

1 A bill to be entitled
2 An act relating to North Broward Hospital District,
3 Broward County; amending ch. 2006-347, Laws of
4 Florida, as amended; authorizing a quorum to meet in
5 person or by means of specified communications media
6 technology; authorizing the board of commissioners to
7 own, equip, manage, acquire, convey, purchase, hold,
8 lease, and encumber certain properties, hospitals,
9 facilities and offices, and services within and
10 outside the boundaries of the district under certain
11 circumstances; authorizing the board to own, manage,
12 maintain, acquire, purchase, and hold for-profit or
13 not-for-profit subsidiaries and not-for-profit
14 affiliates for certain purposes; providing an
15 exception to general law; prohibiting the board from
16 expending ad valorem taxes and non-ad valorem special
17 assessments outside the boundaries of the district;
18 authorizing the board to contract with certain
19 persons, governments, and entities and to create
20 certain legal structures with certain entities and
21 persons for the placement of facilities and programs
22 for certain purposes; providing legislative intent and
23 finding; providing powers of the board; revising
24 medical staff membership requirements; revising the

25 | district's fiscal year; providing for severability and
 26 | construction; providing an effective date.

27 |

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

29 |

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

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

36 | (1) Four commissioners, in person or by means of
 37 | communications media technology, as defined in section
 38 | 120.54(5)(b)2., Florida Statutes, shall constitute a quorum, and
 39 | a vote of at least three commissioners of such quorum shall be
 40 | necessary to the transaction of any business of the district.
 41 | The commissioners shall cause true and accurate minutes and
 42 | records to be kept of all business transacted by them and shall
 43 | keep full, true, and complete books of account and minutes,
 44 | which minutes, records, and books of account shall at all
 45 | reasonable times be open and subject to the inspection of
 46 | inhabitants of said district, and any person desiring to do so
 47 | may make or procure copy of said minutes, records, books of
 48 | account, or such portions thereof as he or she may desire.

49 | Section 6. Authority to establish and maintain property

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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, 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 advisable 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 or 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 or personal property,
82 | hospital or hospitals, medical facilities, supportive facility
83 | or facilities, and facilities for limited care and treatment and
84 | other health care facilities and services, as well as the terms,
85 | conditions, and consideration for the use thereof, shall be as
86 | determined and fixed by said board of commissioners and shall be
87 | under the exclusive authority of said board. The provisions and
88 | procedures shall be without reference to section 20.

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

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

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

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

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

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

149 (5) The board of commissioners is authorized and empowered

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

167 (6) It is the Legislature's intent and finding that it is
168 appropriate that the board of commissioners, as it deems
169 advisable, is authorized and empowered to create any legal
170 structure which involves the participation of other entities or
171 persons, whether by ownership or otherwise, and place facilities
172 or programs authorized under to this section or this act in a
173 separate entity in which the district has an ownership or other
174 interest, so as to not be designated as public property or

175 otherwise subject to the requirements of s. 10, Art. VII of the
176 State Constitution.

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

181 Section 18. Medical staff generally.—

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

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

200 members of the staff to abide by all the rules, regulations, and
 201 bylaws established by the board of commissioners under the
 202 authorization of this act; to require the performance of those
 203 professional duties and responsibilities prescribed by said
 204 rules, regulations, and bylaws; and to enforce such requirements
 205 by the revocation and suspension of staff membership and
 206 privileges. No person shall be eligible for membership on the
 207 staff, be eligible for any privilege of the practice of medicine
 208 in any hospital or facility operated by said district, or retain
 209 or possess any membership upon the staff or any privilege of the
 210 practice of medicine in any of said hospitals or facilities
 211 unless he or she is a qualified doctor of medicine licensed
 212 under chapter 458, Florida Statutes, a doctor of osteopathic
 213 medicine licensed under chapter 459, Florida Statutes, a doctor
 214 of dentistry licensed under chapter 466, Florida Statutes, a
 215 doctor of podiatric medicine licensed under chapter 461, Florida
 216 Statutes, a psychologist licensed under chapter 490, Florida
 217 Statutes, or is otherwise authorized to practice medicine under
 218 general law ~~graduate of a medical school recognized and approved~~
 219 ~~by the Florida Board of Medicine with the degree of doctor of~~
 220 ~~medicine and possesses a valid license to practice medicine as~~
 221 ~~prescribed and required by chapter 458, Florida Statutes, or, in~~
 222 ~~the alternative, unless he or she possesses a valid license from~~
 223 ~~the Florida Board of Dentistry to practice dentistry as~~
 224 ~~prescribed and required by chapter 466, Florida Statutes.~~

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

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

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