

By Senator Lynn

7-755A-03

See CS/HB 273

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

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

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

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28 are codified, reenacted, amended, and repealed as herein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

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

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

5 Beginning at the point of intersection of the
6 main channel of Mosquito Inlet and the Atlantic
7 Ocean, Thence run Southeasterly with the shore
8 of the Atlantic Ocean to the point of
9 intersection with the South line of Township
10 19S, Thence West with said Township line to the
11 Southwest corner of Section 34, Township 19S,
12 Range 33E, Thence North to the Northwest corner
13 of Section 3, Township 19S, Range 33E, Thence
14 West along the South line of Township 18S,
15 Range 33E, to the Southwest corner of said
16 Township 18S, Range 33E, Thence North with West
17 line of Township 18S, Range 33E, to the
18 Northwest corner of said Township 18S, Range
19 33E, Thence West along line between Townships
20 17S and 18S to the Southwest corner of Township
21 17S, Range 32E, Thence along the Range line
22 between Ranges 31E and 32E North to the
23 Northwest corner of Township 17S, Range 32E,
24 Thence East along the North line of Township
25 17S, Range 32E to point of intersection with
26 the South fork of Spruce Creek, Thence
27 Northerly and Easterly along Spruce Creek to
28 the point of intersection with the main channel
29 of the Halifax River, Thence Southerly and
30 Easterly along the main channel of the Halifax
31 River and the main channel of Mosquito Inlet to

1 the point of beginning. All the above described
2 property lying and being in County of Volusia,
3 State of Florida.

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

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

24 (3) The commissioners shall hold an annual
25 organizational meeting between the first and fifteenth day of
26 March each year. The Governor shall have the power to remove
27 any member of the board of commissioners for cause and shall
28 fill any vacancies that may at any time occur therein. Each
29 member shall give bond to the Governor for the faithful
30 performance of his or her duties in the sum of \$5,000, with a
31 surety company qualified to do business in the state as

1 surety; however, the bonds of the chair and of the treasurer
2 of the board shall be \$10,000 for each such officer, which
3 bonds shall be approved and kept by the Clerk of the Circuit
4 Court of Volusia County. The premiums on the bonds shall be
5 paid as part of the expense of the district.

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

20 Section 4. Four (4) of the commissioners shall
21 constitute a quorum, and a vote of at least a majority of the
22 commissioners at any regular or special meeting shall be
23 necessary to the transaction of any business of the district.
24 The commissioners shall cause true and accurate minutes and
25 records to be kept of all business transacted by them and
26 shall keep full, true, and complete books of account and
27 minutes, which minutes, records, and books of account shall at
28 all reasonable times be open and subject to the inspection of
29 inhabitants of the district. Any person desiring to do so may
30 make or procure copy of the minutes, records, or books of
31 account, or such portions thereof as he or she may desire.

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

20 (2) The board of commissioners of the Southeast
21 Volusia Hospital District is authorized to provide necessary
22 hospitals, clinics, nursing homes, and related services or
23 facilities for poor and indigent persons or, in lieu thereof,
24 the board is authorized to enter into a contract or contracts
25 for a period not exceeding twenty-five (25) years with any
26 hospital, clinic, or nursing home, public or private, now or
27 hereafter existing within the district for the purpose of
28 providing such facilities or services to the poor and indigent
29 and to pay for the same out of the funds of the district and
30 from the proceeds of any tax which is levied under the
31 provisions of this act or amendments thereto.

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

9 Section 7. The board is authorized, in order to
10 provide for and carry out the provisions of this act, to
11 purchase or otherwise acquire real and personal property; to
12 establish, construct, repair, alter, and maintain hospital,
13 clinic, and nursing home buildings and facilities; and to
14 purchase, lease, repair, and maintain hospital, clinic, and
15 nursing home equipment, furniture, and fixtures on lands in
16 the district owned by or leased to the district. The board is
17 further authorized to expend district funds derived from taxes
18 or any other source whatsoever for the purchase or lease of
19 real or personal property and for building, constructing,
20 purchasing, leasing, repairing, and maintaining all hospital,
21 clinic, and nursing home lands, buildings, equipment, and
22 facilities in the district, and to borrow money from time to
23 time for such purposes, and also for operating expenses;
24 however, a tax not to exceed four (4) mills on the dollar may
25 be assessed and levied against the taxable property within the
26 district for all purposes.

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

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

4 (a) The board is authorized to provide by resolution
5 at one time or from time to time for the issuance of bonds or
6 revenue certificates, or both, collectively referred to in
7 this section as bonds of the district for the purpose of
8 paying all or a part of the cost of acquisition, construction,
9 repairing, extensions, additions, equipping, and
10 reconstruction of any hospital facilities of the district. The
11 bonds of each issue shall be dated, shall bear interest at
12 such rate or rates as may be determined by the board, and may
13 be made redeemable before maturity, at the option of the
14 board, at such price or prices and under such terms and
15 conditions as may be fixed by the board prior to the issuance
16 of the bonds. The board shall determine the form of the bonds,
17 including any interest coupons to be attached thereto, and the
18 manner of execution of the bonds and coupons, and shall fix
19 the denomination or denominations of the bonds and the place
20 or places of payment of principal and interest, which may be
21 at any bank or trust company within or without the state. In
22 case any officer whose signature or a facsimile of whose
23 signature shall appear on any bonds or coupons shall cease to
24 be such officer before the delivery of such bonds, such
25 signature or such facsimile shall nevertheless be valid and
26 sufficient for all purposes the same as if he or she had
27 remained in office until such delivery. All bonds issued under
28 the provisions of this act shall have and are hereby declared
29 to have all the qualities and incidents of negotiable
30 instruments under the negotiable instruments laws of the
31 state. The bonds may be issued in coupon or in registered

1 form, or both, as the board may determine, and provisions may
2 be made for the registration of any coupon bonds as to
3 principal alone and also as to both principal and interest,
4 and for the reconversion into coupon bonds of any bonds
5 registered as to both principal and interest. The issuance of
6 such bonds shall not be subject to any limitations or
7 conditions contained in any other law. Prior to the
8 preparation of definitive bonds, the board may, under like
9 restrictions, issue interim receipts or temporary bonds with
10 or without coupons, exchangeable for definitive bonds when
11 such bonds have been executed and are available for delivery.
12 The board may also provide for the replacement of any bonds
13 which shall be mutilated or be destroyed or lost.

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

20 (c) The proceeds of the bonds shall be used solely for
21 the payment of the cost of the hospital facilities for which
22 such bonds shall have been authorized and shall be disbursed
23 in the manner provided in the resolution or in the trust
24 agreement authorizing the issuance of such bonds. If the
25 proceeds of the bonds of any issue shall exceed the amount
26 required for the purpose for which the same shall have been
27 issued, the surplus shall be set aside and used only for
28 payment of the cost of additional projects or for the payment
29 of the principal of and interest on such bonds. In the event
30 that the actual cost of the project exceeds the estimated
31 cost, the board may issue additional bonds to cover the

1 deficiency, subject to the same restrictions as required for
2 the original issue.

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

9 (3) REVENUE CERTIFICATES.--

10 (a) Revenue certificates issued under the provisions
11 of this act shall be payable from the revenues derived from
12 the operation of any hospital facility or combination of
13 hospital facilities of the district under the supervision,
14 operation, and control of the board and from any other funds
15 legally available therefor. The issuance of such revenue
16 certificates shall not directly, indirectly, or contingently
17 obligate the state, the board, or the district to levy any ad
18 valorem taxes or to make any appropriations for their payment
19 or for the operation and maintenance of the hospital
20 facilities of the district.

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

24 (c) In the discretion of the board, each or any issue
25 of such revenue certificates may be secured by a trust
26 agreement by and between the district and a corporate trustee,
27 which may be any trust company or bank having the powers of a
28 trust company within or outside of the state. Such trust
29 agreement may pledge or assign the revenues to be received by
30 the board. The resolution providing for the issuance of
31 revenue certificates or such trust agreement may contain such

1 provisions for protecting and enforcing the rights and
2 remedies of the certificate holders as may be reasonable,
3 proper, and not in violation of law, including covenants
4 setting forth the duties of the board in relation to the
5 acquisition, construction, improvement, maintenance,
6 operation, repair, equipping, and insurance of the facilities
7 and the custody, safeguarding, and application of all moneys.
8 It shall be lawful for any bank or trust company incorporated
9 under the laws of this state to act as such depository and to
10 furnish such indemnifying bonds or to pledge such securities
11 as may be required by the board. Such resolution or such
12 trust agreement may restrict the individual right of action by
13 certificate holders as is customary in trust agreements
14 securing bonds or debentures of corporations. In addition to
15 the foregoing, such resolution or such trust agreement may
16 contain such other provisions as the board may deem reasonable
17 and proper for the security of the certificate holders. Except
18 as otherwise provided in this act, the board may provide, by
19 resolution or by trust agreement, for the payment of the
20 proceeds of the sale of the revenue certificates and the
21 revenues of the facilities to such officer, board, or
22 depository as it may determine for the custody thereof, and
23 for the method of disbursement thereof, with such safeguards
24 and restrictions as it may determine. All expenses incurred in
25 carrying out the trust agreement may be treated as a part of
26 the cost of operation of the facilities affected by the trust
27 agreement.

28 (d) The resolution or trust agreement providing for
29 the issuance of the revenue certificates may also contain such
30 limitations upon the issuance of additional revenue
31 certificates as the board may deem proper, and such additional

1 certificates shall be issued under such restrictions or
2 limitations as may be prescribed by such resolution or trust
3 agreement.

4 (4) REFUNDING OBLIGATIONS.--The board is authorized to
5 provide by resolution for the issuance of refunding bonds or
6 refundng revenue certificates for the purpose of refundng
7 any bonds or revenue certificates, respectively, then
8 outstanding and issued under the provisions of this act,
9 provided that the refundng of any bonds payable from ad
10 valorem taxes shall be to the advantage of the district, such
11 as providing for lower interest rates or other savings to the
12 taxpayers. The board is further authorized to provide by
13 resolution for the issuance of revenue certificates for the
14 combined purpose of (1) paying the cost of any acquisition,
15 construction, extension, addition, improving, equipping, or
16 reconstruction of a facility or facilities of the district and
17 (2) refundng revenue certificates of the district which shall
18 theretofore have been issued under the provisions of the act
19 and shall then be outstanding. The issuance of such
20 obligations, the maturities and other details thereof, the
21 right and remedies of the holders thereof, and the rights,
22 powers, privileges, duties, and obligations of the district
23 with respect to the same shall be governed by the foregoing
24 provisions of this act insofar as the same may be applicable.

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

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1 issuance of bonds by the county. The cost of holding and
2 conducting such election shall be paid by the district.

3 Section 9. Prior to the issuance of such bonds, the
4 board shall, by resolution, determine the amount which in
5 their opinion will be necessary to be raised annually by
6 taxation for an interest and sinking fund with which to pay
7 the interest and principal of the bonds, and the board is
8 authorized and required to provide for the levy and collection
9 annually of a sufficient tax, without limitation as to rate or
10 amount, upon all the taxable property in the district to pay
11 such interest and with which to provide and maintain a sinking
12 fund for the payment of the principal of the bonds. Such
13 sinking funds providing for the payment of principal and
14 interest of the outstanding bonds shall not be used for any
15 other purpose, provided, however, that such sinking funds so
16 set aside may be invested at the discretion of the board or in
17 the purchase or retirement of bonds previously issued by the
18 district. The revenues or any part thereof derived from the
19 operation of any hospital facility or any combination of the
20 hospital facilities of the district shall, if so authorized by
21 the board, be deposited to the credit of the sinking fund for
22 such bonds, and in that event the amount of the annual levy
23 herein required may be reduced in any year by the amount of
24 such revenues actually received in the preceding year
25 (excluding any depreciation fund) and then remaining on
26 deposit to the credit of the sinking fund for the payment of
27 such principal and interest.

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

1 district. The board shall receive bids for the purchase of
2 the bonds or any part thereof on the day fixed by the notice,
3 being not less than twenty (20) days from the date of the
4 first (1st) publication. It shall have the right to reject any
5 and all bids and readvertise the bonds or any portion thereof
6 remaining unsold.

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

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

18 Section 13. It shall be the duty of the board,
19 whenever the bonds or any portion thereof are from time to
20 time issued by it, or whenever contracts entered into by the
21 board require, to annually assess and levy against the taxable
22 property within the district a tax to be collected and paid
23 into the district fund and used by the board for the
24 operation, maintenance, and repair of a hospital or hospitals
25 established or authorized by this act, or for the payment of
26 any outstanding indebtedness authorized by section 8, or for
27 providing hospitalization under a contract for the poor and
28 indigent as contemplated under this act, or amendments
29 thereto, or for the payment of other necessary expenses in
30 carrying on and transacting the business of the district,
31 provided, nevertheless, that the millage for the operating,

1 maintenance, and repair of the hospital or hospitals
2 established as authorized by this act, or for the payment of
3 other necessary expenses in carrying on and transacting the
4 business of the district, shall not exceed four (4) mills on
5 all of the taxable property within the district.

6 Section 14. The board of commissioners of the
7 Southeast Volusia Hospital District is authorized and directed
8 annually to levy upon all the real and personal taxable
9 property in the district a sufficient tax to pay the interest
10 and to provide and maintain a sinking fund for the payment of
11 the interest and principal of the bonds provided for and
12 authorized by this act.

13 Section 15. The levy by the board of the taxes
14 authorized by any provision of this act shall be by resolution
15 of the board duly entered upon the minutes of the
16 board. Certified copies of such resolution executed in the
17 name of the board by its chair, under its corporate seal,
18 shall be made and delivered to the board of the county
19 commissioners of Volusia County and to the comptroller of the
20 state, not later than the first (1st) day of July of every
21 year. The county commissioners of Volusia County shall order
22 and require the tax assessor of the county to assess, and the
23 county tax collector of the county to collect, the amount of
24 taxes so assessed or levied by the board of commissioners of
25 the Southeast Volusia Hospital District upon the taxable
26 property in the district, at the rate of taxation adopted by
27 the board of commissioners of the district for the year and
28 included in the warrant of the tax assessor and attached to
29 the assessment roll of taxes for the county each year. The tax
30 collector shall collect such tax so levied by the board in the
31 same manner as other taxes are collected and shall pay the

1 same over to the board of commissioners of the Southeast
2 Volusia Hospital District within the time and in the manner
3 prescribed by law for the payment by the tax collector of
4 county taxes to the county depository. It shall be the duty of
5 the comptroller of the state to assess and levy on all the
6 railroad lines and railroad property and telegraph lines and
7 telegraph property situated or located in the district,
8 including as well all telephone lines. The amount of each levy
9 of each county or state taxes and the said taxes shall be
10 assessed by the same officer respectively as are county taxes
11 upon such property, and such taxes shall be remitted by the
12 collecting officer to the board of commissioners of the
13 Southeast Volusia Hospital District. All such taxes shall be
14 held by the board and paid out by them as provided in this
15 act.

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

29 Section 17. At least once a year, the board shall
30 publish once in some newspaper in the district a complete
31 detailed statement of all moneys received and disbursed by

1 them since the creation of the district as to the first (1st)
2 published statement and since the last published statement as
3 to any other year. Such statement shall also show the several
4 sources from which said funds were received and shall show the
5 balance on hand at the time of the published statement. It
6 shall show a complete statement of the condition of the
7 district.

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

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

1 Section 20. All bonds issued under the provisions of
2 this act may be validated by the board under and in accordance
3 with the provisions of the general laws of Florida, in the
4 same manner as is therein provided for validation of bonds,
5 etc., by any county, municipality, taxing district, etc. of
6 the state.

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

12 Section 4. Chapters 24961 (1947), 29586 (1953),
13 57-1931, 65-2362, 67-2148, 81-499, and 89-552, Laws of
14 Florida, are repealed.

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

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