

HB

2020 Legislature

1 An act relating to the South Broward Hospital District  
 2 Broward County; amending chapter 2004-397, Laws of  
 3 Florida; justifying and ratifying an exception to general law;  
 4 expanding the district's power to encumber assets; confirming  
 5 that the district may acquire, establish, own, construct,  
 6 develop, lease, equip, operate, manage, and maintain hospitals,  
 7 public facilities, and services both within and outside of the  
 8 boundaries of the district; providing legislative intent;  
 9 providing that ad valorem taxes and non-ad valorem special  
 10 assessments be expended only within the boundaries of the  
 11 district; prohibiting the district from expending such funds  
 12 outside the boundaries of the district; authorizing the  
 13 district to own and operate certain facilities and provide  
 14 services outside the district's boundaries; providing for the  
 15 ability of the district to create legal structures which do not  
 16 designate facilities as public property; providing for  
 17 ratification, severability, statement of legislative intent and  
 18 an effective date.

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

20 **Section 1.** Section 4. (1)(i) of Section 3 of Chapter 2004-397  
 21 Laws of Florida is amended to read:

22 (i) To acquire, purchase, hold, encumber, lease, and convey such real  
 23 and personal property as the board deems advisable.

24 **Section 2.** Section 7 of Section 3 of Chapter 2004-397  
 25 Laws of Florida, is amended to read:

26 Section 7. Without in any way limiting the powers set forth in

HB

2020 Legislature

27 Section 4, the board of commissioners is hereby authorized and  
 28 empowered to acquire, own, establish, develop, construct, lease,  
 29 equip, operate, manage, and maintain within and outside the  
 30 district's boundaries, such hospital or hospitals, public  
 31 facilities, and other health facilities, of any type or purpose,  
 32 and programs, as in their opinion are necessary for the use or  
 33 needs or welfare of the people of the district, or inhabitants  
 34 of the state, and to acquire, own, establish, develop, construct,  
 35 lease, equip, operate, manage, and maintain such facilities for the  
 36 care of such persons requiring ~~limited~~ medical care or treatment as in  
 37 their opinion is necessary for the people or welfare of the district  
 38 or inhabitants of the State. The Legislature finds that, regardless of  
 39 where facilities or programs are located, the development and operation  
 40 by the district of hospitals, health facilities and other related  
 41 facilities, or programs for the delivery of health care, or generally  
 42 related services serves a valid public purpose, delivers valuable  
 43 public benefits, and serves the public interest, and are for the  
 44 benefit either directly or indirectly of inhabitants of the State,  
 45 residents or non-residents of the district, surrounding communities,  
 46 or underserved, indigent, uninsured and sick persons, wherever located  
 47 throughout the State or to visitors to the State generally.

48 (a) Within the boundaries of the district, ~~The~~ hospitals or hospitals,  
 49 Other health facilities, and facilities or programs of any type or  
 50 scope for ~~limited~~ care and treatment, shall be acquired, owned,  
 51 established, developed, constructed, leased, equipped, operated,  
 52 managed, and maintained by the board of commissioners for the  
 53 preservation of the public health, for the public good, and for the  
 54 use of the public of the district; and maintenance of the hospital

HB

2020 Legislature

55 or hospitals, other health facilities, and facilities for ~~limited-care~~  
 56 and treatment within the district is hereby found and declared to be a  
 57 public purpose and necessary for the preservation of the public health,  
 58 for the public use, and for the welfare of the district and inhabitants  
 59 thereof.

60 (b) Notwithstanding any other provisions of this act or the provisions  
 61 of Chapter 189, F.S. to the contrary, hospitals, other health care or  
 62 related facilities, facilities, and programs, of any type or scope, may  
 63 be acquired, owned, established, developed, constructed, leased,  
 64 equipped, operated, managed, and maintained outside the boundaries of  
 65 the district, by the board of commissioners. Provided however, it is  
 66 the express intent of the Legislature that any revenues received by the  
 67 district from any ad valorem tax or non-ad valorem special assessment  
 68 levied by the district be used solely toward hospitals, health care  
 69 facilities or health care services or programs within the district.  
 70 Accordingly, the district is expressly prohibited from directly using  
 71 any revenues received by it from any ad valorem tax or non-ad valorem  
 72 special assessment levied by the district on property located within  
 73 the district for any purpose outside the boundaries of the district.

74 (c) The location and legal form and structure of such hospital  
 75 or hospitals, other health facilities, and facilities  
 76 for ~~limited care and treatment~~ or programs of any type or scope shall  
 77 be determined by the board. It is the Legislature's intent and finding  
 78 that it is appropriate and approved for the board, as it deems  
 79 advisable, to create any legal structure which involves the  
 80 participation of other entities or persons, whether by ownership or  
 81 otherwise, and place facilities or programs authorized pursuant to  
 82 this section or this act in a separate entity of which the district has

HB

2020 Legislature

83 an ownership or other interest, so as to not be designated as public  
84 property or otherwise subject to the requirements of Article VII,  
85 Section 10 of the Constitution of the State of Florida.

86 (d) The district is further expressly authorized to continue to  
87 construct, own, equip, operate, lease, manage, and maintain all  
88 facilities and services in which the district was engaged  
89 as of January 1, 2020.

90 **Section 3.** If any section, paragraph, sentence, clause, phrase,  
91 or other part of this act shall be declared unconstitutional, or  
92 if this act should be declared inapplicable in any case, such  
93 declaration shall not affect the remainder of this act, or its  
94 application in a different case. It is intended that the provisions  
95 of this act shall be liberally construed for accomplishment of the  
96 work authorized, provided for, and intended to be provided by this  
97 act. For any words, phrases, clauses, classifications, or any part of  
98 this Act or previous enactments which require utilizing rules of  
99 statutory interpretation, it is the intent of the Legislature that the  
100 most expansive, liberal and least restrictive construction be adopted  
101 and utilized, and to acknowledge that the absence of express language  
102 is not meant to be an inference or limitation to the accomplishment of  
103 the stated and implied governmental, corporate or proprietary powers.

104 **Section 4.** This act shall take effect upon becoming a law.