

House Bill No. 999

An act relating to the Lake Shore Hospital Authority, Columbia County; amending, codifying, reenacting, and repealing chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, relating to the authority; providing definitions; providing for a governing body; providing for the governing body's purposes, powers, duties, and responsibilities; authorizing the issuance of revenue bonds, incidental powers, and refunding bonds; providing remedies for any holder of bonds or trustee; providing exemption of property from taxation; providing that bonds shall constitute legal investments; providing that act is complete and additional authority; providing taxing authority, including authority to levy ad valorem taxes; providing construction of act; providing severability; repealing special acts relating to the authority; 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 Lake Shore Hospital Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the authority, including all current legislative authority granted to the authority by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all authority of the Lake Shore Hospital Authority, including the authority to annually assess and levy against the taxable property in Columbia County taxes. This act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of the authority with respect to bonded indebtedness or otherwise. Nothing pertaining to the act shall be construed to affect the ability of the authority to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the authority or for any other authorized purpose.

Section 2. Chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Lake Shore Hospital Authority is recreated and reenacted to read:

Section 1. Creation and establishment.—There is created and established a body corporate and politic to be known as the Lake Shore Hospital Authority of Columbia County.

Section 2. Definitions.—The following terms whenever used or referred to in this act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) “Authority” means the body politic and corporate created by this act and known as the Lake Shore Hospital Authority of Columbia County.

(2) “Bonds” means and includes the notes, revenue bonds, refunding revenue bonds, or other evidence of indebtedness or obligations in either temporary or definitive form which the authority is authorized to issue pursuant to this act.

(3) “County” means the County of Columbia.

(4) “Facility” or “facilities” means the Lake Shore Hospital, other hospitals, clinics, outpatient departments, and other appurtenant facilities of the authority.

(5) “Federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(6) “Members” means the governing body of the authority and the term “member” means one of the individuals constituting such governing body.

(7) “Revenues” means all rates, fees, rentals, and other charges derived from the operation of the facilities of the authority.

Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

Section 3. Governing body.—

(1) The governing body of the authority shall consist of seven members. Such members shall be citizens and residents of Columbia County who shall be appointed by the Governor. One member shall be a physician engaged in the practice of medicine at the Lake Shore Hospital. The present trustees of the Lake Shore Hospital Authority, having been appointed by the Governor, shall serve as the initial members of the authority until their respective terms of office expire. Thereafter, the term of office of each appointed member shall be for 4 years. Each appointed member shall hold office until his or her successor has been appointed and qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term.

(2) No elected public official shall be a member of the authority.

(3) The members of the authority shall not be entitled to compensation as such, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(4) Four members of the authority shall constitute a quorum and ordinances or resolutions enacted or adopted by a vote of a majority of the members shall become effective without publication or posting or any further action of the authority.

Section 4. Officers.—Immediately after the effective date of this act, the members of the authority shall meet and qualify by taking the oath of office regularly prescribed for state and county officials in the state. They shall maintain a place within Columbia County for the principal office of the authority, where the members shall meet at least once each month for the transaction of business. The members shall annually elect from among their number a chair, one or more vice chairs, and a secretary and treasurer, except that the offices of secretary and treasurer may be combined. The chair, or a vice chair presiding in his or her absence, shall not be entitled to vote upon any matter before the authority except when the votes that have been cast shall be evenly divided. The treasurer shall give a bond by a reputable bonding company authorized to do business in the state, in an amount to be designated by a majority vote of the members, conditioned upon the faithful performance of his or her duties. The members are hereby authorized to pay the secretary and the treasurer salaries and expenses commensurate with the work done and in keeping with the salaries paid from time to time by other businesses for like work.

Section 5. Duties of secretary and treasurer.—It shall be the duty of the secretary to keep full and correct minutes of all proceedings and meetings of the authority and it shall be the duty of the treasurer to keep separate accounts of all receipts and disbursements of the authority.

Section 6. Control of expenditures.—The members shall have exclusive control of all expenditures of and from the moneys, loan proceeds, contributions, receipts, revenues, and collections of the authority, except that persons who shall desire to make contributions for the benefit of any facility or facilities of the authority shall have the right to attach conditions to their gifts, and the authority, upon accepting any such contribution, shall be controlled by the terms of the gift, bequest, or devise.

Section 7. Purposes and powers.—The authority is created and shall have the power generally to acquire, construct, improve, enlarge, repair, equip, operate, and maintain hospitals and hospital facilities in Columbia County. The authority is granted the following rights and powers and shall have and may exercise all powers necessary or appurtenant, convenient, or incidental to the carrying out of the powers enumerated in this act:

- (1) To sue and be sued, implead, complain, and defend in all courts.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, own, hold, purchase, construct, improve, maintain, operate, extend, equip, repair, and lease hospitals, clinics, outpatient departments, and other appurtenant facilities, including, without limitation, all lands, buildings, structures, furniture, fixtures, machinery, equipment, books, records, and all other real and personal property of any kind and nature whatsoever presently owned, controlled, maintained, and operated or which was heretofore or may hereafter be acquired, constructed, or improved by the Lake Shore Hospital Authority of Columbia County.

(4) To acquire, purchase, hold, own, operate, and lease and use any franchises, properties, real, personal, or mixed, tangible or intangible, or any

interest therein necessary or desirable for carrying out the purposes of the authority and this act and to sell, lease, transfer, and dispose of any property or interest therein at any time acquired by it.

(5) To provide at one time or from time to time for the issuance of bonds as hereinafter provided.

(6) To enter into and make leases, either as lessee or lessor, for such period or periods of time and under such terms and conditions as the authority shall determine. Such leases may be entered into for buildings, structures, or facilities constructed or acquired or to be constructed or acquired by the authority, or may be entered into for lands owned by the authority when the lessee of said lands agrees as a consideration for said lease to construct or acquire buildings, structures, or facilities on said lands which will become the property of the authority under such terms, rentals, and other conditions as the authority shall deem proper.

(7) To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of hospitals, clinics, outpatient departments, and other appurtenant facilities related thereto, or any part thereof, at reasonable and uniform rates to be determined exclusively by the authority for the purposes of carrying out the provisions of this act.

(8)(a) To furnish temporary relief to the indigent of Columbia County and study the cause of their poverty; to seek a plan for their permanent rehabilitation; generally, to assist them to support themselves whenever possible to the end that they may cease to be a charge upon the community and, instead, become useful citizens thereof; and to bury the indigent dead of Columbia County and provide cemeteries for that purpose.

(b) To enter into contracts or other agreements with hospitals, health care providers, and facilities located in Columbia County for the provision of health care services to indigent residents of Columbia County.

(9) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(10) Without limitation of the foregoing, to borrow money and accept grants, contributions, or loans from, and to enter into contracts, leases, or other transactions with the United States Government or any agency thereof, the state, or any agency thereof, the County of Columbia, the City of Lake City, or with any other public body of any nature whatsoever.

(11) To pledge, hypothecate, or otherwise encumber all or any part of the revenues and other available funds of the authority as security for all or any of the bonds issued by the authority.

(12) To employ an executive director, physicians, surgeons, accountants, attorneys, bacteriologists, chemists, contractors, engineers, architects, superintendents, nurses, technicians, managers, construction and financial experts, radiologists, or any other person or persons skilled in hygiene or medical research, and such other employees and agents as may, in the judgment of the authority, be necessary, and fix their compensation.

(13) To provide for those inhabitants of Columbia County who, by reason of age, infirmity, or misfortune, have claims upon the aid and sympathy of society.

(14) To receive and accept grants, gifts, and donations from any person, firm, or governmental agency.

(15) To do all acts and things necessary or convenient in the carrying out of the powers granted herein.

Section 8. Maintenance and operation.—The Board of County Commissioners of Columbia County is hereby directed and charged with the duty of providing sufficient revenue for the maintenance and operation of the facilities of the authority from year to year, which such revenue, when made available, shall be paid over to the authority to be expended for such purposes.

Section 9. Revenue bonds.—

(1) The authority is authorized to provide by resolution at one time or from time to time for the issuance of bonds of the authority for the purpose of paying all or a part of the cost of acquisition, construction, equipping, repairing, extending, maintaining, and reconstructing any facility or facilities or any combination of facilities of the authority. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the maximum rate authorized 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 authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and coupons, and shall fix the denomination or denominations of the bonds 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 bonds or coupons shall cease to be such officer before the delivery of such bonds, 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 bonds issued under the provisions of this act shall have all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the state. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and the authority may sell such bonds in such manner and for such price as it may determine to be for the best interest of the authority. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds have

been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall be mutilated, destroyed, or lost.

(2) Such bonds may be payable from the revenues derived from the operation of the facilities or of any combination thereof and from any other funds legally available therefor. The bonds shall be entitled to such priorities on such revenues as the authority shall provide. The issuance of such bonds shall not directly, indirectly, or contingently obligate the county to levy ad valorem taxes for their payment and the authority shall not convey or mortgage such facilities or any part thereof as security for payment of the bonds.

Section 10. Incidental powers.—

(1) In the discretion of the authority, each or any issue of such bonds may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust agreement may pledge or assign the revenues to be received by the authority. The resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable, proper, and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition, construction, improvement, maintenance, operation, repair, and insurance of the facilities and the custody, safeguarding, and application of all moneys. It is lawful for any bank or trust company incorporated under the laws of the state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such resolution or such trust agreement may restrict the individual rights of action by bondholders as is customary in trust agreements securing bonds or debentures of corporations. In addition to the foregoing, such resolution or such trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. Except as in this act otherwise provided, the authority may provide, by resolution or by trust agreement, for the payment of the proceeds of the sale of the bonds and the revenues 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 facility or facilities affected by such trust agreement.

(2) The resolution or trust agreement providing for the issuance of the bonds may also contain such limitations upon the issuance of additional revenue bonds as the authority may deem proper, and such additional bonds shall be issued under such restrictions or limitations as may be prescribed by such resolution or trust agreement.

(3) Bonds 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 condition or thing other than those proceedings, conditions, or things which are specifically required by this act.

(4) The proceeds of the bonds shall be used solely for the payment of the cost of the facility or facilities for which such bonds 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 bonds. If the proceeds of the bonds 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 paying the principal of and interest on such bonds.

Section 11. Refunding bonds.—The authority is hereby authorized to provide by resolution for the issuance of refunding revenue bonds for the purpose of refunding any bonds then outstanding and issued under the provisions of this act. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of paying the cost of any acquisition, construction, repair, extensions, additions, equipping, and reconstruction of any facilities of the authority, and refunding bonds of the authority 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 authority with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 12. Remedies.—Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto and the trustee under any trust agreement, except to the extent that the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the authority or by any officer thereof.

Section 13. Exemption of property from taxation.—The effectuation of the purposes of the authority created under this act is in all respects for the benefit of the people of the state and of Columbia County, for the increase of their commerce and prosperity. The exercise of the powers by the authority, conferred by this act, to effect such purposes constitutes the performance of essential county functions and is declared to be a county purpose. As the facilities owned, operated, supervised, and controlled by the authority, under the provisions of this act, constitute public property and are used for county purposes, the authority shall not be required to pay any taxes or assessments upon any such facilities or any parts thereof.

Section 14. Bonds to constitute legal investments.—Any bonds issued pursuant to this act shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries for all state, municipal, and public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal, or other public funds notwithstanding the provisions of any other law or laws to the contrary.

Section 15. Act complete and additional authority.—The powers conferred by this act shall be in addition and supplemental to the existing powers of the authority, if any, and this act shall not be construed as repealing any of the provisions of any other law or laws inconsistent with the provisions of this act and provides a complete method for the exercise of the powers granted herein.

Section 16. Taxing authority.—

(1) The members of the Lake Shore Hospital Authority of Columbia County are authorized to request, by resolution of said hospital authority, the Board of County Commissioners of Columbia County to levy a tax not to exceed 3 mills on all taxable property in the county for the purpose of maintenance and operation of the hospital and facilities and for providing health care for the indigent residents of Columbia County.

(2) Upon request by resolution of the Lake Shore Hospital Authority, the Board of County Commissioners of Columbia County shall levy a tax upon all the taxable property in the county for the purpose of maintenance and operation of the hospital and facilities and care of the indigent residents of Columbia County in an amount not to exceed 3 mills. Upon the assessment and collection of said tax, the county tax collector shall remit the moneys thereby collected to the director of the authority.

Section 17. Construction of act.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 18. If any section, clause, or provision of this act shall be held unconstitutional, void, or ineffective for any reason in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective, and no other section, clause, or provision shall on account thereof be deemed invalid or ineffective.

Section 4. Chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.