

CHAMBER ACTION

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

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the West Volusia Hospital Authority;
8 codifying, amending, reenacting, and repealing the prior
9 special acts of the authority, an independent special tax
10 district in Volusia County; providing legislative intent;
11 providing minimum charter requirements in accordance with
12 s. 189.404(3), F.S.; eliminating full faith and credit and
13 ad valorem tax bonding capacity; revising indigence
14 provisions; clarifying purpose and powers; conforming to
15 general law requirements; providing severability;
16 providing for liberal construction; repealing all prior
17 special acts related to the West Volusia Hospital
18 Authority; providing for a referendum on lowering the
19 millage rate; providing a ballot statement; providing
20 effective dates.

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

34 Section 2. Chapters 27949 (1951), 57-1929, 57-2085, 59-
 35 1949, 61-2974, 63-2014, 65-2344, 67-2152, 69-1696, 69-1698, 71-
 36 951, 71-955, 82-383, 88-473, and 96-455, Laws of Florida, are
 37 codified, reenacted, repealed, and amended as herein provided.

38 Section 3. The West Volusia Hospital Authority is re-
 39 created and the charter for the authority is re-created and
 40 reenacted to read:

41 Section 1. An independent special tax district is hereby
 42 created and incorporated to be known as "The West Volusia
 43 Hospital Authority" in Volusia County for the purpose of, either
 44 directly or through third parties, providing access to
 45 healthcare for indigent residents of the district ("purpose").
 46 Health care is to be provided or overseen by licensed health
 47 care professionals or entities and may only be provided for
 48 nonindigents and nonresidents incidental to the provision of
 49 services to indigent residents of the district. This purpose is
 50 hereby found and declared to be a public purpose and necessary
 51 for the general welfare of the residents of the district, which

52 | the district shall embrace and include the following described
 53 | property in Volusia County, to wit:

54 | Commencing at a point on the East Shore of Lake George
 55 | where same is intersected by the Putnam-Volusia County
 56 | line and run Northeasterly with the line to the
 57 | Southern-most point of Lake Crescent; thence East with
 58 | shore line of Lake Crescent to the mouth of Haw Creek;
 59 | thence up the Creek to its intersection with the East
 60 | line of Range 28 East; run thence South with the range
 61 | line (it being the Flagler-Volusia County line) to the
 62 | Northwest corner of Section 30, Township 14 South
 63 | Range 29 East; thence run East 12 miles to the
 64 | Northeast corner of Section 25, Township 14 South
 65 | Range 30 East; thence run South two miles to the
 66 | Southeast corner of Township 14 South Range 30 East;
 67 | thence run West along the Township line to the
 68 | Northeast corner of Township 15 South Range 30 East;
 69 | thence run South with the range line between Ranges 30
 70 | and 31 East about six miles to the Southeast corner of
 71 | Township 15 South Range 30 East; run thence East along
 72 | the North line of Township 16 South Range 31 East
 73 | about six miles to the Northeast corner of the
 74 | Township 16 South Range 31 East; run thence South on
 75 | the range line between Ranges 31 and 32 East about
 76 | twelve miles to the Southeast corner of Township 17
 77 | South Range 31 East; run thence East with the line
 78 | between Townships 17 and 18 South to the Northeast
 79 | corner of Township 18 South Range 32 East; run thence

80 South on the range line between Ranges 32 and 33 East
 81 to the Southeast corner of Township 18 South Range 32
 82 East; run thence East on the line between Township 18
 83 South Range 33 East and Township 19 South Range 33
 84 East about three miles to the Northeast corner of
 85 Section 4 Township 19 South Range 33 East. Run thence
 86 South on the East line of Sections 4-9-16-21-28 and
 87 33, Township 19 South Range 33 East to the Southeast
 88 corner of Section 33, Township 19, South Range 33
 89 East; run thence east on the line between Township 19
 90 South Range 33 East and Township 20 South Range 33
 91 East to the Northeast corner of Township 20 South
 92 Range 33 East; run thence South on the East line of
 93 Township 20 South Range 33 East and along the East
 94 line of Township 21 South Range 33 East to the
 95 Southeast corner of Section 36, Township 21 South
 96 Range 33 East; run thence West along the South line of
 97 Township 21 South Range 33 East to the intersection of
 98 the Township line with the St. Johns River; thence run
 99 down the St. Johns River in a generally Northwesterly
 100 direction to Lake George and with the East Shore line
 101 of the Lake George to the place of beginning. All of
 102 the above described property lying and being in the
 103 County of Volusia, State of Florida.

104 Section 2. The governing body of the West Volusia Hospital
 105 Authority shall consist of five commissioners who shall be
 106 qualified residing in the district. At the general election held
 107 in the year A.D. 1962, there were elected five commissioners,

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108 three of whom were elected for a term of 2 years, and which
109 commissioners were identified as Group A; and two of whom were
110 elected for a term of 4 years, and which commissioners were
111 identified as Group B. Candidates shall identify themselves to
112 either Group A or Group B. Thereafter, in subsequent elections,
113 each commissioner shall be elected for a term of 4 years. Each
114 commissioner shall give bond to the Governor for the faithful
115 performance of his or her duties in the sum of \$5,000, with a
116 surety company qualified to do business in the state as surety,
117 which bond shall be approved and kept by the Clerk of the
118 Circuit Court of Volusia County. The premiums on the bonds shall
119 be paid as part of the expenses of the district.

120 (1) The commissioners in Group A and Group B shall qualify
121 for and be elected to the office of commissioner on a
122 nonpartisan basis by qualifying in groups as provided by section
123 101.254, Florida Statutes, as candidates in a primary election
124 to be held at the time of the first state primary election,
125 prior to the general election, and in the general election in
126 the same manner as provided by Florida law for the election of
127 nonpartisan county officers in the County of Volusia.

128 (2) Should a vacancy or vacancies in the office of a
129 commissioner on the board of commissioners arise by reason of
130 the death, resignation, absence, or mental or physical
131 disability or incompetency of a member or members of the board
132 for a period of 6 months or more, the board shall by majority
133 action of the remaining members appoint a commissioner or
134 commissioners to fill any vacancy or vacancies in office from
135 among the qualified persons residing in the district to serve

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136 | until the expiration of the term of each such vacancy in office,
137 | or until the election and qualification of a successor or
138 | successors following the next general election. Should the
139 | remaining board members be unable to appoint a commissioner or
140 | commissioners to fill any vacancy or vacancies in office from
141 | among the qualified persons residing in the district after 45
142 | days from the vacancy's occurrence, then the vacancy or
143 | vacancies shall be filled by the Governor pursuant to section
144 | 114.04, Florida Statutes, as it may be amended from time to
145 | time, such qualified person or persons to serve until the
146 | expiration of the term of each such vacancy in office, or until
147 | the election and qualification of a successor or successors
148 | following the next general election. In the event that under the
149 | laws of the state a general election is to be held after the
150 | creation of a vacancy in the office of commissioner and before
151 | the expiration of the term of that office, as provided by the
152 | sections of this act assigning such office to Group A or Group
153 | B, a person or persons shall be nominated and elected to fill
154 | out the balance of the term of the vacancy in office and to
155 | succeed in that office and for that term, the person or persons
156 | appointed by the hospital commissioners. Such nomination and
157 | election shall be carried out in the same manner as is provided
158 | for in this act for the nomination and election of hospital
159 | commissioners, except that the primary and general election
160 | ballot shall identify the candidate for such vacancy in office
161 | by the group to which such office is assigned by the provisions
162 | of this act. Nothing herein shall be construed to prevent a
163 | person appointed by the board of commissioners from being a

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164 candidate to succeed himself or herself in the office to which
 165 he or she was appointed.

166 (3) The board of commissioners shall take office and
 167 organize at the first meeting in the month of January of each
 168 year by the election from among their number a chair, vice
 169 chair, secretary, treasurer, and such other officers as the
 170 board may deem necessary to accomplish the purposes of this act.
 171 All such officers shall serve for the year in which elected and
 172 until their successors are elected and installed.

173 Section 3. (1) The Board of Commissioners of the West
 174 Volusia Hospital Authority shall have all the powers of a body
 175 corporate, including the power to sue and be sued under the name
 176 of the West Volusia Hospital Authority; to contract and be
 177 contracted with; to adopt and use a common seal and to alter the
 178 same at pleasure; to acquire, purchase, hold, lease, sell, and
 179 convey such real and personal property as the board may deem
 180 proper or expedient to carry out the purposes of this act; to
 181 appoint and employ a qualified hospital administrator whose
 182 qualifications are approved by the board of commissioners as
 183 being in the best interest of the hospital; to provide for the
 184 election of a chief of staff by the medical staff of the
 185 hospital and employ such other agents and employees as the board
 186 may deem advisable; and to borrow money and issue notes, bonds,
 187 and other evidences of indebtedness of the district to carry out
 188 the provisions of this act in the manner hereinafter provided.

189 (2) Realizing that factors other than professional must
 190 enter into the qualifications of those who practice medicine,
 191 surgery, and dentistry, the Board of Commissioners of the West

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192 Volusia Hospital Authority are hereby authorized and empowered
 193 to set up rules, regulations, and bylaws for the operation of
 194 the hospital and the medical and dental staffs. The board of
 195 commissioners is authorized to give, grant, limit, or revoke
 196 membership on the medical or dental staff or the privileges of
 197 medical or dental staff members for practicing in or about the
 198 hospital under this act. So that the welfare and health of
 199 patients and the best interests of the hospital may at all times
 200 be best served, privileges of medical or dental staff membership
 201 and appointment to the medical or dental staff may be
 202 authorized, granted, limited, or revoked by the board of
 203 commissioners and shall be made for a period of 1 year or until
 204 the end of the fiscal year of the hospital or until the end of
 205 such probationary period as the board shall determine. It shall
 206 be the duty of the medical and dental staffs of the hospital to
 207 organize in the manner prescribed by the board of commissioners
 208 of this district. The board of commissioners is further
 209 authorized and empowered to set up rules and regulations for the
 210 control of all professional and nonprofessional employees of the
 211 hospital, which terms shall include nurses on general duty or on
 212 private duty attending patients, and all parties in the
 213 hospital, either as employees or in any manner in attendance of
 214 patients.

215 (3) Three of the commissioners shall constitute a quorum,
 216 and a vote of at least two of the commissioners shall be
 217 necessary for the transaction of any business of the district.
 218 The commissioners shall cause true and accurate minutes and
 219 records to be kept of all business transacted by them, and shall

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220 keep full, true, and complete books of account and minutes,
 221 which minutes, records, and books of account shall at all
 222 reasonable times be open and subject to the inspection of
 223 inhabitants of the district; and any person desiring to do so
 224 may make or procure copy of the minutes, records, or books of
 225 account, or such portions thereof as he or she may desire.

226 Section 4. The board of commissioners is hereby authorized
 227 and empowered to establish, construct, operate, and maintain
 228 such hospital and hospitals as in their opinion shall be
 229 necessary for the use of the people of the district. Said
 230 hospital or hospitals shall be established, constructed,
 231 operated, and maintained by the board of commissioners for the
 232 preservation of the public health and for the public good and
 233 for the use of the public of the district. Maintenance of such
 234 hospital or hospitals within the district is hereby found and
 235 declared to be a public purpose and necessary for the
 236 preservation of the public health and for the public use and for
 237 the welfare of the district and inhabitants thereof. The
 238 location of the hospital or hospitals shall be determined by the
 239 board.

240 (1) The term "hospital" or "hospitals," as used in this
 241 act, shall mean one or more health care institutions, including
 242 hospitals, extended care institutions, and outpatient care
 243 institutions, whether or not located in a single building, which
 244 shall have some or all of the following: an organized medical
 245 staff with permanent facilities that include inpatient beds and
 246 with medical services including physicians' services and
 247 continuing nursing services to provide diagnosis and treatment

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248 for patients who have a variety of medical conditions, including
 249 both those who require inpatient care and those who are
 250 primarily ambulatory, whether or not such patients require
 251 continuous hospital services, including the furnishing and
 252 staffing with professional and nonprofessional personnel of both
 253 outpatient and inpatient emergency departments.

254 (2) The term "operate and maintain," as used in this act,
 255 shall mean to administer, supervise, control, and manage the
 256 hospital or hospitals referred to by this act and to obtain,
 257 construct, employ, furnish, and replenish the equipment,
 258 facilities, including buildings, and professional and
 259 nonprofessional personnel, including licensed physicians,
 260 required to provide the services, treatment, and facilities
 261 related to such hospital and hospitals as defined in this act.

262 Section 5. In order to carry out the purpose of this act,
 263 and notwithstanding other provisions of this act, and in
 264 extension and not in limitation of the provisions contained in
 265 any other section of this act:

266 (1) The board of commissioners may acquire, construct,
 267 reconstruct, extend, make additions to, enlarge, improve,
 268 repair, remodel, restore, equip, and furnish hospital and other
 269 health care facilities now or hereafter located in the district
 270 and which are or may be owned by or under the supervision,
 271 operation, and control of the district. For the purposes of this
 272 section, the term "hospital" or "health care facilities" means
 273 any real property or interest therein, building, structure,
 274 facility, machinery, equipment, furnishings, or other property
 275 suitable for use by the district in connection with its

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276 operations or proposed operations, including, without
 277 limitation, real property therefor, a clinic, computer facility,
 278 food service and preparation facility, health care facility,
 279 long-term care facility, hospital, interns' residence, nursing
 280 home, nursing school, office, professional office building,
 281 parking structure and area, pharmacy, recreational facility,
 282 research facility, storage facility, utility, or x-ray facility,
 283 or any combination of the foregoing, and other structures or
 284 facilities related thereto or required or useful for health care
 285 purposes, the conducting of research, or the operation of a
 286 hospital or other health care facility, including facilities or
 287 structures essential or convenient for the orderly conduct of
 288 such hospital or other health care facility and other similar
 289 items necessary or convenient for the operation of a particular
 290 facility or structure in the manner for which its use is
 291 intended.

292 (2) The board of commissioners shall provide for the
 293 health or mental health care of indigents and provide such other
 294 health or mental health related services for indigents in such
 295 manner as the board selects, including the purchase of
 296 institutional services from any private or publicly owned
 297 medical facility, as the board determines are needed for the
 298 general welfare of the residents of the district.

299 (3) The board of commissioners may collect information and
 300 statistical data that will be helpful to the board and the
 301 county in deciding the health or mental health care needs in the
 302 county.

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303 (4) The board of commissioners may assume funding for the
 304 county's share of state or federal indigent health or mental
 305 health care programs for district residents which require
 306 financial participation by the county.

307 (5) The board of commissioners may issue negotiable
 308 revenue bonds of the district for the purpose of paying or
 309 refinancing all or any part of the cost of any hospital or other
 310 health care facility. In anticipation of the sale of such
 311 revenue bonds, the district may issue negotiable bond
 312 anticipation notes and may renew the same from time to time, but
 313 the maximum maturity of any such note, including renewals
 314 thereof, shall not exceed 50 years from the date of issue of the
 315 original note. Such notes shall be paid from any revenues or
 316 other funds of the district legally available therefor and not
 317 otherwise pledged or from the proceeds of sale of the revenue
 318 bonds of the district in anticipation of which they were issued.
 319 The notes shall be issued in the same manner as the revenue
 320 bonds. Such notes and the resolution authorizing them may
 321 contain any provisions, conditions, or limitations which a bond
 322 resolution of the board of commissioners may contain.

323 (a) The revenue bonds and notes of every issue shall be
 324 payable solely out of revenues derived by the district from
 325 hospital and other health care facilities within the district
 326 and owned by or under the supervision, operation, and control of
 327 the district, together with any other funds of the district
 328 legally available for the purpose. Notwithstanding that revenue
 329 bonds and notes may be payable from a special fund, they shall

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330 be for all purposes negotiable instruments, subject only to any
331 provisions of the revenue bonds and notes for registration.

332 (b) The revenue bonds may be issued as serial bonds, as
333 term bonds, or otherwise, or the board of commissioners may
334 issue bonds of all types. The revenue bonds shall be authorized
335 by resolution of the board of commissioners and shall bear such
336 date; mature at such time not exceeding 50 years from their
337 respective dates; bear interest at such rates, including
338 variable rates, but not exceeding the maximum rate permitted by
339 law at the time of issuance; be payable at such time; be in such
340 denominations; be in such form, either coupon or registered or
341 both; carry such registration privileges and conversion or
342 exchange privileges; be executed in such manner; be payable in
343 lawful money of the Unites States at such place; and be subject
344 to such terms of redemption, including redemption prior to
345 maturity, as such resolution may provide. The board of
346 commissioners shall determine the form and manner of execution
347 of the bonds, including any interest coupons to be attached
348 thereto, and shall fix the denomination of the bonds and the
349 place of payment of principal and interest, which may be at any
350 bank or trust company within or without the state. In case any
351 officer whose signature, or a facsimile of whose signature,
352 appears on any bonds or coupons ceases to be such officer before
353 the delivery of such bonds, such signature or facsimile shall
354 nevertheless be valid and sufficient for all purposes the same
355 as if he or she had remained in office until such delivery. The
356 board of commissioners may also provide for the authentication
357 of the bonds by a trustee or fiscal agent. The revenue bonds or

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358 notes may be sold in such manner, either at public or private
 359 sale, and for such price as the board of commissioners
 360 determines. Pending preparation of the definitive bonds, the
 361 board of commissioners may issue interim receipts or
 362 certificates which may be exchanged for such definitive bonds.

363 (c) The board of commissioners may require that any issue
 364 of revenue bonds be secured by a trust agreement by and between
 365 the district and a corporate trustee, which may be any trust
 366 company or bank having the powers of a trust company within or
 367 without the state. Such trust agreement or resolution may pledge
 368 or assign all or any part of the revenues and other funds of the
 369 district legally available for the payment of such revenue
 370 bonds. The resolution may contain such provisions for protecting
 371 and enforcing the rights and remedies of the bondholders as may
 372 be reasonable and proper and not in violation of law, including
 373 covenants setting forth the duties of the district in relation
 374 to the acquisition, construction, improvement, maintenance,
 375 operation, repair, equipping, and insurance of the facilities;
 376 the fees and other charges to be fixed and collected for the use
 377 of any facility or part thereof; the sale of any facility or
 378 part thereof or other property; the terms and conditions for the
 379 issuance of additional bonds; and the custody, safeguarding, and
 380 application of all moneys. Any bank or trust company
 381 incorporated under the laws of the state which may act as such
 382 depository may furnish such indemnity bonds or may pledge such
 383 securities as may be required by the board of commissioners.
 384 Such resolution or trust agreement may set forth the rights and
 385 remedies of the bondholders and the trustee and may restrict the

386 individual right of action by the bondholders. In addition, such
 387 resolution or trust agreement may contain such other provisions
 388 as the board of commissioners may deem reasonable and proper for
 389 the security of the bondholders. All expenses incurred in
 390 carrying out such trust agreement or resolution may be treated
 391 as a part of the cost of the facility in connection with which
 392 such bonds are issued or as part of the expense of operation of
 393 such facility. The resolution or trust agreement providing for
 394 the issuance of the revenue bond may also contain such
 395 limitations upon the issuance of additional revenue bonds as the
 396 board of commissioners may deem proper, and such additional
 397 bonds shall be issued under such restrictions or limitations as
 398 may be prescribed by such resolution or trust agreement.

399 (d) Revenue bonds issued under the provisions of this
 400 section shall not be deemed to constitute a debt, liability, or
 401 obligation of the district, Volusia County, or the state, or any
 402 political subdivision thereof, or a pledge of the faith and
 403 credit or the taxing power of the district, Volusia County, or
 404 of the state, or any political subdivision thereof, but shall be
 405 payable solely from the revenue and funds provided therefor. All
 406 such revenue bonds shall contain on the face thereof a statement
 407 to the effect that the district shall not be obligated to pay
 408 the same or the interest thereon except from the revenues and
 409 other funds of the district provided for such payment, and that
 410 neither the faith and credit nor the taxing power of the
 411 district, nor of Volusia County, nor of the state, nor any
 412 political subdivision thereof, is pledged to the payment of the
 413 principal or of the interest on such bonds. The issuance of

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414 revenue bonds under the provisions of this section shall not
415 directly, indirectly, or contingently obligate the district,
416 Volusia County, or the state, or any political subdivision
417 thereof, to levy or to pledge any form of taxation whatever nor
418 make any appropriation for their payment.

419 (e) All bonds issued under the provisions of this section
420 shall have all the qualities and incidents, including
421 negotiability, of investment securities under the Uniform
422 Commercial Code, but no provision of such code respecting the
423 filing of a financing statement to perfect a security interest
424 shall be necessary for, or applicable to, any security interest
425 created in connection with the issuance of any such bonds.

426 (f) The exercise of the powers granted by this section
427 shall be in all respects for the benefit of the people of this
428 state; for the increase of their commerce, welfare, and
429 prosperity; for the improvement of their health and living
430 conditions; and because the operation and maintenance of
431 hospital and other health care facilities by the district will
432 constitute the performance of an essential public and
433 governmental purpose. Any bonds issued under the provisions of
434 this section, together with interest, their transfer, and the
435 income therefrom, including any profit made on the sale thereof,
436 shall at all times be free from taxation of every kind by the
437 state, Volusia County, and municipalities and other political
438 subdivisions in the state, except for those taxes imposed by
439 chapter 220, Florida Statutes, on interest, income, or profits
440 on debt obligations owned by corporations.

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441 (g) The board of commissioners may provide for the
442 issuance of revenue bonds of the district for the purpose of
443 refunding any of its revenue bonds then outstanding, including
444 the payment of any redemption premium thereon and any interest
445 accrued or to accrue to the earliest or subsequent date of
446 redemption, purchase, or maturity of such revenue bonds. The
447 proceeds of any such revenue bonds issued for such purpose may,
448 in the discretion of the board of commissioners, be applied to
449 the purchase or retirement at maturity or redemption of such
450 outstanding revenue bonds either on their earliest or any
451 subsequent redemption date, or upon the purchase, or at the
452 maturity thereof, and may, pending such application, be placed
453 in escrow to be applied to such purchase or retirement at
454 maturity or redemption on such date as may be determined by the
455 board of commissioners, and pending such application to
456 purchase, retirement or redemption may be invested and
457 reinvested in securities selected by or in such manner as the
458 board of commissioners may provide.

459 (h) Bonds issued by the board of commissioners under the
460 provisions of this section are hereby made securities in which
461 all public officers and public bodies of the state and its
462 political subdivisions and all banks, trust companies, bankers,
463 banking associations, savings banks and institutions, building
464 and loan associations, savings and loan associations, investment
465 companies, and other persons carrying on a banking or investment
466 business; all insurance companies, insurance associations, and
467 other persons carrying on an insurance business; and all
468 executors, administrators, curators, trustees, and other

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469 fiduciaries may properly and legally invest funds, including
 470 capital in their control or belonging to them. Such bonds are
 471 hereby made securities which may properly and legally be
 472 deposited with and received by any state or municipal officer or
 473 any agency or political subdivision of the state for any purpose
 474 for which the deposit of bonds or obligations of the state is
 475 now or may hereinafter be authorized by law.

476 (6) No election in the district shall be required as a
 477 condition precedent to the exercise by the board of
 478 commissioners of any of the powers conferred by this section
 479 unless such election shall be required by the Florida
 480 Constitution.

481 (7) Revenue bonds may be issued under the provisions of
 482 this section without obtaining, except as otherwise expressly
 483 provided in this section, the consent of any department,
 484 division, commission, board, body, bureau, or agency of the
 485 state, or any political subdivision thereof, and without any
 486 other proceedings or the happening of any conditions or things
 487 other than those proceedings, conditions, or things which are
 488 specifically required by this section and the provisions of the
 489 resolution authorizing the issuance of such bonds or the trust
 490 agreement securing the same.

491 (8) This section shall be deemed to provide an additional
 492 and alternative method for the doing of the things authorized
 493 hereby and shall be regarded as supplemental and additional to
 494 powers conferred by other laws.

495 Section 6. In the course of the operation and maintenance
 496 of the health care facilities as defined by this act, including,

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497 but not limited to, section 4 and including all hospitals and
 498 facilities owned and operated by the authority, the term
 499 "operate and maintain," as defined in section 4, shall include:

500 (1) The West Volusia Hospital Authority may advise the
 501 public and medical community of the medical, hospital, or other
 502 services and accommodations available at the facilities owned or
 503 operated by the West Volusia Hospital Authority, as defined by
 504 this act, by paying for the use of the media, including, but not
 505 limited to, newspapers, radio, television, videotape, audio
 506 tape, direct mail, handbills, leaflets, billboards, advertising
 507 signs, advertisements and announcements in magazines, brochures,
 508 trade publications, programs of public events, and by other
 509 means and mechanisms similar to the uses and the media
 510 enumerated, reaching the same or similar audiences as those
 511 reached by the media enumerated.

512 (2) The West Volusia Hospital Authority is authorized to
 513 create such award programs as the authority shall deem desirable
 514 for the purpose of rewarding the employees and staff of the
 515 facilities and hospitals owned or operated by the authority for
 516 their services to such facilities or hospitals. Such awards may
 517 include, but not be limited to, certificates of recognition,
 518 pins, emblems, and insignia, as well as the grant of special
 519 compensation or privileges.

520 (3) The West Volusia Hospital Authority is authorized to
 521 make available to patients, visitors, staff, and employees
 522 services and products, including, but not limited to, foods,
 523 coffee, and other beverages as the authority shall deem
 524 advisable; to promote good will and the use of hospital services

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525 by the public; and the cooperation of the employees and staff in
 526 furnishing services to and for the benefit of the hospital or
 527 other facilities enumerated in this act or to the general
 528 public, which shall include, but not be limited to, the
 529 furnishing of beverage and food products to meetings, patients,
 530 and the relatives of patients, pursuant to a program approved by
 531 the authority, either for the specific instance or according to
 532 a policy adopted by the authority which permits the exercise of
 533 discretion by the hospital administrator or persons designated
 534 by such administrator.

535 (4) The authority is authorized to advance the costs of
 536 employees and staff members of the hospitals and medical
 537 facilities owned and operated by the authority attending
 538 educational programs and seminars, according to policy
 539 established by the authority, which may include the costs of the
 540 seminars, per diem, and traveling.

541 (5) The authority may require that physical inventories be
 542 performed periodically instead of annually, at such times and in
 543 such manner as shall be determined by the authority, but in
 544 accordance with generally accepted accounting principles.

545 Section 7. The board shall have the power of eminent
 546 domain, and may thereby condemn and acquire any real or personal
 547 property which the board may deem necessary for the use of the
 548 district, whether within or without the district. Such power of
 549 condemnation shall be exercised in the same manner as is now
 550 provided by the general law for the exercise of the power of
 551 eminent domain by cities and towns of the state.

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552 Section 8. The board of commissioners is hereby authorized
 553 and empowered to borrow money from time to time in order to
 554 provide for and carry out the purposes of this act. The district
 555 may issue the notes of the district, determine the aggregate
 556 amount of principal therefor, and set terms and rates of
 557 interest.

558 Section 9. The funds of the district shall be paid out
 559 only upon warranty signed by two members of the board of
 560 commissioners or by the hospital administrator and one member of
 561 the board of commissioners and having thereto affixed the
 562 corporate seal of the district, which may be a facsimile or
 563 printed, and no warranty shall be drawn or issued against funds
 564 of the district except for the purpose authorized by this act.
 565 No such warrant against funds of the district shall be drawn or
 566 issued until after the account or expenditure for which the same
 567 is to be given in payment has been ordered and approved by the
 568 board of commissioners. No funds of the district shall be paid
 569 to a member of the board of commissioners as compensation for
 570 his or her services in that office excepting only the necessary
 571 expense of travel in the performance of the duties of his or her
 572 office, including attendance at meetings or conventions relating
 573 to the duties of his or her office, when such travel is
 574 authorized by a standing or special resolution adopted by the
 575 board of commissioners.

576 Section 10. It shall be the duty of the board of
 577 commissioners to annually assess and levy against the taxable
 578 property within the district a tax to be collected and paid into
 579 the district fund and used by the board of commissioners for the

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580 purpose of this act, including the operation, maintenance,
 581 repair, and construction of a hospital or hospitals established
 582 as authorized by this act, or for the payment of any outstanding
 583 indebtedness authorized by section 8, or for the payment of
 584 other necessary expenses in carrying on and transacting the
 585 business of the district. However, the rate of taxation per
 586 annum under the taxing authority granted to the Board of
 587 Commissioners of the West Volusia Hospital Authority by this
 588 section for the purpose of this act, including the operating,
 589 maintaining, repairing, and constructing of any hospital or
 590 hospitals established as authorized by this act or for the
 591 payment of any outstanding indebtedness authorized by section 8,
 592 or for the payment of other necessary expenses in carrying on
 593 and transacting the business of the district, shall not exceed 5
 594 mills on the dollar of the valuation of the taxable property
 595 within the district.

596 Section 11. The levy by the board of the taxes authorized
 597 by any provision of this act shall be by resolution of the board
 598 duly entered upon the minutes of the board. Certified copies of
 599 such resolution executed in the name of the board by its chair,
 600 under its corporate seal, shall be made and delivered to the
 601 County Council of Volusia County, Florida, and to the Florida
 602 Department of Revenue in the same manner and within the same
 603 time period as required by independent special districts
 604 pursuant to general law. The county council shall order and
 605 require the tax collector of the county to assess and to collect
 606 the amount of taxes so assessed or levied by the Board of
 607 Commissioners of the West Volusia Hospital Authority upon the

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608 nonexempt property in the district, at the rate of taxation as
 609 fixed, levied, and adopted by the board of commissioners of the
 610 district for the year and included in the warrant of the
 611 property appraiser and attached to the assessment roll of taxes
 612 for the county each year. The Tax Collector of Volusia County
 613 shall collect such tax so levied by the board in the same manner
 614 as other taxes are collected, and shall remit the taxes
 615 collected to the district within the time and in the manner
 616 prescribed by law for the collection and handling of taxes. All
 617 revenues so collected shall be held, used, invested, and
 618 disbursed by the district as provided in this act or as
 619 otherwise provided by law.

620 Section 12. The board is authorized to pay from the funds
 621 of the district all expenses of the organization of the board
 622 and all expenses necessarily incurred with the formation of the
 623 district and all other reasonable and necessary expenses,
 624 including the fees and expenses of an attorney in the
 625 transaction of the business of the district, and in carrying out
 626 and accomplishing the purposes of this act. This section,
 627 however, shall not be construed to limit or restrict any of the
 628 powers vested in the board of commissioners by any other section
 629 or provision of this act.

630 Section 13. At least once in each year the board of
 631 commissioners shall publish once in some newspaper published in
 632 the district a complete detailed statement of all moneys
 633 received and disbursed by the board since the creation of the
 634 district as to the first published statement and since the last
 635 published statement as to any other year. Such statements shall

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636 also show the several sources from which the funds were received
 637 and shall show the balance on hand at the time of the published
 638 statement. It shall also show a complete statement of the
 639 condition of the district.

640 Section 14. Each hospital and clinic established under
 641 this act shall be for the use and benefit of the indigent sick
 642 and other residents of the district. Such residents shall be
 643 admitted to such hospital and clinic and be entitled to medical
 644 care without charge, subject to the rules and regulations
 645 prescribed by the board of commissioners. Such hospitals and
 646 clinics shall care for and treat without charge or,
 647 alternatively, for a reduced charge according to a sliding
 648 scale, patients who are found by such board of commissioners to
 649 be indigent, but the board may collect from financially able
 650 patients such charges as the board of commissioners may from
 651 time to time establish. The board of commissioners shall have
 652 the power to extend the benefits and privileges of such
 653 hospitals and clinics and treatment and outpatient department to
 654 the homes of the indigent residents of such county. Said board
 655 of commissioners may extend the privileges and use of such
 656 hospitals and clinics to nonresidents of such district upon such
 657 terms and conditions as the board may from time to time by its
 658 rules and regulations provide; provided, however, that the
 659 indigent residents of the district wherein such hospital and
 660 clinic are located shall have the first claim to admission.

661 Section 15. It is intentional that the provisions of this
 662 act shall be liberally construed for accomplishing the work
 663 authorized and provided for or intended to be provided for in

664 this act, and where strict construction would result in the
 665 defeat of the accomplishment of any party of the work authorized
 666 by this act, and a liberal construction would permit or assist
 667 in the accomplishment thereof, the liberal construction shall be
 668 chosen.

669 Section 16. Any and all bonds issued under the provisions
 670 of this act may be validated by the Board of Commissioners of
 671 the West Volusia Hospital Authority under and in accordance with
 672 the provisions of the general laws of Florida, in the same
 673 manner as is therein provided for validation of bonds, etc., by
 674 any county, municipality, or taxing district, etc., of the
 675 state.

676 Section 17. The district and the board of commissioners of
 677 the district shall have the power to purchase, construct and
 678 erect, lease, equip, operate, and maintain or manage a hospital
 679 or hospitals in the district for the care of the sick or infirm
 680 or those suffering from any disease or injury to or of the body
 681 or mind.

682 Section 18. In accordance with section 189.404(3), Florida
 683 Statutes, the following subsections shall constitute the minimum
 684 charter requirements for the district:

685 (1) The district is organized and exists for the purpose
 686 set forth in this act, as it may be amended from time to time.

687 (2) The powers, functions, and duties of the district,
 688 including, but not limited to, ad valorem taxation, bond
 689 issuance, other revenue-raising capabilities, budget preparation
 690 and approval, liens and foreclosure of liens, use of tax deeds
 691 and tax certificates as appropriate for non-ad valorem

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692 assessments, and contractual agreements shall be as set forth in
 693 this act, chapters 189 and 197, Florida Statutes, or any other
 694 applicable general or special law, as they may be amended from
 695 time to time.

696 (3) The district was created by special act of the Florida
 697 Legislature by chapter 57-2085, Laws of Florida, as amended.

698 (4) The district's charter may be amended only by special
 699 act of the Legislature.

700 (5) In accordance with chapter 189, Florida Statutes, and
 701 this act, the district is governed by a five-member board of
 702 commissioners as provided for herein.

703 (6) The compensation of the board of commissioners shall
 704 be as provided for by this act.

705 (7) The administrative duties of the board of
 706 commissioners shall be as set forth in this act and chapter 189,
 707 Florida Statutes, as they may be amended from time to time.

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

713 (9) The procedures and requirements governing the issuance
 714 of bonds, notes, and other evidence of indebtedness by the
 715 district shall be as set forth in this act, and applicable
 716 general laws, as they may be amended from time to time.

717 (10) The procedures for conducting district elections and
 718 for qualification of electors shall be pursuant to this act and

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719 chapter 189, Florida Statutes, as they may be amended from time
720 to time.

721 (11) The district may be financed by any method
722 established in this act, and applicable general laws, as they
723 may be amended from time to time.

724 (12) The district does not collect non-ad valorem
725 assessments, fees, or service charges as set forth in chapter
726 197, Florida Statutes.

727 (13) The district's planning requirements shall be as set
728 forth in chapter 189, Florida Statutes, and this act, as they
729 may be amended from time to time.

730 (14) The district's geographic boundary limitations shall
731 be as set forth in this act.

732 (15) This section shall not be construed to limit or
733 restrict any of the powers vested in the board of commissioners
734 by any other section or provision of this act.

735 Section 4. If any provision of this act or the application
736 thereof to any person or circumstance is held invalid, the
737 invalidity shall not affect other provisions or applications of
738 the act which can be given effect without the invalid provision
739 or application, and to this end the provisions of this act are
740 declared severable.

741 Section 5. This act shall be construed as a remedial act
742 and shall be liberally construed to promote the purpose for
743 which it is intended.

744 Section 6. Chapters 27949 (1951), 57-1929, 57-2085, 59-
745 1949, 61-2974, 63-2014, 65-2344, 67-2152, 69-1696, 69-1698, 71-

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746 951, 71-955, 82-383, 88-473, and 96-455, Laws of Florida, are
747 repealed.

748 Section 7. Section 10 of section 3 of this act is amended
749 to read:

750 Section 10. It shall be the duty of the board of
751 commissioners to annually assess and levy against the taxable
752 property within the district a tax to be collected and paid into
753 the district fund and used by the board of commissioners for the
754 purpose of this act, including the operation, maintenance,
755 repair, and construction of a hospital or hospitals established
756 as authorized by this act, or for the payment of any outstanding
757 indebtedness authorized by section 8, or for the payment of
758 other necessary expenses in carrying on and transacting the
759 business of the district. However, the rate of taxation per
760 annum under the taxing authority granted to the Board of
761 Commissioners of the West Volusia Hospital Authority by this
762 section for the purpose of this act, including the operating,
763 maintaining, repairing, and constructing of any hospital or
764 hospitals established as authorized by this act or for the
765 payment of any outstanding indebtedness authorized by section 8,
766 or for the payment of other necessary expenses in carrying on
767 and transacting the business of the district, shall not exceed 4
768 5 mills on the dollar of the valuation of the taxable property
769 within the district.

770 Section 8. The provisions of section 7 of this act which
771 authorize the levy of ad valorem taxation at a reduced rate
772 shall take effect only upon express approval by a majority vote
773 of those qualified electors of the district, as required by

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774 Section 9 of Article VII of the State Constitution, voting in a
 775 referendum to be held by the district and conducted by the
 776 Supervisor of Elections of Volusia County on August 31, 2004, in
 777 accordance with the provisions of law relating to elections
 778 currently in force in the district. The question to be placed on
 779 the ballot shall be in substantially the following form:

780
 781 Shall the maximum ad valorem property tax rate that can be
 782 levied by the West Volusia Hospital Authority be reduced
 783 from 5 mills to 4 mills?

784
 785 YES_____

786
 787 NO_____

788
 789 Section 9. Except as otherwise provided herein, this act
 790 shall take effect upon becoming a law.