

## House Bill No. 601

An act relating to the Cape Canaveral Hospital District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing minimum charter requirements in accordance with s. 189.404(3), F.S.; authorizing an exchange of submerged lands under specified conditions; declaring public purpose; approving any authorized permitted activities; authorizing the district to prepare a public facilities report and enact regulations to implement such report; deeming the public facilities report to be consistent with the City of Cocoa Beach's charter provisions and comprehensive plan regulating height, density, and fill of submerged lands provided specified state law standards are satisfied; providing severability; providing for liberal construction; repealing chapters 59-1121, 61-1903, 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Cape Canaveral Hospital District, an independent special tax district. 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. It is further the intent of this act to preserve all District authority in addition to any authority contained in general law.

Section 2. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Cape Canaveral Hospital District is re-created, and the charter for such District is re-created and reenacted to read:

Section 1. An independent special tax district is hereby created and incorporated and shall be known as "the Cape Canaveral Hospital District" in Brevard County. The Cape Canaveral Hospital District shall support the health and welfare of all those in the District's boundaries and the surrounding communities by providing health care facilities and services to all those in need regardless of ability to pay. The Cape Canaveral Hospital District is created for the purpose of planning, building, constructing, repairing, fixing, equipping, furnishing, supplying, operating, maintaining, and leasing a hospital and related facilities, and to fund, support, organize, and participate in such other health care related projects as authorized by the Board. The District shall embrace and include that part of Brevard County bounded and described as:

Those lands bounded on the north by the north line of Section 14 and the north line, produced west, of Section 15, Township 24 South, Range 37

East; on the west by the west boundary of the Banana River; on the south by a line parallel to and 988.6 feet south of the north line, produced west, of Section 35, Township 25 South, Range 37 East; and on the east by the waters of the Atlantic Ocean.

Section 2. All references herein to the Hospital District mean the Cape Canaveral Hospital District; all references herein to the Board mean the Cape Canaveral Hospital District Board; all references herein to the Hospital mean the Cape Canaveral Hospital; and all references to the Hospital Board mean the Board of Trustees of Cape Canaveral Hospital, Inc.

Section 3. The governing authority or body of the Hospital District shall be known as the Cape Canaveral Hospital District Board and the Board shall constitute a body politic and a body corporate; it shall have perpetual existence; it shall adopt and use a common seal and may alter the same; it may contract and be contracted with; and it may sue and be sued in its corporate name.

Section 4(A). So long as the Cape Canaveral Hospital District Board has direct responsibility for the operation and management of the hospital facility, and does not lease the hospital facility to a not-for-profit corporation, the Board shall have the following additional powers:

(1) To acquire by grant, purchase, lease, devise, gift, bequest, or condemnation, or in any other manner, real or personal property, or any estate or interest therein, within or without the Hospital District, which by resolution the Board shall determine to be necessary for the purposes of the Hospital District, said determination to be conclusive, except in case of fraud or gross abuse of discretion; and to improve, maintain, sell, lease, mortgage, or otherwise encumber the same, any part thereof, or any interest therein upon such terms and conditions as the Board shall fix and determine, and said determination shall be deemed conclusive, except in case of fraud or gross abuse of discretion.

(2) To plan, build, construct, repair, fix, purchase, sell, mortgage, encumber, furnish, equip, supply, operate, manage, maintain, and conduct a hospital and any facilities, buildings, schools, and structures related to and customarily used, conducted, or operated in conjunction with a hospital or the provision of health care related services; however, in no event shall the Board sell the hospital facilities without first receiving the approval by a majority vote of the duly qualified electors who reside within the Hospital District and who vote in the election. Prior to any such sale, the qualified electors who reside within the District shall by affirmative vote consent to such sale of the hospital facilities, which consent must also approve the terms and conditions of the sale and the disposition of the sale proceeds. The vote on this issue may be received at a general or special election to be held within the Hospital District which shall not be called until notice thereof has been published in a newspaper of general circulation within the Hospital District once a week for 4 consecutive weeks prior to the week during which the general or special election will be held. If a majority of the electors who vote in the general or special election shall vote in favor of the sale of the hospital facilities and if they shall approve the terms and conditions of the sale, the Board shall have the authority to consummate the sale upon the

terms and conditions thus approved by the electors. In the event that the duly qualified electors shall not ratify and approve the sale along with its terms and conditions, the Board shall not have the authority to consummate the sale of the hospital facilities.

(3) To adopt all rules and regulations necessary for the orderly, proper, and efficient operation of the Hospital, including rules regulating the admission thereto and treatment of patients of all classes, including charity patients who may apply for admission to the Hospital and who shall be citizens of the State of Florida and residents of the Hospital District; and rules regulating the fees and charges to be made for the admission and treatment therein of all other patients.

(4) To establish a medical staff of the hospital, herein referred to as the medical staff, and to establish and designate professional and other qualifications for membership, term of membership, classes of membership, and types of privileges to be exercised by members of the medical staff. The Board shall have the power to appoint, remove, suspend, and otherwise regulate members of the medical staff; to establish and designate procedures to be followed by applicants for staff membership, changes of class of membership, changes in types of privileges to be exercised by members of the medical staff, and renewal of membership on the medical staff; and to set forth such procedures as shall seem fit and proper to the Board in the bylaws of the Board and of the medical staff. The Board shall request the advice of the medical staff on all applications for membership on the medical staff, including advice on the class of membership to be given to the applicants and the types of privileges to be exercised by the applicants, renewal of membership on the medical staff, changes in classes of membership, and changes in privileges to be exercised by members of the medical staff; however, such advice shall not be binding on the Board and the final decision on such matters shall be made by the Board. The Board shall provide in its bylaws and in the medical staff bylaws procedures to be followed by such applicants who may be aggrieved by any decisions of the medical staff regarding its advice to the Board.

(5) To contract with individuals, partnerships, limited liability companies, corporations, municipalities, political subdivisions, agencies, or districts of the State of Florida, the United States of America, or any of the several States thereof, and any other country of the world and any political subdivision thereof.

(6) To determine the sum or amount of money, over and above and in addition to anticipated income and receipts to be paid by the patients who will be treated in the Hospital, which will be required during the ensuing fiscal year to pay and satisfy all anticipated obligations and expenses to be incurred by the Hospital during the said ensuing fiscal year in the performance of the functions and purposes authorized under this act, including debt service on any bonds which may be issued hereunder; subject to the provision that the sum estimated by the Board to be required to pay and satisfy the expenses of the Hospital for all purposes, other than debt service on any bonds which may have been issued hereunder, for said fiscal year shall not exceed the amount which would be realized from a tax of 1 mill upon all real

and personal property, less all such property exempted from taxation by the Florida Constitution or the Statutes of the State of Florida, located within the Hospital District; and further subject to the provision that the sum estimated by the Board to be required to pay and satisfy all obligations and expenses incurred by the Hospital for all purposes, including debt service on any bonds which may have been issued by the Hospital District hereunder, shall not exceed the amount which would be realized from a tax of 2¼ mills upon all real and personal property, less all such property exempt from taxation by the Florida Constitution or the Statutes of the State of Florida, located within the Hospital District. Such determination shall be made by resolution of the Board and it shall be the duty of the President and the Secretary of the Board to certify to the Board of County Commissioners of Brevard County the total sum which the Board believes and estimates will be required during the ensuing fiscal year to pay and satisfy all expenses of the Hospital, except debt service on any bonds which may have been issued hereunder, and the sum which the Board believes and anticipates will be required for debt service on said bonds, in the event that any bonds have been issued and sold hereunder by the Hospital District.

The Board of County Commissioners of Brevard County, upon being furnished a certified copy of the resolution of the Board, shall levy the necessary millage against all real and personal property, less all such property exempt from taxation by the Florida Constitution or the Statutes of the State of Florida, situated within the Hospital District, required to raise such amount, provided such millage shall not exceed 1 mill for all expenses of the Hospital other than debt service on any bonds which may have been issued and sold hereunder and shall not exceed 2¼ mills for all obligations and expenses of the Hospital including debt service on any such bonds. The certified copy of the resolution of the Board shall be filed with the Board of County Commissioners of Brevard County not less than 10 days prior to the time fixed by law for the levy of general county taxes, and all taxes so levied by the Board of County Commissioners of Brevard County for the Board shall be collected by the Tax Collector of Brevard County and paid over to the Board.

(7) To appoint, comply, hire, and discharge such agents, employees, servants, or other employees, including attorneys, accountants, architects, administrators, and other nonmedical professional agents or employees, as may be required to carry out the purposes of this act; to prescribe their duties, authority, and responsibilities; and to fix their salaries, wages, or compensation.

(8) To designate a depository or depositories for the funds of the Board and to establish by resolution of the Board the method and authority under which such funds may be withdrawn from such depository or depositories, provided, however, that any officer of the Board or any agent or employee thereof, who shall be authorized to sign checks, drafts, orders, or warrants on any account of the Board, shall first execute a bond in favor of the Board in a penal sum of \$25,000 with a surety company authorized to do business in the State of Florida. The aforesaid bonds shall be conditioned upon the faithful performance of the duties of such officers, agents, or employees and

shall be approved by the remaining members of the Board, and the premiums on all such bonds shall be paid by the Board.

(9) To designate by resolution a fiscal year for the Hospital District and to change the same from time to time.

(10) To issue bonds of the Hospital District to finance the planning, purchase, lease, construction, furnishing, and equipping of any buildings, facilities, or land therefor, which the Board is authorized to purchase, lease, build, construct, and operate, which bonds may be payable from the taxes herein authorized, and for the payment of which the full faith and credit of the Hospital District may be pledged, in an amount never to exceed 20 percent of the total assessed valuation or market valuation, whichever is greater, as determined by Brevard County, of all taxable property within the limits of the Hospital District. Such bonds shall be signed in the name of the Hospital District by the President of the Board, shall be attested by the Secretary of the Board, shall be under the seal of the Hospital District, may bear interest coupons to be signed with the facsimile signature of the Secretary of the Board, and may be of such denominations as shall be determined by the Hospital Board. Said bonds may bear interest at a rate to be fixed by the Board; however, said rate of interest shall not exceed that provided by general law and shall be payable either annually or semiannually. Said bonds shall be due not more than 40 years from the date thereof.

Prior to the issuance of any such bonds, the Board shall by resolution authorize the issuance of the same, fixing the aggregate amount of the proposed issue, the denomination, the rate of interest, the purpose for which the moneys derived therefrom shall be expended, and the maturity of the bonds either in serial form or all to mature at a fixed date, and shall provide for and create a sinking fund to pay the principal and interest of the said bonds as the same shall mature. The bonds may be sold by the Board at public sale, or sealed bids, after advertisement for sale at least once a week for 3 consecutive weeks in a newspaper published in Brevard County having a general circulation in the Hospital District, or advertisement of the said sale may, at the option of the Board, be published once a week for 2 consecutive weeks in a financial paper published in the City of New York. If the bonds are not sold after either of such advertisements, the bonds may be sold at private sale at any time after the date advertised for the reception of the sealed bids; however, no bonds shall be sold for less than 95 percent of the par value thereof, with accrued interest, and no private sale of the bonds shall be made at a price lower than the best sealed bid received therefor.

All bonds issued and sold by the Hospital District under the provisions of this act, or under the laws of the State of Florida, shall be, constitute, and have all of the qualities and incidents of negotiable instruments under the law merchant and the Negotiable Instrument Law of the State of Florida; shall be incontestable in the hands of bona fide purchasers or holders for value; and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

No general obligation bonds for the payment of which the full faith and credit of the Hospital District shall be pledged or obligated shall be issued

and sold, unless the issuance of the same shall have been approved by the majority of the votes cast in a freeholders' election in which a majority of the freeholders who are qualified electors residing within the Hospital District shall participate and said election shall be held in the manner provided by the Florida Constitution and applicable Statutes of the State of Florida relating to the calling and holding of freeholders' elections for the approval of the issuance of bonds by special tax districts.

The payment of any general obligation bonds, including interest thereon, issued and sold by the Hospital District shall be secured by a first lien against the taxes to be levied by the Board of County Commissioners of Brevard County as authorized by this act to the extent that such taxes may be required to pay such interest and principal, and the Board shall certify to the Board of County Commissioners of Brevard County each year, as herein provided, such sums as may be required for debt service on said bonds and to pay the interest and principal thereon, and the Board of County Commissioners of Brevard County shall levy such taxes, within the limits specified in this act, as will be required for said debt service on said bonds.

(11)(a) To provide by resolution at one time or from time to time for the issuance of Revenue Certificates of the Hospital District for the purpose of paying all or a part of the cost of acquisition, construction, planning, leasing, repairing, extensions to, additions, equipping, and reconstruction of any hospital buildings and facilities of the Hospital District. The Certificates of each issue shall be dated, shall bear interest at a rate to be fixed by the Board, however, said rate of interest shall not exceed that provided by general law, shall mature at such time or times, not exceeding 40 years from their date or dates, as may be determined by the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the Certificates. The Board shall determine the form of the Certificates, including any interest coupons to be attached thereto, and the manner of execution of the Certificates and coupons to be attached thereto, and shall fix the denomination or denominations of the Certificates 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 any officer whose signature or a facsimile of whose signature shall appear on any certificates or coupons shall cease to be such officer before the delivery of such Certificates, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. All Certificates issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the State. The Certificates may be issued in coupon or in registered form, or both, as the Board may determine, and provisions may be made for the registration of any coupon Certificates as to principal alone and also as to both principal and interest and for the reconversion into coupon Certificates of any Certificates registered as to both principal and interest. The issuance of such Certificates shall not be subject to any limitations or conditions contained in any other law, and the Board may sell such Certificates in such manner and for such price as it may determine to be for the best interest of the 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 which shall exceed that provided by general law, computed with relation to the absolute maturity of the Certificates in accordance with standard tables of certificate values, excluding, however, from such computations the amount of any premium to be paid on redemption of any Certificates prior to maturity. Prior to the preparation of definitive Certificates, the Board may, under like restrictions, issue interim receipts or temporary Certificates with or without coupons, exchangeable for definitive Certificates when such Certificates have been executed and are available for delivery. The Board may also provide for the replacement of any Certificates which shall be mutilated, destroyed, or lost.

(b) Certificates may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau, or agency of the State or County and without any other proceedings or the happening of any other condition or thing than those proceedings, conditions, or things which are specifically required by this act.

(c) The proceeds of the Certificates shall be used solely for the payment of the cost of the hospital facilities for which such Certificates shall have been authorized and shall be disbursed in the manner provided in the resolution or in the Trust Agreement authorizing the issuance of such Certificates. If the proceeds of the Certificates of any issue shall exceed the amount required for the purpose for which the same shall have been issued, the surplus shall be set aside and used only for the payment of the cost of additional projects or for the payment of the principal of and interest on such Certificates. In the event that the actual cost of the project exceeds the estimated cost, the Board may issue additional Certificates to cover the deficiency, subject to the same restrictions as required for the original issue.

(d) Revenue Certificates issued under the provisions of this act may be payable from the revenue derived from the operation of any hospital facility or combination of hospital facilities of the Hospital District under the supervision, operation, and control of the Hospital Board and from any other funds legally available therefor. The issuance of such Revenue Certificates shall not directly, indirectly, or contingently obligate the State, the Board, or the Hospital District to levy any ad valorem taxes or to make any appropriations for their payment or for the operation and maintenance of the hospital facilities of the Hospital District.

(e) The Board shall not convey or mortgage any hospital facility or any part thereof as security for the payment of the Revenue Certificates.

(f) In the discretion of the Board, each or any issue of such Revenue Certificates may be secured by a Trust Agreement by and between the Hospital District and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such Trust Agreement may pledge or assign the revenues to be received by the Board. The resolution providing for the issuance of Revenue Certificates or such Trust Agreement may contain such provisions for protecting and enforcing the rights and remedies of the Certificate holders as may be reasonable, proper, and not in violation of law, including covenants setting forth the duties of the Board in relation to the acquisition, construction, improve-

ment, maintenance, operation, repair, equipping, and insurance of the hospital facilities, and the custody, safeguarding, and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying certificates or to pledge such securities as may be required by the Board. Such resolution or such Trust Agreement may restrict the individual right of action by Certificate holders as is customary in Trust Agreements securing certificates or debentures of corporations. In addition to the foregoing, such resolution or such Trust Agreement may contain such other provisions as the Board may deem reasonable and proper for the security of the Certificate holders. Except as otherwise provided in this act, the Board may provide, by resolution or by Trust Agreement, for the payment of the proceeds of the sale of the Revenue Certificates and the revenues of the facilities to such officer, board, or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such Trust Agreement may be treated as a part of the cost of operation of the facilities affected by such Trust Agreement.

(g) The resolution or Trust Agreement providing for the issuance of the Revenue Certificates may also contain such limitations upon the issuance of additional Revenue Certificates as the Hospital District may deem proper, and such additional Certificates shall be issued under such restriction or limitations as may be prescribed by such resolution or Trust Agreement.

(h) The Board is hereby authorized to provide by resolution for the issuance of Refunding Revenue Certificates for the purpose of refunding any Revenue Certificates, respectively, then outstanding and issued under the provisions of this act. The Board is further authorized to provide by resolution for the issuance of Revenue Certificates for the combined purpose of (1) paying the cost of any acquisition, construction, planning, leasing, extension to, addition, improving, equipping, or reconstruction of a facility or facilities of the Hospital District, and (2) refunding Revenue Certificates of the Hospital District which shall theretofore have been issued under the provisions of this act and shall then be outstanding. The issuance of such obligations, the maturities and other details thereof, the right and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the Hospital District with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

(12) To provide a retirement program for the Hospital District's employees who become covered by the program, to establish qualifications for coverage under the program, to pay part of the cost of such program, to contract with any insurance company licensed to do business in Florida for the establishment and operation of the program, to charge its covered employees for the employees' share of the cost of the program, and to take such other action as may be necessary to establish and operate the retirement program. Said Board shall have the power to withdraw, by resolution, from the State and County Officers and Employees' Retirement System as established by chapter 122, Florida Statutes, and this provision shall specifically amend section 122.061, Florida Statutes, insofar as the section prohibits the withdrawal of the Cape Canaveral Hospital employees from the retirement sys-



tem. In the event that the Board shall adopt a resolution by which the employees of the Hospital District shall be withdrawn from the State and County Officers and Employees Retirement System, such withdrawal shall become effective on July 1 following the adoption of the resolution, and the Board shall send a certified copy of the resolution to the Chief Financial Officer of the State. Beginning on July 1 following the adoption of the resolution, the Hospital District shall not be required to contribute to the State and County Officers and Employees Retirement System.

Section 4(B). In the event that the Board no longer has responsibility for operation and management of Cape Canaveral Hospital by heretofore or hereafter leasing the hospital facilities to a not-for-profit corporation, so long as such lease remains in force and effect, the Board shall not have the powers contained in section 4(A) hereof but shall have the following additional powers:

(1) To acquire by grant, purchase, lease, devise, gift, bequest, or condemnation, or in any other manner, real or personal property, or any estate or interest therein, within or without the Hospital District, which by resolution the Board shall determine to be necessary for the purposes of the Hospital District, said determination to be conclusive, except in case of fraud or gross abuse of discretion; and to improve, maintain, sell, lease, mortgage, or otherwise encumber the same, any part thereof, or any interest therein upon such terms and conditions as the Board shall fix and determine, and said determination shall be deemed conclusive, except in case of fraud or gross abuse of discretion.

(2) To contract with individuals, partnerships, limited liability companies, corporations, municipalities, political subdivisions, agencies, or districts of the State of Florida, the United States of America, or any of the several States thereof, and any other country of the world and any political subdivision thereof.

(3) To determine the sum or amount of money, over and above and in addition to anticipated income and receipts to be paid by the patients who will be treated in the Hospital, which will be required during the ensuing fiscal year to pay and satisfy all anticipated obligations and expenses to be incurred by the Hospital during the said ensuing fiscal year in the performance of the functions and purposes authorized under this act, including debt service on any bonds which may be issued hereunder; subject to the provision that the sum estimated by the Board to be required to pay and satisfy the expenses of the Hospital for all purposes, other than debt service on any bonds which may have been issued hereunder, for said fiscal year shall not exceed the amount which would be realized from a tax of 1 mill upon all real and personal property, less all such property exempted from taxation by the Florida Constitution or the Statutes of the State of Florida, located within the Hospital District; and further subject to the provision that the sum estimated by the Board to be required to pay and satisfy all obligations and expenses incurred by the Hospital for all purposes, including debt service on any bonds which may have been issued by the Hospital District hereunder, shall not exceed the amount which would be realized from a tax of 2¼ mills upon all real and personal property, less all such property exempt from

taxation by the Florida Constitution or the Statutes of the State of Florida, located within the Hospital District. Such determination shall be made by resolution of the Board and it shall be the duty of the President and the Secretary of the Board to certify to the Board of County Commissioners of Brevard County the total sum which the Board believes and estimates will be required during the ensuing fiscal year to pay and satisfy all expenses of the Hospital, except debt service on any bonds which may have been issued hereunder, and the sum which the Board believes and anticipates will be required for debt service on said bonds, in the event that any bonds have been issued and sold hereunder by the Hospital District.

The Board of County Commissioners of Brevard County, upon being furnished a certified copy of the resolution of the Board, shall levy the necessary millage against all real and personal property, less all such property exempt from taxation by the Florida Constitution or the Statutes of the State of Florida, situated within the Hospital District, required to raise such amount, provided such millage shall not exceed 1 mill for all expenses of the Hospital other than debt service on any bonds which may have been issued and sold hereunder and shall not exceed 2¼ mills for all obligations and expenses of the Hospital including debt service on any such bonds. The certified copy of the resolution of the Board shall be filed with the Board of County Commissioners of Brevard County not less than 10 days prior to the time fixed by law for the levy of general county taxes, and all taxes so levied by the Board of County Commissioners of Brevard County for the Board shall be collected by the Tax Collector of Brevard County and paid over to the Board.

(4) To designate a depository or depositories for the funds of the Board and to establish by resolution of the Board the method and authority under which such funds may be withdrawn from such depository or depositories, provided, however, that any officer of the Board or any agent or employee thereof, who shall be authorized to sign checks, drafts, orders, or warrants on any account of the Board, shall first execute a bond in favor of the Board in a penal sum of \$25,000 with a surety company authorized to do business in the State of Florida. The aforesaid bonds shall be conditioned upon the faithful performance of the duties of such officers, agents, or employees and shall be approved by the remaining members of the Board, and the premiums on all such bonds shall be paid by the Board.

(5) To designate by resolution a fiscal year for the Hospital District and to change the same from time to time.

(6) To issue bonds of the Hospital District to finance the planning, purchase, lease, construction, furnishing, and equipping of any buildings, facilities, or land therefor, which the Board is authorized to purchase, lease, build, construct, and operate, which bonds may be payable from the taxes herein authorized, and for the payment of which the full faith and credit of the Hospital District may be pledged, in an amount never to exceed 20 percent of the total assessed valuation or market valuation, whichever is greater, as determined by Brevard County, of all taxable property within the limits of the Hospital District. Such bonds shall be signed in the name of the Hospital District by the President of the Board, shall be attested by the

Secretary of the Board, shall be under the seal of the Hospital District, may bear interest coupons to be signed with the facsimile signature of the Secretary of the Board, and may be of such denominations as shall be determined by the Hospital Board. Said bonds may bear interest at a rate to be fixed by the Board; however, said rate of interest shall not exceed that provided by general law and shall be payable either annually or semiannually. Said bonds shall be due not more than 40 years from the date thereof.

Prior to the issuance of any such bonds, the Board shall by resolution authorize the issuance of the same, fixing the aggregate amount of the proposed issue, the denomination, the rate of interest, the purpose for which the moneys derived therefrom shall be expended, and the maturity of the bonds, either in serial form or all to mature at a fixed date, and shall provide for and create a sinking fund to pay the principal and interest of the said bonds as the same shall mature. The bonds may be sold by the Board at public sale, or sealed bids, after advertisement for sale at least once a week for 3 consecutive weeks in a newspaper published in Brevard County having a general circulation in the Hospital District, or advertisement of the said sale may, at the option of the Board, be published once a week for 2 consecutive weeks in a financial paper published in the City of New York. If the bonds are not sold after either of such advertisements, the bonds may be sold at private sale at any time after the date advertised for the reception of the sealed bids; however, no bonds shall be sold for less than 95 percent of the par value thereof, with accrued interest, and no private sale of the bonds shall be made at a price lower than the best sealed bid received therefor.

All bonds issued and sold by the Hospital District under the provisions of this act, or under the laws of the State of Florida, shall be, constitute, and have all of the qualities and incidents of negotiable instruments under the law merchant and the Negotiable Instrument Law of the State of Florida; shall be incontestable in the hands of bona fide purchasers or holders for value; and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

No general obligation bonds for the payment of which the full faith and credit of the Hospital District shall be pledged or obligated shall be issued and sold, unless the issuance of the same shall have been approved by the majority of the votes cast in a freeholders' election in which a majority of the freeholders who are qualified electors residing within the Hospital District shall participate and said election shall be held in the manner provided by the Florida Constitution and applicable Statutes of the State of Florida relating to the calling and holding of freeholders' elections for the approval of the issuance of bonds by special tax districts.

The payment of any general obligation bonds, including interest thereon, issued and sold by the Hospital District shall be secured by a first lien against the taxes to be levied by the Board of County Commissioners of Brevard County as authorized by this act to the extent that such taxes may be required to pay such interest and principal, and the Board shall certify to the Board of County Commissioners of Brevard County each year, as herein provided, such sums as may be required for debt service on said bonds and to pay the interest and principal thereon, and the Board of County

Commissioners of Brevard County shall levy such taxes, within the limits specified in this act, as will be required for said debt service on said bonds.

(7) To provide by resolution at one time or from time to time for the issuance of Revenue Certificates of the Hospital District for the purpose of paying all or a part of the cost of acquisition, construction, planning, leasing, repairing, extensions to, additions, equipping, and reconstruction of any hospital buildings and facilities of the Hospital District. The Certificates of each issue shall be dated, shall bear interest at a rate to be fixed by the Board, however, said rate of interest shall not exceed that provided by general law, shall mature at such time or times, not exceeding 40 years from their date or dates, as may be determined by the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the Certificates. The Board shall determine the form of the Certificates, including any interest coupons to be attached thereto, and the manner of execution of the Certificates and coupons to be attached thereto, and shall fix the denomination or denominations of the Certificates 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 any officer whose signature or a facsimile of whose signature shall appear on any certificates or coupons shall cease to be such officer before the delivery of such Certificates, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. All Certificates issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the State. The Certificates may be issued in coupon or in registered form, or both, as the Board may determine, and provisions may be made for the registration of any coupon Certificates as to principal alone and also as to both principal and interest and for the reconversion into coupon Certificates of any Certificates registered as to both principal and interest. The issuance of such Certificates shall not be subject to any limitations or conditions contained in any other law, and the Board may sell such Certificates in such manner and for such price as it may determine to be for the best interest of the 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 which shall exceed that provided by general law, computed with relation to the absolute maturity of the Certificates in accordance with standard tables of certificate values, excluding, however, from such computations the amount of any premium to be paid on redemption of any Certificates prior to maturity. Prior to the preparation of definitive Certificates, the Board may, under like restrictions, issue interim receipts or temporary Certificates with or without coupons, exchangeable for definitive Certificates when such Certificates have been executed and are available for delivery. The Board may also provide for the replacement of any Certificates which shall be mutilated, destroyed, or lost.

Certificates may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau, or agency of the State or County and without any other proceedings or the happening of any other condition or thing than those proceedings, conditions, or things which are specifically required by this act.

The proceeds of the Certificates shall be used solely for the payment of the cost of the hospital facilities for which such Certificates shall have been authorized and shall be disbursed in the manner provided in the resolution or in the Trust Agreement authorizing the issuance of such Certificates. If the proceeds of the Certificates of any issue shall exceed the amount required for the purpose for which the same shall have been issued, the surplus shall be set aside and used only for the payment of the cost of additional projects or for the payment of the principal of and interest on such Certificates. In the event that the actual cost of the project exceeds the estimated cost, the Board may issue additional Certificates to cover the deficiency, subject to the same restrictions as required for the original issue.

Revenue Certificates issued under the provisions of this act may be payable from the revenue derived from the operation of any hospital facility or combination of hospital facilities of the Hospital District under the supervision, operation, and control of the Hospital Board and from any other funds legally available therefor. The issuance of such Revenue Certificates shall not directly, indirectly, or contingently obligate the State, the Board, or the Hospital District to levy any ad valorem taxes or to make any appropriations for their payment or for the operation and maintenance of the hospital facilities of the Hospital District.

The Board shall not convey or mortgage any hospital facility or any part thereof as security for the payment of the Revenue Certificates.

In the discretion of the Board, each or any issue of such Revenue Certificates may be secured by a Trust Agreement by and between the Hospital District and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such Trust Agreement may pledge or assign the revenues to be received by the Board. The resolution providing for the issuance of Revenue Certificates or such Trust Agreement may contain such provisions for protecting and enforcing the rights and remedies of the Certificate holders as may be reasonable, proper, and not in violation of law, including covenants setting forth the duties of the Board in relation to the acquisition, construction, improvement, maintenance, operation, repair, equipping, and insurance of the hospital facilities, and the custody, safeguarding, and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying certificates or to pledge such securities as may be required by the Board. Such resolution or such Trust Agreement may restrict the individual right of action by Certificate holders as is customary in Trust Agreements securing certificates or debentures of corporations. In addition to the foregoing, such resolution or such Trust Agreement may contain such other provisions as the Board may deem reasonable and proper for the security of the Certificate holders. Except as otherwise provided in this act, the Board may provide, by resolution or by Trust Agreement, for the payment of the proceeds of the sale of the Revenue Certificates and the revenues of the facilities to such officer, board, or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such

Trust Agreement may be treated as a part of the cost of operation of the facilities affected by such Trust Agreement.

The resolution or Trust Agreement providing for the issuance of the Revenue Certificates may also contain such limitations upon the issuance of additional Revenue Certificates as the Hospital District may deem proper, and such additional Certificates shall be issued under such restriction or limitations as may be prescribed by such resolution or Trust Agreement.

The Board is hereby authorized to provide by resolution for the issuance of Refunding Revenue Certificates for the purpose of refunding any Revenue Certificates, respectively, then outstanding and issued under the provisions of this act. The Board is further authorized to provide by resolution for the issuance of Revenue Certificates for the combined purpose of (1) paying the cost of any acquisition, construction, planning, leasing, extension to, addition, improving, equipping, or reconstruction of a facility or facilities of the Hospital District, and (2) refunding Revenue Certificates of the Hospital District which shall theretofore have been issued under the provisions of this act and shall then be outstanding. The issuance of such obligations, the maturities and other details thereof, the right and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the Hospital District with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 5. The governing authority of the Hospital District is hereby created and designated as the Cape Canaveral Hospital District Board, and it shall consist of 12 members, each of whom shall be a qualified elector residing within the Hospital District.

Section 6. Each member of the Board shall serve for a term of 4 years or until his or her successor has been appointed and qualified. Each member shall serve without compensation. In the event that the Board shall heretofore or hereafter lease the hospital facilities to a nonprofit corporation, the members of the Board of Directors or Trustees of such nonprofit corporation shall also serve on a voluntary basis without compensation. After October 1, 1989, no more than 1/2 of the members of the Board shall also serve as members of the Board of Directors or Trustees of any Lessee nonprofit corporation.

Section 7. The Governor of the State of Florida shall appoint the successors to the Board upon expiration of the term of office of each member or upon the death, resignation, or removal of a member of the Board. Any member appointed to fill a vacancy on the Board caused by the death, resignation, or removal of a member shall serve for the balance of the term of office of the member whom he or she succeeded.

Section 8. The Board shall elect from its own members a chair, vice chair, secretary, and treasurer, each of whom shall serve for a term of 1 year or until his or her successor has been elected and has qualified. The officers shall be elected each year at the organizational meeting of the Board. If any officer of the Board does not complete his or her term of office, his or her successor shall be elected by the Board, and any successor so elected shall

serve the remainder of the term of the succeeded officer. The duties, responsibilities, authorities, and privileges of each of the officers of the Board shall be stated in the Board bylaws.

Section 9. Seven members of the Board shall constitute a quorum of the Board for the purpose of conducting business and exercising its powers, and action may be taken by the Board only upon the affirmative vote of a majority of the members of the Board then serving.

Section 10. Regular meetings of the Board shall be held annually at a time to be designated by the Board by resolution, and at such other times as may be established by the Board, by resolution thereof, in the event that the Board deems it advisable to hold additional regular meetings. Special meetings of the Board shall be held upon the call of the President of the Board, or in his or her absence the Vice President of the Board, or upon the written request of a majority of the members of the Board, provided that at least 48 hours' written notice of any special meeting is given to each member of the Board; however, any meeting shall be considered to have been duly called if at least 10 members of the Board waive written notice of the meeting.

Section 11. The Board shall keep accurate minutes of its meetings and proceedings, and the minutes shall be open to public inspection at all reasonable times at the premises or office of the Hospital District.

Section 12. All meetings of the Board shall be open to the public and conducted in accordance with applicable law. All meetings of the Board shall be held within the Hospital District. In the event that the Board shall heretofore or hereafter lease the hospital facilities to a nonprofit corporation, the Board of Directors or Trustees of the nonprofit corporation shall be obligated to hold their regular and special meetings in such a manner so that they will be open to the public; however, they shall have the right to go into executive session in order to discuss and resolve the following issues: (a) employee issues, (b) medical staff issues, including disciplinary actions, (c) property acquisitions, (d) strategic planning, and (e) pending or threatened litigation.

Section 13. If the Hospital District desires to exchange sovereignty submerged lands for submerged lands owned by the Hospital District within the same water body, the Hospital District shall submit an application for an exchange to the Board of Trustees of the Internal Improvement Trust Fund for consideration pursuant to chapter 253, Florida Statutes, and Board of Trustees rules. The Board of Trustees of the Internal Improvement Trust Fund shall determine, pursuant to s. 11, Art. X of the Florida Constitution, whether such an exchange is in the public interest and may authorize such an exchange if it so determines. If the Board of Trustees of the Internal Improvement Trust Fund approves the exchange, any development on the submerged lands shall be deemed in the public interest by the Legislature. Those activities that meet the applicable criteria for permit issuance pursuant to chapter 373, Florida Statutes, and for which the Department of Environmental Protection or a water management district has issued such a permit are deemed necessary to enhance the quality of the public health and are hereby authorized.

Section 14. The Legislature recognizes that the Hospital District provides health care facilities and services to individuals within the jurisdiction of multiple local governments and that it is in the public interest for the Board to engage in planning for the Hospital District in order to most efficiently provide such health care facilities and services. The Board is therefore authorized, pursuant to chapter 189, Florida Statutes, to prepare a comprehensive Public Facilities Report for the use of the lands, resources, and waters conveyed to it by the Board of Trustees of the Internal Improvement Trust Fund, to participate in such planning with other public agencies as authorized by chapter 189, Florida Statutes, to enter into interlocal agreements, and to enact such regulations as are necessary to implement said Public Facilities Report. Further, upon adoption of said Public Facilities Report by the Board in accordance with the procedures and requirements of this act and chapter 189, Florida Statutes, all development within the boundaries of the lands conveyed to the Hospital District by the Board of Trustees of the Internal Improvement Trust Fund must be consistent with said Public Facilities Report. The height, density, or intensity of any construction or reconstruction of facilities and filling of submerged lands required for facility construction or reconstruction pursuant to the Public Facilities Report shall be in compliance with applicable provisions of the Agency for Health Care Administration contained within chapter 59A, Florida Administrative Code, chapter 4 of the Florida Building Code, chapters 253 and 373, Florida Statutes, and all provisions of the City of Cocoa Beach Charter and land development regulations other than height, density, or intensity and filling submerged lands. Provided the foregoing conditions are satisfied, the district's Public Facilities Report shall be deemed in compliance with section 189.4155, Florida Statutes, the City of Cocoa Beach Charter, Comprehensive Plan, and applicable land development regulations.

Section 15. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the health, safety, and welfare of the residents of the Hospital District.

Section 16. It is declared to be the legislative intent that if any section, subsection, sentence, clause, or provision of this act be held invalid, the remainder of this act shall not be affected.

Section 17. In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the minimum charter requirements for the District:

(1) The District is organized and exists for the purpose set forth in this act, as it may be amended from time to time.

(2) The powers, functions, and duties of the District, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in this act, chapters 189 and 197, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.



(3) The District was created by special act of the Florida Legislature by chapter 59-1121, Laws of Florida, as amended.

(4) The District's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 189, Florida Statutes, and this act, the District is governed by a 12-member Board as provided for herein.

(6) The compensation of the Board Members shall be as provided for by this act.

(7) The administrative duties of the Board shall be as set forth in this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, and 286, Florida Statutes, and this act, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in this act and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting any required District elections or referenda, and for qualification of electors, shall be pursuant to this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(11) The District may be financed by any method established in this act and applicable general laws, as they may be amended from time to time.

(12) The District does not collect non-ad valorem assessments, fees, or service charges as set forth in chapter 197, Florida Statutes.

(13) The District's planning requirements shall be as set forth in chapter 189, Florida Statutes, and this act, as they may be amended from time to time.

(14) The District's geographic boundary limitations shall be as set forth in this act.

(15) This section shall not be construed to limit or restrict any of the powers vested in said Board by any other section or provision of this act.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 6. Chapters 59-1121, 61-1903, 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Became a law without the Governor's approval July 18, 2003.

Filed in Office Secretary of State June 17, 2003.