

House Bill No. 971

An act relating to Citrus County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Citrus County Hospital Board, an independent special district in Citrus County; providing legislative intent; codifying, amending, and reenacting chapter 65-1371, Laws of Florida, as amended, the “Citrus County Hospital and Medical Nursing and Convalescent Home Act”; removing references to freeholders; deleting obsolete language; making technical revisions; repealing all prior special acts relating to board; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Citrus County Hospital Board. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapter 65-1371, Laws of Florida, chapter 69-944, Laws of Florida, and chapter 70-1001, Laws of Florida, relating to the Citrus County Hospital Board, are codified, reenacted, and amended to read:

Section 1. This act shall be known and may be cited as the “Citrus County Hospital and Medical Nursing and Convalescent Home Act.”

Section 2. As used in this act the words and terms shall have the following meanings:

(a) The term “Citrus County Hospital Board” or the word “board” shall mean the Citrus County Hospital Board.

(b) The word “County” shall mean the County of Citrus, in the State of Florida.

(c) The word “State” shall mean the State of Florida.

(d) The word “property” as used herein shall mean the real and personal property of every nature whatsoever.

(e) The word “operate” shall include build, construct, maintain, repair, alter, expand, equip, lease, finance and operate.

(f) The words “county hospital and medical nursing and convalescent homes” shall include hospitals, medical care facilities, clinics and other allied medical care units.

Section 3. (a) There is hereby created the Citrus County Hospital Board, an independent special district, and by that name the board may sue

and be sued, plead and be impleaded, contract and be contracted with, acquire and dispose of property or any interest therein, and have an official seal. The board is created as a public nonprofit corporation without stock and is composed of and governed by the five (5) members herein provided for, to be known as trustees. The hospital board is hereby constituted and declared to be an agency of the county and incorporated for the purpose of operating hospitals, medical nursing homes, and convalescent homes in the county. The hospital board shall consist of five (5) trustees appointed by the Governor and, upon this act becoming a law, the present members will automatically become trustees and shall constitute the board. Their respective terms of office shall be the term each member is presently serving. All subsequent appointments, upon the expiration of the present terms, shall be for the term of four (4) years. Upon the expiration of the term of each trustee, the successor shall be appointed by the Governor. Likewise, any vacancy occurring shall be filled by appointment by the Governor for the unexpired term. Each appointment by the Governor is subject to approval and confirmation by the Florida Senate.

(b) The trustees of said board shall elect from its members a chair, a vice chair, and a secretary-treasurer who shall each hold office for a period of two (2) years. Each trustee shall execute a bond in the penal sum of five thousand dollars (\$5,000) with two (2) good and sufficient sureties of a surety company authorized under the laws of the state to become surety, payable to the Citrus County Hospital Board, conditioned upon the faithful performance of the duties of the officer, which bonds shall be approved by the remaining trustees of the board and which shall be filed with the Board of County Commissioners of Citrus County. The premiums on said bonds shall be paid by the hospital board.

(c) The hospital board shall select and designate one (1) or more depositories, located within Citrus County, for the deposit of hospital funds. In addition, the board may select and designate one (1) or more depositories outside of Citrus County for trust funds received from the sale and/or for payment of bonds or revenue certificates when permitted or required to do so by an order, decree, or judgment from any state or federal court. Any depository selected must be:

(1) A national or state bank insured by the Federal Deposit Insurance Corporation; and

(2) Qualified to act as a depository for the deposit of funds of the state or funds for the office of the state treasury.

(d) Any and all funds so deposited shall be withdrawn by a check or warrant signed by two (2) trustees of the hospital board, of which one (1) shall be the chair, vice chair, or secretary-treasurer. No check or warrant shall be delivered to the payee without approval thereof shown in the minutes of the hospital board.

Section 4. The trustees of the board shall receive no compensation for their services. Three trustees shall constitute a quorum of the hospital board for the purpose of conducting its business and exercising its powers and for

all other purposes. Action may be taken by the board only upon a vote in the affirmative of three trustees thereof.

Section 5. The Citrus County Hospital Board as hereby created shall be for the purpose of operating, in the County of Citrus, public hospitals, medical nursing homes, and convalescent homes, primarily and chiefly for the benefit of the citizens and residents of Citrus County. Authority is hereby given to said board to build, erect, expand, equip, maintain, operate, alter, change, lease, and repair public hospitals, medical nursing homes, and convalescent homes in Citrus County. The corporation is authorized, when rooms and services are available, without detriment or deprivation to the citizens and residents of Citrus County, to extend the hospitalization and medical nursing home and convalescent home services provided by said hospitals, medical nursing homes, and convalescent homes to patients from adjoining and other counties of Florida and from other states, upon the payment of the cost of such hospitalization, medical nursing home services, and convalescent home services as may be determined by the trustees of the hospital board. The board shall have the power and authority to operate an ambulance system and ambulance services. The board shall have the authority to charge all patients for all services rendered in any facility owned or operated by the hospital board, including the ambulance facility. The board may charge patients interest on the patient's account; may sell, discount, or assign said account to a bank, finance company, collection agency, or other type of collection facility; may accept promissory notes or other types of debt obligations from a patient; may assign or discount said accounts receivable, notes, or other obligations; may require a patient to guarantee the payment of an existing account or note; may require a guarantee of payment before admitting a patient; and may receive and assign any assignment of all types of insurance proceeds.

Section 6. It shall be the duty of the Board of County Commissioners of Citrus County and/or their successors to levy or cause to be levied each year beginning with the fiscal year commencing July 1, 1965, the millage certified to said board of county commissioners by the trustees of the Citrus County Hospital Board upon all taxable real and personal property in Citrus County, not including, however, homestead property that is exempt from general taxation by the Constitution of the State of Florida, for the purpose of erecting, building, equipping, maintaining, changing, altering, repairing, leasing, and operating the public hospital herein provided for, such tax to be known as the hospital tax, and it is hereby made the duty of the property appraiser of said county to make such assessments, and duty of the tax collector to collect such assessments when made, and the money collected shall be paid over monthly to the Citrus County Hospital Board. However, in no event shall the annual tax herein authorized and required exceed three mills on the dollar.

Section 7. From and after the effective date of this act, in each year (beginning with the year 1965), it shall be the duty of the hospital board, not later than July 15th, to determine the amount required during the ensuing fiscal year for the purpose of erecting, building, expanding, equipping, maintaining, operating, altering, changing, leasing, financing, and repairing said county hospitals, medical nursing homes, and convalescent homes, or for

any one or more of said purposes. Such determination shall be by resolution of the hospital board, and it shall be the duty of the chair and secretary of said board to certify to the board of county commissioners the amount required as aforesaid, which shall be provided in a tax levied by the board of county commissioners for the ensuing fiscal year for the "hospital fund." The board of county commissioners, upon being furnished a certified copy of the resolution of the hospital board last mentioned shall levy the necessary millage to raise such amount, provided, however, such millage shall not exceed three mills per calendar year on the dollar, upon the taxable real and personal property situate in Citrus County, less all such property exempt from taxation by the Florida Constitution. The resolution of the county hospital board above referred to shall be adopted and a certified copy thereof filed with the Board of County Commissioners of Citrus County not less than ten days prior to the time fixed by law for the levy of general county taxes.

Section 8. The hospital board is hereby authorized and empowered to own and acquire property by purchase, lease, gift, grant, or transfer from the county, the state, or the Federal Government, or any subdivision or agency thereof, any municipality, person, partnership, or corporation, and to acquire, construct, maintain, operate, expand, alter, repair, change, lease, finance, and equip hospitals, medical nursing homes, convalescent homes, medical care facilities, and clinics in the county.

Section 9. The hospital board is authorized and empowered to enter into contracts with individuals, partnerships, corporations, municipalities, the county, the state or any subdivision or agency thereof, and the United States of America or any subdivision or agency thereof, to carry out the purposes of this act.

Section 10. The hospital board is empowered to and shall adopt all necessary rules and regulations and bylaws for the operation of hospitals, medical nursing homes, and convalescent homes; to provide for the admission thereto and treatment of such charity patients who are citizens of Florida and residents of Citrus County for the last two preceding years; to set the fees and charges to be made for the admission and treatment therein of all patients; and to establish the qualifications for members of the medical profession to be entitled to practice therein.

Section 11. The hospital board shall have the power to purchase any and all equipment that may be needed for the operation of hospitals, medical nursing homes, and convalescent homes, and shall have the power to appoint and hire such agent or agents, technical experts, attorneys, and all other employees as are necessary for carrying out the purposes of this act, and to prescribe their salaries and duties. The board shall have the power to discharge all employees or agents when it shall be deemed by the board necessary for the carrying out of the purposes of this act.

Section 12. For the fiscal year ending September 30, 1965, and at the end of each fiscal year thereafter, the Citrus County Hospital Board shall within thirty days thereafter file with the Clerk of the Circuit Court of Citrus

County a full, complete, and detailed accounting of the preceding year and at the same time shall file a certified copy of said financial report with the Board of County Commissioners of Citrus County, which report shall be recorded in the minutes of the board of county commissioners. The board of county commissioners at its discretion and at the expense of the county may publish and report an accounting in a newspaper of general circulation in Citrus County.

Section 13. In addition to all other implied and express powers contained herein, the board shall have the express authority to negotiate loans to borrow money from the Surgeon General's office, or some other agency of the United States Government or from an agency of the State of Florida, for the purpose or purposes of constructing, maintaining, repairing, altering, expanding, equipping, leasing, and operating county hospitals, medical nursing homes, convalescent homes, medical care facilities, clinics, and all other types of allied medical care units. Said loan or loans, as provided in this specific section, must be directly related and tied in with a grant-in-aid to said hospital, such as a Hill-Burton grant under the National Hospital Act. The amount of said loan, such as a Surgeon General's loan, shall not exceed the amount of the grant such as a Hill-Burton grant.

Section 14. In addition to all other implied and express powers contained herein, the board shall have the express authority to borrow money, with or without issuing notes therefor, for the purpose or purposes of constructing, maintaining, repairing, altering, expanding, equipping, leasing, and operating county hospitals, medical nursing homes, convalescent homes, medical care facilities, clinics, and all other types of allied medical care units. The board's authority to borrow money, with or without issuing notes, shall be subject to the conditions of this act, applying to the board's right to issue revenue certificates. However, the board shall not be required to have any type of validation suit or court approval to borrow money when the amount of the loan or loans does not exceed an amount equal to two times the annual hospital tax, assuming said tax is based upon the yearly millage of three (3) mills, and the term of the loan does not exceed five (5) years.

Section 15. Said board shall have express authority to issue bonds, subject to approval by a referendum of the voters of said county, and to issue Revenue Certificates, without a referendum of the voters of said county, the proceeds of which shall be used for erecting, equipping, building, expanding, altering, changing, maintaining, operating, leasing, and repairing said hospitals, medical nursing homes, and convalescent homes.

Section 16. (a) Said bonds, federal or state hospital loans, notes, or revenue certificates shall mature within twenty (20) years from the year in which they are issued or made, and shall mature in equal amounts each year including the interest. The aggregate amount of all bonds, revenue certificates, and federal or state hospital loans issued and outstanding at any one time shall not exceed an amount equal to five (5) times the annual hospital tax at the date of issue, assuming said tax is based upon the yearly millage of three (3) mills. Said bonds and interest thereon shall be payable solely from a millage not to exceed one and one half (1 ½) mills per year. Said millage is included in the maximum millage of three (3) mills per year. The

loans, notes and revenue certificates, together with the interest, shall be payable from the gross receipts of the hospital and/or medical nursing home.

(b) The full faith and credit of Citrus County shall be pledged for the payment of the bonds and interest, but the full faith and credit of Citrus County shall not be pledged for the payment of the loans, notes, or revenue certificates and interest unless voted upon and approved by the voters of said county.

(c) Whenever this board shall pass a resolution approving the issuance of said bonds, the board of county commissioners shall immediately thereafter pass a resolution approving the bond issue and calling an election and, subject to said election, permitting the repayment of the bonds out of the annual levy of three (3) mills per year. The bonds or revenue certificates shall not be issued until after the same have been approved in a validation suit.

(d) Said loans, notes, bonds, or revenue certificates shall not bear interest in excess of six percent (6%) per year and such lesser amounts that may be available in the open market. The interest rate may be increased as provided in subsection (h).

(e) The board shall determine the form of the loans, notes, bonds, and revenue certificates, including any interest coupons to be attached thereto, and the manner of executing it, shall fix the denomination or denominations thereof and the place or places of payment of principal and interest which may be at any bank or trust company within or without the state. In case an officer whose signature or a facsimile of whose signature shall appear on any loan, note, bond, or revenue certificate or coupon shall cease to be such officer before the delivery thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until such delivery. All loan agreements, notes, bonds, and revenue certificates issued hereunder shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state.

(f) The board may sell bonds or revenue certificates in such manner, either at public or private sale, and for such price as it may determine to be for the best interest of the hospital board, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor of more than six percent (6%) per annum. The interest rate may be increased as provided in subsection (h).

(g) The board of county commissioners during said period shall, in addition to the maximum of one and one half (1 ½) mills) levy above authorized for the repayment of the bonds and interest, levy annually the remainder of the hospital tax in the amount up to one and one half (1 ½) mills on the dollar for the purpose of maintaining and operating the county hospitals, medical nursing homes, and convalescent homes.

(h) In the event the maturity date of the debt is more than two (2) years after the date the debt is created, the maximum interest rate that can be applied to said debt or debt paper obligation shall not exceed six percent (6%)

or one percent (1%) less than the "prime interest rate," as established by the Chase Manhattan Bank, National Association, whichever is the higher, on the date the agreement to create the debt is executed by the board and the lender. This shall apply only to debts created or incurred subsequent to the effective date of this amendment. The term debt paper obligation shall include notes, bonds, and revenue bonds and certificates.

Section 17. The total amount outstanding indebtedness of said hospital at any one time shall not exceed an amount equal to six (6) times the annual hospital tax, assuming said tax is based upon the yearly millage of three mills.

Section 18. Heretofore, the Legislature of the State of Florida authorized said previously existing hospital board to issue bonds in the amount not to exceed one hundred fifty thousand (\$150,000.00) dollars of said bonds. This act shall not preclude said previously existing hospital board or its successors from issuing previously authorized and validated hospital bonds.

Section 19. If any part, section, paragraph, or provision of this act shall be held unconstitutional by a court of competent jurisdiction, it shall nevertheless not effect the constitutionality or effectiveness of the remainder of this act.

Section 3. Chapter 65-1371, Laws of Florida, chapter 69-944, Laws of Florida, and chapter 70-1001, Laws of Florida, shall be repealed 10 days after the effective date of this act.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 11, 1999.

Filed in Office Secretary of State May 11, 1999.