

ENROLLED
HB 837, Engrossed 1

2004 Legislature

A bill to be entitled

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

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 West Volusia Hospital Authority, an independent special tax district. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the authority including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority in addition to any authority contained in general law.

ENROLLED
HB 837, Engrossed 1

2004 Legislature

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67-2152, 69-1696, 69-1698, 71-951, 71-955, 82-383, 88-473, and 96-455, Laws of Florida, are codified, reenacted, repealed, and amended as herein provided.

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

Section 1. An independent special tax district is hereby created and incorporated to be known as "The West Volusia Hospital Authority" in Volusia County for the purpose of, either directly or through third parties, providing access to healthcare for indigent residents of the district ("purpose"). Health care is to be provided or overseen by licensed health care professionals or entities and may only be provided for nonindigents and nonresidents incidental to the provision of services to indigent residents of the district. This purpose is hereby found and declared to be a public purpose and necessary for the general welfare of the residents of the district, which the district shall embrace and include the following described property in Volusia County, to wit:

Commencing at a point on the East Shore of Lake George where same is intersected by the Putnam-Volusia County line and run Northeasterly with the line to the Southern-most point of Lake Crescent; thence East with shore line of Lake Crescent to the mouth of Haw Creek; thence up the Creek to its intersection with the East line of Range 28 East; run thence South with the range line (it being the Flagler-Volusia County line) to the

ENROLLED
HB 837, Engrossed 1

2004 Legislature

Northwest corner of Section 30, Township 14 South
Range 29 East; thence run East 12 miles to the
Northeast corner of Section 25, Township 14 South
Range 30 East; thence run South two miles to the
Southeast corner of Township 14 South Range 30 East;
thence run West along the Township line to the
Northeast corner of Township 15 South Range 30 East;
thence run South with the range line between Ranges 30
and 31 East about six miles to the Southeast corner of
Township 15 South Range 30 East; run thence East along
the North line of Township 16 South Range 31 East
about six miles to the Northeast corner of the
Township 16 South Range 31 East; run thence South on
the range line between Ranges 31 and 32 East about
twelve miles to the Southeast corner of Township 17
South Range 31 East; run thence East with the line
between Townships 17 and 18 South to the Northeast
corner of Township 18 South Range 32 East; run thence
South on the range line between Ranges 32 and 33 East
to the Southeast corner of Township 18 South Range 32
East; run thence East on the line between Township 18
South Range 33 East and Township 19 South Range 33
East about three miles to the Northeast corner of
Section 4 Township 19 South Range 33 East. Run thence
South on the East line of Sections 4-9-16-21-28 and
33, Township 19 South Range 33 East to the Southeast
corner of Section 33, Township 19, South Range 33
East; run thence east on the line between Township 19

ENROLLED
HB 837, Engrossed 1

2004 Legislature

South Range 33 East and Township 20 South Range 33 East to the Northeast corner of Township 20 South Range 33 East; run thence South on the East line of Township 20 South Range 33 East and along the East line of Township 21 South Range 33 East to the Southeast corner of Section 36, Township 21 South Range 33 East; run thence West along the South line of Township 21 South Range 33 East to the intersection of the Township line with the St. Johns River; thence run down the St. Johns River in a generally Northwesterly direction to Lake George and with the East Shore line of the Lake George to the place of beginning. All of the above described property lying and being in the County of Volusia, State of Florida.

Section 2. The governing body of the West Volusia Hospital Authority shall consist of five commissioners who shall be qualified residing in the district. At the general election held in the year A.D. 1962, there were elected five commissioners, three of whom were elected for a term of 2 years, and which commissioners were identified as Group A; and two of whom were elected for a term of 4 years, and which commissioners were identified as Group B. Candidates shall identify themselves to either Group A or Group B. Thereafter, in subsequent elections, each commissioner shall be elected for a term of 4 years. Each commissioner shall give bond to the Governor for the faithful performance of his or her duties in the sum of \$5,000, with a surety company qualified to do business in the state as surety, which bond shall be approved and kept by the Clerk of the

ENROLLED
HB 837, Engrossed 1

2004 Legislature

Circuit Court of Volusia County. The premiums on the bonds shall be paid as part of the expenses of the district.

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

(2) Should a vacancy or vacancies in the office of a commissioner on the board of commissioners arise by reason of the death, resignation, absence, or mental or physical disability or incompetency of a member or members of the board for a period of 6 months or more, the board shall by majority action of the remaining members appoint a commissioner or commissioners to fill any vacancy or vacancies in office from among the qualified persons residing in the district to serve until the expiration of the term of each such vacancy in office, or until the election and qualification of a successor or successors following the next general election. Should the remaining board members be unable to appoint a commissioner or commissioners to fill any vacancy or vacancies in office from among the qualified persons residing in the district after 45 days from the vacancy's occurrence, then the vacancy or vacancies shall be filled by the Governor pursuant to section 114.04, Florida Statutes, as it may be amended from time to time, such qualified person or persons to serve until the

ENROLLED
HB 837, Engrossed 1

2004 Legislature

expiration of the term of each such vacancy in office, or until the election and qualification of a successor or successors following the next general election. In the event that under the laws of the state a general election is to be held after the creation of a vacancy in the office of commissioner and before the expiration of the term of that office, as provided by the sections of this act assigning such office to Group A or Group B, a person or persons shall be nominated and elected to fill out the balance of the term of the vacancy in office and to succeed in that office and for that term, the person or persons appointed by the hospital commissioners. Such nomination and election shall be carried out in the same manner as is provided for in this act for the nomination and election of hospital commissioners, except that the primary and general election ballot shall identify the candidate for such vacancy in office by the group to which such office is assigned by the provisions of this act. Nothing herein shall be construed to prevent a person appointed by the board of commissioners from being a candidate to succeed himself or herself in the office to which he or she was appointed.

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

ENROLLED
HB 837, Engrossed 1

2004 Legislature

Section 3. (1) The Board of Commissioners of the West Volusia Hospital Authority shall have all the powers of a body corporate, including the power to sue and be sued under the name of the West Volusia Hospital Authority; 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, sell, and convey such real and personal property as the board may deem proper or expedient to carry out the purposes of this act; to appoint and employ a qualified hospital administrator whose qualifications are approved by the board of commissioners as being in the best interest of the hospital; to provide for the election of a chief of staff by the medical staff of the hospital and employ such other agents and employees as the board may deem advisable; and to borrow money and issue notes, bonds, and other evidences of indebtedness of the district to carry out the provisions of this act in the manner hereinafter provided.

(2) Realizing that factors other than professional must enter into the qualifications of those who practice medicine, surgery, and dentistry, the Board of Commissioners of the West Volusia Hospital Authority are hereby authorized and empowered to set up rules, regulations, and bylaws for the operation of the hospital and the medical and dental staffs. The board of commissioners is authorized to give, grant, limit, or revoke membership on the medical or dental staff or the privileges of medical or dental staff members for practicing in or about the hospital under this act. So that the welfare and health of patients and the best interests of the hospital may at all times be best served, privileges of medical or dental staff membership

ENROLLED
HB 837, Engrossed 1

2004 Legislature

and appointment to the medical or dental staff may be authorized, granted, limited, or revoked by the board of commissioners and shall be made for a period of 1 year or until the end of the fiscal year of the hospital or until the end of such probationary period as the board shall determine. It shall be the duty of the medical and dental staffs of the hospital to organize in the manner prescribed by the board of commissioners of this district. The board of commissioners is further authorized and empowered to set up rules and regulations for the control of all professional and nonprofessional employees of the hospital, which terms shall include nurses on general duty or on private duty attending patients, and all parties in the hospital, either as employees or in any manner in attendance of patients.

(3) Three of the commissioners shall constitute a quorum, and a vote of at least two of the commissioners shall be necessary for 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 subject to the inspection of inhabitants of the district; and 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 4. The board of commissioners is hereby authorized and empowered to establish, construct, operate, and maintain such hospital and hospitals as in their opinion shall be

ENROLLED
HB 837, Engrossed 1

2004 Legislature

necessary for the use of the people of the district. Said hospital or hospitals shall be established, constructed, operated, and maintained by the board of commissioners for the preservation of the public health and for the public good and for the use of the public of the district. Maintenance of such hospital or hospitals within the district is hereby found and declared to be a public purpose and necessary for the preservation of the public health and for the public use and for the welfare of the district and inhabitants thereof. The location of the hospital or hospitals shall be determined by the board.

(1) The term "hospital" or "hospitals," as used in this act, shall mean one or more health care institutions, including hospitals, extended care institutions, and outpatient care institutions, whether or not located in a single building, which shall have some or all of the following: an organized medical staff with permanent facilities that include inpatient beds and with medical services including physicians' services and continuing nursing services to provide diagnosis and treatment for patients who have a variety of medical conditions, including both those who require inpatient care and those who are primarily ambulatory, whether or not such patients require continuous hospital services, including the furnishing and staffing with professional and nonprofessional personnel of both outpatient and inpatient emergency departments.

(2) The term "operate and maintain," as used in this act, shall mean to administer, supervise, control, and manage the hospital or hospitals referred to by this act and to obtain,

ENROLLED
HB 837, Engrossed 1

2004 Legislature

construct, employ, furnish, and replenish the equipment, facilities, including buildings, and professional and nonprofessional personnel, including licensed physicians, required to provide the services, treatment, and facilities related to such hospital and hospitals as defined in this act.

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

(1) The board of commissioners may acquire, construct, reconstruct, extend, make additions to, enlarge, improve, repair, remodel, restore, equip, and furnish hospital and other health care facilities now or hereafter located in the district and which are or may be owned by or under the supervision, operation, and control of the district. For the purposes of this section, the term "hospital" or "health care facilities" means any real property or interest therein, building, structure, facility, machinery, equipment, furnishings, or other property suitable for use by the district in connection with its operations or proposed operations, including, without limitation, real property therefor, a clinic, computer facility, food service and preparation facility, health care facility, long-term care facility, hospital, interns' residence, nursing home, nursing school, office, professional office building, parking structure and area, pharmacy, recreational facility, research facility, storage facility, utility, or x-ray facility, or any combination of the foregoing, and other structures or facilities related thereto or required or useful for health care

ENROLLED
HB 837, Engrossed 1

2004 Legislature

purposes, the conducting of research, or the operation of a hospital or other health care facility, including facilities or structures essential or convenient for the orderly conduct of such hospital or other health care facility and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended.

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

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

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

(5) The board of commissioners may issue negotiable revenue bonds of the district for the purpose of paying or refinancing all or any part of the cost of any hospital or other health care facility. In anticipation of the sale of such revenue bonds, the district may issue negotiable bond anticipation notes and may renew the same from time to time, but

ENROLLED
HB 837, Engrossed 1

2004 Legislature

the maximum maturity of any such note, including renewals thereof, shall not exceed 50 years from the date of issue of the original note. Such notes shall be paid from any revenues or other funds of the district legally available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds of the district in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution authorizing them may contain any provisions, conditions, or limitations which a bond resolution of the board of commissioners may contain.

(a) The revenue bonds and notes of every issue shall be payable solely out of revenues derived by the district from hospital and other health care facilities within the district and owned by or under the supervision, operation, and control of the district, together with any other funds of the district legally available for the purpose. Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be for all purposes negotiable instruments, subject only to any provisions of the revenue bonds and notes for registration.

(b) The revenue bonds may be issued as serial bonds, as term bonds, or otherwise, or the board of commissioners may issue bonds of all types. The revenue bonds shall be authorized by resolution of the board of commissioners and shall bear such date; mature at such time not exceeding 50 years from their respective dates; bear interest at such rates, including variable rates, but not exceeding the maximum rate permitted by law at the time of issuance; be payable at such time; be in such denominations; be in such form, either coupon or registered or

ENROLLED
HB 837, Engrossed 1

2004 Legislature

both; carry such registration privileges and conversion or exchange privileges; be executed in such manner; be payable in lawful money of the Unites States at such place; and be subject to such terms of redemption, including redemption prior to maturity, as such resolution may provide. The board of commissioners shall determine the form and manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination of the bonds and the place 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 facsimile of whose signature, appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. The board of commissioners may also provide for the authentication of the bonds by a trustee or fiscal agent. The revenue bonds or notes may be sold in such manner, either at public or private sale, and for such price as the board of commissioners determines. Pending preparation of the definitive bonds, the board of commissioners may issue interim receipts or certificates which may be exchanged for such definitive bonds.

(c) The board of commissioners may require that any issue of revenue bonds 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 without the state. Such trust agreement or resolution may pledge or assign all or any part of the revenues and other funds of the

ENROLLED
HB 837, Engrossed 1

2004 Legislature

district legally available for the payment of such revenue bonds. The resolution may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the district in relation to the acquisition, construction, improvement, maintenance, operation, repair, equipping, and insurance of the facilities; the fees and other charges to be fixed and collected for the use of any facility or part thereof; the sale of any facility or part thereof or other property; the terms and conditions for the issuance of additional bonds; and the custody, safeguarding, and application of all moneys. Any bank or trust company incorporated under the laws of the state which may act as such depository may furnish such indemnity bonds or may pledge such securities as may be required by the board of commissioners. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and the trustee and may restrict the individual right of action by the bondholders. In addition, such resolution or trust agreement may contain such other provisions as the board of commissioners may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust agreement or resolution may be treated as a part of the cost of the facility in connection with which such bonds are issued or as part of the expense of operation of such facility. The resolution or trust agreement providing for the issuance of the revenue bond may also contain such limitations upon the issuance of additional revenue bonds as the board of commissioners may deem proper, and such additional

ENROLLED
HB 837, Engrossed 1

2004 Legislature

bonds shall be issued under such restrictions or limitations as may be prescribed by such resolution or trust agreement.

(d) Revenue bonds issued under the provisions of this section shall not be deemed to constitute a debt, liability, or obligation of the district, Volusia County, or the state, or any political subdivision thereof, or a pledge of the faith and credit or the taxing power of the district, Volusia County, or of the state, or any political subdivision thereof, but shall be payable solely from the revenue and funds provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the district shall not be obligated to pay the same or the interest thereon except from the revenues and other funds of the district provided for such payment, and that neither the faith and credit nor the taxing power of the district, nor of Volusia County, nor of the state, nor any political subdivision thereof, is pledged to the payment of the principal or of the interest on such bonds. The issuance of revenue bonds under the provisions of this section shall not directly, indirectly, or contingently obligate the district, Volusia County, or the state, or any political subdivision thereof, to levy or to pledge any form of taxation whatever nor make any appropriation for their payment.

(e) All bonds issued under the provisions of this section shall have all the qualities and incidents, including negotiability, of investment securities under the Uniform Commercial Code, but no provision of such code respecting the filing of a financing statement to perfect a security interest

ENROLLED
HB 837, Engrossed 1

2004 Legislature

shall be necessary for, or applicable to, any security interest created in connection with the issuance of any such bonds.

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

(g) The board of commissioners may provide for the issuance of revenue bonds of the district for the purpose of refunding any of its revenue bonds then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such revenue bonds. The proceeds of any such revenue bonds issued for such purpose may, in the discretion of the board of commissioners, be applied to the purchase or retirement at maturity or redemption of such outstanding revenue bonds either on their earliest or any subsequent redemption date, or upon the purchase, or at the

ENROLLED
HB 837, Engrossed 1

2004 Legislature

maturity thereof, and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the board of commissioners, and pending such application to purchase, retirement or redemption may be invested and reinvested in securities selected by or in such manner as the board of commissioners may provide.

(h) Bonds issued by the board of commissioners under the provisions of this section are hereby made securities in which all public officers and public bodies of the state and its political subdivisions and all banks, trust companies, bankers, banking associations, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereinafter be authorized by law.

(6) No election in the district shall be required as a condition precedent to the exercise by the board of commissioners of any of the powers conferred by this section

ENROLLED
HB 837, Engrossed 1

2004 Legislature

unless such election shall be required by the Florida Constitution.

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

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

Section 6. In the course of the operation and maintenance of the health care facilities as defined by this act, including, but not limited to, section 4 and including all hospitals and facilities owned and operated by the authority, the term "operate and maintain," as defined in section 4, shall include:

(1) The West Volusia Hospital Authority may advise the public and medical community of the medical, hospital, or other services and accommodations available at the facilities owned or operated by the West Volusia Hospital Authority, as defined by this act, by paying for the use of the media, including, but not limited to, newspapers, radio, television, videotape, audio tape, direct mail, handbills, leaflets, billboards, advertising

ENROLLED
HB 837, Engrossed 1

2004 Legislature

signs, advertisements and announcements in magazines, brochures, trade publications, programs of public events, and by other means and mechanisms similar to the uses and the media enumerated, reaching the same or similar audiences as those reached by the media enumerated.

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

(3) The West Volusia Hospital Authority is authorized to make available to patients, visitors, staff, and employees services and products, including, but not limited to, foods, coffee, and other beverages as the authority shall deem advisable; to promote good will and the use of hospital services by the public; and the cooperation of the employees and staff in furnishing services to and for the benefit of the hospital or other facilities enumerated in this act or to the general public, which shall include, but not be limited to, the furnishing of beverage and food products to meetings, patients, and the relatives of patients, pursuant to a program approved by the authority, either for the specific instance or according to a policy adopted by the authority which permits the exercise of discretion by the hospital administrator or persons designated by such administrator.

ENROLLED
HB 837, Engrossed 1

2004 Legislature

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

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

Section 7. 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 8. The board of commissioners is hereby authorized and empowered to borrow money from time to time in order to provide for and carry out the purposes of this act. The district may issue the notes of the district, determine the aggregate amount of principal therefor, and set terms and rates of interest.

Section 9. The funds of the district shall be paid out only upon warranty signed by two members of the board of commissioners or by the hospital administrator and one member of the board of commissioners and having thereto affixed the corporate seal of the district, which may be a facsimile or

ENROLLED
HB 837, Engrossed 1

2004 Legislature

printed, and no warranty shall be drawn or issued against funds of the district except for the purpose authorized by this act. No such warrant against funds of the district shall be drawn or issued until after the account or expenditure for which the same is to be given in payment has been ordered and approved by the board of commissioners. No funds of the district shall be paid to a member of the board of commissioners as compensation for his or her services in that office excepting only the necessary expense of travel in the performance of the duties of his or her office, including attendance at meetings or conventions relating to the duties of his or her office, when such travel is authorized by a standing or special resolution adopted by the board of commissioners.

Section 10. It shall be the duty of the board of commissioners 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 of commissioners for the purpose of this act, including the operation, maintenance, repair, and construction of a hospital or hospitals established as authorized by this act, or for the payment of any outstanding indebtedness authorized by section 8, or for the payment of other necessary expenses in carrying on and transacting the business of the district. However, the rate of taxation per annum under the taxing authority granted to the Board of Commissioners of the West Volusia Hospital Authority by this section for the purpose of this act, including the operating, maintaining, repairing, and constructing of any hospital or hospitals established as authorized by this act or for the

ENROLLED
HB 837, Engrossed 1

2004 Legislature

payment of any outstanding indebtedness authorized by section 8, or for the payment of other necessary expenses in carrying on and transacting the business of the district, shall not exceed 5 mills on the dollar of the valuation of the taxable property within the district.

Section 11. 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 County Council of Volusia County, Florida, and to the Florida Department of Revenue in the same manner and within the same time period as required by independent special districts pursuant to general law. The county council shall order and require the tax collector of the county to assess and to collect the amount of taxes so assessed or levied by the Board of Commissioners of the West Volusia Hospital Authority upon the nonexempt property in the district, at the rate of taxation as fixed, levied, and adopted by the board of commissioners of the district for the year and included in the warrant of the property appraiser and attached to the assessment roll of taxes for the county each year. The Tax Collector of Volusia County shall collect such tax so levied by the board in the same manner as other taxes are collected, and shall remit the taxes collected to the district within the time and in the manner prescribed by law for the collection and handling of taxes. All revenues so collected shall be held, used, invested, and

ENROLLED
HB 837, Engrossed 1

2004 Legislature

disbursed by the district as provided in this act or as otherwise provided by law.

Section 12. 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 in carrying out and accomplishing the purposes of this act. This section, however, shall not be construed to limit or restrict any of the powers vested in the board of commissioners by any other section or provision of this act.

Section 13. At least once in each year the board of commissioners shall publish once in some newspaper published in the district a complete detailed statement of all moneys received and disbursed by the board since the creation of the district as to the first published statement and since the last published statement as to any other year. Such statements shall also show the several sources from which the funds were received and shall show the balance on hand at the time of the published statement. It shall also show a complete statement of the condition of the district.

Section 14. Each hospital and clinic established under this act shall be for the use and benefit of the indigent sick and other residents of the district. 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 of commissioners. Such hospitals and

ENROLLED
HB 837, Engrossed 1

2004 Legislature

clinics shall care for and treat without charge or, alternatively, for a reduced charge according to a sliding scale, patients who are found by such board of commissioners to be indigent, but the board may collect from financially able patients such charges as the board of commissioners may from time to time establish. The board of commissioners shall have the power to extend the benefits and privileges of such hospitals and clinics and treatment and outpatient department to the homes of the indigent residents of such county. Said board of commissioners may extend the privileges and use of such hospitals and clinics to nonresidents of such district upon such terms and conditions as the board may from time to time by its rules and regulations provide; provided, however, that the indigent residents of the district wherein such hospital and clinic are located shall have the first claim to admission.

Section 15. It is intentional that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for in this act, and where strict construction would result in the defeat of the accomplishment of any party of the work authorized by this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 16. Any and all bonds issued under the provisions of this act may be validated by the Board of Commissioners of the West Volusia Hospital Authority under and in accordance with the provisions of the general laws of Florida, in the same manner as is therein provided for validation of bonds, etc., by

ENROLLED
HB 837, Engrossed 1

2004 Legislature

any county, municipality, or taxing district, etc., of the state.

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

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

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

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

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

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

ENROLLED
HB 837, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

ENROLLED
HB 837, Engrossed 1

2004 Legislature

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

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

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

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

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

Section 6. Chapters 27949 (1951), 57-1929, 57-2085, 59-1949, 61-2974, 63-2014, 65-2344, 67-2152, 69-1696, 69-1698, 71-951, 71-955, 82-383, 88-473, and 96-455, Laws of Florida, are repealed.

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

Section 10. It shall be the duty of the board of commissioners 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 of commissioners for the purpose of this act, including the operation, maintenance,

ENROLLED
HB 837, Engrossed 1

2004 Legislature

repair, and construction of a hospital or hospitals established as authorized by this act, or for the payment of any outstanding indebtedness authorized by section 8, or for the payment of other necessary expenses in carrying on and transacting the business of the district. However, the rate of taxation per annum under the taxing authority granted to the Board of Commissioners of the West Volusia Hospital Authority by this section for the purpose of this act, including the operating, maintaining, repairing, and constructing of any hospital or hospitals established as authorized by this act or for the payment of any outstanding indebtedness authorized by section 8, or for the payment of other necessary expenses in carrying on and transacting the business of the district, shall not exceed 4 ~~5~~ mills on the dollar of the valuation of the taxable property within the district.

Section 8. The provisions of section 7 of this act which authorize the levy of ad valorem taxation at a reduced rate shall take effect only upon express approval by a majority vote of those qualified electors of the district, as required by Section 9 of Article VII of the State Constitution, voting in a referendum to be held by the district and conducted by the Supervisor of Elections of Volusia County on August 31, 2004, in accordance with the provisions of law relating to elections currently in force in the district. The question to be placed on the ballot shall be in substantially the following form:

ENROLLED
HB 837, Engrossed 1

2004 Legislature

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

YES

NO

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