

By Senator Rich

34-2259-07

See HB 1391

1 A bill to be entitled
2 An act relating to the North Broward Hospital
3 District, Broward County; amending chapter
4 2006-347; Laws of Florida; providing for a
5 President/Chief Executive Officer and providing
6 powers of such officer; providing legislative
7 findings; providing for a noninterference
8 clause; providing for malfeasance; providing
9 for rules of procedures; providing for a code
10 of conduct and ethics; providing severability;
11 providing an effective date.

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

14
15 Section 1. Subsection (1) of section 4 and section 5
16 of section 3 of chapter 2006-347, Laws of Florida, are amended
17 to read:

18 Section 4. Powers of board of commissioners
19 generally.--

20 (1) The Board of Commissioners of the North Broward
21 Hospital District shall have all the powers of a body
22 corporate, including the power to sue and be sued under the
23 name of the North Broward Hospital District; to contract and
24 be contracted with; to adopt and use a common seal and to
25 alter the same at pleasure; to acquire, purchase, hold, lease
26 as lessee or lessor, and convey such real and personal
27 property as said board may deem proper or expedient to carry
28 out the purposes of this act (any lease of real or personal
29 property entered into by the board of commissioners shall be
30 for such terms as the board of commissioners determines is in
31 the best interest of the district); to appoint and employ a

1 President/Chief Executive Officer (CEO) ~~superintendent~~ and
2 such other agents and employees as said board may deem
3 advisable; to borrow money, incur indebtedness, and issue
4 notes, revenue certificates, bonds, and other evidences of
5 indebtedness of said district; to establish and support
6 subsidiary or affiliate organizations to assist the district
7 in fulfilling its declared public purpose of providing for the
8 health care needs of the people of the district and, to the
9 extent permitted by the State Constitution, to support
10 not-for-profit organizations that operate primarily within the
11 district, as well as elsewhere, and that have as their
12 purposes the health care needs of the people of the district
13 by means of nominal interest loans of funds, nominal rent
14 leases of real or personal property, gifts and grants of
15 funds, or guaranties of indebtedness of such subsidiaries,
16 affiliates, and not-for-profit organizations (any such support
17 of a subsidiary or affiliate corporation or nonaffiliated,
18 not-for-profit corporation is hereby found and declared to be
19 a public purpose and necessary for the preservation of the
20 public health and for public use and for the welfare of the
21 district and inhabitants thereof); to the extent permitted by
22 the State Constitution, to participate as a shareholder in a
23 corporation, or as a joint venture in a joint venture, which
24 provides health care or engages in activities related thereto,
25 to provide debt or equity financing for the activities of such
26 corporations or joint ventures, and to utilize, for any lawful
27 purpose, the assets and resources of the district to the
28 extent not needed for health care and related activities; and
29 to carry out the provisions of this charter in the manner
30 hereinafter provided. Said board of commissioners, pursuant to
31 chapter 218, Florida Statutes, is authorized and empowered, as

1 | the board of a special tax district of the state, to invest
2 | district "surplus funds," as defined in that chapter, in such
3 | a manner as allowed under section 218.415 Florida Statutes, or
4 | by any general law amending or superseding section 218.415,
5 | Florida Statutes. The board of commissioners shall also have
6 | the power to delegate its authority to invest these surplus
7 | funds, as outlined above, to a state or national banking
8 | organization acting pursuant to a written trust agreement as a
9 | trustee of district funds, provided that such delegation is
10 | made in writing by the board of commissioners.

11 | Section 5. Board of commissioners; rules of procedure;
12 | organization; noninterference; code of conduct and ethics.--

13 | (1) Four commissioners shall constitute a quorum, and
14 | a vote of at least three commissioners shall be necessary to
15 | the transaction of any business of the district. The
16 | commissioners shall cause true and accurate minutes and
17 | records to be kept of all business transacted by them and
18 | shall keep full, true, and complete books of account and
19 | minutes, which minutes, records, and books of account shall at
20 | all reasonable times be open and subject to the inspection of
21 | inhabitants of said district, and any person desiring to do so
22 | may make or procure copy of said minutes, records, books of
23 | account, or such portions thereof as he or she may desire.

24 | (2) It is the finding of the Legislature that it is
25 | not in the public interest for any member of the board of
26 | commissioners to operate in the perceived role of management
27 | while simultaneously exercising the charter oversight duties
28 | contemplated by creation of this special act. It is therefore
29 | the intent of the Legislature that the board of commissioners
30 | only exercise its oversight function as a whole body and not
31 | through the actions of any individual commissioner. It is also

1 the intent of the Legislature that there be an explicit
2 segregation of duties between the functions of operational
3 management of the district and oversight by the board of
4 commissioners. Except for the purposes of inquiry or
5 information, a member of the board of commissioners shall not
6 give direction to or interfere with any employee, officer, or
7 agent under the direct or indirect supervision of the
8 President/CEO. Such action shall be malfeasance within the
9 meaning of Art. IV, s. 7(a) of the Florida Constitution.
10 Nothing contained herein shall prevent a commissioner from
11 referring a citizen complaint to the President/CEO or to the
12 board of commissioners or providing information about any
13 issue to the President/CEO or to the board of commissioners.

14 (3)(a) The board of commissioners shall adopt a code
15 of conduct and ethics that each member must acknowledge
16 receipt of and agree to comply with. Failure to comply with
17 the provisions of the code of conduct and ethics shall be
18 malfeasance within the meaning of Art. IV, s. 7(a) of the
19 Florida Constitution.

20 (b) The code of conduct and ethics shall include, at a
21 minimum, provisions addressing:

22 1. Definition of conflict of interest and proper
23 disclosure.

24 2. Appropriate procedures for disclosure if any
25 outside entity with a vendor or contractual relationship with
26 the district, or seeking a vendor or contractual relationship
27 with the district, contacts a member of the board of
28 commissioners with the intent to influence the decision of the
29 board of commissioners.

30 3. Policies addressing the acceptance of gifts by
31 members of the board of commissioners.

1 4. The responsibility of the board of commissioners
2 for appropriate implementation of the district ethics and
3 compliance program applicable to all financial and operational
4 risks of the district.

5 5. Annual board education requirements.

6 Section 2. Severability.--Any provision of this act
7 which for any reason may be held or declared invalid or
8 unenforceable may be eliminated, and the remaining portion or
9 portions thereof shall remain in full force and be valid and
10 enforceable as if such invalid or unenforceable provision had
11 not been incorporated therein.

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