

A bill to be entitled

An act relating to the North Broward Hospital District, Broward County; amending chapter 2006-347, Laws of Florida and chapter 2007-299, Laws of Florida; changing the number of commissioners required to establish a quorum and to transact business; providing an exception to general law; expanding the district's power to encumber assets; authorizing the district to establish, construct, operate, own, equip, manage, acquire, convey, purchase, hold, lease, encumber and maintain real and personal property, as well as hospitals, facilities, and services within and outside the boundaries of the district under certain conditions; providing that ad valorem taxes and non-ad valorem special assessments be expended only within the boundaries of the district and prohibiting the district from expending such funds outside the boundaries of the district; authorizing the district to contract with certain persons, governments, or entities to carry out the provisions of this act; authorizing the district to establish, operate, own, manage, maintain, acquire, purchase, hold, or support for-profit and not-for-profit subsidiaries and non-for profit affiliates; authorizing and providing for the ability of the district to create legal structures which are not designated as public property; changing the medical staff membership requirements to be consistent with general law; modifying the district's fiscal year; providing legislative intent; providing for severability and liberal construction; providing an effective date.

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

Section 1. Subsection (1) of section 5 of section 3 of chapter 2006-347, Laws of Florida, as amended by section 1 of chapter 2007-299, Laws of Florida, is amended to read:

Section 5. Board of commissioners; rules of procedure; organization; non-interference; code of conduct and ethics.—

(1) ~~Four~~ A majority of the appointed and duly serving commissioners shall constitute a quorum, and a vote of at least ~~three commissioners~~ a majority of the quorum shall be

necessary to the transaction of any business of the district. The commissioners shall cause true and accurate minutes and records to be kept of all business transacted by them and shall keep full, true, and complete books of account and minutes, which minutes, records, and books of account shall at all reasonable times be open and subject to the inspection of inhabitants of said district, and any person desiring to do so may make or procure copy of said minutes, records, books of account, or such portions thereof as he or she may desire.

Section 2. Section 6 of section 3 of chapter 2006-347, Laws of Florida, is amended to read:

Section 6. Authority to establish and maintain property and health care facilities.—

(1) The board of commissioners is hereby authorized and empowered to establish, construct, operate, own, equip, manage, acquire, convey, purchase, hold, lease, encumber, and maintain such real and personal property as the board deems advisable, as well as such hospital or hospitals, medical facilities, supportive facility or facilities, including offices for physicians and other medically related personnel, entities, ~~and~~ activities, and services, and facilities for the care of such persons requiring limited medical care and treatment as in their opinion shall be necessary for the needs and use of the people of said district, and other health care facilities and services as are necessary for the people of said district. Said hospital or hospitals, medical facilities, supportive facility or facilities, ~~and~~ facilities for limited care and treatment, other health care facilities and services, and other real and personal property shall be established, constructed, operated, owned, equipped, managed, acquired, conveyed, purchased, held, leased, encumbered, and maintained by said board of commissioners for the preservation of the public health, for the public good, and for the use of the public of said district, and the maintenance of said real and personal property, hospital or hospitals, medical facilities, supportive facility or facilities, ~~and~~ facilities for limited care and treatment, and other health care facilities and services within and outside of the boundaries of said district is hereby found and declared to be a public purpose and necessary for the preservation of the public

health, public good, ~~and for~~ public use, and ~~for~~ the general welfare of said district and inhabitants thereof. The location, establishment, construction, operation, ownership, equipping, management, acquisition, conveyance, purchasing, holding, leasing, encumbering, and maintenance of such real and personal property, hospital or hospitals, medical facilities, supportive facility or facilities, ~~and~~ facilities for limited care and treatment, and other health care facilities and services, as well as the terms, conditions, and consideration for the use thereof, shall be as determined and fixed by said board of commissioners and shall be under the exclusive authority of said board. The provisions and procedures shall be without reference to section 20.

(2) The board of commissioners is hereby further authorized and empowered to establish, operate, own, manage, maintain, acquire, purchase, hold, or support such subsidiaries, either for profit or not for profit, and not-for-profit affiliates for the furtherance and assistance of the district's fulfilling its purpose of provision for the health care needs of the people of the district as in the board's opinion shall be necessary. The board of commissioners is hereby further authorized and empowered, to the extent permitted by the State Constitution, to support nonaffiliated, not-for-profit organizations that operate primarily within the district, as well as elsewhere, and that have as their purpose the furtherance of the district's provision for the health care needs of the people of the district, by such means as in the board's opinion are necessary and appropriate. The board of commissioners is hereby further authorized, to the extent permitted by the State Constitution, to participate in, and to provide debt or equity financing for, a corporation in which the district is a shareholder or a joint venture in which the district is a joint venturer, so long as any such corporation or joint venture provides health care services or engages in activities related thereto that benefit the people of the district, as well as others. The establishment, operation, or support of such subsidiaries or affiliates, the support of such nonaffiliated, not-for-profit organizations, and the participation in and funding of such health care corporations or joint ventures are each hereby found and declared to be a public purpose and necessary for the preservation of the public health and welfare of the district and

inhabitants thereof. Notwithstanding the provisions of its charter, the district shall comply with the requirements of section 155.40(2)(a)—(e), Florida Statutes, in implementing the powers provided in this section, section 4, ~~and~~ or subsection (4) of section 20.

(3) Notwithstanding any other provision of this act to the contrary, the board of commissioners is authorized and empowered to establish, construct, operate, own, equip, manage, acquire, convey, purchase, hold, lease, encumber and maintain real and personal property as the board deems advisable, as well as hospitals, medical facilities, supportive facility or facilities, facilities for the care of such persons requiring limited medical care and treatment, all other types of health care facilities, and all other types of health care services that promote the public health outside the district's described property, situate, lying, and being as provided in section 1; provided, however, any establishment, construction, operation, ownership, equipping, management, acquisition, conveyance, purchase, holding, leasing, and maintenance of hospitals, medical facilities, supportive facility or facilities, facilities for the care of such persons requiring limited medical care and treatment, all other types of health care facilities, and all other types of health care services shall be located within the State. These provisions and procedures shall be without reference to section 20.

(4) It is the express intent of the Legislature that any ad valorem tax or non-ad valorem special assessment revenues levied by the district be used solely toward health care facilities or health care services within the district. Accordingly, the board of commissioners is expressly prohibited from using any ad valorem tax or non-ad valorem special assessment revenues levied by the district on property located within the district for any purpose outside the boundaries of the district.

(5) The board of commissioners is authorized and empowered to contract with individuals, partnerships, corporations, state or federal governmental entities and agencies, municipalities, counties, and special districts, and any subdivision or agency thereof in the United States, to carry out the purposes and

provisions of this act, including participation in the joint provision with other hospitals and health care providers of all manner of inpatient and outpatient facilities and health care services that provide benefits to those members of the public served by the district both within and beyond the boundaries of the district and to the extent such participation is consistent with all restrictions contained in the Florida Constitution, the general laws of the State of Florida, or this act. The board of commissioners is further authorized to own and operate facilities and provide services authorized in chapter 400, Florida Statutes, and other health care services both within and beyond the district's boundaries throughout the State of Florida. These provisions and procedures shall be without reference to section 20.

(6) It is the Legislature's intent and finding that it is appropriate and the board of commissioners, as it deems advisable, is authorized and empowered to create any legal structure which involves the participation of other entities or persons, whether by ownership or otherwise, and place facilities or programs authorized pursuant to this section or this act in a separate entity of which the district has an ownership or other interest, so as to not be designated as public property or otherwise subject to the requirements of s. 10, Art. VII of the State Constitution.

(7) The board of commissioners shall have and exercise all of the powers necessary, incidental, or convenient to carry out and effectuate the purposes for which the district is organized under the provisions of this act.

Section 3. Subsection (2)(a) of section 18 of section 3 of chapter 2006-347, Laws of Florida, is amended to read:

Section 18. Medical staff generally.—

(2) The board of commissioners is hereby authorized and empowered to grant or refuse, revoke, and suspend membership on the staff and to grant or refuse, revoke, or suspend any privileges attendant to such membership so that the welfare and health of the patients and the best interest of the hospitals may at all times be best served. In addition:

(a) The board of commissioners is hereby authorized and empowered to establish such standards of good moral character, professional ethics, professional competency, and professional conduct to be prerequisites for membership on the staff as the board, in its reasonable discretion, shall determine to be necessary for the protection of the health and welfare of the patients and the hospital, but the failure of the board of commissioners to establish such standards by rule or regulation shall not destroy the power of the board to determine membership on the staff according to the authority, requirements, and standards otherwise prescribed by this act. The board of commissioners is further authorized and empowered to require members of the staff to abide by all the rules, regulations, and bylaws established by the board of commissioners under the authorization of this act; to require the performance of those professional duties and responsibilities prescribed by said rules, regulations, and bylaws; and to enforce such requirements by the revocation and suspension of staff membership and privileges. No person shall be eligible for membership on the staff, be eligible for any privilege of the practice of medicine in any hospital or facility operated by said district, or retain or possess any membership upon the staff or any privilege of the practice of medicine in any of said hospitals or facilities unless he or she is a ~~graduate of a medical school recognized and approved by the Florida Board of Medicine with the degree of doctor of medicine and possesses a valid license to practice medicine as prescribed and required by chapter 458, Florida Statutes, or, in the alternative, unless he or she possesses a valid license from the Florida Board of Dentistry to practice dentistry as prescribed and required by chapter 466, Florida Statutes~~ qualified doctor of medicine licensed under chapter 458, a doctor of osteopathic medicine licensed under chapter 459, a doctor of dentistry licensed under chapter 466, a doctor of podiatric medicine licensed under chapter 461, a psychologist licensed under chapter 490, or is otherwise authorized to practice medicine under Florida law.

Section 4. Section 30 of section 3 of chapter 2006-347, Laws of Florida, is amended to read:

Section 30. Fiscal year.— ~~Notwithstanding the provisions~~

~~of section 218.33, Florida Statutes, the~~ The fiscal year of the North Broward Hospital District shall commence ~~July~~ October 1 and end ~~June~~ September 30 of each calendar year.

Section 5. Severability and liberal construction.—Any section, paragraph, sentence, clause, phrase, or other part of this act which for any reason may be held or declared invalid, unenforceable, or unconstitutional may be eliminated, and the remaining portion or portions thereof shall remain in full force and be valid and enforceable as if such invalid or unenforceable provision had not been incorporated therein. It is intended that the provisions of this act be liberally construed for the accomplishment of the work authorized, provided for, and intended to be provided by this act. For any words, phrases, clauses, classifications, or any part of this act or previous enactments which require utilizing rules of statutory interpretation, it is the intent of the Legislature that the most expansive, liberal and least restrictive construction be adopted and utilized, and to acknowledge that the absence of express language is not meant to be an inference or limitation to the accomplishment of the stated and implied governmental, corporate or proprietary powers.

Section 6. This act shall take effect upon becoming a law.