this act shall be sold for less
 298 than 95 percent of the par value and accrued interest.

299 Section 19. A resolution or proceeding in respect to the
 300 issuance of bonds is not necessary, except as required by this
 301 act. Publication of any resolution or proceeding relating to the
 302 issuance of bonds is not required, except as required by this
 303 act. Any publication prescribed in this act may be made in any
 304 newspaper conforming to the terms of this act without regard to
 305 the designation thereof as the official organ of the district.
 306 Bonds issued under this act shall have all the qualities of
 307 negotiable paper under the law merchant, shall not be invalid
 308 for any irregularly or defect in the proceeding for the issue
 309 and sale thereof, and shall be incontestable in the hands of
 310 bona fide purchasers or holders thereof for value.

311 Section 20. The Board of Commissioners of the Highlands
 312 County Hospital District may provide by resolution for the
 313 issuance of refunding bonds to refund principal and interest of
 314 an existing bond indebtedness, for the payment of which the
 315 credit of the hospital district is pledged, and such bonds may
 316 be issued at or prior to maturity of the bonds to be refunded.
 317 Such resolution may be adopted at a regular or special meeting,

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318 and at the same meeting at which it is introduced, by the
 319 majority of the members of the commission then in office. It is
 320 determined and declared as a matter of legislative intent that
 321 an election to authorize the issuance of refunding bonds is not
 322 necessary, except in cases in which an election may be required
 323 by the State Constitution. In all cases in which it is not
 324 necessary under the State Constitution to hold an election on
 325 the issuance of such refunding bonds, such resolution shall take
 326 effect immediately upon the adoption thereof. No other
 327 proceedings shall be required for the issuance of bonds by the
 328 district.

329 Section 21. The resolution of the Board of Commissioners
 330 of the Highlands County Hospital District authorizing the
 331 issuance of the refunding bonds may provide that the refunding
 332 bonds may be issued in one or more series, bear the date, mature
 333 at the time not exceeding 30 years from their respective dates,
 334 bear interest at the rate not exceeding the maximum rate of
 335 interest borne by the notes, bonds, or other obligations
 336 refinanced thereby, be in the denomination, be in the form
 337 either coupon or registered, carry the registration and
 338 conversion privileges, be executed in the manner, be payable in
 339 the medium of payment at the place, be subject to the terms of
 340 redemption with or without a premium, be declared or become due
 341 before the maturity date thereof, provide for the replacement of
 342 mutilated, destroyed, stolen, or lost bonds, and be
 343 authenticated in the manner and upon compliance with the
 344 conditions and contain such other terms and covenants as is
 345 desired. Notwithstanding the form or tenor and in the absence of
 346 an express recital on the face that the bond is nonnegotiable,

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347 all refunding bonds are at all times negotiable instruments for
 348 all purposes.

349 Section 22. Refunding bonds bearing the signature of
 350 officers of the district in office on the date of the signing
 351 thereof shall be valid and binding obligations of the district
 352 for all purposes, notwithstanding that before the delivery
 353 thereof any or all of the persons whose signatures appear
 354 thereon have ceased to be officers of the district. Any
 355 resolution authorizing refunding bonds may provide that any
 356 refunding bonds issued under this act may contain a recital and
 357 any refunding bond issued under authority of any resolution
 358 shall be conclusively deemed to be valid and to have been issued
 359 in conformity with the provisions of this act. The authority of
 360 a district to issue obligations under this act may be determined
 361 and obligations to be issued under this act may be validated as
 362 provided by law.

363 Section 23. Refunding bonds may be sold or exchanged as
 364 follows:

365 (1) In installments at different times, or an entire issue
 366 or series may be sold or exchanged at one time. Any issue or
 367 series of refunding bonds may be exchanged in part or sold in
 368 parts in installments at different times or at one time. The
 369 refunding bonds may be sold or exchanged at any time on, before,
 370 or after the maturity of any of the outstanding notes, bonds,
 371 certificates, or other obligations to be refinanced thereby.

372 (2) If the board of commissioners determines to exchange
 373 any refunding bonds, the refunding bonds may be exchanged
 374 privately for and in payment and discharge of any of the
 375 outstanding notes, bonds, or other obligations of the district.

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376 The refunding bonds may be exchanged for a like or greater
 377 principal amount of notes, bonds, or other obligations of the
 378 district, except that the principal amount of the outstanding
 379 notes, bonds, or other obligations to the extent necessary or
 380 advisable, in the discretion of the governing body, to fund
 381 interest in arrears or about to become due. The holder of
 382 outstanding notes, bonds, or other obligations need not pay
 383 accrued interest on the refunding bonds to be delivered in
 384 exchange therefor if and to the extent that interest is due or
 385 accrued and unpaid on the outstanding notes, bonds, or other
 386 obligations to be surrendered.

387 (3) If the board of commissioners determines to sell any
 388 refunding bonds, the refunding bonds shall be sold at not less
 389 than 95 percent of par at public or private sales, in such
 390 manner and upon the terms the board of commissioners deems best
 391 for the interest of the district.

392 Section 24. All bonds or refunding bonds issued under this
 393 act are legal investments for state, county, municipal, and all
 394 other public funds and for banks, savings banks, insurance
 395 companies, executors, administrators, trustees, and all other
 396 fiduciaries and shall also be and constitute securities eligible
 397 as collateral security for all state, county, municipal, or
 398 other public funds.

399 Section 25. The funds of the district shall be paid out
 400 only upon warrants, signed by the chair or chair pro tem of the
 401 board, and having thereto affixed the corporate seal of the
 402 district, which may be an impression thereon or a facsimile
 403 thereof. The warrant may not be drawn or issued against funds of
 404 the district except for a purpose authorized by this act, and no

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405 such warrant against funds of the district shall be drawn or
406 issued until after the account or expenditure for which the same
407 is to be given in payment has been ordered and approved by the
408 board of commissioners at a meeting in which a quorum is
409 present. The chair of the board may sign checks and warrants of
410 the district by the facsimile signature of the chair and use and
411 employ facsimile signature machines for that purpose, provided
412 that the checks and warrants are countersigned by the treasurer
413 for the district.

414 Section 26. The board may pay from the funds of the
415 district all expenses of the organization of the board and all
416 expenses necessarily incurred with the formation of the district
417 and all other reasonable and necessary expenses, including the
418 fees and expenses of an attorney in the transaction of the
419 business of the district and in carrying out and accomplishing
420 the purposes of this act. This section, however, may not be
421 construed to limit or destroy any of the powers vested in the
422 board of commissioners by any other section or provision of this
423 act.

424 Section 27. Subject to such provisions and restrictions as
425 are set forth in the resolution authorizing or securing any
426 bonds issued under this act, the board may enter into contracts
427 with the government of the United States or any agency or
428 instrumentality thereof, or with the state or any county,
429 municipality, district, authority, or political subdivision,
430 private corporation, partnership, association, or individual
431 providing for or relating to the construction or acquisition of
432 additions, extensions, and improvements to the hospital and any
433 other matters relevant thereto or otherwise necessary to effect

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434 the purposes of this act, may receive and accept from any
 435 federal agency, state agency, or other public body grants or
 436 loans for or in aid of such purposes and receive and accept aid
 437 or contributions or loans from any other source of money,
 438 property, labor, or other things of value, to be held, used, and
 439 applied only for the purpose for which such grants,
 440 contributions, or loans may be made.

441 Section 28. At least once each year the board of
 442 commissioners shall publish once in some newspaper published in
 443 the district a complete detailed annual statement of all moneys
 444 received and disbursed by them since the creation of the
 445 district as to the first published statement and since the last
 446 published statement as to any other year. The statements shall
 447 also show the several sources from which the funds were received
 448 and shall show the balance on hand at the time of the published
 449 statement. It shall show a complete statement of the financial
 450 condition of the district.

451 Section 29. Each hospital or clinic established under this
 452 act shall be for the use and benefit of the residents of the
 453 district. Residents shall be admitted to such hospital or clinic
 454 and be entitled to hospitalization and treatment, subject,
 455 however, to the rules adopted by the board of commissioners
 456 effective as of the date of admission of a patient to the
 457 hospital or clinic. The hospital or clinic may care for and
 458 treat without charge patients who are found by the board of
 459 commissioners to be indigent and who have for 1 year next
 460 preceding the application for admission been residents of the
 461 district. The board of commissioners may accept money from any
 462 welfare funds provided for Highlands County or moneys available

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463 to the indigent patients from a federal, state, or county agency
 464 or moneys available to Highlands County from such governmental
 465 agencies for welfare and hospital purposes, for the payment of
 466 costs of treatment and care of indigent residents of the
 467 district. The board may collect from patients financially able
 468 such charges as the board of commissioners from time to time
 469 establishes. The board of commissioners may exclude from
 470 treatment and care any person having a communicable or
 471 contagious disease when such disease may be a detriment to the
 472 best interests of the hospital or clinic or a source of
 473 contagion or infection to the patient in its care, unless the
 474 hospital has a separate building or ward for the special
 475 treatment of such patients and can properly and with safety to
 476 the other patients retain the communicable or contagious case in
 477 such separate ward or building. The board of commissioners may
 478 extend the privileges and use of the hospital or clinic to
 479 nonresidents of the district who pay the rates established by
 480 the board and upon such terms and conditions as the board may
 481 from time to time by its rules provide. However, residents of
 482 the district wherein the hospital or clinic is located have
 483 first claim to admission. The board may furnish and extend the
 484 benefits of the hospital and clinic services and treatment to
 485 the homes of indigent residents of the district. Each municipal
 486 corporation situated within the district and the law enforcing
 487 agencies of Highlands County are liable to the board for the
 488 occupancy, care, medicine, and treatment of prisoners in the
 489 custody of the municipal corporation or county officers who are
 490 admitted to any hospital operated by the board.

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491 Section 30. Realizing that factors other than professional
 492 must enter into the qualification of those who practice medicine
 493 and surgery, the Board of Commissioners of the Highlands County
 494 Hospital District may adopt rules and bylaws for the operation
 495 of the hospital and the hospital staff. The board of
 496 commissioners may give, grant, or revoke licenses and privileges
 497 of staff members so that the welfare and health of patients and
 498 the best interests of the hospital are at all times best served.
 499 The board of commissioners is further authorized to adopt rules
 500 for the control of all professional and nonprofessional
 501 employees of the hospital, which terms shall include nurses on
 502 general duty or on private duty attending patients and all
 503 persons in the hospital either as employees or who in any manner
 504 attend patients. Any patient may employ, at his or her expense,
 505 his or her own physician, and the physician when employed by the
 506 patient shall have exclusive charge of the care and treatment of
 507 the patient, and the nurses therein, as to the patient, shall be
 508 subject to the direction of the physician, subject always to
 509 such general rules as are adopted by the Board of Commissioners
 510 of the Highlands County Hospital District.

511 Section 31. The board of commissioners may secure and keep
 512 in force in amounts it may determine, in companies duly
 513 authorized to do business in Florida, liability insurance
 514 covering vehicles, premises, and malpractice. However, the board
 515 of commissioners may purchase such insurance from companies not
 516 duly authorized to do business in Florida if equivalent
 517 insurance coverage is not available from companies duly
 518 authorized to do business in Florida. In consideration of the
 519 premium at which each policy is written, it shall be a part of

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520 the policy contract between the board of commissioners and the
521 named insured that the company is not entitled to the benefit of
522 the defense of governmental immunity for the insured by reason
523 of exercising of governmental function on any suit brought
524 against the insured. Immunity of the board of commissioners
525 against liability damages is waived to the extent of liability
526 insurance carried by the board. However, an attempt may not be
527 made at the trial of any action against the board to suggest the
528 existence of any insurance that covers in whole or in part any
529 judgment or award that is rendered in favor of the plaintiff. If
530 a verdict rendered by the jury exceeds the limit of the
531 applicable insurance, the court shall reduce the amount of the
532 judgment or award to a sum equal to the applicable limit set
533 forth in the policy.

534 Section 32. The provisions of this act shall be liberally
535 construed for accomplishing the work authorized and provided for
536 or intended to be provided for by this act, and when strict
537 construction would result in the defeat of the accomplishment of
538 any part of the work authorized by this act and a liberal
539 construction would permit or assist in the accomplishment
540 thereof, the liberal construction shall be chosen.

541 Section 33. If any provision of this act or its
542 application to any person or circumstance is held invalid, the
543 invalidity does not affect other provisions or applications of
544 the act which can be given effect without the invalid provision
545 or application, and to this end the provisions of this act are
546 declared severable.

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547 Section 34. (1) Notwithstanding the foregoing provisions
 548 of this act and without regard to any limitations and conditions
 549 contained in any other section of this act:

550 (a) The board of commissioners may acquire, construct,
 551 reconstruct, extend, make additions to, enlarge, improve,
 552 repair, remodel, restore, equip, and furnish hospital and other
 553 health care facilities now or hereafter located in the district
 554 and which are or may be owned by or under the supervision,
 555 operation, and control of the district. For the purposes of this
 556 section "health care facilities" means any real property or
 557 interest therein, building, structure, facility, machinery,
 558 equipment, furnishings, or other property suitable for use by
 559 the district in connection with its operations or proposed
 560 operations, including, without limitation, real property
 561 therefor; a clinic, computer facility, dining hall, firefighting
 562 facility, fire prevention facility, food service and preparation
 563 facility, health care facility, long-term care facility,
 564 hospital, interns' residence, laboratory, laundry, maintenance
 565 facility, nurses' residence, nursing home, nursing school,
 566 office, professional office building, parking structure and
 567 area, pharmacy, recreational facility, research facility,
 568 storage facility, utility, or X-ray facility, or any combination
 569 of the foregoing; and other structures or facilities related
 570 thereto or required or useful for health care purposes, the
 571 conducting of research, or the operation of a hospital or other
 572 health care facility, including facilities or structures
 573 essential or convenient for the orderly conduct of such hospital
 574 or other health care facility and other similar items necessary

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575 or convenient for the operation of a particular facility or
 576 structure in the manner for which its use is intended.

577 (b)1. The board of commissioners may from time to time
 578 issue negotiable revenue bonds of the district for the purpose
 579 of paying or refinancing all or any part of the cost of any
 580 hospital or other health care facility. In anticipation of the
 581 sale of such revenue bonds, the district may issue negotiable
 582 bond anticipation notes and may renew them from time to time,
 583 but the maximum maturity of any such note, including renewals
 584 thereof, may not exceed 5 years from the date of issue of the
 585 original note. Such notes shall be paid from any revenues or
 586 other funds of the district legally available therefor and not
 587 otherwise pledged or from the proceeds of sale of the revenue
 588 bonds of the district in anticipation of which they were issued.
 589 The notes shall be issued in the same manner as the revenue
 590 bonds. Such notes and the resolution or resolutions authorizing
 591 them may contain any provision, condition, or limitation that a
 592 bond resolution of the board of commissioners may contain.

593 2. The revenue bonds and notes of every issue shall be
 594 payable solely out of revenues derived by the district from
 595 hospital and other health care facilities within the district
 596 and owned by or under the supervision, operation, and control of
 597 the district, together with any other funds of the district
 598 legally available for the purpose. Notwithstanding that revenue
 599 bonds and notes may be payable from a special fund, they are,
 600 and shall be deemed to be, for all purposes, negotiable
 601 instruments, subject only to any provisions of the revenue bonds
 602 and notes for registration.

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603 3. The revenue bonds may be issued as serial bonds, as
604 term bonds, or otherwise, or the board of commissioners, in its
605 discretion, may issue bonds of all types. The revenue bonds
606 shall be authorized by resolution or resolutions of the board of
607 commissioners and shall bear such date or dates; mature at such
608 time or times, not exceeding 50 years from their respective
609 dates; bear interest at such rate or rates, including variable
610 rates, but not exceeding the maximum rate permitted by law at
611 the time of issuance; be payable at such time or times; be in
612 such denominations; be in such form, either coupon or
613 registered, or both; carry such registration privileges and
614 conversion or exchange privileges; be executed in such manner;
615 be payable in lawful money of the United States at such place or
616 places; and be subject to such terms of redemption, including
617 redemption prior to maturity, as such resolution or resolutions
618 provide. The board of commissioners shall determine the form and
619 manner of execution of the bonds, including any interest coupons
620 to be attached thereto, and shall fix the denomination or
621 denominations of the bonds and the place or places of payment of
622 principal and interest, which may be at any bank or trust
623 company within or without the state. In case any officer whose
624 signature, or a facsimile of whose signature, appears on any
625 bonds or coupons ceases to be such officer before the delivery
626 of such bonds, such signature or facsimile is nevertheless valid
627 and sufficient for all purposes the same as if he or she had
628 remained in office until such delivery. The board of
629 commissioners may also provide for the authentication of the
630 bonds by a trustee or fiscal agent. The revenue bonds or notes
631 may be sold in such manner, either at public or private sale,

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632 and for such price or prices as the board of commissioners
633 determines. Pending preparation of the definitive bonds, the
634 board of commissioners may issue interim receipts or
635 certificates, which shall be exchanged for such definitive
636 bonds.

637 4. In the discretion of the board of commissioners, each
638 or any issue of revenue bonds may be secured by a trust
639 agreement by and between the district and a corporate trustee,
640 which may be any trust company or bank having the powers of a
641 trust company within or outside of the state. Such trust
642 agreement or resolution providing for the issuance of such bonds
643 may pledge or assign all or any part of the revenues and other
644 funds of the district legally available for the payment of such
645 revenue bonds. The resolution providing for the issuance of such
646 bonds or such trust agreement may contain such provisions for
647 protecting and enforcing the rights and remedies of the
648 bondholders as are reasonable and proper and not in violation of
649 law, including covenants setting forth the duties of the
650 district in relation to the acquisition, construction,
651 improvement, maintenance, operation, repair, equipping, and
652 insurance of the facilities, the fees and other charges to be
653 fixed and collected for the use of any facility or part thereof,
654 the sale of any facility or part thereof or other property, the
655 terms and conditions for the issuance of additional bonds, and
656 the custody, safeguarding, and application of all moneys. It is
657 lawful or any bank or trust company incorporated under the laws
658 of the state which may act as such depository to furnish such
659 indemnifying bonds or to pledge such securities as are required
660 by the board of commissioners. Such resolution or such trust

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661 agreement may set forth the rights and remedies of the
 662 bondholders and the trustee and may restrict the individual
 663 right of action by the bondholders. In addition to the
 664 foregoing, such resolution or such trust agreement may contain
 665 such other provisions as the board of commissioners deems
 666 reasonable and proper for the security of the bondholders. All
 667 expenses incurred in carrying out such trust agreement or
 668 resolution may be treated as a part of the cost of the facility
 669 in connection with which such bonds are issued or as part of the
 670 expense of operation or such facility, as the case may be. The
 671 resolution or trust agreement providing for the issuance of the
 672 revenue bonds may also contain such limitations upon the
 673 issuance of additional revenue bonds as the board of
 674 commissioners deems proper, and such additional bonds shall be
 675 issued under such restrictions or limitations prescribed by such
 676 resolution or trust agreement.

677 (c) Revenue bonds issued under this section shall not be
 678 deemed to constitute a debt, liability, or obligation of the
 679 district, Highlands County, or the state or any political
 680 subdivision thereof or a pledge of the faith and credit or the
 681 taxing power of the district, Highlands County, or the state or
 682 any political subdivision thereof, but they shall be payable
 683 solely from the revenues and funds provided therefor. All such
 684 revenue bonds shall contain on the face thereof a statement to
 685 the effect that the district is not obligated to pay the same or
 686 the interest thereon except from the revenues and other funds of
 687 the district provided for such payment, and that neither the
 688 faith and credit nor the taxing power of the district, Highlands
 689 County, or the state or any political subdivision thereof is

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690 pledged to the payment of the principal or the interest on such
 691 bonds. The issuance of revenue bonds under this section shall
 692 not directly, indirectly, or contingently obligate the district,
 693 Highlands County, or the state or any political subdivision
 694 thereof to levy or to pledge any form of taxation whatever
 695 therefore or to make any appropriation for their payment.

696 (d) All bonds issued under this section have, and are
 697 declared to have, all the qualities and incidents, including
 698 negotiability, of investment securities under the Uniform
 699 Commercial Code, but no provision of such code respecting the
 700 filing of a financing statement to perfect a security interest
 701 shall be deemed necessary for or applicable to any security
 702 interest created in connection with the issuance of any such
 703 bonds.

704 (e) The exercise of the powers granted by this section
 705 will be in all respects for the benefit of the people of this
 706 state, for the increase of their commerce, welfare, and
 707 prosperity, and for the improvement of their health and living
 708 conditions, and because the operation and maintenance of
 709 hospital and other health care facilities by the district will
 710 constitute the performance of an essential public and
 711 governmental purpose, any bonds issued under the provisions of
 712 this section, together with interest thereon, their transfer,
 713 and the income therefrom, including any profit made on the sale
 714 thereof, shall at all times be free from taxation of every kind
 715 by the state, Highlands County, and municipalities and other
 716 political subdivisions in the state, except those taxes imposed
 717 by chapter 220, Florida Statutes, on interest, income, or
 718 profits on debt obligations owned by corporations.

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719 (f) The board of commissioners may provide for the
 720 issuance of revenue bonds of the district for the purpose of
 721 refunding any of its revenue bonds then outstanding, including
 722 the payment of any redemption premium thereon and any interest
 723 accrued or to accrue to the earliest or subsequent date of
 724 redemption, purchase, or maturity of such revenue bonds. The
 725 proceeds of any such revenue bonds issued for the purpose of
 726 refunding outstanding revenue bonds may, in the discretion of
 727 the board of commissioners, be applied to the purchase or
 728 retirement at maturity or redemption of such outstanding revenue
 729 bonds either on their earliest or any subsequent redemption
 730 date, or upon the purchase or at the maturity thereof; may,
 731 pending such application, be placed in escrow to be applied to
 732 such purchase or retirement at maturity or redemption on such
 733 date as may be determined by the board of commissioners; and,
 734 pending such application to purchase, retirement, or redemption,
 735 may be invested and reinvested in securities selected by or in
 736 such manner as the board of commissioners provides.

737 (g) Bonds issued by the board of commissioners under this
 738 section are made securities in which all public officers and
 739 public bodies of the state and its political subdivisions and
 740 all banks, trust companies, bankers, banking associations,
 741 savings banks and institutions, building and loan associations,
 742 savings and loan associations, investment companies, and other
 743 persons carrying on a banking or investment business; all
 744 insurance companies, insurance associations, and other persons
 745 carrying on an insurance business; and all executors,
 746 administrators, curators, trustees, and other fiduciaries may
 747 properly and legally invest funds, including capital in their

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748 control or belonging to them. Such bonds are made securities
 749 that may properly and legally be deposited with and received by
 750 any state or municipal officer or any agency or political
 751 subdivision of the state for any purpose for which the deposit
 752 or bonds or obligations of the state is now or may hereafter be
 753 authorized by law.

754 (h) An election in the district is not required as a
 755 condition precedent to the exercise by the board of
 756 commissioners of any of the powers conferred by this section
 757 unless such election is required by the State Constitution.

758 (i) Revenue bonds may be issued under this section without
 759 obtaining, except as otherwise expressly provided in this
 760 section, the consent of any department, division, commission,
 761 board, body, bureau, or agency of the state or any political
 762 subdivision thereof and without any other proceedings or the
 763 happening of any conditions or things other than those
 764 proceedings, conditions, or things that are specifically
 765 required by this section and the provisions of the resolution or
 766 resolutions authorizing the issuance of such bonds or the trust
 767 agreement securing them.

768 (2) This section shall be deemed to provide an additional
 769 and alternative method for the doing of the things authorized in
 770 this section and shall be regarded as supplemental and
 771 additional to powers conferred by other laws. This section,
 772 being necessary for the health and welfare of the inhabitants of
 773 Highlands County and the state, shall be liberally construed to
 774 effect the purposes thereof.

775 Section 35. In order that citizens and residents of the
 776 district may receive quality health care, the board of

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777 commissioners may enter into contract with corporations, either
 778 for profit or not for profit, duly authorized to do business in
 779 the state for the purpose of operating and managing such
 780 hospital and any or all of its facilities of whatsoever kind and
 781 nature and enter into leases with such corporations for the
 782 operating of such facilities. The term of any such lease,
 783 contract, or agreement and the conditions, covenants, and
 784 agreements to be contained therein shall be determined by the
 785 board of commissioners.

786 Section 36. The Board of Commissioners of the Highlands
 787 County Hospital District may transfer by gift or loan to the
 788 Highlands County Commission any surplus assets or funds from
 789 whatever source derived; however, they must be used exclusively
 790 for health services in Highlands County. Further, such assets or
 791 funds constitute surplus funds as determined by the Board of
 792 Commissioners of the Highlands County Hospital District.

793 Section 4. Chapters 61-2232, 72-553, 74-487, 78-519, 80-
 794 506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of
 795 Florida, are repealed.

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