

HB 915

2014

1 A bill to be entitled

2 An act relating to the Board of Trustees of Bay
3 Medical Center, Bay County; amending chapter 2005-343,
4 Laws of Florida; providing for the removal of a
5 certain board member; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 3 of section 3 of chapter 2005-343,
10 Laws of Florida, is amended to read:

11 Section 3. The Board of Trustees of Bay Medical Center
12 shall consist of nine persons, one of whom shall be nominated
13 and confirmed by the board of county commissioners, six of whom
14 shall be nominated by the board of trustees and confirmed by the
15 board of county commissioners, and two of whom shall be
16 nominated by the medical staff of the primary hospital operated
17 by the board of trustees and confirmed by the board of county
18 commissioners. Each medical staff nominee shall be selected by
19 majority vote of active medical staff members conducted in
20 accordance with the bylaws governing regular medical staff
21 affairs and approved by the board of trustees for submission to
22 the board of county commissioners. The board of county
23 commissioners shall nominate and confirm its single appointee
24 approximately 30 days prior to the end of the expiring term, who
25 may be removed and replaced by the board of county commissioners
26 at any time, without cause. For all other appointments, one

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 qualified person shall be nominated for each vacancy
28 approximately 60 days prior to the end of the expiring term. The
29 board of county commissioners shall confirm or reject such
30 nominee within 30 days after the nomination is made. If the
31 nominee is rejected, one additional qualified person shall be
32 nominated within 30 days thereafter and the process shall be
33 repeated in like manner until the appointment is complete or
34 three nominations have been made. If the third nominee is
35 rejected, the board of county commissioners alone shall make the
36 appointment. The appointment of all members of the board of
37 trustees in office on the effective date of this act, and the
38 seats and terms for which they were appointed, are hereby
39 ratified and validated. Upon the expiration of their respective
40 terms, successors to Seats One, Two, Three, Four, Five, and Six
41 shall be nominated by the board of trustees and confirmed by the
42 board of county commissioners for a term of 4 years; successors
43 to Seats Eight and Nine shall be nominated by the medical staff
44 as provided herein and confirmed by the board of county
45 commissioners for a term of 4 years; and successors to Seat
46 Seven shall be nominated and confirmed by the board of county
47 commissioners alone for a term of 4 years. In the event a seat
48 becomes vacant by reason of resignation, death, removal,
49 suspension, or otherwise, the bodies or body nominating and
50 confirming that member shall by similar procedure nominate and
51 confirm a member to fill the vacant seat for the remainder of
52 the term or, in the event of a suspension, the period of

53 suspension. Every member shall serve until the expiration of
54 that member's term or the confirmation of that member's
55 successor by the board of county commissioners, whichever occurs
56 later. A person who has served two full, consecutive terms as a
57 member of the board of trustees shall not be eligible for
58 reconfirmation until the next regular appointment process
59 occurring approximately 2 years after that person's termination
60 of service. Each member of the board of trustees shall be and
61 remain a citizen and resident of the state, of sound mind and
62 good moral character, and without economic or other interests
63 either in competition with the best interests of the facilities,
64 services, and businesses operated and provided by Bay Medical
65 Center or likely to create a continuing or frequently recurring
66 temptation to disregard the member's fiduciary duty to Bay
67 Medical Center. Without limiting the foregoing, the following
68 persons are declared to be disqualified from service on the
69 board of trustees: any person employed by Bay Medical Center or
70 any entity controlled by Bay Medical Center; any person employed
71 by, holding a material interest in, or serving as an officer,
72 director, manager of, or business consultant or advisor to, any
73 business entity operating or providing facilities or services
74 the majority of which are in competition with the facilities or
75 health care services operated or offered by Bay Medical Center
76 or any entity controlled by Bay Medical Center; and any person
77 serving upon any executive, administrative, or credentialing
78 committee of the medical staff of any facility or organization

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79 | operated by Bay Medical Center or any entity controlled by Bay
80 | Medical Center. As used herein, "material interest" means direct
81 | or indirect, legal, equitable, or beneficial ownership of or
82 | interest in more than 5 percent of the total assets or capital
83 | stock of any business entity. For purposes of this act, indirect
84 | ownership includes, without limitation, ownership by a spouse or
85 | minor child. A determination by the board of county
86 | commissioners, after full and fair disclosure of all relevant
87 | facts, that a nominee or board member is qualified
88 | notwithstanding the appearance of a conflict shall constitute a
89 | legislative determination of that fact. Members of the board of
90 | trustees may be removed by the Governor for cause.
91 | Notwithstanding the qualifications for members of the board of
92 | trustees set forth above, any otherwise valid act of the board
93 | of trustees shall be valid notwithstanding a subsequent
94 | determination that one or more members of the board of trustees
95 | were not qualified under this act to serve at the time such
96 | action was taken.

97 | Section 2. This act shall take effect upon becoming a law.