

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;
 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
 44 | additional 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
 59 Hospital District in Marion County, which district shall embrace
 60 and include the following described property in Marion County,
 61 to 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
 69 east on said township line to Orange Lake; thence down
 70 said lake along its southern margin to Orange Creek;
 71 thence northerly and easterly down the thread of said
 72 Creek to 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
 75 of the Ocklawaha River at low water mark, where the
 76 range line dividing ranges twenty-four and twenty-five
 77 east in township eleven south, crosses said river;
 78 thence south on said range line to where it intersects
 79 the 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
 88 other section lines to the range line dividing ranges
 89 twenty-five and twenty-six east; thence south on said
 90 range line to the Southwest corner of section seven,
 91 township thirteen south, range twenty-six east; thence
 92 east on the section line dividing sections seven and
 93 eighteen, township thirteen south, range twenty-six
 94 east, and other section lines to the west shore of
 95 Lake George; thence southwardly along the shore of
 96 Lake George to the mouth of Sulphur spring; thence
 97 along the western bank of Lake George until it arrives
 98 at range line dividing ranges twenty-six and twenty-
 99 seven east; thence south on said range line to
 100 township line dividing townships seventeen and
 101 eighteen south; thence due west on the said township
 102 line to the thread of the Withlacoochee River; thence
 103 Northwesterly down the thread of said last mentioned
 104 river to the place of 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
 108 without compensation. Said trustees shall be qualified electors
 109 residing in Marion County for more than 1 year prior to their
 110 appointment. They shall be known and described as the Board of
 111 Trustees of the Marion County Hospital District. The trustees
 112 shall be appointed by the Board of County Commissioners of

HB 935

2008

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

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

139 Section 4. Powers.--The Board of Trustees of the Marion
140 County Hospital District shall have all the powers of a body

141 corporate, including the power to sue and be sued under the name
142 of the Marion County Hospital District; to contract and be
143 contracted with; to adopt and use a common seal and to alter the
144 same; to acquire, purchase, hold, lease, mortgage, and convey
145 such real and personal property as the board may deem proper or
146 expedient to carry out the purposes of this act; to appoint and
147 employ a superintendent or administrator or both, or such other
148 agents and employees as the board may deem advisable and to fix
149 the compensation of all employees and to remove any appointees
150 or employees; to insure the improvements, fixtures, and
151 equipment against loss by fire, windstorm, or other coverage in
152 such amounts as may be determined reasonable and proper; to
153 borrow money; and to issue evidence of indebtedness of the
154 district to carry out the provisions of this act in the manner
155 hereinafter provided.

156 Section 5. Operational issues.--There shall be a chair of
157 the board of trustees, who shall be elected annually by the
158 trustees. There shall be a vice chair of the board of trustees,
159 who shall be elected annually by the trustees. The board may
160 elect one of its members to serve as secretary and treasurer or
161 it may appoint some person not a member of the board to serve in
162 that capacity. In the absence of the chair or the vice chair or
163 their or his or her inability to act at any regular meeting,
164 warrants may be signed by any other member of the board selected
165 by the members present as chair pro tem. Three of said trustees
166 shall constitute a quorum and a vote of at least three of said
167 trustees shall be necessary to the transaction of any business
168 of the district. The trustees shall cause true and accurate

169 minutes and records to be kept of all business transacted by
 170 them, and shall keep full, true, and complete books of accounts
 171 and minutes, which minutes, records, and books of accounts shall
 172 at all reasonable times be open and subject to the inspection of
 173 residents of the district; and any person desiring to do so may
 174 make or procure a copy of the minutes, records, or account, or
 175 such portion thereof as he or she may desire.

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

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

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

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

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

225 by said board through the operation of the hospital during the
 226 preceding calendar year, and provided further that the interest
 227 to be paid thereon shall not exceed the prime interest rate
 228 charged by commercial banks doing business in Marion County.

229 Section 11. General obligation bonds.--Except as otherwise
 230 provided in this act, the Board of Trustees of the Marion County
 231 Hospital District is authorized to issue bonds of such form,
 232 denomination, and bearing such rate of interest not to exceed
 233 the maximum rate permitted by general law, and becoming due not
 234 less than 5 nor more than 30 years from the date of issuance,
 235 for the purpose of raising funds to establish, expand,
 236 construct, operate, and maintain any hospital or clinic as in
 237 the board's opinion is necessary in the district. The board of
 238 trustees shall have the power to refund any and all previous
 239 issues of bonds for any and all lawful hospital purposes. All
 240 proceeds derived from the sale of bonds or refunding bonds,
 241 exclusive of expenses, shall be deposited in a depository
 242 selected by the board.

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

253 Section 13. Approval.--All bonds issued by the Board of
 254 Trustees of the Marion County Hospital District, except
 255 refunding bonds, revenue bonds, or certificates and anticipation
 256 time warrants, shall be issued only after the same shall have
 257 been approved by a majority of the votes cast in an election of
 258 the qualified registered electors in the district; which
 259 election shall be called and held by the board of trustees,
 260 subject to reasonable rules and regulations prepared by the
 261 board. In the event it is determined to hold an election to
 262 decide whether a majority of the qualified electors are in favor
 263 of the issuance of bonds, the board of trustees shall by
 264 resolution order an election to be held in the district, and
 265 shall give 30 days' notice of election by publication in a
 266 newspaper of general circulation within the district, once a
 267 week for 4 consecutive weeks during such period.

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

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

281 said officers. The delivery at any subsequent date of any bond
 282 and coupon so executed shall be valid, although before the date
 283 of delivery the persons signing the bonds or coupons shall cease
 284 to hold office.

285 Section 16. Type.--Bonds issued hereunder may be either
 286 registered or coupon bonds. Coupon bonds may be registered as to
 287 principal in the holder's name on the books of the hospital
 288 district, the registration being noted upon the bonds, after
 289 which no transfer shall be valid unless made on the hospital
 290 district's books by the registered holder and similarly noted on
 291 the bonds. Bonds registered as to principal may be discharged
 292 from registration by being transferred to bearer, after which
 293 they shall be transferable by delivery, but may be again
 294 registered as to principal as before. The registration of the
 295 bonds as to principal shall not restrain the negotiability of
 296 the coupons by delivery merely.

297 Section 17. Resolution.--Before any bonds of the Marion
 298 County Hospital District are issued hereunder, the board of
 299 trustees shall investigate and determine the legality of the
 300 proceedings. The resolution authorizing the bonds may direct
 301 that they shall contain the following recital: "It is certified
 302 that this bond is authorized by and is issued in conformity with
 303 the requirements of the Constitution and Statutes of the State
 304 of Florida." Such recital shall be an authorized declaration by
 305 the governing authority of the district and shall import that
 306 there is constitutional and statutory authority for incurring
 307 the debts and issuing the bonds; that all proceedings therefor
 308 are regular; that all acts, conditions, and things required to

309 exist, happen, and be performed precedent to and in the issuance
310 of the bonds have existed, happened, and been performed in due
311 time, form, and manner, as required by law; and that the amount
312 of the bonds, together with all other indebtedness, does not
313 exceed any limit prescribed by the constitution and statutes of
314 this state. If any bond be issued containing said recital, it
315 shall be conclusively presumed that the recital, construed
316 according to the import hereby declared, is true, and the
317 district shall not be permitted to question the validity or
318 legality of the obligation in any court in any action or
319 proceeding.

320 Section 18. Purpose.--In issuing bonds under the
321 provisions of this act, it shall be lawful for the board of
322 trustees to include more than one improvement or hospital
323 purpose in any bond issue.

324 Section 19. Advertisement.--All bonds issued hereunder
325 shall be advertised for sale on sealed bids, which advertisement
326 shall be published once, not less than 14 days preceding the
327 date fixed for the reception of bids, in a newspaper published
328 in the hospital district. Notice of sale shall also be published
329 once, not less than 14 days preceding the date fixed for the
330 reception of bids, either in a financial paper published in the
331 City of New York, New York, the City of Chicago, Illinois, or
332 the City of Baltimore, Maryland. The board of trustees may
333 reject any and all bids. If the bonds are not sold pursuant to
334 such advertisements, they may be sold by the board of trustees
335 at private sale within 60 days after the date advertised for the
336 reception of sealed bids, but no private sale shall be made at a

337 price less than the highest bid that shall have been received.
 338 If not so sold, bonds shall be readvertised in the manner herein
 339 described. No bonds issued hereunder shall be sold for less than
 340 95 percent of the par value and accrued interest.

341 Section 20. Publication.--No resolution or proceeding in
 342 respect to the issuance of bonds shall be necessary, except as
 343 required by this act. No publication of any resolution or
 344 proceeding relating to the issuance of bonds shall be required,
 345 except as required by this act. Any publication prescribed
 346 hereby may be made in any newspaper conforming to the terms of
 347 this act, without regard to the designation thereof as the
 348 official organ of the district. Bonds issued hereunder shall
 349 have all the qualities of negotiable paper under the law
 350 merchant, shall not be invalid for any irregularity or defect in
 351 the proceedings for the issue and sale thereof, and shall be
 352 incontestable in the hands of bona fide purchasers or holders
 353 thereof for value.

354 Section 21. Refunding bonds.--The Board of Trustees of the
 355 Marion County Hospital District shall have the power to provide
 356 by resolution for the issuance of refunding bonds to refund
 357 principal and interest of an existing bonded indebtedness, for
 358 the payment of which the credit of the hospital district is
 359 pledged, and the bonds may be issued at or prior to maturity to
 360 the bonds to be refunded. The resolution may be adopted at a
 361 regular or special meeting, and at the same meeting at which it
 362 is introduced, by a majority of the members of the trustees then
 363 in office. It is determined and declared as a matter of
 364 legislative intent that no election to authorize the issuance of

HB 935

2008

365 refunding bonds shall be necessary, except in cases where it is
366 necessary under the State Constitution to hold an election on
367 the issuance of such refunding bonds, the resolution shall take
368 effect immediately upon the adoption thereof. No other
369 proceedings shall be required for the issuance of bonds by the
370 district.

371 Section 22. Series of refunding bonds.--The resolution of
372 the Board of Trustees of the Marion County Hospital District
373 authorizing the issuance of the refunding bonds may provide that
374 the refunding bonds may be issued in one or more series; bear
375 the date; mature at the time not exceeding 30 years from their
376 respective dates; bear interest at a rate not exceeding the
377 maximum rate of interest borne by the notes, bonds, or other
378 obligations refinanced thereby; be in the denomination; be in
379 the form, either coupon or registered; carry the registration
380 and conversion privileges; be executed in the manner; be payable
381 in the medium of payment at the place; be subject to the terms
382 of redemption with or without a premium; be declared or become
383 due before the maturity date thereof; provide for the
384 replacement of mutilated, destroyed, stolen, or lost bonds; be
385 authenticated in the manner and upon compliance with the
386 conditions; and contain such other terms and covenants as may be
387 desired. Notwithstanding the form or tenor thereof, and in the
388 absence of an express recital on the face thereof that the bond
389 is nonnegotiable, all refunding bonds shall at all times be, and
390 shall be treated as, negotiable instruments for all purposes.

391 Section 23. Valid and binding obligations.--Refunding
392 bonds bearing the signature of officers of the district in

393 office on the date of the signing thereof shall be valid and
394 binding obligations of the district for all purposes,
395 notwithstanding that before the delivery thereof any or all of
396 the persons whose signatures appear thereon shall have ceased to
397 be officers of the district. Any resolution authorizing
398 refunding bonds may provide that any refunding bonds issued
399 pursuant to this act may contain a recital, and any refunding
400 bonds issued under authority of any resolution shall be
401 conclusively deemed to be valid and to have been issued in
402 conformity with the provisions of this act. The authority of the
403 district to issue obligations under this act may be determined
404 and obligations to be issued under this act may be validated as
405 provided by law.

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

407 (1) Refunding bonds may be sold or exchanged as follows:

408 (a) In installments at different times, or an entire issue
409 or series may be sold or exchanged at one time. Any issue or
410 series of refunding bonds may be exchanged in part or sold in
411 parts in installments at different times or at one time. The
412 refunding bonds may be sold or exchanged at any time on, before,
413 or after the maturity of any of the outstanding notes, bonds,
414 certificates, or other obligations to be refinanced thereby.

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

419

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

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

436 Section 25. Legal investments.--All bonds or refunding
437 bonds issued pursuant to this act shall be and constitute legal
438 investments for state, county, municipal, and all other public
439 funds and for banks, savings banks, insurance companies,
440 executors, administrators, trustees, and all other fiduciaries,
441 and shall also be and constitute securities eligible as
442 collateral security for all state, county, municipal, or other
443 public funds.

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

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

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

450 (b) The term "hospital facilities" shall mean buildings,
 451 machines, and equipment and any other facilities for the
 452 furnishing of hospital and medical services by said hospital
 453 district.

454 (2) The issuance of any bonds authorized by this section
 455 shall not be required to be approved by the qualified electors
 456 who are freeholders residing in said district or the qualified
 457 electors residing in said district.

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

460 (a) To construct, acquire, improve and extend, and
 461 maintain and operate hospital facilities, and to acquire by
 462 gift, purchase, or the exercise of the right of eminent domain
 463 lands or rights in lands, and any other property, real or
 464 personal, tangible or intangible, necessary, desirable, or
 465 convenient for said purposes.

466 (b) To issue bonds to finance, in whole or in part, the
 467 cost of the construction, acquisition, or improvement of such
 468 hospital facilities. The district in determining such costs may
 469 include all costs and estimated costs of the issuance of said
 470 bonds; all engineering, inspection, fiscal, and legal expenses;
 471 all costs of preliminary surveys, plans, maps, and
 472 specifications; interest that is estimated will accrue during
 473 the construction period and 1 year thereafter on money borrowed,
 474 or that it is estimated will be borrowed, pursuant to this
 475 section; initial reserve funds for debt service, working

HB 935

2008

476 capital, and the costs of the services of agents or persons,
477 corporations, firms, partnerships, or associations employed as
478 consultants, advisors, engineers, or fiscal, financial, or other
479 experts in the planning, preparation, supervision, and financing
480 of such hospital facilities. The district is hereby authorized
481 to employ, jointly or severally, and to enter into agreements or
482 contracts with consultants, advisors, engineers, attorneys, or
483 fiscal, financial, or other experts for the planning,
484 preparation, supervision, and financing of such hospital
485 facilities or any part thereof, upon such terms and conditions
486 as to compensation and otherwise as said hospital district shall
487 deem desirable and proper.

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

492 2. Said bonds shall be and constitute negotiable
493 instruments under the law merchants and the Uniform Commercial
494 Code.

495 (c) To pledge to the punctual payment of bonds pursuant to
496 this section, and interest thereon, all or any part of the
497 revenues derived from such hospital facilities, or any other
498 funds derived from sources other than ad valorem taxes, or any
499 combination thereof, sufficient to pay said bonds and the
500 interest thereon as the same shall become due and to create and
501 maintain reasonable reserves therefor.

502 (4) The construction or acquisition or improvement of such
503 hospital facilities or the refunding of any bonds or other

504 obligations heretofore or hereafter issued for such purposes may
 505 be authorized under this section, and bonds may be authorized to
 506 be issued under this section to provide funds for such purposes
 507 by resolution or resolutions of the board of said hospital
 508 district which may be adopted at the same meeting at which they
 509 are introduced by a majority of the members of the board then in
 510 office, and shall take effect immediately upon adoption and need
 511 not be published or posted. Said bonds shall bear interest at
 512 such rate or rates not exceeding the maximum rate permitted by
 513 general law; may be in one or more series; may bear such date or
 514 dates; may mature at such time or times not exceeding 40 years
 515 from their respective dates; may be made payable in such medium
 516 of payment, at such place, within or without the state; may
 517 carry such registration privileges; may be subject to such
 518 terms, covenants, and conditions; and may be in such form,
 519 either coupon or registered, as such resolution or subsequent
 520 resolution may provide. Said bonds may be sold, all at one time
 521 or in blocks from time to time, at public or private sale, at
 522 such price or prices, by competitive or negotiated sale, all as
 523 allowed or otherwise not prohibited by general law. Pending the
 524 preparation of the definitive bonds, interim certificates, or
 525 receipts or temporary bonds in such form and with such
 526 provisions as the board may determine may be issued to the
 527 purchaser or purchasers of the bonds sold pursuant to this
 528 section. Said bonds and such interim certificates, or receipts
 529 or temporary bonds, shall be fully negotiable within the meaning
 530 of and for all purposes of the law merchant and the Uniform
 531 Commercial Code.

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

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

539 (b) The use and disposition of the revenues derived from
540 such hospital facilities, including the parts thereof heretofore
541 or hereafter constructed or acquired, and the creation and
542 maintenance of reserve funds.

543 (c) The pledging of all or any part of the gross revenues
544 derived from the ownership, operation, or control of such
545 hospital facilities, including any part thereof heretofore or
546 hereafter constructed or acquired, or derived from any other
547 sources, including any available funds, to the payment of the
548 principal of and interest on bonds issued pursuant to this
549 section, and for such reserve and other funds as may be deemed
550 necessary or desirable.

551 (d) The fixing, establishing, and collection of such fees,
552 rentals, or other charges for the use of the services and
553 facilities of such hospital facilities, and the revision of same
554 from time to time.

555
556 All such covenants and agreements shall constitute valid and
557 binding contracts between the hospital district and the holders
558 of any bonds or other obligations issued pursuant to such
559 resolution, regardless of the time of issuance thereof, and,

560 subject to any limitations contained in such resolution, shall
 561 be enforceable by any holder or holders of such bonds or other
 562 obligations, acting either for himself or herself or themselves
 563 alone, or acting in behalf of all other holders of such bonds or
 564 other obligations, by appropriate proceedings in any court of
 565 competent jurisdiction.

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

578 (7) The powers conferred by this section shall be in
 579 addition and supplemental to the powers of the district in other
 580 sections of this act, and this section shall not be construed as
 581 repealing or limiting any of the provisions of any other law
 582 relating to said hospital district, but to provide an
 583 alternative and complete method for the exercise of the powers
 584 granted in this section. Such hospital facilities may be
 585 constructed, acquired, or improved, and the bonds or other
 586 obligations issued pursuant to this section without regard to or

587 necessity for compliance with the limitations or restrictions
588 contained in any other general, special, or local law.

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

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

HB 935

2008

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

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

HB 935

2008

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

657 Section 30. Payment of expenses.--The board is authorized
658 to pay from the funds of the district all expenses of the
659 organization of the board and all expenses necessarily incurred
660 with the formation of the district and all other reasonable and
661 necessary expenses, including the fees and expenses of an
662 attorney in the transaction of the business of the district, and
663 in carrying out and accomplishing the purposes of this act. This
664 section, however, shall not be construed to limit or destroy any
665 of the powers vested in the board of trustees by any other
666 section or provisions of this act.

667 Section 31. Contractual authority.--Subject to the
668 provisions and restrictions as may be set forth in the
669 resolution authorizing or securing any bonds issued under the
670 provisions of this act, the board shall have power to enter into

671 contracts with the government of the United States or any agency
 672 or instrumentality thereof, or with the state or any county,
 673 municipality, district, authority, or political subdivision,
 674 private corporation, partnership, association, or individual
 675 providing for or relating to the construction or acquisition of
 676 additions, extensions, and improvements to the hospital and any
 677 other matters relevant thereto or otherwise necessary to effect
 678 the purposes of this act, and to receive and accept from any
 679 federal agency, state agency, or other public body grants or
 680 loans for or in aid of said purposes and to receive and accept
 681 aid or contributions or loans from any other source of either
 682 money, property, labor, or other things of value, to be held,
 683 used, and applied only for the purpose for which grants,
 684 contributions, or loans may be made.

685 Section 32. Publication of annual statement.--At least
 686 once in each year the board of trustees shall publish once in
 687 some newspaper published in the district, a complete detailed
 688 annual statement of all moneys received and disbursed by it
 689 since the creation of the district as to the first published
 690 statement and since the last published statement as to any other
 691 year. The statements shall also show the several sources from
 692 which funds were received and shall show the balance on hand at
 693 the time of the published statement. The publication shall show
 694 a complete statement of the financial condition of the district.

695 Section 33. Benefit to residents of district.--Each
 696 hospital or clinic established under this act shall be for the
 697 use and benefit of the residents of the district. Residents
 698 shall be admitted to the hospital or clinic and be entitled to

699 hospitalization and treatment, subject, however, to the rules
700 and regulations prescribed by the board of trustees effective as
701 of the date of admission of a patient to the hospital or clinic.
702 The hospital or clinic may care for and treat without charge
703 patients who are found by the board of trustees to be indigent
704 and who have for 1 year preceding the application for admission
705 been residents of the district. The board of trustees shall be
706 authorized to accept money from any welfare funds provided for
707 Marion County or moneys available to the indigent patients from
708 a federal, state, or county agency or moneys available to Marion
709 County from said governmental agencies for welfare and hospital
710 purposes, for the payment of costs of treatment and care of
711 indigent residents of the district. The board may collect from
712 patients financially able such charges as the board of trustees
713 may from time to time establish. The board of trustees may
714 exclude from treatment and care any person having a communicable
715 or contagious disease, where such disease may be a detriment to
716 the best interests of the hospital or clinic or a source of
717 contagion or infection to the patients in its care unless the
718 hospital has a separate building or ward for the special
719 treatment of such patients, and can properly and with safety to
720 the other patients retain the communicable or contagious case in
721 the separate ward or building. The board of trustees may extend
722 the privileges and use of the hospital or clinic to nonresidents
723 of the district but who pay the rates established by the board
724 and upon such terms and conditions as the board may from time to
725 time by its rules and regulations provide; provided, however,
726 that the residents of the district wherein the hospital or

HB 935

2008

727 clinic is located shall have first claim to admission. The board
728 shall further have the power to furnish and extend the benefits
729 of the hospital and clinic services and treatment to the homes
730 of indigent residents of the district. Each municipal
731 corporation situated within the district and the law enforcing
732 agencies of Marion County shall be liable to the board for the
733 occupancy, care, medicine, and treatment of prisoners in the
734 custody of the municipal corporation or county officers who are
735 admitted to any hospital operated by the board.

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

HB 935

2008

755 the direction of the physician, subject always to such general
756 rules and regulations as shall be established by the board of
757 trustees.

758 Section 35. Insurance.--The board of trustees may secure
759 and keep in force in amounts it may determine, in companies duly
760 authorized to do business in this state, liability insurance
761 covering vehicles, premises, and malpractice. In consideration
762 of the premium at which each policy shall be written, it shall
763 be a part of the policy contract between the board of trustees
764 and the named insured that the company shall not be entitled to
765 the benefit of the defense of governmental immunity for the
766 insured by reason of exercising a governmental function on any
767 suit brought against the insured. Immunity of the board of
768 trustees against liability damages is waived to the extent of
769 liability insurance carried by the board. Provided, however, no
770 attempt shall be made at the trial of any action against the
771 board to suggest the existence of any insurance that covers in
772 whole or in part any judgment or award that may be rendered in
773 favor of the plaintiff and if a verdict rendered by the jury
774 exceeds the limit of the applicable insurance the court shall
775 reduce the amount of the judgment or award to a sum equal to the
776 applicable limit set forth in the policy.

777 Section 36. Construction.--The provisions of this act
778 shall be liberally construed for accomplishing the work
779 authorized and provided for by this act, and where strict
780 construction would result in the defeat of the accomplishment of
781 any part of the work authorized by this act, and a liberal

HB 935

2008

782 construction would permit or assist in the accomplish thereof,
783 the liberal construction shall be chosen.

784 Section 37. Record destruction.--The hospital board shall
785 be empowered to destroy any of its records together with any of
786 the records of the hospital or clinic owned and operated by the
787 hospital board, provided that the records are photographed or
788 microfilmed prior to their destruction.

789 Section 38. Severability.--If any provision of this act or
790 the application thereof to any person or circumstance is held
791 invalid, the invalidity shall not affect the other provisions or
792 applications of the act which can be given effect without the
793 invalid provision or application, and to this end the provisions
794 of this act are declared severable.

795 Section 4. Chapters 65-1905, 69-1296, 70-802, 71-764, 71-
796 765, 71-766, 71-767, and 75-437, Laws of Florida, are repealed.

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