

ENROLLED

HB 915

2014 Legislature

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

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

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

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

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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

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

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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.