

By Senator Burt

16-1066B-02

See HB 969

1                                   A bill to be entitled  
2           An act relating to the West Volusia Hospital  
3           Authority, an independent special tax district  
4           of the State of Florida in Volusia County,  
5           Florida; codifying the authority's charter;  
6           providing legislative intent; providing minimum  
7           charter requirements in accordance with s.  
8           189.404(3), Florida Statutes; eliminating full  
9           faith and credit, ad valorem tax bonding  
10          capacity; revising indigence provisions;  
11          clarifying purpose and powers; harmonizing with  
12          general law; reducing maximum allowable millage  
13          rate; repealing all prior special acts related  
14          to the West Volusia Hospital Authority;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Pursuant to section 189.429, Florida  
20 Statutes, this act constitutes the codification of all special  
21 acts relating to the West Volusia Hospital Authority, an  
22 independent special tax district. It is the intent of the  
23 Legislature in enacting this law to provide a single,  
24 comprehensive special act charter for the authority including  
25 all current legislative authority granted to the District by  
26 its several legislative enactments and any additional  
27 authority granted by this act. It is further the intent of  
28 this act to preserve all District authority in addition to any  
29 authority contained in general law.

30           Section 2. Chapters 57-1929, 59-1949, 61-2974,  
31 65-2344, 67-2152, 69-1698, 69-1696, 71-951, 71-955, 82-383,

1 88-473, and 96-445, Laws of Florida, are codified, reenacted,  
2 and amended as provided in this act.

3 Section 3. The West Volusia Hospital Authority is  
4 re-created and the charter for such authority is re-created  
5 and reenacted to read:

6 Section 1. That an independent special tax district is  
7 hereby created and incorporated, to be known as "West Volusia  
8 Hospital Authority," in Volusia County, Florida, for the  
9 purpose of providing, either directly or through third-party  
10 providers, physical and mental medical care, primarily for  
11 indigent residents of the District, to be provided or  
12 prescribed by a licensed medical provider, or administered in  
13 a licensed hospital or medical clinic (the "purpose"), this  
14 purpose is hereby found and declared to be a public purpose  
15 and necessary for the general welfare of the residents of the  
16 District, which District shall embrace and include the  
17 following described property in Volusia County, Florida,  
18 to-wit:

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

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

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

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

17                 Section 2. That the governing body of the West Volusia  
18          Hospital Authority shall consist of five Commissioners who  
19          shall be qualified residents of the District. The present  
20          Board of Commissioners shall serve until the general election  
21          in the year A.D. 1962. At the general election to be held in  
22          the year A.D. 1962, there shall be elected five Commissioners,  
23          three of whom shall be elected for a term of 2 years, and  
24          which Commissioners shall be identified as Group A; and two of  
25          whom shall be elected for a term of 4 years, and which  
26          Commissioners shall be identified as Group B. Candidates  
27          shall identify themselves to either Group A or Group B.  
28          Thereafter in subsequent elections, either Commissioner shall  
29          be elected for a term of 4 years. Each Commissioner shall give  
30          bond to the Governor of the State of Florida for the faithful  
31          performance of his or her duties, in the sum of \$5,000, with a

1 surety company qualified to do business in the State of  
2 Florida as surety, which bond shall be approved and kept by  
3 the Clerk of the Circuit Court of Volusia County, Florida.  
4 The premiums on these bonds shall be paid as part of the  
5 expenses of the District.

6 Section 2.1 That Commissioners in Group A and Group B  
7 shall qualify for and be elected to the Office of Commissioner  
8 on a nonpartisan basis by qualifying in groups as provided by  
9 section 101.254, Florida Statutes, as candidates in a primary  
10 election to be held at the time of the first state primary  
11 election, prior to the general election, and in the general  
12 election in the same manner as provided by Florida law for the  
13 election of nonpartisan county officers in the County of  
14 Volusia, Florida.

15 Section 2.2 If a vacancy or vacancies occur in the  
16 Office of the Commissioner on the Board of Commissioners by  
17 reason of the death, resignation, absence, or mental or  
18 physical disability or incompetency of a member or members of  
19 the Board for a period of 6 months or more, the Board shall by  
20 majority action of the remaining members appoint a  
21 Commissioner or Commissioners to fill any vacancy or vacancies  
22 in office from among the qualified persons residing in the  
23 District to serve until the expiration of the term of each  
24 such vacancy in office, or until the election and  
25 qualification of a successor or successors following the next  
26 general election. If the remaining Board members are unable to  
27 appoint a Commissioner or Commissioners to fill any vacancy or  
28 vacancies in office from among the qualified persons residing  
29 in the District after 45 days from the vacancy's occurrence,  
30 the vacancy or vacancies shall be filled by the Governor  
31 pursuant to section 114.04, Florida Statutes, as it may be

1 amended from time to time, such qualified person or persons to  
2 serve until the expiration of the term of each such vacancy in  
3 office, or until the election and qualification of a successor  
4 or successors following the next general election. In the  
5 event that under the law of the State of Florida, a general  
6 election is to be held after the creation of a vacancy in the  
7 Office of Commissioner and before the expiration of the term  
8 of that office, as provided by the sections of this act  
9 assigning such office to Group A or Group B, a person or  
10 persons shall be nominated and elected to fill out the balance  
11 of the term of the vacancy in office and to succeed, in that  
12 office and for that term, the person or persons appointed by  
13 the Hospital Commissioners. Such nomination and election  
14 shall be carried out in the same manner as is provided for in  
15 this act for the nomination and election of Hospital  
16 Commissioners, except that the primary and general election  
17 ballot shall identify the candidate for such vacancy in office  
18 by the group to which such office is assigned by the  
19 provisions of this act. Nothing in this act shall be  
20 construed to prevent a person appointed by the Board of  
21 Commissioners from being a candidate to succeed himself or  
22 herself in the office to which he or she was appointed.

23 Section 2.3 The Board of Commissioners shall take  
24 office and organize at the first meeting in the month of  
25 January of each year by the election from among their number a  
26 chair, a vice-chair, a secretary, a treasurer, and such other  
27 officers as the Board considers necessary to accomplish the  
28 purposes of this act. All such officers shall serve for the  
29 year in which elected and until their successors are elected  
30 and installed.

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1           Section 3. The Board of Commissioners of the West  
2 Volusia Hospital Authority shall have all the powers of a body  
3 corporate, including the power to sue and be sued under the  
4 name of the West Volusia Hospital Authority, to contract and  
5 be contracted with; to adopt and use a common seal, and to  
6 alter the same at pleasure; to acquire, purchase, hold, lease,  
7 and convey such real and personal property as the Board  
8 considers proper or expedient to carry out the purposes of  
9 this act; to appoint and employ a qualified hospital  
10 administrator whose qualifications are approved by the Board  
11 of Commissioners as being in the best interest of the  
12 hospital; to provide for the election of a chief of staff by  
13 the medical staff of the hospital and employ such other agents  
14 and employees as the Board considers advisable; and to borrow  
15 money and to issue notes, bonds, and other evidences of  
16 indebtedness of the District to carry out the provisions of  
17 this act in the manner hereinafter provided.

18           Section 3.1 Realizing that factors other than  
19 professional qualifications must be considered in determining  
20 the qualifications of those who practice medicine, surgery,  
21 and dentistry, the Board of Commissioners of the West Volusia  
22 Hospital Authority are authorized and empowered to establish  
23 rules, regulations, and bylaws for the operation of the  
24 hospital and the medical and dental staffs. The Board of  
25 Commissioners is authorized to give, grant, limit, or revoke  
26 membership on the medical or dental staff or the privileges of  
27 medical or dental staff members for practicing in or about the  
28 hospital under this act, so that the welfare and health of  
29 patients and the best interests of the hospital may at all  
30 times be best served. Therefore, privileges of medical or  
31 dental staff membership and appointment to the medical or

1 dental staff may be authorized, granted, limited, or revoked  
2 by the Board of Commissioners and shall be made for a period  
3 of 1 year or to the end of the fiscal year of the hospital or  
4 to the end of such probationary period as the Board shall  
5 determine. It shall be the duty of the medical and dental  
6 staffs of the hospital to organize in the manner prescribed by  
7 the Board of Commissioners of the District. The Board of  
8 Commissioners of the District is further authorized and  
9 empowered to establish rules and regulations for the control  
10 of all professional and nonprofessional employees of the  
11 hospital, including nurses on general duty or on private duty  
12 attending patients, and all parties in the hospital, either as  
13 employees or in any manner in attendance of patients.

14 Section 4. Three of the Commissioners shall constitute  
15 a quorum, and a vote of at least two Commissioners shall be  
16 necessary to the transaction of any business of the District.  
17 The Commissioners shall cause true and accurate minutes and  
18 records to be kept of all business transacted by them, and  
19 shall keep full, true, and complete books of account and  
20 minutes, which minutes, records, and books of account shall at  
21 all reasonable times be open and subject to public inspection  
22 of residents; and any person desiring to do so may make or  
23 procure copy of the minutes, records, or books of account, or  
24 such portions thereof as he or she may desire.

25 Section 5. The Board of Commissioners is authorized  
26 and empowered to establish, construct, operate, and maintain  
27 such hospital and hospitals as in their opinion are necessary  
28 for the use of the residents of the District. The hospital or  
29 hospitals shall be established, constructed, operated, and  
30 maintained by the Board of Commissioners for the preservation  
31 of the public health, and for the public good and for the use



1 of the public within the District; and maintenance of such  
2 hospital or hospitals within the District is found and  
3 declared to be a public purpose and necessary for the  
4 preservation of the public health and for the public use and  
5 for the welfare of the District and its inhabitants. The  
6 location of the hospital or hospitals shall be determined by  
7 the Board.

8 Section 5.1 As used in this act, the term "hospital"  
9 or "hospitals" means one or more health care institutions,  
10 including hospitals, extended care institutions, and  
11 outpatient care institutions, whether or not located in a  
12 single building, which shall have some or all of the  
13 following: an organized medical staff with permanent  
14 facilities that include inpatient beds and with medical  
15 services including physicians's services and continuing  
16 nursing services to provide diagnosis and treatment for  
17 patients who have a variety of medical conditions, including  
18 both those who require inpatient care and those who are  
19 primarily ambulatory, whether or not such patients require  
20 continuous hospital services, including the furnishing and  
21 staffing with professional and nonprofessional personnel of  
22 both outpatient and inpatient emergency departments.

23 Section 5.2 As used in this act, the term "operate and  
24 maintain" means to administer, supervise, control, and manage  
25 the hospital or hospitals referred to by this act and to  
26 obtain, construct, employ, furnish, and replenish the  
27 equipment, and facilities, including buildings, and  
28 professional and nonprofessional personnel, including licensed  
29 physicians, required to provide the services, treatment, and  
30 facilities related to such hospital and hospitals as defined  
31 in this act.

1           Section 5.3 In order to carry out the purpose of this  
2 act, and notwithstanding other provisions of this act and in  
3 extension and not in limitation of the provisions contained in  
4 any other section of this act:

5           A. Powers.--

6           (1) The Board of Commissioners may acquire, construct,  
7 reconstruct, extend, make additions to, enlarge, improve,  
8 repair, remodel, restore, equip, and furnish hospital and  
9 other health care facilities now or hereafter located in the  
10 District and which are or may be owned by or under the  
11 supervision, operation, and control of the District. For the  
12 purposes of this section the term "hospital" or "health care  
13 facilities" means any real property or interest therein,  
14 building, structure, facility, machinery, equipment,  
15 furnishings, or other property suitable for use by the  
16 District in connection with its operations or proposed  
17 operations, including, without limitation, real property  
18 therefor, a clinic, computer facility, food service and  
19 preparation facility, health care facility, long-term-care  
20 facility, hospital, interns' residence, nursing home, nursing  
21 school, office, professional office building, parking  
22 structure and area, pharmacy, recreational facility, research  
23 facility, storage facility, utility, or x-ray facility, or any  
24 combination of the foregoing, and other structures or  
25 facilities related thereto or required or useful for health  
26 care purposes, the conducting of research, or the operation of  
27 a hospital or other health care facility, including facilities  
28 or structures essential or convenient for the orderly conduct  
29 of such hospital or other health care facility and other  
30 similar items necessary or convenient for the operation of a

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1 particular facility or structure in the manner for which its  
2 use is intended.

3 (2) The Board of Commissioners shall provide for the  
4 health or mental health care of indigents and provide such  
5 other health or mental health related services for indigents  
6 in such manner as the board selects, including the purchase of  
7 institutional services from any private or publicly owned  
8 medical facility, as the Board determines are needed for the  
9 general welfare of the residents of the District.

10 (3) The Board of Commissioners may collect information  
11 and statistical data that will be helpful to the Board and the  
12 county in deciding the health or mental health care needs in  
13 the county.

14 (4) The Board of Commissioners may assume funding for  
15 the county's share of state or federal indigent health or  
16 mental health care programs for District residents which  
17 require financial participation by the county.

18 B. Revenue bonds.--

19 (1) The Board of Commissioners may issue negotiable  
20 revenue bonds of the District for the purpose of paying or  
21 refinancing all or any part of the cost of any hospital or  
22 other health care facility. In anticipation of the sale of  
23 such revenue bonds, the District may issue negotiable bond  
24 anticipation notes and may renew the same from time to time,  
25 but the maximum maturity of any such note, including renewals  
26 thereof, shall not exceed 5 years from the date of issue of  
27 the original note. Such notes shall be paid from any revenues  
28 or other funds of the District legally available therefor and  
29 not otherwise pledged or from the proceeds of sale of the  
30 revenue bonds of the District in anticipation of which they  
31 were issued. The notes shall be issued in the same manner as

1 the revenue bonds. Such notes and the resolution authorizing  
2 them may contain any provisions, conditions, or limitations  
3 which a bond resolution of the Board of Commissioners may  
4 contain.

5 (2) The revenue bonds and notes of every issue shall  
6 be payable solely out of revenues derived by the District from  
7 hospital and other health care facilities within the District  
8 which are owned by or under the supervision, operation, and  
9 control of the District, together with any other funds of the  
10 District legally available for the purpose. Notwithstanding  
11 that revenue bonds and notes may be payable from a special  
12 fund, they shall be for all purposes negotiable instruments,  
13 subject only to any provisions of the revenue bonds and notes  
14 for registration.

15 (3) The revenue bonds may be issued as serial bonds,  
16 as term bonds, or otherwise, or the Board of Commissioners may  
17 issue bonds of all types. The revenue bonds shall be  
18 authorized by resolution of the Board of Commissioners and  
19 shall bear such date; mature at such time not exceeding 50  
20 years from their respective dates; bear interest at such rates  
21 including variable rates, but not exceeding the maximum rate  
22 permitted by law at the time of issuance; be payable at such  
23 time; be in such denominations; be in such form, either coupon  
24 or registered or both; carry such registration privileges and  
25 conversation or exchange privileges; be executed in such  
26 manner; be payable in lawful money of the Unites States at  
27 such place; and be subject to such terms of redemption,  
28 including redemption prior to maturity, as such resolution  
29 provides. The Board of Commissioners shall determine the form  
30 and manner of execution of the bonds, including any interest  
31 coupons to be attached thereto, and shall fix the denomination

1 of the bonds and the place of payment of principal and  
2 interest, which may be at any bank or trust company within or  
3 without the state. In case any officer whose signature, or a  
4 facsimile of whose signature, appears on any bonds or coupons  
5 ceases to be such officer before the delivery of such bonds,  
6 such signature or facsimile shall nevertheless be valid and  
7 sufficient for all purposes the same as if he or she had  
8 remained in office until such delivery. The Board of  
9 Commissioners may also provide for the authentication of the  
10 bonds by a trustee or fiscal agent. The revenue bonds or  
11 notes may be sold in such manner, either at public or private  
12 sale, and for such price as the Board of Commissioners  
13 determines. Pending preparation of the definitive bonds, the  
14 Board of Commissioners may issue interim receipts or  
15 certificates which may be exchanged for such definitive bonds.

16 (4) The Board of Commissioners may require that any  
17 issue of revenue bonds be secured by a trust agreement by and  
18 between the District and a corporate trustee, which may be any  
19 trust company or bank having the powers of a trust company  
20 within or without the state. Such trust agreement or  
21 resolution may pledge or assign all or any part of the  
22 revenues and other funds of the District legally available for  
23 the payment of such revenue bonds. The resolution may contain  
24 such provisions of protecting and enforcing the rights and  
25 remedies of the bondholders as are reasonable and proper and  
26 not in violation of law, including covenants setting forth the  
27 duties of the District in relation to the acquisition,  
28 construction, improvement, maintenance, operation, repair,  
29 equipping, and insurance of the facilities, the fees and other  
30 charges to be fixed and collected for the use of any facility  
31 or part thereof, the sale of any facility or part thereof or

1 other property, the terms and conditions for the issuance of  
2 additional bonds, and the custody, safeguarding, and  
3 application of all moneys. Any bank or trust company  
4 incorporated under the laws of the state which may act as such  
5 depository may furnish such indemnity bonds or may pledge such  
6 securities as are required by the Board of Commissioners.  
7 Such resolution or trust agreement may set forth the rights  
8 and remedies of the bondholders and the trustee and may  
9 restrict the individual right of action by the bondholders.  
10 In addition, such resolution or trust agreement may contain  
11 such other provisions as the Board of Commissioners considers  
12 reasonable and proper for the security of the bondholders.  
13 All expenses incurred in carrying out such trust agreement or  
14 resolution may be treated as a part of the cost of the  
15 facility in connection with which such bonds are issued or as  
16 part of the expense of operation of such facility. The  
17 resolution or trust agreement providing for the issuance of  
18 the revenue bond may also contain such limitations upon the  
19 issuance of additional revenue bonds as the Board of  
20 Commissioners considers proper, and such additional bonds  
21 shall be issued under such restrictions or limitations as are  
22 prescribed by such resolution or trust agreement.

23 (5) Revenue bonds issued under this section shall not  
24 constitute a debt, liability, or obligation of the District,  
25 or of Volusia County, or of the state or any political  
26 subdivision thereof, or a pledge of the faith and credit or of  
27 the taxing power of the District, or of Volusia County, or of  
28 the state or any political subdivision thereof, but shall be  
29 payable solely from the revenue and funds provided therefor.  
30 All such revenue bonds shall contain on the face thereof a  
31 statement to the effect that the District shall not be

1 obligated to pay the same or the interest thereon except from  
2 the revenues and other funds of the District provided for such  
3 payment, and that neither the faith and credit nor the taxing  
4 power of the District, nor of Volusia County, nor of the state  
5 nor any political subdivision thereof, is pledged to the  
6 payment of the principal or of the interest on such bonds.  
7 The issuance of revenue bonds under this section shall not  
8 directly, indirectly, or contingently obligate the District,  
9 Volusia County, or the state or any political subdivision  
10 thereof to levy or to pledge any form of taxation whatever or  
11 to make any appropriation for their payment.

12 (6) All bonds issued under this section shall possess  
13 the qualities and incidents, including negotiability, of  
14 investment securities under the Uniform Commercial Code, but  
15 no provision of such code respecting the filing of a financing  
16 statement to perfect a security interest shall be necessary  
17 for, or applicable to, any security interest created in  
18 connection with the issuance of any such bonds.

19 (7) The exercise of the powers granted by this section  
20 shall be in all respects for the benefit of the people of this  
21 state, for the increase of their commerce, welfare, and  
22 prosperity, and for the improvement of their health and living  
23 conditions, and because the operation and maintenance of  
24 hospital and other health care facilities by the District will  
25 constitute the performance of an essential public and  
26 governmental purpose, any bonds issued under the provisions of  
27 this section, together with interest, their transfer, and the  
28 income therefrom, including any profit made on the sale  
29 thereof, shall at all times be free from taxation of every  
30 kind by the state, Volusia County, and municipalities and  
31 other political subdivisions in the state, except for those

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

3 (8) The Board of Commissioners may provide for the  
4 issuance of revenue bonds of the District for the purpose of  
5 refunding any of its revenue bonds then outstanding, including  
6 the payment of any redemption premium thereon and any interest  
7 accrued or to accrue to the earliest or subsequent date of  
8 redemption, purchase, or maturity of such revenue bonds. The  
9 proceeds of any such revenue bonds issued for such purpose  
10 may, in the discretion of the Board of Commissioners, be  
11 applied to the purchase or retirement at maturity or  
12 redemption of such outstanding revenue bonds either on their  
13 earliest or any subsequent redemption date, or upon the  
14 purchase, or at the maturity thereof, and may, pending such  
15 application, be placed in escrow to be applied to such  
16 purchase or retirement at maturity or redemption on such date  
17 as is determined by the Board of Commissioners, and, pending  
18 such application to purchase, retire or redeem, may be  
19 invested and reinvested in securities selected by or in such  
20 manner as the Board of Commissioners provides.

21 (9) Bonds issued by the Board of Commissioners under  
22 this section constitute securities in which all public  
23 officers and public bodies of the state and its political  
24 subdivisions and all banks, trust companies, bankers, banking  
25 associations, savings banks and institutions, building and  
26 loan associations, savings and loan associations, investment  
27 companies, and other persons carrying on a banking or  
28 investment business; all insurance companies, insurance  
29 associations, and other persons carrying on an insurance  
30 business; and all executors, administrators, curators,  
31 trustees, and other fiduciaries may properly and legally



1 invest funds, including capital in their control or belonging  
2 to them. Such bonds constitute securities that may properly  
3 and legally be deposited with and received by any state or  
4 municipal officer or any agency or political subdivision of  
5 the state for any purpose for which the deposit of bonds or  
6 obligations of the state is now or may hereinafter be  
7 authorized by law.

8 (10) No election in the District is required as a  
9 condition precedent to the exercise by the Board of  
10 Commissioners of any of the powers conferred by this section,  
11 unless such election is required by the State Constitution.

12 (11) Revenue bonds may be issued under this section  
13 without obtaining, except as otherwise expressly provided in  
14 this section, the consent of any department, division,  
15 commission, board, body, bureau, or agency of the state or any  
16 political subdivision thereof, and without any other  
17 proceedings or the happening of any conditions or things other  
18 than those proceedings, conditions, or things which are  
19 specifically required by this section and the provisions of  
20 the resolution authorizing the issuance of such bonds or the  
21 trust agreement securing the same.

22 (12) This section provides an additional and  
23 alternative method for the doing of the things authorized  
24 hereby and shall be regarded as supplemental and additional to  
25 powers conferred by other laws.

26 Section 5.4 For purposes of the operation and  
27 maintenance of the health care facilities as defined by this  
28 act, including, but not limited to, the purposes of section  
29 5.1, and with respect to all hospitals and facilities owned  
30 and operated by the authority, the term "operate and  
31 maintain," as defined in section 5.2, includes:

1           A. Advising the public of services and accommodations  
2 available.--The West Volusia Hospital Authority may advise the  
3 public and medical community of the medical, hospital, or  
4 other services and accommodations available at the facilities  
5 owned or operated by the West Volusia Hospital Authority, as  
6 defined by this act, by paying for the use of the media,  
7 including, but not limited to, newspapers, radio, television,  
8 video tape, audio tape, direct mail, handbills, leaflets,  
9 billboards, advertising signs, advertisements and  
10 announcements in magazines, brochures, trade publications,  
11 programs of public events, and by other means and mechanisms  
12 similar to the uses and the media enumerated, reaching the  
13 same or similar audiences as those reached by the media  
14 enumerated.

15           B. Awards.--The West Volusia Hospital Authority is  
16 authorized to create such award programs as the authority  
17 shall deem desirable for the purpose of rewarding the employee  
18 and staff of the facilities and hospitals owned or operated by  
19 the authority for their services to such facilities or  
20 hospitals. Such awards may include, but not be limited to,  
21 certificates of recognition, pins, emblems, and insignia, as  
22 well as the grant of special compensation or privileges.

23           C. Complimentary foods.--The West Volusia Hospital  
24 Authority may make available to patients, visitors, staff, and  
25 employees services and products, including, but not limited  
26 to, foods, coffee, and other beverages as the authority  
27 considers advisable and may promote good will, the use of  
28 hospital services by the public, the cooperation of the  
29 employees and staff in furnishing services to and for the  
30 benefit of the hospital or other facilities enumerated in this  
31 act or to the public, which shall include, but not be limited

1 to, the furnishing of beverage and food products to meetings,  
2 patients, and the relatives of patients, pursuant to a program  
3 approved by the authority, either for the specific instance or  
4 according to a policy adopted by the authority which permits  
5 the exercise of discretion by the hospital administrator or  
6 persons designated by such administrator.

7 D. Educational programs and seminars.--The authority  
8 is authorized to advance the costs of employees and staff  
9 members of the hospitals and medical facilities owned and  
10 operated by the authority attending educational programs and  
11 seminars, according to policy established by the authority,  
12 which may include the costs of the seminars, per diem, and  
13 traveling costs.

14 E. Physical inventories.--The authority may require  
15 that physical inventories be performed periodically instead of  
16 annually, at such times and in such manner as are determined  
17 by the authority, but in accordance with generally accepted  
18 accounting principles.

19 Section 6. The Board shall have the power of eminent  
20 domain, and may thereby condemn and acquire any real or  
21 personal property that the Board considers necessary for the  
22 use of the District, whether within or without the District.  
23 Such power of condemnation shall be exercised in the same  
24 manner as is provided by the general law for the exercise of  
25 the power of eminent domain by municipalities of the State of  
26 Florida.

27 Section 7. The Board of Commissioners is authorized  
28 and empowered to borrow money from time to time in order to  
29 provide for and carry out the purposes of this act. The  
30 District may issue the notes of the District, determine the  
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1 aggregate amount of principal therefor, and set terms and  
2 rates of interest.

3 Section 8. The funds of the District shall be paid out  
4 only upon warranty signed by two members of the Board of  
5 Commissioners or by the hospital administrator and one member  
6 of the Board of Commissioners and having thereto affixed the  
7 corporate seal of the District, which may be a facsimile or  
8 printed, and no warranty shall be drawn or issued against  
9 funds of the District except for the purpose authorized by  
10 this act, and no such warrant against funds of the District  
11 shall be drawn or issued until after the account or  
12 expenditure for which the same is to be given in payment has  
13 been ordered and approved by the Board of Commissioners, and  
14 further provided that no funds of the District shall be paid  
15 to a member of the Board of Commissioners as compensation for  
16 his or her services in that office except for the necessary  
17 expense of travel in the performance of the duties of his or  
18 her office, including attendance at meetings or conventions  
19 relating to the duties of his or her office, when such travel  
20 is authorized by a standing or special resolution adopted by  
21 the Board of Commissioners.

22 Section 9. The Board of Commissioners shall annually  
23 assess and levy against the taxable property within the  
24 District a tax to be collected and paid into the District fund  
25 and used by the Board of Commissioners for the purpose of this  
26 act, including the operation, maintenance, repair, and  
27 construction of a hospital or hospitals established as  
28 authorized by this act, or for the payment of any outstanding  
29 indebtedness authorized by section 7, or for the payment of  
30 other necessary expenses in carrying on and transacting the  
31 business of the District. However, the rate of taxation per

1 annum under the taxing authority granted to the Board of  
2 Commissioners of the West Volusia Hospital Authority by this  
3 section for the purpose of this act, including the operating,  
4 maintaining, repairing, and constructing of any hospital or  
5 hospitals established as authorized by this act or for the  
6 payment of any outstanding indebtedness authorized by section  
7 7, or for the payment of other necessary expenses in carrying  
8 on and transacting the business of the District shall not  
9 exceed 4 mills on the dollar of the valuation of the taxable  
10 property within the District.

11 Section 10. The levy by the Board of the taxes  
12 authorized by any provision of this act shall be by resolution  
13 of the Board duly entered upon the minutes of the Board.  
14 Certified copies of such resolution executed in the name of  
15 the Board by its chair, under its corporate seal, shall be  
16 made and delivered to the County Council of Volusia County,  
17 Florida, and to the Florida Department of Revenue in the same  
18 manner and within the same time period as required of counties  
19 pursuant to general law. The County Council shall order and  
20 require the Director of the Finance Department of the county  
21 to assess and to collect the amount of taxes so assessed or  
22 levied by the Board of Commissioners of the West Volusia  
23 Hospital Authority upon the nonexempt property in the  
24 District, at the rate of taxation as fixed, levied, and  
25 adopted by the Board of Commissioners of the District for that  
26 year and included in the warrant of the Property Appraiser and  
27 attached to the assessment roll of taxes for the county each  
28 year. The Director of the Finance Department of Volusia  
29 County shall collect such tax so levied by the Board in the  
30 same manner as other taxes are collected, and shall remit the  
31 taxes collected to the District within the time and in the

1 manner prescribed by law for the collection and handling of  
2 county taxes to the County Depository. All revenues so  
3 collected shall be held, used, invested, and disbursed by the  
4 District as provided in this act or as otherwise provided by  
5 law.

6 Section 11. The Board is authorized to pay from the  
7 funds of the District all expenses of the organization of the  
8 Board and all expenses necessarily incurred with the formation  
9 of the District and all other reasonable and necessary  
10 expenses, including the fees and expenses of an attorney in  
11 the transaction of the business of the District, and in  
12 carrying out and accomplishing the purposes of this act. This  
13 section, however, shall not be construed to limit or restrict  
14 any of the powers vested in the Board of Commissioners by any  
15 other provision of this act.

16 Section 12. At least once in each year the Board of  
17 Commissioners shall publish once in a newspaper published in  
18 the District a complete detailed statement of all moneys  
19 received and disbursed by them since the creation of the  
20 District as to the first published statement and since the  
21 creation of the District as to the first published statement  
22 and since the last published statement as to any other year.  
23 Such statements shall also allow the several sources from  
24 which funds were received and shall show the balance on hand  
25 at the time of the published statement. It shall show a  
26 complete statement of the condition of the District.

27 Section 13. Each hospital and clinic established under  
28 this act shall be for the use and benefit of the indigent sick  
29 and other residents of the District. Such residents shall be  
30 admitted to such hospital and clinic and be entitled to  
31 medical care without charge, subject to the rules and

1 regulations prescribed by the Board of Commissioners. Such  
2 hospital and clinics shall care for and treat without charge,  
3 or alternatively for a reduced charge according to a sliding  
4 scale, patients who are found by such Board of Commissioners  
5 to be indigent, but such Board may collect from patients  
6 financially able such charges as such Board of Commissioners  
7 establish. Such Board of Commissioners shall have the power  
8 to extend the benefits and privileges of such hospitals and  
9 clinics and treatment and outpatient department to the homes  
10 of the indigent residents of such county. The Board of  
11 Commissioners may extend the privileges and use of such  
12 hospitals and clinics to nonresidents of such District upon  
13 such terms and conditions as the Board provides by its rules  
14 and regulations provided, however, that the indigent residents  
15 of the District wherein such hospital and clinic are located  
16 shall have the first claim to admission.

17 Section 14. This act shall be liberally constructed  
18 for accomplishing the work authorized and provided for in this  
19 act, and where strict construction would result in the defeat  
20 of the accomplishment of any part of the work authorized by  
21 this act, and a liberal construction would permit or assist in  
22 the accomplishment thereof, the liberal construction shall be  
23 chosen.

24 Section 15. Any and all bonds issued under this act  
25 may be validated by the Board of Commissioners for the Volusia  
26 Hospital Authority under and in accordance with the provisions  
27 of the general laws of Florida, in the same manner as is  
28 therein provided for validation of bonds by any county,  
29 municipality, or taxing district of the State of Florida.

30 Section 16. The District and the Board of  
31 Commissioners of the District shall have the power to

1 purchase, construct and erect, lease, equip, operate, and  
2 maintain or manage a hospital or hospitals in the District for  
3 the care of the sick or infirm or those suffering from any  
4 disease or injury to or of the body or mind.

5 Section 17. In accordance with section 189.404(3),  
6 Florida Statutes, the following subsections shall constitute  
7 the minimum charter requirements for the District:

8 (1) The District is organized and exists for the  
9 purpose set forth in this act, as it may be amended from time  
10 to time.

11 (2) The powers, functions, and duties of the District,  
12 including, but not limited to, ad valorem taxation, bond  
13 issuance, other revenue-raising capabilities, budget  
14 preparation and approval, liens and foreclosure of liens, use  
15 of tax deeds and tax certificates as appropriate for non-ad  
16 valorem assessments, and contractual agreements shall be as  
17 set forth in this act, chapters 189 and 197, Florida Statutes,  
18 or any other applicable general or special law, as they may be  
19 amended from time to time.

20 (3) The District was created by special act of the  
21 Florida Legislature by chapter 57-2085, Laws of Florida, as  
22 amended.

23 (4) The District's charter may be amended only by  
24 special act of the Legislature.

25 (5) In accordance with chapter 189, Florida Statutes,  
26 and this act, the District is governed by a five-member Board  
27 of Commissioners as provided for in this act.

28 (6) The compensation of Board of Commissioners shall  
29 be as provided for by this act.

30 (7) The administrative duties of the Board of  
31 Commissioners shall be as set forth in this act and chapter



1 189, Florida Statutes, as they may be amended from time to  
2 time.

3 (8) Requirements for financial disclosure, meeting  
4 notices, reporting, public records maintenance, and per diem  
5 expenses for officers and employees shall be as set forth in  
6 chapters 112, 119, 189, and 286, Florida Statutes, and this  
7 act, as they may be amended from time to time.

8 (9) The procedures and requirements governing the  
9 issuance of bonds, notes, and other evidence of indebtedness  
10 by the District shall be as set forth in this act, and  
11 applicable general laws, as they may be amended from time to  
12 time.

13 (10) The procedures for conducting District elections  
14 and for qualification of electors shall be pursuant to this  
15 act and chapter 189, Florida Statutes, as they may be amended  
16 from time to time.

17 (11) The District may be financed by any method  
18 established in this act, and applicable general laws, as they  
19 may be amended from time to time.

20 (12) The District does not collect non-ad valorem  
21 assessments, fees, or service charges as set forth in chapters  
22 197, Florida Statutes.

23 (13) The District's planning requirements shall be as  
24 set forth in chapter 189, Florida Statutes, and this act, as  
25 they may be amended from time to time.

26 (14) The District's geographic boundary limitations  
27 shall be as set forth in this act.

28 (15) This section shall not be construed to limit or  
29 restrict any of the powers vested in the Board of  
30 Commissioners by any other section or provision of this act.

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1           Section 4. If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 invalidity shall not affect other provisions or applications  
4 of the act which can be given effect without the invalid  
5 provision or application, and to this end the provisions of  
6 this act are severable.

7           Section 5. In the event of a conflict between the  
8 provisions of this act and the provisions of any other act,  
9 the provisions of this act shall control to the extent of such  
10 conflict.

11           Section 6. This act shall be construed as a remedial  
12 act and shall be liberally construed to promote the purpose  
13 for which it is intended.

14           Section 7. Chapters 57-1929, 59-1949, 61-2974,  
15 65-2344, 67-2152, 69-1698, 69-1696, 71-951, 71-955, 82-383,  
16 88-473, and 96-445, Laws of Florida, are repealed.

17           Section 8. This act shall take effect upon becoming a  
18 law.

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