

Council Substitute for House Bill No. 935

An act relating to the Marion County Hospital District; codifying, amending, reenacting, and repealing special laws relating to the district; providing a status statement; providing legislative intent; providing definitions; providing boundaries of the district; providing for a board of trustees of the district; providing for appointment of board members; providing powers and organization of the board; providing for a hospital or clinic in the district; providing for construction funds for such hospital or clinic; providing for a training school for nurses; providing that the board has the power of eminent domain; providing for the board to borrow money; providing for general obligation bonds; providing for taxation; providing for board approval of bonds; providing procedures for bond elections; providing for form and type of bonds; providing for resolution authorizing bonds; providing that the board may include more than one improvement or hospital purpose on a bond issue; providing for advertisement and publication; providing for refunding bonds; providing for legal investments; providing for revenue bonds; providing for payment of funds by warrant; providing for levy of ad valorem tax; providing for taxes to be authorized by resolution; providing for payment of expenses; providing for contractual authority; providing for publication of annual statement; providing that hospitals or clinics shall be established for the benefit of residents of the district; providing for rules and regulations regarding physicians; providing that the board may secure insurance; providing for construction; providing for record destruction; providing severability; repealing chapters 65-1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767, and 75-437, Laws of Florida, to conform; providing an effective date.

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

Section 1. This act constitutes the codification of all special acts relating to the Marion County Hospital District, a dependent special 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 65-1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767, and 75-437, Laws of Florida, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The Marion County Hospital District is re-created, and its charter is re-created and reenacted to read:

Section 1. Definitions.—As used in this act:

(1) “Board” or “board of trustees” means the Board of Trustees of the Marion County Hospital District.

(2) “Hospital district” or “district” means the Marion County Hospital District.

(3) “County commissioners” means the Board of County Commissioners of Marion County.

Section 2. Boundaries.—A special tax district is hereby created and incorporated to be known as the Marion County Hospital District in Marion County, which district shall embrace and include the following described property in Marion County, to wit:

Beginning in the thread of the Withlacoochee River, at the range line dividing ranges seventeen and eighteen east; thence north to the township line dividing townships fourteen and fifteen south; thence east on said township line to the middle of township fourteen south, range nineteen east; thence north to the line dividing townships eleven and twelve south; thence east on said township line to Orange Lake; thence down said lake along its southern margin to Orange Creek; thence northerly and easterly down the thread of said Creek to its junction with the Ocklawaha River; thence northeasterly down the south side of the Ocklawaha River at low water mark to a point on the south side of the Ocklawaha River at low water mark, where the range line dividing ranges twenty-four and twenty-five east in township eleven south, crosses said river; thence south on said range line to where it intersects the township line dividing townships eleven and twelve south; thence east on said township line to where it intersects the section line dividing sections two and three, in township twelve south, of range twenty-five east; thence south on said section line and other section lines to the southwest corner of section twenty-three of said township twelve south, of range twenty-five east; thence east on the section line dividing sections twenty-three and twenty-six and other section lines to the range line dividing ranges twenty-five and twenty-six east; thence south on said range line to the Southwest corner of section seven, township thirteen south, range twenty-six east; thence east on the section line dividing sections seven and eighteen, township thirteen south, range twenty-six east, and other section lines to the west shore of Lake George; thence southwardly along the shore of Lake George to the mouth of Sulphur spring; thence along the western bank of Lake George until it arrives at range line dividing ranges twenty-six and twenty-seven east; thence south on said range line to township line dividing townships seventeen and eighteen south; thence due west on the said township line to the thread of the Withlacoochee River; thence Northwesterly down the thread of said last mentioned river to the place of beginning.

Section 3. Governing body.—

(1) The governing body of the Marion County Hospital District shall consist of seven trustees, who shall serve without compensation. Said trustees shall be qualified electors residing in Marion County for more than 1 year prior to their appointment. They shall be known and described as the Board of Trustees of the Marion County Hospital District. The trustees shall be appointed by the Board of County Commissioners of Marion County. The

Board of County Commissioners of Marion County shall have the power to remove any member of the board of trustees for cause, and shall have the power to fill any vacancy that may occur during the term of any trustee for the remainder of the term for which the vacancy occurs. The seven members of the board of trustees now serving shall continue to serve for the term for which they were appointed; thereafter, appointments shall be for 4-year terms. Two members of the board of trustees, as provided for herein, shall be members of the medical profession and licensed to practice medicine in the state, be members of the medical staff of a hospital operated by the board of trustees, and be of different specialties and shall not during their term as trustee serve any other hospital as a director-trustee or exercise any management function of such other hospital. All members of the board of trustees appointed as provided for herein shall serve from the date of their appointments until their successors are appointed and qualified. A regular meeting of the trustees shall be held at least 12 times during each year.

(2) Should the secretary and treasurer be other than a member of the board of trustees, he or she shall give a bond of not less than the sum of \$10,000 for the faithful performance of his or her duties, the amount of said bond to be set by the board of trustees as herein provided to be appointed. The premium on said bonds shall be paid as part of the expenses of the hospital district.

Section 4. Powers.—The Board of Trustees of the Marion County Hospital District shall have all the powers of a body corporate, including the power to sue and be sued under the name of the Marion County Hospital District; to contract and be contracted with; to adopt and use a common seal and to alter the same; to acquire, purchase, hold, lease, mortgage, and convey such real and personal property as the board may deem proper or expedient to carry out the purposes of this act; to appoint and employ a superintendent or administrator or both, or such other agents and employees as the board may deem advisable and to fix the compensation of all employees and to remove any appointees or employees; to insure the improvements, fixtures, and equipment against loss by fire, windstorm, or other coverage in such amounts as may be determined reasonable and proper; to borrow money; and to issue evidence of indebtedness of the district to carry out the provisions of this act in the manner hereinafter provided.

Section 5. Operational issues.—There shall be a chair of the board of trustees, who shall be elected annually by the trustees. There shall be a vice chair of the board of trustees, who shall be elected annually by the trustees. The board may elect one of its members to serve as secretary and treasurer or it may appoint some person not a member of the board to serve in that capacity. In the absence of the chair or the vice chair or their or his or her inability to act at any regular meeting, warrants may be signed by any other member of the board selected by the members present as chair pro tem. Three of said trustees shall constitute a quorum and a vote of at least three of said trustees shall be necessary to the transaction of any business of the district. The trustees shall cause true and accurate minutes and records to be kept of all business transacted by them, and shall keep full, true, and complete books of accounts and minutes, which minutes, records, and books

of accounts shall at all reasonable times be open and subject to the inspection of residents of the district; and any person desiring to do so may make or procure a copy of the minutes, records, or account, or such portion thereof as he or she may desire.

Section 6. Health care facilities and purpose.—The board of trustees is authorized to establish, construct, lease, operate, and maintain any hospital or clinic as in its opinion shall be necessary for the use of the people of the district. Any hospital or clinic shall be established, constructed, leased, operated, and maintained by said board of trustees for the preservation of the public health, for the public good, and for the use of the public of the district. Maintenance of any hospital or clinic within said district is hereby found and declared to be a public purpose and necessary for the preservation of the public health and the public use and welfare of the district and inhabitants thereof. The location of the hospital or clinic shall be determined by the board. The board is authorized to accept any and all gifts, loans, or advancements for the purchase of property, real or personal, for the construction, equipping, operation, and maintenance of any hospital or clinic established by the board.

Section 7. County commission; transfer of funds.—The county commissioners are authorized to transfer funds collected under the provisions of chapter 57-1567, Laws of Florida, to the board for hospital construction purposes only.

Section 8. Training school.—The board of trustees is authorized at any time in its discretion to establish and maintain in connection with any hospital or clinic, and as a part thereof, a training school for nurses and, upon completion of a prescribed course of training, shall give to nurses who have satisfactorily completed the course a diploma. The board of trustees is authorized to set up all rules and regulations necessary for the operation of a nurse's training school, and to make all necessary expenditures in connection therewith.

Section 9. Eminent domain.—The board shall have the power of eminent domain and may thereby condemn and acquire any real or personal property within the territorial limits of the district that the board may deem necessary for the use of the district. Such power of condemnation shall be exercised in the same manner as is now provided by general law for the exercise of power of eminent domain by cities and towns of the state.

Section 10. Borrowing money.—The board of trustees is authorized, in order to provide for and carry out the work of this act, to borrow money from time to time for periods of time not exceeding 1 year at any one time, and to issue the note or notes of the district therefor upon such terms and upon such rates of legal interest per annum as said board may deem advisable. The board shall have the additional right to pledge as security for money borrowed by it, any moneys accruing to it or to accrue to it from any source, including revenues derived from the operation of the hospital; provided, however, that the aggregate amount of principal of money so borrowed shall not, at any one time, exceed 10 percent of the gross revenues realized by said board through the operation of the hospital during the preceding calendar

year, and provided further that the interest to be paid thereon shall not exceed the prime interest rate charged by commercial banks doing business in Marion County.

Section 11. General obligation bonds.—Except as otherwise provided in this act, the Board of Trustees of the Marion County Hospital District is authorized to issue bonds of such form, denomination, and bearing such rate of interest not to exceed the maximum rate permitted by general law, and becoming due not less than 5 nor more than 30 years from the date of issuance, for the purpose of raising funds to establish, expand, construct, operate, and maintain any hospital or clinic as in the board's opinion is necessary in the district. The board of trustees shall have the power to refund any and all previous issues of bonds for any and all lawful hospital purposes. All proceeds derived from the sale of bonds or refunding bonds, exclusive of expenses, shall be deposited in a depository selected by the board.

Section 12. Taxation.—Prior to the issuance of bonds, the board of trustees shall, by resolution, determine the amount that in its opinion will be necessary to be raised annually by taxation for an interest and sinking fund with which to pay the interest and principal of the bonds. The county commissioners are also authorized and required to provide for the levy and collection annually of a sufficient tax upon all the taxable property in the district, not exempt by law, to pay the interest, and with which to provide and maintain a sinking fund for the payment of the principal of the bonds.

Section 13. Approval.—All bonds issued by the Board of Trustees of the Marion County Hospital District, except refunding bonds, revenue bonds, or certificates and anticipation time warrants, shall be issued only after the same shall have been approved by a majority of the votes cast in an election of the qualified registered electors in the district; which election shall be called and held by the board of trustees, subject to reasonable rules and regulations prepared by the board. In the event it is determined to hold an election to decide whether a majority of the qualified electors are in favor of the issuance of bonds, the board of trustees shall by resolution order an election to be held in the district, and shall give 30 days' notice of election by publication in a newspaper of general circulation within the district, once a week for 4 consecutive weeks during such period.

Section 14. Procedures.—Insofar as practicable, the provisions of chapter 100, Florida Statutes, providing the procedure for bond elections, shall govern.

Section 15. Form.—All bonds issued under this act shall be in the denomination of \$100 or some multiple thereof; shall bear interest not to exceed the maximum rate permitted by general law, payable annually or semiannually; and both principal and interest shall be payable at such places as the governing authority may determine. The form of the bonds shall be fixed by resolution of the board of trustees and the bonds shall be signed by the chair of the board and countersigned by the secretary of the board under the seal of the district. The coupons, if any, may be executed by the facsimile signatures of said officers. The delivery at any subsequent date of any bond and

coupon so executed shall be valid, although before the date of delivery the persons signing the bonds or coupons shall cease to hold office.

Section 16. Type.—Bonds issued hereunder may be either registered or coupon bonds. Coupon bonds may be registered as to principal in the holder's name on the books of the hospital district, the registration being noted upon the bonds, after which no transfer shall be valid unless made on the hospital district's books by the registered holder and similarly noted on the bonds. Bonds registered as to principal may be discharged from registration by being transferred to bearer, after which they shall be transferable by delivery, but may be again registered as to principal as before. The registration of the bonds as to principal shall not restrain the negotiability of the coupons by delivery merely.

Section 17. Resolution.—Before any bonds of the Marion County Hospital District are issued hereunder, the board of trustees shall investigate and determine the legality of the proceedings. The resolution authorizing the bonds may direct that they shall contain the following recital: "It is certified that this bond is authorized by and is issued in conformity with the requirements of the Constitution and Statutes of the State of Florida." Such recital shall be an authorized declaration by the governing authority of the district and shall import that there is constitutional and statutory authority for incurring the debts and issuing the bonds; that all proceedings therefor are regular; that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of the bonds have existed, happened, and been performed in due time, form, and manner, as required by law; and that the amount of the bonds, together with all other indebtedness, does not exceed any limit prescribed by the constitution and statutes of this state. If any bond be issued containing said recital, it shall be conclusively presumed that the recital, construed according to the import hereby declared, is true, and the district shall not be permitted to question the validity or legality of the obligation in any court in any action or proceeding.

Section 18. Purpose.—In issuing bonds under the provisions of this act, it shall be lawful for the board of trustees to include more than one improvement or hospital purpose in any bond issue.

Section 19. Advertisement.—All bonds issued hereunder shall be advertised for sale on sealed bids, which advertisement shall be published once, not less than 14 days preceding the date fixed for the reception of bids, in a newspaper published in the hospital district. Notice of sale shall also be published once, not less than 14 days preceding the date fixed for the reception of bids, either in a financial paper published in the City of New York, New York, the City of Chicago, Illinois, or the City of Baltimore, Maryland. The board of trustees may reject any and all bids. If the bonds are not sold pursuant to such advertisements, they may be sold by the board of trustees at private sale within 60 days after the date advertised for the reception of sealed bids, but no private sale shall be made at a price less than the highest bid that shall have been received. If not so sold, bonds shall be readvertised in the manner herein described. No bonds issued hereunder shall be sold for less than 95 percent of the par value and accrued interest.

Section 20. Publication.—No resolution or proceeding in respect to the issuance of bonds shall be necessary, except as required by this act. No publication of any resolution or proceeding relating to the issuance of bonds shall be required, except as required by this act. Any publication prescribed hereby may be made in any newspaper conforming to the terms of this act, without regard to the designation thereof as the official organ of the district. Bonds issued hereunder shall have all the qualities of negotiable paper under the law merchant, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value.

Section 21. Refunding bonds.—The Board of Trustees of the Marion County Hospital District shall have the power to provide by resolution for the issuance of refunding bonds to refund principal and interest of an existing bonded indebtedness, for the payment of which the credit of the hospital district is pledged, and the bonds may be issued at or prior to maturity to the bonds to be refunded. The resolution may be adopted at a regular or special meeting, and at the same meeting at which it is introduced, by a majority of the members of the trustees then in office. It is determined and declared as a matter of legislative intent that no election to authorize the issuance of refunding bonds shall be necessary, except in cases where it is necessary under the State Constitution to hold an election on the issuance of such refunding bonds, the resolution shall take effect immediately upon the adoption thereof. No other proceedings shall be required for the issuance of bonds by the district.

Section 22. Series of refunding bonds.—The resolution of the Board of Trustees of the Marion County Hospital District authorizing the issuance of the refunding bonds may provide that the refunding bonds may be issued in one or more series; bear the date; mature at the time not exceeding 30 years from their respective dates; bear interest at a rate not exceeding the maximum rate of interest borne by the notes, bonds, or other obligations refinanced thereby; be in the denomination; be in the form, either coupon or registered; carry the registration and conversion privileges; be executed in the manner; be payable in the medium of payment at the place; be subject to the terms of redemption with or without a premium; be declared or become due before the maturity date thereof; provide for the replacement of mutilated, destroyed, stolen, or lost bonds; be authenticated in the manner and upon compliance with the conditions; and contain such other terms and covenants as may be desired. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable, all refunding bonds shall at all times be, and shall be treated as, negotiable instruments for all purposes.

Section 23. Valid and binding obligations.—Refunding bonds bearing the signature of officers of the district in office on the date of the signing thereof shall be valid and binding obligations of the district for all purposes, notwithstanding that before the delivery thereof any or all of the persons whose signatures appear thereon shall have ceased to be officers of the district. Any resolution authorizing refunding bonds may provide that any refunding bonds issued pursuant to this act may contain a recital, and any refunding bonds issued under authority of any resolution shall be conclusively deemed

to be valid and to have been issued in conformity with the provisions of this act. The authority of the district to issue obligations under this act may be determined and obligations to be issued under this act may be validated as provided by law.

Section 24. Sale of the refunding bonds.—

(1) Refunding bonds may be sold or exchanged as follows:

(a) In installments at different times, or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, certificates, or other obligations to be refinanced thereby.

(b) If the board of trustees determines to exchange any refunding bonds, such refunding bonds may be exchanged privately for and in payment and discharge of any of the outstanding notes, bonds, or other obligations of the district.

The refunding bonds may be exchanged for a like or greater principal amount of such notes, bonds, or other obligations of the district, except that the principal amount of such refunding bonds may also be issued, to the extent necessary, desirable, or advisable, at the discretion of the governing body, to fund interest in arrears or about to become due. The holder of such outstanding notes, bonds, or other obligations need not pay accrued interest on the refunding bonds to be delivered in exchange therefor if and to the extent that interest is due or accrued and unpaid on such outstanding notes, bonds, or other obligations to be surrendered.

(2) If the board of trustees determines to sell any refunding bonds, such refunding bonds shall be sold at not less than 95 percent of par at public or private sale, in such manner and upon such terms as the board of trustees shall deem best for the interest of the district.

Section 25. Legal investments.—All bonds or refunding bonds issued pursuant to this act shall be and constitute legal investments for state, county, municipal, and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees, and all other fiduciaries, and shall also be and constitute securities eligible as collateral security for all state, county, municipal, or other public funds.

Section 26. Revenue bonds.—This section shall be known as the “Marion County Hospital District Revenue Bond Act.”

(1) Whenever used in this section, unless a different meaning clearly appears from the context:

(a) The term “board” shall mean the governing body of the Marion County Hospital District.

(b) The term “hospital facilities” shall mean buildings, machines, and equipment and any other facilities for the furnishing of hospital and medical services by said hospital district.

(2) The issuance of any bonds authorized by this section shall not be required to be approved by the qualified electors who are freeholders residing in said district or the qualified electors residing in said district.

(3) In addition to powers contained in this act, the district has the power under this section:

(a) To construct, acquire, improve and extend, and maintain and operate hospital facilities, and to acquire by gift, purchase, or the exercise of the right of eminent domain lands or rights in lands, and any other property, real or personal, tangible or intangible, necessary, desirable, or convenient for said purposes.

(b) To issue bonds to finance, in whole or in part, the cost of the construction, acquisition, or improvement of such hospital facilities. The district in determining such costs may include all costs and estimated costs of the issuance of said bonds; all engineering, inspection, fiscal, and legal expenses; all costs of preliminary surveys, plans, maps, and specifications; interest that is estimated will accrue during the construction period and 1 year thereafter on money borrowed, or that it is estimated will be borrowed, pursuant to this section; initial reserve funds for debt service, working capital, and the costs of the services of agents or persons, corporations, firms, partnerships, or associations employed as consultants, advisors, engineers, or fiscal, financial, or other experts in the planning, preparation, supervision, and financing of such hospital facilities. The district is hereby authorized to employ, jointly or severally, and to enter into agreements or contracts with consultants, advisors, engineers, attorneys, or fiscal, financial, or other experts for the planning, preparation, supervision, and financing of such hospital facilities or any part thereof, upon such terms and conditions as to compensation and otherwise as said hospital district shall deem desirable and proper.

1. Said bonds and their interest thereon and the properties of such hospital facilities of said hospital district shall be exempt from all taxation by the state, or any political subdivision or taxing agency thereof.

2. Said bonds shall be and constitute negotiable instruments under the law merchants and the Uniform Commercial Code.

(c) To pledge to the punctual payment of bonds pursuant to this section, and interest thereon, all or any part of the revenues derived from such hospital facilities, or any other funds derived from sources other than ad valorem taxes, or any combination thereof, sufficient to pay said bonds and the interest thereon as the same shall become due and to create and maintain reasonable reserves therefor.

(4) The construction or acquisition or improvement of such hospital facilities or the refunding of any bonds or other obligations heretofore or hereafter issued for such purposes may be authorized under this section, and bonds

may be authorized to be issued under this section to provide funds for such purposes by resolution or resolutions of the board of said hospital district which may be adopted at the same meeting at which they are introduced by a majority of the members of the board then in office, and shall take effect immediately upon adoption and need not be published or posted. Said bonds shall bear interest at such rate or rates not exceeding the maximum rate permitted by general law; 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 made payable in such medium of payment, at such place, within or without the state; may carry such registration privileges; may be subject to such terms, covenants, and conditions; and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Said bonds may be sold, all at one time or in blocks from time to time, at public or private sale, at such price or prices, by competitive or negotiated sale, all as allowed or otherwise not prohibited by general law. 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 purchaser or purchasers of the bonds sold pursuant to this section. Said bonds and such interim certificates, or receipts or temporary bonds, shall be fully negotiable within the meaning of and for all purposes of the law merchant and the Uniform Commercial Code.

(5) Any resolution or resolutions authorizing the issuance of bonds, including refunding bonds, under this section, may contain covenants of the hospital district as to:

(a) The purpose or purposes to which the proceeds of sale of said bonds may be applied and the securing, use, and disposition thereof, including, if deemed desirable, the appointment of a trustee or depository for said funds.

(b) The use and disposition of the revenues derived from such hospital facilities, including the parts thereof heretofore or hereafter constructed or acquired, and the creation and maintenance of reserve funds.

(c) The pledging of all or any part of the gross revenues derived from the ownership, operation, or control of such hospital facilities, including any part thereof heretofore or hereafter constructed or acquired, or derived from any other sources, including any available funds, to the payment of the principal of and interest on bonds issued pursuant to this section, and for such reserve and other funds as may be deemed necessary or desirable.

(d) The fixing, establishing, and collection of such fees, rentals, or other charges for the use of the services and facilities of such hospital facilities, and the revision of same from time to time.

All such covenants and agreements shall constitute valid and binding contracts between the hospital district and the holders of any bonds or other obligations issued pursuant to such resolution, regardless of the time of issuance thereof, and, subject to any limitations contained in such resolution, shall be enforceable by any holder or holders of such bonds or other obligations, acting either for himself or herself or themselves alone, or acting

in behalf of all other holders of such bonds or other obligations, by appropriate proceedings in any court of competent jurisdiction.

(6) All bonds issued pursuant to this section shall have a lien upon the revenues derived from said hospital facilities or other pledged funds to the extent and in the manner provided in the resolution authorizing the issuance of such bonds, which lien shall be prior and paramount and over and ahead of any claims or obligations of any nature against said revenues or other pledged funds subsequently arising or subsequently incurred, except as may be provided in the resolution or resolutions authorizing such bonds. The rank and priority of different issues of bonds issued pursuant to this section shall be as provided in the resolution or resolutions authorizing such bonds.

(7) The powers conferred by this section shall be in addition and supplemental to the powers of the district in other sections of this act, and this section shall not be construed as repealing or limiting any of the provisions of any other law relating to said hospital district, but to provide an alternative and complete method for the exercise of the powers granted in this section. Such hospital facilities may be constructed, acquired, or improved, and the bonds or other obligations issued pursuant to this section without regard to or necessity for compliance with the limitations or restrictions contained in any other general, special, or local law.

Section 27. Payment of funds.—The funds of the district shall be paid out only upon warrant signed by the chair or chair pro tem of the board, and having thereto affixed the corporate seal of the district, which may be an impression thereon or a facsimile thereof; and no warrant shall be drawn or issued against funds of the district except for a purpose authorized by this act, and no warrant against funds of the district shall be drawn or issued until after the account or expenditure for which the same is to be given in payment has been ordered and approved by the board of trustees at a meeting in which a quorum is present. The chair of the board is authorized to sign checks and warrants of the district by the facsimile signature of the chair and to use and employ facsimile signature machines for this purpose, provided that the checks and warrants are countersigned by the treasurer for the district.

Section 28. Levy of ad valorem tax.—The county commissioners, upon the request and recommendation of the board of trustees, are authorized and empowered annually in their discretion to levy upon real and personal taxable property of said district, not exempt by law:

(1) A sufficient tax necessary for the purposes and needs of the district incurred in the exercise of the powers and purposes herein granted, the rate of taxation per annum shall not exceed 1 mill on the dollar of the valuation of the property within the district for tax purposes, provided, however, that the 1 mill limitation herein shall apply only for the purposes and needs of the district and not for the purposes of debt service requirements for bonds that may be issued under this act.

(2) One mill on the dollar of valuation of the property within the district for tax purposes, for payment of the costs of financing the acquisition, erec-

tion, and construction of additions, improvements, and extensions, or the costs of acquisition, erection, and construction of additions, improvements, and extensions to the hospital operated by the board of trustees.

The levying of such tax is hereby determined to be for a public purpose and for the benefit of all the people of the county. The term "mill," as used in this section, shall be deemed to mean one-tenth of 1 cent.

Section 29. County commission resolution.—The levy by the county commissioners of the taxes authorized by any provision of this act shall be by resolution duly entered upon the minutes of the county commissioners. Certified copies of the resolution executed in the name of county commission by its chair shall be made and delivered to the Chief Financial Officer of the state not later than June 15 each year. It shall be the mandatory duty of the county tax assessor of the county to assess and the county tax collector of the county to collect the amount of taxes so assessed or levied by the county commissioners upon the taxable property in the district, not exempt by law at the rate of taxation adopted by the county commissioners for said year and included in the warrant of the tax assessor and attached to the assessment roll of taxes for the county each year. The tax collector shall collect the tax so levied by the board in the same manner as other taxes are collected, and shall pay the same over to the Board of Trustees of the Marion County Hospital District within the time and in the manner prescribed by law for the payment by the tax collector of county taxes to the county depository. It shall be the duty of the railroad assessment board to furnish each year to the county tax assessor the assessed value on all railroad, telegraph, and telephone lines and property in the Marion County Hospital District. The county commissioners shall use this assessed value as the basis for levying the tax and the tax collector of the county shall collect each year the amount of taxes so assessed and remit these taxes to the Board of Trustees of the Marion County Hospital District. All taxes shall be held by the board of trustees and paid out by them as provided in this act. The board is authorized to pay necessary expenses to the aforementioned officers for the assessment and collection of taxes on a reasonable fee basis, not however to exceed that set by general law. If any surplus shall occur in the operation and maintenance fund, the board is authorized to use the surplus or any portion thereof to retire bonded indebtedness but not to the extent that the financial security of the operation and maintenance fund shall be impaired.

Section 30. Payment of expenses.—The board is authorized to pay from the funds of the district all expenses of the organization of the board and all expenses necessarily incurred with the formation of the district and all other reasonable and necessary expenses, including the fees and expenses of an attorney in the transaction of the business of the district, and in carrying out and accomplishing the purposes of this act. This section, however, shall not be construed to limit or destroy any of the powers vested in the board of trustees by any other section or provisions of this act.

Section 31. Contractual authority.—Subject to the provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds issued under the provisions of this act, the board shall have power to enter into contracts with the government of the United States or any agency

or instrumentality thereof, or with the state or any county, municipality, district, authority, or political subdivision, private corporation, partnership, association, or individual providing for or relating to the construction or acquisition of additions, extensions, and improvements to the hospital and any other matters relevant thereto or otherwise necessary to effect the purposes of this act, and to receive and accept from any federal agency, state agency, or other public body grants or loans for or in aid of said purposes and to receive and accept aid or contributions or loans from any other source of either money, property, labor, or other things of value, to be held, used, and applied only for the purpose for which grants, contributions, or loans may be made.

Section 32. Publication of annual statement.—At least once in each year the board of trustees shall publish once in some newspaper published in the district, a complete detailed annual statement of all moneys received and disbursed by it since the creation of the district as to the first published statement and since the last published statement as to any other year. The statements shall also show the several sources from which funds were received and shall show the balance on hand at the time of the published statement. The publication shall show a complete statement of the financial condition of the district.

Section 33. Benefit to residents of district.—Each hospital or clinic established under this act shall be for the use and benefit of the residents of the district. Residents shall be admitted to the hospital or clinic and be entitled to hospitalization and treatment, subject, however, to the rules and regulations prescribed by the board of trustees effective as of the date of admission of a patient to the hospital or clinic. The hospital or clinic may care for and treat without charge patients who are found by the board of trustees to be indigent and who have for 1 year preceding the application for admission been residents of the district. The board of trustees shall be authorized to accept money from any welfare funds provided for Marion County or moneys available to the indigent patients from a federal, state, or county agency or moneys available to Marion County from said governmental agencies for welfare and hospital purposes, for the payment of costs of treatment and care of indigent residents of the district. The board may collect from patients financially able such charges as the board of trustees may from time to time establish. The board of trustees may extend the privileges and use of the hospital or clinic to nonresidents of the district but who pay the rates established by the board and upon such terms and conditions as the board may from time to time by its rules and regulations provide; provided, however, that the residents of the district wherein the hospital or clinic is located shall have first claim to admission. The board shall further have the power to furnish and extend the benefits of the hospital and clinic services and treatment to the homes of indigent residents of the district. Each municipal corporation situated within the district and the law enforcing agencies of Marion County shall be liable to the board for the occupancy, care, medicine, and treatment of prisoners in the custody of the municipal corporation or county officers who are admitted to any hospital operated by the board.

Section 34. Physicians.—Realizing that factors other than professional must enter into the qualifications of those who practice medicine and sur-

gery, the Board of Trustees of the Marion County Hospital District is authorized to set up rules and regulations and bylaws for the operation of the hospital and the hospital staff. The board of trustees is also authorized to give, grant, or revoke privileges of staff members so that the welfare and health of patients and the best interests of the hospital may at all times be best served. The board of trustees is further authorized to set up rules and regulations for the control of all professional and nonprofessional employees of the hospital, which terms shall include nurses on general duty or on private duty attending patients, and all persons in the hospital either as employees or in any manner in attendance of patients. Any patient shall have the right to employ, at his or her expense, his or her own physician, and the physician when employed by the patient shall have exclusive charge of the care and treatment of the patient, and the nurses therein, as to the patient, shall be subject to the direction of the physician, subject always to such general rules and regulations as shall be established by the board of trustees.

Section 35. Insurance.—The board of trustees may secure and keep in force in amounts it may determine, in companies duly authorized to do business in this state, liability insurance covering vehicles, premises, and malpractice.

Section 36. Construction.—The provisions of this act shall be liberally construed for accomplishing the work authorized and provided for by this act, and where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act, and a liberal construction would permit or assist in the accomplish thereof, the liberal construction shall be chosen.

Section 37. Record destruction.—The hospital board shall be empowered to destroy any of its records together with any of the records of the hospital or clinic owned and operated by the hospital board, provided that the records are photographed or microfilmed prior to their destruction.

Section 38. Severability.—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 4. Chapters 65-1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767, and 75-437, Laws of Florida, are repealed.

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

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.