

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Lake Shore Hospital Authority,
7 Columbia County; amending, codifying, reenacting, and
8 repealing chapters 24443 (1947), 25736 (1949), 30264
9 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-
10 229, Laws of Florida, relating to the authority; providing
11 definitions; providing for a governing body; providing for
12 the governing body's purposes, powers, duties, and
13 responsibilities; authorizing the issuance of revenue
14 bonds, incidental powers, and refunding bonds; providing
15 remedies for any holder of bonds or trustee; providing
16 exemption of property from taxation; providing that bonds
17 shall constitute legal investments; providing that act is
18 complete and additional authority; providing taxing
19 authority, including authority to levy ad valorem taxes;
20 providing construction of act; providing severability;
21 repealing special acts relating to the authority;
22 providing an effective date.

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

25
 26 Section 1. Pursuant to section 189.429, Florida Statutes,
 27 this act constitutes the codification of all special acts
 28 relating to the Lake Shore Hospital Authority. It is the intent
 29 of the Legislature in enacting this law to provide a single,
 30 comprehensive special act charter for the authority, including
 31 all current legislative authority granted to the authority by
 32 its several legislative enactments and any additional authority
 33 granted by this act. It is further the intent of this act to
 34 preserve all authority of the Lake Shore Hospital Authority,
 35 including the authority to annually assess and levy against the
 36 taxable property in Columbia County taxes. This act shall not be
 37 construed to modify, amend, or alter any covenants, contracts,
 38 or other obligations of the authority with respect to bonded
 39 indebtedness or otherwise. Nothing pertaining to the act shall
 40 be construed to affect the ability of the authority to levy and
 41 collect taxes, assessments, fees, or charges for the purpose of
 42 redeeming or servicing bonded indebtedness of the authority or
 43 for any other authorized purpose.

44 Section 2. Chapters 24443 (1947), 25736 (1949), 30264
 45 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229,
 46 Laws of Florida, are codified, reenacted, amended, and repealed
 47 as herein provided.

48 Section 3. The charter for the Lake Shore Hospital
 49 Authority is re-created and reenacted to read:

50 Section 1. Creation and establishment.--There is created
 51 and established a body corporate and politic to be known as the
 52 Lake Shore Hospital Authority of Columbia County.

53 Section 2. Definitions.--The following terms whenever used
 54 or referred to in this act shall have the following meanings,
 55 except in those instances where the context clearly indicates
 56 otherwise:

57 (1) "Authority" means the body politic and corporate
 58 created by this act and known as the Lake Shore Hospital
 59 Authority of Columbia County.

60 (2) "Bonds" means and includes the notes, revenue bonds,
 61 refunding revenue bonds, or other evidence of indebtedness or
 62 obligations in either temporary or definitive form which the
 63 authority is authorized to issue pursuant to this act.

64 (3) "County" means the County of Columbia.

65 (4) "Facility" or "facilities" means the Lake Shore
 66 Hospital, other hospitals, clinics, outpatient departments, and
 67 other appurtenant facilities of the authority.

68 (5) "Federal agency" means and includes the United States,
 69 the President of the United States, and any department of, or
 70 corporation, agency, or instrumentality heretofore or hereafter
 71 created, designated, or established by, the United States.

72 (6) "Members" means the governing body of the authority
 73 and the term "member" means one of the individuals constituting
 74 such governing body.

75 (7) "Revenues" means all rates, fees, rentals, and other
 76 charges derived from the operation of the facilities of the
 77 authority.

78
79 Words importing singular number shall include the plural number
80 in each case and vice versa, and words importing persons shall
81 include firms and corporations.

82 Section 3. Governing body.--

83 (1) The governing body of the authority shall consist of
84 seven members. Such members shall be citizens and residents of
85 Columbia County who shall be appointed by the Governor. One
86 member shall be a physician engaged in the practice of medicine
87 at the Lake Shore Hospital. The present trustees of the Lake
88 Shore Hospital Authority, having been appointed by the Governor,
89 shall serve as the initial members of the authority until their
90 respective terms of office expire. Thereafter, the term of
91 office of each appointed member shall be for 4 years. Each
92 appointed member shall hold office until his or her successor
93 has been appointed and qualified. A vacancy occurring during a
94 term shall be filled only for the balance of the unexpired term.

95 (2) No elected public official shall be a member of the
96 authority.

97 (3) The members of the authority shall not be entitled to
98 compensation as such, but shall be entitled to reimbursement for
99 their actual and necessary expenses incurred in the performance
100 of their official duties.

101 (4) Four members of the authority shall constitute a
102 quorum and ordinances or resolutions enacted or adopted by a
103 vote of a majority of the members shall become effective without
104 publication or posting or any further action of the authority.

105 Section 4. Officers.--Immediately after the effective date
 106 of this act, the members of the authority shall meet and qualify
 107 by taking the oath of office regularly prescribed for state and
 108 county officials in the state. They shall maintain a place
 109 within Columbia County for the principal office of the
 110 authority, where the members shall meet at least once each month
 111 for the transaction of business. The members shall annually
 112 elect from among their number a chair, one or more vice chairs,
 113 and a secretary and treasurer, except that the offices of
 114 secretary and treasurer may be combined. The chair, or a vice
 115 chair presiding in his or her absence, shall not be entitled to
 116 vote upon any matter before the authority except when the votes
 117 that have been cast shall be evenly divided. The treasurer shall
 118 give a bond by a reputable bonding company authorized to do
 119 business in the state, in an amount to be designated by a
 120 majority vote of the members, conditioned upon the faithful
 121 performance of his or her duties. The members are hereby
 122 authorized to pay the secretary and the treasurer salaries and
 123 expenses commensurate with the work done and in keeping with the
 124 salaries paid from time to time by other businesses for like
 125 work.

126 Section 5. Duties of secretary and treasurer.--It shall be
 127 the duty of the secretary to keep full and correct minutes of
 128 all proceedings and meetings of the authority and it shall be
 129 the duty of the treasurer to keep separate accounts of all
 130 receipts and disbursements of the authority.

131 Section 6. Control of expenditures.--The members shall
 132 have exclusive control of all expenditures of and from the

133 | moneys, loan proceeds, contributions, receipts, revenues, and
 134 | collections of the authority, except that persons who shall
 135 | desire to make contributions for the benefit of any facility or
 136 | facilities of the authority shall have the right to attach
 137 | conditions to their gifts, and the authority, upon accepting any
 138 | such contribution, shall be controlled by the terms of the gift,
 139 | bequest, or devise.

140 | Section 7. Purposes and powers.--The authority is created
 141 | and shall have the power generally to acquire, construct,
 142 | improve, enlarge, repair, equip, operate, and maintain hospitals
 143 | and hospital facilities in Columbia County. The authority is
 144 | granted the following rights and powers and shall have and may
 145 | exercise all powers necessary or appurtenant, convenient, or
 146 | incidental to the carrying out of the powers enumerated in this
 147 | act:

148 | (1) To sue and be sued, implead, complain, and defend in
 149 | all courts.

150 | (2) To adopt, use, and alter at will a corporate seal.

151 | (3) To acquire, own, hold, purchase, construct, improve,
 152 | maintain, operate, extend, equip, repair, and lease hospitals,
 153 | clinics, outpatient departments, and other appurtenant
 154 | facilities, including, without limitation, all lands, buildings,
 155 | structures, furniture, fixtures, machinery, equipment, books,
 156 | records, and all other real and personal property of any kind
 157 | and nature whatsoever presently owned, controlled, maintained,
 158 | and operated or which was heretofore or may hereafter be
 159 | acquired, constructed, or improved by the Lake Shore Hospital
 160 | Authority of Columbia County.

161 (4) To acquire, purchase, hold, own, operate, and lease
 162 and use any franchises, properties, real, personal, or mixed,
 163 tangible or intangible, or any interest therein necessary or
 164 desirable for carrying out the purposes of the authority and
 165 this act and to sell, lease, transfer, and dispose of any
 166 property or interest therein at any time acquired by it.

167 (5) To provide at one time or from time to time for the
 168 issuance of bonds as hereinafter provided.

169 (6) To enter into and make leases, either as lessee or
 170 lessor, for such period or periods of time and under such terms
 171 and conditions as the authority shall determine. Such leases may
 172 be entered into for buildings, structures, or facilities
 173 constructed or acquired or to be constructed or acquired by the
 174 authority, or may be entered into for lands owned by the
 175 authority when the lessee of said lands agrees as a
 176 consideration for said lease to construct or acquire buildings,
 177 structures, or facilities on said lands which will become the
 178 property of the authority under such terms, rentals, and other
 179 conditions as the authority shall deem proper.

180 (7) To fix, alter, charge, establish, and collect rates,
 181 fees, rentals, and other charges for the services and facilities
 182 of hospitals, clinics, outpatient departments, and other
 183 appurtenant facilities related thereto, or any part thereof, at
 184 reasonable and uniform rates to be determined exclusively by the
 185 authority for the purposes of carrying out the provisions of
 186 this act.

187 (8)(a) To furnish temporary relief to the indigent of
 188 Columbia County and study the cause of their poverty; to seek a

189 plan for their permanent rehabilitation; generally, to assist
 190 them to support themselves whenever possible to the end that
 191 they may cease to be a charge upon the community and, instead,
 192 become useful citizens thereof; and to bury the indigent dead of
 193 Columbia County and provide cemeteries for that purpose.

194 (b) To enter into contracts or other agreements with
 195 hospitals, health care providers, and facilities located in
 196 Columbia County for the provision of health care services to
 197 indigent residents of Columbia County.

198 (9) To make contracts of every kind and nature and to
 199 execute all instruments necessary or convenient for the carrying
 200 on of its business.

201 (10) Without limitation of the foregoing, to borrow money
 202 and accept grants, contributions, or loans from, and to enter
 203 into contracts, leases, or other transactions with the United
 204 States Government or any agency thereof, the state, or any
 205 agency thereof, the County of Columbia, the City of Lake City,
 206 or with any other public body of any nature whatsoever.

207 (11) To pledge, hypothecate, or otherwise encumber all or
 208 any part of the revenues and other available funds of the
 209 authority as security for all or any of the bonds issued by the
 210 authority.

211 (12) To employ an executive director, physicians,
 212 surgeons, accountants, attorneys, bacteriologists, chemists,
 213 contractors, engineers, architects, superintendents, nurses,
 214 technicians, managers, construction and financial experts,
 215 radiologists, or any other person or persons skilled in hygiene
 216 or medical research, and such other employees and agents as may,

217 in the judgment of the authority, be necessary, and fix their
 218 compensation.

219 (13) To provide for those inhabitants of Columbia County
 220 who, by reason of age, infirmity, or misfortune, have claims
 221 upon the aid and sympathy of society.

222 (14) To receive and accept grants, gifts, and donations
 223 from any person, firm, or governmental agency.

224 (15) To do all acts and things necessary or convenient in
 225 the carrying out of the powers granted herein.

226 Section 8. Maintenance and operation.--The Board of County
 227 Commissioners of Columbia County is hereby directed and charged
 228 with the duty of providing sufficient revenue for the
 229 maintenance and operation of the facilities of the authority
 230 from year to year, which such revenue, when made available,
 231 shall be paid over to the authority to be expended for such
 232 purposes.

233 Section 9. Revenue bonds.--

234 (1) The authority is authorized to provide by resolution
 235 at one time or from time to time for the issuance of bonds of
 236 the authority for the purpose of paying all or a part of the
 237 cost of acquisition, construction, equipping, repairing,
 238 extending, maintaining, and reconstructing any facility or
 239 facilities or any combination of facilities of the authority.
 240 The bonds of each issue shall be dated, shall bear interest at
 241 such rate or rates not exceeding the maximum rate authorized by
 242 general law, shall mature at such time or times not exceeding 40
 243 years from their date or dates, as may be determined by the
 244 authority, and may be made redeemable before maturity, at the

245 option of the authority, at such price or prices and under such
 246 terms and conditions as may be fixed by the authority prior to
 247 the issuance of the bonds. The authority shall determine the
 248 form of the bonds, including any interest coupons to be attached
 249 thereto, and the manner of execution of the bonds and coupons,
 250 and shall fix the denomination or denominations of the bonds and
 251 the place or places of payment of principal and interest, which
 252 may be at any bank or trust company within or without the state.
 253 In case any officer whose signature or a facsimile of whose
 254 signature shall appear on any bonds or coupons shall cease to be
 255 such officer before the delivery of such bonds, such signature
 256 or such facsimile shall nevertheless be valid and sufficient for
 257 all purposes the same as if he or she had remained in office
 258 until such delivery. All bonds issued under the provisions of
 259 this act shall have all the qualities and incidents of
 260 negotiable instruments under the negotiable instruments laws of
 261 the state. The bonds may be issued in coupon or in registered
 262 form, or both, as the authority may determine, and provisions
 263 may be made for the registration of any coupon bonds as to
 264 principal alone and also as to both principal and interest, and
 265 for the reconversion into coupon bonds of any bonds registered
 266 as to both principal and interest. The issuance of such bonds
 267 shall not be subject to any limitations or conditions contained
 268 in any other law, and the authority may sell such bonds in such
 269 manner and for such price as it may determine to be for the best
 270 interest of the authority. Prior to the preparation of
 271 definitive bonds, the authority may, under like restrictions,
 272 issue interim receipts or temporary bonds with or without

273 coupons, exchangeable for definitive bonds when such bonds have
 274 been executed and are available for delivery. The authority may
 275 also provide for the replacement of any bonds which shall be
 276 mutilated, destroyed, or lost.

277 (2) Such bonds may be payable from the revenues derived
 278 from the operation of the facilities or of any combination
 279 thereof and from any other funds legally available therefor. The
 280 bonds shall be entitled to such priorities on such revenues as
 281 the authority shall provide. The issuance of such bonds shall
 282 not directly, indirectly, or contingently obligate the county to
 283 levy ad valorem taxes for their payment and the authority shall
 284 not convey or mortgage such facilities or any part thereof as
 285 security for payment of the bonds.

286 Section 10. Incidental powers.--

287 (1) In the discretion of the authority, each or any issue
 288 of such bonds may be secured by a trust agreement by and between
 289 the authority and a corporate trustee, which may be any trust
 290 company or bank having the powers of a trust company within or
 291 outside of the state. Such trust agreement may pledge or assign
 292 the revenues to be received by the authority. The resolution
 293 providing for the issuance of bonds or such trust agreement may
 294 contain such provisions for protecting and enforcing the rights
 295 and remedies of the bondholders as may be reasonable, proper,
 296 and not in violation of law, including covenants setting forth
 297 the duties of the authority in relation to the acquisition,
 298 construction, improvement, maintenance, operation, repair, and
 299 insurance of the facilities and the custody, safeguarding, and
 300 application of all moneys. It is lawful for any bank or trust

301 company incorporated under the laws of the state to act as such
 302 depository and to furnish such indemnifying bonds or to pledge
 303 such securities as may be required by the authority. Such
 304 resolution or such trust agreement may restrict the individual
 305 rights of action by bondholders as is customary in trust
 306 agreements securing bonds or debentures of corporations. In
 307 addition to the foregoing, such resolution or such trust
 308 agreement may contain such other provisions as the authority may
 309 deem reasonable and proper for the security of the bondholders.
 310 Except as in this act otherwise provided, the authority may
 311 provide, by resolution or by trust agreement, for the payment of
 312 the proceeds of the sale of the bonds and the revenues to such
 313 officer, board, or depository as it may determine for the
 314 custody thereof, and for the method of disbursement thereof,
 315 with such safeguards and restrictions as it may determine. All
 316 expenses incurred in carrying out such trust agreement may be
 317 treated as a part of the cost of operation of the facility or
 318 facilities affected by such trust agreement.

319 (2) The resolution or trust agreement providing for the
 320 issuance of the bonds may also contain such limitations upon the
 321 issuance of additional revenue bonds as the authority may deem
 322 proper, and such additional bonds shall be issued under such
 323 restrictions or limitations as may be prescribed by such
 324 resolution or trust agreement.

325 (3) Bonds may be issued under the provisions of this act
 326 without obtaining the consent of any commission, board, bureau,
 327 or agency of the state or county and without any other
 328 proceedings or the happening of any condition or thing other

329 than those proceedings, conditions, or things which are
 330 specifically required by this act.

331 (4) The proceeds of the bonds shall be used solely for the
 332 payment of the cost of the facility or facilities for which such
 333 bonds shall have been authorized and shall be disbursed in the
 334 manner provided in the resolution or in the trust agreement
 335 authorizing the issuance of such bonds. If the proceeds of the
 336 bonds of any issue shall exceed the amount required for the
 337 purpose for which the same shall have been issued, the surplus
 338 shall be set aside and used only for paying the principal of and
 339 interest on such bonds.

340 Section 11. Refunding bonds.--The authority is hereby
 341 authorized to provide by resolution for the issuance of
 342 refunding revenue bonds for the purpose of refunding any bonds
 343 then outstanding and issued under the provisions of this act.
 344 The authority is further authorized to provide by resolution for
 345 the issuance of bonds for the combined purpose of paying the
 346 cost of any acquisition, construction, repair, extensions,
 347 additions, equipping, and reconstruction of any facilities of
 348 the authority, and refunding bonds of the authority which shall
 349 theretofore have been issued under the provisions of this act
 350 and shall then be outstanding. The issuance of such obligations,
 351 the maturities and other details thereof, the right and remedies
 352 of the holders thereof, and the rights, powers, privileges,
 353 duties, and obligations of the authority with respect to the
 354 same shall be governed by the foregoing provisions of this act
 355 insofar as the same may be applicable.

356 Section 12. Remedies.--Any holder of bonds issued under
 357 the provisions of this act or any of the coupons appertaining
 358 thereto and the trustee under any trust agreement, except to the
 359 extent that the rights herein given may be restricted by such
 360 trust agreement, may, either at law or in equity, by suit,
 361 action, mandamus, or other proceedings, protect and enforce any
 362 and all rights under the laws of the state or granted hereunder
 363 or under such trust agreement or the resolution authorizing the
 364 issuance of such bonds, and may enforce and compel the
 365 performance of all duties required by this act or by such trust
 366 agreement or resolution to be performed by the authority or by
 367 any officer thereof.

368 Section 13. Exemption of property from taxation.--The
 369 effectuation of the purposes of the authority created under this
 370 act is in all respects for the benefit of the people of the
 371 state and of Columbia County, for the increase of their commerce
 372 and prosperity. The exercise of the powers by the authority,
 373 conferred by this act, to effect such purposes constitutes the
 374 performance of essential county functions and is declared to be
 375 a county purpose. As the facilities owned, operated, supervised,
 376 and controlled by the authority, under the provisions of this
 377 act, constitute public property and are used for county
 378 purposes, the authority shall not be required to pay any taxes
 379 or assessments upon any such facilities or any parts thereof.

380 Section 14. Bonds to constitute legal investments.--Any
 381 bonds issued pursuant to this act shall be and constitute legal
 382 investments for banks, savings banks, trustees, executors,
 383 administrators, and all other fiduciaries for all state,

384 municipal, and public funds and shall also be and constitute
 385 securities eligible for deposit as security for all state,
 386 municipal, or other public funds notwithstanding the provisions
 387 of any other law or laws to the contrary.

388 Section 15. Act complete and additional authority.--The
 389 powers conferred by this act shall be in addition and
 390 supplemental to the existing powers of the authority, if any,
 391 and this act shall not be construed as repealing any of the
 392 provisions of any other law or laws inconsistent with the
 393 provisions of this act and provides a complete method for the
 394 exercise of the powers granted herein.

395 Section 16. Taxing authority.--

396 (1) The members of the Lake Shore Hospital Authority of
 397 Columbia County are authorized to request, by resolution of said
 398 hospital authority, the Board of County Commissioners of
 399 Columbia County to levy a tax not to exceed 3 mills on all
 400 taxable property in the county for the purpose of maintenance
 401 and operation of the hospital and facilities and for providing
 402 health care for the indigent residents of Columbia County.

403 (2) Upon request by resolution of the Lake Shore Hospital
 404 Authority, the Board of County Commissioners of Columbia County
 405 shall levy a tax upon all the taxable property in the county for
 406 the purpose of maintenance and operation of the hospital and
 407 facilities and care of the indigent residents of Columbia County
 408 in an amount not to exceed 3 mills. Upon the assessment and
 409 collection of said tax, the county tax collector shall remit the
 410 moneys thereby collected to the director of the authority.

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411 Section 17. Construction of act.--This act shall be
 412 construed as remedial and shall be liberally construed to
 413 promote the purpose for which it is intended.

414 Section 18. If any section, clause, or provision of this
 415 act shall be held unconstitutional, void, or ineffective for any
 416 reason in whole or in part, to the extent that it is not
 417 unconstitutional or ineffective, it shall be valid and
 418 effective, and no other section, clause, or provision shall on
 419 account thereof be deemed invalid or ineffective.

420 Section 4. Chapters 24443 (1947), 25736 (1949), 30264
 421 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229,
 422 Laws of Florida, are repealed.

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