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HB 0273, Engrossed 1

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

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and 89-552, Laws of Florida, relating to the Southeast Volusia Hospital District, are codified, reenacted, amended, and repealed as herein provided.

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



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

Beginning at the point of intersection of the main channel of Mosquito Inlet and the Atlantic Ocean, thence run Southeasterly with the shore of the Atlantic Ocean to the point of intersection with the South line of Township 19S, Thence West with said Township line to the Southwest corner of Section 34, Township 19S, Range 33E, Thence North to the Northwest corner of Section 3, Township 19S, Range 33E, Thence West along the South line of Township 18S, Range 33E, to the Southwest corner of said Township 18S, Range 33E, thence North with West line of Township 18S, Range 33E, to the Northwest corner of said Township 18S, Range 33E, thence West along line between Townships 17S and 18S to the Southwest corner of Township 17S, Range 32E, Thence along the Range line between Ranges 31E and 32E North to the Northwest corner of Township 17S, Range 32E, thence East along the North line of Township 17S, Range 32E to point of intersection with the South fork of Spruce Creek, thence Northerly and Easterly along Spruce Creek to the point of intersection with the main channel of the Halifax River, thence Southerly and Easterly along the main channel of the Halifax River and the main channel of Mosquito Inlet to the point of beginning. All the



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

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

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

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



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

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

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



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

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

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



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

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

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



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

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

Section 8. (1) ISSUANCE OF OBLIGATIONS.-

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



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

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



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

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

(3) REVENUE CERTIFICATES.--

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



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

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

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



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

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

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



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

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

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



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

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

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



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

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

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



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

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



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

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

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



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

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

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

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



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

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

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

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