

By Senator Baker

20-02521-08

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1 A bill to be entitled

2 An act relating to the Marion County Hospital District;  
3 codifying, amending, reenacting, and repealing special  
4 laws relating to the district; providing legislative  
5 intent; providing definitions; providing boundaries of the  
6 district; providing for a board of trustees of the  
7 district; providing for appointment of board members;  
8 providing powers and organization of the board; providing  
9 for a hospital or clinic in the district; providing for  
10 construction funds for such hospital or clinic; providing  
11 for a training school for nurses; providing that the board  
12 has the power of eminent domain; providing for the board  
13 to borrow money; providing for general obligation bonds;  
14 providing for taxation; providing for board approval of  
15 bonds; providing procedures for bond elections; providing  
16 for form and type of bonds; providing for resolution  
17 authorizing bonds; providing that the board may include  
18 more than one improvement or hospital purpose on a bond  
19 issue; providing for advertisement and publication;  
20 providing for refunding bonds; providing for legal  
21 investments; providing for revenue bonds; providing for  
22 payment of funds by warrant; providing for levy of ad  
23 valorem tax; providing for taxes to be authorized by  
24 resolution; providing for payment of expenses; providing  
25 for contractual authority; providing for publication of  
26 annual statement; providing that hospitals or clinics  
27 shall be established for the benefit of residents of the  
28 district; providing for rules and regulations regarding  
29 physicians; providing that the board may secure insurance;

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30 providing for construction; providing for record  
31 destruction; providing severability; repealing chapters  
32 65-1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767,  
33 and 75-437, Laws of Florida, to conform; providing an  
34 effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. This act constitutes the codification of all  
39 special acts relating to the Marion County Hospital District. It  
40 is the intent of the Legislature in enacting this law to provide  
41 a single, comprehensive special act charter for the district,  
42 including all current legislative authority granted to the  
43 district by its several legislative enactments and any additional  
44 authority granted by this act.

45 Section 2. Chapters 65-1905, 69-1296, 70-802, 71-764, 71-  
46 765, 71-766, 71-767, and 75-437, Laws of Florida, are amended,  
47 codified, reenacted, and repealed as provided herein.

48 Section 3. The Marion County Hospital District is re-  
49 created, and its charter is re-created and reenacted to read:

50 Section 1. Definitions.--As used in this act:

51 (1) "Board" or "board of trustees" means the Board of  
52 Trustees of the Marion County Hospital District.

53 (2) "Hospital district" or "district" means the Marion  
54 County Hospital District.

55 (3) "County commissioners" means the Board of County  
56 Commissioners of Marion County.

57 Section 2. Boundaries.--A special tax district is hereby  
58 created and incorporated to be known as the Marion County

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59 Hospital District in Marion County, which district shall embrace  
60 and include the following described property in Marion County, to  
61 wit:

62 Beginning in the thread of the Withlacoochee River, at  
63 the range line dividing ranges seventeen and eighteen  
64 east; thence north to the township line dividing  
65 townships fourteen and fifteen south; thence east on  
66 said township line to the middle of township fourteen  
67 south, range nineteen east; thence north to the line  
68 dividing townships eleven and twelve south; thence east  
69 on said township line to Orange Lake; thence down said  
70 lake along its southern margin to Orange Creek; thence  
71 northerly and easterly down the thread of said Creek to  
72 its junction with the Ocklawaha River; thence  
73 northeasterly down the south side of the Ocklawaha  
74 River at low water mark to a point on the south side of  
75 the Ocklawaha River at low water mark, where the range  
76 line dividing ranges twenty-four and twenty-five east  
77 in township eleven south, crosses said river; thence  
78 south on said range line to where it intersects the  
79 township line dividing townships eleven and twelve  
80 south; thence east on said township line to where it  
81 intersects the section line dividing sections two and  
82 three, in township twelve south, of range twenty-five  
83 east; thence south on said section line and other  
84 section lines to the southwest corner of section  
85 twenty-three of said township twelve south, of range  
86 twenty-five east; thence east on the section line  
87 dividing sections twenty-three and twenty-six and other

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88 section lines to the range line dividing ranges twenty-  
89 five and twenty-six east; thence south on said range  
90 line to the Southwest corner of section seven, township  
91 thirteen south, range twenty-six east; thence east on  
92 the section line dividing sections seven and eighteen,  
93 township thirteen south, range twenty-six east, and  
94 other section lines to the west shore of Lake George;  
95 thence southwardly along the shore of Lake George to  
96 the mouth of Sulphur Spring; thence along the western  
97 bank of Lake George until it arrives at range line  
98 dividing ranges twenty-six and twenty-seven east;  
99 thence south on said range line to township line  
100 dividing townships seventeen and eighteen south; thence  
101 due west on the said township line to the thread of the  
102 Withlacoochee River; thence Northwesterly down the  
103 thread of said last mentioned river to the place of  
104 beginning.

105 Section 3. Governing body.--

106 (1) The governing body of the Marion County Hospital  
107 District shall consist of seven trustees, who shall serve without  
108 compensation. Said trustees shall be qualified electors residing  
109 in Marion County for more than 1 year prior to their appointment.  
110 They shall be known and described as the Board of Trustees of the  
111 Marion County Hospital District. The trustees shall be appointed  
112 by the Board of County Commissioners of Marion County. The Board  
113 of County Commissioners of Marion County shall have the power to  
114 remove any member of the board of trustees for cause, and shall  
115 have the power to fill any vacancy that may occur during the term  
116 of any trustee for the remainder of the term for which the

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117 vacancy occurs. The seven members of the board of trustees now  
118 serving shall continue to serve for the term for which they were  
119 appointed; thereafter, appointments shall be for 4-year terms.  
120 Two members of the board of trustees, as provided for herein,  
121 shall be members of the medical profession and licensed to  
122 practice medicine in the state, be members of the medical staff  
123 of a hospital operated by the board of trustees, and be of  
124 different specialties and shall not during their term as trustee  
125 serve any other hospital as a director-trustee or exercise any  
126 management function of such other hospital. All members of the  
127 board of trustees appointed as provided for herein shall serve  
128 from the date of their appointments until their successors are  
129 appointed and qualified. A regular meeting of the trustees shall  
130 be held at least 12 times during each year.

131 (2) Should the secretary and treasurer be other than a  
132 member of the board of trustees, he or she shall give a bond of  
133 not less than the sum of \$10,000 for the faithful performance of  
134 his or her duties, the amount of said bond to be set by the board  
135 of trustees as herein provided to be appointed. The premium on  
136 said bonds shall be paid as part of the expenses of the hospital  
137 district.

138 Section 4. Powers.--The Board of Trustees of the Marion  
139 County Hospital District shall have all the powers of a body  
140 corporate, including the power to sue and be sued under the name  
141 of the Marion County Hospital District; to contract and be  
142 contracted with; to adopt and use a common seal and to alter the  
143 same; to acquire, purchase, hold, lease, mortgage, and convey  
144 such real and personal property as the board may deem proper or  
145 expedient to carry out the purposes of this act; to appoint and

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146 employ a superintendent or administrator or both, or such other  
147 agents and employees as the board may deem advisable and to fix  
148 the compensation of all employees and to remove any appointees or  
149 employees; to insure the improvements, fixtures, and equipment  
150 against loss by fire, windstorm, or other coverage in such  
151 amounts as may be determined reasonable and proper; to borrow  
152 money; and to issue evidence of indebtedness of the district to  
153 carry out the provisions of this act in the manner hereinafter  
154 provided.

155 Section 5. Operational issues.--There shall be a chair of  
156 the board of trustees, who shall be elected annually by the  
157 trustees. There shall be a vice chair of the board of trustees,  
158 who shall be elected annually by the trustees. The board may  
159 elect one of its members to serve as secretary and treasurer or  
160 it may appoint some person not a member of the board to serve in  
161 that capacity. In the absence of the chair or the vice chair or  
162 their or his or her inability to act at any regular meeting,  
163 warrants may be signed by any other member of the board selected  
164 by the members present as chair pro tem. Three of said trustees  
165 shall constitute a quorum and a vote of at least three of said  
166 trustees shall be necessary to the transaction of any business of  
167 the district. The trustees shall cause true and accurate minutes  
168 and records to be kept of all business transacted by them, and  
169 shall keep full, true, and complete books of accounts and  
170 minutes, which minutes, records, and books of accounts shall at  
171 all reasonable times be open and subject to the inspection of  
172 residents of the district; and any person desiring to do so may  
173 make or procure a copy of the minutes, records, or account, or  
174 such portion thereof as he or she may desire.

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175        Section 6. Health care facilities and purpose.--The board  
176 of trustees is authorized to establish, construct, lease,  
177 operate, and maintain any hospital or clinic as in its opinion  
178 shall be necessary for the use of the people of the district. Any  
179 hospital or clinic shall be established, constructed, leased,  
180 operated, and maintained by said board of trustees for the  
181 preservation of the public health, for the public good, and for  
182 the use of the public of the district. Maintenance of any  
183 hospital or clinic within said district is hereby found and  
184 declared to be a public purpose and necessary for the  
185 preservation of the public health and the public use and welfare  
186 of the district and inhabitants thereof. The location of the  
187 hospital or clinic shall be determined by the board. The board is  
188 authorized to accept any and all gifts, loans, or advancements  
189 for the purchase of property, real or personal, for the  
190 construction, equipping, operation, and maintenance of any  
191 hospital or clinic established by the board.

192        Section 7. County commission; transfer of funds.--The  
193 county commissioners are authorized to transfer funds collected  
194 under the provisions of chapter 57-1567, Laws of Florida, to the  
195 board for hospital construction purposes only.

196        Section 8. Training school.--The board of trustees is  
197 authorized at any time in its discretion to establish and  
198 maintain in connection with any hospital or clinic, and as a part  
199 thereof, a training school for nurses and, upon completion of a  
200 prescribed course of training, shall give to nurses who have  
201 satisfactorily completed the course a diploma. The board of  
202 trustees is authorized to set up all rules and regulations

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203 necessary for the operation of a nurse's training school, and to  
204 make all necessary expenditures in connection therewith.

205 Section 9. Eminent domain.--The board shall have the power  
206 of eminent domain and may thereby condemn and acquire any real or  
207 personal property within the territorial limits of the district  
208 that the board may deem necessary for the use of the district.  
209 Such power of condemnation shall be exercised in the same manner  
210 as is now provided by general law for the exercise of power of  
211 eminent domain by cities and towns of the state.

212 Section 10. Borrowing money.--The board of trustees is  
213 authorized, in order to provide for and carry out the work of  
214 this act, to borrow money from time to time for periods of time  
215 not exceeding 1 year at any one time, and to issue the note or  
216 notes of the district therefor upon such terms and upon such  
217 rates of legal interest per annum as said board may deem  
218 advisable. The board shall have the additional right to pledge as  
219 security for money borrowed by it, any moneys accruing to it or  
220 to accrue to it from any source, including revenues derived from  
221 the operation of the hospital; provided, however, that the  
222 aggregate amount of principal of money so borrowed shall not, at  
223 any one time, exceed 10 percent of the gross revenues realized by  
224 said board through the operation of the hospital during the  
225 preceding calendar year, and provided further that the interest  
226 to be paid thereon shall not exceed the prime interest rate  
227 charged by commercial banks doing business in Marion County.

228 Section 11. General obligation bonds.--Except as otherwise  
229 provided in this act, the Board of Trustees of the Marion County  
230 Hospital District is authorized to issue bonds of such form,  
231 denomination, and bearing such rate of interest not to exceed the



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232 maximum rate permitted by general law, and becoming due not less  
233 than 5 nor more than 30 years from the date of issuance, for the  
234 purpose of raising funds to establish, expand, construct,  
235 operate, and maintain any hospital or clinic as in the board's  
236 opinion is necessary in the district. The board of trustees shall  
237 have the power to refund any and all previous issues of bonds for  
238 any and all lawful hospital purposes. All proceeds derived from  
239 the sale of bonds or refunding bonds, exclusive of expenses,  
240 shall be deposited in a depository selected by the board.

241 Section 12. Taxation.--Prior to the issuance of bonds, the  
242 board of trustees shall, by resolution, determine the amount that  
243 in its opinion will be necessary to be raised annually by  
244 taxation for an interest and sinking fund with which to pay the  
245 interest and principal of the bonds. The county commissioners are  
246 also authorized and required to provide for the levy and  
247 collection annually of a sufficient tax upon all the taxable  
248 property in the district, not exempt by law, to pay the interest,  
249 and with which to provide and maintain a sinking fund for the  
250 payment of the principal of the bonds.

251 Section 13. Approval.--All bonds issued by the Board of  
252 Trustees of the Marion County Hospital District, except refunding  
253 bonds, revenue bonds, or certificates and anticipation time  
254 warrants, shall be issued only after the same shall have been  
255 approved by a majority of the votes cast in an election of the  
256 qualified registered electors in the district; which election  
257 shall be called and held by the board of trustees, subject to  
258 reasonable rules and regulations prepared by the board. In the  
259 event it is determined to hold an election to decide whether a  
260 majority of the qualified electors are in favor of the issuance

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261 of bonds, the board of trustees shall by resolution order an  
262 election to be held in the district, and shall give 30 days'  
263 notice of election by publication in a newspaper of general  
264 circulation within the district, once a week for 4 consecutive  
265 weeks during such period.

266 Section 14. Procedures.--Insofar as practicable, the  
267 provisions of chapter 100, Florida Statutes, providing the  
268 procedure for bond elections, shall govern.

269 Section 15. Form.--All bonds issued under this act shall be  
270 in the denomination of \$100 or some multiple thereof; shall bear  
271 interest not to exceed the maximum rate permitted by general law,  
272 payable annually or semiannually; and both principal and interest  
273 shall be payable at such places as the governing authority may  
274 determine. The form of the bonds shall be fixed by resolution of  
275 the board of trustees and the bonds shall be signed by the chair  
276 of the board and countersigned by the secretary of the board  
277 under the seal of the district. The coupons, if any, may be  
278 executed by the facsimile signatures of said officers. The  
279 delivery at any subsequent date of any bond and coupon so  
280 executed shall be valid, although before the date of delivery the  
281 persons signing the bonds or coupons shall cease to hold office.

282 Section 16. Type.--Bonds issued hereunder may be either  
283 registered or coupon bonds. Coupon bonds may be registered as to  
284 principal in the holder's name on the books of the hospital  
285 district, the registration being noted upon the bonds, after  
286 which no transfer shall be valid unless made on the hospital  
287 district's books by the registered holder and similarly noted on  
288 the bonds. Bonds registered as to principal may be discharged  
289 from registration by being transferred to bearer, after which

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290 they shall be transferable by delivery, but may be again  
291 registered as to principal as before. The registration of the  
292 bonds as to principal shall not restrain the negotiability of the  
293 coupons by delivery merely.

294 Section 17. Resolution.--Before any bonds of the Marion  
295 County Hospital District are issued hereunder, the board of  
296 trustees shall investigate and determine the legality of the  
297 proceedings. The resolution authorizing the bonds may direct that  
298 they shall contain the following recital: "It is certified that  
299 this bond is authorized by and is issued in conformity with the  
300 requirements of the Constitution and Statutes of the State of  
301 Florida." Such recital shall be an authorized declaration by the  
302 governing authority of the district and shall import that there  
303 is constitutional and statutory authority for incurring the debts  
304 and issuing the bonds; that all proceedings therefor are regular;  
305 that all acts, conditions, and things required to exist, happen,  
306 and be performed precedent to and in the issuance of the bonds  
307 have existed, happened, and been performed in due time, form, and  
308 manner, as required by law; and that the amount of the bonds,  
309 together with all other indebtedness, does not exceed any limit  
310 prescribed by the constitution and statutes of this state. If any  
311 bond be issued containing said recital, it shall be conclusively  
312 presumed that the recital, construed according to the import  
313 hereby declared, is true, and the district shall not be permitted  
314 to question the validity or legality of the obligation in any  
315 court in any action or proceeding.

316 Section 18. Purpose.--In issuing bonds under the provisions  
317 of this act, it shall be lawful for the board of trustees to

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318 include more than one improvement or hospital purpose in any bond  
319 issue.

320 Section 19. Advertisement.--All bonds issued hereunder  
321 shall be advertised for sale on sealed bids, which advertisement  
322 shall be published once, not less than 14 days preceding the date  
323 fixed for the reception of bids, in a newspaper published in the  
324 hospital district. Notice of sale shall also be published once,  
325 not less than 14 days preceding the date fixed for the reception  
326 of bids, either in a financial paper published in the City of New  
327 York, New York, the City of Chicago, Illinois, or the City of  
328 Baltimore, Maryland. The board of trustees may reject any and all  
329 bids. If the bonds are not sold pursuant to such advertisements,  
330 they may be sold by the board of trustees at private sale within  
331 60 days after the date advertised for the reception of sealed  
332 bids, but no private sale shall be made at a price less than the  
333 highest bid that shall have been received. If not so sold, bonds  
334 shall be readvertised in the manner herein described. No bonds  
335 issued hereunder shall be sold for less than 95 percent of the  
336 par value and accrued interest.

337 Section 20. Publication.--No resolution or proceeding in  
338 respect to the issuance of bonds shall be necessary, except as  
339 required by this act. No publication of any resolution or  
340 proceeding relating to the issuance of bonds shall be required,  
341 except as required by this act. Any publication prescribed hereby  
342 may be made in any newspaper conforming to the terms of this act,  
343 without regard to the designation thereof as the official organ  
344 of the district. Bonds issued hereunder shall have all the  
345 qualities of negotiable paper under the law merchant, shall not  
346 be invalid for any irregularity or defect in the proceedings for

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347 the issue and sale thereof, and shall be incontestable in the  
348 hands of bona fide purchasers or holders thereof for value.

349 Section 21. Refunding bonds.--The Board of Trustees of the  
350 Marion County Hospital District shall have the power to provide  
351 by resolution for the issuance of refunding bonds to refund  
352 principal and interest of an existing bonded indebtedness, for  
353 the payment of which the credit of the hospital district is  
354 pledged, and the bonds may be issued at or prior to maturity to  
355 the bonds to be refunded. The resolution may be adopted at a  
356 regular or special meeting, and at the same meeting at which it  
357 is introduced, by a majority of the members of the trustees then  
358 in office. It is determined and declared as a matter of  
359 legislative intent that no election to authorize the issuance of  
360 refunding bonds shall be necessary, except in cases where it is  
361 necessary under the State Constitution to hold an election on the  
362 issuance of such refunding bonds, the resolution shall take  
363 effect immediately upon the adoption thereof. No other  
364 proceedings shall be required for the issuance of bonds by the  
365 district.

366 Section 22. Series of refunding bonds.--The resolution of  
367 the Board of Trustees of the Marion County Hospital District  
368 authorizing the issuance of the refunding bonds may provide that  
369 the refunding bonds may be issued in one or more series; bear the  
370 date; mature at the time not exceeding 30 years from their  
371 respective dates; bear interest at a rate not exceeding the  
372 maximum rate of interest borne by the notes, bonds, or other  
373 obligations refinanced thereby; be in the denomination; be in the  
374 form, either coupon or registered; carry the registration and  
375 conversion privileges; be executed in the manner; be payable in

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376 the medium of payment at the place; be subject to the terms of  
377 redemption with or without a premium; be declared or become due  
378 before the maturity date thereof; provide for the replacement of  
379 mutilated, destroyed, stolen, or lost bonds; be authenticated in  
380 the manner and upon compliance with the conditions; and contain  
381 such other terms and covenants as may be desired. Notwithstanding  
382 the form or tenor thereof, and in the absence of an express  
383 recital on the face thereof that the bond is nonnegotiable, all  
384 refunding bonds shall at all times be, and shall be treated as,  
385 negotiable instruments for all purposes.

386 Section 23. Valid and binding obligations.--Refunding bonds  
387 bearing the signature of officers of the district in office on  
388 the date of the signing thereof shall be valid and binding  
389 obligations of the district for all purposes, notwithstanding  
390 that before the delivery thereof any or all of the persons whose  
391 signatures appear thereon shall have ceased to be officers of the  
392 district. Any resolution authorizing refunding bonds may provide  
393 that any refunding bonds issued pursuant to this act may contain  
394 a recital, and any refunding bonds issued under authority of any  
395 resolution shall be conclusively deemed to be valid and to have  
396 been issued in conformity with the provisions of this act. The  
397 authority of the district to issue obligations under this act may  
398 be determined and obligations to be issued under this act may be  
399 validated as provided by law.

400 Section 24. Sale of the funding bonds.--

401 (1) Refunding bonds may be sold or exchanged as follows:  
402 (a) In installments at different times, or an entire issue  
403 or series may be sold or exchanged at one time. Any issue or  
404 series of refunding bonds may be exchanged in part or sold in

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405 parts in installments at different times or at one time. The  
406 refunding bonds may be sold or exchanged at any time on, before,  
407 or after the maturity of any of the outstanding notes, bonds,  
408 certificates, or other obligations to be refinanced thereby.

409 (b) If the board of trustees determines to exchange any  
410 refunding bonds, such refunding bonds may be exchanged privately  
411 for and in payment and discharge of any of the outstanding notes,  
412 bonds, or other obligations of the district.

413  
414 The refunding bonds may be exchanged for a like or greater  
415 principal amount of such notes, bonds, or other obligations of  
416 the district, except that the principal amount of such refunding  
417 bonds may also be issued, to the extent necessary, desirable, or  
418 advisable, at the discretion of the governing body, to fund  
419 interest in arrears or about to become due. The holder of such  
420 outstanding notes, bonds, or other obligations need not pay  
421 accrued interest on the refunding bonds to be delivered in  
422 exchange therefor if and to the extent that interest is due or  
423 accrued and unpaid on such outstanding notes, bonds, or other  
424 obligations to be surrendered.

425 (2) If the board of trustees determines to sell any  
426 refunding bonds, such refunding bonds shall be sold at not less  
427 than 95 percent of par at public or private sale, in such manner  
428 and upon such terms as the board of trustees shall deem best for  
429 the interest of the district.

430 Section 25. Legal investments.--All bonds or refunding  
431 bonds issued pursuant to this act shall be and constitute legal  
432 investments for state, county, municipal, and all other public  
433 funds and for banks, savings banks, insurance companies,

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434 executors, administrators, trustees, and all other fiduciaries,  
435 and shall also be and constitute securities eligible as  
436 collateral security for all state, county, municipal, or other  
437 public funds.

438 Section 26. Revenue bonds.--This section shall be known as  
439 the "Marion County Hospital District Revenue Bond Act."

440 (1) Whenever used in this section, unless a different  
441 meaning clearly appears from the context:

442 (a) The term "board" shall mean the governing body of the  
443 Marion County Hospital District.

444 (b) The term "hospital facilities" shall mean buildings,  
445 machines, and equipment and any other facilities for the  
446 furnishing of hospital and medical services by said hospital  
447 district.

448 (2) The issuance of any bonds authorized by this section  
449 shall not be required to be approved by the qualified electors  
450 who are freeholders residing in said district or the qualified  
451 electors residing in said district.

452 (3) In addition to powers contained in this act, the  
453 district has the power under this section:

454 (a) To construct, acquire, improve and extend, and maintain  
455 and operate hospital facilities, and to acquire by gift,  
456 purchase, or the exercise of the right of eminent domain lands or  
457 rights in lands, and any other property, real or personal,  
458 tangible or intangible, necessary, desirable, or convenient for  
459 said purposes.

460 (b) To issue bonds to finance, in whole or in part, the  
461 cost of the construction, acquisition, or improvement of such  
462 hospital facilities. The district in determining such costs may



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463 include all costs and estimated costs of the issuance of said  
464 bonds; all engineering, inspection, fiscal, and legal expenses;  
465 all costs of preliminary surveys, plans, maps, and  
466 specifications; interest that is estimated will accrue during the  
467 construction period and 1 year thereafter on money borrowed, or  
468 that it is estimated will be borrowed, pursuant to this section;  
469 initial reserve funds for debt service, working capital, and the  
470 costs of the services of agents or persons, corporations, firms,  
471 partnerships, or associations employed as consultants, advisors,  
472 engineers, or fiscal, financial, or other experts in the  
473 planning, preparation, supervision, and financing of such  
474 hospital facilities. The district is hereby authorized to employ,  
475 jointly or severally, and to enter into agreements or contracts  
476 with consultants, advisors, engineers, attorneys, or fiscal,  
477 financial, or other experts for the planning, preparation,  
478 supervision, and financing of such hospital facilities or any  
479 part thereof, upon such terms and conditions as to compensation  
480 and otherwise as said hospital district shall deem desirable and  
481 proper.

482 1. Said bonds and their interest thereon and the properties  
483 of such hospital facilities of said hospital district shall be  
484 exempt from all taxation by the state, or any political  
485 subdivision or taxing agency thereof.

486 2. Said bonds shall be and constitute negotiable  
487 instruments under the law merchants and the Uniform Commercial  
488 Code.

489 (c) To pledge to the punctual payment of bonds pursuant to  
490 this section, and interest thereon, all or any part of the  
491 revenues derived from such hospital facilities, or any other

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492 funds derived from sources other than ad valorem taxes, or any  
493 combination thereof, sufficient to pay said bonds and the  
494 interest thereon as the same shall become due and to create and  
495 maintain reasonable reserves therefor.

496 (4) The construction or acquisition or improvement of such  
497 hospital facilities or the refunding of any bonds or other  
498 obligations heretofore or hereafter issued for such purposes may  
499 be authorized under this section, and bonds may be authorized to  
500 be issued under this section to provide funds for such purposes  
501 by resolution or resolutions of the board of said hospital  
502 district which may be adopted at the same meeting at which they  
503 are introduced by a majority of the members of the board then in  
504 office, and shall take effect immediately upon adoption and need  
505 not be published or posted. Said bonds shall bear interest at  
506 such rate or rates not exceeding the maximum rate permitted by  
507 general law; may be in one or more series; may bear such date or  
508 dates; may mature at such time or times not exceeding 40 years  
509 from their respective dates; may be made payable in such medium  
510 of payment, at such place, within or without the state; may carry  
511 such registration privileges; may be subject to such terms,  
512 covenants, and conditions; and may be in such form, either coupon  
513 or registered, as such resolution or subsequent resolution may  
514 provide. Said bonds may be sold, all at one time or in blocks  
515 from time to time, at public or private sale, at such price or  
516 prices, by competitive or negotiated sale, all as allowed or  
517 otherwise not prohibited by general law. Pending the preparation  
518 of the definitive bonds, interim certificates, or receipts or  
519 temporary bonds in such form and with such provisions as the  
520 board may determine may be issued to the purchaser or purchasers

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521 of the bonds sold pursuant to this section. Said bonds and such  
522 interim certificates, or receipts or temporary bonds, shall be  
523 fully negotiable within the meaning of and for all purposes of  
524 the law merchant and the Uniform Commercial Code.

525 (5) Any resolution or resolutions authorizing the issuance  
526 of bonds, including refunding bonds, under this section, may  
527 contain covenants of the hospital district as to:

528 (a) The purpose or purposes to which the proceeds of sale  
529 of said bonds may be applied and the securing, use, and  
530 disposition thereof, including, if deemed desirable, the  
531 appointment of a trustee or depositary for said funds.

532 (b) The use and disposition of the revenues derived from  
533 such hospital facilities, including the parts thereof heretofore  
534 or hereafter constructed or acquired, and the creation and  
535 maintenance of reserve funds.

536 (c) The pledging of all or any part of the gross revenues  
537 derived from the ownership, operation, or control of such  
538 hospital facilities, including any part thereof heretofore or  
539 hereafter constructed or acquired, or derived from any other  
540 sources, including any available funds, to the payment of the  
541 principal of and interest on bonds issued pursuant to this  
542 section, and for such reserve and other funds as may be deemed  
543 necessary or desirable.

544 (d) The fixing, establishing, and collection of such fees,  
545 rentals, or other charges for the use of the services and  
546 facilities of such hospital facilities, and the revision of same  
547 from time to time.

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549 All such covenants and agreements shall constitute valid and  
550 binding contracts between the hospital district and the holders  
551 of any bonds or other obligations issued pursuant to such  
552 resolution, regardless of the time of issuance thereof, and,  
553 subject to any limitations contained in such resolution, shall be  
554 enforceable by any holder or holders of such bonds or other  
555 obligations, acting either for himself or herself or themselves  
556 alone, or acting in behalf of all other holders of such bonds or  
557 other obligations, by appropriate proceedings in any court of  
558 competent jurisdiction.

559 (6) All bonds issued pursuant to this section shall have a  
560 lien upon the revenues derived from said hospital facilities or  
561 other pledged funds to the extent and in the manner provided in  
562 the resolution authorizing the issuance of such bonds, which lien  
563 shall be prior and paramount and over and ahead of any claims or  
564 obligations of any nature against said revenues or other pledged  
565 funds subsequently arising or subsequently incurred, except as  
566 may be provided in the resolution or resolutions authorizing such  
567 bonds. The rank and priority of different issues if bonds issued  
568 pursuant to this section shall be as provided in the resolution  
569 or resolutions authorizing such bonds.

570 (7) The powers conferred by this section shall be in  
571 addition and supplemental to the powers of the district in other  
572 sections of this act, and this section shall not be construed as  
573 repealing or limiting any of the provisions of any other law  
574 relating to said hospital district, but to provide an alternative  
575 and complete method for the exercise of the powers granted in  
576 this section. Such hospital facilities may be constructed,  
577 acquired, or improved, and the bonds or other obligations issued

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578 pursuant to this section without regard to or necessity for  
579 compliance with the limitations or restrictions contained in any  
580 other general, special, or local law.

581 Section 27. Payment of funds.--The funds of the district  
582 shall be paid out only upon warrant signed by the chair or chair  
583 pro tem of the board, and having thereto affixed the corporate  
584 seal of the district, which may be an impression thereon or a  
585 facsimile thereof; and no warrant shall be drawn or issued  
586 against funds of the district except for a purpose authorized by  
587 this act, and no warrant against funds of the district shall be  
588 drawn or issued until after the account or expenditure for which  
589 the same is to be given in payment has been ordered and approved  
590 by the board of trustees at a meeting in which a quorum is  
591 present. The chair of the board is authorized to sign checks and  
592 warrants of the district by the facsimile signature of the chair  
593 and to use and employ facsimile signature machines for this  
594 purpose, provided that the checks and warrants are countersigned  
595 by the treasurer for the district.

596 Section 28. Levy of ad valorem tax.--The county  
597 commissioners, upon the request and recommendation of the board  
598 of trustees, are authorized and empowered annually in their  
599 discretion to levy upon real and personal taxable property of  
600 said district, not exempt by law, a sufficient tax necessary for  
601 the purposes and needs of the district incurred in the exercise  
602 of the powers and purposes herein granted, the rate of taxation  
603 per annum shall not exceed 1 mill on the dollar of the valuation  
604 of the property within the district for tax purposes, provided,  
605 however, that the 1 mill limitation herein shall apply only for  
606 the purposes and needs of the district and not for the purposes

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607 of debt service requirements for bonds that may be issued under  
608 this act. The levying of such tax is hereby determined to be for  
609 a public purpose and for the benefit of all the people of the  
610 county. The term "mill," as used in this section, shall be deemed  
611 to mean one-tenth of 1 cent.

612 Section 29. County commission resolution.--The levy by the  
613 county commissioners of the taxes authorized by any provision of  
614 this act shall be by resolution duly entered upon the minutes of  
615 the county commissioners. Certified copies of the resolution  
616 executed in the name of county commission by its chair shall be  
617 made and delivered to the Chief Financial Officer of the state  
618 not later than June 15 each year. It shall be the mandatory duty  
619 of the county tax assessor of the county to assess and the county  
620 tax collector of the county to collect the amount of taxes so  
621 assessed or levied by the county commissioners upon the taxable  
622 property in the district, not exempt by law at the rate of  
623 taxation adopted by the county commissioners for said year and  
624 included in the warrant of the tax assessor and attached to the  
625 assessment roll of taxes for the county each year. The tax  
626 collector shall collect the tax so levied by the board in the  
627 same manner as other taxes are collected, and shall pay the same  
628 over to the Board of Trustees of the Marion County Hospital  
629 District within the time and in the manner prescribed by law for  
630 the payment by the tax collector of county taxes to the county  
631 depository. It shall be the duty of the railroad assessment board  
632 to furnish each year to the county tax assessor the assessed  
633 value on all railroad, telegraph, and telephone lines and  
634 property in the Marion County Hospital District. The county  
635 commissioners shall use this assessed value as the basis for

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636 levying the tax and the tax collector of the county shall collect  
637 each year the amount of taxes so assessed and remit these taxes  
638 to the Board of Trustees of the Marion County Hospital District.  
639 All taxes shall be held by the board of trustees and paid out by  
640 them as provided in this act. The board is authorized to pay  
641 necessary expenses to the aforementioned officers for the assessment  
642 and collection of taxes on a reasonable fee basis, not however to  
643 exceed that set by general law. If any surplus shall occur in the  
644 operation and maintenance fund, the board is authorized to use  
645 the surplus or any portion thereof to retire bonded indebtedness  
646 but not to the extent that the financial security of the  
647 operation and maintenance fund shall be impaired.

648 Section 30. Payment of expenses.--The board is authorized  
649 to pay from the funds of the district all expenses of the  
650 organization of the board and all expenses necessarily incurred  
651 with the formation of the district and all other reasonable and  
652 necessary expenses, including the fees and expenses of an  
653 attorney in the transaction of the business of the district, and  
654 in carrying out and accomplishing the purposes of this act. This  
655 section, however, shall not be construed to limit or destroy any  
656 of the powers vested in the board of trustees by any other  
657 section or provisions of this act.

658 Section 31. Contractual authority.--Subject to the  
659 provisions and restrictions as may be set forth in the resolution  
660 authorizing or securing any bonds issued under the provisions of  
661 this act, the board shall have power to enter into contracts with  
662 the government of the United States or any agency or  
663 instrumentality thereof, or with the state or any county,  
664 municipality, district, authority, or political subdivision,

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665 private corporation, partnership, association, or individual  
666 providing for or relating to the construction or acquisition of  
667 additions, extensions, and improvements to the hospital and any  
668 other matters relevant thereto or otherwise necessary to effect  
669 the purposes of this act, and to receive and accept from any  
670 federal agency, state agency, or other public body grants or  
671 loans for or in aid of said purposes and to receive and accept  
672 aid or contributions or loans from any other source of either  
673 money, property, labor, or other things of value, to be held,  
674 used, and applied only for the purpose for which grants,  
675 contributions, or loans may be made.

676 Section 32. Publication of annual statement.--At least once  
677 in each year the board of trustees shall publish once in some  
678 newspaper published in the district, a complete detailed annual  
679 statement of all moneys received and disbursed by it since the  
680 creation of the district as to the first published statement and  
681 since the last published statement as to any other year. The  
682 statements shall also show the several sources from which funds  
683 were received and shall show the balance on hand at the time of  
684 the published statement. The publication shall show a complete  
685 statement of the financial condition of the district.

686 Section 33. Benefit to residents of district.--Each  
687 hospital or clinic established under this act shall be for the  
688 use and benefit of the residents of the district. Residents shall  
689 be admitted to the hospital or clinic and be entitled to  
690 hospitalization and treatment, subject, however, to the rules and  
691 regulations prescribed by the board of trustees effective as of  
692 the date of admission of a patient to the hospital or clinic. The  
693 hospital or clinic may care for and treat without charge patients



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694 who are found by the board of trustees to be indigent and who  
695 have for 1 year preceding the application for admission been  
696 residents of the district. The board of trustees shall be  
697 authorized to accept money from any welfare funds provided for  
698 Marion County or moneys available to the indigent patients from a  
699 federal, state, or county agency or moneys available to Marion  
700 County from said governmental agencies for welfare and hospital  
701 purposes, for the payment of costs of treatment and care of  
702 indigent residents of the district. The board may collect from  
703 patients financially able such charges as the board of trustees  
704 may from time to time establish. The board of trustees may  
705 exclude from treatment and care any person having a communicable  
706 or contagious disease, where such disease may be a detriment to  
707 the best interests of the hospital or clinic or a source of  
708 contagion or infection to the patients in its care unless the  
709 hospital has a separate building or ward for the special  
710 treatment of such patients, and can properly and with safety to  
711 the other patients retain the communicable or contagious case in  
712 the separate ward or building. The board of trustees may extend  
713 the privileges and use of the hospital or clinic to nonresidents  
714 of the district but who pay the rates established by the board  
715 and upon such terms and conditions as the board may from time to  
716 time by its rules and regulations provide; provided, however,  
717 that the residents of the district wherein the hospital or clinic  
718 is located shall have first claim to admission. The board shall  
719 further have the power to furnish and extend the benefits of the  
720 hospital and clinic services and treatment to the homes of  
721 indigent residents of the district. Each municipal corporation  
722 situated within the district and the law enforcing agencies of

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723 Marion County shall be liable to the board for the occupancy,  
724 care, medicine, and treatment of prisoners in the custody of the  
725 municipal corporation or county officers who are admitted to any  
726 hospital operated by the board.

727 Section 34. Physicians.--Realizing that factors other than  
728 professional must enter into the qualifications of those who  
729 practice medicine and surgery, the Board of Trustees of the  
730 Marion County Hospital District is authorized to set up rules and  
731 regulations and bylaws for the operation of the hospital and the  
732 hospital staff. The board of trustees is also authorized to give,  
733 grant, or revoke licenses and privileges of staff members so that  
734 the welfare and health of patients and the best interests of the  
735 hospital may at all times be best served. The board of trustees  
736 is further authorized to set up rules and regulations for the  
737 control of all professional and nonprofessional employees of the  
738 hospital, which terms shall include nurses on general duty or on  
739 private duty attending patients, and all persons in the hospital  
740 either as employees or in any manner in attendance of patients.  
741 Any patient shall have the right to employ, at his or her  
742 expense, his or her own physician, and the physician when  
743 employed by the patient shall have exclusive charge of the care  
744 and treatment of the patient, and the nurses therein, as to the  
745 patient, shall be subject to the direction of the physician,  
746 subject always to such general rules and regulations as shall be  
747 established by the board of trustees.

748 Section 35. Insurance.--The board of trustees may secure  
749 and keep in force in amounts it may determine, in companies duly  
750 authorized to do business in this state, liability insurance  
751 covering vehicles, premises, and malpractice. In consideration of

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752 the premium at which each policy shall be written, it shall be a  
753 part of the policy contract between the board of trustees and the  
754 named insured that the company shall not be entitled to the  
755 benefit of the defense of governmental immunity for the insured  
756 by reason of exercising a governmental function on any suit  
757 brought against the insured. Immunity of the board of trustees  
758 against liability damages is waived to the extent of liability  
759 insurance carried by the board. Provided, however, no attempt  
760 shall be made at the trial of any action against the board to  
761 suggest the existence of any insurance that covers in whole or in  
762 part any judgment or award that may be rendered in favor of the  
763 plaintiff and if a verdict rendered by the jury exceeds the limit  
764 of the applicable insurance the court shall reduce the amount of  
765 the judgment or award to a sum equal to the applicable limit set  
766 forth in the policy.

767 Section 36. Construction.--The provisions of this act shall  
768 be liberally construed for accomplishing the work authorized and  
769 provided for by this act, and where strict construction would  
770 result in the defeat of the accomplishment of any part of the  
771 work authorized by this act, and a liberal construction would  
772 permit or assist in the accomplishment thereof, the liberal  
773 construction shall be chosen.

774 Section 37. Record destruction.--The hospital board shall  
775 be empowered to destroy any of its records together with any of  
776 the records of the hospital or clinic owned and operated by the  
777 hospital board, provided that the records are photographed or  
778 microfilmed prior to their destruction.

779 Section 38. Severability.--If any provision of this act or  
780 the application thereof to any person or circumstance is held

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781 invalid, the invalidity shall not affect the other provisions or  
782 applications of the act which can be given effect without the  
783 invalid provision or application, and to this end the provisions  
784 of this act are declared severable.

785 Section 4. Chapters 65-1905, 69-1296, 70-802, 71-764, 71-  
786 765, 71-766, 71-767, and 75-437, Laws of Florida, are repealed.

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