



1 A bill to be entitled

2 An act relating to the Southeast Volusia Hospital
3 District, Volusia County; providing for codification of
4 the district's charter; codifying, amending, and
5 reenacting chapters 24961 (1947), 29586 (1953), 57-1931,
6 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida;
7 providing a declaration of legislative intent; repealing
8 special acts relating to the district; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Pursuant to section 189.429, Florida Statutes,
14 this act constitutes the codification of all special acts
15 relating to the Southeast Volusia Hospital District. It is the
16 intent of the Legislature to provide a single, comprehensive
17 special act charter for the district including all current
18 legislative authority granted to the district by its several
19 legislative enactments and any additional authority granted by
20 this act and chapter 189, Florida Statutes, as they may be
21 amended from time to time. It is further the intent of this act
22 to preserve all district authority.

23 Section 2. Chapters 24961 (1947), 29586 (1953), 57-1931,
24 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida, relating
25 to the Southeast Volusia Hospital District, are codified,
26 reenacted, amended, and repealed as herein provided.

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



29 Section 1. A special tax district is hereby created and
30 incorporated, to be known as "Southeast Volusia Hospital
31 District" in Volusia County, which district shall embrace and
32 include the following described property in Volusia County:
33 Beginning at the point of intersection of the main
34 channel of Mosquito Inlet and the Atlantic Ocean,
35 thence run Southeasterly with the shore of the
36 Atlantic Ocean to the point of intersection with the
37 South line of Township 19S, Thence West with said
38 Township line to the Southwest corner of Section 34,
39 Township 19S, Range 33E, Thence North to the Northwest
40 corner of Section 3, Township 19S, Range 33E, Thence
41 West along the South line of Township 18S, Range 33E,
42 to the Southwest corner of said Township 18S, Range
43 33E, thence North with West line of Township 18S,
44 Range 33E, to the Northwest corner of said Township
45 18S, Range 33E, thence West along line between
46 Townships 17S and 18S to the Southwest corner of
47 Township 17S, Range 32E, Thence along the Range line
48 between Ranges 31E and 32E North to the Northwest
49 corner of Township 17S, Range 32E, thence East along
50 the North line of Township 17S, Range 32E to point of
51 intersection with the South fork of Spruce Creek,
52 thence Northerly and Easterly along Spruce Creek to
53 the point of intersection with the main channel of the
54 Halifax River, thence Southerly and Easterly along the
55 main channel of the Halifax River and the main channel
56 of Mosquito Inlet to the point of beginning. All the



57 | above described property lying and being in County of
58 | Volusia, State of Florida.

59 | Section 2. (1) The governing body of the Southeast
60 | Volusia Hospital District shall consist of seven commissioners,
61 | all of whom shall be qualified electors and freeholders residing
62 | in the district. Two commissioners shall be residents of New
63 | Smyrna Beach, two commissioners shall be residents of the City
64 | of Edgewater, one commissioner shall be a resident of Oak Hill,
65 | and two commissioners shall be residents of the unincorporated
66 | area of the hospital district. Commissioners shall have
67 | business, professional, or personal experience useful for
68 | service as a commissioner.

69 | (2) Of the appointments to the commission to be made by
70 | the Governor by January 1, 2007, one appointment from the
71 | unincorporated area of the hospital district and one appointment
72 | from the City of Edgewater shall be for terms of fifteen (15)
73 | months expiring March 31, 2008, and one appointment from the
74 | unincorporated area of the hospital district and one appointment
75 | from the City of Edgewater shall be for terms of fifty-one (51)
76 | months expiring March 31, 2011. Thereafter, the terms for all
77 | commissioners shall be for four (4) years each, expiring March
78 | 31.

79 | (3) The commissioners shall hold an annual organizational
80 | meeting between the first and fifteenth day of March each year.
81 | The Governor shall have the power to remove any member of the
82 | board of commissioners for cause and shall fill any vacancies
83 | that may at any time occur therein. Each member shall give bond
84 | to the Governor for the faithful performance of his or her



85 duties in the sum of \$5,000, with a surety company qualified to
86 do business in the state as surety; however, the bonds of the
87 chair and of the treasurer of the board shall be \$10,000 for
88 each such officer, which bonds shall be approved and kept by the
89 Clerk of the Circuit Court of Volusia County. The premiums on
90 the bonds shall be paid as part of the expense of the district.

91 Section 3. The board of commissioners of the Southeast
92 Volusia Hospital District, hereinafter called the board, shall
93 have all the powers of a body corporate, including the power to
94 sue and be sued under the name of the Southeast Volusia Hospital
95 District; to contract and be contracted with; to adopt and use a
96 common seal and to alter the same at pleasure; to acquire,
97 purchase, hold, lease, and convey such real and personal
98 property as the board may deem proper or expedient to carry out
99 the purposes of the act; to appoint and employ a superintendent
100 and chief surgeon and such other agents and employees as the
101 board may deem advisable; to borrow money; and to issue the
102 notes, bonds, and other evidences of debt of the district
103 thereof to carry out the provisions of this act in the manner
104 hereinafter provided.

105 Section 4. Four (4) of the commissioners shall constitute
106 a quorum, and a vote of at least a majority of the commissioners
107 at any regular or special meeting shall be necessary to the
108 transaction of any business of the district. The commissioners
109 shall cause true and accurate minutes and records to be kept of
110 all business transacted by them and shall keep full, true, and
111 complete books of account and minutes, which minutes, records,
112 and books of account shall at all reasonable times be open and



113 subject to the inspection of inhabitants of the district. Any
114 person desiring to do so may make or procure copy of the
115 minutes, records, or books of account, or such portions thereof
116 as he or she may desire.

117 Section 5. (1) The board is authorized to purchase or
118 otherwise acquire such real and personal property as may be
119 required to establish, construct, operate, and maintain such
120 hospitals, clinics, nursing homes, or related facilities as in
121 its opinion shall be necessary for the health and welfare of the
122 people of the district. The hospitals, clinics, nursing homes,
123 or related facilities shall be established, constructed,
124 operated, and maintained by the board for the preservation of
125 the public health, for the public good, and for the use of the
126 public of the district; and the acquisition of real and personal
127 property for the establishment, construction, operation, and
128 maintenance of such hospitals, clinics, nursing homes, or
129 related facilities within the district are hereby found and
130 declared to be a public purpose and are necessary for the
131 preservation of the public health, for the public use, and for
132 the welfare of the district and inhabitants thereof. The
133 location of such hospitals, clinics, nursing homes, or related
134 facilities shall be determined by the board.

135 (2) The board of commissioners of the Southeast Volusia
136 Hospital District is authorized to provide necessary hospitals,
137 clinics, nursing homes, and related services or facilities for
138 poor and indigent persons or, in lieu thereof, the board is
139 authorized to enter into a contract or contracts for a period
140 not exceeding twenty-five (25) years with any hospital, clinic,



141 or nursing home, public or private, now or hereafter existing
142 within the district for the purpose of providing such facilities
143 or services to the poor and indigent and to pay for the same out
144 of the funds of the district and from the proceeds of any tax
145 which is levied under the provisions of this act or amendments
146 thereto.

147 Section 6. The board shall have the power of eminent
148 domain and may thereby condemn and acquire any real or personal
149 property which the board may deem necessary for the use of the
150 district, whether within or without the district. Such power of
151 condemnation shall be exercised in the same manner as is now
152 provided by the general law for the exercise of the power of
153 eminent domain by cities and towns of the state.

154 Section 7. The board is authorized, in order to provide
155 for and carry out the provisions of this act, to purchase or
156 otherwise acquire real and personal property; to establish,
157 construct, repair, alter, and maintain hospital, clinic, and
158 nursing home buildings and facilities; and to purchase, lease,
159 repair, and maintain hospital, clinic, and nursing home
160 equipment, furniture, and fixtures on lands in the district
161 owned by or leased to the district. The board is further
162 authorized to expend district funds derived from taxes or any
163 other source whatsoever for the purchase or lease of real or
164 personal property and for building, constructing, purchasing,
165 leasing, repairing, and maintaining all hospital, clinic, and
166 nursing home lands, buildings, equipment, and facilities in the
167 district, and to borrow money from time to time for such
168 purposes, and also for operating expenses; however, a tax not to



169 exceed four (4) mills on the dollar may be assessed and levied
170 against the taxable property within the district for all
171 purposes.

172 It is hereby found and declared that all funds expended for
173 current operating expenses, the care of indigent patients, and
174 for the construction, purchase, lease, maintenance, and repair
175 of all hospital, clinic, or nursing home lands, buildings, and
176 equipment, whether on lands owned by or leased to the district,
177 shall be for public purposes.

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

179 (a) The board is authorized to provide by resolution at
180 one time or from time to time for the issuance of bonds or
181 revenue certificates, or both, collectively referred to in this
182 section as bonds of the district for the purpose of paying all
183 or a part of the cost of acquisition, construction, repairing,
184 extensions, additions, equipping, and reconstruction of any
185 hospital facilities of the district. The bonds of each issue
186 shall be dated, shall bear interest at such rate or rates as may
187 be determined by the board, and may be made redeemable before
188 maturity, at the option of the board, at such price or prices
189 and under such terms and conditions as may be fixed by the board
190 prior to the issuance of the bonds. The board shall determine
191 the form of the bonds, including any interest coupons to be
192 attached thereto, and the manner of execution of the bonds and
193 coupons, and shall fix the denomination or denominations of the
194 bonds and the place or places of payment of principal and
195 interest, which may be at any bank or trust company within or
196 without the state. In case any officer whose signature or a



197 facsimile of whose signature shall appear on any bonds or
198 coupons shall cease to be such officer before the delivery of
199 such bonds, such signature or such facsimile shall nevertheless
200 be valid and sufficient for all purposes the same as if he or
201 she had remained in office until such delivery. All bonds
202 issued under the provisions of this act shall have and are
203 hereby declared to have all the qualities and incidents of
204 negotiable instruments under the negotiable instruments laws of
205 the state. The bonds may be issued in coupon or in registered
206 form, or both, as the board may determine, and provisions may be
207 made for the registration of any coupon bonds as to principal
208 alone and also as to both principal and interest, and for the
209 reconversion into coupon bonds of any bonds registered as to
210 both principal and interest. The issuance of such bonds shall
211 not be subject to any limitations or conditions contained in any
212 other law. Prior to the preparation of definitive bonds, the
213 board may, under like restrictions, issue interim receipts or
214 temporary bonds with or without coupons, exchangeable for
215 definitive bonds when such bonds have been executed and are
216 available for delivery. The board may also provide for the
217 replacement of any bonds which shall be mutilated or be
218 destroyed or lost.

219 (b) Bonds may be issued under the provisions of this act
220 without obtaining the consent of any commission, board, bureau,
221 or agency of the state or county and without any other
222 proceedings or the happening of any other condition or thing
223 than those proceedings, conditions, or things which are
224 specifically required by this act.



225 (c) The proceeds of the bonds shall be used solely for the
226 payment of the cost of the hospital facilities for which such
227 bonds shall have been authorized and shall be disbursed in the
228 manner provided in the resolution or in the trust agreement
229 authorizing the issuance of such bonds. If the proceeds of the
230 bonds of any issue shall exceed the amount required for the
231 purpose for which the same shall have been issued, the surplus
232 shall be set aside and used only for payment of the cost of
233 additional projects or for the payment of the principal of and
234 interest on such bonds. In the event that the actual cost of
235 the project exceeds the estimated cost, the board may issue
236 additional bonds to cover the deficiency, subject to the same
237 restrictions as required for the original issue.

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

243 (3) REVENUE CERTIFICATES.--

244 (a) Revenue certificates issued under the provisions of
245 this act shall be payable from the revenues derived from the
246 operation of any hospital facility or combination of hospital
247 facilities of the district under the supervision, operation, and
248 control of the board and from any other funds legally available
249 therefor. The issuance of such revenue certificates shall not
250 directly, indirectly, or contingently obligate the state, the
251 board, or the district to levy any ad valorem taxes or to make



252 any appropriations for their payment or for the operation and
253 maintenance of the hospital facilities of the district.

254 (b) The board shall not convey or mortgage any hospital
255 facility or any part thereof as security for the payment of the
256 revenue certificates.

257 (c) In the discretion of the board, each or any issue of
258 such revenue certificates may be secured by a trust agreement by
259 and between the district and a corporate trustee, which may be
260 any trust company or bank having the powers of a trust company
261 within or outside of the state. Such trust agreement may pledge
262 or assign the revenues to be received by the board. The
263 resolution providing for the issuance of revenue certificates or
264 such trust agreement may contain such provisions for protecting
265 and enforcing the rights and remedies of the certificate holders
266 as may be reasonable, proper, and not in violation of law,
267 including covenants setting forth the duties of the board in
268 relation to the acquisition, construction, improvement,
269 maintenance, operation, repair, equipping, and insurance of the
270 facilities and the custody, safeguarding, and application of all
271 moneys. It shall be lawful for any bank or trust company
272 incorporated under the laws of this state to act as such
273 depository and to furnish such indemnifying bonds or to pledge
274 such securities as may be required by the board. Such
275 resolution or such trust agreement may restrict the individual
276 right of action by certificate holders as is customary in trust
277 agreements securing bonds or debentures of corporations. In
278 addition to the foregoing, such resolution or such trust
279 agreement may contain such other provisions as the board may



280 deem reasonable and proper for the security of the certificate
281 holders. Except as otherwise provided in this act, the board
282 may provide, by resolution or by trust agreement, for the
283 payment of the proceeds of the sale of the revenue certificates
284 and the revenues of the facilities to such officer, board, or
285 depository as it may determine for the custody thereof, and for
286 the method of disbursement thereof, with such safeguards and
287 restrictions as it may determine. All expenses incurred in
288 carrying out the trust agreement may be treated as a part of the
289 cost of operation of the facilities affected by the trust
290 agreement.

291 (d) The resolution or trust agreement providing for the
292 issuance of the revenue certificates may also contain such
293 limitations upon the issuance of additional revenue certificates
294 as the board may deem proper, and such additional certificates
295 shall be issued under such restrictions or limitations as may be
296 prescribed by such resolution or trust agreement.

297 (4) REFUNDING OBLIGATIONS.-- The board is authorized to
298 provide by resolution for the issuance of refunding bonds or
299 refunding revenue certificates for the purpose of refunding any
300 bonds or revenue certificates, respectively, then outstanding
301 and issued under the provisions of this act, provided that the
302 refunding of any bonds payable from ad valorem taxes shall be to
303 the advantage of the district, such as providing for lower
304 interest rates or other savings to the taxpayers. The board is
305 further authorized to provide by resolution for the issuance of
306 revenue certificates for the combined purpose of (1) paying the
307 cost of any acquisition, construction, extension, addition,



308 improving, equipping, or reconstruction of a facility or
309 facilities of the district and (2) refunding revenue
310 certificates of the district which shall theretofore have been
311 issued under the provisions of the act and shall then be
312 outstanding. The issuance of such obligations, the maturities
313 and other details thereof, the right and remedies of the holders
314 thereof, and the rights, powers, privileges, duties, and
315 obligations of the district with respect to the same shall be
316 governed by the foregoing provisions of this act insofar as the
317 same may be applicable.

318 (5) ELECTION.-- The board of county commissioners of
319 Volusia County shall, when presented with a resolution adopted
320 by the board requesting the holding of an election to approve
321 the issuance of bonds under this act, call, notice, and conduct
322 such election in the manner required by the constitution and by
323 the general laws of the state for the issuance of bonds by the
324 county. The cost of holding and conducting such election shall
325 be paid by the district.

326 Section 9. Prior to the issuance of such bonds, the board
327 shall, by resolution, determine the amount which in their
328 opinion will be necessary to be raised annually by taxation for
329 an interest and sinking fund with which to pay the interest and
330 principal of the bonds, and the board is authorized and required
331 to provide for the levy and collection annually of a sufficient
332 tax, without limitation as to rate or amount, upon all the
333 taxable property in the district to pay such interest and with
334 which to provide and maintain a sinking fund for the payment of
335 the principal of the bonds. Such sinking funds providing for



336 the payment of principal and interest of the outstanding bonds
337 shall not be used for any other purpose, provided, however, that
338 such sinking funds so set aside may be invested at the
339 discretion of the board or in the purchase or retirement of
340 bonds previously issued by the district. The revenues or any
341 part thereof derived from the operation of any hospital facility
342 or any combination of the hospital facilities of the district
343 shall, if so authorized by the board, be deposited to the credit
344 of the sinking fund for such bonds, and in that event the amount
345 of the annual levy herein required may be reduced in any year by
346 the amount of such revenues actually received in the preceding
347 year (excluding any depreciation fund) and then remaining on
348 deposit to the credit of the sinking fund for the payment of
349 such principal and interest.

350 Section 10. The board shall offer said bonds for sale by
351 notice stating the amount of bonds for sale, rate of interest
352 and when due, and payable, by advertising once a week for two
353 (2) weeks in a newspaper published in the district. The board
354 shall receive bids for the purchase of the bonds or any part
355 thereof on the day fixed by the notice, being not less than
356 twenty (20) days from the date of the first (1st) publication.
357 It shall have the right to reject any and all bids and
358 readvertise the bonds or any portion thereof remaining unsold.

359 Section 11. A bank or banks, or other depository or
360 depositories to be designated by the board, may receive and be
361 custodian of the bonds and all moneys arising from the sale of
362 the bonds.



363 Section 12. The funds of the district shall be paid out
364 upon warrant signed by the chair of the board and countersigned
365 by the treasurer thereof or bearing the facsimile signature of
366 the chair and treasurer when authorized by the board by
367 appropriate resolution. No warrant shall be drawn or issued
368 against funds of the district except for the purpose authorized
369 by this act or amendments thereto.

370 Section 13. It shall be the duty of the board, whenever
371 the bonds or any portion thereof are from time to time issued by
372 it, or whenever contracts entered into by the board require, to
373 annually assess and levy against the taxable property within the
374 district a tax to be collected and paid into the district fund
375 and used by the board for the operation, maintenance, and repair
376 of a hospital or hospitals established or authorized by this
377 act, or for the payment of any outstanding indebtedness
378 authorized by section 8, or for providing hospitalization under
379 a contract for the poor and indigent as contemplated under this
380 act, or amendments thereto, or for the payment of other
381 necessary expenses in carrying on and transacting the business
382 of the district, provided, nevertheless, that the millage for
383 the operating, maintenance, and repair of the hospital or
384 hospitals established as authorized by this act, or for the
385 payment of other necessary expenses in carrying on and
386 transacting the business of the district, shall not exceed four
387 (4) mills on all of the taxable property within the district.

388 Section 14. The board of commissioners of the Southeast
389 Volusia Hospital District is authorized and directed annually to
390 levy upon all the real and personal taxable property in the



391 district a sufficient tax to pay the interest and to provide and
 392 maintain a sinking fund for the payment of the interest and
 393 principal of the bonds provided for and authorized by this act.

394 Section 15. The levy by the board of the taxes authorized
 395 by any provision of this act shall be by resolution of the board
 396 duly entered upon the minutes of the board. Certified copies of
 397 such resolution executed in the name of the board by its chair,
 398 under its corporate seal, shall be made and delivered to the
 399 board of the county commissioners of Volusia County and to the
 400 comptroller of the state, not later than the first (1st) day of
 401 July of every year. The county commissioners of Volusia County
 402 shall order and require the tax assessor of the county to
 403 assess, and the county tax collector of the county to collect,
 404 the amount of taxes so assessed or levied by the board of
 405 commissioners of the Southeast Volusia Hospital District upon
 406 the taxable property in the district, at the rate of taxation
 407 adopted by the board of commissioners of the district for the
 408 year and included in the warrant of the tax assessor and
 409 attached to the assessment roll of taxes for the county each
 410 year. The tax collector shall collect such tax so levied by the
 411 board in the same manner as other taxes are collected and shall
 412 pay the same over to the board of commissioners of the Southeast
 413 Volusia Hospital District within the time and in the manner
 414 prescribed by law for the payment by the tax collector of county
 415 taxes to the county depository. It shall be the duty of the
 416 comptroller of the state to assess and levy on all the railroad
 417 lines and railroad property and telegraph lines and telegraph
 418 property situated or located in the district, including as well



419 all telephone lines. The amount of each levy of each county or
420 state taxes and the said taxes shall be assessed by the same
421 officer respectively as are county taxes upon such property, and
422 such taxes shall be remitted by the collecting officer to the
423 board of commissioners of the Southeast Volusia Hospital
424 District. All such taxes shall be held by the board and paid
425 out by them as provided in this act.

426 Section 16. The board is authorized to pay from the funds
427 of the district all expenses of the organization of the board
428 and all expenses necessarily incurred with the formation of the
429 district and all other reasonable and necessary expenses,
430 including the fees and expenses of an attorney in the
431 transaction of the business of the district, and including the
432 compensation of a secretary to the board whose duties shall be
433 to keep and be responsible for all books of account, minutes,
434 and other records of the board, and in carrying out and
435 accomplishing the purposes of this act. This section, however,
436 shall not be construed to remit or instruct any of the powers
437 vested in the board by any other section or provision of this
438 act.

439 Section 17. At least once a year, the board shall publish
440 once in some newspaper in the district a complete detailed
441 statement of all moneys received and disbursed by them since the
442 creation of the district as to the first (1st) published
443 statement and since the last published statement as to any other
444 year. Such statement shall also show the several sources from
445 which said funds were received and shall show the balance on



446 hand at the time of the published statement. It shall show a
447 complete statement of the condition of the district.

448 Section 18. Each hospital and clinic established under
449 this act shall be for the use and benefit of the indigent sick.
450 Such residents shall be admitted to such hospital and clinic and
451 be entitled to medical care without charge, subject to the rules
452 and regulations prescribed by the board. Such hospitals and
453 clinics shall care for and treat without charge patients who are
454 found by the board to be indigent, but the board may collect
455 from patients financially able such charges as the board may
456 from time to time establish. The board shall have the power to
457 extend the benefits and privileges of such hospitals and clinics
458 and treatment and outpatient department to the home of the
459 indigent residents of the county. The board may extend the
460 privileges and use of such hospitals and clinics to nonresidents
461 of the district upon such terms and conditions as the board may
462 from time to time by its rules and regulations provide.

463 Section 19. It is intended that the provisions of this act
464 shall be liberally construed for accomplishing the work
465 authorized and provided for or intended to be and provided for
466 this act, and where strict construction would result in defeat
467 of the accomplishment of any part of the work authorized by this
468 act and liberal construction would permit or assist in the
469 accomplishment thereof, the liberal construction shall be
470 chosen.

471 Section 20. All bonds issued under the provisions of this
472 act may be validated by the board under and in accordance with
473 the provisions of the general laws of Florida, in the same



474 manner as is therein provided for validation of bonds, etc., by
475 any county, municipality, taxing district, etc. of the state.

476 Section 21. If any section, paragraph, phrase, or sentence
477 contained in this act, or amendments thereto, shall be held
478 inoperative, unconstitutional, or invalid by a court of
479 competent jurisdiction, it shall in no way affect the remaining
480 portions of this act.

481 Section 4. Chapters 24961 (1947), 29586 (1953), 57-1931,
482 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida, are
483 repealed.

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