

By Representative Cusack

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 s. 189.429, Florida Statutes,  
 20 this act constitutes the codification of all special acts  
 21 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 57-2085, 59-1949, 61-2974,  
 31 65-2344, 67-2152, 69-1698, 69-1696, 71-951, 71-955, 82-383,

1 88-473, and 96-455, Laws of Florida, are codified, reenacted,  
2 and amended as herein provided.

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 said 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 said 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 said Creek to its  
27 intersection with the East line of Range 28  
28 East; run thence South with said 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 said  
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 said Township 16 South Range 31 East;  
13       run thence South on the range line between  
14       Ranges 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 residing in said 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 said bonds shall be paid as part of the  
5 expenses of said 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 Should a vacancy or vacancies in the  
16 Office of the Commissioner on the Board of Commissioners arise  
17 by 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. Should the remaining Board members be unable  
27 to appoint a Commissioner or Commissioners to fill any vacancy  
28 or vacancies in office from among the qualified persons  
29 residing in the District after 45 days from the vacancy's  
30 occurrence, then the vacancy or vacancies shall be filled by  
31 the Governor pursuant to section 114.04, Florida Statutes, as

1 it may be amended from time to time, such qualified person or  
2 persons to serve until the expiration of the term of each such  
3 vacancy in office, or until the election and qualification of  
4 a successor or successors following the next general election.  
5 In the event that under the law of the State of Florida, a  
6 general election is to be held after the creation of a vacancy  
7 in the Office of Commissioner and before the expiration of the  
8 term 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 herein shall be construed to  
20 prevent a person appointed by the Board of Commissioners from  
21 being a candidate to succeed himself or herself in the office  
22 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 may deem 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.

31

1           Section 3. The Board of Commissioners of said 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 said Board may  
8 deem proper or expedient to carry out the purposes of this  
9 act; to appoint and employ a qualified hospital administrator  
10 whose qualifications are approved by the Board of  
11 Commissioners as being in the best interest of the hospital;  
12 to provide for the election of a chief of staff by the medical  
13 staff of the hospital and employ such other agents and  
14 employees as said Board may deem advisable; and to borrow  
15 money and to issue notes, bonds, and other evidences of  
16 indebtedness of said 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 must enter into the qualifications of those who  
20 practice medicine, surgery, and dentistry, the Board of  
21 Commissioners of the West Volusia Hospital Authority are  
22 hereby authorized and empowered to set up rules, regulations,  
23 and bylaws for the operation of the hospital and the medical  
24 and dental staffs. The Board of Commissioners is authorized  
25 to give, grant, limit, or revoke membership on the medical or  
26 dental staff or the privileges of medical or dental staff  
27 members for practicing in or about the hospital under this  
28 act, so that the welfare and health of patients and the best  
29 interests of the hospital may at all times be best served  
30 privileges of medical or dental staff membership and  
31 appointment to the medical or dental staff may be authorized,

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

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

26 Section 5. Said Board of Commissioners is hereby  
27 authorized and empowered to establish, construct, operate, and  
28 maintain such hospital and hospitals as in their opinion shall  
29 be necessary for the use of the people of said District. Said  
30 hospital or hospitals shall be established, constructed,  
31 operated, and maintained by said Board of Commissioners for



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

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

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

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 and owned by or under the supervision, operation, and control  
9 of the District, together with any other funds of the District  
10 legally available for the purpose. Notwithstanding that  
11 revenue bonds and notes may be payable from a special fund,  
12 they shall be for all purposes negotiable instruments, subject  
13 only to any provisions of the revenue bonds and notes for  
14 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 may  
29 provide. 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 may be reasonable and proper  
26 and not in violation of law, including covenants setting forth  
27 the 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 may be 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 may deem  
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 may deem proper, and such additional bonds shall  
21 be issued under such restrictions or limitations as may be  
22 prescribed by such resolution or trust agreement.

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

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

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

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

1 kind by the state, Volusia County, and municipalities and  
2 other political subdivisions in the state, except for those  
3 taxes imposed by chapter 220, Florida Statutes, on interest,  
4 income, or profits on debt obligations owned by corporations.

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

23 (9) Bonds issued by the Board of Commissioners under  
24 the provisions of this section are hereby made securities in  
25 which all public officers and public bodies of the state and  
26 its political subdivisions and all banks, trust companies,  
27 bankers, banking associations, savings banks and institutions,  
28 building and loan associations, savings and loan associations,  
29 investment companies, and other persons carrying on a banking  
30 or investment business; all insurance companies, insurance  
31 associations, and other persons carrying on an insurance



1 business; and all executors, administrators, curators,  
2 trustees, and other fiduciaries may properly and legally  
3 invest funds, including capital in their control or belonging  
4 to them. Such bonds are hereby made securities which may  
5 properly and legally be deposited with and received by any  
6 state or municipal officer or any agency or political  
7 subdivision of the state for any purpose for which the deposit  
8 of bonds or obligations of the state is now or may hereinafter  
9 be authorized by law.

10 (10) No election in the District shall be required as  
11 a condition precedent to the exercise by the Board of  
12 Commissioners of any of the powers conferred by this section  
13 unless such election shall be required by the Florida  
14 Constitution.

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

25 (12) This section shall be deemed to provide an  
26 additional and alternative method for the doing of the things  
27 authorized hereby and shall be regarded as supplemental and  
28 additional to powers conferred by other laws.

29 Section 5.4 In the course of the operation and  
30 maintenance of the health care facilities as defined by this  
31 act, including, but not limited to, section 5.1 and including

1 all hospitals and facilities owned and operated by the  
2 authority, the term "operate and maintain," as defined in  
3 section 5.2, shall include:

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

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

26 C. Complimentary foods.--The West Volusia Hospital  
27 Authority is authorized to make available to patients,  
28 visitors, staff, and employees services and products,  
29 including, but not limited to, foods, coffee, and other  
30 beverages as the authority shall deem advisable; to promote  
31 good will, the use of hospital services by the public, the

1 cooperation of the employees and staff in furnishing services  
2 to and for the benefit of the hospital or other facilities  
3 enumerated in this act or to the general public, which shall  
4 include, but not be limited to, the furnishing of beverage and  
5 food products to meetings, patients, and the relatives of  
6 patients, pursuant to a program approved by the authority,  
7 either for the specific instance or according to a policy  
8 adopted by the authority which permits the exercise of  
9 discretion by the hospital administrator or persons designated  
10 by such administrator.

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

18 E. Physical inventories.--The authority may require  
19 that physical inventories be performed periodically instead of  
20 annually, at such times and in such manner as shall be  
21 determined by the authority, but in accordance with generally  
22 accepted accounting principles.

23 Section 6. The Board shall have the power of eminent  
24 domain, and may thereby condemn and acquire any real or  
25 personal property which the Board may deem necessary for the  
26 use of said District, whether within or without said District.  
27 Such power of condemnation shall be exercised in the same  
28 manner as is now provided by the general law for the exercise  
29 of the power of eminent domain by cities and towns of the  
30 State of Florida.

31

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

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

26           Section 9. It shall be the duty of the Board of  
27 Commissioners to annually assess and levy against the taxable  
28 property within said District a tax to be collected and paid  
29 into the District fund and used by said Board of Commissioners  
30 for the purpose of this act, including the operation,  
31 maintenance, repair, and construction of a hospital or

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

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

1 Appraiser and attached to the assessment roll of taxes for  
2 said county each year. The Director of the Finance Department  
3 of Volusia County shall collect such tax so levied by said  
4 Board in the same manner as other taxes are collected, and  
5 shall remit the taxes collected to the District within the  
6 time and in the manner prescribed by law for the collection  
7 and handling of county taxes to the County Depository. All  
8 revenues so collected shall be held, used, invested, and  
9 disbursed by the District as provided in this act or as  
10 otherwise provided by law.

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

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

1           Section 13. Each hospital and clinic established under  
2 this act shall be for the use and benefit of the indigent sick  
3 and other residents of the District. Such residents shall be  
4 admitted to such hospital and clinic and be entitled to  
5 medical care without charge, subject to the rules and  
6 regulations prescribed by said Board of Commissioners. Such  
7 hospital and clinics shall care for and treat without charge  
8 or alternatively for a reduced charge according to a sliding  
9 scale patients who are found by such Board of Commissioners to  
10 be indigent, but such Board may collect from patients  
11 financially able such charges as such Board of Commissioners  
12 may from time to time establish. Such Board of Commissioners  
13 shall have the power to extend the benefits and privileges of  
14 such hospitals and clinics and treatment and outpatient  
15 department to the homes of the indigent residents of such  
16 county. Said Board of Commissioners may extend the privileges  
17 and use of such hospitals and clinics to nonresidents of such  
18 District upon such terms and conditions as the said Board may  
19 from time to time by its rules and regulations provide;  
20 provided, however, that the indigent residents of the District  
21 wherein such hospital and clinic are located shall have the  
22 first claim to admission.

23           Section 14. It is intentional that the provisions of  
24 this act shall be liberally constructed for accomplishing the  
25 work authorized and provided for or intended to be and  
26 provided for in this act, and where strict construction would  
27 result in the defeat of the accomplishment of any party of the  
28 work authorized by this act, and a liberal construction would  
29 permit or assist in the accomplishment thereof, the liberal  
30 construction shall be chosen.

31

1           Section 15. Any and all bonds issued under the  
2 provisions of this act may be validated by the Board of  
3 Commissioners for said West Volusia Hospital Authority under  
4 and in accordance with the provisions of the general laws of  
5 Florida, in the same manner as is therein provided for  
6 validation of bonds, etc., by any county, municipality, taxing  
7 district, etc., of the State of Florida.

8           Section 16. The District and the Board of  
9 Commissioners of said District shall have the power to  
10 purchase, construct and erect, lease, equip, operate, and  
11 maintain or manage a hospital or hospitals in said District  
12 for the care of the sick or infirm or those suffering from any  
13 disease or injury to or of the body or mind.

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

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

20           (2) The powers, functions, and duties of the District,  
21 including, but not limited to, ad valorem taxation, bond  
22 issuance, other revenue-raising capabilities, budget  
23 preparation and approval, liens and foreclosure of liens, use  
24 of tax deeds and tax certificates as appropriate for non-ad  
25 valorem assessments, and contractual agreements shall be as  
26 set forth in this act, chapters 189 and 197, Florida Statutes,  
27 or any other applicable general or special law, as they may be  
28 amended from time to time.

29           (3) The District was created by special act of the  
30 Florida Legislature by chapter 57-2085, Laws of Florida, as  
31 amended.



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

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

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

8       (7) The administrative duties of the Board of  
9 Commissioners shall be as set forth in this act and chapter  
10 189, Florida Statutes, as they may be amended from time to  
11 time.

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

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

22       (10) The procedures for conducting District elections  
23 and for qualification of electors shall be pursuant to this  
24 act and chapter 189, Florida Statutes, as they may be amended  
25 from time to time.

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

29       (12) The District does not collect non-ad valorem  
30 assessments, fees, or service charges as set forth in chapters  
31 197, Florida Statutes.

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

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

6       (15) This section shall not be construed to limit or  
7 restrict any of the powers vested in said Board of  
8 Commissioners by any other section or provision of this act.

9       Section 4. If any provision of this act or the  
10 application thereof to any person or circumstance is held  
11 invalid, the invalidity shall not affect other provisions or  
12 applications of the act which can be given effect without the  
13 invalid provision or application, and to this end the  
14 provisions of this act are declared severable.

15       Section 5. In the event of a conflict between the  
16 provisions of this act and the provisions of any other act,  
17 the provisions of this act shall control to the extent of such  
18 conflict.

19       Section 6. This act shall be construed as a remedial  
20 act and shall be liberally construed to promote the purpose  
21 for which it is intended.

22       Section 7. Chapters 57-2085, 59-1949, 61-2974,  
23 65-2344, 67-2152, 69-1698, 69-1696, 71-951, 71-955, 82-383,  
24 88-473, and 96-455, Laws of Florida, are repealed.

25       Section 8. This act shall take effect upon becoming a  
26 law.

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