

By Representative Baker

1 A bill to be entitled
2 An act relating to Volusia County; providing a
3 short title; creating the West Volusia Hospital
4 Authority; specifying boundaries; specifying
5 the organization and membership of a governing
6 board of the authority; providing the
7 qualifications and duties of the members of the
8 governing board; providing the method for
9 election of the governing board; authorizing
10 the governing board to provide funding to
11 hospitals which provide indigent health care;
12 requiring the governing board to levy a tax to
13 fund such services; providing procedures for
14 the tax levy; requiring an annual financial
15 report and audit from the medical provider
16 receiving the tax funds; authorizing the
17 governing board to expend its funds for the
18 authority; requiring the governing board to
19 periodically file financial statements of the
20 authority; authorizing the governing board to
21 accept certain funds; repealing obsolete laws
22 relating to the authority; providing an
23 effective date.

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25 WHEREAS, the West Volusia Hospital Authority was
26 created pursuant to chapter 57-2085, Laws of Florida, as
27 amended by chapters 59-1949, 61-2974, 65-2344, 67-2152,
28 69-1696, 69-1698, 71-951, 71-955, 82-383, 88-473, and 96-445,
29 Laws of Florida, and

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1 WHEREAS, it is the intent and purpose of the
2 Legislature to provide uniform and adequate funding for
3 indigent health care services in West Volusia County, and

4 WHEREAS, the Legislature has determined that it is in
5 the best interest of the citizens that the West Volusia
6 Hospital Authority be ratified by the Legislature, and

7 WHEREAS, the Legislature agrees that the needs of the
8 citizens are best met by ratifying the West Volusia Hospital
9 Authority, NOW, THEREFORE,

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

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13 Section 1. TITLE, CREATION, AND BOUNDARIES.--

14 (1) This act shall be known and may be cited as the
15 "West Volusia Hospital Authority Act."

16 (2) The West Volusia Hospital Authority is created,
17 the boundaries of which are described as follows:

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19 Commencing at a point on the East Shore of Lake
20 George where same is intersected by the
21 Putnam-Volusia Count line and run Northeasterly
22 with said line to the Southernmost point of
23 Lake Crescent; thence East with shore line of
24 Lake Crescent to the mouth of Haw Creek; thence
25 up said Creek to its intersection with the East
26 line of Range 28 East; run thence South with
27 said range line (it being the Flagler-Volusia
28 County line) to the Northwest comer of Section
29 30, Township 14 South Range 29 East; thence run
30 East 12 miles to the Northeast comer of Section
31 25, Township 14 South Range 30 East; thence run

1 South two miles to the Southeast corner of
2 Township 14 South Range 30 East; thence run
3 West along said Township line to the Northeast
4 comer of Township 15 South Range 30 East;
5 thence run South with the range line between
6 Ranges 30 and 31 East about six miles to the
7 Southeast comer of Township 15 South Range 30
8 East; run thence East along the North line of
9 Township 16 South Range 31 East about six miles
10 to the Northeast corner of said Township 16
11 South Range 31 East; run thence South on the
12 range line between Ranges 31 and 32 East about
13 twelve miles to the Southeast comer of Township
14 17 South Range 31 East; run thence East with
15 the line between Townships 17 and 18 South to
16 the Northeast corner of Township 18 South Range
17 32 East; run thence South on the range line
18 between Ranges 32 and 33 to the Southeast comer
19 of Township 18 South Range 32 East; run thence
20 East on the line between Township 18 South
21 Range 33 East and Township 19 South Range 33
22 East about three miles to the Northeast comer
23 of Section 4 of Township 19 South Range 33
24 East. Run thence South on the East line of
25 Sections 4-9-16-21-28 and 33, Township 19 South
26 Range 33 East to the Southeast comer of Section
27 33, Township 19, South Range 33 East; run
28 thence east on the line between Township 19
29 South Range 33 East and Township 20 South Range
30 33 East to the Northeast comer of Township 20
31 South Range 33 East; run thence South on the

1 East line of Township 20 South Range 33 East
2 and along the East line of Township 21 South
3 Range 33 East to the Southeast corner of
4 Section 36, Township 21 South Range 33 East;
5 run thence West along a South line of Township
6 21 South Range 33 East to the intersection of
7 said Township line with the St. Johns River;
8 thence run down the St. Johns River in a
9 generally Northwesterly direction to Lake
10 George and with the East Shore line of said
11 Lake George to the place of beginning.

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13 All of the above described property lying and
14 being in the County of Volusia, State of
15 Florida.

16 Section 2. PURPOSE OF THE AUTHORITY.--As a local
17 governmental entity, the purpose of the West Volusia Hospital
18 Authority is to ensure continued medical, hospital, emergency,
19 and psychiatric services for indigent persons residing within
20 the boundaries of the West Volusia Hospital Authority.

21 Section 3. MEMBERSHIP AND ORGANIZATION OF THE
22 GOVERNING BOARD OF THE WEST VOLUSIA HOSPITAL AUTHORITY.--

23 (1) General.--

24 (a) The West Volusia Hospital Authority shall be
25 governed by a board composed of five persons, four to be
26 elected by the electors residing within each of district 1,
27 district 3, district 4, and district 5 of the Volusia County
28 Council Districts and one to be elected from the county at
29 large. The members serving on the board on the effective date
30 of this act shall continue in their capacity until November
31 2002. New members shall be elected during the general election

1 held in November 2002. The term of office of each board member
2 shall be 4 years and shall not exceed two terms for a maximum
3 of 8 years and shall expire on the date of the general
4 election held 4 years after the date on which that board
5 member was elected. All elections for the office of member of
6 the governing board shall be conducted during general
7 elections.

8 (b) The board members shall serve without pay. Each
9 member shall give bond to the Board of County Commissioners of
10 Volusia County and its successors in office for the use and
11 benefit of the West Volusia Hospital Authority for the
12 faithful performance of his or her duties in the sum of \$1,000
13 with a surety company qualified to do business in the state as
14 surety, which bond shall be approved and accepted by the Clerk
15 of the Circuit Court of Volusia County. The premiums on said
16 bond shall be paid by the authority as part of the expenses of
17 said authority.

18 (c) Three of the membership of the board shall
19 constitute a quorum and a vote of at least three of the board
20 members shall be necessary for the transaction of any business
21 of the authority. The board shall have the power to select
22 from among the membership thereof a chair, vice chair,
23 secretary, and treasurer. The board shall cause true and
24 accurate minutes and records to be kept of all business
25 transacted by them and shall keep full, true, and complete
26 books of account and minutes, which minutes and books shall be
27 open and subject to the inspection of the inhabitants of said
28 authority at all reasonable times during normal business
29 hours. Any person desiring to do so may obtain a copy of said
30 minutes and books of account or such portions thereof as he or
31 she may desire upon payment of the costs of reproduction.

- 1 (2) Election of the governing board.--
2 (a) Registration of electors.--Any person who is a
3 resident of the area within the boundaries of the West Volusia
4 Hospital Authority, at least 18 years of age, and registered
5 with the Supervisor of Elections for Volusia County shall be
6 eligible to vote for the election of members of the board of
7 governors of the authority.
8 (b) Qualification of candidate.--All board members
9 must be duly qualified electors who reside within the
10 boundaries of the West Volusia Hospital Authority.
11 (c) Vacancies.--Voting for vacant board seats shall be
12 through appointment by the then existing governing board, who
13 shall serve until the expiration of the term for which they
14 are appointed.
15 (3) Annual meeting.--The annual meeting shall be held
16 during the month of January of each year at such time and
17 place within the West Volusia Hospital Authority as shall be
18 determined by the governing board. Notice of the date, time,
19 and place of the annual meeting shall be published in a daily
20 newspaper of general circulation, in a section other than the
21 legal ad or classified ad sections, within the boundaries of
22 the West Volusia Hospital Authority once per week for 2
23 consecutive weeks. The date of the first publication of such
24 notice being at least 15 days and not more than 30 days prior
25 to the annual meeting. The agenda at the annual meeting of
26 the governing board shall include, but shall not be limited
27 to:
28 (a) Call to order.
29 (b) Presentation and approval of minutes of the last
30 annual meeting and of any special meeting held since that
31 meeting.

1 (c) Financial report.
2 (d) Presentation of the annual report of the governing
3 board.
4 (e) Transaction of any business that may properly be
5 brought before the governing board.
6 (f) Election of officers of the governing board.
7 (4) Special meetings.--Special meetings of the
8 governing board may be called at any time by the chair or upon
9 the written request of three members of the board. Notices of
10 special meetings of the board shall be by publication in a
11 newspaper of general daily circulation within the boundaries
12 of the West Volusia Hospital Authority at least 7 days prior
13 to the time of such meeting, stating the date and place and
14 general nature of the business to be considered.
15 (5) Removal of members of governing board.--Any member
16 of the governing board hereinafter appointed or elected may be
17 removed by the Governor at any time, for cause, in which event
18 such vacancy or vacancies thereby occurring shall be filled
19 through appointment by the then remaining members of the board
20 for the unexpired term.
21 Section 4. POWERS, FUNCTIONS, AND DUTIES.--
22 (1) Eminent domain.--The West Volusia Hospital
23 Authority, through its governing board, shall have the power
24 of eminent domain.
25 (2) General powers.--The governing board of the West
26 Volusia Hospital Authority shall have all the powers of a body
27 corporate, including the power to sue and be sued under the
28 name of the West Volusia Hospital Authority; to contract and
29 be contracted with; and to adopt and use a common seal.
30 (3) Ad valorem taxation.--The governing board of the
31 West Volusia Hospital Authority is hereby authorized,

1 empowered and shall levy an ad valorem tax within the
2 boundaries of said authority of 1 mill on the dollar of the
3 value of all nonexempt real and personal property within that
4 area of Volusia County which comprises the West Volusia
5 Hospital Authority. Said tax shall be paid into the authority
6 fund.

7 (4) Collection of taxes.--It shall be the duty of the
8 Property Appraiser of Volusia County to assess, and the Tax
9 Collector of Volusia County to collect, the 1 mill tax levied
10 by the governing board of the West Volusia Hospital Authority
11 upon the taxable real and tangible personal property in said
12 authority. The tax collector shall collect such tax so levied
13 by said governing board in the same manner as other taxes are
14 collected and shall pay the same over to the governing board
15 of the West Volusia Hospital Authority within the time and in
16 the manner prescribed by law for the payment of the Tax
17 Collector of Volusia County taxes to the county depository.
18 It shall be the duty of the Department of Revenue of the State
19 of Florida to assess and levy on all the railroad lines and
20 telegraph lines properly situated or located within the
21 boundaries of said authority, including as well all telephone
22 lines and cable television lines if legally permissible. The
23 amount of each county or state tax and the said taxes for the
24 said authority shall be assessed by the said officer
25 respectively as are county taxes upon such property and such
26 tax shall be remitted by the collecting officer to the
27 governing board of the West Volusia Hospital Authority. All
28 such taxes shall be held by the governing board of the West
29 Volusia Hospital Authority and paid out by them for
30 reimbursement on an accountability basis to medical providers
31 for medical, hospital, emergency, and psychiatric care

1 provided to indigent persons residing within the boundaries of
2 the West Volusia Hospital Authority and for purposes of this
3 act.

4 (5) Expenses.--The governing board of the West Volusia
5 Hospital Authority is authorized to pay from the funds of the
6 authority all expenses of the organization of said governing
7 board and all expenses necessarily incurred with the
8 development of said authority as well as all other reasonable
9 and necessary expenses, including the fees and expenses of a
10 certified public accountant as needed in the transaction of
11 the business of the district in carrying out and accomplishing
12 the purpose of this act and one part-time attorney to assist
13 the board with legal questions. The board shall include in its
14 annual budget a reserve in an amount deemed necessary by the
15 board for its yearly expenses. Such reserve shall include
16 amounts necessary to pay outstanding workers' compensation
17 claims against the board and the board shall continuously
18 attempt to settle each of such claims filed against the board.
19 All property owned by the authority or the governing board as
20 head of the authority shall be sold and the moneys from such
21 sale disbursed as provided in this act.

22 (6) Alternative revenue raising capabilities.--The
23 governing board shall have full power and authority to accept
24 all grants, benefits, devices, donations, contributions,
25 gifts, requests, and offerings made to and for the use of said
26 authority for the purpose of carrying out the purposes of this
27 act. The governing board shall limit its expenses to the
28 minimum necessary to operate pursuant to this act and shall
29 disburse any remaining revenues at the end of each budget year
30 to the hospitals within the district for health care for
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1 indigent persons residing within the boundaries of the West
2 Volusia Hospital Authority.

3 (7) Financial disclosure, noticing and reporting
4 requirements.--At least once in every year, the governing
5 board of the West Volusia Hospital Authority shall make and
6 file with the Clerk of Circuit Court of Volusia County, a
7 complete financial statement of all money received and
8 distributed by the board since the development of the
9 authority as to the first statement so filed, and since the
10 last statement so filed as to any other year. Such statements
11 shall also show the several sources from which said funds were
12 received and shall show the balance on hand at the time of the
13 making of such statement. It shall show a complete statement
14 of the financial condition of the authority. Notice of it
15 shall be filed with the Clerk of the Circuit Court of Volusia
16 County and shall be published in a newspaper regularly
17 published within the boundaries of the authority in Volusia
18 County and shall be made available at all reasonable times to
19 all residents within the boundaries of the authority for their
20 inspection. The governing board of the West Volusia Hospital
21 Authority shall comply with all financial disclosure,
22 noticing, and reporting requirements provided in general law.

23 (8) Preparation of budget.--The governing board of the
24 West Volusia Hospital Authority shall prepare an annual
25 balanced budget prepared in accordance with generally accepted
26 accounting practices and in the manner prescribed by section
27 218.34, Florida Statutes.

28 (9) Liens and foreclosures.--Liens and foreclosures of
29 liens resulting from failure to pay ad valorem taxation shall
30 be treated as other ad valorem taxes.

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1 Section 5. ESTABLISHMENT AND DISSOLUTION OF THE
2 AUTHORITY.--The West Volusia Hospital Authority is
3 reestablished by this act. Said authority may be dissolved by
4 action of the Legislature.

5 Section 6. AMENDMENTS TO THE CHARTER.--This act shall
6 not be amended except by action of the Legislature.

7 Section 7. CONSTRUCTION OF ACT.--It is intended that
8 the provisions of this act shall be liberally construed for
9 accomplishing the purposes authorized and provided for by this
10 act.

11 Section 8. COMPREHENSIVE PLANNING.--Except as may
12 otherwise be required by general law, comprehensive planning
13 is not required by this act.

14 Section 9. Chapters 57-2085, 59-1949, 61-2974,
15 65-2344, 67-2152, 69-1696, 69-1698, 71-951, 71-955, 82-383,
16 88-473, and 96-445, Laws of Florida, relating to the West
17 Volusia Hospital Authority, are repealed.

18 Section 10. This act shall take effect upon becoming a
19 law.

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