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CS/HB 935

2008 Legislature

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 district; providing for rules and regulations regarding
30 physicians; providing that the board may secure insurance;
31 providing for construction; providing for record
32 destruction; providing severability; repealing chapters
33 65-1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767,
34 and 75-437, Laws of Florida, to conform; providing an
35 effective date.

36

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

38

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

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

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

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

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

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

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

58 Section 2. Boundaries.--A special tax district is hereby
59 created and incorporated to be known as the Marion County
60 Hospital District in Marion County, which district shall embrace
61 and include the following described property in Marion County,
62 to wit:

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

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84 east; thence south on said section line and other
 85 section lines to the southwest corner of section
 86 twenty-three of said township twelve south, of range
 87 twenty-five east; thence east on the section line
 88 dividing sections twenty-three and twenty-six and
 89 other section lines to the range line dividing ranges
 90 twenty-five and twenty-six east; thence south on said
 91 range line to the Southwest corner of section seven,
 92 township thirteen south, range twenty-six east; thence
 93 east on the section line dividing sections seven and
 94 eighteen, township thirteen south, range twenty-six
 95 east, and other section lines to the west shore of
 96 Lake George; thence southwardly along the shore of
 97 Lake George to the mouth of Sulphur spring; thence
 98 along the western bank of Lake George until it arrives
 99 at range line dividing ranges twenty-six and twenty-
 100 seven east; thence south on said range line to
 101 township line dividing townships seventeen and
 102 eighteen south; thence due west on the said township
 103 line to the thread of the Withlacoochee River; thence
 104 Northwesterly down the thread of said last mentioned
 105 river to the place of beginning.
 106 Section 3. Governing body.--
 107 (1) The governing body of the Marion County Hospital
 108 District shall consist of seven trustees, who shall serve
 109 without compensation. Said trustees shall be qualified electors
 110 residing in Marion County for more than 1 year prior to their
 111 appointment. They shall be known and described as the Board of

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

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

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140 Section 4. Powers.--The Board of Trustees of the Marion
 141 County Hospital District shall have all the powers of a body
 142 corporate, including the power to sue and be sued under the name
 143 of the Marion County Hospital District; to contract and be
 144 contracted with; to adopt and use a common seal and to alter the
 145 same; to acquire, purchase, hold, lease, mortgage, and convey
 146 such real and personal property as the board may deem proper or
 147 expedient to carry out the purposes of this act; to appoint and
 148 employ a superintendent or administrator or both, or such other
 149 agents and employees as the board may deem advisable and to fix
 150 the compensation of all employees and to remove any appointees
 151 or employees; to insure the improvements, fixtures, and
 152 equipment against loss by fire, windstorm, or other coverage in
 153 such amounts as may be determined reasonable and proper; to
 154 borrow money; and to issue evidence of indebtedness of the
 155 district to carry out the provisions of this act in the manner
 156 hereinafter provided.

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

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

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

194 Section 7. County commission; transfer of funds.--The
 195 county commissioners are authorized to transfer funds collected

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196 under the provisions of chapter 57-1567, Laws of Florida, to the
197 board for hospital construction purposes only.

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

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

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

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224 aggregate amount of principal of money so borrowed shall not, at
 225 any one time, exceed 10 percent of the gross revenues realized
 226 by said board through the operation of the hospital during the
 227 preceding calendar year, and provided further that the interest
 228 to be paid thereon shall not exceed the prime interest rate
 229 charged by commercial banks doing business in Marion County.

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

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

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252 interest, and with which to provide and maintain a sinking fund
253 for the payment of the principal of the bonds.

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

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

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

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280 the secretary of the board under the seal of the district. The
 281 coupons, if any, may be executed by the facsimile signatures of
 282 said officers. The delivery at any subsequent date of any bond
 283 and coupon so executed shall be valid, although before the date
 284 of delivery the persons signing the bonds or coupons shall cease
 285 to hold office.

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

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

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

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

325 Section 19. Advertisement.--All bonds issued hereunder
 326 shall be advertised for sale on sealed bids, which advertisement
 327 shall be published once, not less than 14 days preceding the
 328 date fixed for the reception of bids, in a newspaper published
 329 in the hospital district. Notice of sale shall also be published
 330 once, not less than 14 days preceding the date fixed for the
 331 reception of bids, either in a financial paper published in the
 332 City of New York, New York, the City of Chicago, Illinois, or
 333 the City of Baltimore, Maryland. The board of trustees may
 334 reject any and all bids. If the bonds are not sold pursuant to
 335 such advertisements, they may be sold by the board of trustees

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336 at private sale within 60 days after the date advertised for the
 337 reception of sealed bids, but no private sale shall be made at a
 338 price less than the highest bid that shall have been received.
 339 If not so sold, bonds shall be readvertised in the manner herein
 340 described. No bonds issued hereunder shall be sold for less than
 341 95 percent of the par value and accrued interest.

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

355 Section 21. Refunding bonds.--The Board of Trustees of the
 356 Marion County Hospital District shall have the power to provide
 357 by resolution for the issuance of refunding bonds to refund
 358 principal and interest of an existing bonded indebtedness, for
 359 the payment of which the credit of the hospital district is
 360 pledged, and the bonds may be issued at or prior to maturity to
 361 the bonds to be refunded. The resolution may be adopted at a
 362 regular or special meeting, and at the same meeting at which it
 363 is introduced, by a majority of the members of the trustees then

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364 in office. It is determined and declared as a matter of
 365 legislative intent that no election to authorize the issuance of
 366 refunding bonds shall be necessary, except in cases where it is
 367 necessary under the State Constitution to hold an election on
 368 the issuance of such refunding bonds, the resolution shall take
 369 effect immediately upon the adoption thereof. No other
 370 proceedings shall be required for the issuance of bonds by the
 371 district.

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

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

407 Section 24. Sale of the refunding bonds.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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531 of and for all purposes of the law merchant and the Uniform
532 Commercial Code.

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

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

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

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

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

556
557 All such covenants and agreements shall constitute valid and
558 binding contracts between the hospital district and the holders

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

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

579 (7) The powers conferred by this section shall be in
580 addition and supplemental to the powers of the district in other
581 sections of this act, and this section shall not be construed as
582 repealing or limiting any of the provisions of any other law
583 relating to said hospital district, but to provide an
584 alternative and complete method for the exercise of the powers
585 granted in this section. Such hospital facilities may be
586 constructed, acquired, or improved, and the bonds or other

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587 obligations issued pursuant to this section without regard to or
588 necessity for compliance with the limitations or restrictions
589 contained in any other general, special, or local law.

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

605 Section 28. Levy of ad valorem tax.--The county
606 commissioners, upon the request and recommendation of the board
607 of trustees, are authorized and empowered annually in their
608 discretion to levy upon real and personal taxable property of
609 said district, not exempt by law:

610 (1) A sufficient tax necessary for the purposes and needs
611 of the district incurred in the exercise of the powers and
612 purposes herein granted, the rate of taxation per annum shall
613 not exceed 1 mill on the dollar of the valuation of the property
614 within the district for tax purposes, provided, however, that

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615 the 1 mill limitation herein shall apply only for the purposes
 616 and needs of the district and not for the purposes of debt
 617 service requirements for bonds that may be issued under this
 618 act.

619 (2) One mill on the dollar of valuation of the property
 620 within the district for tax purposes, for payment of the costs
 621 of financing the acquisition, erection, and construction of
 622 additions, improvements, and extensions, or the costs of
 623 acquisition, erection, and construction of additions,
 624 improvements, and extensions to the hospital operated by the
 625 board of trustees.

626
 627 The levying of such tax is hereby determined to be for a public
 628 purpose and for the benefit of all the people of the county. The
 629 term "mill," as used in this section, shall be deemed to mean
 630 one-tenth of 1 cent.

631 Section 29. County commission resolution.--The levy by the
 632 county commissioners of the taxes authorized by any provision of
 633 this act shall be by resolution duly entered upon the minutes of
 634 the county commissioners. Certified copies of the resolution
 635 executed in the name of county commission by its chair shall be
 636 made and delivered to the Chief Financial Officer of the state
 637 not later than June 15 each year. It shall be the mandatory duty
 638 of the county tax assessor of the county to assess and the
 639 county tax collector of the county to collect the amount of
 640 taxes so assessed or levied by the county commissioners upon the
 641 taxable property in the district, not exempt by law at the rate
 642 of taxation adopted by the county commissioners for said year

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643 and included in the warrant of the tax assessor and attached to
 644 the assessment roll of taxes for the county each year. The tax
 645 collector shall collect the tax so levied by the board in the
 646 same manner as other taxes are collected, and shall pay the same
 647 over to the Board of Trustees of the Marion County Hospital
 648 District within the time and in the manner prescribed by law for
 649 the payment by the tax collector of county taxes to the county
 650 depository. It shall be the duty of the railroad assessment
 651 board to furnish each year to the county tax assessor the
 652 assessed value on all railroad, telegraph, and telephone lines
 653 and property in the Marion County Hospital District. The county
 654 commissioners shall use this assessed value as the basis for
 655 levying the tax and the tax collector of the county shall
 656 collect each year the amount of taxes so assessed and remit
 657 these taxes to the Board of Trustees of the Marion County
 658 Hospital District. All taxes shall be held by the board of
 659 trustees and paid out by them as provided in this act. The board
 660 is authorized to pay necessary expenses to the aforementioned
 661 officers for the assessment and collection of taxes on a
 662 reasonable fee basis, not however to exceed that set by general
 663 law. If any surplus shall occur in the operation and maintenance
 664 fund, the board is authorized to use the surplus or any portion
 665 thereof to retire bonded indebtedness but not to the extent that
 666 the financial security of the operation and maintenance fund
 667 shall be impaired.

668 Section 30. Payment of expenses.--The board is authorized
 669 to pay from the funds of the district all expenses of the
 670 organization of the board and all expenses necessarily incurred

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671 with the formation of the district and all other reasonable and
 672 necessary expenses, including the fees and expenses of an
 673 attorney in the transaction of the business of the district, and
 674 in carrying out and accomplishing the purposes of this act. This
 675 section, however, shall not be construed to limit or destroy any
 676 of the powers vested in the board of trustees by any other
 677 section or provisions of this act.

678 Section 31. Contractual authority.--Subject to the
 679 provisions and restrictions as may be set forth in the
 680 resolution authorizing or securing any bonds issued under the
 681 provisions of this act, the board shall have power to enter into
 682 contracts with the government of the United States or any agency
 683 or instrumentality thereof, or with the state or any county,
 684 municipality, district, authority, or political subdivision,
 685 private corporation, partnership, association, or individual
 686 providing for or relating to the construction or acquisition of
 687 additions, extensions, and improvements to the hospital and any
 688 other matters relevant thereto or otherwise necessary to effect
 689 the purposes of this act, and to receive and accept from any
 690 federal agency, state agency, or other public body grants or
 691 loans for or in aid of said purposes and to receive and accept
 692 aid or contributions or loans from any other source of either
 693 money, property, labor, or other things of value, to be held,
 694 used, and applied only for the purpose for which grants,
 695 contributions, or loans may be made.

696 Section 32. Publication of annual statement.--At least
 697 once in each year the board of trustees shall publish once in
 698 some newspaper published in the district, a complete detailed

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699 annual statement of all moneys received and disbursed by it
 700 since the creation of the district as to the first published
 701 statement and since the last published statement as to any other
 702 year. The statements shall also show the several sources from
 703 which funds were received and shall show the balance on hand at
 704 the time of the published statement. The publication shall show
 705 a complete statement of the financial condition of the district.

706 Section 33. Benefit to residents of district.--Each
 707 hospital or clinic established under this act shall be for the
 708 use and benefit of the residents of the district. Residents
 709 shall be admitted to the hospital or clinic and be entitled to
 710 hospitalization and treatment, subject, however, to the rules
 711 and regulations prescribed by the board of trustees effective as
 712 of the date of admission of a patient to the hospital or clinic.
 713 The hospital or clinic may care for and treat without charge
 714 patients who are found by the board of trustees to be indigent
 715 and who have for 1 year preceding the application for admission
 716 been residents of the district. The board of trustees shall be
 717 authorized to accept money from any welfare funds provided for
 718 Marion County or moneys available to the indigent patients from
 719 a federal, state, or county agency or moneys available to Marion
 720 County from said governmental agencies for welfare and hospital
 721 purposes, for the payment of costs of treatment and care of
 722 indigent residents of the district. The board may collect from
 723 patients financially able such charges as the board of trustees
 724 may from time to time establish. The board of trustees may
 725 extend the privileges and use of the hospital or clinic to
 726 nonresidents of the district but who pay the rates established

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727 by the board and upon such terms and conditions as the board may
 728 from time to time by its rules and regulations provide;
 729 provided, however, that the residents of the district wherein
 730 the hospital or clinic is located shall have first claim to
 731 admission. The board shall further have the power to furnish and
 732 extend the benefits of the hospital and clinic services and
 733 treatment to the homes of indigent residents of the district.
 734 Each municipal corporation situated within the district and the
 735 law enforcing agencies of Marion County shall be liable to the
 736 board for the occupancy, care, medicine, and treatment of
 737 prisoners in the custody of the municipal corporation or county
 738 officers who are admitted to any hospital operated by the board.

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

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755 employed by the patient shall have exclusive charge of the care
 756 and treatment of the patient, and the nurses therein, as to the
 757 patient, shall be subject to the direction of the physician,
 758 subject always to such general rules and regulations as shall be
 759 established by the board of trustees.

760 Section 35. Insurance.--The board of trustees may secure
 761 and keep in force in amounts it may determine, in companies duly
 762 authorized to do business in this state, liability insurance
 763 covering vehicles, premises, and malpractice.

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

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

776 Section 38. Severability.--If any provision of this act or
 777 the application thereof to any person or circumstance is held
 778 invalid, the invalidity shall not affect the other provisions or
 779 applications of the act which can be given effect without the
 780 invalid provision or application, and to this end the provisions
 781 of this act are declared severable.

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782 Section 4. Chapters 65-1905, 69-1296, 70-802, 71-764, 71-
783 765, 71-766, 71-767, and 75-437, Laws of Florida, are repealed.
784 Section 5. This act shall take effect upon becoming a law.