

BILL

ORIGINAL

YEAR 2021

1 A bill to be entitled
 2 An act relating to South Broward Hospital District,
 3 Broward County; amending ch. 2004-397, Laws of
 4 Florida, as amended; authorizing the Board of
 5 Commissioners to attend regular, committee or special
 6 meeting or workshop by, or conduct the meeting through
 7 the use of, any means of communication media
 8 technology; authorizing the delivery of certified
 9 copies of resolutions levying taxes in accordance with
 10 the requirements of general law; authorizing the Board
 11 of Commissioners to encumber specified real and
 12 personal property; authorizing the board to acquire,
 13 own, establish, develop, construct, lease, equip,
 14 operate, manage, and maintain specified hospitals,
 15 facilities, and programs within and outside district
 16 boundaries for certain purposes; providing legislative
 17 findings; providing an exception to general law;
 18 authorizing the board to determine the location and
 19 legal form and structure of such hospitals,
 20 facilities, and programs; providing requirements for
 21 such legal form and structure; providing legislative
 22 intent; providing that ad valorem taxes and non-ad
 23 valorem special assessments be expended only within
 24 the boundaries of the district; prohibiting the
 25 district from expending such funds outside the

BILL

ORIGINAL

YEAR 2021

26 | boundaries of the district; providing for
 27 | severability; providing for liberal construction;
 28 | providing an effective date.

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

30 | **Section 1.** Section 5 of section 3 of chapter 2004-397, Laws of
 31 | Florida, is amended, to read:

32 | Section 5. Four of said commissioners shall constitute
 33 | a quorum, and a vote of at least three of the commissioners
 34 | shall be necessary to the transaction of any business of the
 35 | district. The Board may permit any or all commissioners to
 36 | participate in a regular, committee or special meeting or
 37 | workshop by, or conduct the meeting through the use of, any
 38 | means of communication media technology by which all
 39 | Commissioners have reasonable opportunity to communicate and
 40 | hear the proceedings of the meeting and to vote, substantially
 41 | concurrent with such meeting. Any public meetings held utilizing
 42 | communications media technology shall be conducted in accordance
 43 | with Florida's Government in the Sunshine Laws. Any
 44 | participating commissioner shall be deemed to be present in
 45 | person at the meeting for quorum and all other purposes. For
 46 | the purposes of complying with the applicable provisions of
 47 | Chapter 189, Florida Statutes, pertaining to meetings of the
 48 | governing body of the Hospital District being held in a public
 49 | building within the Hospital District, the Hospital District
 50 | shall continue to provide a physical location within the

BILL

ORIGINAL

YEAR 2021

51 Hospital District wherein all participants may simultaneously
 52 hear each other during meetings, unless there is a declared
 53 public health or other emergency in which situation, the need
 54 for a public location can be suspended during the pendency of
 55 declared emergency. The commissioners shall cause true and
 56 accurate minutes and records to be kept of all business
 57 transacted by them, and shall keep full, true, and complete
 58 books of account and minutes, which minutes, records, and books
 59 of account shall at all reasonable times be open and subject to
 60 the inspection of inhabitants of the district; and any person
 61 desiring to do so may make or procure a copy of the minutes,
 62 records, or books of account, or such portions thereof as he may
 63 desire.

64 **Section 2.** Paragraph (i) of subsection (1) of section 4 and
 65 section 7 of section 3 of chapter 2004-397, Laws of Florida, are
 66 amended, to read:

67 Section 4. (1) The Board of Commissioners of the South
 68 Broward Hospital District shall have all of the following
 69 governmental, corporate, and proprietary powers:

70 (i) To acquire, purchase, hold, encumber, lease, and
 71 convey such real and personal property as the board deems proper
 72 or expedient.

73 Section 7. Without in any way limiting the powers set
 74 forth in section 4, the board of commissioners is hereby
 75 authorized and empowered to acquire, own, establish, develop,

BILL

ORIGINAL

YEAR 2021

76 | construct, lease, equip, operate, manage, and maintain within
 77 | and outside the district boundaries, such hospital or hospitals,
 78 | public facilities, ~~and~~ other health facilities, and facilities
 79 | or programs of any type or scope as in their opinion are
 80 | necessary for the use, needs, or welfare of the people of the
 81 | district or the inhabitants of the state, and to acquire, own,
 82 | establish, develop, construct, lease, equip, operate, manage,
 83 | and maintain such facilities for the care of such persons
 84 | requiring ~~limited~~ medical care or treatment as in their opinion
 85 | is necessary for the use, needs, or the welfare of people of the
 86 | district or the inhabitants of the state. The Legislature finds
 87 | that, regardless of where such hospital or hospitals, public
 88 | facilities, other health facilities, and facilities or programs
 89 | of any type or scope are located, the development and operation
 90 | by the district of such facilities and programs for the delivery
 91 | of health care or related services provides a valid public
 92 | purpose; delivers valuable public benefits; serves the public
 93 | interest; and benefits, directly or indirectly, the inhabitants
 94 | of the state, residents or non-residents of the district,
 95 | surrounding communities, or underserved, indigent, uninsured and
 96 | sick persons throughout the state; and visitors.

97 | (a) Within the boundaries of the district, such ~~The~~
 98 | hospital or hospitals, public facilities, other health
 99 | facilities, and facilities or programs of any type or scope for
 100 | ~~limited~~ care and treatment shall be acquired, owned,

BILL

ORIGINAL

YEAR 2021

101 established, developed, constructed, leased, equipped, operated,
 102 managed, and maintained by the board of commissioners for the
 103 preservation of the public health, for the public good, and for
 104 the use of the public of the district; and maintenance of the
 105 hospital or hospitals, other health facilities, and facilities
 106 for limited care and treatment within the district is hereby
 107 found and declared to be a public purpose and necessary for the
 108 preservation of the public health, for public use, and for the
 109 welfare of the district and inhabitants thereof.

110 (b) Notwithstanding any other provision of this act or
 111 chapter 189, Florida Statutes, to the contrary, such hospital or
 112 hospitals, other health care facilities, and facilities or
 113 programs of any type or scope, may be acquired, owned,
 114 established, developed, constructed, leased, equipped, operated,
 115 managed, and maintained beyond the boundaries of the district,
 116 by the board of commissioners.

117 (c) The location and legal form and structure of such
 118 hospital or hospitals, public facilities, other health
 119 facilities, and facilities or programs of any type or scope ~~for~~
 120 ~~limited care and treatment~~ shall be determined by the board.

121 (d) The board is authorized, if it deems it advisable, to
 122 create a legal form and structure involving the participation of
 123 other entities or persons, whether by ownership or otherwise,
 124 and place facilities or programs authorized under this section
 125 or this act in a separate entity of which the district has an

126 ownership or other interest, so as to not be designated as
 127 public property or otherwise subject to the requirements of
 128 Article VII, Section 10 of the State Constitution.

129 (e) It is the express intent of the Legislature that any
 130 revenues received by the district from any ad valorem tax or
 131 non-ad valorem special assessment levied by the district be used
 132 solely toward hospitals, health care facilities or health care
 133 services or programs within the district. Accordingly, the
 134 district is expressly prohibited from directly using any
 135 revenues received by the district from any ad valorem tax or
 136 non-ad valorem special assessment levied by the district on
 137 property located within the district for any purpose outside the
 138 boundaries of the district.

139 (f) The district is further expressly authorized to
 140 continue to construct, own, equip, operate, lease, manage, and
 141 maintain all facilities and services in which the district was
 142 engaged as of January 1, 2020.

143 **Section 3.** Section 28 of section 3 of chapter 2004-397, Laws of
 144 Florida, are amended, to read:

145 Section 28. That the levy by said board of the taxes
 146 authorized by any provision of this act shall be by resolution
 147 of said board duly entered upon the minutes of the board.
 148 Certified copies of such resolution executed in the name of the
 149 board by its chair, under its corporate seal, shall be made and
 150 delivered to the Board of County Commissioners of Broward County

BILL

ORIGINAL

YEAR 2021

151 and to the Chief Financial Officer ~~no later than the 15th day of~~
 152 ~~June~~ each and every year in accordance with the requirements
 153 provided by general law. It shall be the duty of the County
 154 Commissioners of Broward County to order and require that the
 155 County Property Appraiser of said county to assess, and the
 156 County Tax Collector of said county to collect the amount of
 157 taxes so assessed or levied by the Board of Commissioners of
 158 said South Broward Hospital District upon the taxable property
 159 in said district, not exempt by law, at the rate of taxation
 160 adopted by said board of commissioners of said district for said
 161 year and include in the warrant of the property appraiser and
 162 attach to the assessment roll of taxes for said year and
 163 included in the warrant of the property appraiser and attach to
 164 the assessment roll of taxes for said county each year. The tax
 165 collector shall collect such tax so levied by said board in the
 166 same manner as other taxes are collected, and shall pay the same
 167 over to the Board of Commissioners of South Broward Hospital
 168 District within the time and in the manner prescribed by law for
 169 the payment by the tax collector of county taxes to the
 170 county depository. It shall be the duty of the Florida
 171 Department of Revenue to assess and levy on all the railroad
 172 lines and railroad property situated or located in said
 173 district, including as well all telephone lines. The amount of
 174 each said levy of each said county or state taxes and the said
 175 taxes shall be assessed by the same officer respectfully as are

BILL

ORIGINAL

YEAR 2021

176 county taxes upon such property, and such taxes shall be
 177 remitted by the collecting officer to the Board of Commissioners
 178 of South Broward Hospital District. All such taxes shall be held
 179 by said board of commissioners and paid out by them as provided
 180 in this act. The board is authorized to pay necessary expenses
 181 to the aforementioned officers for the assessment and collection of
 182 taxes on a reasonable fee basis.

183 **Section 4.** If any section, paragraph, sentence, clause, phrase,
 184 or other part of this act shall be declared unconstitutional, or
 185 if this act should be declared inapplicable in any case, such
 186 declaration shall not affect the remainder of this act or the
 187 applicability thereof in any other case. It is intended that the
 188 provisions of this act shall be liberally construed for
 189 accomplishment of the work authorized, provided for, and
 190 intended to be provided by this act. For any words, phrases,
 191 clauses, classifications, or any part of this act or previous
 192 enactments which require utilizing rules of statutory
 193 interpretation, it is the intent of the Legislature that the
 194 most expansive, liberal and least restrictive construction be
 195 adopted and utilized, and to acknowledge that the absence of
 196 express language is not meant to be an inference or limitation
 197 to the accomplishment of the stated and implied governmental,
 198 corporate or proprietary powers.

199 Section 3. This act shall take effect upon becoming a law.