

House Bill No. 1219

An act relating to the North Brevard County Hospital District, a special taxing district in Brevard County; codifying, reenacting, and amending the district's charter; providing purpose; providing boundaries; establishing the North Brevard County Hospital District Board; providing for membership, procedures, terms of office, removal from office, and filling of vacancies; providing for election of officers of the board; providing for a depository of board funds; authorizing the issuance of bonds; authorizing the establishment, construction, equipping, operation, maintenance, repair, or lease of facilities; providing for ad valorem taxation; authorizing contracts; providing for a training school for nurses; providing for public records; empowering the board to adopt rules and regulations; designating the Parrish Medical Center; providing for purchase of equipment; providing for discharge of employees or agents; providing for an employee retirement program; providing for use of moneys received; providing for transfer of residual assets in the event of dissolution of the district; providing for the sale of hospital facilities under certain circumstances; providing for lease of certain properties to third parties under certain circumstances; providing for disposition of surplus property; authorizing the board to establish a not-for-profit support corporation; providing for expenditure of funds therefor; providing for public records and meetings; providing exceptions; requiring an annual financial report; providing for adoption of provisions relating to the support corporation; providing for directors of the support corporation; providing for terms and financial disclosure; prohibiting certain acts of the support corporation; providing for adoption of articles of incorporation; providing for distribution of assets; prohibiting certain use of funds of the district; providing severability; providing for conflict; providing construction; repealing chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489, 91-339, 92-226, and 95-502, 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 North Brevard County Hospital 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.

Section 2. Chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida, pertaining to the North Brevard County Hospital District, are amended, codified, reenacted, and repealed as herein provided.

Section 3. The charter for the North Brevard County Hospital District is re-created and reenacted to read:

Section 1. An independent special tax district is hereby created and incorporated, as a political subdivision of the state, to be known as the North Brevard County Hospital District in Brevard County for the purpose of establishing, constructing, equipping, operating and maintaining, repairing, or leasing a hospital or hospitals and the district shall embrace and include that portion of Brevard County described as follows, to wit:

Commencing at the Northwest corner of Brevard County, Florida, same being the Northwest corner of Section 6, Township 20 South, Range 34 East; go thence East along the North boundary line of the County of Brevard, same being the South boundary line of Volusia County, Florida, to its intersection with the waters of the Atlantic Ocean; thence Southeasterly along the waters of the Atlantic Ocean to the North line of Section 6, Township 23 South, Range 38 East; thence West to the channel of the Banana River; thence go Northwesterly to the Northeast corner of Section 22, Township 22 South, Range 37 East, to Banana Creek; thence Westerly along the channel of Banana Creek to the channel of the Indian River; thence Southerly along the channel of the Indian River to a point on the North line of Sections 19 and 20, Township 23 South, Range 36 East, projected East; thence West along the North boundary line of the Section 19, Township 23 South, Range 36 East, and Sections 19, 20, 21, 22, 23, 24, Township 23 South, Range 35 East, and Section 24, Township 23 South, Range 34 East to the waters of the St. Johns River; thence along the West boundary line of Brevard County, which is also the East boundary line of Orange County, Florida, to a point in Section 1, Township 22 South, Range 33 East; where same intersects the South boundary of Volusia County; thence East along the South boundary line of Volusia County, Florida, to the Southwest corner of Section 31, Township 21 South, Range 34 East; thence North continuing along the West boundary of Brevard County, Florida, which is the East boundary line of Volusia County, Florida, to point of beginning.”

Section 2. The governing body authority of the district shall be known as the North Brevard County Hospital District Board. The board shall constitute a body politic and a body corporate; it may adopt and use a common seal; it may contract and be contracted with; and it may sue and be sued in its corporate name or in the corporate name of the district.

The board shall be composed of nine members. The office of each member shall be designated specifically by number as member one through nine. The office of each member shall be for a term of 4 years beginning on the first day of January. Each member shall serve until his or her successor is appointed by the appropriate governing body as hereinafter provided. Any vacancy occurring in any office of a member shall be filled by the appropriate governing body in the manner provided herein for regular appointments for the remainder of the unexpired term of office. All board members shall reside within the boundaries of the district.

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

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

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

In the event any board member ceases to reside within the boundaries of the district, the office of such member shall be deemed vacant as of the date of such change in residence.

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

Section 3. The members of the board shall elect from their number a chair, vice chair, secretary, and treasurer, who shall each hold office for a period of not less than 1 year. The chair, vice chair, secretary, and treasurer shall each execute a bond in the amount of \$2,000, endorsed by two good and sufficient sureties or a surety company authorized under the laws of the state, payable to the district board conditioned upon the faithful performance of the duties of the officers, which bonds shall be approved by the remaining members of the board and which shall be filed with the board of county commissioners. The premium of the bonds shall be paid by the board.

Section 4. The board shall designate a depository for the funds of the board, and the funds deposited therein shall be withdrawn upon specific authorization as set forth in the minutes of any board meeting. Such funds shall be withdrawn by warrant signed by the chair and countersigned by the secretary, or their duly authorized alternates. The board may designate the administrator or business manager to sign warrants covering bills for all routine items having prior board approval in the current budget.

Section 5. Members of the board shall receive no compensation for their services. A majority of the members of the board then holding office shall constitute a quorum of the 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 the affirmative vote of a majority of the members of the board then holding office and present and constituting a quorum; provided, however, that any resolution authorizing the issuance of bonds, notes, or other obligations shall be adopted by the affirmative vote of not less than a majority of the members of the board then holding office. The board is authorized to construct, equip, operate, maintain, repair, or lease a hospital or hospitals in the district. The hospital or hospitals so established, constructed, equipped, operated, maintained, repaired, or leased will be for the preservation of public health and for public good, and for the use of the public of the district. The establishment, construction, equipping, operation, maintenance, repairing, or leasing of such hospital or hospitals within the district is hereby found and declared to be a public purpose and a necessity

for the preservation of the public health and for the public use and for the welfare of the district and the inhabitants thereof.

Section 6. It shall be the duty of the board, not later than July 15, to determine the amount required during the ensuing fiscal year for the purpose of establishing, constructing, equipping, operating, maintaining, repairing, or leasing of the hospital or hospitals, or for the payment of debt service and reserves on bonds, notes, or other obligations issued by the district, or reserves therefor, or for any one or more of the above purposes. Such determination shall be by resolution of the board and it shall be the duty of the chair and the secretary of the board to certify to the Board of County Commissioners of Brevard County the amount required, which shall be provided by an ad valorem tax levied by the Board of County Commissioners of Brevard County on all taxable real and personal property in the district for the ensuing fiscal year for the hospital fund. The Board of County Commissioners of Brevard County, upon being furnished a certified copy of the resolution of the board regarding the amount required for its stated purposes, shall levy the necessary ad valorem taxes on all the taxable real and personal property within the district to raise the required amount, provided such millage shall not exceed 5 mills on the dollar of the assessed valuation of the taxable real and personal property situated in the district in Brevard County, less all such property exempt from taxation by the Florida Constitution; and further provided that the board, in issuing any bonds, notes, or other obligations as hereinafter provided, may covenant with the holders of such bonds, notes, or other obligations that such holders shall have a first lien on all such ad valorem taxes levied for the payment of such bonds, notes, or other obligations. The resolution of the board above shall be adopted and a certified copy thereof 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.

Section 7. Wherever in this section the word bonds is used, such word shall mean bonds, notes, or other obligations issued by the district. The board shall have power to issue bonds, notes, or other obligations of the district for which the full faith and credit and taxing power of the district shall be pledged, within the limitations herein set forth, for the purpose of paying the cost or part of the cost of the construction, acquisition, extension, improvement, or repairing and equipping of any hospital or hospitals in the district. Such bonds shall be general obligations of the district and shall not be issued until the issuance thereof has been duly approved by the qualified electors residing within the district who are freeholders in the manner provided in the constitution and statutes of the state relating to bond elections. Such bond elections shall be held in the manner provided in the general election laws of the state for bond elections in special tax districts and shall be called to be held in the district by the board of county commissioners of the county upon the request of the board.

The board shall also have power to issue revenue bonds of the district for the purpose of paying all or part of the cost of the construction, acquisition, extension, improvement, or repairing and equipping of a hospital or hospitals in the district, and the issuance of any revenue bonds of the district payable solely from the revenues of a hospital or hospitals in the district,

which may be a gross pledge or a net pledge of such revenues as the board shall in its discretion determine. Bonds issued which are payable solely from the revenues of a hospital or hospitals of the district shall not be or constitute an indebtedness of the district and no approval of the qualified electors or the qualified electors who are freeholders of the district shall be required for the issuance of such bonds payable solely from the revenues of such hospital or hospitals.

The board may also issue bonds payable from the revenues derived from a hospital or hospitals of the district, which may be either a gross pledge or a net pledge of such revenues. Such may be additionally secured by the full faith and credit and taxing power of the district, within the limitations of and for the purposes set forth above, to the full extent that the revenues derived from the district's hospital or hospitals are insufficient for the payment of the principal and interest of, or reserves therefor, or other payments required by the proceedings authorizing the issuance of such bonds; provided, however, that any bonds pledging the full faith and credit of the district as additional security to the revenues derived from the hospital or hospitals of the district shall also be approved, prior to being issued, by the qualified electors residing in the district who are freeholders in the manner provided for general obligation bonds above and in the constitution and statutes of the state.

In issuing the revenue bonds, or the combined revenue and general obligation bonds, the board may enter into covenants with the holders of such bonds relating to the fixing and collecting of fees, rentals, or other charges for the use of the services and facilities of the hospital or hospitals and the maintenance of sufficient fees or other charges to pay the debt service and other payments required in the proceedings authorizing the issuance of such revenue bonds or combined revenue and general obligation bonds, the board may agree to the appointment of a trustee for bondholders, for a receiver of such hospital or hospitals upon defaults as provided in the bond proceedings. The board may provide for such other covenants, terms, and conditions as are necessary and customary in revenue bonds and which in the opinion of the board are necessary and desirable for the security of the holders of such bonds or the marketability of such bonds.

All bonds issued pursuant to this act, whether general obligation bonds, revenue bonds, or combined revenue and general obligation bonds, may be authorized by resolution or resolutions of the board, which may be adopted at the same meeting at which they are introduced by a majority of all the members of the board then in office and need not be published or posted; provided, however, that any general obligation bonds or combined revenue and general obligation bonds shall be approved by the qualified electors who are freeholders residing in the district. Bonds shall bear interest at the maximum legal interest rate provided by state law for the issue or reissue of bonds, certificates, or other obligations of any type or character authorized and issued by a county, municipality, district, commission, authority, or any other public body or agency or political subdivision of the state; may be in one or more series; may bear such date or dates; may mature at such time or times not exceeding 40 years from their respective dates; may be payable in such medium of payment, at such place or places within or without the

state; may carry such registration privileges; may be subject to such terms for prior redemption, with or without premium; may be executed in such manner; may contain such terms, covenants, and conditions; and may otherwise be in such form as such resolution or subsequent resolution shall provide. Such bonds may be sold or exchanged for refunding bonds, or delivered to contractors in payment for any part of the properties acquired or improvements financed by such bonds, or delivered and exchanged for any properties, either real, personal, or mixed, to be acquired in connection with such hospital or hospitals, all at one time or in blocks from time to time, in such manner as the board in its discretion shall determine, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchaser, or the holders of outstanding obligations surrendered in exchange for refunding bonds, or the contractors paid with such bonds, or the owners of any properties exchanged for such bonds, income at a rate not exceeding the maximum legal interest rate provided by state law for the issue or reissue of bonds, certificates or any obligations of any type or character authorized and issued by a county, municipality, district, commission, authority, or any other public body or agency or political subdivision of the state to the stated maturity dates of the bonds on the moneys paid for the bonds or the principal amount of outstanding obligations exchanged for refunding bonds or the amount of any indebtedness to contractors paid with such bonds or the value of any properties exchanged for such bonds.

The board may also issue refunding bonds to fund or refund any bonds issued pursuant to this act or any other law, and such refunding bonds shall be subject to all the applicable provisions of this section; provided, however, that no approval of the qualified electors who are freeholders residing in the district shall be required for the issuance of such refunding bonds, except in cases where such approval is required by the Constitution of the State of Florida.

Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the board may determine may be issued to the purchasers of the bonds issued hereunder. Such bonds or interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instruments within the meaning of and for all purposes of the law of the State of Florida.

Section 8. The board is hereby authorized and empowered to own and acquire property by purchase, lease, gift, grant, or transfer, from the county, state, or federal government or any subdivision or agency thereof, any municipality, person, partnership, or corporation, and to establish, construct, equip, operate, maintain, repair, or lease, hospital facilities in the district.

Section 9. The district is authorized and empowered to contract with individuals, partnerships, corporations, municipalities, the county, the state, any subdivision or agency thereof in the United States of America, or any subdivision or agency thereof to carry out the purposes of this act, including participation in the joint provision with other hospitals and health care providers of all manner of inpatient and outpatient facilities and health care services which provide benefit to those members of the public served by the hospital or hospitals of the district both within and beyond the

boundaries of the North Brevard County Hospital District and to the extent such participation is consistent with all restrictions contained in the constitution and general laws of the state.

Section 10. The board is hereby authorized and empowered, at any time, in its discretion, to establish and maintain, in connection with the district's hospital or hospitals, and as a part thereof, a training school for nurses and, upon completion of a prescribed course of training, shall give to such nurses who have satisfactorily completed such training, a diploma. The board is also authorized and empowered to set up all rules and regulations necessary for the operation of such nurses' training school, and to make all necessary expenditures in connection therewith.

Section 11. The minutes and acts of the board shall be open to public inspection at reasonable and convenient times at the hospital or hospitals of the district on demand of any taxpayer in the district. At least once a year the board shall cause the financial records and accounts of the district's hospital or hospitals to be audited by a certified public accountant authorized to practice public accounting in the state, and shall turn over to the Board of County Commissioners of Brevard County a copy of the audit report.

Section 12. The board is empowered to and shall adopt all necessary rules and regulations for the operation of the district's hospital or hospitals, provide for the admission thereto and treatment of such charity patients as apply therefor and who are citizens of Florida and residents of Brevard County for the last 2 preceding years, establish the fees and charges to be made for the admission and treatment therein of other patients, and to establish qualifications for the members of the medical profession to be entitled to practice therein.

Section 13. The hospital and other medical facilities owned and operated by the board within the district are hereby designated and named the Parish Medical Center and the prior action of the board in adopting this name is hereby ratified and confirmed.

Section 14. The board shall have the power to purchase any and all equipment that may be needed for the operation of the district's hospital or hospitals 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 carrying out the purposes of this act.

Section 15. The board shall have the power to provide a retirement program for the district's employees, including establishing qualifications for coverage; paying part or all of the cost of such program; contracting with any insurance company licensed to do business in Florida for the establishment and operation of the program; charging its covered employees for the employees' share of the cost of the program; taking such other action as may be necessary to establish and operate the retirement program; and withdrawing by resolution of the board, from the State and County Officers and

Employees Retirement System of Florida, as established by chapter 122, Florida Statutes. All general, special, or local laws or parts thereof inconsistent herewith, are hereby declared to be inapplicable to the provisions of this act, including specifically section 122.061, Florida Statutes, which shall not apply and which is hereby amended insofar as it prohibits the withdrawal of the district and its employees from the retirement system. In the event that the board shall adopt a resolution by which the district and its employees shall be withdrawn from the State and County Officers and Employees Retirement System of Florida, such withdrawal shall become effective on the first day of the next month following the adoption of the resolution, and the board shall send a certified copy of the resolution to the Secretary of Management Services. Beginning on the first day of the next month following the adoption of the resolution, the district shall not be required to contribute to the State and County Officers and Employees Retirement System of Florida, and its employees shall not thereafter be participants in the system. Following the adoption of the resolution, each employee of the district shall be entitled to a refund of 100 percent of his or her contributions previously made to the state retirement system, without interest, and the Department of Management Services shall make such refund to each such employee upon application therefor by each employee, notwithstanding any other provisions of the general law relating to such refund.

Section 16. All revenue, profit income, and money received from the conduct of the business or enterprise of the district is to be used and employed in the furtherance of the business for which it is organized.

No part of the net earnings of the district shall enure to the benefit, or be distributable to, its members, trustees, officers, or other private persons, except that it shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes as set forth in above.

No substantial part of the activities of the district shall be carrying on propaganda or otherwise attempting to influence the Legislature, and the North Brevard County Hospital District shall not participate or intervene in any political campaign on behalf of any candidate for public office (including the publication or distribution of statements).

Notwithstanding any other provision of this act, the district shall not carry on any other activities not permitted to be carried on by:

(a) A corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 (or any other corresponding provisions of any future Internal Revenue Law); or

(b) A corporation with respect to which contributions made thereto are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 (or any other corresponding provisions of any future Internal Revenue Law).

Section 17. In the event of dissolution of the district, the residual assets of the district may only be transferred to one or more organizations which are exempt organizations as described in Section 501(c)(3) or Section 170(c)(2) of the Internal Revenue Code of 1986 (or any other corresponding

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

Notwithstanding the foregoing, 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 district and who vote in the election. Prior to any such sale, such qualified electors 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 district, which shall not be called until notice thereof has been published in a newspaper of general circulation within the district once a week for 4 consecutive weeks next 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 vote in favor of the sale of the hospital facilities and if they approve the terms and conditions of the sale, then in that event, 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 do 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.

Section 18. The board is hereby authorized and empowered to lease such portions of its property and facilities to third parties when it shall be deemed necessary by the board for carrying out the purposes of this act.

Section 19. In the event the board enters into a lease agreement as provided in section 18, the facility shall be required to provide, on an annual basis, not less than the same percentage of the hospital's gross revenues attributed to charity care, indigent care, and Medicaid, previously provided by that hospital as reported to the Hospital Cost Containment Board prior to the execution of the agreement.

Section 20. The board is hereby authorized to dispose of surplus real property owned by the district as described herein. The board must hold a public hearing to determine that the real property is not presently needed by the district for carrying out the purposes of this act, that there is not a future need for the property, and that the property should be declared surplus. The public hearing must be held at either a regular meeting or a special meeting called for such purpose after publishing a notice in a newspaper of general circulation specifically describing the real property proposed to be declared surplus, which notice must be published at least 14 days prior to the holding of a special meeting. After the board determines by resolution that real property is surplus, it must obtain an appraisal of the

property from an independent appraiser. After receipt of the appraisal, the board may negotiate an exchange of the surplus property for other property needed by the district so long as the board obtains consideration equivalent to the appraised value of the surplus property. In the alternative, the board may sell the surplus property after advertising the same for sale in a newspaper of general circulation at least 14 days prior to the date of receipt of bids. The board must require sealed bids, reserving the right to reject all bids. The surplus property may be sold only to the highest bidder for cash.

Section 21. The board is hereby authorized and empowered:

To the extent permitted by the constitution and laws of this state, to establish, operate, and support a not-for-profit support corporation to assist the board in fulfilling its declared public purpose of provision for the health care needs of the people of the district and the financial stability and well-being of Parrish Medical Center through physician recruitment, patient acquisition, and the providing of medical goods and services and to accomplish such establishment, operation, or support of such not-for-profit support corporation by means of the lending of funds at reasonable rates of interest, leases of real or personal property at reasonable rental rates, grants of funds, or guarantees of indebtedness of such not-for-profit support corporation. The establishment, operation, or support of a not-for-profit support corporation is hereby found and declared to be a public purpose and necessary for the preservation of the public health and for a public use and for the welfare of the board and people of the district. It is the intent of the Legislature to authorize the formation of the support corporation described in this section to further the interests of the residents of the district in maintaining the financial well-being of Parrish Medical Center by providing for the delivery, financing, and support of hospital and nonhospital health care services and related activities to the extent consistent with the financial, patient acquisition, and development needs of the district.

Notwithstanding the foregoing grant of authority and powers, the board shall expend funds to the support corporation of the North Brevard County Hospital District only in accordance with the following provisions:

(a) That the disbursement of any funds by the district in any form authorized by this act shall only be pursuant to a resolution specifying the health care-related activity for which such funds are to be applied and which is adopted at any regular or special public meeting of the board.

(b) That the maximum allowable amount of funds which the board shall be authorized to expend to or for the benefit of the support corporation of the district either in the form of grants, capital, or equity contributions, or loans at reasonable rates of interest shall not exceed in any fiscal year the lesser of the net revenue of the district for its preceding fiscal year, or 2½ percent of the gross revenue of the district for its preceding fiscal year; provided further, that any public tax revenue of the district shall be disregarded in the foregoing formula and such tax revenue shall only be applied to indigent care and the purchase of capital improvements or capital equipment to be owned by the district.

(c) That the support corporation of the district shall, consistent with the requirements of chapter 119, Florida Statutes, submit to the board and for public inspection all records, to the extent such records are not exempt from the requirements of chapter 119, Florida Statutes, or except to the extent that any private individual or organization having contractual privity with such support corporation has prohibited disclosure in order to maintain the confidentiality of proprietary information of such private individual or organization.

(d) That the support corporation of the district shall, consistent with the requirements of chapter 286, Florida Statutes, conduct all meetings open to the public except, and only to the extent a meeting is scheduled and conducted in executive session, in order to discuss the following:

1. Property acquisitions;
2. Strategic planning;
3. Pending or threatened litigation; or
4. Matters otherwise exempt by general or special law from the public meeting requirements of chapter 286, Florida Statutes.

(e) That the support corporation of the district shall, at least annually, present a report to the City Council of the City of Titusville and a report to the district One County Commissioner of the Brevard County Board of County Commissioners and conduct a public meeting to advise the general public as to its activities in conjunction with and in support of the district.

(f) That the support corporation of the district shall, consistent with the procedures and requirements of section 11.45, Florida Statutes, submit to the board and for public inspection an annual financial report certified by an independent certified public accountant.

(g) That the support corporation of the district shall adopt and maintain without amendment in its articles of incorporation and corporation bylaws, the following express provisions:

1. That the support corporation shall exist and conduct its affairs solely to benefit and further the interests of the district.

2. That membership in the support corporation shall consist of the following seven voting and nonvoting directors who shall hold office for a 2-year term and may be reappointed:

a. The chair of the district, or his or her designee who is a member of the board.

b. The chair of the Jess Parrish Medical Foundation, Inc., Board of Directors, or his or her designee who is a member of the Jess Parrish Medical Foundation, Inc., Board of Directors.

c. The chief executive officer of Parrish Medical Center.

d. Two residents of the district who shall be elected by a majority vote of the other voting directors and who shall not be members of the board or employees of Parrish Medical Center.

e. One ex officio nonvoting director appointed by the City Council of the City of Titusville and who shall be a resident of the City of Titusville and not a member of the board.

f. One ex officio nonvoting director appointed by the district One (1) Commissioner of the Board of County Commissioners of Brevard County who shall be a resident of district One (1) and not a member of the board.

That the officers and the directors of the support corporation shall comply with all the State of Florida requirements for financial disclosure, provisions for voting on conflicts, and reporting of gifts as is provided by chapters 112, 119, and 286, Florida Statutes, except as provided herein.

3. That the support corporation shall be expressly prohibited from distributing or providing any financial benefit to or for any director or officer other than reimbursement of reasonable expenses incurred, except reasonable compensation for services rendered by the executive director employed by the support corporation.

4. That the support corporation shall be expressly prohibited from employing or otherwise compensating in any manner any current member of the board, or who has been a former member thereof for a period of less than 3 years.

5. That the support corporation shall be expressly prohibited from conducting or carrying on propaganda or otherwise attempting to influence the Legislature, or intervening in any political campaign on behalf of any candidate for public office, or any other activity not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 (or any other corresponding provisions of any future Internal Revenue Law).

(h) That the support corporation of the district shall not in any event adopt any amendment to its articles of incorporation or corporation bylaws inconsistent with the provisions of paragraph (g) or adopt any amendment otherwise permitted until a public notice of such amendment is published in accordance with section 11.02, Florida Statutes, and shall further not implement any such amendment in the event a public referendum is initiated by the signed petition of at least 10 percent of the registered electors residing in the district within such notice period and in accordance with the procedures of section 100.371, Florida Statutes.

(i) That the support corporation of the district shall adopt and maintain without amendment its articles of incorporation and corporation bylaws, a provision that in the event of the disposition of any surplus or abandoned property by or dissolution of such support corporation, then such property or residual assets shall revert back and be distributed to the district or its lawful successor.

(j) To the extent of assets and other financial support transferred or provided to the support corporation by the district, the support corporation shall be required to provide toward charity care, indigent care, and Medicaid not less than the same percentage of such support corporation's financial support as received from the district as equals the percentage provided directly by the district, itself, toward charity care, indigent care, and Medicaid.

Further and notwithstanding the foregoing grant of authority and powers, nothing under any authorization granted by this act shall authorize or permit any transfer or delegation by the board of any ownership, lease, management, control, and operating authority thereof to any subsidiary, affiliate, or other entity, except as to assets transferred to the support corporation, as provided for in this section, and any other such transfer or delegation is expressly prohibited.

Section 22. The board is hereby authorized and empowered, notwithstanding any language contained elsewhere in this act to the contrary, to establish, construct, equip, operate, and maintain both within and beyond the boundaries of the district and in addition to hospitals, all manner of other health care facilities and all manner of other health care services which promote the public health and the health care needs of those members of the public served by Parrish Medical Center.

Section 23. Notwithstanding any other provision of this act which permits the joint participation with other hospitals and health care providers or which permits the establishment or providing of other health care facilities or services beyond the boundaries of the district, the board shall be expressly prohibited from using any funds derived from the assessment of ad valorem taxes on property located within the district to support any such joint participation or to establish or provide any health care facility or health care service beyond the boundaries of the district, it being the express intent of the Legislature that any ad valorem tax funds be used solely toward health care facilities or health care services within the district.

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 the 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. In the event of a conflict between the provisions of this act and the provisions of any other existing or future general law or special act pertaining to the sale or lease of district facilities, the provisions of this act shall control to the extent of such conflict.

Section 6. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 7. Chapters 28924(1953), 61-1910, 63-1140, 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida, are repealed.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.