

1 A bill to be entitled
 2 An act relating the North Broward Hospital District,
 3 Broward County; codifying, amending, reenacting, and
 4 repealing chapters 27438 (1951), 61-1931, 61-1937, 63-
 5 1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898,
 6 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412,
 7 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481,
 8 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485,
 9 91-351, 97-372, and 2002-363, Laws of Florida; codifying
 10 the district charter; providing severability; providing an
 11 effective date.

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

14
 15 Section 1. (1) The reenactment of existing law in this
 16 act shall not be construed as a grant of additional authority to
 17 nor to supersede the authority of any entity pursuant to law.
 18 Exceptions to law contained in any special act that are
 19 reenacted pursuant to this act shall continue to apply.

20 (2) The reenactment of existing law in this act shall not
 21 be construed to modify, amend, or alter any covenants,
 22 contracts, or other obligations of the district with respect to
 23 bonded indebtedness. Nothing pertaining to the reenactment of
 24 existing law in this act shall be construed to affect the
 25 ability of the district to levy and collect taxes, assessments,
 26 fees, or charges for the purpose of redeeming or servicing
 27 bonded indebtedness of the district.

28 Section 2. Chapters 27438 (1951), 61-1931, 61-1937, 63-
 29 1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-
 30 914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-
 31 449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-
 32 354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-
 33 363, Laws of Florida, are codified, reenacted, amended, and
 34 repealed as provided in this act.

35 Section 3. The North Broward Hospital District is re-
 36 created and the charter for the district is re-created and
 37 reenacted to read:

38 Section 1. Created.--A special tax district is hereby
 39 created and incorporated, to be known as the "North Broward
 40 Hospital District" in Broward County, which district shall
 41 embrace and include the following described property, situate,
 42 lying, and being in Broward County:

43 Begin at a point where the North boundary line of
 44 Section 25, Township 50 South, Range 42 East,
 45 intersects the line of mean low tide of the Atlantic
 46 Ocean; thence run westerly along the North boundary
 47 line of Sections 25, 26, 27, 28, 29 and 30 in Township
 48 50 South, Range 42 East, and continue westerly along
 49 the North boundary line of Sections 25, 26, 27, 28, 29
 50 and 30 in Township 50 South, Range 41 East, to the
 51 westerly boundary of Range 41 East; thence southerly
 52 along the westerly boundary line of said Section 30 to
 53 a point of intersection with the North boundary line
 54 of Section 25, Township 50 South, Range 40 East,
 55 extended easterly; thence westerly along the North

56 boundary line of Section 25, Township 50 South, Range
 57 40 East, to the northwest corner of said Section;
 58 thence southerly along the west boundary line of said
 59 Section 25 and Section 36, Township 50 South, Range 40
 60 East, and continuing southerly along the west boundary
 61 lines of Sections 1, 12, 13, 24, 25 and 36 of Township
 62 51 South, Range 40 East, to the southwest corner of
 63 said Section 36, the same being the south boundary
 64 line of Broward County; thence westerly along the
 65 south boundary line of Broward County to the southwest
 66 corner of said County; thence northerly along the west
 67 boundary line of Broward County, Florida, to the
 68 northwest corner of said County; thence easterly along
 69 the northern boundary line of Broward County, Florida,
 70 to a point where the north boundary line of Broward
 71 County intersects the line of mean low tide of the
 72 Atlantic Ocean; thence southerly along the mean low
 73 tide line of the Atlantic Ocean to the point of
 74 beginning, together with all areas within the
 75 corporate limits of the City of Fort Lauderdale, lying
 76 south of the south boundary line of the above-
 77 described property.

78 Section 2. Subdistricts.--The North Broward Hospital
 79 District shall be composed of the following subdistricts:

80 (1) Subdistrict No. 1 shall include the areas of Broward
 81 County from the north boundary line thereof south to a line
 82 running east and west along the boundary line between the City
 83 of Pompano Beach and the City of Lighthouse Point and extended

84 east and west along the section lines which comprise said
85 boundary to intersect with the Atlantic Ocean on the east and
86 the western boundary of Broward County on the west.

87 (2) Subdistrict No. 2 shall include that area of Broward
88 County south of the south boundary line of subdistrict No. 1 to
89 a line running east and west along the center of McNab Road and
90 extended east and west along the section lines which bisect the
91 right-of-way of said McNab Road to intersect with the Atlantic
92 Ocean on the east and the western boundary of Broward County on
93 the west.

94 (3) Subdistrict No. 3 shall include that area of Broward
95 County bounded on the north by the south boundary line of
96 subdistrict No. 2, on the south along the center of Sunrise
97 Boulevard, on the west by a line running north and south along
98 the center of U.S. 441 (State Road #7), and on the east by the
99 Atlantic Ocean.

100 (4) Subdistrict No. 4 shall include that area of Broward
101 County bounded on the north by the south boundary line of
102 subdistrict No. 3, on the south by the south boundary line of
103 the North Broward Hospital District, on the west by a line
104 running north and south along the center of U.S. 441 (State Road
105 #7), and on the east by the Atlantic Ocean.

106 (5) Subdistrict No. 5 shall include that area of Broward
107 County bounded on the north by the south boundary line of
108 subdistrict No. 2, on the south by the south boundary line of
109 the North Broward Hospital District, on the west by the western
110 boundary of Broward County, and on the east by a line running
111 north and south along the center of U.S. 441 (State Road #7).

112 (6) Subdistrict No. 6 shall include that area of Broward
 113 County which comprises the entire North Broward Hospital
 114 District and shall be considered a subdistrict at large.

115 (7) Subdistrict No. 7 shall include that area of Broward
 116 County which comprises the entire North Broward Hospital
 117 District and shall be considered a subdistrict at large.

118 Section 3. Board of commissioners generally.--The
 119 governing body of the North Broward Hospital District shall
 120 consist of seven commissioners, one of whom may be a licensed
 121 practitioner of the healing arts as defined in chapter 458,
 122 Florida Statutes. All commissioners shall serve without
 123 compensation. Each subdistrict shall have one representative on
 124 the Board of Commissioners of the North Broward Hospital
 125 District who has resided in said subdistrict for more than 1
 126 year prior to appointment. Said commissioners shall be known and
 127 designated as the Board Of Commissioners of North Broward
 128 Hospital District. Members of the board of commissioners shall
 129 be appointed by the Governor for terms of 4 years each. The
 130 Governor shall have the power to remove any member of said board
 131 of commissioners for cause and shall fill any vacancies that may
 132 at any time occur therein. Each member shall give bond to the
 133 Governor for the faithful performance of his or her duties in
 134 the sum of \$5,000 with a surety company qualified to do business
 135 in the state, as surety, which bond shall be approved and kept
 136 by the Clerk of the Circuit Court of Broward County. The
 137 premiums on said bonds shall be paid as part of the expenses of
 138 said district.

139 Section 4. Powers of board of commissioners generally.--

140 (1) The Board of Commissioners of the North Broward
 141 Hospital District shall have all the powers of a body corporate,
 142 including the power to sue and be sued under the name of the
 143 North Broward Hospital District; to contract and be contracted
 144 with; to adopt and use a common seal and to alter the same at
 145 pleasure; to acquire, purchase, hold, lease as lessee or lessor,
 146 and convey such real and personal property as said board may
 147 deem proper or expedient to carry out the purposes of this act
 148 (any lease of real or personal property entered into by the
 149 board of commissioners shall be for such terms as the board of
 150 commissioners determines is in the best interest of the
 151 district); to appoint and employ a superintendent and such other
 152 agents and employees as said board may deem advisable; to borrow
 153 money, incur indebtedness, and issue notes, revenue
 154 certificates, bonds, and other evidences of indebtedness of said
 155 district; to establish and support subsidiary or affiliate
 156 organizations to assist the district in fulfilling its declared
 157 public purpose of providing for the health care needs of the
 158 people of the district and, to the extent permitted by the State
 159 Constitution, to support not-for-profit organizations that
 160 operate primarily within the district, as well as elsewhere, and
 161 that have as their purposes the health care needs of the people
 162 of the district by means of nominal interest loans of funds,
 163 nominal rent leases of real or personal property, gifts and
 164 grants of funds, or guaranties of indebtedness of such
 165 subsidiaries, affiliates, and not-for-profit organizations (any
 166 such support of a subsidiary or affiliate corporation or
 167 nonaffiliated, not-for-profit corporation is hereby found and

168 declared to be a public purpose and necessary for the
 169 preservation of the public health and for public use and for the
 170 welfare of the district and inhabitants thereof); to the extent
 171 permitted by the State Constitution, to participate as a
 172 shareholder in a corporation, or as a joint venture in a joint
 173 venture, which provides health care or engages in activities
 174 related thereto, to provide debt or equity financing for the
 175 activities of such corporations or joint ventures, and to
 176 utilize, for any lawful purpose, the assets and resources of the
 177 district to the extent not needed for health care and related
 178 activities; and to carry out the provisions of this charter in
 179 the manner hereinafter provided. Said board of commissioners,
 180 pursuant to chapter 218, Florida Statutes, is authorized and
 181 empowered, as the board of a special tax district of the state,
 182 to invest district "surplus funds," as defined in that chapter,
 183 in such a manner as allowed under section 218.415 Florida
 184 Statutes, or by any general law amending or superseding section
 185 218.415, Florida Statutes. The board of commissioners shall also
 186 have the power to delegate its authority to invest these surplus
 187 funds, as outlined above, to a state or national banking
 188 organization acting pursuant to a written trust agreement as a
 189 trustee of district funds, provided that such delegation is made
 190 in writing by the board of commissioners.

191 (2) In addition to any investment authorized by general
 192 law, and to the extent created by the State Constitution, the
 193 board of commissioners shall be and is hereby authorized and
 194 empowered to invest any funds in its control or possession in
 195 accordance with an investment policy approved by the board which

196 mandates prudent investment practices, which shall include,
197 among other items, the investment objectives and permitted
198 securities of the policy. Such investment policy shall be
199 designed to maximize the financial return to the fund consistent
200 with the risks incumbent in each investment and shall be
201 designed to preserve the appropriate diversification of the
202 portfolio. Accordingly, the following instruments are authorized
203 for investment:

204 (a) Bankers' acceptances that are drawn upon and accepted
205 by a commercial bank that is a member bank of the Federal
206 Reserve System, that maintains capital accounts in excess of 7.5
207 percent of total assets, and which member bank or its holding
208 company carries a credit rating that is one of the two highest
209 alphabetical categories from at least two nationally recognized
210 debt-rating agencies.

211 (b) Commercial paper of prime quality rated by at least
212 two nationally recognized debt-rating agencies in the highest
213 letter and numerical rating of each agency. If not rated, such
214 prime quality commercial paper may be purchased if secured by a
215 letter of credit provided by a commercial bank, which bank or
216 its holding company carries a credit rating in one of the two
217 highest alphabetical categories from at least two nationally
218 recognized debt-rating agencies.

219 (c) Interest-bearing bonds, debentures, and any other such
220 evidence of indebtedness with a fixed maturity of any domestic
221 corporation within the United States which is listed on any one
222 or more of the recognized national stock exchanges in the United
223 States and conforms with the periodic reporting requirements

224 under the Securities Exchange Act of 1934. Such obligation shall
225 either carry ratings in one of the two highest classifications
226 of at least two nationally recognized debt-rating agencies or be
227 secured by a letter of credit provided by a commercial bank,
228 which bank or its holding company carries a credit rating in one
229 of the two highest alphabetical categories from at least two
230 nationally recognized debt-rating agencies.

231 (d) Negotiable direct obligations of, or obligations the
232 principal and interest of which are unconditionally guaranteed
233 by, the United States Government at the then-prevailing market
234 rate for such securities; and obligations of the Federal Farm
235 Credit Banks, Federal Home Loan Mortgage Corporation, Federal
236 National Mortgage Association, or Federal Home Loan Bank or its
237 district banks, including Federal Home Loan Mortgage Corporation
238 participation certificates, or obligations guaranteed by the
239 Government National Mortgage Association, which are purchased
240 and sold under repurchase agreements and reverse repurchase
241 agreements. Repurchase agreements and reverse repurchase
242 agreements may be entered into only with a member bank of the
243 Federal Reserve System or primary dealer in United States
244 government securities. Securities purchased or repurchased by
245 the hospital board shall be delivered to the hospital board or
246 its agent versus payment.

247 (e) The purchase of options so as to engage in bona fide
248 hedging activities for the purpose of protecting the asset value
249 of the underlying portfolio, provided the instruments for such
250 purpose are traded on a securities exchange or board of trade

251 regulated by the Securities and Exchange Commission or the
 252 Commodities Futures Trading Commission.

253 (f) Equity securities of any corporation that is organized
 254 under the laws of the United States, any state, or the District
 255 of Columbia and that is listed on any one or more of the
 256 recognized national stock exchanges in the United States and
 257 conforms with the periodic reporting requirements under the
 258 Securities Exchange Act of 1934. Such securities must carry a
 259 rating in one of the two highest alphabetical categories from at
 260 least two nationally recognized equity ratings agencies.

261 (3) The Board of Commissioners of the North Broward
 262 Hospital District shall have the power to enter into and
 263 execute:

264 (a) Any contract known or referred to as, or which
 265 performs the function of, an interest rate swap agreement,
 266 forward payment conversion agreement, or futures contract.

267 (b) Any contract providing for payments based on levels
 268 of, or changes or differences in, interest rates.

269 (c) Any contract to exchange cash flows, payments, or
 270 series of payments.

271 (d) Any type of contract called or designed to perform the
 272 function of interest rate floors or caps, options, puts, or
 273 calls to hedge or minimize any type of financial risk,
 274 including, without limitation, payment, rate, or other financial
 275 risk.

276 (e) Any other type of contract or arrangement that the
 277 Board of Commissioners of the North Broward Hospital District
 278 determines is to be used, or is intended to be used, to manage

279 or reduce the cost of indebtedness, to convert any element of
280 indebtedness from one form to another, to maximize or increase
281 investment return, to minimize investment return risk, or to
282 protect against any type of financial risk or uncertainty.

283 Section 5. Board of commissioners; rules of
284 procedure.--Four commissioners shall constitute a quorum, and a
285 vote of at least three commissioners shall be necessary to the
286 transaction of any business of the district. The commissioners
287 shall cause true and accurate minutes and records to be kept of
288 all business transacted by them and shall keep full, true, and
289 complete books of account and minutes, which minutes, records,
290 and books of account shall at all reasonable times be open and
291 subject to the inspection of inhabitants of said district, and
292 any person desiring to do so may make or procure copy of said
293 minutes, records, books of account, or such portions thereof as
294 he or she may desire.

295 Section 6. Authority to establish and maintain health care
296 facilities.--The board of commissioners is hereby authorized and
297 empowered to establish, construct, operate, and maintain such
298 hospital or hospitals, supportive facility or facilities,
299 including offices for physicians and other medically related
300 personnel, entities, and activities, and facilities for the care
301 of such persons requiring limited medical care and treatment as
302 in their opinion shall be necessary for the needs and use of the
303 people of said district. Said hospital or hospitals, supportive
304 facility or facilities, and facilities for limited care and
305 treatment shall be established, constructed, operated, and
306 maintained by said board of commissioners for the preservation

307 of the public health, for the public good, and for the use of
308 the public of said district, and the maintenance of said
309 hospital or hospitals, supportive facility or facilities, and
310 facilities for limited care and treatment within said district
311 is hereby found and declared to be a public purpose and
312 necessary for the preservation of the public health and for
313 public use and for the welfare of said district and inhabitants
314 thereof. The location, establishment, operation, and maintenance
315 of such hospital or hospitals, supportive facility or
316 facilities, and facilities for limited care and treatment, as
317 well as the terms, conditions, and consideration for the use
318 thereof, shall be as determined and fixed by said board of
319 commissioners and shall be under the exclusive authority of said
320 board. The provisions and procedures shall be without reference
321 to section 20. The board of commissioners is hereby further
322 authorized and empowered to establish, operate, or support such
323 subsidiaries, either for profit or not for profit, and not-for-
324 profit affiliates for the furtherance and assistance of the
325 district's fulfilling its purpose of provision for the health
326 care needs of the people of the district as in the board's
327 opinion shall be necessary. The board of commissioners is hereby
328 further authorized and empowered, to the extent permitted by the
329 State Constitution, to support nonaffiliated, not-for-profit
330 organizations that operate primarily within the district, as
331 well as elsewhere, and that have as their purpose the
332 furtherance of the district's provision for the health care
333 needs of the people of the district, by such means as in the
334 board's opinion are necessary and appropriate. The board of

HB 1245

2006

335 commissioners is hereby further authorized, to the extent
336 permitted by the State Constitution, to participate in, and to
337 provide debt or equity financing for, a corporation in which the
338 district is a shareholder or a joint venture in which the
339 district is a joint venturer, so long as any such corporation or
340 joint venture provides health care services or engages in
341 activities related thereto that benefit the people of the
342 district, as well as others. The establishment, operation, or
343 support of such subsidiaries or affiliates, the support of such
344 nonaffiliated, not-for-profit organizations, and the
345 participation in and funding of such health care corporations or
346 joint ventures are each hereby found and declared to be a public
347 purpose and necessary for the preservation of the public health
348 and welfare of the district and inhabitants thereof.
349 Notwithstanding the provisions of its charter, the district
350 shall comply with the requirements of section 155.40(2)(a)-(e),
351 Florida Statutes, in implementing the powers provided in this
352 section, section 4, and subsection (4) of section 20.

353 Section 7. Nurse training schools; medical training and
354 research programs.--

355 (1) The board of commissioners is hereby authorized and
356 empowered at any time in its discretion to establish and
357 maintain, in connection with such hospital and as a part
358 thereof, in accordance with state laws and regulations, a
359 training school for nurses and, upon completion of a prescribed
360 course of training, shall give to such nurses who have
361 satisfactorily completed the course a diploma. The board of
362 commissioners is authorized and empowered to set up all rules

HB 1245

2006

363 and regulations necessary for the operation of a nurses training
364 school and to make all necessary expenditures in connection
365 therewith.

366 (2) The board of commissioners is further authorized and
367 empowered to establish and maintain such clinics, medical
368 training, and medical research programs in connection with the
369 operation of district hospitals, including the training of
370 interns and resident physicians, as the board of commissioners,
371 in their discretion, might determine to be necessary or
372 beneficial to the professional services in the district
373 hospitals.

374 Section 8. Eminent domain.--The board shall have the power
375 of eminent domain and may thereby condemn and acquire any real
376 or personal property within the territorial limits of the
377 district which the board may deem necessary for the use of said
378 district. Such power of condemnation shall be exercised in the
379 same manner as is now provided by general law for the exercise
380 of the power of eminent domain by cities and towns of the state.

381 Section 9. Indebtedness generally.--

382 (1) In this act:

383 (a) The term "anticipation notes" means indebtedness
384 authorized pursuant to subsections (2)-(6) which is payable from
385 funds of the district as set forth therein.

386 (b) The term "indebtedness" means any bonds, notes,
387 certificates, lease participations, guaranties, or other forms
388 of indebtedness payable from general revenues and other legally
389 available funds of the district.

390 (2) The district may, in order to provide facilities,
391 including real and personal property, and to carry out,
392 exercise, and perform its powers and duties, and for any other
393 lawful purpose, borrow money from time to time as the board
394 determines is in the best interest of the district and issue and
395 sell the anticipation notes of the district and refund the same
396 by issuing the refunding anticipation notes of the district, all
397 upon such terms and having such maturities, form, and terms as
398 may be determined by the board of commissioners or, if issued in
399 the form of commercial paper, as may be determined by the chair,
400 the vice chair, or the secretary-treasurer within guidelines and
401 limits determined by the board of commissioners as provided in
402 this section. The rate or rates of interest for such borrowing
403 shall be as provided by general law. Further, all indebtedness
404 incurred by the district shall, where required by the State
405 Constitution, be contingent upon voter approval.

406 (3) The district may borrow money and issue bond
407 anticipation notes in anticipation of the issuance of bonds, all
408 as provided in general law; expend the proceeds thereof for the
409 purposes for which such bonds are to be issued; and pledge, by
410 resolution or contract, the proceeds to be derived from the sale
411 of such bonds and other legally available funds of the district
412 for the payment of the principal thereof, premium therefor, if
413 any, and interest thereon.

414 (4) The district may borrow money and issue grant
415 anticipation notes having such maturity as the board may
416 determine in anticipation of the receipt of any federal, state,
417 private, or other grant; expend the proceeds thereof for the

418 purposes for which such grant has been made; and pledge, by
419 resolution or contract, the moneys to be received from such
420 grant and other legally available funds of the district for the
421 payment of the principal thereof, premium therefor, if any, and
422 interest thereon.

423 (5) The district may borrow money and issue revenue
424 anticipation notes having such maturity as the board may
425 determine in anticipation of the receipt of revenues; expend the
426 proceeds thereof for any other lawful purpose; and pledge, by
427 resolution or contract, revenues of the district for the payment
428 of the principal thereof, premium therefor, if any, and interest
429 thereon.

430 (6) The district may borrow money and issue tax
431 anticipation notes having such maturity as the board may
432 determine and levy, appropriate, and pledge, by resolution or
433 contract, ad valorem taxes and other legally available funds of
434 the district in payment of the principal thereof, premium
435 therefor, if any, and interest thereon.

436 (7) The district may issue, from time to time,
437 indebtedness (which may be denominated as notes or bonds) of the
438 district for the purpose of paying all or part of the cost of
439 acquisition, construction, planning, and repairing of,
440 extensions and additions to, and equipping, furnishing, and
441 reconstruction of any hospital or hospitals or related
442 facilities incidental to the foregoing as in the opinion of the
443 board of commissioners are necessary or beneficial for the
444 district, for refinancing any indebtedness incurred to finance
445 any of the foregoing, or for reimbursement of the district for

446 any cost it incurred for any of the foregoing. The indebtedness
447 of each issuance shall be dated, shall mature at such time or
448 times not exceeding 50 years after their date or dates, shall be
449 in such denominations, shall bear interest at such rate or
450 rates, including variable rates, allowed by general law, and may
451 be made redeemable before maturity at the option of the board of
452 commissioners at such price or prices and under such terms and
453 conditions as may be fixed by the board of commissioners prior
454 to the issuance of the indebtedness.

455 (8) The district may issue all forms of indebtedness
456 described in subsections (3)-(7) in the form of commercial paper
457 and, if issued in such form, the resolution authorizing the
458 issuance thereof may provide for the renewal, refunding, or
459 rollover thereof from time to time, having such maturity as the
460 board shall determine. The resolution authorizing the issuance
461 of such indebtedness in the form of commercial paper may set
462 forth guidelines and limits pertaining to the maximum aggregate
463 principal amount of such indebtedness which may be outstanding
464 at any one time, the longest maturity any such indebtedness may
465 bear, the form of such indebtedness, the terms (including
466 redemption provisions, the maximum redemption premium which may
467 be permitted, schedules for the amortization of principal and
468 interest which may be permitted, and such other provisions as
469 the board of commissioners may determine), and the maximum rate
470 of interest authorized by general law and may authorize the
471 chair, the vice chair, the secretary-treasurer, or any one or
472 more of them, from time to time, to determine, within such
473 guidelines and limits, the date or dates on which said

474 indebtedness shall be issued, the aggregate principal amount of
475 indebtedness to be issued at such time, the maturity date or
476 dates of such indebtedness, and the form and terms of such
477 indebtedness (including provisions for redemption thereof, the
478 amount of any redemption premium, the schedule for the
479 amortization of principal and payment of interest, and other
480 provisions as authorized by the board) and to sell, issue, and
481 deliver the same pursuant to such authorization. Any resolution
482 authorizing a negotiated sale of indebtedness in the form of
483 commercial paper to any class of purchaser may likewise
484 authorize the negotiated sale of renewal, refunding, or rollover
485 indebtedness to such class of purchaser and may contain such
486 other provisions as the board may authorize.

487 (9) Any indebtedness authorized pursuant to subsections
488 (3)-(7) may be issued in the form of demand obligations or
489 obligations which the holder thereof may request payment for by
490 the district upon the occurrence of specified events. The board
491 of commissioners shall determine the form of such indebtedness,
492 which shall be executed according to general law, and shall fix
493 the denomination or denominations of indebtedness and the place
494 or places of payment of principal of and interest thereon, which
495 may be at any bank or trust company within or without the state.
496 All forms of indebtedness shall be executed in the name of the
497 district by the chair of the board of commissioners and
498 countersigned and attested by the secretary of the board, and
499 its corporate seal or facsimile shall be attached thereto or
500 reproduced thereon, all in the manner provided by the resolution
501 authorizing such indebtedness. All indebtedness issued under the

HB 1245

2006

502 provisions of this act is hereby declared to have all the
503 qualities and incidents of negotiable instruments under the
504 Uniform Commercial Code and the laws of this state. Such
505 indebtedness shall be issuable in bearer form or shall be
506 registrable in the name of the owner or nominee thereof in the
507 manner provided by general law.

508 (10) The district is hereby authorized to enter into
509 agreements providing for the issuance, repayment, and securing
510 of letters of credit, insurance, or any other credit enhancement
511 device with any financial institution, as the board of
512 commissioners may determine, to further secure any of its
513 indebtedness.

514 Section 10. Bonds.--District bonds shall be issued or sold
515 in such manner and at such rate or rates of interest as
516 authorized by general law. Such bonds may be sold at par or at
517 such premium or discount as the board of commissioners
518 determines, in keeping with general law.

519 Section 11. Acceptance of promissory notes.--The board of
520 commissioners is hereby authorized and empowered, in order to
521 provide for and carry out the purposes of this act, to
522 compromise and settle any accounts receivable or other claim for
523 money due and owing to the district through the acceptance of
524 promissory notes according to such terms and conditions as the
525 board, in its discretion, may determine; however, said board of
526 commissioners is hereby prohibited from assigning, selling, or
527 setting over said promissory note to commercial institutions or
528 private collection agencies for collection.

HB 1245

2006

529 Section 12. Payment of funds.--The funds of the North
530 Broward Hospital District shall be paid out and disbursed
531 according to the manner and procedure established by the board
532 of commissioners of said district. The board of commissioners is
533 hereby authorized and empowered to designate disbursing agents
534 to act on behalf of the North Broward Hospital District for
535 approval of warrants for payment and for the execution of checks
536 and drafts upon district accounts.

537 Section 13. Property tax authorized.--The Board of
538 Commissioners of the North Broward Hospital District is hereby
539 authorized, empowered, and directed annually to levy upon all
540 the real and personal taxable property in said district a
541 sufficient tax, not to exceed 2.5 mills, necessary for the
542 purposes herein granted and to levy other lawful taxes to pay
543 interest and provide and maintain a sinking fund for payment of
544 interest and principal of the bonds provided for and authorized
545 by this act.

546 Section 14. Property tax levy.--The levy by said board of
547 commissioners of the taxes authorized by any provision of this
548 act shall be by resolution of said board duly entered upon the
549 minutes of the board. Certified copies of such resolution
550 executed in the name of the board by its chair, under its
551 corporate seal, shall be made and delivered to the Board of
552 County Commissioners of Broward County and to the Florida Chief
553 Financial Officer not later than 60 days after the millage is
554 certified by the property appraiser or such other time as may be
555 specified by general law. It shall be the duty of the County
556 Commissioners of Broward County to order and require the county

HB 1245

2006

557 property appraiser of said county to assess, and the county tax
558 collector of said county to collect, the amount of taxes so
559 assessed or levied by the board upon the taxable property in
560 said district, not exempt by law, at the rate of taxation
561 adopted by said board of commissioners of said district for said
562 year and included in the warrant of the property appraiser and
563 attached to the assessment roll of taxes for said county each
564 year. The tax collector shall collect such tax so levied by said
565 board in the same manner as other taxes are collected and shall
566 pay the same over to the Board of Commissioners of the North
567 Broward Hospital District within the time and in the manner
568 prescribed by law for the payment by the tax collector of county
569 taxes to the county depository. It shall be the duty of the
570 Florida Chief Financial Officer to assess and levy taxes on all
571 the railroad lines and railroad property and telegraph lines and
572 telegraph property situated or located in said district,
573 including all telephone lines. The taxes shall be assessed by
574 the same officer as are county taxes upon such property, and
575 such taxes shall be remitted by the collecting officer to the
576 Board of Commissioners of the North Broward Hospital District.
577 All such taxes shall be held by said board of commissioners and
578 paid out by them as provided in this act. The board is
579 authorized to pay necessary expenses to the aforementioned officers
580 for the assessment and collection of taxes on a reasonable fee
581 basis.

582 Section 15. Payment of district expenses.--The board of
583 commissioners is authorized to pay from the funds of the
584 district all expenses of the organization of said board, all

HB 1245

2006

585 expenses necessarily incurred with the formation of said
586 district, and all other reasonable and necessary expenses,
587 including the fees and expenses of an attorney in the
588 transaction of the business of the district and in carrying out
589 and accomplishing the purposes of this act. This section,
590 however, shall not be construed to restrict any of the powers
591 vested in said board of commissioners by any other section or
592 provision of this act.

593 Section 16. Publication of annual financial statement.--At
594 least once in each year, the board of commissioners shall
595 publish once in a newspaper published in the district a complete
596 detailed statement of all moneys received and disbursed by them
597 since the creation of the district as to the first published
598 statement and since the last published statement as to any other
599 year. Such statement shall also show the several sources from
600 which said funds were received and shall show the balance on
601 hand at the time of the published statement. It shall show a
602 complete statement of the condition of the district.

603 Section 17. Persons authorized to be treated at
604 facilities.--Each hospital or clinic established under this act
605 shall be for the use and benefit of the residents of the
606 district. Such residents shall be admitted to such hospital or
607 clinic and be entitled to hospitalization, subject, however, to
608 the rules and regulations prescribed by the board of
609 commissioners, which rules and regulations are effective as of
610 the date of admission of a patient or patients to said hospital
611 or clinic. Such hospital or clinic may care for and treat
612 without charge patients who are found by the board of

HB 1245

2006

613 commissioners to be indigent, but such board may collect from
614 patients financially able such charges as the board of
615 commissioners may from time to time establish. The board of
616 commissioners may exclude from treatment and care any person
617 having a communicable or contagious disease, where such disease
618 may be a detriment to the best interests of such hospital or
619 clinic or a source of contagion or infection to the patients in
620 its care, unless such hospital has a separate building or ward
621 for the special treatment of such patients and can properly and
622 with safety to the other patients retain such communicable or
623 contagious case in such separate ward or building. Said board of
624 commissioners may extend the privileges and use of such hospital
625 or clinic to nonresidents of the district upon such terms and
626 conditions as the board may from time to time by its rules and
627 regulations provide; however, the residents of the district
628 wherein such hospital or clinic is located shall have first
629 claim to admission.

630 Section 18. Medical staff generally.--

631 (1) The Board of Commissioners of the North Broward
632 Hospital District shall authorize and establish one medical
633 staff for the direction and control of the practitioners, and to
634 ensure the performance of necessary professional services, in
635 the hospitals and facilities operated by the North Broward
636 Hospital District. The board of commissioners is hereby
637 authorized and empowered to establish reasonable bylaws, rules,
638 and regulations thereof and to prescribe and establish in said
639 bylaws, rules, and regulations reasonable professional duties
640 and responsibilities for members of the staff so that the

HB 1245

2006

641 welfare and health of the patients and the best interest of the
642 hospitals may at all times be served.

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

649 (a) The board of commissioners is hereby authorized and
650 empowered to establish such standards of good moral character,
651 professional ethics, professional competency, and professional
652 conduct to be prerequisites for membership on the staff as the
653 board, in its reasonable discretion, shall determine to be
654 necessary for the protection of the health and welfare of the
655 patients and the hospital, but the failure of the board of
656 commissioners to establish such standards by rule or regulation
657 shall not destroy the power of the board to determine membership
658 on the staff according to the authority, requirements, and
659 standards otherwise prescribed by this act. The board of
660 commissioners is further authorized and empowered to require
661 members of the staff to abide by all the rules, regulations, and
662 bylaws established by the board of commissioners under the
663 authorization of this act; to require the performance of those
664 professional duties and responsibilities prescribed by said
665 rules, regulations, and bylaws; and to enforce such requirements
666 by the revocation and suspension of staff membership and
667 privileges. No person shall be eligible for membership on the
668 staff, be eligible for any privilege of the practice of medicine

669 in any hospital or facility operated by said district, or retain
670 or possess any membership upon the staff or any privilege of the
671 practice of medicine in any of said hospitals or facilities
672 unless he or she is a graduate of a medical school recognized
673 and approved by the Florida Board of Medicine with the degree of
674 doctor of medicine and possesses a valid license to practice
675 medicine as prescribed and required by chapter 458, Florida
676 Statutes, or, in the alternative, unless he or she possesses a
677 valid license from the Florida Board of Dentistry to practice
678 dentistry as prescribed and required by chapter 466, Florida
679 Statutes.

680 (b) Whenever the board of commissioners considers the
681 refusal, revocation, or suspension for a period of more than 30
682 days of staff membership of any person, or any privileges
683 attendant to such membership, a hearing shall be held before the
684 board of commissioners, or before such examining board as the
685 board of commissioners might establish for the purpose of taking
686 and hearing testimony and evidence and reporting to the board
687 thereon, upon the objections to such person's membership and
688 privileges.

689 (c) Whenever a hearing upon the staff membership and
690 privileges of any person is required by this act, reasonable
691 notice shall be given to the person concerned by registered mail
692 of the time and place of such hearing, and the nature of the
693 objections to the person's membership and privileges shall be
694 made solely upon the record of such hearing and the findings and
695 conclusions made therefor.

696 (d) The board of commissioners, or such administrative
 697 personnel and personnel of the staff and hospitals as the board
 698 may authorize and designate, is authorized and empowered to
 699 suspend any membership on the staff, and any or all privileges
 700 attendant thereto, for a period of less than 31 days without
 701 hearing prior to such suspension whenever it appears that delay
 702 in such suspension would cause an immediate danger to the
 703 hospital or any patient thereof or whenever it appears that the
 704 suspended physician has failed to abide by a prescribed rule of
 705 administrative or staff procedure in willful or negligent
 706 violation of hospital discipline. It is further provided that
 707 any staff member suspended for a period of less than 31 days
 708 without hearing shall, upon written request to the chair of the
 709 board of commissioners, be granted by said chair a speedy
 710 hearing in the same manner and according to the same procedure
 711 as prescribed for other determinations of staff membership and
 712 privileges.

713 (e) A decision of the board of commissioners to refuse,
 714 revoke, or suspend membership on the staff or to refuse, revoke,
 715 or suspend any privilege attendant to such membership is hereby
 716 declared to be a quasi-judicial function of the board, and any
 717 hearing held for the purpose set forth in this section shall be
 718 held and conducted in accordance with general law relating to
 719 quasi-judicial hearings and determinations. Judicial review of
 720 such decision shall be by certiorari to the Fourth District
 721 Court of Appeal in the time and manner prescribed by the Florida
 722 Appellate Rules unless the provisions of such appellate rules
 723 confer exclusive jurisdiction upon the Supreme Court of Florida.

724 The board of commissioners shall establish such rules of
725 procedure for hearing required by this act as are reasonably
726 necessary to ensure an orderly, fair, and impartial proceeding
727 in which all facts relevant to the objections to the person's
728 membership and privileges may be heard by the examining
729 authority.

730 (f) The testimony at any hearing required by this section
731 shall be stenographically or mechanically recorded, and such
732 record shall thereafter be transcribed. Such transcription,
733 together with all notices to the person concerned; all
734 documents, exhibits, and demonstrative evidence submitted to the
735 examining authority for consideration at the hearing; all
736 findings and recommendations of the examining authority, if any;
737 and all findings and decisions of the board of commissioners
738 relevant to those proceedings shall be preserved by the district
739 as a permanent record of the proceedings. The physician
740 concerned shall be entitled to a copy or copies of such
741 permanent record, certified by the chair of the board of
742 commissioners to be a true copy thereof, upon written request
743 and payment of a reasonable cost of preparation.

744 (g) All documents, testimony, and evidence relevant to the
745 proceeding or the issues thereof and the official record of such
746 proceeding shall be confidential to the North Broward Hospital
747 District and the physician concerned, or his or her attorneys
748 and agents, as provided by law. After the final decision of the
749 board of commissioners upon the refusal, revocation, or
750 suspension of membership on the staff or the privileges
751 attendant thereto, the official record of such proceeding as

752 required by this act may be made public upon the mutual
753 agreement of the board of commissioners and the physician
754 concerned or may be made public by the filing thereof with a
755 court of law for purposes of judicial review.

756 (3) The Board of Commissioners of the North Broward
757 Hospital District is hereby authorized and empowered to employ
758 professional and nonprofessional personnel necessary to the
759 effective and lawful operation of the hospital and facilities of
760 the district, including, but not limited to:

761 (a) Registered, practical, and student nurses and nurse's
762 aides.

763 (b) Physicians licensed or approved by the Florida Board
764 of Medicine necessary to provide emergency medical care and
765 treatment in the emergency rooms of the district hospitals.

766 (c) Interns and resident physicians who are engaged in an
767 authorized medical training program of the district.

768 (d) Physicians licensed by the Florida Board of Medicine
769 and technicians specially trained in the basic sciences allied
770 with, and necessary to, the practice of medicine who are
771 necessary to an authorized medical training program of the
772 district or who are necessary to provide professional advice and
773 services to medical staff physicians.

774
775 All physicians employed by the North Broward Hospital District
776 as authorized in this subsection shall be members of the medical
777 staff and subject to the medical staff bylaws, rules, and
778 regulations.

779 (4) The Board of Commissioners of the North Broward
780 Hospital District is further authorized and empowered to
781 establish reasonable rules and regulations to govern the
782 operation of district hospitals and facilities and to govern and
783 control the conduct of all employees, patients, private duty
784 nurses, guests, visitors, or any other parties or persons who
785 are in any manner upon or using the premises and facilities of
786 any district hospital or facility so that the health and welfare
787 of the patients and the best interest of the hospital will at
788 all times be served.

789 Section 19. Pension plan and insurance benefits for
790 employees.--The North Broward Hospital District is authorized
791 and empowered to create an employees' pension fund to provide
792 for life, disability, and medical insurance for all or any of
793 its employees or officers on a group insurance or other
794 acceptable plan approved by said Board of Commissioners of North
795 Broward Hospital District; to establish and create by resolution
796 an employees' pension, annuity, and retirement plan for any and
797 all groups of officers and employees employed by the North
798 Broward Hospital District and qualifying for such plan; and to
799 pay all or such portion of the cost of any such employees'
800 pension, annuity, and retirement plan from funds available to
801 the district from its authorized sources, with the employees
802 defraying the balance thereof, if any, as said board of
803 commissioners by resolution may determine for any and all groups
804 of officers and employees employed by said North Broward
805 Hospital District. The Board of Commissioners of the North
806 Broward Hospital District is authorized to invest and reinvest

807 available funds of the pension fund in accordance with the
808 provisions of sections 215.44-215.53, Florida Statutes.

809 Section 20. Sale or lease of property.--The board of
810 commissioners is authorized and empowered to lease or sell any
811 real or personal property owned by the North Broward Hospital
812 District or to otherwise relinquish and dispose of the
813 district's title in such property according to the following
814 terms and conditions:

815 (1) Any real or personal property of a fair value of less
816 than an amount to be determined from time to time by resolution
817 of the board of commissioners may be sold, or the title disposed
818 of, according to the manner and procedure and the terms and
819 conditions the board of commissioners at the time might
820 determine.

821 (2) Any real or personal property of a fair value in
822 excess of the amount established from time to time by resolution
823 of the board of commissioners pursuant to subsection (1) may be
824 sold or disposed of after the board of commissioners has
825 determined by appropriate resolution that such property is
826 surplus to the needs and requirements of the district and after
827 the board of commissioners has submitted the property to the
828 general public for offers by publishing a notice of intent to
829 dispose of property in a newspaper of general circulation in the
830 North Broward Hospital District at least 30 days in advance of
831 such sale or other disposition. Any person desiring such
832 property shall submit his or her offer to buy to the board of
833 commissioners during such 30-day period, or during such longer
834 period as the board might establish, along with the terms and

835 conditions of such offer. The published notice shall be
836 sufficient if it reasonably identifies the property in question
837 and informs any persons interested in such property that the
838 board of commissioners desires to dispose of said property and
839 seeks offers to buy thereon. It is not required that such notice
840 specify the terms or conditions desired by the district, and if
841 such terms and conditions are included in such notice or
842 otherwise provided, they are to be for general information only
843 and shall not prevent the board of commissioners from accepting
844 different terms and conditions which the board might determine
845 to be more beneficial to the district. Offers submitted by the
846 bidders are not required to be sealed or to be kept confidential
847 to the district, unless otherwise specified in the published
848 notice, and any bidder may submit any number of alternate offers
849 at any time during the bidding period.

850 (3) The board of commissioners is hereby authorized and
851 empowered to accept any bid upon surplus property and to sell or
852 otherwise convey said property in accordance with the provisions
853 of this section or to reject all the bids as the board of
854 commissioners might determine to be in the best interests of the
855 district.

856 (4) The board of commissioners is authorized and empowered
857 to convey to Broward County, to any municipality or any other
858 governmental body or agency of the state or of the United States
859 located partially or entirely within the boundaries of the North
860 Broward Hospital District, to any subsidiary, either for profit
861 or not for profit, to any not-for-profit affiliate of the
862 district, or to any not-for-profit organization that operates

HB 1245

2006

863 primarily within the district and that supports the district's
864 provision for the health care needs of the people of the
865 district any property for a nominal consideration and according
866 to those terms and conditions as the board of commissioners may
867 at that time determine, regardless of the value of such
868 property, whenever it appears to the board of commissioners that
869 such conveyance would be in the best interests of the district
870 and the residents thereof; however, such conveyance for nominal
871 consideration to other than such subsidiaries, affiliates, or
872 not-for-profit organizations as described in this subsection
873 shall not be made until at least 30 days after the terms and
874 conditions thereof have been published in a newspaper of general
875 circulation in the North Broward Hospital District or until
876 residents and taxpayers of the district have been afforded an
877 opportunity to be heard upon such conveyance at a regular
878 meeting of the board of commissioners. It is further provided,
879 however, that the board of commissioners is authorized to give,
880 grant, sell, or convey any easements or rights-of-way for the
881 use of the public, for the use of public utilities, or to
882 support in any manner deemed necessary and appropriate by the
883 board of commissioners a subsidiary, affiliate, or not-for-
884 profit organization as described in this subsection without any
885 requirement for advertising or public hearing.

886 Section 21. Donations to district.--Any person or persons,
887 firm, organization, corporation, or society, public or private,
888 desiring to make donations of money, personal property, or real
889 estate for the benefit of such district shall have the right to
890 vest title of the money, personal property, or real estate so

HB 1245

2006

891 donated in said county to be controlled when accepted by the
892 commissioners of said district according to the terms of the
893 deed, gift, devise, or bequest of such property.

894 Section 22. Acquisition of property from the City of Fort
895 Lauderdale.--The Board of Commissioners of the North Broward
896 Hospital District is authorized and empowered to acquire, by
897 gift, purchase, lease, or otherwise, personal or real property
898 for the benefit of such hospital or hospitals; to enter into
899 agreements or contracts in the acquisition of such real estate
900 or personal property; and to pledge, encumber, or mortgage the
901 acquired property as security for the debt incurred in the
902 acquisition or purchase thereof. Notwithstanding the Charter of
903 the City of Fort Lauderdale to the contrary, the Board of
904 Commissioners of the North Broward Hospital District and the
905 City of Fort Lauderdale are authorized and empowered to
906 negotiate for the sale, transfer, acquisition, purchase, or
907 conveyance of the present hospital or hospitals now owned by the
908 City of Fort Lauderdale under such terms, conditions, and
909 agreements as are acceptable to the City of Fort Lauderdale and
910 to the district. All sales, transfers, or conveyances by the
911 City of Fort Lauderdale to the North Broward Hospital District
912 are hereby declared to be valid and binding, and all laws in
913 conflict therewith are hereby declared to be repealed and
914 invalid.

915 Section 23. Establishment of hospitals without issuance of
916 bonds.--If the Board of Commissioners of the North Broward
917 Hospital District, by reason of funds on hand, donations, or
918 otherwise, is able to build and establish a hospital or

919 hospitals without issuing bonds, the board of commissioners is
 920 hereby authorized and empowered to establish such hospital or
 921 hospitals.

922 Section 24. Competitive bids to be sought; procedure;
 923 authority to negotiate contracts; group purchasing.--

924 (1) (a) All purchases of supplies, equipment, and materials
 925 for use in the operation and maintenance of a hospital or
 926 hospitals in excess of an amount to be determined from time to
 927 time by resolution of the board of commissioners not to exceed
 928 1.5 mills of the total annual district revenues, and all
 929 contracts for construction of improvements authorized under this
 930 act at a contract price in excess of said amount, shall be
 931 approved only after competitive conditions have been maintained
 932 and competitive bids sought from at least three different
 933 sources of supply, but this does not necessarily require
 934 newspaper advertising. The board of commissioners shall have the
 935 authority to modify or negotiate to the extent provided in
 936 subsection (2).

937 (b) All purchases of supplies, equipment, and materials
 938 for use in the operation and maintenance of a hospital or
 939 hospitals in excess of an amount to be established from time to
 940 time by resolution of the board of commissioners not to exceed
 941 1.5 mills of the total annual district revenues, and all
 942 contracts for construction of improvements authorized under this
 943 act at a contract price in excess of said amount, shall be made
 944 or let only after an advertisement inviting bids upon such
 945 purchases or contracts has been published in a newspaper of
 946 general circulation in the North Broward Hospital District. The

947 board of commissioners shall have the authority to modify or
 948 negotiate to the extent provided in subsection (2).

949 (c) Bids upon such purchases or contracts shall be sealed
 950 and shall not be opened by the North Broward Hospital District
 951 until after the last bid to be considered has been received by
 952 the district.

953 (d) All purchases of supplies, equipment, and materials
 954 for use in the operation and maintenance of a hospital or
 955 hospitals made by the district may be made through participation
 956 in group purchasing plans by or with other governmental or
 957 nongovernmental agencies at the discretion of the board of
 958 commissioners. The district may purchase in accordance with
 959 prices established by such group purchasing plans where it can
 960 be demonstrated that savings to the district would be realized.

961 (2) Any plans and specifications provided to prospective
 962 bidders shall be solely for the purpose of identifying the
 963 purchase or construction desired, and the board of commissioners
 964 is hereby authorized and empowered to deviate from such plans,
 965 specifications, and instructions in the acceptance of any bid so
 966 long as the contract or purchase accepted is substantially
 967 similar in function and purpose to that identified. The board of
 968 commissioners is further authorized and empowered to agree with
 969 the successful bidder for changes and modifications to the
 970 successful bid, the total value of changes and modifications not
 971 to exceed 20 percent of the agreed price, without voiding the
 972 existing contract and without any further bidding procedure.

973 (3) No bidding procedure prescribed in this section shall
 974 apply to work performed by regular employees of the district.

975 (4) Whenever it reasonably appears to the board of
976 commissioners that, by reason of an emergency or unusual
977 conditions, compliance with the bidding procedures prescribed by
978 this section would be detrimental to the interests of the North
979 Broward Hospital District, the board of commissioners may by
980 appropriate resolution identify such emergency or unusual
981 condition and authorize the purchase or construction desired
982 without compliance with the prescribed bidding procedures of
983 this section.

984 Section 25. Bad debts.--The board of commissioners is
985 authorized to declare accounts receivable uncollectible and to
986 write such accounts off the active books and financial records
987 of the district as bad debts. The board of commissioners is
988 further authorized to destroy the account records of those
989 accounts declared to be bad debts, but such records shall not be
990 destroyed earlier than 4 years after the annual audit of the
991 district reflecting such writeoff has been sent to the office of
992 the Florida Chief Financial Officer, as required by law.

993 Section 26. Settlement of claims of district against
994 others.--The board of commissioners shall be authorized and
995 empowered to compromise and settle any accounts receivable or
996 other claim on money due and owing to the district according to
997 such terms and conditions as the board of commissioners in its
998 discretion might determine. It is expressly provided that
999 factors which may be considered by the board of commissioners in
1000 such compromise are the ability of the debtors to pay and the
1001 probabilities of collection in full. The board of commissioners
1002 is further authorized and empowered to sell, assign, or convey

1003 to any person the right, title, and interest of the district in
 1004 any account receivable or judgment owned by the district by full
 1005 or partial payment of such account or judgment as the board of
 1006 commissioners in its discretion might determine. The board of
 1007 commissioners is further authorized and empowered to subordinate
 1008 its interest in any mortgage or judgment lien to the interests
 1009 of any third parties according to such terms and conditions as
 1010 the board of commissioners in its discretion might determine.

1011 Section 27. Payments to other medical institutions.--The
 1012 board of commissioners is authorized and empowered to obligate
 1013 the district for the payment of hospital and nursing home
 1014 expenses for patients transferred from hospitals of the district
 1015 to such other institutions at the district's request, provided
 1016 that said patients shall be first certified to be medically
 1017 indigent by the North Broward Hospital District, based upon the
 1018 definition and standards used by the state. The authority to
 1019 obligate the district to such institutions may be delegated by
 1020 the board of commissioners to such administrative officers of
 1021 the district as the board might believe to be necessary and
 1022 proper, and such obligations may be incurred by the district
 1023 according to such circumstances, terms, and conditions as the
 1024 board of commissioners might determine or specify.

1025 Section 28. Parking facilities.--The board of
 1026 commissioners is authorized and empowered to establish,
 1027 construct, and maintain such automobile parking facilities upon
 1028 district property as the board of commissioners in its
 1029 discretion might determine to be necessary and proper to a
 1030 hospital facility. The board of commissioners is further

1031 authorized and empowered to charge such fee for the use of such
 1032 facilities as it might determine.

1033 Section 29. Medical research.--The board of commissioners
 1034 is hereby authorized and empowered at any time in its discretion
 1035 to establish, maintain, or participate in such programs and
 1036 projects of and for medical research, education, and development
 1037 affecting human physical or mental health and well being as it
 1038 may deem desirable. In connection with such programs and
 1039 projects, the board of commissioners is authorized and empowered
 1040 to cooperate with public and private educational or research
 1041 institutions, corporations, foundations, or organizations of any
 1042 and all types as well as agencies, departments, divisions,
 1043 branches, or bodies of government, or created by government,
 1044 whether federal, state, county, municipal, or otherwise. In
 1045 furtherance of such programs and projects, said board of
 1046 commissioners is further authorized and empowered to expend
 1047 moneys and utilize assets and property, real or personal, of the
 1048 district and to receive donations, grants, or gifts of money or
 1049 property, real or personal, from any person or persons, firm,
 1050 organization, corporation, society, institution, foundation, or
 1051 legal entity of whatever nature, whether private, governmental,
 1052 or public.

1053 Section 30. Fiscal year.--Notwithstanding the provisions
 1054 of section 218.33, Florida Statutes, the fiscal year of the
 1055 North Broward Hospital District shall commence July 1 and end
 1056 June 30 of each calendar year.

1057 Section 31. Use of Florida Industrial Development
 1058 Financing Act.--The district is hereby declared to be a local

1059 agency as defined in section 159.27, Florida Statutes, and shall
 1060 have all additional powers set forth in part II of chapter 159,
 1061 Florida Statutes, to be exercised in furtherance of the purposes
 1062 of the district.

1063 Section 32. Transfer or lease of facilities to not-for-
 1064 profit corporations authorized.--

1065 (1) The district shall have the authority to transfer, by
 1066 lease, installment sale agreement, or otherwise, any or all of
 1067 its hospitals and other facilities to one or more Florida not-
 1068 for-profit corporations for the purpose of operating and
 1069 managing such facilities and to enter into leases with one or
 1070 more Florida not-for-profit corporations for the operating of
 1071 such facilities. The term of any such lease, contract, or
 1072 agreement and the conditions, covenants, and agreements to be
 1073 contained therein shall be determined by the board.

1074 (2) Any lease, contract, or agreement made pursuant to
 1075 subsection (1) shall:

1076 (a) Provide that the articles of incorporation of such
 1077 not-for-profit corporations initially be subject to the approval
 1078 of the board of commissioners of the district.

1079 (b) Require that the not-for-profit corporations become
 1080 qualified under s. 501(c)(3) of the United States Internal
 1081 Revenue Code.

1082 (c) Provide for the orderly transition of such facilities
 1083 to not-for-profit corporations.

1084 (d) Provide for the return of such facility to the
 1085 district upon the termination of such agreement or the
 1086 dissolution of such not-for-profit corporations.

1087 Section 33. Community Redevelopment Act of 1969.--
 1088 (1) Notwithstanding the provisions of part III of chapter
 1089 163, Florida Statutes, the Community Redevelopment Act of 1969,
 1090 the North Broward Hospital District shall not be deemed to be a
 1091 public body or taxing authority as those terms are used in part
 1092 III of chapter 163, Florida Statutes.
 1093 (2) This section shall not apply with respect to community
 1094 redevelopment agencies established prior to January 1, 2002.
 1095 Section 34. Liberal construction of act.--The provisions
 1096 of this act shall be liberally construed for accomplishing the
 1097 work authorized and provided for or intended to be provided for
 1098 in this act, and where strict construction would result in the
 1099 defeat of the accomplishment of any part of the work authorized
 1100 by this act and a liberal construction would permit or assist in
 1101 the accomplishment thereof, the liberal construction shall be
 1102 chosen.
 1103 Section 4. Severability.--Any provision of this act which
 1104 for any reason may be held or declared invalid or unenforceable
 1105 may be eliminated, and the remaining portion or portions thereof
 1106 shall remain in full force and be valid and enforceable as if
 1107 such invalid or unenforceable provision had not been
 1108 incorporated therein.
 1109 Section 5. Chapters 27438 (1951), 61-1931, 61-1937, 63-
 1110 1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-
 1111 914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-
 1112 449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-
 1113 354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-
 1114 363, Laws of Florida, are repealed.

HB 1245

2006

1115

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