

**Highlands County
Hospital District Board of Commissioners
October 23, 2025, Special Meeting
MINUTES**

The Highlands County Hospital District Board of Commissioners met at 10:35am on Thursday, October 23, 2025, at the Highlands County Commissioner's Board Room. Notice of the Special Meeting was published in the Highlands News-Sun on October 12, 2025. The notice is filed in the Board's meeting file.

COMMISSIONERS PRESENT: Victor Divietro, Dean Gerber, Dusty Johnson, Jeff Roth, Katie Wilson

COMMISSIONERS ABSENT: none

OTHERS PRESENT: Bert Harris – Swaine, Harris & Wohl, PA; Gail Escobar- Clerk; Tonya Marshall - Community Programs; Sadie McNew – Development Services; Commissioner Roberts; Commissioner Campbell; Henry Capote and Addlyn Teague – HCA Florida Highlands Hospital; Myla Reizen and Jennifer Ungru with Jones Walker, LLP and Don Steigman with Sunset Healthcare Consultants via TEAMS; Bill Stephenson, Susie Bishop

I. MEETING CALLED TO ORDER at 1:35 pm by Chairman Gerber.

II. INVOCATON AND PLEDGE OF ALLEGIANCE

Mr. Roth led the pledge and gave the invocation.

III. COMMENTS FROM THE PUBLIC

There were no comments from the public.

IV. APPROVAL OF PAYMENT OF INVOICES

MOTION: Mr. Johnson made a motion seconded by Ms. Wilson to approve payment of invoices for Highlands News-Sun – 85.54 and Jones Walker LLP – 55,013.50 as presented by the Clerk. Upon roll call, all Members voted aye. The motion carried.

V. REVIEW AND APPROVE PROPOSED BILL LANGUAGE FOR AMENDING THE HOSPITAL DISTRICT'S ENBALBING ACT

The local legislative delegation approved this local bill at the local delegation meeting on October 1, 2025. Mr. Harris read the presented Resolution for approving the amended enabling act. State Legislature requires the approval by both the Board of County Commissioners and the District Board. It also allows for the chairman and consulting legal counsel, Jones Walker, LLP, to coordinate with the local legislative delegation and staff of the Florida Legislature to make any technical changes or minor revisions to facilitate the passage of the bill.

MOTION: Mr. Divietro made a motion seconded by Mr. Johnson to approve the Resolution Approving Local Bill as presented. Upon roll call, all Members voted aye. The motion carried.

VI. CONSIDERATION OF CONTRACT FOR VALUATION OF DISTRICT PROPERTIES AND ASSETS

Mr. Harris stated that Myla Reizen has taken the lead on the negotiations for the agreement and contract with Weaver and Tidwell, LLP, the proposed valuation company.

This agreement anticipates the Legislature adopting the proposed local bill and begins the evaluation process of the hospital property and assets.

Ms. Reizen and Ms. Ungru joined via TEAMS with Ms. Reizen introducing Mr. Don Steigman with Sunset Healthcare Consultants, who is the strategic consultant retained by this Board for the purpose of assisting with this strategy. He has been very helpful in the process of searching for another valuation consultant.

Ms. Reizen stated that the Board had initially approved a contract with Integra and upon working on the contract, there were some issues discovered as to their ability to do work within the state of Florida. They reviewed the companies that had presented previous proposals and new options provided by Sunset Healthcare. The decision was made by a review of the credentials, amount of previous experience, and cost. Weaver and Tidwell has the exact experience needed as it also provided valuation services to Citrus County in 2012 with the same path of selling or leasing. Mr. Steigman stated that they had the opportunity to meet and ask questions of the consultants that would be involved in this project. They were impressed with their credentials, and they have experience in Florida and with the similar Citrus County case.

The agreement for the strategic consultant agreement was used to make a redline copy for the valuation agreement since the services to be provided are similar. Ms. Reizen highlighted key areas of the proposed agreement with the contract fee being \$83,000.00. An hourly rate, as noted in the contract, will apply to work that occurs after the fair market value is determined. Mr. Steigman added that an example of an add-on would be the discussions between them, the county, and the potential buyer/leasee. Sunset Healthcare will work in conjunction with Weaver and Tidwell in obtaining the best benefit to the citizens of Highlands County. Regardless of what happens at the legislative level, the valuation process is needed so the Hospital District Board is able to make an informed decision as to lease or to sell.

MOTION: Mr. Roth made a motion seconded by Mr. Johnson to approve the contract with Weaver and Tidwell, LLP, as presented with the removal of the word strategic on page one paragraph one, for the valuation of the District properties and assets for a cost of \$83,000. Upon roll call, all Members voted aye. The motion carried.

Mr. Harris stated that he wanted it to clarify that this motion will also give permission for Jones Walker and Sunset Healthcare to proceed with this service and not just enter into contract, to which all Commissioners nodded their heads in agreement.

The next step is for this local bill to be presented to the Board of County Commissioners (BOCC) for their approval, which is expected to be at the first meeting of December 2025.

Commissioner Campbell had previously left the meeting and Commissioner Roberts requested permission to speak.

Commissioner Roberts commended everyone for their work stating that he was impressed by the progress that has been made. He asked if an executive summary of the process to date will be provided. Mr. Harris stated that he previously spoke with the County Administrator concerning this item going before the Commissioners. The enabling act, proposed amendment to the enabling act, summary of process, and a PowerPoint will be included in the agenda packet for the December meeting when presented for approval by the BOCC.

Mr. Harris confirmed for Commissioner Roberts that the Legislative Delegation did vote to approve this bill at the local delegation meeting on October 1, 2025. Jennifer Ungru, our representative with Jones Walker, has met with the House Healthcare Committee staff and with the Agency for Healthcare Administration (ACHA) both of which have approved the bill. Both Ms. Ungru and Ms. Reizen have been working diligently from all aspects of this process, as well as Mr. Steigman, to ensure the best outcome.

Mr. Divietro asked when there would be a slowing down of expenses for this process and how these expenses will affect available funds for the grant process next year. Mr. Harris stated that Ms. Ungru's participation may conclude once the Legislature adjourns. Myla Reizen and Don Steigman will be with us through the valuation process, bidding process, analysis of the bids, and the local discussions. He expects this whole process to continue at least through June of next year. Mr. Gerber stated that the District Board accountant will be presenting an amended budget at the regular November meeting.

VII. ADJOURNMENT

Chairman Gerber adjourned the meeting at 11:11 am.



Dean W. Gerber, Chairman



Gail Escobar, Clerk

**BOARD OF COMMISSIONERS
HIGHLANDS COUNTY HOSPITAL DISTRICT
RESOLUTION APPROVING LOCAL BILL**

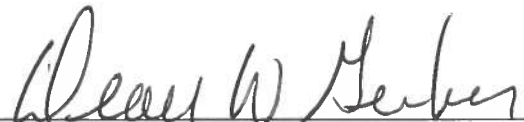
THE HIGHLANDS COUNTY HOSPITAL DISTRICT (the “**Hospital District**”) Board (the “**Board**”) was duly assembled in special session at 10:30 am on the 23rd day of October 2024. A quorum was present. Chairman Dean W. Gerber presided. Upon motion made and duly seconded, the following resolution was adopted by the Board:


IT IS RESOLVED that the Board approves the draft language of the local bill amending the Hospital District’s enabling act as presented for filing for the 2026 Legislative session, attached as Exhibit A.

IT IS FURTHER RESOLVED that the Chair and Counsel for the Board (Jones Walker) are authorized to coordinate with the Highlands County Legislative Delegation and staff of the Florida Legislature to make technical changes or minor revisions, if necessary to facilitate successful passage of the bill. Such revisions shall not deviate from the initial conceptual summary previously approved by this Board, the Board of County Commissioners of Highlands County, and as discussed at the Highlands County local delegation meeting.

RESOLVED this 23rd day of October 2025.

DISTRICT HIGHLANDS COUNTY HOSPITAL

By: 
Dean W. Gerber, Chairman

Attest: 
Gail Escobar, Clerk

(SEAL)

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Highlands 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 61-2232, 72-553, 74-487, 78-519, 80- 506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of Florida, are codified, reenacted, amended, and repealed as provided in this act.

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

Section 1. A dependent special district is created, incorporated, and codified to be known as the Highlands County Hospital District in Highlands County, which district shall embrace and include all of Highlands County. This act codifies the prior enabling act, chapter ~~61-2232~~, 04-458 Laws of Florida, as amended.

Section 2. The governing body of the Highlands County Hospital District shall consist of five commissioners, not more than one of whom may be a member of the medical profession. All commissioners, who shall serve without compensation, must be qualified electors and freeholders residing in Highlands County for more than 1 year prior to appointment, one of whom must reside in county commissioner's district No. 1; one of whom must reside in county commissioner's district No. 2; one of whom must reside in county commissioner's district No. 3; one of whom must reside in county commissioner's district No. 4; and one of whom must reside in county commissioner's district No. 5. The body shall be known and designated as the Board of Commissioners of the Highlands County Hospital District. All commissioners shall be appointed by the Board of County Commissioners of Highlands County for a term of 4 years. The Board of County Commissioners of Highlands County may remove any member of the board of commissioners for cause and shall fill any vacancy that occurs therein for the remainder of the term in which the vacancy occurred. The members of the board of commissioners shall receive no salary, but each shall be paid the sum of \$120 a year as expense money; however, a member is not entitled to expense money unless he or she has attended 75 percent of the regular meetings held by the board during any year. A regular meeting of the board shall be held at least once each quarter. Each member shall give bond to the Board of County Commissioners of Highlands County for the faithful performance of his or her duties in the sum of \$5,000 with a surety company qualified to do business in this state as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of Highlands County. If the secretary and treasurer is not a member of the board, he or she shall give a like bond of \$5,000 for the faithful performance of his or her duties. Premiums on bonds shall be paid as part of the expenses of the district.

Section 3. The Board of Commissioners of the Highlands County Hospital District has all the powers of a body corporate, including the power to sue and be sued under the name of the Highlands County Hospital District; to contract and be contracted with; to adopt and use a common seal and to alter it at pleasure; to acquire, purchase, hold, lease, mortgage, and convey such real and personal property as the board deems proper or expedient to carry out the purposes of this act; to appoint and employ a superintendent or matron or both, and such other agents and employees as the board deems advisable; to fix compensation of all employees and remove any appointees or employees; to insure the improvements, fixtures, and equipment against loss by fire, windstorm, or other coverage in such amounts as are determined reasonable and proper; and to borrow money

and to issue evidence of indebtedness of the district therefor to carry out the provisions of this act in the manner provided in this act.

Section 4. There shall be a chair of the board of commissioners. 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 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 commissioners constitute a quorum, and a vote of at least two commissioners is necessary to the transaction of any business of the district. The commissioners 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 account and minutes, which minutes, records, and books of account shall at all reasonable times be open and subject to inspection by inhabitants of the district. Any person desiring to do so may make or procure a copy of the minutes, records, or books of account, or such portions thereof as he or she may desire.

Section 5. The board of commissioners is authorized to establish, construct, lease, operate, and maintain any hospital as in its opinion is necessary for the use of the people of the district. The hospital shall be established, constructed, leased, operated, and maintained by the board of commissioners for the preservation of the public health, for the public good, and for the use of the public of the district, and maintenance of any hospital within the district is found and declared to be a public purpose and necessary for the preservation of the public health, the public use, and the welfare of the district and its inhabitants. The location of any hospital shall be determined by the board. The board may accept any and all gifts, loans, or advancements for the purchase of property, real or personal, for the construction of, equipping of, and maintenance of any hospital established by the board.

Section 6. The board of commissioners may at any time in its discretion establish and maintain in connection with such hospital and as part thereof a training school for nurses, and upon completion of a prescribed course of training, it shall give to nurses who have satisfactorily completed the course a diploma. The board of commissioners may adopt all rules necessary for the operation of a nurse's training school and make all necessary expenditures in connection therewith.

Section 7. The board has the power of eminent domain, and it may thereby condemn and acquire any real or personal property within the territorial limits of the district which the board deems 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 the power of eminent domain by cities and towns of this state.

Section 8. The board of commissioners may, in order to provide for and carry out the work of this act, borrow money from time to time for periods of time not exceeding 20 years at any one time, and issue any notes of the district therefor upon such terms and upon such rates of interest not exceeding 8 percent per year as the board deems advisable and secure the payment of same by mortgage upon any property, real or personal, owned by the district. The board additionally may 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 and from any other funds legally available to the district; however, the aggregate amount of principal of moneys so borrowed upon the notes and mortgages of the district, shall not, at any one time, exceed the sum of \$750,000.

Section 9. SALE OF THE HOSPITAL AND ASSETS

(1) The board may elect, by a majority vote of the members present and voting, to commence an evaluation of the benefits to the public of the district as described in Section 1, of

selling the entirety of the assets of the Highlands County Hospital District to a non-for-profit or for-profit entity to continue to provide health care services to the community if the board execute an agreement that meets the requirements of subsection (6) of this section. In evaluating the board must find that the sale is in the best interest of the public of the district and must state the basis of that finding. To make that determination, the board shall:

(a) Contract with an independent entity or entities that has at least five years of experience conducting comparable evaluations of hospital organizations similar in size and function to Hospital to conduct the evaluation according to applicable industry practices. A study completed less than two years prior to the public notice in subsection (1) of this section that meets all other requirements may be used for the purposes of this evaluation.

(b) Publish all documents considered by the board on the website of the hospital district.

(c) Publish notice of and conduct a public meeting in accordance with section 189.015(1), Florida Statutes, to provide the public of the district with the opportunity to publicly testify regarding the sell. The public notice must contain notice of where the public can find all documents related to the potential sale of the hospital. The public hearing must be held at a meeting other than a regularly noticed meeting or an emergency meeting of the board.

(2) The final report shall be published on the hospital district website. The final report must include a statement signed by the chair of the board that, based on his or her reasonable knowledge and belief, the contents of the evaluation are true and correct. The final report must also include a statement signed by the chief executive officer of the independent entity conducting the evaluation that, based on his or her reasonable knowledge and belief, the contents and conclusions of the evaluation are true and correct.

(a) The evaluation must provide an objective operating comparison of other similarly situated hospitals, both not-for-profit and for-profit, which have a similar service mix in order to determine where there is a difference in the cost of operation using, including, but not limited to, publicly available data provided by the Agency for Health Care Administration, data provided by current operator of the hospital as requested by the board, and the quality metrics identified by the Centers for Medicare and Medicaid Services Core Measures. The comparison must also determine whether there is a net benefit to the community to operate the hospital as a not-for-profit or for-profit entity and use the proceeds of the sale for the purposes described in this act.

(b) The final report must be based on the most currently available financial data.

(c) The final report must contain an evaluation of the Hospital and its assets.

(3) If, upon completion of the evaluation of the benefits of the sale, the board elects to consider a sale of the hospital in its entirety, to a third party, the board must first determine whether there are any qualified purchasers. In the process of evaluating any qualified purchaser, the board shall:

(a) Publicly advertise the meeting at which the proposed sale will be considered by the board in accordance with s. 286.0105; or

(b) Publicly advertise the offer to accept proposals in accordance with s. 255.0525 and receive proposals from all qualified purchasers.

(4) The members of the board must disclose all conflicts of interest as required by section 112.313, Florida Statutes, including, but not limited to: Whether the sale will result in a special private gain or loss to any member of the board. Conflicts of interest, if any, with respect to experts retained by the board shall also be disclosed.

(5) The evaluation, agreements, disclosures, and any other supporting documents related to the sale of hospital must be published on the website of hospital district for 30 days before the

board may vote on the proposed agreement identified in subsection (6) of this section to sell Hospital to a non-for-profit or for-profit entity. The website of hospital district must include a means by which a person may submit written comments about the proposed transaction to the board and obtain copies of the findings and documents required under subsection (1) and (7) of this section.

(6) The board must determine, by a majority vote, whether the interests of the public of the district are best served by selling to a non-for-profit or for-profit entity.

(a) A determination by the board to accept a proposal for sale shall be made after consideration of all proposals received and negotiations with a qualified purchaser. The board's determination must include, in writing, detailed findings of all reasons for accepting the proposal.

(b) The findings must be accompanied by all information and documents relevant to the board's determination, including, but not limited to:

1. The names and addresses of all parties to the transaction.
2. The location of the hospital and all related facilities.
3. A description of the terms of all proposed agreements.
4. A copy of the proposed sale and any related agreements,
5. The estimated total value associated with the proposed agreement and the proposed acquisition price.

7. The evaluation as required in Section 9, subsection (1) of this act and any other valuation prepared at the request of the board, lessee, or managing entity of the hospital.

8. Copies of all other proposals and bids that the board may have received or considered in compliance with Section 9, subsection (3).

(7) In a public meeting noticed as required pursuant to subsection (1) of this section, the board may approve, by a majority vote, of the sale of hospital to an entity subject to the terms of a negotiated agreement. The agreement made pursuant hereto shall:

(a) Provide that the articles of incorporation of the for-profit or not-for-profit corporation be subject to the approval of the board of directors or board of trustees of the hospital;

(b) Require that any not-for-profit corporation is qualified under s. 501(c)(3) of the United States Internal Revenue Code;

(c) Provide for the orderly transition of the operation and management of the facilities;

(d) The acquiring entity has made an enforceable commitment that programs and services and quality health care will continue to be provided to all residents of the public of the district, particularly to the indigent, the uninsured, and the underinsured in perpetuity so long as the succeeding entity is in operation or, if otherwise agreed to, until the succeeding entity has otherwise met all obligations set forth in the agreement.

(8) If the board approve the agreement, hospital shall file a copy of the agreement with the Department of Commerce no later than 10 days after the date of approval and the Change of Ownership has been approved as outlined in 408.807 F.S.

(9) No later than 30 days after the complete transfer of assets and liabilities as provided in the agreement under subsection (6) of this section, the board shall notify the Department of Commerce. The hospital board dependent special district shall be dissolved 30 days following upon receipt of the notice by the department.

(10) If the board fail to approve for any reason an agreement that would result in the sale of the hospital to a non-for-profit or for-profit entity that will continue to provide healthcare services for the County, the board shall continue to exist as an dependent special district.

(11) Any interested party as defined by 155.40(4) Florida Statutes has the right to seek judicial review of the decision by the board to sell the hospital and its assets in the circuit court where the hospital is located. Judicial review is limited to solely upon consideration of whether the procedures contained within this section have been followed by the board.

(12) If interested party contests the action, the court will assign costs equitably to the parties.

Section ~~9~~10. The Board of Commissioners of the Highlands County Hospital District may issue bonds of the district of such form, denomination, and bearing such rate of interest not to exceed 6 percent per year, and becoming due not less than 5 nor more than 30 years from the date of issuance, in an amount not to exceed \$1 million of the total bonded indebtedness of the district, for the purpose of raising funds to establish, construct, operate, and maintain any hospital as in the board's opinion is necessary in the district. The board of commissioners may refund any and all previous issues of bonds for any and all lawful hospital purposes. All the proceeds derived from the sale of bonds or refunding bonds, exclusive of expenses, shall be deposited in a depository selected by the board.

Section ~~10~~1. Before the issuance of bonds, the board of commissioners 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; and the board shall 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 such interest and with which to provide and maintain a sinking fund for the payment of the principal of bonds.

Section 14~~2~~. All bonds issued by the Board of Commissioners of the Highlands County Hospital District, except refunding bonds, revenue bonds, or certificates and anticipation time warrants, shall be issued only after they have been approved by the majority of the votes cast in an election in which a majority of the freeholders who are qualified registered electors in the district shall participate, which election shall be called and held by the board of commissioners, subject to reasonable rules adopted by the board. If it is determined to hold an election to decide whether a majority of the freeholders who are qualified electors are in favor of the issuance of bonds, the board of commissioners shall by resolution order an election to be held in the district, and shall give 30 days' notice of the election by publication in a newspaper of general circulation within the district once a week for 4 consecutive weeks during such period.

Section 12~~3~~. Only registered electors of the district who are freeholders owning real property within the territorial limits of the district shall be permitted to vote at a bond election, and they may be required to submit proof by affidavit before the election official that they are freeholders owning property in the district and qualified as electors. For the purpose of determining the total number of qualified electors residing in the district who are freeholders and entitled to participate in such election, the board of commissioners shall prepare a list or file of the names of all qualified electors appearing upon the registration books of Highlands County who are determined to be freeholders residing in the district and qualified to vote in the election. Such lists or files shall be furnished to the inspectors or clerks of the election at each voting place, and such lists or files shall be prima facie evidence of the total number of qualified electors who are freeholders in the district and qualified to participate in the election. A person whose name does not appear upon such list or file may not be permitted to vote in such election; except that a qualified elector of a district whose name does not appear upon such file or list shall be permitted to vote upon taking a freeholder's oath before the clerk of the election and furnishing proof of his or her qualification as a freeholder.

Section 134. As far as practicable and where not inconsistent with the provisions of this act, the procedure outlined in chapter 100, Florida Statutes, providing the procedure for bond elections, shall govern.

Section 145. All bonds issued under this act shall be in the denomination of \$100 or some multiple thereof and shall bear interest not exceeding 6 percent per year, payable annually or semiannually, and both principal and interest shall be payable at such place as the governing authority determines. The form of such bonds shall be fixed by resolution of the board of commissioners and 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, shall be executed by the facsimile signatures of the 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 bonds or coupons cease to hold office.

Section 156. Bonds issued under this act 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 such 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 the 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 167. Before any bonds of the Highlands County Hospital District are issued under this act, the board of commissioners shall investigate and determine the legality of the proceedings. The resolution authorizing the bonds may direct that they 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 the 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 bond have existed, happened, and been performed in due time, form, and manner, as required by law; and that the amount of the bond, together with all other indebtedness, does not exceed any limit prescribed by the constitution and statutes of this state. If any bond is issued containing the recital, it shall be conclusively presumed that the recital, construed according to the import declared in this section, 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 178. In issuing bonds under this act, it is lawful for the board of commissioners to include more than one improvement or hospital purpose in any bond issue.

Section 1819. All bonds issued under this act shall be advertised for sale on sealed bids, which advertisement shall be published once a week for 3 weeks, the first publication to be made at least 21 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 a week for 3 weeks preceding the date fixed for the reception of bids, either in a financial paper published in the City of New York, the City of Chicago, or the City of Baltimore, or in a newspaper of general circulation published in a city in Florida having a population of not fewer than 20,000 inhabitants according to the latest official decennial census. The board of commissioners may reject any and all bids. If the bonds

are not sold pursuant to such advertisements, they may be sold by the board of commissioners 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 has been received. If not so sold, bonds shall be readvertised in the manner prescribed in this act. No bonds issued under this act shall be sold for less than 95 percent of the par value and accrued interest.

Section ~~19~~20. A resolution or proceeding in respect to the issuance of bonds is not necessary, except as required by this act. Publication of any resolution or proceeding relating to the issuance of bonds is not required, except as required by this act. Any publication prescribed in this act 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 under this act shall have all the qualities of negotiable paper under the law merchant, shall not be invalid for any irregularity or defect in the proceeding for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value.

Section ~~20~~1. The Board of Commissioners of the Highlands County Hospital District may provide by resolution for the issuance of refunding bonds to refund principal and interest of an existing bond indebtedness, for the payment of which the credit of the hospital district is pledged, and such bonds may be issued at or prior to maturity of the bonds to be refunded. Such resolution may be adopted at a regular or special meeting, and at the same meeting at which it is introduced, by the majority of the members of the commission then in office. It is determined and declared as a matter of legislative intent that an election to authorize the issuance of refunding bonds is not necessary, except in cases in which an election may be required by the State Constitution. In all cases in which it is not necessary under the State Constitution to hold an election on the issuance of such refunding bonds, such resolution shall take effect immediately upon the adoption thereof. No other proceedings shall be required for the issuance of bonds by the district.

Section ~~21~~2. The resolution of the Board of Commissioners of the Highlands 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 the 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, and be authenticated in the manner and upon compliance with the conditions and contain such other terms and covenants as is desired. Notwithstanding the form or tenor and in the absence of an express recital on the face that the bond is nonnegotiable, all refunding bonds are at all times negotiable instruments for all purposes.

Section ~~22~~3. 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 have ceased to be officers of the district. Any resolution authorizing refunding bonds may provide that any refunding bonds issued under this act may contain a recital and any refunding bond 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 a 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 234. Refunding bonds may be sold or exchanged as follows:

(1) 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.

(2) If the board of commissioners determines to exchange any refunding bonds, the 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 notes, bonds, or other obligations of the district, except that the principal amount of the outstanding notes, bonds, or other obligations to the extent necessary or advisable, in the discretion of the governing body, to fund interest in arrears or about to become due. The holder of 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 the outstanding notes, bonds, or other obligations to be surrendered.

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

Section 245. All bonds or refunding bonds issued under this act are 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 256. The funds of the district shall be paid out only upon warrants, 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. The warrant may not be drawn or issued against funds of the district except for a purpose authorized by this act, and no such 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 commissioners at a meeting in which a quorum is present. The chair of the board may sign checks and warrants of the district by the facsimile signature of the chair and use and employ facsimile signature machines for that purpose, provided that the checks and warrants are countersigned by the treasurer for the district.

Section 267. The board may 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, may not be construed to limit or destroy any of the powers vested in the board of commissioners by any other section or provision of this act.

Section 278. Subject to such provisions and restrictions as are set forth in the resolution authorizing or securing any bonds issued under this act, the board may 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, may receive and accept from any federal agency, state agency, or other public body grants or loans for or in aid of such purposes and receive and accept aid or contributions or loans from any other source of money, property, labor, or other things of value, to be held, used, and applied only for the purpose for which such grants, contributions, or loans may be made.

Section 289. At least once each year the board of commissioners shall publish once in some newspaper published in the district a complete detailed annual statement of all moneys received and disbursed by them 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 the funds were received and shall show the balance on hand at the time of the published statement. It shall show a complete statement of the financial condition of the district.

Section 2930. 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 such hospital or clinic and be entitled to hospitalization and treatment, subject, however, to the rules adopted by the board of commissioners 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 commissioners to be indigent and who have for 1 year next preceding the application for admission been residents of the district. The board of commissioners may accept money from any welfare funds provided for Highlands County or moneys available to the indigent patients from a federal, state, or county agency or moneys available to Highlands County from such 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 commissioners from time to time establishes. The board of commissioners may exclude from treatment and care any person having a communicable or contagious disease when such disease may be a detriment to the best interests of the hospital or clinic or a source of contagion or infection to the patient in its care, unless the hospital has a separate building or ward for the special treatment of such patients and can properly and with safety to the other patients retain the communicable or contagious case in such separate ward or building. The board of commissioners may extend the privileges and use of the hospital or clinic to nonresidents of the district 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 provide. However, residents of the district wherein the hospital or clinic is located have first claim to admission. The board may 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 Highlands County are 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 301. Realizing that factors other than professional must enter into the qualification of those who practice medicine and surgery, the Board of Commissioners of the Highlands County Hospital District may adopt rules and bylaws for the operation of the hospital and the hospital staff. The board of commissioners may give, grant, or revoke licenses and privileges of staff members so that the welfare and health of patients and the best interests of the hospital are at all times best served. The board of commissioners is further authorized to adopt rules 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 who in any manner attend patients. Any patient may 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 as are adopted by the Board of Commissioners of the Highlands County Hospital District.

Section 342. The board of commissioners may secure and keep in force in amounts it may determine, in companies duly authorized to do business in Florida, liability insurance covering vehicles, premises, and malpractice. However, the board of commissioners may purchase such insurance from companies not duly authorized to do business in Florida if equivalent insurance coverage is not available from companies duly authorized to do business in Florida. In consideration of the premium at which each policy is written, it shall be a part of the policy contract between the board of commissioners and the named insured that the company is not entitled to the benefit of the defense of governmental immunity for the insured by reason of exercising of governmental function on any suit brought against the insured. Immunity of the board of commissioners against liability damages is waived to the extent of liability insurance carried by the board. However, an attempt may not be made at the trial of any action against the board to suggest the existence of any insurance that covers in whole or in part any judgment or award that is rendered in favor of the plaintiff. If a verdict rendered by the jury exceeds the limit of the applicable insurance, the court shall reduce the amount of the judgment or award to a sum equal to the applicable limit set forth in the policy.

Section 323. The provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for by this act, and when 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 accomplishment thereof, the liberal construction shall be chosen.

Section 334. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 345. (1) Notwithstanding the foregoing provisions of this act and without regard to any limitations and conditions contained in any other section of this act:

(a) The board of commissioners may acquire, construct, reconstruct, extend, make additions to, enlarge, improve, repair, remodel, restore, equip, and furnish hospital and other health care facilities now or hereafter located in the district and which are or may be owned by or under the supervision, operation, and control of the district. For the purposes of this section "health care facilities" means any real property or interest therein, building, structure, facility, machinery, equipment, furnishings, or other property suitable for use by the district in connection with its operations or proposed operations, including, without limitation, real property therefor; a clinic, computer facility, dining hall, firefighting facility, fire prevention facility, food service and preparation facility, health care facility, long-term care facility, hospital, interns' residence, laboratory, laundry, maintenance facility, nurses' residence, nursing home, nursing school, office, professional office building, parking structure and area, pharmacy, recreational facility, research facility, storage facility, utility, or X-ray facility, or any combination of the foregoing; and other structures or facilities related thereto or required or useful for health care purposes, the conducting of research, or the operation of a hospital or other health care facility, including facilities or structures essential or convenient for the orderly conduct of such hospital or other health care

facility and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended.

(b)1. The board of commissioners may from time to time issue negotiable revenue bonds of the district for the purpose of paying or refinancing all or any part of the cost of any hospital or other health care facility. In anticipation of the sale of such revenue bonds, the district may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues or other funds of the district legally available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds of the district in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution or resolutions authorizing them may contain any provision, condition, or limitation that a bond resolution of the board of commissioners may contain.

2. The revenue bonds and notes of every issue shall be payable solely out of revenues derived by the district from hospital and other health care facilities within the district and owned by or under the supervision, operation, and control of the district, together with any other funds of the district legally available for the purpose. Notwithstanding that revenue bonds and notes may be payable from a special fund, they are, and shall be deemed to be, for all purposes, negotiable instruments, subject only to any provisions of the revenue bonds and notes for registration.

3. The revenue bonds may be issued as serial bonds, as term bonds, or otherwise, or the board of commissioners, in its discretion, may issue bonds of all types. The revenue bonds shall be authorized by resolution or resolutions of the board of commissioners and shall bear such date or dates; mature at such time or times, not exceeding 50 years from their respective dates; bear interest at such rate or rates, including variable rates, but not exceeding the maximum rate permitted by law at the time of issuance; be payable at such time or times; be in such denominations; be in such form, either coupon or registered, or both; carry such registration privileges and conversion or exchange privileges; be executed in such manner; be payable in lawful money of the United States at such place or places; and be subject to such terms of redemption, including redemption prior to maturity, as such resolution or resolutions provide. The board of commissioners shall determine the form and manner of execution of the bonds, including any interest coupons to be attached thereto, 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, appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile is nevertheless valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. The board of commissioners may also provide for the authentication of the bonds by a trustee or fiscal agent. The revenue bonds or notes may be sold in such manner, either at public or private sale, and for such price or prices as the board of commissioners determines. Pending preparation of the definitive bonds, the board of commissioners may issue interim receipts or certificates, which shall be exchanged for such definitive bonds.

4. In the discretion of the board of commissioners, each or any issue of revenue bonds may be secured by a trust agreement by and between the district 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 or resolution providing for the issuance of such bonds may pledge or assign all or any part of the revenues and other funds of the district legally available for the payment of

such revenue bonds. The resolution providing for the issuance of such bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the district in relation to the acquisition, construction, improvement, maintenance, operation, repair, equipping, and insurance of the facilities, the fees and other charges to be fixed and collected for the use of any facility or part thereof, the sale of any facility or part thereof or other property, the terms and conditions for the issuance of additional bonds, 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 which may act as such depository to furnish such indemnifying bonds or to pledge such securities as are required by the board of commissioners. Such resolution or such trust agreement may set forth the rights and remedies of the bondholders and the trustee and may restrict the individual right of action by the bondholders. In addition to the foregoing, such resolution or such trust agreement may contain such other provisions as the board of commissioners deems reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust agreement or resolution may be treated as a part of the cost of the facility in connection with which such bonds are issued or as part of the expense of operation or such facility, as the case may be. The resolution or trust agreement providing for the issuance of the revenue bonds may also contain such limitations upon the issuance of additional revenue bonds as the board of commissioners deems proper, and such additional bonds shall be issued under such restrictions or limitations prescribed by such resolution or trust agreement.

(c) Revenue bonds issued under this section shall not be deemed to constitute a debt, liability, or obligation of the district, Highlands County, or the state or any political subdivision thereof or a pledge of the faith and credit or the taxing power of the district, Highlands County, or the state or any political subdivision thereof, but they shall be payable solely from the revenues and funds provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the district is not obligated to pay the same or the interest thereon except from the revenues and other funds of the district provided for such payment, and that neither the faith and credit nor the taxing power of the district, Highlands County, or the state or any political subdivision thereof is pledged to the payment of the principal or the interest on such bonds. The issuance of revenue bonds under this section shall not directly, indirectly, or contingently obligate the district, Highlands County, or the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefore or to make any appropriation for their payment.

(d) All bonds issued under this section have, and are declared to have, all the qualities and incidents, including negotiability, of investment securities under the Uniform Commercial Code, but no provision of such code respecting the filing of a financing statement to perfect a security interest shall be deemed necessary for or applicable to any security interest created in connection with the issuance of any such bonds.

(e) The exercise of the powers granted by this section will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and because the operation and maintenance of hospital and other health care facilities by the district will constitute the performance of an essential public and governmental purpose, any bonds issued under the provisions of this section, together with interest thereon, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, Highlands County, and municipalities and other political subdivisions in the state, except those taxes imposed by

chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations.

(f) The board of commissioners may provide for the issuance of revenue bonds of the district for the purpose of refunding any of its revenue bonds then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such revenue bonds. The proceeds of any such revenue bonds issued for the purpose of refunding outstanding revenue bonds may, in the discretion of the board of commissioners, be applied to the purchase or retirement at maturity or redemption of such outstanding revenue bonds either on their earliest or any subsequent redemption date, or upon the purchase or at the maturity thereof; may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the board of commissioners; and, pending such application to purchase, retirement, or redemption, may be invested and reinvested in securities selected by or in such manner as the board of commissioners provides.

(g) Bonds issued by the board of commissioners under this section are made securities in which all public officers and public bodies of the state and its political subdivisions and all banks, trust companies, bankers, banking associations, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit or bonds or obligations of the state is now or may hereafter be authorized by law.

(h) An election in the district is not required as a condition precedent to the exercise by the board of commissioners of any of the powers conferred by this section unless such election is required by the State Constitution.

(i) Revenue bonds may be issued under this section without obtaining, except as otherwise expressly provided in this section, the consent of any department, division, commission, board, body, bureau, or agency of the state or any political subdivision thereof and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions, or things that are specifically required by this section and the provisions of the resolution or resolutions authorizing the issuance of such bonds or the trust agreement securing them.

(2) This section shall be deemed to provide an additional and alternative method for the doing of the things authorized in this section and shall be regarded as supplemental and additional to powers conferred by other laws. This section, being necessary for the health and welfare of the inhabitants of Highlands County and the state, shall be liberally construed to effect the purposes thereof.

Section 356. In order that citizens and residents of the district may receive quality health care, the board of commissioners may enter into contract with corporations, either for-profit or not-for-profit, duly authorized to do business in the state for the purpose of operating and managing such hospital and any or all of its facilities. Prior to entering into a lease or management agreement the board must: ~~of whatsoever kind and nature and enter into leases with such corporations for the operating of such facilities. The term of any such lease, contract, or agreement~~

~~and the conditions, covenants, and agreements to be contained therein shall be determined by the board of commissioners.~~

(1) elect, by a majority vote of the members present and voting, to commence an evaluation of the benefits to the public of the district as outline in Section 1, of leasing the entirety of the assets of the Highlands County Hospital District to a non-for-profit or for-profit entity to continue to provide health care services to the community if the board execute an agreement that meets the requirements of subsection (6) of this section. In evaluating must find that the lease is in the best interests of the public of the district and must state the basis of that finding.

(a) Contract with an independent entity or entities that have at least five years of experience conducting comparable evaluations of hospital organizations similar in size and function to hospital to conduct the evaluation according to applicable industry practices. A study completed less than two years prior to the public notice in subsection (1) of this section that meets all other requirements may be used for the purposes of this evaluation.

(b) Publish all documents considered by the board on the hospital district website.

(c) Publish notice of and conduct a public meeting in accordance with section 189.015(1), Florida Statutes, to provide the public of the district with the opportunity to publicly testify regarding the lease or managing agreement. The public notice must contain notice of where the public can find all documents related to the potential lease of the hospital.

(2) The final report shall be published on the hospital district website. The final report must include a statement signed by the chair of the board that, based on his or her reasonable knowledge and belief, the contents of the evaluation are true and correct. The final report must also include a statement signed by the chief executive officer of the independent entity conducting the evaluation that, based on his or her reasonable knowledge and belief, the contents and conclusions of the evaluation are true and correct.

(3) If, upon completion of the evaluation of the benefits of the lease, the board elects to consider a lease or management agreement of the hospital in its entirety, to a third party, the board must first determine whether there are any qualified lessees. In the process of evaluating any qualified lessee, the board shall:

(a) Publicly advertise the meeting at which the proposed lease will be considered by the board in accordance with s. 286.0105; or

(b) Publicly advertise the offer to accept proposals in accordance with s. 255.0525 and receive proposals from all qualified purchasers.

(4) The members of the board must disclose all conflicts of interest as required by section 112.313, Florida Statutes, including, but not limited to: Whether the lease or management agreement will result in a special private gain or loss to any member of the board. Conflicts of interest, if any, with respect to experts retained by the board shall also be disclosed.

(5) The evaluation, agreements, disclosures, and any other supporting documents related to the agreement of hospital must be published on the website of hospital district for 30 days before the board may vote on the proposed agreement identified in subsection (6) of this section to lease Hospital to a non-for-profit or for-profit entity.

(6) The board must determine, by a majority vote, whether the interests of the affected community are best served by leasing to a non-for-profit or for-profit entity.

(a) A determination by the board to accept a proposal for lease shall be made after consideration of all proposals received and negotiations with a qualified lessee or management entity. The board's determination must include, in writing, detailed findings of all reasons for accepting the proposal.

(b) The findings must be accompanied by all information and documents relevant to the board's determination, including, but not limited to:

1. The names and addresses of all parties to the transaction.
2. The location of the hospital and all related facilities.
3. A description of the terms of all proposed agreements.
4. A copy of the lease agreement and any related agreements.
5. The estimated total value associated with the proposed agreement and the proposed acquisition price.
7. The evaluation as required in subsection (1) of this section and any other valuation prepared at the request of the board, lessee, or managing entity of the hospital.
8. Copies of all other proposals and bids that the governing board may have received or considered in compliance with, subsection (3) of this section.

(7) In a public meeting noticed as required pursuant to subsection (1) of this section, the board may approve, by a majority vote, of the lease of the hospital to an entity subject to the terms of a negotiated agreement. The agreement made pursuant hereto shall:

(a) Provide that the articles of incorporation of the for-profit or not-for-profit corporation be subject to the approval of the board of directors or board of trustees of the hospital;

(b) Require that any not-for-profit corporation is qualified under s. 501(c)(3) of the United States Internal Revenue Code;

(c) Provide for the orderly transition of the operation and management of the facilities; including a change of ownership defined in 408.807, Florida Statutes.

(d) The acquiring entity has made an enforceable commitment that programs and services and quality health care will continue to be provided to the public of the district, particularly to the indigent, the uninsured, and the underinsured.

(8) Any interested party as defined by 155.40(4) Florida Statutes has the right to seek judicial review of the decision by the board relating to the lease of the hospital in the circuit court where the hospital is located. Judicial review is limited to solely upon consideration of whether the procedures contained within this section have been followed by the board.

(9) If interested party contests the action, the court will assign costs equitably to the parties.

(10) Leases or management agreements not subject to subsections (5)-(10) of this section are limited to:

(a) a lease entered into prior to the effective date of this act that is modified, extended, or renewed.

(b) a lease or management agreement for a term no greater than 10 years that is entered into so the Board may undergo the process as outlined in either Section 9 or subsections (5)-(10) of this section.

Section 367. The Board of Commissioners of the Highlands County Hospital District may transfer by gift or loan to the Highlands County Commission any surplus assets or funds from whatever source derived; however, they must be used exclusively for health services in Highlands County. Further, such assets or funds constitute surplus funds as determined by the Board of Commissioners of the Highlands County Hospital District.

Section 38. The provisions of this act shall be construed liberally in order to carry out its purpose effectively. Any of the enumerated powers herein shall not be construed as a limitation against any remaining powers but shall be construed as cumulative. To the extent necessary to fully effectuate the purpose of this act, the provisions hereof shall supersede and preempt the

application of section 155.40 Florida statutes relating to the sale or lease of the hospital. Section 4. Chapters 61-2232, 72-553, 74-487, 78-519, 80- 506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of Florida, are repealed. Section 5. This act shall take effect upon becoming a law.