

1                                   A bill to be entitled  
2           An act relating to the North Broward Hospital  
3           District, Broward County; amending ch. 2006-347, Laws  
4           of Florida, as amended; revising the number of  
5           commissioners required to constitute a quorum and  
6           transact business; providing an exception to general  
7           law; authorizing the board of commissioners to own,  
8           equip, manage, acquire, convey, purchase, hold, lease,  
9           and encumber properties, hospitals, facilities, and  
10          services within and outside the boundaries of the  
11          district under certain circumstances; prohibiting the  
12          board from expending ad valorem taxes and non-ad  
13          valorem special assessments outside the boundaries of  
14          the district; authorizing the board to contract with  
15          certain persons, governments, and entities;  
16          authorizing the board to own, manage, maintain,  
17          acquire, purchase, and hold for-profit and not-for-  
18          profit subsidiaries and not-for profit affiliates;  
19          providing legislative intent; authorizing the board to  
20          create legal structures which are not designated as  
21          public property with certain entities and persons for  
22          the placement of facilities and programs for certain  
23          purposes; revising medical staff membership  
24          requirements for consistency with general law;  
25          revising the district's fiscal year; providing for

26 severability and liberal construction; providing an  
 27 effective date.

28

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

30

31 Section 1. Subsection (1) of section 5, section 6,  
 32 paragraph (a) of subsection (2) of section 18, and section 30 of  
 33 section 3 of chapter 2006-347, Laws of Florida, as amended by  
 34 chapter 2007-299, Laws of Florida, are amended to read:

35 Section 5. Board of commissioners; rules of procedure;  
 36 organization; noninterference; code of conduct and ethics.-

37 (1) A majority of the appointed and duly serving ~~Four~~  
 38 commissioners shall constitute a quorum, and a vote of at least  
 39 a majority of the quorum ~~three commissioners~~ shall be necessary  
 40 to the transaction of any business of the district. The  
 41 commissioners shall cause true and accurate minutes and records  
 42 to be kept of all business transacted by them and shall keep  
 43 full, true, and complete books of account and minutes, which  
 44 minutes, records, and books of account shall at all reasonable  
 45 times be open and subject to the inspection of inhabitants of  
 46 said district, and any person desiring to do so may make or  
 47 procure copy of said minutes, records, books of account, or such  
 48 portions thereof as he or she may desire.

49 Section 6. Authority to establish and maintain property  
 50 and health care facilities.-

51           (1) The board of commissioners is hereby authorized and  
52 empowered to establish, construct, operate, own, equip, manage,  
53 acquire, convey, purchase, hold, lease, encumber, and maintain  
54 such real and personal property as the board deems advisable, as  
55 well as such hospital or hospitals, medical facilities,  
56 supportive facility or facilities, including offices for  
57 physicians and other medically related personnel, entities, ~~and~~  
58 activities, and services, ~~and~~ facilities for the care of such  
59 persons requiring limited medical care and treatment as in their  
60 opinion shall be necessary for the needs and use of the people  
61 of said district, and other health care facilities and services  
62 as are necessary for the people of said district. Said hospital  
63 or hospitals, medical facilities, supportive facility or  
64 facilities, ~~and~~ facilities for limited care and treatment, other  
65 health care facilities and services, and other real and personal  
66 property shall be established, constructed, operated, owned,  
67 equipped, managed, acquired, conveyed, purchased, held, leased,  
68 encumbered, and maintained by said board of commissioners for  
69 the preservation of the public health, for the public good, and  
70 for the use of the public of said district, and the maintenance  
71 of said real and personal property, hospital or hospitals,  
72 medical facilities, supportive facility or facilities, ~~and~~  
73 facilities for limited care and treatment, and other health care  
74 facilities and services within and outside of the boundaries of  
75 said district is hereby found and declared to be a public

76 | purpose and necessary for the preservation of the public health,  
77 | public good, ~~and for public use,~~ and ~~for~~ the general welfare of  
78 | said district and inhabitants thereof. The location,  
79 | establishment, construction, operation, ownership, equipping,  
80 | management, acquisition, conveyance, purchase, holding, leasing,  
81 | encumbering, and maintenance of such real and personal property,  
82 | hospital or hospitals, medical facilities, supportive facility  
83 | or facilities, ~~and~~ facilities for limited care and treatment,  
84 | and other health care facilities and services, as well as the  
85 | terms, conditions, and consideration for the use thereof, shall  
86 | be as determined and fixed by said board of commissioners and  
87 | shall be under the exclusive authority of said board. The  
88 | provisions and procedures shall be without reference to section  
89 | 20.

90 |       (2) The board of commissioners is hereby further  
91 | authorized and empowered to establish, operate, own, manage,  
92 | maintain, acquire, purchase, hold, or support such subsidiaries,  
93 | either for profit or not for profit, and not-for-profit  
94 | affiliates for the furtherance and assistance of the district's  
95 | fulfilling its purpose of provision for the health care needs of  
96 | the people of the district as in the board's opinion shall be  
97 | necessary. The board of commissioners is hereby further  
98 | authorized and empowered, to the extent permitted by the State  
99 | Constitution, to support nonaffiliated, not-for-profit  
100 | organizations that operate primarily within the district, as

101 well as elsewhere, and that have as their purpose the  
102 furtherance of the district's provision for the health care  
103 needs of the people of the district, by such means as in the  
104 board's opinion are necessary and appropriate. The board of  
105 commissioners is hereby further authorized, to the extent  
106 permitted by the State Constitution, to participate in, and to  
107 provide debt or equity financing for, a corporation in which the  
108 district is a shareholder or a joint venture in which the  
109 district is a joint venturer, so long as any such corporation or  
110 joint venture provides health care services or engages in  
111 activities related thereto that benefit the people of the  
112 district, as well as others. The establishment, operation, or  
113 support of such subsidiaries or affiliates, the support of such  
114 nonaffiliated, not-for-profit organizations, and the  
115 participation in and funding of such health care corporations or  
116 joint ventures are each hereby found and declared to be a public  
117 purpose and necessary for the preservation of the public health  
118 and welfare of the district and inhabitants thereof.

119 Notwithstanding the provisions of its charter, the district  
120 shall comply with the requirements of section 155.40(2)(a)-(e),  
121 Florida Statutes, in implementing the powers provided in this  
122 section, section 4, or ~~and~~ subsection (4) of section 20.

123 (3) Notwithstanding any other provision of this act to the  
124 contrary, the board of commissioners is further authorized and  
125 empowered to establish, construct, operate, own, equip, manage,

126 acquire, convey, purchase, hold, lease, encumber, and maintain  
127 real and personal property as the board deems advisable, as well  
128 as hospitals, medical facilities, supportive facility or  
129 facilities, facilities for limited care and treatment, and other  
130 health care facilities and health care services that promote the  
131 public health outside the district's described property,  
132 situate, lying, and being as provided in section 1; provided,  
133 however, any establishment, construction, operation, ownership,  
134 equipping, management, acquisition, conveyance, purchase,  
135 holding, leasing, and maintenance of hospitals, medical  
136 facilities, supportive facility or facilities, facilities for  
137 the care of such persons requiring limited medical care and  
138 treatment, all other types of health care facilities, and all  
139 other types of health care services shall be located within the  
140 state. These provisions and procedures shall be without  
141 reference to section 20.

142 (4) It is the express intent of the Legislature that any  
143 ad valorem tax or non-ad valorem special assessment revenues  
144 levied by the district be used solely toward health care  
145 facilities or health care services within the district.  
146 Accordingly, the board of commissioners is expressly prohibited  
147 from using any ad valorem tax or non-ad valorem special  
148 assessment revenues levied by the district on property located  
149 within the district for any purpose outside the boundaries of the  
150 district.

151       (5) The board of commissioners is further authorized and  
152 empowered to contract with individuals, partnerships,  
153 corporations, state or federal governmental entities and  
154 agencies, municipalities, counties, and special districts, and  
155 any subdivision or agency thereof in the United States, to carry  
156 out the purposes and provisions of this act, including  
157 participation in the joint provision with other hospitals and  
158 health care providers of all manner of inpatient and outpatient  
159 facilities and health care services that provide benefits to  
160 those members of the public served by the district both within  
161 and beyond the boundaries of the district and to the extent such  
162 participation is consistent with all restrictions contained in  
163 the Florida Constitution, the general law, or this act. The  
164 board of commissioners is further authorized to own and operate  
165 facilities and provide services authorized in chapter 400,  
166 Florida Statutes, and other health care services both within and  
167 beyond the district's boundaries throughout the state. These  
168 provisions and procedures shall be without reference to section  
169 20.

170       (6) It is the Legislature's intent and finding that it is  
171 appropriate that the board of commissioners, as it deems  
172 advisable, is authorized and empowered to create any legal  
173 structure which involves the participation of other entities or  
174 persons, whether by ownership or otherwise, and place facilities  
175 or programs authorized under this section or this act in a

176 separate entity in which the district has an ownership or other  
177 interest, so as to not be designated as public property or  
178 otherwise subject to the requirements of s. 10, Art. VII of the  
179 State Constitution.

180 (7) The board of commissioners shall have and exercise all  
181 of the powers necessary, incidental, or convenient to carry out  
182 and effectuate the purposes for which the district is organized  
183 under this act.

184 Section 18. Medical staff generally.-

185 (2) The board of commissioners is hereby authorized and  
186 empowered to grant or refuse, revoke, and suspend membership on  
187 the staff and to grant or refuse, revoke, or suspend any  
188 privileges attendant to such membership so that the welfare and  
189 health of the patients and the best interest of the hospitals  
190 may at all times be best served. In addition:

191 (a) The board of commissioners is hereby authorized and  
192 empowered to establish such standards of good moral character,  
193 professional ethics, professional competency, and professional  
194 conduct to be prerequisites for membership on the staff as the  
195 board, in its reasonable discretion, shall determine to be  
196 necessary for the protection of the health and welfare of the  
197 patients and the hospital, but the failure of the board of  
198 commissioners to establish such standards by rule or regulation  
199 shall not destroy the power of the board to determine membership  
200 on the staff according to the authority, requirements, and



201 standards otherwise prescribed by this act. The board of  
202 commissioners is further authorized and empowered to require  
203 members of the staff to abide by all the rules, regulations, and  
204 bylaws established by the board of commissioners under the  
205 authorization of this act; to require the performance of those  
206 professional duties and responsibilities prescribed by said  
207 rules, regulations, and bylaws; and to enforce such requirements  
208 by the revocation and suspension of staff membership and  
209 privileges. A ~~No~~ person may not ~~shall~~ be eligible for membership  
210 on the staff, be eligible for any privilege of the practice of  
211 medicine in any hospital or facility operated by said district,  
212 or retain or possess any membership upon the staff or any  
213 privilege of the practice of medicine in any of said hospitals  
214 or facilities unless he or she is a qualified doctor of medicine  
215 licensed under chapter 458, a doctor of osteopathic medicine  
216 licensed under chapter 459, a doctor of dentistry licensed under  
217 chapter 466, a doctor of podiatric medicine licensed under  
218 chapter 461, a psychologist licensed under chapter 490, or is  
219 otherwise authorized to practice medicine under general law  
220 ~~graduate of a medical school recognized and approved by the~~  
221 ~~Florida Board of Medicine with the degree of doctor of medicine~~  
222 ~~and possesses a valid license to practice medicine as prescribed~~  
223 ~~and required by chapter 458, Florida Statutes, or, in the~~  
224 ~~alternative, unless he or she possesses a valid license from the~~  
225 ~~Florida Board of Dentistry to practice dentistry as prescribed~~

226 ~~and required by chapter 466, Florida Statutes.~~

227       Section 30. Fiscal year. ~~Notwithstanding the provisions of~~  
228 ~~section 218.33, Florida Statutes,~~ The fiscal year of the North  
229 Broward Hospital District shall commence October ~~July~~ 1 and end  
230 September ~~June~~ 30 of each calendar year.

231       Section 2. Severability and liberal construction.—Any  
232 section, paragraph, sentence, clause, phrase, or other part of  
233 this act which for any reason may be held or declared invalid,  
234 unenforceable, or unconstitutional may be eliminated, and the  
235 remaining portion or portions thereof shall remain in full force  
236 and be valid and enforceable as if such invalid or unenforceable  
237 provision had not been incorporated therein. It is intended that  
238 this act be liberally construed for the accomplishment of the  
239 work authorized and provided for, and intended to be provided  
240 for, by this act. For any words, phrases, clauses,  
241 classifications, or parts of this act or previous enactments  
242 which require using rules of statutory interpretation, it is the  
243 intent of the Legislature that the most expansive, liberal, and  
244 least restrictive construction be adopted and used, and to  
245 acknowledge that the absence of express language is not meant to  
246 be an inference or limitation to the accomplishment of the  
247 stated and implied governmental, corporate, or proprietary  
248 powers.

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