




Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: January 9, 2018
SUBJECT: Remainder Interest in the Event of Sale of Indian River Memorial Hospital

BACKGROUND

At the January 9, 2018, Indian River County Board of County Commissioners (“the “Board”) meeting, the Board tasked the County Attorney with researching Indian River County’s remainder interest in the event of a sale or lease of the Indian River Memorial Hospital (the “Hospital”). Pursuant to section 155.40(16), Florida Statutes, if the Hospital is sold or leased, fifty percent of the net proceeds of the sale or lease shall be deposited into a health care economic development trust fund, under the control of the Board. The members of the Board would then serve as the trustees of the health care economic development trust fund. The net proceeds of the health care economic development trust fund are to be used, in consultation with the Florida Department of Economic Opportunity, to promote job creation in the health care sector of the economy through new or expanded health care business development, new or expanded health care services, or new or expanded health care education programs or commercialization of health care research.

Pursuant to section 155.40(16), Florida Statutes, the other fifty percent of the net proceeds of the sale or lease of the Hospital would go towards funding the delivery of indigent care, including, but not limited to, primary care, physician specialty care, out-patient care, in-patient care, and behavioral health. Under the statute, it appears that the governing board of the hospital district is responsible for appropriating these funds.

Section 155.40(16), Florida Statutes, specifically defines the term “net proceeds” as being the sale price after payment of all district debts and obligations.