

By Senator Alexander

17-761A-04

See HB 1599

1                                   A bill to be entitled  
2           An act relating to the Highlands County  
3           Hospital District; codifying, pursuant to s.  
4           189.429, F.S., special laws relating to the  
5           Highlands County Hospital District; codifying,  
6           reenacting, amending, and repealing chapters  
7           61-2232, 72-553, 74-487, 78-519, 80-506,  
8           81-384, 84-437, 85-420, 88-456, and 96-443,  
9           Laws of Florida; fixing and prescribing  
10          boundaries of the district; providing for its  
11          governing and administration; providing and  
12          defining powers and purposes of the district  
13          and its board of commissioners; authorizing the  
14          board to establish, contract for, lease,  
15          operate, and maintain any hospital it has  
16          established in the district; authorizing and  
17          providing for issuance and sale of district  
18          bonds; authorizing the board to borrow money  
19          and give notes therefor; authorizing and  
20          providing for levy and collection of taxes for  
21          payment of bonds and notes and interest  
22          thereon; providing for exercise of the power of  
23          eminent domain; authorizing establishment of  
24          hospital staff and a nursing school; providing  
25          for liability insurance; providing  
26          construction; providing severability; providing  
27          for the issuance of revenue bonds; authorizing  
28          the transfer of certain funds and limiting the  
29          uses thereof; providing an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Pursuant to section 189.429, Florida  
2 Statutes, this act constitutes the codification of all special  
3 acts relating to the Highlands County Hospital District. It is  
4 the intent of the Legislature in enacting this law to provide  
5 a single, comprehensive special act charter for the district,  
6 including all current legislative authority granted to the  
7 district by its several legislative enactments and any  
8 additional authority granted by this act.

9           Section 2. Chapters 61-2232, 72-553, 74-487, 78-519,  
10 80-506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of  
11 Florida, are codified, reenacted, amended, and repealed as  
12 provided in this act.

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

15           Section 1. A dependent special district is created,  
16 incorporated, and codified to be known as the Highlands County  
17 Hospital District in Highlands County, which district shall  
18 embrace and include all of Highlands County. This act codifies  
19 the prior enabling act, chapter 61-2232, Laws of Florida, as  
20 amended.

21           Section 2. The governing body of the Highlands County  
22 Hospital District shall consist of five commissioners, not  
23 more than one of whom may be a member of the medical  
24 profession. All commissioners, who shall serve without  
25 compensation, must be qualified electors and freeholders  
26 residing in Highlands County for more than 1 year prior to  
27 appointment, one of whom must reside in county commissioner's  
28 district No. 1; one of whom must reside in county  
29 commissioner's district No. 2; one of whom must reside in  
30 county commissioner's district No. 3; one of whom must reside  
31 in county commissioner's district No. 4; and one of whom must

1 reside in county commissioner's district No. 5. The body shall  
2 be known and designated as the Board of Commissioners of the  
3 Highlands County Hospital District. All commissioners shall be  
4 appointed by the Board of County Commissioners of Highlands  
5 County for a term of 4 years. The Board of County  
6 Commissioners of Highlands County may remove any member of the  
7 board of commissioners for cause and shall fill any vacancy  
8 that occurs therein for the remainder of the term in which the  
9 vacancy occurred. The members of the board of commissioners  
10 shall receive no salary, but each shall be paid the sum of  
11 \$120 a year as expense money; however, a member is not  
12 entitled to expense money unless he or she has attended 75  
13 percent of the regular meetings held by the board during any  
14 year. A regular meeting of the board shall be held at least  
15 once each quarter. Each member shall give bond to the Board of  
16 County Commissioners of Highlands County for the faithful  
17 performance of his or her duties in the sum of \$5,000 with a  
18 surety company qualified to do business in this state as  
19 surety, which bond shall be approved and kept by the Clerk of  
20 the Circuit Court of Highlands County. If the secretary and  
21 treasurer is not a member of the board, he or she shall give a  
22 like bond of \$5,000 for the faithful performance of his or her  
23 duties. Premiums on bonds shall be paid as part of the  
24 expenses of the district.

25 Section 3. The Board of Commissioners of the Highlands  
26 County Hospital District has all the powers of a body  
27 corporate, including the power to sue and be sued under the  
28 name of the Highlands County Hospital District; to contract  
29 and be contracted with; to adopt and use a common seal and to  
30 alter it at pleasure; to acquire, purchase, hold, lease,  
31 mortgage, and convey such real and personal property as the

1 board deems proper or expedient to carry out the purposes of  
2 this act; to appoint and employ a superintendent or matron or  
3 both, and such other agents and employees as the board deems  
4 advisable; to fix compensation of all employees and remove any  
5 appointees or employees; to insure the improvements, fixtures,  
6 and equipment against loss by fire, windstorm, or other  
7 coverage in such amounts as are determined reasonable and  
8 proper; and to borrow money and to issue evidence of  
9 indebtedness of the district therefor to carry out the  
10 provisions of this act in the manner provided in this act.

11 Section 4. There shall be a chair of the board of  
12 commissioners. The board may elect one of its members to serve  
13 as secretary and treasurer, or it may appoint some person not  
14 a member of the board to serve in that capacity. In the  
15 absence of the chair or his or her inability to act at any  
16 regular meeting, warrants may be signed by any other member of  
17 the board selected by the members present as chair pro tem.  
18 Three commissioners constitute a quorum, and a vote of at  
19 least two commissioners is necessary to the transaction of any  
20 business of the district. The commissioners shall cause true  
21 and accurate minutes and records to be kept of all business  
22 transacted by them and shall keep full, true, and complete  
23 books of account and minutes, which minutes, records, and  
24 books of account shall at all reasonable times be open and  
25 subject to inspection by inhabitants of the district. Any  
26 person desiring to do so may make or procure a copy of the  
27 minutes, records, or books of account, or such portions  
28 thereof as he or she may desire.

29 Section 5. The board of commissioners is authorized to  
30 establish, construct, lease, operate, and maintain any  
31 hospital as in its opinion is necessary for the use of the

1 people of the district. The hospital shall be established,  
2 constructed, leased, operated, and maintained by the board of  
3 commissioners for the preservation of the public health, for  
4 the public good, and for the use of the public of the  
5 district, and maintenance of any hospital within the district  
6 is found and declared to be a public purpose and necessary for  
7 the preservation of the public health, the public use, and the  
8 welfare of the district and its inhabitants. The location of  
9 any hospital shall be determined by the board. The board may  
10 accept any and all gifts, loans, or advancements for the  
11 purchase of property, real or personal, for the construction  
12 of, equipping of, and maintenance of any hospital established  
13 by the board.

14 Section 6. The board of commissioners may at any time  
15 in its discretion establish and maintain in connection with  
16 such hospital and as part thereof a training school for  
17 nurses, and upon completion of a prescribed course of  
18 training, it shall give to nurses who have satisfactorily  
19 completed the course a diploma. The board of commissioners may  
20 adopt all rules necessary for the operation of a nurse's  
21 training school and make all necessary expenditures in  
22 connection therewith.

23 Section 7. The board has the power of eminent domain,  
24 and it may thereby condemn and acquire any real or personal  
25 property within the territorial limits of the district which  
26 the board deems necessary for the use of the district. Such  
27 power of condemnation shall be exercised in the same manner as  
28 is now provided by general law for the exercise of the power  
29 of eminent domain by cities and towns of this state.

30 Section 8. The board of commissioners may, in order to  
31 provide for and carry out the work of this act, borrow money

1 from time to time for periods of time not exceeding 20 years  
2 at any one time, and issue any notes of the district therefor  
3 upon such terms and upon such rates of interest not exceeding  
4 8 percent per year as the board deems advisable and secure the  
5 payment of same by mortgage upon any property, real or  
6 personal, owned by the district. The board additionally may  
7 pledge as security for money borrowed by it, any moneys  
8 accruing to it or to accrue to it from any source, including  
9 revenues derived from the operation of the hospital and from  
10 any other funds legally available to the district; however,  
11 the aggregate amount of principal of moneys so borrowed upon  
12 the notes and mortgages of the district, shall not, at any one  
13 time, exceed the sum of \$750,000.

14 Section 9. The Board of Commissioners of the Highlands  
15 County Hospital District may issue bonds of the district of  
16 such form, denomination, and bearing such rate of interest not  
17 to exceed 6 percent per year, and becoming due not less than 5  
18 nor more than 30 years from the date of issuance, in an amount  
19 not to exceed \$1 million of the total bonded indebtedness of  
20 the district, for the purpose of raising funds to establish,  
21 construct, operate, and maintain any hospital as in the  
22 board's opinion is necessary in the district. The board of  
23 commissioners may refund any and all previous issues of bonds  
24 for any and all lawful hospital purposes. All the proceeds  
25 derived from the sale of bonds or refunding bonds, exclusive  
26 of expenses, shall be deposited in a depository selected by  
27 the board.

28 Section 10. Before the issuance of bonds, the board of  
29 commissioners shall, by resolution, determine the amount that  
30 in its opinion will be necessary to be raised annually by  
31 taxation for an interest and sinking fund with which to pay

1 the interest and principal of the bonds; and the board shall  
2 provide for the levy and collection annually of a sufficient  
3 tax upon all the taxable property in the district, not exempt  
4 by law, to pay such interest and with which to provide and  
5 maintain a sinking fund for the payment of the principal of  
6 bonds.

7 Section 11. All bonds issued by the Board of  
8 Commissioners of the Highlands County Hospital District,  
9 except refunding bonds, revenue bonds, or certificates and  
10 anticipation time warrants, shall be issued only after they  
11 have been approved by the majority of the votes cast in an  
12 election in which a majority of the freeholders who are  
13 qualified registered electors in the district shall  
14 participate, which election shall be called and held by the  
15 board of commissioners, subject to reasonable rules adopted by  
16 the board. If it is determined to hold an election to decide  
17 whether a majority of the freeholders who are qualified  
18 electors are in favor of the issuance of bonds, the board of  
19 commissioners shall by resolution order an election to be held  
20 in the district, and shall give 30 days' notice of the  
21 election by publication in a newspaper of general circulation  
22 within the district once a week for 4 consecutive weeks during  
23 such period.

24 Section 12. Only registered electors of the district  
25 who are freeholders owning real property within the  
26 territorial limits of the district shall be permitted to vote  
27 at a bond election, and they may be required to submit proof  
28 by affidavit before the election official that they are  
29 freeholders owning property in the district and qualified as  
30 electors. For the purpose of determining the total number of  
31 qualified electors residing in the district who are

1 freeholders and entitled to participate in such election, the  
2 board of commissioners shall prepare a list or file of the  
3 names of all qualified electors appearing upon the  
4 registration books of Highlands County who are determined to  
5 be freeholders residing in the district and qualified to vote  
6 in the election. Such lists or files shall be furnished to the  
7 inspectors or clerks of the election at each voting place, and  
8 such lists or files shall be prima facie evidence of the total  
9 number of qualified electors who are freeholders in the  
10 district and qualified to participate in the election. A  
11 person whose name does not appear upon such list or file may  
12 not be permitted to vote in such election; except that a  
13 qualified elector of a district whose name does not appear  
14 upon such file or list shall be permitted to vote upon taking  
15 a freeholder's oath before the clerk of the election and  
16 furnishing proof of his or her qualification as a freeholder.

17 Section 13. As far as practicable and where not  
18 inconsistent with the provisions of this act, the procedure  
19 outlined in chapter 100, Florida Statutes, providing the  
20 procedure for bond elections, shall govern.

21 Section 14. All bonds issued under this act shall be  
22 in the denomination of \$100 or some multiple thereof and shall  
23 bear interest not exceeding 6 percent per year, payable  
24 annually or semiannually, and both principal and interest  
25 shall be payable at such place as the governing authority  
26 determines. The form of such bonds shall be fixed by  
27 resolution of the board of commissioners and bonds shall be  
28 signed by the chair of the board and countersigned by the  
29 secretary of the board under the seal of the district. The  
30 coupons, if any, shall be executed by the facsimile signatures  
31 of the officers. The delivery at any subsequent date of any



1 bond and coupon so executed shall be valid, although before  
2 the date of delivery the persons signing bonds or coupons  
3 cease to hold office.

4 Section 15. Bonds issued under this act may be either  
5 registered or coupon bonds. Coupon bonds may be registered as  
6 to principal in the holder's name on the books of the hospital  
7 district, the registration being noted upon the bonds, after  
8 which no transfer shall be valid unless made on such hospital  
9 district's books by the registered holder and similarly noted  
10 on the bonds. Bonds registered as to principal may be  
11 discharged from registration by being transferred to the  
12 bearer, after which they shall be transferable by delivery,  
13 but may be again registered as to principal as before. The  
14 registration of the bonds as to principal shall not restrain  
15 the negotiability of the coupons by delivery merely.

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

21  
22 "It is certified that this bond is authorized by and is issued  
23 in conformity with the requirements of the Constitution and  
24 Statutes of the State of Florida."

25  
26 Such recital shall be an authorized declaration by the  
27 governing authority of the district and shall import that  
28 there is constitutional and statutory authority for incurring  
29 the debts and issuing the bonds; that all the proceedings  
30 therefor are regular; that all acts, conditions, and things  
31 required to exist, happen, and be performed precedent to and

1 in the issuance of the bond have existed, happened, and been  
2 performed in due time, form, and manner, as required by law;  
3 and that the amount of the bond, together with all other  
4 indebtedness, does not exceed any limit prescribed by the  
5 constitution and statutes of this state. If any bond is issued  
6 containing the recital, it shall be conclusively presumed that  
7 the recital, construed according to the import declared in  
8 this section, is true, and the district shall not be permitted  
9 to question the validity or legality of the obligation in any  
10 court in any action or proceeding.

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

14 Section 18. All bonds issued under this act shall be  
15 advertised for sale on sealed bids, which advertisement shall  
16 be published once a week for 3 weeks, the first publication to  
17 be made at least 21 days preceding the date fixed for the  
18 reception of bids in a newspaper published in the hospital  
19 district. Notice of sale shall also be published once a week  
20 for 3 weeks preceding the date fixed for the reception of  
21 bids, either in a financial paper published in the City of New  
22 York, the City of Chicago, or the City of Baltimore, or in a  
23 newspaper of general circulation published in a city in  
24 Florida having a population of not fewer than 20,000  
25 inhabitants according to the latest official decennial census.  
26 The board of commissioners may reject any and all bids. If the  
27 bonds are not sold pursuant to such advertisements, they may  
28 be sold by the board of commissioners at private sale within  
29 60 days after the date advertised for the reception of sealed  
30 bids, but no private sale shall be made at a price less than  
31 the highest bid that has been received. If not so sold, bonds

1 shall be readvertised in the manner prescribed in this act. No  
2 bonds issued under this act shall be sold for less than 95  
3 percent of the par value and accrued interest.

4 Section 19. A resolution or proceeding in respect to  
5 the issuance of bonds is not necessary, except as required by  
6 this act. Publication of any resolution or proceeding relating  
7 to the issuance of bonds is not required, except as required  
8 by this act. Any publication prescribed in this act may be  
9 made in any newspaper conforming to the terms of this act  
10 without regard to the designation thereof as the official  
11 organ of the district. Bonds issued under this act shall have  
12 all the qualities of negotiable paper under the law merchant,  
13 shall not be invalid for any irregularly or defect in the  
14 proceeding for the issue and sale thereof, and shall be  
15 incontestable in the hands of bona fide purchasers or holders  
16 thereof for value.

17 Section 20. The Board of Commissioners of the  
18 Highlands County Hospital District may provide by resolution  
19 for the issuance of refunding bonds to refund principal and  
20 interest of an existing bond indebtedness, for the payment of  
21 which the credit of the hospital district is pledged, and such  
22 bonds may be issued at or prior to maturity of the bonds to be  
23 refunded. Such resolution may be adopted at a regular or  
24 special meeting, and at the same meeting at which it is  
25 introduced, by the majority of the members of the commission  
26 then in office. It is determined and declared as a matter of  
27 legislative intent that an election to authorize the issuance  
28 of refunding bonds is not necessary, except in cases in which  
29 an election may be required by the State Constitution. In all  
30 cases in which it is not necessary under the State  
31 Constitution to hold an election on the issuance of such

1 refunding bonds, such resolution shall take effect immediately  
2 upon the adoption thereof. No other proceedings shall be  
3 required for the issuance of bonds by the district.

4 Section 21. The resolution of the Board of  
5 Commissioners of the Highlands County Hospital District  
6 authorizing the issuance of the refunding bonds may provide  
7 that the refunding bonds may be issued in one or more series,  
8 bear the date, mature at the time not exceeding 30 years from  
9 their respective dates, bear interest at the rate not  
10 exceeding the maximum rate of interest borne by the notes,  
11 bonds, or other obligations refinanced thereby, be in the  
12 denomination, be in the form either coupon or registered,  
13 carry the registration and conversion privileges, be executed  
14 in the manner, be payable in the medium of payment at the  
15 place, be subject to the terms of redemption with or without a  
16 premium, be declared or become due before the maturity date  
17 thereof, provide for the replacement of mutilated, destroyed,  
18 stolen, or lost bonds, and be authenticated in the manner and  
19 upon compliance with the conditions and contain such other  
20 terms and covenants as is desired. Notwithstanding the form or  
21 tenor and in the absence of an express recital on the face  
22 that the bond is nonnegotiable, all refunding bonds are at all  
23 times negotiable instruments for all purposes.

24 Section 22. Refunding bonds bearing the signature of  
25 officers of the district in office on the date of the signing  
26 thereof shall be valid and binding obligations of the district  
27 for all purposes, notwithstanding that before the delivery  
28 thereof any or all of the persons whose signatures appear  
29 thereon have ceased to be officers of the district. Any  
30 resolution authorizing refunding bonds may provide that any  
31 refunding bonds issued under this act may contain a recital

1 and any refunding bond issued under authority of any  
2 resolution shall be conclusively deemed to be valid and to  
3 have been issued in conformity with the provisions of this  
4 act. The authority of a district to issue obligations under  
5 this act may be determined and obligations to be issued under  
6 this act may be validated as provided by law.

7 Section 23. Refunding bonds may be sold or exchanged  
8 as follows:

9 (1) In installments at different times, or an entire  
10 issue or series may be sold or exchanged at one time. Any  
11 issue or series of refunding bonds may be exchanged in part or  
12 sold in parts in installments at different times or at one  
13 time. The refunding bonds may be sold or exchanged at any time  
14 on, before, or after the maturity of any of the outstanding  
15 notes, bonds, certificates, or other obligations to be  
16 refinanced thereby.

17 (2) If the board of commissioners determines to  
18 exchange any refunding bonds, the refunding bonds may be  
19 exchanged privately for and in payment and discharge of any of  
20 the outstanding notes, bonds, or other obligations of the  
21 district. The refunding bonds may be exchanged for a like or  
22 greater principal amount of notes, bonds, or other obligations  
23 of the district, except that the principal amount of the  
24 outstanding notes, bonds, or other obligations to the extent  
25 necessary or advisable, in the discretion of the governing  
26 body, to fund interest in arrears or about to become due. The  
27 holder of outstanding notes, bonds, or other obligations need  
28 not pay accrued interest on the refunding bonds to be  
29 delivered in exchange therefor if and to the extent that  
30 interest is due or accrued and unpaid on the outstanding  
31 notes, bonds, or other obligations to be surrendered.

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

6           Section 24. All bonds or refunding bonds issued under  
7 this act are legal investments for state, county, municipal,  
8 and all other public funds and for banks, savings banks,  
9 insurance companies, executors, administrators, trustees, and  
10 all other fiduciaries and shall also be and constitute  
11 securities eligible as collateral security for all state,  
12 county, municipal, or other public funds.

13           Section 25. The funds of the district shall be paid  
14 out only upon warrants, signed by the chair or chair pro tem  
15 of the board, and having thereto affixed the corporate seal of  
16 the district, which may be an impression thereon or a  
17 facsimile thereof. The warrant may not be drawn or issued  
18 against funds of the district except for a purpose authorized  
19 by this act, and no such warrant against funds of the district  
20 shall be drawn or issued until after the account or  
21 expenditure for which the same is to be given in payment has  
22 been ordered and approved by the board of commissioners at a  
23 meeting in which a quorum is present. The chair of the board  
24 may sign checks and warrants of the district by the facsimile  
25 signature of the chair and use and employ facsimile signature  
26 machines for that purpose, provided that the checks and  
27 warrants are countersigned by the treasurer for the district.

28           Section 26. The board may pay from the funds of the  
29 district all expenses of the organization of the board and all  
30 expenses necessarily incurred with the formation of the  
31 district and all other reasonable and necessary expenses,

1 including the fees and expenses of an attorney in the  
2 transaction of the business of the district and in carrying  
3 out and accomplishing the purposes of this act. This section,  
4 however, may not be construed to limit or destroy any of the  
5 powers vested in the board of commissioners by any other  
6 section or provision of this act.

7 Section 27. Subject to such provisions and  
8 restrictions as are set forth in the resolution authorizing or  
9 securing any bonds issued under this act, the board may enter  
10 into contracts with the government of the United States or any  
11 agency or instrumentality thereof, or with the state or any  
12 county, municipality, district, authority, or political  
13 subdivision, private corporation, partnership, association, or  
14 individual providing for or relating to the construction or  
15 acquisition of additions, extensions, and improvements to the  
16 hospital and any other matters relevant thereto or otherwise  
17 necessary to effect the purposes of this act, may receive and  
18 accept from any federal agency, state agency, or other public  
19 body grants or loans for or in aid of such purposes and  
20 receive and accept aid or contributions or loans from any  
21 other source of money, property, labor, or other things of  
22 value, to be held, used, and applied only for the purpose for  
23 which such grants, contributions, or loans may be made.

24 Section 28. At least once each year the board of  
25 commissioners shall publish once in some newspaper published  
26 in the district a complete detailed annual statement of all  
27 moneys received and disbursed by them since the creation of  
28 the district as to the first published statement and since the  
29 last published statement as to any other year. The statements  
30 shall also show the several sources from which the funds were  
31 received and shall show the balance on hand at the time of the

1 published statement. It shall show a complete statement of the  
2 financial condition of the district.

3 Section 29. Each hospital or clinic established under  
4 this act shall be for the use and benefit of the residents of  
5 the district. Residents shall be admitted to such hospital or  
6 clinic and be entitled to hospitalization and treatment,  
7 subject, however, to the rules adopted by the board of  
8 commissioners effective as of the date of admission of a  
9 patient to the hospital or clinic. The hospital or clinic may  
10 care for and treat without charge patients who are found by  
11 the board of commissioners to be indigent and who have for 1  
12 year next preceding the application for admission been  
13 residents of the district. The board of commissioners may  
14 accept money from any welfare funds provided for Highlands  
15 County or moneys available to the indigent patients from a  
16 federal, state, or county agency or moneys available to  
17 Highlands County from such governmental agencies for welfare  
18 and hospital purposes, for the payment of costs of treatment  
19 and care of indigent residents of the district. The board may  
20 collect from patients financially able such charges as the  
21 board of commissioners from time to time establishes. The  
22 board of commissioners may exclude from treatment and care any  
23 person having a communicable or contagious disease when such  
24 disease may be a detriment to the best interests of the  
25 hospital or clinic or a source of contagion or infection to  
26 the patient in its care, unless the hospital has a separate  
27 building or ward for the special treatment of such patients  
28 and can properly and with safety to the other patients retain  
29 the communicable or contagious case in such separate ward or  
30 building. The board of commissioners may extend the privileges  
31 and use of the hospital or clinic to nonresidents of the



1 district who pay the rates established by the board and upon  
2 such terms and conditions as the board may from time to time  
3 by its rules provide. However, residents of the district  
4 wherein the hospital or clinic is located have first claim to  
5 admission. The board may furnish and extend the benefits of  
6 the hospital and clinic services and treatment to the homes of  
7 indigent residents of the district. Each municipal corporation  
8 situated within the district and the law enforcing agencies of  
9 Highlands County are liable to the board for the occupancy,  
10 care, medicine, and treatment of prisoners in the custody of  
11 the municipal corporation or county officers who are admitted  
12 to any hospital operated by the board.

13 Section 30. Realizing that factors other than  
14 professional must enter into the qualification of those who  
15 practice medicine and surgery, the Board of Commissioners of  
16 the Highlands County Hospital District may adopt rules and  
17 bylaws for the operation of the hospital and the hospital  
18 staff. The board of commissioners may give, grant, or revoke  
19 licenses and privileges of staff members so that the welfare  
20 and health of patients and the best interests of the hospital  
21 are at all times best served. The board of commissioners is  
22 further authorized to adopt rules for the control of all  
23 professional and nonprofessional employees of the hospital,  
24 which terms shall include nurses on general duty or on private  
25 duty attending patients and all persons in the hospital either  
26 as employees or who in any manner attend patients. Any patient  
27 may employ, at his or her expense, his or her own physician,  
28 and the physician when employed by the patient shall have  
29 exclusive charge of the care and treatment of the patient, and  
30 the nurses therein, as to the patient, shall be subject to the  
31 direction of the physician, subject always to such general

1 rules as are adopted by the Board of Commissioners of the  
2 Highlands County Hospital District.

3 Section 31. The board of commissioners may secure and  
4 keep in force in amounts it may determine, in companies duly  
5 authorized to do business in Florida, liability insurance  
6 covering vehicles, premises, and malpractice. However, the  
7 board of commissioners may purchase such insurance from  
8 companies not duly authorized to do business in Florida if  
9 equivalent insurance coverage is not available from companies  
10 duly authorized to do business in Florida. In consideration of  
11 the premium at which each policy is written, it shall be a  
12 part of the policy contract between the board of commissioners  
13 and the named insured that the company is not entitled to the  
14 benefit of the defense of governmental immunity for the  
15 insured by reason of exercising of governmental function on  
16 any suit brought against the insured. Immunity of the board of  
17 commissioners against liability damages is waived to the  
18 extent of liability insurance carried by the board. However,  
19 an attempt may not be made at the trial of any action against  
20 the board to suggest the existence of any insurance that  
21 covers in whole or in part any judgment or award that is  
22 rendered in favor of the plaintiff. If a verdict rendered by  
23 the jury exceeds the limit of the applicable insurance, the  
24 court shall reduce the amount of the judgment or award to a  
25 sum equal to the applicable limit set forth in the policy.

26 Section 32. The provisions of this act shall be  
27 liberally construed for accomplishing the work authorized and  
28 provided for or intended to be provided for by this act, and  
29 when strict construction would result in the defeat of the  
30 accomplishment of any part of the work authorized by this act  
31 and a liberal construction would permit or assist in the

1 accomplishment thereof, the liberal construction shall be  
2 chosen.

3 Section 33. If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 invalidity does not affect other provisions or applications of  
6 the act which can be given effect without the invalid  
7 provision or application, and to this end the provisions of  
8 this act are declared severable.

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

12 (a) The board of commissioners may acquire, construct,  
13 reconstruct, extend, make additions to, enlarge, improve,  
14 repair, remodel, restore, equip, and furnish hospital and  
15 other health care facilities now or hereafter located in the  
16 district and which are or may be owned by or under the  
17 supervision, operation, and control of the district. For the  
18 purposes of this section "health care facilities" means any  
19 real property or interest therein, building, structure,  
20 facility, machinery, equipment, furnishings, or other property  
21 suitable for use by the district in connection with its  
22 operations or proposed operations, including, without  
23 limitation, real property therefor; a clinic, computer  
24 facility, dining hall, firefighting facility, fire prevention  
25 facility, food service and preparation facility, health care  
26 facility, long-term care facility, hospital, interns'  
27 residence, laboratory, laundry, maintenance facility, nurses'  
28 residence, nursing home, nursing school, office, professional  
29 office building, parking structure and area, pharmacy,  
30 recreational facility, research facility, storage facility,  
31 utility, or X-ray facility, or any combination of the

1 foregoing; and other structures or facilities related thereto  
2 or required or useful for health care purposes, the conducting  
3 of research, or the operation of a hospital or other health  
4 care facility, including facilities or structures essential or  
5 convenient for the orderly conduct of such hospital or other  
6 health care facility and other similar items necessary or  
7 convenient for the operation of a particular facility or  
8 structure in the manner for which its use is intended.

9 (b)1. The board of commissioners may from time to time  
10 issue negotiable revenue bonds of the district for the purpose  
11 of paying or refinancing all or any part of the cost of any  
12 hospital or other health care facility. In anticipation of the  
13 sale of such revenue bonds, the district may issue negotiable  
14 bond anticipation notes and may renew them from time to time,  
15 but the maximum maturity of any such note, including renewals  
16 thereof, may not exceed 5 years from the date of issue of the  
17 original note. Such notes shall be paid from any revenues or  
18 other funds of the district legally available therefor and not  
19 otherwise pledged or from the proceeds of sale of the revenue  
20 bonds of the district in anticipation of which they were  
21 issued. The notes shall be issued in the same manner as the  
22 revenue bonds. Such notes and the resolution or resolutions  
23 authorizing them may contain any provision, condition, or  
24 limitation that a bond resolution of the board of  
25 commissioners may contain.

26 2. The revenue bonds and notes of every issue shall be  
27 payable solely out of revenues derived by the district from  
28 hospital and other health care facilities within the district  
29 and owned by or under the supervision, operation, and control  
30 of the district, together with any other funds of the district  
31 legally available for the purpose. Notwithstanding that

1 revenue bonds and notes may be payable from a special fund,  
2 they are, and shall be deemed to be, for all purposes,  
3 negotiable instruments, subject only to any provisions of the  
4 revenue bonds and notes for registration.

5 3. The revenue bonds may be issued as serial bonds, as  
6 term bonds, or otherwise, or the board of commissioners, in  
7 its discretion, may issue bonds of all types. The revenue  
8 bonds shall be authorized by resolution or resolutions of the  
9 board of commissioners and shall bear such date or dates;  
10 mature at such time or times, not exceeding 50 years from  
11 their respective dates; bear interest at such rate or rates,  
12 including variable rates, but not exceeding the maximum rate  
13 permitted by law at the time of issuance; be payable at such  
14 time or times; be in such denominations; be in such form,  
15 either coupon or registered, or both; carry such registration  
16 privileges and conversion or exchange privileges; be executed  
17 in such manner; be payable in lawful money of the United  
18 States at such place or places; and be subject to such terms  
19 of redemption, including redemption prior to maturity, as such  
20 resolution or resolutions provide. The board of commissioners  
21 shall determine the form and manner of execution of the bonds,  
22 including any interest coupons to be attached thereto, and  
23 shall fix the denomination or denominations of the bonds and  
24 the place or places of payment of principal and interest,  
25 which may be at any bank or trust company within or without  
26 the state. In case any officer whose signature, or a facsimile  
27 of whose signature, appears on any bonds or coupons ceases to  
28 be such officer before the delivery of such bonds, such  
29 signature or facsimile is nevertheless valid and sufficient  
30 for all purposes the same as if he or she had remained in  
31 office until such delivery. The board of commissioners may

1 also provide for the authentication of the bonds by a trustee  
2 or fiscal agent. The revenue bonds or notes may be sold in  
3 such manner, either at public or private sale, and for such  
4 price or prices as the board of commissioners determines.  
5 Pending preparation of the definitive bonds, the board of  
6 commissioners may issue interim receipts or certificates,  
7 which shall be exchanged for such definitive bonds.

8 4. In the discretion of the board of commissioners,  
9 each or any issue of revenue bonds may be secured by a trust  
10 agreement by and between the district and a corporate trustee,  
11 which may be any trust company or bank having the powers of a  
12 trust company within or outside of the state. Such trust  
13 agreement or resolution providing for the issuance of such  
14 bonds may pledge or assign all or any part of the revenues and  
15 other funds of the district legally available for the payment  
16 of such revenue bonds. The resolution providing for the  
17 issuance of such bonds or such trust agreement may contain  
18 such provisions for protecting and enforcing the rights and  
19 remedies of the bondholders as are reasonable and proper and  
20 not in violation of law, including covenants setting forth the  
21 duties of the district in relation to the acquisition,  
22 construction, improvement, maintenance, operation, repair,  
23 equipping, and insurance of the facilities, the fees and other  
24 charges to be fixed and collected for the use of any facility  
25 or part thereof, the sale of any facility or part thereof or  
26 other property, the terms and conditions for the issuance of  
27 additional bonds, and the custody, safeguarding, and  
28 application of all moneys. It is lawful or any bank or trust  
29 company incorporated under the laws of the state which may act  
30 as such depository to furnish such indemnifying bonds or to  
31 pledge such securities as are required by the board of

1 commissioners. Such resolution or such trust agreement may set  
2 forth the rights and remedies of the bondholders and the  
3 trustee and may restrict the individual right of action by the  
4 bondholders. In addition to the foregoing, such resolution or  
5 such trust agreement may contain such other provisions as the  
6 board of commissioners deems reasonable and proper for the  
7 security of the bondholders. All expenses incurred in carrying  
8 out such trust agreement or resolution may be treated as a  
9 part of the cost of the facility in connection with which such  
10 bonds are issued or as part of the expense of operation or  
11 such facility, as the case may be. The resolution or trust  
12 agreement providing for the issuance of the revenue bonds may  
13 also contain such limitations upon the issuance of additional  
14 revenue bonds as the board of commissioners deems proper, and  
15 such additional bonds shall be issued under such restrictions  
16 or limitations prescribed by such resolution or trust  
17 agreement.

18 (c) Revenue bonds issued under this section shall not  
19 be deemed to constitute a debt, liability, or obligation of  
20 the district, Highlands County, or the state or any political  
21 subdivision thereof or a pledge of the faith and credit or the  
22 taxing power of the district, Highlands County, or the state  
23 or any political subdivision thereof, but they shall be  
24 payable solely from the revenues and funds provided therefor.  
25 All such revenue bonds shall contain on the face thereof a  
26 statement to the effect that the district is not obligated to  
27 pay the same or the interest thereon except from the revenues  
28 and other funds of the district provided for such payment, and  
29 that neither the faith and credit nor the taxing power of the  
30 district, Highlands County, or the state or any political  
31 subdivision thereof is pledged to the payment of the principal

1 or the interest on such bonds. The issuance of revenue bonds  
2 under this section shall not directly, indirectly, or  
3 contingently obligate the district, Highlands County, or the  
4 state or any political subdivision thereof to levy or to  
5 pledge any form of taxation whatever therefore or to make any  
6 appropriation for their payment.

7 (d) All bonds issued under this section have, and are  
8 declared to have, all the qualities and incidents, including  
9 negotiability, of investment securities under the Uniform  
10 Commercial Code, but no provision of such code respecting the  
11 filing of a financing statement to perfect a security interest  
12 shall be deemed necessary for or applicable to any security  
13 interest created in connection with the issuance of any such  
14 bonds.

15 (e) The exercise of the powers granted by this section  
16 will be in all respects for the benefit of the people of this  
17 state, for the increase of their commerce, welfare, and  
18 prosperity, and for the improvement of their health and living  
19 conditions, and because the operation and maintenance of  
20 hospital and other health care facilities by the district will  
21 constitute the performance of an essential public and  
22 governmental purpose, any bonds issued under the provisions of  
23 this section, together with interest thereon, their transfer,  
24 and the income therefrom, including any profit made on the  
25 sale thereof, shall at all times be free from taxation of  
26 every kind by the state, Highlands County, and municipalities  
27 and other political subdivisions in the state, except those  
28 taxes imposed by chapter 220, Florida Statutes, on interest,  
29 income, or profits on debt obligations owned by corporations.

30 (f) The board of commissioners may provide for the  
31 issuance of revenue bonds of the district for the purpose of



1 refunding any of its revenue bonds then outstanding, including  
2 the payment of any redemption premium thereon and any interest  
3 accrued or to accrue to the earliest or subsequent date of  
4 redemption, purchase, or maturity of such revenue bonds. The  
5 proceeds of any such revenue bonds issued for the purpose of  
6 refunding outstanding revenue bonds may, in the discretion of  
7 the board of commissioners, be applied to the purchase or  
8 retirement at maturity or redemption of such outstanding  
9 revenue bonds either on their earliest or any subsequent  
10 redemption date, or upon the purchase or at the maturity  
11 thereof; may, pending such application, be placed in escrow to  
12 be applied to such purchase or retirement at maturity or  
13 redemption on such date as may be determined by the board of  
14 commissioners; and, pending such application to purchase,  
15 retirement, or redemption, may be invested and reinvested in  
16 securities selected by or in such manner as the board of  
17 commissioners provides.

18 (g) Bonds issued by the board of commissioners under  
19 this section are made securities in which all public officers  
20 and public bodies of the state and its political subdivisions  
21 and all banks, trust companies, bankers, banking associations,  
22 savings banks and institutions, building and loan  
23 associations, savings and loan associations, investment  
24 companies, and other persons carrying on a banking or  
25 investment business; all insurance companies, insurance  
26 associations, and other persons carrying on an insurance  
27 business; and all executors, administrators, curators,  
28 trustees, and other fiduciaries may properly and legally  
29 invest funds, including capital in their control or belonging  
30 to them. Such bonds are made securities that may properly and  
31 legally be deposited with and received by any state or

1 municipal officer or any agency or political subdivision of  
2 the state for any purpose for which the deposit or bonds or  
3 obligations of the state is now or may hereafter be authorized  
4 by law.

5 (h) An election in the district is not required as a  
6 condition precedent to the exercise by the board of  
7 commissioners of any of the powers conferred by this section  
8 unless such election is required by the State Constitution.

9 (i) Revenue bonds may be issued under this section  
10 without obtaining, except as otherwise expressly provided in  
11 this section, the consent of any department, division,  
12 commission, board, body, bureau, or agency of the state or any  
13 political subdivision thereof and without any other  
14 proceedings or the happening of any conditions or things other  
15 than those proceedings, conditions, or things that are  
16 specifically required by this section and the provisions of  
17 the resolution or resolutions authorizing the issuance of such  
18 bonds or the trust agreement securing them.

19 (2) This section shall be deemed to provide an  
20 additional and alternative method for the doing of the things  
21 authorized in this section and shall be regarded as  
22 supplemental and additional to powers conferred by other laws.  
23 This section, being necessary for the health and welfare of  
24 the inhabitants of Highlands County and the state, shall be  
25 liberally construed to effect the purposes thereof.

26 Section 35. In order that citizens and residents of  
27 the district may receive quality health care, the board of  
28 commissioners may enter into contract with corporations,  
29 either for profit or not for profit, duly authorized to do  
30 business in the state for the purpose of operating and  
31 managing such hospital and any or all of its facilities of

1 whatsoever kind and nature and enter into leases with such  
2 corporations for the operating of such facilities. The term of  
3 any such lease, contract, or agreement and the conditions,  
4 covenants, and agreements to be contained therein shall be  
5 determined by the board of commissioners.

6 Section 36. The Board of Commissioners of the  
7 Highlands County Hospital District may transfer by gift or  
8 loan to the Highlands County Commission any surplus assets or  
9 funds from whatever source derived; however, they must be used  
10 exclusively for health services in Highlands County. Further,  
11 such assets or funds constitute surplus funds as determined by  
12 the Board of Commissioners of the Highlands County Hospital  
13 District.

14 Section 4. Chapters 61-2232, 72-553, 74-487, 78-519,  
15 80-506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of  
16 Florida, are repealed.

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

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