

26 Board. The board shall constitute a body politic and a body
27 corporate; it may adopt and use a common seal; it may contract
28 and be contracted with; and it may sue and be sued in its
29 corporate name or in the corporate name of the district.
30

31 The board shall be composed of five ~~nine~~ members appointed
32 by the Governor. All members shall be qualified electors of the
33 district. The Governor shall issue a public notice soliciting
34 citizen nominations for board members within 120 days after the
35 effective date of this act. The nomination solicitation period
36 shall remain open for at least 30 days after the date of the
37 public notice. The Governor shall appoint initial members to the
38 board from among the nominees within 60 days after the close of
39 the nomination solicitation period. The initial terms of office
40 for the five members shall commence at upon their appointment,
41 with terms designated as follows: three members shall serve
42 until October 1, 2026, and two members shall serve until October
43 1, 2028. The Governor shall have a citizen nomination
44 solicitation period for at least 30 days and appoint members for
45 subsequent terms from among the nominees. Members appointed for
46 subsequent terms shall be appointed for 4-year terms commencing
47 on October 1 of the year in which they are appointed. If a
48 member is appointed to complete an unexpired term, the member's
49 term shall commence at the time of appointment and shall
50 continue through the remainder of the unexpired term. The

51 Governor shall fill any vacancy for the unexpired portion of a
52 term within 60 days after the vacancy occurs if the remainder of
53 the term exceeds 90 days. ~~The office of each member shall be~~
54 ~~designated specifically by number as member one through nine.~~
55 ~~The office of each member shall be for a term of 4 years~~
56 ~~beginning on the first day of January. Each member shall serve~~
57 ~~until his or her successor is appointed by the appropriate~~
58 ~~governing body as hereinafter provided. Any vacancy occurring in~~
59 ~~any office of a member shall be filled by the appropriate~~
60 ~~governing body in the manner provided herein for regular~~
61 ~~appointments for the remainder of the unexpired term of office.~~
62 ~~All board members shall reside within the boundaries of the~~
63 ~~district.~~

64
65 ~~Board members one, two, and three shall be appointed by the~~
66 ~~City Council of the City of Titusville.~~

67
68 ~~Board members four, five, and seven shall be appointed by~~
69 ~~the Board of County Commissioners of Brevard County.~~

70
71 ~~Board members six, eight, and nine shall be appointed by~~
72 ~~the Board of County Commissioners of Brevard County subject to~~
73 ~~confirmation by the City Council of the City of Titusville.~~

74
75 ~~In the event any board member ceases to reside within the~~

76 ~~boundaries of the district, the office of such member shall be~~
 77 ~~deemed vacant as of the date of such change in residence.~~

78
 79 ~~Any board member may be removed from office in the event a~~
 80 ~~request for removal for violation of policies and procedures~~
 81 ~~established by the board is approved by two-thirds of the~~
 82 ~~membership of the board and in the event the majority of the~~
 83 ~~governing body responsible for appointing such member approves~~
 84 ~~of such removal without the necessity of any requirement of~~
 85 ~~advice and consent as provided herein for an appointment.~~

86 Section 6. It shall be the duty of the board, no ~~not~~ later
 87 than July 15, to determine the operating budget and estimated
 88 revenues for ~~amount required during~~ the ensuing fiscal year for
 89 the purpose of establishing, constructing, equipping, operating,
 90 maintaining, repairing, or leasing of the hospital or hospitals,
 91 or for the payment of debt service and reserves on bonds, notes,
 92 or other obligations issued by the district, or reserves
 93 therefor, or for any one or more of the above purposes. Such
 94 determination shall be by resolution of the board and it shall
 95 be the duty of the chair and the secretary of the board to
 96 certify to the Board of County Commissioners of Brevard County
 97 the amount required, ~~which shall be provided by an ad valorem~~
 98 ~~tax levied by the Board of County Commissioners of Brevard~~
 99 ~~County on all taxable real and personal property in the district~~
 100 ~~for the ensuing fiscal year for the hospital fund. The Board of~~

101 ~~County Commissioners of Brevard County, upon being furnished a~~
 102 ~~certified copy of the resolution of the board regarding the~~
 103 ~~amount required for its stated purposes, shall levy the~~
 104 ~~necessary ad valorem taxes on all the taxable real and personal~~
 105 ~~property within the district to raise the required amount,~~
 106 ~~provided such millage shall not exceed 5 mills on the dollar of~~
 107 ~~the assessed valuation of the taxable real and personal property~~
 108 ~~situated in the district in Brevard County, less all such~~
 109 ~~property exempt from taxation by the Florida Constitution; and~~
 110 ~~further provided that the board, in issuing any bonds, notes, or~~
 111 ~~other obligations as hereinafter provided, may covenant with the~~
 112 ~~holders of such bonds, notes, or other obligations that such~~
 113 ~~holders shall have a first lien on all such ad valorem taxes~~
 114 ~~levied for the payment of such bonds, notes, or other~~
 115 ~~obligations. The resolution of the board above shall be adopted~~
 116 ~~and a certified copy thereof shall be filed with the Board of~~
 117 ~~County Commissioners of Brevard County no later ~~not less~~ than 10~~
 118 ~~days from the adoption of the resolution ~~prior to the time fixed~~~~
 119 ~~by law for the levy of general county taxes.~~

120 Section 17. In the event of dissolution of the district,
 121 the ~~residual~~ assets and liabilities of the district shall ~~may~~
 122 ~~only~~ be transferred to ~~one or more organizations which are~~
 123 ~~exempt organizations as described in Section 501(c)(3) or~~
 124 ~~Section 170(c)(2) of the Internal Revenue Code of 1986 (or any~~
 125 ~~other corresponding provisions of any future Internal Revenue~~

126 ~~Law) and which shall have as their primary purpose those same~~
127 ~~health care responsibilities as then performed by the district,~~
128 ~~together with other public needs of the district, and shall be~~
129 ~~required to provide the same annual percentage of charity care,~~
130 ~~indigent care, and Medicaid care, based on gross revenues, that~~
131 ~~was provided by the public hospital and reported to the Health~~
132 ~~Care Cost Containment Board in its most recent reporting cycle,~~
133 ~~and which shall be jointly approved by the district One (1)~~
134 ~~Commissioner of the Brevard County Board of County Commissioners~~
135 ~~and four-fifths vote of the City Council of the City of~~
136 ~~Titusville.~~

137
138 ~~Notwithstanding the foregoing, in no event shall the board~~
139 ~~sell the hospital facilities without first receiving the~~
140 ~~approval by a majority vote of the duly qualified electors who~~
141 ~~reside within the district and who vote in the election. Prior~~
142 ~~to any such sale, such qualified electors shall, by affirmative~~
143 ~~vote, consent to such sale of the hospital facilities, which~~
144 ~~consent must also approve the terms and conditions of the sale,~~
145 ~~and the disposition of the sale proceeds. The vote on this issue~~
146 ~~may be received at a general or special election to be held~~
147 ~~within the district, which shall not be called until notice~~
148 ~~thereof has been published in a newspaper of general circulation~~
149 ~~within the district once a week for 4 consecutive weeks next~~
150 ~~prior to the week during which the general or special election~~

151 ~~will be held. If a majority of the electors who vote in the~~
152 ~~general or special election vote in favor of the sale of the~~
153 ~~hospital facilities and if they approve the terms and conditions~~
154 ~~of the sale, then in that event, the board shall have the~~
155 ~~authority to consummate the sale upon the terms and conditions~~
156 ~~thus approved by the electors. In the event that the duly~~
157 ~~qualified electors do not ratify and approve the sale along with~~
158 ~~its terms and conditions, the board shall not have the authority~~
159 ~~to consummate the sale of the hospital facilities.~~

160 Section 24. (a) On or after October 1, 2024, the board
161 shall adopt a resolution to commence a valuation of the
162 district's assets. The board shall contract with an independent
163 entity that has at least 5 years of experience conducting
164 comparable evaluations of hospital organizations similar in size
165 and function to conduct the valuation according to applicable
166 industry best practices. The independent entity may not have any
167 current affiliation with or financial involvement in the
168 district, any support corporation of the district, the Jess
169 Parrish Medical Foundation, Inc., or any member of the board.
170 The valuation must be completed and a final report presented to
171 the board no later than 180 days after the date on which the
172 valuation is commenced. The final report shall be published on
173 the district's website. The final report must include a
174 statement signed by the chair of the board and the chief
175 executive officer of the independent entity conducting the

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176 valuation that, based on each person's reasonable knowledge and
177 belief, the contents and conclusions of the valuation are true
178 and correct.

179 (b) No later than 30 days after the date on which the
180 board receives the final report, the board must adopt a
181 resolution commencing the process of soliciting bids for the
182 district's assets. The resolution must be made available
183 simultaneously to all potential bidders, must include the time
184 and date for the receipt of bids and of the public opening, and
185 must include all applicable contractual terms and conditions,
186 including the criteria to be used in determining acceptability
187 and relative merit of the bid. The resolution shall establish a
188 minimum acceptable bid for the district's assets based on a
189 commercially reasonable value and require bidders to enter into
190 an enforceable commitment that programs and services provided by
191 the district for indigent care must be continued in perpetuity,
192 unless otherwise agreed to by the Board of County Commissioners
193 of Brevard County.

194 (c) Upon completion of the sale of the district's assets,
195 all liabilities and any proceeds from the sale shall be
196 transferred to the Board of County Commissioners of Brevard
197 County. Proceeds received by the board of county commissioners
198 pursuant to this section shall first be used to satisfy all
199 liabilities of the former district.

200 (d) No later than 30 days after the complete transfer of

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201 assets and liabilities as provided in paragraph (c), the
202 district Memorial Health System shall notify the Florida
203 Department of Commerce. The district shall be dissolved
204 automatically upon receipt of the notice by the department.

205 Section 2. The offices and terms of all members of the
206 North Brevard County Hospital District Board existing as of the
207 effective date of this act shall end as of the effective date of
208 this act, but such members may continue to serve until a
209 successor in office is appointed and qualified. Until successors
210 are appointed and qualified to replace all of the members of the
211 board existing as of the effective date of this act, board
212 members, officers, and employees of the district may not sell,
213 dispose of, encumber, transfer, or expend the assets of the
214 district as such assets existed as of October 1, 2023, other
215 than in the ordinary course of business.

216 Section 3. This act shall take effect upon becoming a law.