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1 A bill to be entitled
 2 An act relating to the Board of Trustees of Bay Medical
 3 Center, Bay County; codifying, amending, reenacting, and
 4 repealing chapters 23183 (1945), 27396 (1951), 30578
 5 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and
 6 95-510, Laws of Florida, relating to the Board of Trustees
 7 of Bay Medical Center, an independent special district of
 8 the State of Florida; providing legislative intent for the
 9 ratification and confirmation of the establishment of the
 10 district; ratifying the appointments and terms of existing
 11 members of the board; deleting obsolete language;
 12 providing alternative methods for disbursing and receiving
 13 funds of the board; providing an effective date.

14
 15 WHEREAS, chapter 23183, Laws of Florida, 1945, authorized
 16 the establishment of a county hospital, formerly known as Bay
 17 Memorial Hospital of Bay County, Florida, now known as Bay
 18 Medical Center, and

19 WHEREAS, in 1948, the Board of County Commissioners of Bay
 20 County by resolution petitioned the Governor to appoint a board
 21 of trustees to administer the affairs of the hospital under the
 22 general laws of the state until such time as a special act might
 23 be enacted by the Legislature to establish the terms and
 24 authority by which the hospital would be administered and
 25 operated, and

26 WHEREAS, despite the decision of the board of county
 27 commissioners to divest itself of operational control of the
 28 hospital, a special act was not immediately enacted, and

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29 WHEREAS, nonetheless, the Legislature repeatedly has
 30 recognized the existence of the board of trustees, first by
 31 enacting chapter 27396 (1951), Laws of Florida, which authorized
 32 the board of trustees to organize a medical staff, then by
 33 enacting chapter 61-1871, Laws of Florida, which conferred upon
 34 the board of trustees specific powers to provide hospitalization
 35 insurance and other fringe benefits for its employees, and later
 36 by enacting chapter 93-375, Laws of Florida, which revised the
 37 method of appointing its members, and

38 WHEREAS, in chapter 95-510, Laws of Florida, the
 39 Legislature again amended the method of selection of the board
 40 of trustees and specifically affirmed the corporate authority of
 41 the board as a body politic in existence and operating without
 42 interruption since 1948, thus clarifying and confirming, once
 43 and for all, its status as an independent special district, NOW,
 44 THEREFORE,

45

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

47

48 Section 1. Pursuant to section 189.429, Florida Statutes,
 49 this act constitutes the codification of all special acts
 50 relating to Board of Trustees of Bay Medical Center, the
 51 governing body of the county hospital authorized by chapter
 52 23183 (1945), Laws of Florida, and subsequently recognized and
 53 ratified as an independent special district by chapter 95-510,
 54 Laws of Florida. It is the intent of the Legislature in enacting
 55 this law to provide a single, comprehensive special act charter
 56 for the district that ratifies and continues without
 57 interruption all powers and authority granted to the board by,

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58 or implicit in, the several previous legislative enactments. In
 59 furtherance of this intent, the Legislature finds that the Board
 60 of Trustees of Bay Medical Center, formerly known as Bay
 61 Memorial Hospital of Bay County, has continuously existed as a
 62 body politic since 1948, and nothing herein shall be construed
 63 to question or impair any contract currently outstanding or the
 64 authority and power of the board to take the actions previously
 65 taken and spread upon its minutes.

66 Section 2. Chapters 23183 (1945), 27396 (1951), 30578
 67 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510,
 68 Laws of Florida, are codified, reenacted, amended, and repealed
 69 as provided in this act.

70 Section 3. The charter for the Board of Trustees of Bay
 71 Medical Center is re-created and reenacted to read:

72 Section 1. This act may be cited as the "Bay Medical
 73 Center District Act."

74 Section 2. The Board of Trustees of Bay Medical Center
 75 (the "board of trustees" or the "board"), being formerly known
 76 as Bay Memorial Hospital of Bay County, Florida, shall be and
 77 have all the powers of a public body corporate and politic,
 78 exercisable in the name of Bay Medical Center, to establish,
 79 lease, acquire, own, and operate one or more hospitals or other
 80 health care or ancillary facilities situated within Bay County
 81 and, where supportive of those facilities, within health
 82 planning districts 1, 2, and 3, as defined in section
 83 408.032(5), Florida Statutes (1993); to provide health care
 84 services determined by the board or its delegees to be in the
 85 best interest of the persons utilizing such facilities and
 86 services; to do and perform any and all acts or services that

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87 may be incidental or necessary to carry out those purposes or
 88 intended to improve the physical or mental health of the persons
 89 utilizing such facilities and services; to form, contribute to,
 90 and participate in all manner of alliances and organizations
 91 involved in the delivery, marketing, sale, and payment of health
 92 care services; and to engage in any lawful act or activity in
 93 which a not-for-profit corporation providing health care
 94 services may engage under the laws of Florida, including, but
 95 not limited to, the power, the exercise of which is declared to
 96 be for a public purpose:

97 (1) To have perpetual existence as a body politic and
 98 corporate.

99 (2) To adopt and use, and prescribe the use of, a common
 100 seal and one or more service marks, and to alter the same at
 101 pleasure.

102 (3) To contract and enter agreements with public and
 103 private entities.

104 (4) To sue and be sued pursuant to section 768.28, Florida
 105 Statutes, in the name of Bay Medical Center.

106 (5) To acquire, purchase, hold, develop, improve, modify,
 107 lease as lessee or lessor, and convey such real and personal
 108 property as the board may deem proper or expedient to further
 109 the purposes of this act.

110 (6) To appoint and employ such executive officers and such
 111 other agents and employees as the board may deem advisable.

112 (7) To borrow money, incur indebtedness, and, by
 113 resolution of the board, issue notes, revenue certificates,
 114 bonds, and other evidences of indebtedness payable from
 115 revenues, lease participations, or legally available funds by

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116 Bay Medical Center, and to fund or refund the same, all upon
 117 such terms and conditions and containing such provisions as may
 118 be approved by the board.

119 (8) To borrow money and, by resolution of the board, issue
 120 anticipation notes payable from the anticipated proceeds of
 121 bonds, notes, certificates, lease participations, revenues,
 122 grants, agreements with public or private entities, or legally
 123 available funds of Bay Medical Center, and to fund or refund the
 124 same, all upon such terms and conditions and containing such
 125 provisions as may be approved by the board.

126 (9) To make and adopt bylaws for the organization of and
 127 the transaction of business by the board and for the governance
 128 and operation of the facilities operated by Bay Medical Center.

129 (10) To establish and authorize a medical staff to direct
 130 and control medical staff and allied health practitioners with
 131 privileges to perform professional services in the hospitals and
 132 other facilities operated by Bay Medical Center. The board
 133 shall, after recommendation of the medical staff, establish
 134 bylaws, rules, and regulations governing the organization of
 135 such medical staff; the selection, appointment, and
 136 reappointment of such medical staff members; the selection,
 137 credentialing, and recredentialing of allied health
 138 practitioners; the disciplining or removal of medical staff
 139 members and allied health practitioners; the delineation of
 140 clinical privileges; the professional and administrative duties
 141 of members of the medical staff; and such other matters as the
 142 board may address so that the health and well-being of patients
 143 and the best interests of the hospital and other facilities
 144 authorized pursuant to this act may at all times be served.

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145 (11) To determine the lines and levels of services to be
 146 delivered through the facilities operated by Bay Medical Center.

147 (12) To establish, fix, and charge rates, fees, rentals,
 148 and other charges for the use of the services and facilities
 149 operated by Bay Medical Center.

150 (13) To establish a risk management and retention program
 151 consisting of such self-insurance plans or commercial insurance,
 152 or both, as the board may deem prudent to protect against those
 153 risks of loss commonly insured against by businesses and
 154 organizations carrying out health care functions.

155 (14) To form Florida for-profit corporations and other
 156 business organizations, and to form, become a member of,
 157 participate in the governance of, including exercising control
 158 over such governance, and to contribute funds to Florida not-
 159 for-profit corporations. Bay Medical Center shall not hold in
 160 its name corporate stock or similar evidence of ownership
 161 (herein "stock") issued by any for-profit corporation or other
 162 business organization established under the authority of this
 163 section, but such stock may be held either by a not-for-profit
 164 corporation established by Bay Medical Center or by a third
 165 party in trust for Bay Medical Center under a written trust
 166 agreement. The corporations or other business organizations
 167 established under the authority of this section may be
 168 stockholders with and may enter into joint ventures and other
 169 cooperative projects with third-party individuals and entities
 170 as long as Bay Medical Center itself is not directly involved as
 171 a shareholder, joint venturer, or partner. The fact that a
 172 corporation or other business organization established by Bay
 173 Medical Center is a shareholder, joint venturer, or other type

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174 of participant in a business or cooperative project shall not,
 175 alone, subject that business or cooperative project to the
 176 requirements of section 119.07(1) or section 286.011, Florida
 177 Statutes, except as otherwise provided by Florida law.

178 (15) To enter into arrangements with other public or
 179 private hospitals or entities to provide for the cooperative
 180 sharing of facilities and other resources, as well as to provide
 181 for the merger or consolidation of hospitals or facilities into
 182 Bay Medical Center, in order to improve the quality of the
 183 patient care in Bay and neighboring counties, achieve higher
 184 utilization of resources, improve cost-control measures, avoid
 185 unnecessary duplication of resources within those counties, and
 186 help make it possible for residents of those counties to obtain
 187 and afford the benefits of technological and scientific
 188 improvements in hospital care and services.

189 (16) To engage in, and pay from its funds those expenses
 190 of the type normally incurred in, the establishment,
 191 acquisition, operation, repair, maintenance, expansion, and
 192 diversification of an integrated system for the delivery of
 193 physical, emotional, mental, or other health care services,
 194 consisting of, without limitation, hospitals, clinics, health
 195 maintenance organizations, ambulatory care facilities, nursing
 196 homes and congregate and assisted living facilities, home health
 197 providers, hospice facilities, managed care organizations and
 198 facilities, other alternative delivery systems now or hereafter
 199 conceived, self-insurance and risk-retention programs, captive
 200 insurance companies and support organizations, and organizations
 201 and facilities intended to prevent sickness, injury, or disease
 202 or to promote a healthy lifestyle. This subsection shall not be

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203 construed to restrict any of the powers vested in Bay Medical
 204 Center by any other provision of this act or any provision of
 205 general law.

206 (17) To provide either independently or in cooperation
 207 with other public or private agencies, an appropriate location
 208 or locations for the delivery of quality hospital care and
 209 related services and treatment to patients who are determined
 210 according to criteria established or approved by the board to be
 211 medically indigent. The board may establish policies providing a
 212 reduced charge or no charge for the treatment of those patients
 213 who, after reasonable inquiry, are found by the hospital
 214 management to be without the means to pay in full. The board
 215 may, from time to time, establish guidelines for the hospital
 216 management in making such inquiry and determinations. The board
 217 may collect from patients who are found to have the means to pay
 218 such charges as the hospital board may, in its sole discretion,
 219 from time to time establish.

220 (18) To accept gifts and contributions; to accept moneys
 221 or funds available from other private or governmental agencies
 222 for payment of the cost of treatment and care of patients or for
 223 other purposes; and to accept the grant, conveyance, or lease of
 224 those assets now or hereafter owned by the Board of County
 225 Commissioners of Bay County, (the "board of county
 226 commissioners") and either in the possession of the board of
 227 trustees or used or useful in the operation of Bay Medical
 228 Center, which grant, conveyance, or lease is hereby authorized,
 229 and to dedicate such assets to hospital, health care, and
 230 ancillary purposes as provided herein.

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231 (19) To make contributions to charitable organizations
 232 described in Section 501(c)(3) of the Internal Revenue Code of
 233 1986, as amended, as well as to governmental agencies for such
 234 purposes as the board may determine to further the physical and
 235 mental health of the residents of Bay County or the persons
 236 utilizing the facilities and services offered by the board.

237 (20) To create, be a voting member of, choose directors to
 238 serve on the boards of, be a partner in, or participate in or
 239 control any venture, corporation, partnership, or other
 240 organization, public or private, and contribute funds thereto,
 241 which the board finds operates for purposes consistent with, and
 242 in furtherance of, the mission, purposes, and best interests of
 243 the hospital and other facilities created, operated, or
 244 authorized under this act.

245 (21) To enter one or more contracts, upon such terms and
 246 conditions as the board may deem advisable, to receive or
 247 provide management services, professional services, and skilled
 248 or unskilled labor.

249 (22) To incur and pay reasonable expenditures for travel,
 250 physician recruiting, employee recruiting, hospitality,
 251 education, and marketing related to the furtherance of the
 252 objectives of this act.

253 (23) To do all things which are customarily done by other
 254 hospitals, public or private, similarly situated and which will
 255 further the purposes of this act.

256 (24) To exercise all implied powers necessary to further
 257 the purposes of this act, which implied powers, although not
 258 named, are hereby expressly granted.

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259 (25) To provide and pay for employee benefits customarily
 260 provided by private employers similarly situated, with or
 261 without employee contribution, including, without limitation,
 262 group health insurance through a self-insurance plan or a
 263 commercial insurer, or both, with optional extension of coverage
 264 to dependents, group life insurance, and group disability
 265 insurance, and to allow varied discounts on the cost of drugs,
 266 emergency care, diagnostic, and other hospital services to
 267 employees of Bay Medical Center, members of the medical staff,
 268 and allied health practitioners with credentials at facilities
 269 operated by Bay Medical Center.

270
 271 The express examples of powers enumerated herein shall not be
 272 construed to limit or preclude the exercise of any other power,
 273 express or implied. Nonetheless, the board shall have neither
 274 the power to levy any tax nor the power to appropriate property
 275 by right of eminent domain.

276 Section 3. The Board of Trustees of Bay Medical Center
 277 shall consist of nine persons, one of whom shall be nominated
 278 and confirmed by the board of county commissioners, six of whom
 279 shall be nominated by the board of trustees and confirmed by the
 280 board of county commissioners, and two of whom shall be
 281 nominated by the medical staff of the primary hospital operated
 282 by the board of trustees and confirmed by the board of county
 283 commissioners. Each medical staff nominee shall be selected by
 284 majority vote of active medical staff members conducted in
 285 accordance with the bylaws governing regular medical staff
 286 affairs and approved by the board of trustees for submission to
 287 the board of county commissioners. The board of county

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288 commissioners shall nominate and confirm its single appointee
289 approximately 30 days prior to the end of the expiring term. For
290 all other appointments, one qualified person shall be nominated
291 for each vacancy approximately 60 days prior to the end of the
292 expiring term. The board of county commissioners shall confirm
293 or reject such nominee within 30 days after the nomination is
294 made. If the nominee is rejected, one additional qualified
295 person shall be nominated within 30 days thereafter and the
296 process shall be repeated in like manner until the appointment
297 is complete or three nominations have been made. If the third
298 nominee is rejected, the board of county commissioners alone
299 shall make the appointment. The appointment of all members of
300 the board of trustees in office on the effective date of this
301 act, and the seats and terms for which they were appointed, are
302 hereby ratified and validated. Upon the expiration of their
303 respective terms, successors to Seats One, Two, Three, Four,
304 Five, and Six shall be nominated by the board of trustees and
305 confirmed by the board of county commissioners for a term of 4
306 years; successors to Seats Eight and Nine shall be nominated by
307 the medical staff as provided herein and confirmed by the board
308 of county commissioners for a term of 4 years; and successors to
309 Seat Seven shall be nominated and confirmed by the board of
310 county commissioners alone for a term of 4 years. In the event a
311 seat becomes vacant by reason of resignation, death, removal,
312 suspension, or otherwise, the bodies or body nominating and
313 confirming that member shall by similar procedure nominate and
314 confirm a member to fill the vacant seat for the remainder of
315 the term or, in the event of a suspension, the period of
316 suspension. Every member shall serve until the expiration of

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317 that member's term or the confirmation of that member's
 318 successor by the board of county commissioners, whichever occurs
 319 later. A person who has served two full, consecutive terms as a
 320 member of the board of trustees shall not be eligible for
 321 reconfirmation until the next regular appointment process
 322 occurring approximately 2 years after that person's termination
 323 of service. Each member of the board of trustees shall be and
 324 remain a citizen and resident of the state, of sound mind and
 325 good moral character, and without economic or other interests
 326 either in competition with the best interests of the facilities,
 327 services, and businesses operated and provided by Bay Medical
 328 Center or likely to create a continuing or frequently recurring
 329 temptation to disregard the member's fiduciary duty to Bay
 330 Medical Center. Without limiting the foregoing, the following
 331 persons are declared to be disqualified from service on the
 332 board of trustees: any person employed by Bay Medical Center or
 333 any entity controlled by Bay Medical Center; any person employed
 334 by, holding a material interest in, or serving as an officer,
 335 director, manager of, or business consultant or advisor to, any
 336 business entity operating or providing facilities or services
 337 the majority of which are in competition with the facilities or
 338 health care services operated or offered by Bay Medical Center
 339 or any entity controlled by Bay Medical Center; and any person
 340 serving upon any executive, administrative, or credentialing
 341 committee of the medical staff of any facility or organization
 342 operated by Bay Medical Center or any entity controlled by Bay
 343 Medical Center. As used herein, "material interest" means direct
 344 or indirect, legal, equitable, or beneficial ownership of or
 345 interest in more than 5 percent of the total assets or capital

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346 stock of any business entity. For purposes of this act, indirect
 347 ownership includes, without limitation, ownership by a spouse or
 348 minor child. A determination by the board of county
 349 commissioners, after full and fair disclosure of all relevant
 350 facts, that a nominee or board member is qualified
 351 notwithstanding the appearance of a conflict shall constitute a
 352 legislative determination of that fact. Members of the board of
 353 trustees may be removed by the Governor for cause.
 354 Notwithstanding the qualifications for members of the board of
 355 trustees set forth above, any otherwise valid act of the board
 356 of trustees shall be valid notwithstanding a subsequent
 357 determination that one or more members of the board of trustees
 358 were not qualified under this act to serve at the time such
 359 action was taken.

360 Section 4. The board shall elect from its members a chair
 361 and vice chair and either a secretary and a treasurer or a
 362 secretary-treasurer. Five of the members shall constitute a
 363 quorum, but no action, except to recess or adjourn, shall be
 364 effective unless five of the members concur therein. The board
 365 shall cause true and accurate minutes and records to be kept of
 366 all business transacted by the board and shall keep full, true,
 367 and complete books of accounts and records. Except as provided
 368 by law, such minutes, records, and books of accounts and the
 369 current budget shall at all reasonable times be open and subject
 370 to public inspection, and any person desiring to do so may make
 371 or procure a copy of any minutes, records, or books of accounts
 372 or position filled, as he or she may desire at the person's
 373 expense. Except as provided by law, all meetings of the board
 374 shall be open to the general public. At least once a year the

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375 board shall cause the financial records and accounts of the
 376 hospital to be audited by a certified public accountant
 377 authorized to practice public accounting in the state.

378 Section 5. The board shall hire or appoint a chief
 379 executive officer, who shall have the title of president. The
 380 president shall be responsible to see to the hiring or retention
 381 of such vice presidents, assistants, and personnel as he or she
 382 may deem necessary for the efficient management and operation of
 383 the hospital and its other facilities. The president shall
 384 recommend the adoption of such general policies by the board as
 385 may be deemed necessary and appropriate for the day-to-day
 386 management and operation of the hospital and its other
 387 facilities, and the board may authorize the president to see to
 388 the establishment of specific policies, procedures, guidelines,
 389 and rules regarding such management and operation. The board may
 390 authorize and delegate the enforcement of all such policies,
 391 procedures, guidelines, and rules to the president, who may, in
 392 turn, authorize and delegate enforcement of the same to such
 393 assistants, staff, or contractors as the president may deem
 394 appropriate or necessary.

395 Section 6. Funds of the board may be paid out or received
 396 for purposes consistent with this act only upon drafts, checks,
 397 or warrants signed by persons duly authorized by the board to
 398 execute such instruments or, if authorized by the board and
 399 subject to all restrictions and limitations contained in any
 400 such authorization, by electronic funds transfers, wire
 401 transfers, direct credits, direct debits, purchasing cards, or
 402 any other electronic means as may be provided or authorized by
 403 the Federal Reserve Bank. The board may authorize the use of

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404 facsimile signatures under conditions specified by the board.
405 The board may adopt rules for the payment of lesser sums in
406 cash, not to exceed \$100, and a petty cash fund or funds may be
407 established for such purpose with the maximum amount payable in
408 cash in one transaction fixed by the board. All funds of the
409 board shall be deposited in banks which are qualified under
410 state law to accept deposits of public funds. The board may
411 deposit or invest its surplus funds in interest-bearing
412 accounts, instruments, or securities, to the fullest extent
413 permitted by general law.

414 Section 7. The public hospital operated under this act
415 shall be for the primary use and benefit of the residents of Bay
416 County. Such residents may be admitted to the hospital or
417 treated at its other facilities, including additional hospitals
418 owned, acquired, leased, or operated by Bay Medical Center,
419 subject, however, to the rules and regulations adopted by the
420 board. The board may extend the use of the hospital and its
421 other facilities to nonresidents of Bay County upon such terms
422 and conditions as the board may from time to time by its rules
423 and regulations provide.

424 Section 8. The board of county commissioners and the board
425 of trustees, jointly, are hereby authorized by a majority vote
426 of the board of county commissioners and a two-thirds vote of
427 the board of trustees, to grant, give, sell, convey, lease, or
428 otherwise dispose of all of the assets and property, real,
429 personal, and mixed, constituting the health care and ancillary
430 facilities owned or controlled by the board of trustees,
431 including property owned by the board of county commissioners,
432 to a for-profit or not-for-profit corporation or other entity,

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433 upon a finding by a majority vote of the board of county
434 commissioners and a two-thirds vote of the board of trustees,
435 that such grant, gift, sale, conveyance, lease, or other
436 disposition is in the best interest of the continued delivery of
437 comprehensive, quality health care for the residents of Bay
438 County, reasonably ensures the continued availability of such
439 care regardless of ability to pay, and will provide for the
440 continued treatment of indigent patients pursuant to the Florida
441 Health Care Responsibility Act and pursuant to chapter 87-92,
442 Laws of Florida, to the extent that the board of trustees is
443 then providing such treatment pursuant to those acts. Such a
444 finding shall constitute a determination that any such action
445 serves a public purpose. The authority granted in this section
446 is cumulative and in addition to all other powers of the board
447 of trustees and nothing in this section shall be interpreted or
448 construed to diminish or limit any such power. Following any
449 such grant, gift, sale, conveyance, lease, or other disposition,
450 and after paying or making provision for the payment of all
451 liabilities of the board of trustees, the board of county
452 commissioners and the board of trustees, jointly, are hereby
453 authorized, by a majority vote of the former and a two-thirds
454 vote of the latter, to dissolve the board of trustees, in which
455 event any other assets of the board of trustees shall be
456 distributed to the board of county commissioners. In the event,
457 for any reason, the board of county commissioners is unable or
458 unwilling to accept any or some of the assets distributed to it,
459 a court of competent jurisdiction, in an action brought for that
460 purpose, shall order the disposition of such nondistributable
461 assets to such organization or organizations organized and

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462 operated for charitable, educational, or scientific purposes as
 463 shall at that time qualify as an exempt organization under
 464 section 501(c)(3) of the Internal Revenue Code of 1986, as
 465 amended (or the corresponding provision of any future United
 466 States Internal Revenue law), and as the court shall determine
 467 to be best calculated to carry out the purposes of this act. In
 468 the event that either the board of county commissioners or the
 469 board of trustees proposes to exercise the authority granted in
 470 this section and the other board does not agree, either board
 471 may place the proposed grant, gift, sale, conveyance, lease, or
 472 other disposition, and the general terms thereof, to a vote of
 473 the electors of Bay County at the next general election or at a
 474 special election called for such purpose. Upon approval of such
 475 action by a majority of the electors voting in a referendum upon
 476 such action, the board making the proposal shall be authorized,
 477 but not required, to take such action alone within a period of
 478 180 days after the referendum.

479 Section 9. The effectuation of the authorized purposes
 480 under the provisions of this act shall be in all respects for
 481 the benefit of the people of Bay County and is hereby declared
 482 to be for the preservation of the public health, for the public
 483 good, and for the use of the public of the county; and, since
 484 the board will be performing essential governmental functions in
 485 effectuating such purposes, the board or any other agency,
 486 instrumentality, or body in charge of the hospital shall not be
 487 required to pay any taxes or assessments of any kind or nature
 488 whatsoever upon any property required or used for or in
 489 connection with any additions, extensions, and improvements to
 490 such hospital or hospitals or system or systems, or any rates,

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491 fees, rentals, receipts, or income at any time received from the
 492 operation thereof; and all bonds issued hereunder, their
 493 transfer, and the income therefrom, including any profits made
 494 on the sale thereof, shall at all times be free from taxation of
 495 any kind by the state or by any political subdivision, taxing
 496 agency, or instrumentality thereof.

497 Section 10. The Legislature intends that the provisions of
 498 this act shall be liberally construed in order to accomplish the
 499 remedial purposes of this act which are to give the board a
 500 reasonable opportunity to manage and develop a public hospital
 501 or hospitals and other facilities in an increasingly competitive
 502 and rapidly changing marketplace in order to provide quality and
 503 comprehensive health care for the residents of Bay County,
 504 regardless of ability to pay. Where strict construction of this
 505 act would result in the defeat of the accomplishment of any of
 506 the purposes of this act, and a liberal construction would
 507 permit or assist in the accomplishment thereof, the liberal
 508 construction shall be chosen. In the event any provision of this
 509 act is held to be unconstitutional or otherwise unenforceable,
 510 the remainder of this act shall continue in full force and
 511 effect and be liberally construed to advance the remedial
 512 purposes of this act.

513 Section 4. Chapters 23183 (1945), 27396 (1951), 30578
 514 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510,
 515 Laws of Florida, are repealed.

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