



HB 0273

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CHAMBER ACTION

The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Southeast Volusia Hospital District, Volusia County; providing for codification of the district's charter; codifying, amending, and reenacting chapters 24961 (1947), 29586 (1953), 57-1931, 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida; providing a declaration of legislative intent; repealing special acts relating to the district; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Southeast Volusia Hospital District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several



29 | legislative enactments and any additional authority granted by
 30 | this act and chapter 189, Florida Statutes, as they may be
 31 | amended from time to time. It is further the intent of this act
 32 | to preserve all district authority.

33 | Section 2. Chapters 24961 (1947), 29586 (1953), 57-1931,
 34 | 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida, relating
 35 | to the Southeast Volusia Hospital District, are codified,
 36 | reenacted, amended, and repealed as herein provided.

37 | Section 3. The charter for the Southeast Volusia Hospital
 38 | District is re-created and reenacted to read:

39 | Section 1. A special tax district is hereby created and
 40 | incorporated, to be known as "Southeast Volusia Hospital
 41 | District" in Volusia County, which district shall embrace and
 42 | include the following described property in Volusia County:

43 | Beginning at the point of intersection of the main
 44 | channel of Mosquito Inlet and the Atlantic Ocean,
 45 | thence run Southeasterly with the shore of the
 46 | Atlantic Ocean to the point of intersection with the
 47 | South line of Township 19S, Thence West with said
 48 | Township line to the Southwest corner of Section 34,
 49 | Township 19S, Range 33E, Thence North to the Northwest
 50 | corner of Section 3, Township 19S, Range 33E, Thence
 51 | West along the South line of Township 18S, Range 33E,
 52 | to the Southwest corner of said Township 18S, Range
 53 | 33E, thence North with West line of Township 18S,
 54 | Range 33E, to the Northwest corner of said Township
 55 | 18S, Range 33E, thence West along line between
 56 | Townships 17S and 18S to the Southwest corner of



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57 Township 17S, Range 32E, Thence along the Range line
58 between Ranges 31E and 32E North to the Northwest
59 corner of Township 17S, Range 32E, thence East along
60 the North line of Township 17S, Range 32E to point of
61 intersection with the South fork of Spruce Creek,
62 thence Northerly and Easterly along Spruce Creek to
63 the point of intersection with the main channel of the
64 Halifax River, thence Southerly and Easterly along the
65 main channel of the Halifax River and the main channel
66 of Mosquito Inlet to the point of beginning. All the
67 above described property lying and being in County of
68 Volusia, State of Florida.

69 Section 2. (1) The governing body of the Southeast
70 Volusia Hospital District shall consist of seven commissioners,
71 all of whom shall be qualified electors and freeholders residing
72 in the district. Two commissioners shall be residents of New
73 Smyrna Beach, two commissioners shall be residents of the City
74 of Edgewater, one commissioner shall be a resident of Oak Hill,
75 and two commissioners shall be residents of the unincorporated
76 area of the hospital district. Commissioners shall have
77 business, professional, or personal experience useful for
78 service as a commissioner.

79 (2) Of the appointments to the commission to be made by
80 the Governor by January 1, 2007, one appointment from the
81 unincorporated area of the hospital district and one appointment
82 from the City of Edgewater shall be for terms of fifteen (15)
83 months expiring March 31, 2008, and one appointment from the
84 unincorporated area of the hospital district and one appointment



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85 from the City of Edgewater shall be for terms of fifty-one (51)
86 months expiring March 31, 2011. Thereafter, the terms for all
87 commissioners shall be for four (4) years each, expiring March
88 31.

89 (3) The commissioners shall hold an annual organizational
90 meeting between the first and fifteenth day of March each year.
91 The Governor shall have the power to remove any member of the
92 board of commissioners for cause and shall fill any vacancies
93 that may at any time occur therein. Each member shall give bond
94 to the Governor for the faithful performance of his or her
95 duties in the sum of \$5,000, with a surety company qualified to
96 do business in the state as surety; however, the bonds of the
97 chair and of the treasurer of the board shall be \$10,000 for
98 each such officer, which bonds shall be approved and kept by the
99 Clerk of the Circuit Court of Volusia County. The premiums on
100 the bonds shall be paid as part of the expense of the district.

101 Section 3. The board of commissioners of the Southeast
102 Volusia Hospital District, hereinafter called the board, shall
103 have all the powers of a body corporate, including the power to
104 sue and be sued under the name of the Southeast Volusia Hospital
105 District; to contract and be contracted with; to adopt and use a
106 common seal and to alter the same at pleasure; to acquire,
107 purchase, hold, lease, and convey such real and personal
108 property as the board may deem proper or expedient to carry out
109 the purposes of the act; to appoint and employ a superintendent
110 and chief surgeon and such other agents and employees as the
111 board may deem advisable; to borrow money; and to issue the
112 notes, bonds, and other evidences of debt of the district



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113 thereof to carry out the provisions of this act in the manner
114 hereinafter provided.

115 Section 4. Four (4) of the commissioners shall constitute
116 a quorum, and a vote of at least a majority of the commissioners
117 at any regular or special meeting shall be necessary to the
118 transaction of any business of the district. The commissioners
119 shall cause true and accurate minutes and records to be kept of
120 all business transacted by them and shall keep full, true, and
121 complete books of account and minutes, which minutes, records,
122 and books of account shall at all reasonable times be open and
123 subject to the inspection of inhabitants of the district. Any
124 person desiring to do so may make or procure copy of the
125 minutes, records, or books of account, or such portions thereof
126 as he or she may desire.

127 Section 5. (1) The board is authorized to purchase or
128 otherwise acquire such real and personal property as may be
129 required to establish, construct, operate, and maintain such
130 hospitals, clinics, nursing homes, or related facilities as in
131 its opinion shall be necessary for the health and welfare of the
132 people of the district. The hospitals, clinics, nursing homes,
133 or related facilities shall be established, constructed,
134 operated, and maintained by the board for the preservation of
135 the public health, for the public good, and for the use of the
136 public of the district; and the acquisition of real and personal
137 property for the establishment, construction, operation, and
138 maintenance of such hospitals, clinics, nursing homes, or
139 related facilities within the district are hereby found and
140 declared to be a public purpose and are necessary for the



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141 preservation of the public health, for the public use, and for
142 the welfare of the district and inhabitants thereof. The
143 location of such hospitals, clinics, nursing homes, or related
144 facilities shall be determined by the board.

145 (2) The board of commissioners of the Southeast Volusia
146 Hospital District is authorized to provide necessary hospitals,
147 clinics, nursing homes, and related services or facilities for
148 poor and indigent persons or, in lieu thereof, the board is
149 authorized to enter into a contract or contracts for a period
150 not exceeding twenty-five (25) years with any hospital, clinic,
151 or nursing home, public or private, now or hereafter existing
152 within the district for the purpose of providing such facilities
153 or services to the poor and indigent and to pay for the same out
154 of the funds of the district and from the proceeds of any tax
155 which is levied under the provisions of this act or amendments
156 thereto.

157 Section 6. The board shall have the power of eminent
158 domain and may thereby condemn and acquire any real or personal
159 property which the board may deem necessary for the use of the
160 district, whether within or without the district. Such power of
161 condemnation shall be exercised in the same manner as is now
162 provided by the general law for the exercise of the power of
163 eminent domain by cities and towns of the state.

164 Section 7. The board is authorized, in order to provide
165 for and carry out the provisions of this act, to purchase or
166 otherwise acquire real and personal property; to establish,
167 construct, repair, alter, and maintain hospital, clinic, and
168 nursing home buildings and facilities; and to purchase, lease,



169 repair, and maintain hospital, clinic, and nursing home
 170 equipment, furniture, and fixtures on lands in the district
 171 owned by or leased to the district. The board is further
 172 authorized to expend district funds derived from taxes or any
 173 other source whatsoever for the purchase or lease of real or
 174 personal property and for building, constructing, purchasing,
 175 leasing, repairing, and maintaining all hospital, clinic, and
 176 nursing home lands, buildings, equipment, and facilities in the
 177 district, and to borrow money from time to time for such
 178 purposes, and also for operating expenses; however, a tax not to
 179 exceed four (4) mills on the dollar may be assessed and levied
 180 against the taxable property within the district for all
 181 purposes.

182 It is hereby found and declared that all funds expended for
 183 current operating expenses, the care of indigent patients, and
 184 for the construction, purchase, lease, maintenance, and repair
 185 of all hospital, clinic, or nursing home lands, buildings, and
 186 equipment, whether on lands owned by or leased to the district,
 187 shall be for public purposes.

188 Section 8. (1) ISSUANCE OF OBLIGATIONS.-

189 (a) The board is authorized to provide by resolution at
 190 one time or from time to time for the issuance of bonds or
 191 revenue certificates, or both, collectively referred to in this
 192 section as bonds of the district for the purpose of paying all
 193 or a part of the cost of acquisition, construction, repairing,
 194 extensions, additions, equipping, and reconstruction of any
 195 hospital facilities of the district. The bonds of each issue
 196 shall be dated, shall bear interest at such rate or rates as may



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197 be determined by the board, and may be made redeemable before
198 maturity, at the option of the board, at such price or prices
199 and under such terms and conditions as may be fixed by the board
200 prior to the issuance of the bonds. The board shall determine
201 the form of the bonds, including any interest coupons to be
202 attached thereto, and the manner of execution of the bonds and
203 coupons, and shall fix the denomination or denominations of the
204 bonds and the place or places of payment of principal and
205 interest, which may be at any bank or trust company within or
206 without the state. In case any officer whose signature or a
207 facsimile of whose signature shall appear on any bonds or
208 coupons shall cease to be such officer before the delivery of
209 such bonds, such signature or such facsimile shall nevertheless
210 be valid and sufficient for all purposes the same as if he or
211 she had remained in office until such delivery. All bonds
212 issued under the provisions of this act shall have and are
213 hereby declared to have all the qualities and incidents of
214 negotiable instruments under the negotiable instruments laws of
215 the state. The bonds may be issued in coupon or in registered
216 form, or both, as the board may determine, and provisions may be
217 made for the registration of any coupon bonds as to principal
218 alone and also as to both principal and interest, and for the
219 reconversion into coupon bonds of any bonds registered as to
220 both principal and interest. The issuance of such bonds shall
221 not be subject to any limitations or conditions contained in any
222 other law. Prior to the preparation of definitive bonds, the
223 board may, under like restrictions, issue interim receipts or
224 temporary bonds with or without coupons, exchangeable for



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225 definitive bonds when such bonds have been executed and are
226 available for delivery. The board may also provide for the
227 replacement of any bonds which shall be mutilated or be
228 destroyed or lost.

229 (b) Bonds may be issued under the provisions of this act
230 without obtaining the consent of any commission, board, bureau,
231 or agency of the state or county and without any other
232 proceedings or the happening of any other condition or thing
233 than those proceedings, conditions, or things which are
234 specifically required by this act.

235 (c) The proceeds of the bonds shall be used solely for the
236 payment of the cost of the hospital facilities for which such
237 bonds shall have been authorized and shall be disbursed in the
238 manner provided in the resolution or in the trust agreement
239 authorizing the issuance of such bonds. If the proceeds of the
240 bonds of any issue shall exceed the amount required for the
241 purpose for which the same shall have been issued, the surplus
242 shall be set aside and used only for payment of the cost of
243 additional projects or for the payment of the principal of and
244 interest on such bonds. In the event that the actual cost of
245 the project exceeds the estimated cost, the board may issue
246 additional bonds to cover the deficiency, subject to the same
247 restrictions as required for the original issue.

248 (2) BONDS.-- Bonds may be issued from time to time by the
249 board for the purposes herein provided, provided the issuance of
250 general obligation bonds shall have been approved by a majority
251 of the votes cast in an election held for such purposes pursuant
252 to the requirements of the Constitution of Florida.



253 (3) REVENUE CERTIFICATES.-
 254 (a) Revenue certificates issued under the provisions of
 255 this act shall be payable from the revenues derived from the
 256 operation of any hospital facility or combination of hospital
 257 facilities of the district under the supervision, operation, and
 258 control of the board and from any other funds legally available
 259 therefor. The issuance of such revenue certificates shall not
 260 directly, indirectly, or contingently obligate the state, the
 261 board, or the district to levy any ad valorem taxes or to make
 262 any appropriations for their payment or for the operation and
 263 maintenance of the hospital facilities of the district.
 264 (b) The board shall not convey or mortgage any hospital
 265 facility or any part thereof as security for the payment of the
 266 revenue certificates.
 267 (c) In the discretion of the board, each or any issue of
 268 such revenue certificates may be secured by a trust agreement by
 269 and between the district and a corporate trustee, which may be
 270 any trust company or bank having the powers of a trust company
 271 within or outside of the state. Such trust agreement may pledge
 272 or assign the revenues to be received by the board. The
 273 resolution providing for the issuance of revenue certificates or
 274 such trust agreement may contain such provisions for protecting
 275 and enforcing the rights and remedies of the certificate holders
 276 as may be reasonable, proper, and not in violation of law,
 277 including covenants setting forth the duties of the board in
 278 relation to the acquisition, construction, improvement,
 279 maintenance, operation, repair, equipping, and insurance of the
 280 facilities and the custody, safeguarding, and application of all



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281 | moneys. It shall be lawful for any bank or trust company
282 | incorporated under the laws of this state to act as such
283 | depository and to furnish such indemnifying bonds or to pledge
284 | such securities as may be required by the board. Such
285 | resolution or such trust agreement may restrict the individual
286 | right of action by certificate holders as is customary in trust
287 | agreements securing bonds or debentures of corporations. In
288 | addition to the foregoing, such resolution or such trust
289 | agreement may contain such other provisions as the board may
290 | deem reasonable and proper for the security of the certificate
291 | holders. Except as otherwise provided in this act, the board
292 | may provide, by resolution or by trust agreement, for the
293 | payment of the proceeds of the sale of the revenue certificates
294 | and the revenues of the facilities to such officer, board, or
295 | depository as it may determine for the custody thereof, and for
296 | the method of disbursement thereof, with such safeguards and
297 | restrictions as it may determine. All expenses incurred in
298 | carrying out the trust agreement may be treated as a part of the
299 | cost of operation of the facilities affected by the trust
300 | agreement.

301 | (d) The resolution or trust agreement providing for the
302 | issuance of the revenue certificates may also contain such
303 | limitations upon the issuance of additional revenue certificates
304 | as the board may deem proper, and such additional certificates
305 | shall be issued under such restrictions or limitations as may be
306 | prescribed by such resolution or trust agreement.

307 | (4) REFUNDING OBLIGATIONS.-- The board is authorized to
308 | provide by resolution for the issuance of refunding bonds or



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309 refunding revenue certificates for the purpose of refunding any
310 bonds or revenue certificates, respectively, then outstanding
311 and issued under the provisions of this act, provided that the
312 refunding of any bonds payable from ad valorem taxes shall be to
313 the advantage of the district, such as providing for lower
314 interest rates or other savings to the taxpayers. The board is
315 further authorized to provide by resolution for the issuance of
316 revenue certificates for the combined purpose of (1) paying the
317 cost of any acquisition, construction, extension, addition,
318 improving, equipping, or reconstruction of a facility or
319 facilities of the district and (2) refunding revenue
320 certificates of the district which shall theretofore have been
321 issued under the provisions of the act and shall then be
322 outstanding. The issuance of such obligations, the maturities
323 and other details thereof, the right and remedies of the holders
324 thereof, and the rights, powers, privileges, duties, and
325 obligations of the district with respect to the same shall be
326 governed by the foregoing provisions of this act insofar as the
327 same may be applicable.

328 (5) ELECTION.-- The board of county commissioners of
329 Volusia County shall, when presented with a resolution adopted
330 by the board requesting the holding of an election to approve
331 the issuance of bonds under this act, call, notice, and conduct
332 such election in the manner required by the constitution and by
333 the general laws of the state for the issuance of bonds by the
334 county. The cost of holding and conducting such election shall
335 be paid by the district.



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336 Section 9. Prior to the issuance of such bonds, the board
337 shall, by resolution, determine the amount which in their
338 opinion will be necessary to be raised annually by taxation for
339 an interest and sinking fund with which to pay the interest and
340 principal of the bonds, and the board is authorized and required
341 to provide for the levy and collection annually of a sufficient
342 tax, without limitation as to rate or amount, upon all the
343 taxable property in the district to pay such interest and with
344 which to provide and maintain a sinking fund for the payment of
345 the principal of the bonds. Such sinking funds providing for
346 the payment of principal and interest of the outstanding bonds
347 shall not be used for any other purpose, provided, however, that
348 such sinking funds so set aside may be invested at the
349 discretion of the board or in the purchase or retirement of
350 bonds previously issued by the district. The revenues or any
351 part thereof derived from the operation of any hospital facility
352 or any combination of the hospital facilities of the district
353 shall, if so authorized by the board, be deposited to the credit
354 of the sinking fund for such bonds, and in that event the amount
355 of the annual levy herein required may be reduced in any year by
356 the amount of such revenues actually received in the preceding
357 year (excluding any depreciation fund) and then remaining on
358 deposit to the credit of the sinking fund for the payment of
359 such principal and interest.

360 Section 10. The board shall offer said bonds for sale by
361 notice stating the amount of bonds for sale, rate of interest
362 and when due, and payable, by advertising once a week for two
363 (2) weeks in a newspaper published in the district. The board



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364 shall receive bids for the purchase of the bonds or any part
365 thereof on the day fixed by the notice, being not less than
366 twenty (20) days from the date of the first (1st) publication.
367 It shall have the right to reject any and all bids and
368 readvertise the bonds or any portion thereof remaining unsold.

369 Section 11. A bank or banks, or other depository or
370 depositories to be designated by the board, may receive and be
371 custodian of the bonds and all moneys arising from the sale of
372 the bonds.

373 Section 12. The funds of the district shall be paid out
374 upon warrant signed by the chair of the board and countersigned
375 by the treasurer thereof or bearing the facsimile signature of
376 the chair and treasurer when authorized by the board by
377 appropriate resolution. No warrant shall be drawn or issued
378 against funds of the district except for the purpose authorized
379 by this act or amendments thereto.

380 Section 13. It shall be the duty of the board, whenever
381 the bonds or any portion thereof are from time to time issued by
382 it, or whenever contracts entered into by the board require, to
383 annually assess and levy against the taxable property within the
384 district a tax to be collected and paid into the district fund
385 and used by the board for the operation, maintenance, and repair
386 of a hospital or hospitals established or authorized by this
387 act, or for the payment of any outstanding indebtedness
388 authorized by section 8, or for providing hospitalization under
389 a contract for the poor and indigent as contemplated under this
390 act, or amendments thereto, or for the payment of other
391 necessary expenses in carrying on and transacting the business



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392 of the district, provided, nevertheless, that the millage for
393 the operating, maintenance, and repair of the hospital or
394 hospitals established as authorized by this act, or for the
395 payment of other necessary expenses in carrying on and
396 transacting the business of the district, shall not exceed four
397 (4) mills on all of the taxable property within the district.

398 Section 14. The board of commissioners of the Southeast
399 Volusia Hospital District is authorized and directed annually to
400 levy upon all the real and personal taxable property in the
401 district a sufficient tax to pay the interest and to provide and
402 maintain a sinking fund for the payment of the interest and
403 principal of the bonds provided for and authorized by this act.

404 Section 15. The levy by the board of the taxes authorized
405 by any provision of this act shall be by resolution of the board
406 duly entered upon the minutes of the board. Certified copies of
407 such resolution executed in the name of the board by its chair,
408 under its corporate seal, shall be made and delivered to the
409 board of the county commissioners of Volusia County and to the
410 comptroller of the state, not later than the first (1st) day of
411 July of every year. The county commissioners of Volusia County
412 shall order and require the tax assessor of the county to
413 assess, and the county tax collector of the county to collect,
414 the amount of taxes so assessed or levied by the board of
415 commissioners of the Southeast Volusia Hospital District upon
416 the taxable property in the district, at the rate of taxation
417 adopted by the board of commissioners of the district for the
418 year and included in the warrant of the tax assessor and
419 attached to the assessment roll of taxes for the county each



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420 year. The tax collector shall collect such tax so levied by the
421 board in the same manner as other taxes are collected and shall
422 pay the same over to the board of commissioners of the Southeast
423 Volusia Hospital District within the time and in the manner
424 prescribed by law for the payment by the tax collector of county
425 taxes to the county depository. It shall be the duty of the
426 comptroller of the state to assess and levy on all the railroad
427 lines and railroad property and telegraph lines and telegraph
428 property situated or located in the district, including as well
429 all telephone lines. The amount of each levy of each county or
430 state taxes and the said taxes shall be assessed by the same
431 officer respectively as are county taxes upon such property, and
432 such taxes shall be remitted by the collecting officer to the
433 board of commissioners of the Southeast Volusia Hospital
434 District. All such taxes shall be held by the board and paid
435 out by them as provided in this act.

436 Section 16. The board is authorized to pay from the funds
437 of the district all expenses of the organization of the board
438 and all expenses necessarily incurred with the formation of the
439 district and all other reasonable and necessary expenses,
440 including the fees and expenses of an attorney in the
441 transaction of the business of the district, and including the
442 compensation of a secretary to the board whose duties shall be
443 to keep and be responsible for all books of account, minutes,
444 and other records of the board, and in carrying out and
445 accomplishing the purposes of this act. This section, however,
446 shall not be construed to remit or instruct any of the powers



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447 vested in the board by any other section or provision of this
448 act.

449 Section 17. At least once a year, the board shall publish
450 once in some newspaper in the district a complete detailed
451 statement of all moneys received and disbursed by them since the
452 creation of the district as to the first (1st) published
453 statement and since the last published statement as to any other
454 year. Such statement shall also show the several sources from
455 which said funds were received and shall show the balance on
456 hand at the time of the published statement. It shall show a
457 complete statement of the condition of the district.

458 Section 18. Each hospital and clinic established under
459 this act shall be for the use and benefit of the indigent sick.
460 Such residents shall be admitted to such hospital and clinic and
461 be entitled to medical care without charge, subject to the rules
462 and regulations prescribed by the board. Such hospitals and
463 clinics shall care for and treat without charge patients who are
464 found by the board to be indigent, but the board may collect
465 from patients financially able such charges as the board may
466 from time to time establish. The board shall have the power to
467 extend the benefits and privileges of such hospitals and clinics
468 and treatment and outpatient department to the home of the
469 indigent residents of the county. The board may extend the
470 privileges and use of such hospitals and clinics to nonresidents
471 of the district upon such terms and conditions as the board may
472 from time to time by its rules and regulations provide.

473 Section 19. It is intended that the provisions of this act
474 shall be liberally construed for accomplishing the work



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475 authorized and provided for or intended to be and provided for
476 this act, and where strict construction would result in defeat
477 of the accomplishment of any part of the work authorized by this
478 act and liberal construction would permit or assist in the
479 accomplishment thereof, the liberal construction shall be
480 chosen.

481 Section 20. All bonds issued under the provisions of this
482 act may be validated by the board under and in accordance with
483 the provisions of the general laws of Florida, in the same
484 manner as is therein provided for validation of bonds, etc., by
485 any county, municipality, taxing district, etc. of the state.

486 Section 21. If any section, paragraph, phrase, or sentence
487 contained in this act, or amendments thereto, shall be held
488 inoperative, unconstitutional, or invalid by a court of
489 competent jurisdiction, it shall in no way affect the remaining
490 portions of this act.

491 Section 4. Chapters 24961 (1947), 29586 (1953), 57-1931,
492 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida, are
493 repealed.

494 Section 5. This act shall take effect upon becoming a law.