

House Bill No. 1245

An act relating the North Broward Hospital District, Broward County; codifying, amending, reenacting, and repealing chapters 27438 (1951), 61-1931, 61-1937, 63-1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-363, Laws of Florida; codifying the district charter; providing severability; providing an effective date.

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

Section 1. (1) The reenactment of existing law in this act shall not be construed as a grant of additional authority to nor to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this act shall continue to apply.

(2) The reenactment of existing law in this act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of the district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law in this act shall be construed to affect the ability of the district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

Section 2. Chapters 27438 (1951), 61-1931, 61-1937, 63-1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-363, Laws of Florida, are codified, reenacted, amended, and repealed as provided in this act.

Section 3. The North Broward Hospital District is re-created and the charter for the district is re-created and reenacted to read:

Section 1. Created.—A special tax district is hereby created and incorporated, to be known as the “North Broward Hospital District” in Broward County, which district shall embrace and include the following described property, situate, lying, and being in Broward County:

Begin at a point where the North boundary line of Section 25, Township 50 South, Range 42 East, intersects the line of mean low tide of the Atlantic Ocean; thence run westerly along the North boundary line of Sections 25, 26, 27, 28, 29 and 30 in Township 50 South, Range 42 East, and continue westerly along the North boundary line of Sections 25, 26, 27, 28, 29 and 30 in Township 50 South, Range 41 East, to the westerly boundary of Range 41 East; thence southerly along the westerly boundary line of said Section 30 to a point of intersection with the North boundary line of Section 25, Township 50 South, Range 40 East, extended easterly; thence westerly along the North boundary line of Section 25, Township 50 South, Range 40 East, to the northwest corner of

said Section; thence southerly along the west boundary line of said Section 25 and Section 36, Township 50 South, Range 40 East, and continuing southerly along the west boundary lines of Sections 1, 12, 13, 24, 25 and 36 of Township 51 South, Range 40 East, to the southwest corner of said Section 36, the same being the south boundary line of Broward County; thence westerly along the south boundary line of Broward County to the southwest corner of said County; thence northerly along the west boundary line of Broward County, Florida, to the northwest corner of said County; thence easterly along the northern boundary line of Broward County, Florida, to a point where the north boundary line of Broward County intersects the line of mean low tide of the Atlantic Ocean; thence southerly along the mean low tide line of the Atlantic Ocean to the point of beginning, together with all areas within the corporate limits of the City of Fort Lauderdale, lying south of the south boundary line of the above-described property.

Section 2. Subdistricts.—The North Broward Hospital District shall be composed of the following subdistricts:

(1) Subdistrict No. 1 shall include the areas of Broward County from the north boundary line thereof south to a line running east and west along the boundary line between the City of Pompano Beach and the City of Light-house Point and extended east and west along the section lines which comprise said boundary to intersect with the Atlantic Ocean on the east and the western boundary of Broward County on the west.

(2) Subdistrict No. 2 shall include that area of Broward County south of the south boundary line of subdistrict No. 1 to a line running east and west along the center of McNab Road and extended east and west along the section lines which bisect the right-of-way of said McNab Road to intersect with the Atlantic Ocean on the east and the western boundary of Broward County on the west.

(3) Subdistrict No. 3 shall include that area of Broward County bounded on the north by the south boundary line of subdistrict No. 2, on the south along the center of Sunrise Boulevard, on the west by a line running north and south along the center of U.S. 441 (State Road #7), and on the east by the Atlantic Ocean.

(4) Subdistrict No. 4 shall include that area of Broward County bounded on the north by the south boundary line of subdistrict No. 3, on the south by the south boundary line of the North Broward Hospital District, on the west by a line running north and south along the center of U.S. 441 (State Road #7), and on the east by the Atlantic Ocean.

(5) Subdistrict No. 5 shall include that area of Broward County bounded on the north by the south boundary line of subdistrict No. 2, on the south by the south boundary line of the North Broward Hospital District, on the west by the western boundary of Broward County, and on the east by a line running north and south along the center of U.S. 441 (State Road #7).

(6) Subdistrict No. 6 shall include that area of Broward County which comprises the entire North Broward Hospital District and shall be considered a subdistrict at large.

(7) Subdistrict No. 7 shall include that area of Broward County which comprises the entire North Broward Hospital District and shall be considered a subdistrict at large.

Section 3. Board of commissioners generally.—The governing body of the North Broward Hospital District shall consist of seven commissioners, one of whom may be a licensed practitioner of the healing arts as defined in chapter 458, Florida Statutes. All commissioners shall serve without compensation. Each subdistrict shall have one representative on the Board of Commissioners of the North Broward Hospital District who has resided in said subdistrict for more than 1 year prior to appointment. Said commissioners shall be known and designated as the Board Of Commissioners of North Broward Hospital District. Members of the board of commissioners shall be appointed by the Governor for terms of 4 years each. The Governor shall have the power to remove any member of said board of commissioners for cause and shall fill any vacancies that may at any time occur therein. Each member shall give bond to the Governor for the faithful performance of his or her duties in the sum of \$5,000 with a surety company qualified to do business in the state, as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of Broward County. The premiums on said bonds shall be paid as part of the expenses of said district.

Section 4. Powers of board of commissioners generally.—

(1) The Board of Commissioners of the North Broward Hospital District shall have all the powers of a body corporate, including the power to sue and be sued under the name of the North Broward Hospital District; to contract and be contracted with; to adopt and use a common seal and to alter the same at pleasure; to acquire, purchase, hold, lease as lessee or lessor, and convey such real and personal property as said board may deem proper or expedient to carry out the purposes of this act (any lease of real or personal property entered into by the board of commissioners shall be for such terms as the board of commissioners determines is in the best interest of the district); to appoint and employ a superintendent and such other agents and employees as said board may deem advisable; to borrow money, incur indebtedness, and issue notes, revenue certificates, bonds, and other evidences of indebtedness of said district; to establish and support subsidiary or affiliate organizations to assist the district in fulfilling its declared public purpose of providing for the health care needs of the people of the district and, to the extent permitted by the State Constitution, to support not-for-profit organizations that operate primarily within the district, as well as elsewhere, and that have as their purposes the health care needs of the people of the district by means of nominal interest loans of funds, nominal rent leases of real or personal property, gifts and grants of funds, or guaranties of indebtedness of such subsidiaries, affiliates, and not-for-profit organizations (any such support of a subsidiary or affiliate corporation or nonaffiliated, not-for-profit corporation is hereby found and declared to be a public purpose and necessary for the preservation of the public health and for public use and for the welfare of the district and inhabitants thereof); to the extent permitted by the State Constitution, to participate as a shareholder in a corporation, or as a joint venture in a joint venture, which provides health care or engages in activities related thereto, to provide debt or equity

financing for the activities of such corporations or joint ventures, and to utilize, for any lawful purpose, the assets and resources of the district to the extent not needed for health care and related activities; and to carry out the provisions of this charter in the manner hereinafter provided. Said board of commissioners, pursuant to chapter 218, Florida Statutes, is authorized and empowered, as the board of a special tax district of the state, to invest district "surplus funds," as defined in that chapter, in such a manner as allowed under section 218.415 Florida Statutes, or by any general law amending or superseding section 218.415, Florida Statutes. The board of commissioners shall also have the power to delegate its authority to invest these surplus funds, as outlined above, to a state or national banking organization acting pursuant to a written trust agreement as a trustee of district funds, provided that such delegation is made in writing by the board of commissioners.

(2) In addition to any investment authorized by general law, and to the extent created by the State Constitution, the board of commissioners shall be and is hereby authorized and empowered to invest any funds in its control or possession in accordance with an investment policy approved by the board which mandates prudent investment practices, which shall include, among other items, the investment objectives and permitted securities of the policy. Such investment policy shall be designed to maximize the financial return to the fund consistent with the risks incumbent in each investment and shall be designed to preserve the appropriate diversification of the portfolio. Accordingly, the following instruments are authorized for investment:

(a) Bankers' acceptances that are drawn upon and accepted by a commercial bank that is a member bank of the Federal Reserve System, that maintains capital accounts in excess of 7.5 percent of total assets, and which member bank or its holding company carries a credit rating that is one of the two highest alphabetical categories from at least two nationally recognized debt-rating agencies.

(b) Commercial paper of prime quality rated by at least two nationally recognized debt-rating agencies in the highest letter and numerical rating of each agency. If not rated, such prime quality commercial paper may be purchased if secured by a letter of credit provided by a commercial bank, which bank or its holding company carries a credit rating in one of the two highest alphabetical categories from at least two nationally recognized debt-rating agencies.

(c) Interest-bearing bonds, debentures, and any other such evidence of indebtedness with a fixed maturity of any domestic corporation within the United States which is listed on any one or more of the recognized national stock exchanges in the United States and conforms with the periodic reporting requirements under the Securities Exchange Act of 1934. Such obligation shall either carry ratings in one of the two highest classifications of at least two nationally recognized debt-rating agencies or be secured by a letter of credit provided by a commercial bank, which bank or its holding company carries a credit rating in one of the two highest alphabetical categories from at least two nationally recognized debt-rating agencies.

(d) Negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then-prevailing market rate for such securities; and obligations of the Federal Farm Credit Banks, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, or Federal Home Loan Bank or its district banks, including Federal Home Loan Mortgage Corporation participation certificates, or obligations guaranteed by the Government National Mortgage Association, which are purchased and sold under repurchase agreements and reverse repurchase agreements. Repurchase agreements and reverse repurchase agreements may be entered into only with a member bank of the Federal Reserve System or primary dealer in United States government securities. Securities purchased or repurchased by the hospital board shall be delivered to the hospital board or its agent versus payment.

(e) The purchase of options so as to engage in bona fide hedging activities for the purpose of protecting the asset value of the underlying portfolio, provided the instruments for such purpose are traded on a securities exchange or board of trade regulated by the Securities and Exchange Commission or the Commodities Futures Trading Commission.

(f) Equity securities of any corporation that is organized under the laws of the United States, any state, or the District of Columbia and that is listed on any one or more of the recognized national stock exchanges in the United States and conforms with the periodic reporting requirements under the Securities Exchange Act of 1934. Such securities must carry a rating in one of the two highest alphabetical categories from at least two nationally recognized equity ratings agencies.

(3) The Board of Commissioners of the North Broward Hospital District shall have the power to enter into and execute:

(a) Any contract known or referred to as, or which performs the function of, an interest rate swap agreement, forward payment conversion agreement, or futures contract.

(b) Any contract providing for payments based on levels of, or changes or differences in, interest rates.

(c) Any contract to exchange cash flows, payments, or series of payments.

(d) Any type of contract called or designed to perform the function of interest rate floors or caps, options, puts, or calls to hedge or minimize any type of financial risk, including, without limitation, payment, rate, or other financial risk.

(e) Any other type of contract or arrangement that the Board of Commissioners of the North Broward Hospital District determines is to be used, or is intended to be used, to manage or reduce the cost of indebtedness, to convert any element of indebtedness from one form to another, to maximize or increase investment return, to minimize investment return risk, or to protect against any type of financial risk or uncertainty.

Section 5. Board of commissioners; rules of procedure.—Four commissioners shall constitute a quorum, and a vote of at least three commissioners shall be necessary to the transaction of any business of the district. The commissioners shall cause true and accurate minutes and records to be kept of all business transacted by them and shall keep full, true, and complete books of account and minutes, which minutes, records, and books of account shall at all reasonable times be open and subject to the inspection of inhabitants of said district, and any person desiring to do so may make or procure copy of said minutes, records, books of account, or such portions thereof as he or she may desire.

Section 6. Authority to establish and maintain health care facilities.—The board of commissioners is hereby authorized and empowered to establish, construct, operate, and maintain such hospital or hospitals, supportive facility or facilities, including offices for physicians and other medically related personnel, entities, and activities, and facilities for the care of such persons requiring limited medical care and treatment as in their opinion shall be necessary for the needs and use of the people of said district. Said hospital or hospitals, supportive facility or facilities, and facilities for limited care and treatment shall be established, constructed, operated, and maintained by said board of commissioners for the preservation of the public health, for the public good, and for the use of the public of said district, and the maintenance of said hospital or hospitals, supportive facility or facilities, and facilities for limited care and treatment within said district is hereby found and declared to be a public purpose and necessary for the preservation of the public health and for public use and for the welfare of said district and inhabitants thereof. The location, establishment, operation, and maintenance of such hospital or hospitals, supportive facility or facilities, and facilities for limited care and treatment, as well as the terms, conditions, and consideration for the use thereof, shall be as determined and fixed by said board of commissioners and shall be under the exclusive authority of said board. The provisions and procedures shall be without reference to section 20. The board of commissioners is hereby further authorized and empowered to establish, operate, or support such subsidiaries, either for profit or not for profit, and not-for-profit affiliates for the furtherance and assistance of the district's fulfilling its purpose of provision for the health care needs of the people of the district as in the board's opinion shall be necessary. The board of commissioners is hereby further authorized and empowered, to the extent permitted by the State Constitution, to support nonaffiliated, not-for-profit organizations that operate primarily within the district, as well as elsewhere, and that have as their purpose the furtherance of the district's provision for the health care needs of the people of the district, by such means as in the board's opinion are necessary and appropriate. The board of commissioners is hereby further authorized, to the extent permitted by the State Constitution, to participate in, and to provide debt or equity financing for, a corporation in which the district is a shareholder or a joint venture in which the district is a joint venturer, so long as any such corporation or joint venture provides health care services or engages in activities related thereto that benefit the people of the district, as well as others. The establishment, operation, or support of such subsidiaries or affiliates, the support of such nonaffiliated, not-for-profit organizations, and the participation in and funding of such health care corporations or joint ventures are

each hereby found and declared to be a public purpose and necessary for the preservation of the public health and welfare of the district and inhabitants thereof. Notwithstanding the provisions of its charter, the district shall comply with the requirements of section 155.40(2)(a)-(e), Florida Statutes, in implementing the powers provided in this section, section 4, and subsection (4) of section 20.

Section 7. Nurse training schools; medical training and research programs.—

(1) The board of commissioners is hereby authorized and empowered at any time in its discretion to establish and maintain, in connection with such hospital and as a part thereof, in accordance with state laws and regulations, a training school for nurses and, upon completion of a prescribed course of training, shall give to such nurses who have satisfactorily completed the course a diploma. The board of commissioners is authorized and empowered to set up all rules and regulations necessary for the operation of a nurses training school and to make all necessary expenditures in connection therewith.

(2) The board of commissioners is further authorized and empowered to establish and maintain such clinics, medical training, and medical research programs in connection with the operation of district hospitals, including the training of interns and resident physicians, as the board of commissioners, in their discretion, might determine to be necessary or beneficial to the professional services in the district hospitals.

Section 8. Eminent domain.—The board shall have the power of eminent domain and may thereby condemn and acquire any real or personal property within the territorial limits of the district which the board may deem necessary for the use of said district. Such power of condemnation shall be exercised in the same manner as is now provided by general law for the exercise of the power of eminent domain by cities and towns of the state.

Section 9. Indebtedness generally.—

(1) In this act:

(a) The term “anticipation notes” means indebtedness authorized pursuant to subsections (2)-(6) which is payable from funds of the district as set forth therein.

(b) The term “indebtedness” means any bonds, notes, certificates, lease participations, guaranties, or other forms of indebtedness payable from general revenues and other legally available funds of the district.

(2) The district may, in order to provide facilities, including real and personal property, and to carry out, exercise, and perform its powers and duties, and for any other lawful purpose, borrow money from time to time as the board determines is in the best interest of the district and issue and sell the anticipation notes of the district and refund the same by issuing the refunding anticipation notes of the district, all upon such terms and having such maturities, form, and terms as may be determined by the board of

commissioners or, if issued in the form of commercial paper, as may be determined by the chair, the vice chair, or the secretary-treasurer within guidelines and limits determined by the board of commissioners as provided in this section. The rate or rates of interest for such borrowing shall be as provided by general law. Further, all indebtedness incurred by the district shall, where required by the State Constitution, be contingent upon voter approval.

(3) The district may borrow money and issue bond anticipation notes in anticipation of the issuance of bonds, all as provided in general law; expend the proceeds thereof for the purposes for which such bonds are to be issued; and pledge, by resolution or contract, the proceeds to be derived from the sale of such bonds and other legally available funds of the district for the payment of the principal thereof, premium therefor, if any, and interest thereon.

(4) The district may borrow money and issue grant anticipation notes having such maturity as the board may determine in anticipation of the receipt of any federal, state, private, or other grant; expend the proceeds thereof for the purposes for which such grant has been made; and pledge, by resolution or contract, the moneys to be received from such grant and other legally available funds of the district for the payment of the principal thereof, premium therefor, if any, and interest thereon.

(5) The district may borrow money and issue revenue anticipation notes having such maturity as the board may determine in anticipation of the receipt of revenues; expend the proceeds thereof for any other lawful purpose; and pledge, by resolution or contract, revenues of the district for the payment of the principal thereof, premium therefor, if any, and interest thereon.

(6) The district may borrow money and issue tax anticipation notes having such maturity as the board may determine and levy, appropriate, and pledge, by resolution or contract, ad valorem taxes and other legally available funds of the district in payment of the principal thereof, premium therefor, if any, and interest thereon.

(7) The district may issue, from time to time, indebtedness (which may be denominated as notes or bonds) of the district for the purpose of paying all or part of the cost of acquisition, construction, planning, and repairing of, extensions and additions to, and equipping, furnishing, and reconstruction of any hospital or hospitals or related facilities incidental to the foregoing as in the opinion of the board of commissioners are necessary or beneficial for the district, for refinancing any indebtedness incurred to finance any of the foregoing, or for reimbursement of the district for any cost it incurred for any of the foregoing. The indebtedness of each issuance shall be dated, shall mature at such time or times not exceeding 50 years after their date or dates, shall be in such denominations, shall bear interest at such rate or rates, including variable rates, allowed by general law, and may be made redeemable before maturity at the option of the board of commissioners at such price or prices and under such terms and conditions as may be fixed by the board of commissioners prior to the issuance of the indebtedness.

(8) The district may issue all forms of indebtedness described in subsections (3)-(7) in the form of commercial paper and, if issued in such form, the resolution authorizing the issuance thereof may provide for the renewal, refunding, or rollover thereof from time to time, having such maturity as the board shall determine. The resolution authorizing the issuance of such indebtedness in the form of commercial paper may set forth guidelines and limits pertaining to the maximum aggregate principal amount of such indebtedness which may be outstanding at any one time, the longest maturity any such indebtedness may bear, the form of such indebtedness, the terms (including redemption provisions, the maximum redemption premium which may be permitted, schedules for the amortization of principal and interest which may be permitted, and such other provisions as the board of commissioners may determine), and the maximum rate of interest authorized by general law and may authorize the chair, the vice chair, the secretary-treasurer, or any one or more of them, from time to time, to determine, within such guidelines and limits, the date or dates on which said indebtedness shall be issued, the aggregate principal amount of indebtedness to be issued at such time, the maturity date or dates of such indebtedness, and the form and terms of such indebtedness (including provisions for redemption thereof, the amount of any redemption premium, the schedule for the amortization of principal and payment of interest, and other provisions as authorized by the board) and to sell, issue, and deliver the same pursuant to such authorization. Any resolution authorizing a negotiated sale of indebtedness in the form of commercial paper to any class of purchaser may likewise authorize the negotiated sale of renewal, refunding, or rollover indebtedness to such class of purchaser and may contain such other provisions as the board may authorize.

(9) Any indebtedness authorized pursuant to subsections (3)-(7) may be issued in the form of demand obligations or obligations which the holder thereof may request payment for by the district upon the occurrence of specified events. The board of commissioners shall determine the form of such indebtedness, which shall be executed according to general law, and shall fix the denomination or denominations of indebtedness and the place or places of payment of principal of and interest thereon, which may be at any bank or trust company within or without the state. All forms of indebtedness shall be executed in the name of the district by the chair of the board of commissioners and countersigned and attested by the secretary of the board, and its corporate seal or facsimile shall be attached thereto or reproduced thereon, all in the manner provided by the resolution authorizing such indebtedness. All indebtedness issued under the provisions of this act is hereby declared to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code and the laws of this state. Such indebtedness shall be issuable in bearer form or shall be registrable in the name of the owner or nominee thereof in the manner provided by general law.

(10) The district is hereby authorized to enter into agreements providing for the issuance, repayment, and securing of letters of credit, insurance, or any other credit enhancement device with any financial institution, as the board of commissioners may determine, to further secure any of its indebtedness.

Section 10. Bonds.—District bonds shall be issued or sold in such manner and at such rate or rates of interest as authorized by general law. Such bonds may be sold at par or at such premium or discount as the board of commissioners determines, in keeping with general law.

Section 11. Acceptance of promissory notes.—The board of commissioners is hereby authorized and empowered, in order to provide for and carry out the purposes of this act, to compromise and settle any accounts receivable or other claim for money due and owing to the district through the acceptance of promissory notes according to such terms and conditions as the board, in its discretion, may determine; however, said board of commissioners is hereby prohibited from assigning, selling, or setting over said promissory note to commercial institutions or private collection agencies for collection.

Section 12. Payment of funds.—The funds of the North Broward Hospital District shall be paid out and disbursed according to the manner and procedure established by the board of commissioners of said district. The board of commissioners is hereby authorized and empowered to designate disbursing agents to act on behalf of the North Broward Hospital District for approval of warrants for payment and for the execution of checks and drafts upon district accounts.

Section 13. Property tax authorized.—The Board of Commissioners of the North Broward Hospital District is hereby authorized, empowered, and directed annually to levy upon all the real and personal taxable property in said district a sufficient tax, not to exceed 2.5 mills, necessary for the purposes herein granted and to levy other lawful taxes to pay interest and provide and maintain a sinking fund for payment of interest and principal of the bonds provided for and authorized by this act.

Section 14. Property tax levy.—The levy by said board of commissioners of the taxes authorized by any provision of this act shall be by resolution of said board duly entered upon the minutes of the board. Certified copies of such resolution executed in the name of the board by its chair, under its corporate seal, shall be made and delivered to the Board of County Commissioners of Broward County and to the Florida Chief Financial Officer not later than 60 days after the millage is certified by the property appraiser or such other time as may be specified by general law. It shall be the duty of the County Commissioners of Broward County to order and require the county property appraiser of said county to assess, and the county tax collector of said county to collect, the amount of taxes so assessed or levied by the board upon the taxable property in said district, not exempt by law, at the rate of taxation adopted by said board of commissioners of said district for said year and included in the warrant of the property appraiser and attached to the assessment roll of taxes for said county each year. The tax collector shall collect such tax so levied by said board in the same manner as other taxes are collected and shall pay the same over to the Board of Commissioners of the North Broward Hospital District within the time and in the manner prescribed by law for the payment by the tax collector of county taxes to the county depository. It shall be the duty of the Florida Chief Financial Officer to assess and levy taxes on all the railroad lines and

railroad property and telegraph lines and telegraph property situated or located in said district, including all telephone lines. The taxes shall be assessed by the same officer as are county taxes upon such property, and such taxes shall be remitted by the collecting officer to the Board of Commissioners of the North Broward Hospital District. All such taxes shall be held by said board of commissioners and paid out by them as provided in this act. The board is authorized to pay necessary expenses to the aforementioned officers for the assessment and collection of taxes on a reasonable fee basis.

Section 15. Payment of district expenses.—The board of commissioners is authorized to pay from the funds of the district all expenses of the organization of said board, all expenses necessarily incurred with the formation of said district, and all other reasonable and necessary expenses, including the fees and expenses of an attorney in the transaction of the business of the district and in carrying out and accomplishing the purposes of this act. This section, however, shall not be construed to restrict any of the powers vested in said board of commissioners by any other section or provision of this act.

Section 16. Publication of annual financial statement.—At least once in each year, the board of commissioners shall publish once in a newspaper published in the district a complete detailed statement of all moneys received and disbursed by them since the creation of the district as to the first published statement and since the last published statement as to any other year. Such statement shall also show the several sources from which said funds were received and shall show the balance on hand at the time of the published statement. It shall show a complete statement of the condition of the district.

Section 17. Persons authorized to be treated at facilities.—Each hospital or clinic established under this act shall be for the use and benefit of the residents of the district. Such residents shall be admitted to such hospital or clinic and be entitled to hospitalization, subject, however, to the rules and regulations prescribed by the board of commissioners, which rules and regulations are effective as of the date of admission of a patient or patients to said hospital or clinic. Such hospital or clinic may care for and treat without charge patients who are found by the board of commissioners to be indigent, but such board may collect from patients financially able such charges as the board of commissioners may from time to time establish. The board of commissioners may exclude from treatment and care any person having a communicable or contagious disease, where such disease may be a detriment to the best interests of such hospital or clinic or a source of contagion or infection to the patients in its care, unless such hospital has a separate building or ward for the special treatment of such patients and can properly and with safety to the other patients retain such communicable or contagious case in such separate ward or building. Said board of commissioners may extend the privileges and use of such hospital or clinic to nonresidents of the district upon such terms and conditions as the board may from time to time by its rules and regulations provide; however, the residents of the district wherein such hospital or clinic is located shall have first claim to admission.

Section 18. Medical staff generally.—

(1) The Board of Commissioners of the North Broward Hospital District shall authorize and establish one medical staff for the direction and control of the practitioners, and to ensure the performance of necessary professional services, in the hospitals and facilities operated by the North Broward Hospital District. The board of commissioners is hereby authorized and empowered to establish reasonable bylaws, rules, and regulations thereof and to prescribe and establish in said bylaws, rules, and regulations reasonable professional duties and responsibilities for members of the staff so that the welfare and health of the patients and the best interest of the hospitals may at all times be served.

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

(a) The board of commissioners is hereby authorized and empowered to establish such standards of good moral character, professional ethics, professional competency, and professional conduct to be prerequisites for membership on the staff as the board, in its reasonable discretion, shall determine to be necessary for the protection of the health and welfare of the patients and the hospital, but the failure of the board of commissioners to establish such standards by rule or regulation shall not destroy the power of the board to determine membership on the staff according to the authority, requirements, and standards otherwise prescribed by this act. The board of commissioners is further authorized and empowered to require members of the staff to abide by all the rules, regulations, and bylaws established by the board of commissioners under the authorization of this act; to require the performance of those professional duties and responsibilities prescribed by said rules, regulations, and bylaws; and to enforce such requirements by the revocation and suspension of staff membership and privileges. No person shall be eligible for membership on the staff, be eligible for any privilege of the practice of medicine in any hospital or facility operated by said district, or retain or possess any membership upon the staff or any privilege of the practice of medicine in any of said hospitals or facilities unless he or she is a graduate of a medical school recognized and approved by the Florida Board of Medicine with the degree of doctor of medicine and possesses a valid license to practice medicine as prescribed and required by chapter 458, Florida Statutes, or, in the alternative, unless he or she possesses a valid license from the Florida Board of Dentistry to practice dentistry as prescribed and required by chapter 466, Florida Statutes.

(b) Whenever the board of commissioners considers the refusal, revocation, or suspension for a period of more than 30 days of staff membership of any person, or any privileges attendant to such membership, a hearing shall be held before the board of commissioners, or before such examining board as the board of commissioners might establish for the purpose of taking and hearing testimony and evidence and reporting to the board thereon, upon the objections to such person's membership and privileges.

(c) Whenever a hearing upon the staff membership and privileges of any person is required by this act, reasonable notice shall be given to the person

concerned by registered mail of the time and place of such hearing, and the nature of the objections to the person's membership and privileges shall be made solely upon the record of such hearing and the findings and conclusions made therefor.

(d) The board of commissioners, or such administrative personnel and personnel of the staff and hospitals as the board may authorize and designate, is authorized and empowered to suspend any membership on the staff, and any or all privileges attendant thereto, for a period of less than 31 days without hearing prior to such suspension whenever it appears that delay in such suspension would cause an immediate danger to the hospital or any patient thereof or whenever it appears that the suspended physician has failed to abide by a prescribed rule of administrative or staff procedure in willful or negligent violation of hospital discipline. It is further provided that any staff member suspended for a period of less than 31 days without hearing shall, upon written request to the chair of the board of commissioners, be granted by said chair a speedy hearing in the same manner and according to the same procedure as prescribed for other determinations of staff membership and privileges.

(e) A decision of the board of commissioners to refuse, revoke, or suspend membership on the staff or to refuse, revoke, or suspend any privilege attendant to such membership is hereby declared to be a quasi-judicial function of the board, and any hearing held for the purpose set forth in this section shall be held and conducted in accordance with general law relating to quasi-judicial hearings and determinations. Judicial review of such decision shall be by certiorari to the Fourth District Court of Appeal in the time and manner prescribed by the Florida Appellate Rules unless the provisions of such appellate rules confer exclusive jurisdiction upon the Supreme Court of Florida. The board of commissioners shall establish such rules of procedure for hearing required by this act as are reasonably necessary to ensure an orderly, fair, and impartial proceeding in which all facts relevant to the objections to the person's membership and privileges may be heard by the examining authority.

(f) The testimony at any hearing required by this section shall be stenographically or mechanically recorded, and such record shall thereafter be transcribed. Such transcription, together with all notices to the person concerned; all documents, exhibits, and demonstrative evidence submitted to the examining authority for consideration at the hearing; all findings and recommendations of the examining authority, if any; and all findings and decisions of the board of commissioners relevant to those proceedings shall be preserved by the district as a permanent record of the proceedings. The physician concerned shall be entitled to a copy or copies of such permanent record, certified by the chair of the board of commissioners to be a true copy thereof, upon written request and payment of a reasonable cost of preparation.

(g) All documents, testimony, and evidence relevant to the proceeding or the issues thereof and the official record of such proceeding shall be confidential to the North Broward Hospital District and the physician concerned, or his or her attorneys and agents, as provided by law. After the final

decision of the board of commissioners upon the refusal, revocation, or suspension of membership on the staff or the privileges attendant thereto, the official record of such proceeding as required by this act may be made public upon the mutual agreement of the board of commissioners and the physician concerned or may be made public by the filing thereof with a court of law for purposes of judicial review.

(3) The Board of Commissioners of the North Broward Hospital District is hereby authorized and empowered to employ professional and nonprofessional personnel necessary to the effective and lawful operation of the hospital and facilities of the district, including, but not limited to:

(a) Registered, practical, and student nurses and nurse's aides.

(b) Physicians licensed or approved by the Florida Board of Medicine necessary to provide emergency medical care and treatment in the emergency rooms of the district hospitals.

(c) Interns and resident physicians who are engaged in an authorized medical training program of the district.

(d) Physicians licensed by the Florida Board of Medicine and technicians specially trained in the basic sciences allied with, and necessary to, the practice of medicine who are necessary to an authorized medical training program of the district or who are necessary to provide professional advice and services to medical staff physicians.

All physicians employed by the North Broward Hospital District as authorized in this subsection shall be members of the medical staff and subject to the medical staff bylaws, rules, and regulations.

(4) The Board of Commissioners of the North Broward Hospital District is further authorized and empowered to establish reasonable rules and regulations to govern the operation of district hospitals and facilities and to govern and control the conduct of all employees, patients, private duty nurses, guests, visitors, or any other parties or persons who are in any manner upon or using the premises and facilities of any district hospital or facility so that the health and welfare of the patients and the best interest of the hospital will at all times be served.

Section 19. Pension plan and insurance benefits for employees.—The North Broward Hospital District is authorized and empowered to create an employees' pension fund to provide for life, disability, and medical insurance for all or any of its employees or officers on a group insurance or other acceptable plan approved by said Board of Commissioners of North Broward Hospital District; to establish and create by resolution an employees' pension, annuity, and retirement plan for any and all groups of officers and employees employed by the North Broward Hospital District and qualifying for such plan; and to pay all or such portion of the cost of any such employees' pension, annuity, and retirement plan from funds available to the district from its authorized sources, with the employees defraying the balance thereof, if any, as said board of commissioners by resolution may determine

for any and all groups of officers and employees employed by said North Broward Hospital District. The Board of Commissioners of the North Broward Hospital District is authorized to invest and reinvest available funds of the pension fund in accordance with the provisions of sections 215.44-215.53, Florida Statutes.

Section 20. Sale or lease of property.—The board of commissioners is authorized and empowered to lease or sell any real or personal property owned by the North Broward Hospital District or to otherwise relinquish and dispose of the district's title in such property according to the following terms and conditions:

(1) Any real or personal property of a fair value of less than an amount to be determined from time to time by resolution of the board of commissioners may be sold, or the title disposed of, according to the manner and procedure and the terms and conditions the board of commissioners at the time might determine.

(2) Any real or personal property of a fair value in excess of the amount established from time to time by resolution of the board of commissioners pursuant to subsection (1) may be sold or disposed of after the board of commissioners has determined by appropriate resolution that such property is surplus to the needs and requirements of the district and after the board of commissioners has submitted the property to the general public for offers by publishing a notice of intent to dispose of property in a newspaper of general circulation in the North Broward Hospital District at least 30 days in advance of such sale or other disposition. Any person desiring such property shall submit his or her offer to buy to the board of commissioners during such 30-day period, or during such longer period as the board might establish, along with the terms and conditions of such offer. The published notice shall be sufficient if it reasonably identifies the property in question and informs any persons interested in such property that the board of commissioners desires to dispose of said property and seeks offers to buy thereon. It is not required that such notice specify the terms or conditions desired by the district, and if such terms and conditions are included in such notice or otherwise provided, they are to be for general information only and shall not prevent the board of commissioners from accepting different terms and conditions which the board might determine to be more beneficial to the district. Offers submitted by the bidders are not required to be sealed or to be kept confidential to the district, unless otherwise specified in the published notice, and any bidder may submit any number of alternate offers at any time during the bidding period.

(3) The board of commissioners is hereby authorized and empowered to accept any bid upon surplus property and to sell or otherwise convey said property in accordance with the provisions of this section or to reject all the bids as the board of commissioners might determine to be in the best interests of the district.

(4) The board of commissioners is authorized and empowered to convey to Broward County, to any municipality or any other governmental body or agency of the state or of the United States located partially or entirely within

the boundaries of the North Broward Hospital District, to any subsidiary, either for profit or not for profit, to any not-for-profit affiliate of the district, or to any not-for-profit organization that operates primarily within the district and that supports the district's provision for the health care needs of the people of the district any property for a nominal consideration and according to those terms and conditions as the board of commissioners may at that time determine, regardless of the value of such property, whenever it appears to the board of commissioners that such conveyance would be in the best interests of the district and the residents thereof; however, such conveyance for nominal consideration to other than such subsidiaries, affiliates, or not-for-profit organizations as described in this subsection shall not be made until at least 30 days after the terms and conditions thereof have been published in a newspaper of general circulation in the North Broward Hospital District or until residents and taxpayers of the district have been afforded an opportunity to be heard upon such conveyance at a regular meeting of the board of commissioners. It is further provided, however, that the board of commissioners is authorized to give, grant, sell, or convey any easements or rights-of-way for the use of the public, for the use of public utilities, or to support in any manner deemed necessary and appropriate by the board of commissioners a subsidiary, affiliate, or not-for-profit organization as described in this subsection without any requirement for advertising or public hearing.

Section 21. Donations to district.—Any person or persons, firm, organization, corporation, or society, public or private, desiring to make donations of money, personal property, or real estate for the benefit of such district shall have the right to vest title of the money, personal property, or real estate so donated in said county to be controlled when accepted by the commissioners of said district according to the terms of the deed, gift, devise, or bequest of such property.

Section 22. Acquisition of property from the City of Fort Lauderdale.—The Board of Commissioners of the North Broward Hospital District is authorized and empowered to acquire, by gift, purchase, lease, or otherwise, personal or real property for the benefit of such hospital or hospitals; to enter into agreements or contracts in the acquisition of such real estate or personal property; and to pledge, encumber, or mortgage the acquired property as security for the debt incurred in the acquisition or purchase thereof. Notwithstanding the Charter of the City of Fort Lauderdale to the contrary, the Board of Commissioners of the North Broward Hospital District and the City of Fort Lauderdale are authorized and empowered to negotiate for the sale, transfer, acquisition, purchase, or conveyance of the present hospital or hospitals now owned by the City of Fort Lauderdale under such terms, conditions, and agreements as are acceptable to the City of Fort Lauderdale and to the district. All sales, transfers, or conveyances by the City of Fort Lauderdale to the North Broward Hospital District are hereby declared to be valid and binding, and all laws in conflict therewith are hereby declared to be repealed and invalid.

Section 23. Establishment of hospitals without issuance of bonds.—If the Board of Commissioners of the North Broward Hospital District, by reason of funds on hand, donations, or otherwise, is able to build and establish a

hospital or hospitals without issuing bonds, the board of commissioners is hereby authorized and empowered to establish such hospital or hospitals.

Section 24. Competitive bids to be sought; procedure; authority to negotiate contracts; group purchasing.—

(1)(a) All purchases of supplies, equipment, and materials for use in the operation and maintenance of a hospital or hospitals in excess of an amount to be determined from time to time by resolution of the board of commissioners not to exceed 1.5 mills of the total annual district revenues, and all contracts for construction of improvements authorized under this act at a contract price in excess of said amount, shall be approved only after competitive conditions have been maintained and competitive bids sought from at least three different sources of supply, but this does not necessarily require newspaper advertising. The board of commissioners shall have the authority to modify or negotiate to the extent provided in subsection (2).

(b) All purchases of supplies, equipment, and materials for use in the operation and maintenance of a hospital or hospitals in excess of an amount to be established from time to time by resolution of the board of commissioners not to exceed 1.5 mills of the total annual district revenues, and all contracts for construction of improvements authorized under this act at a contract price in excess of said amount, shall be made or let only after an advertisement inviting bids upon such purchases or contracts has been published in a newspaper of general circulation in the North Broward Hospital District. The board of commissioners shall have the authority to modify or negotiate to the extent provided in subsection (2).

(c) Bids upon such purchases or contracts shall be sealed and shall not be opened by the North Broward Hospital District until after the last bid to be considered has been received by the district.

(d) All purchases of supplies, equipment, and materials for use in the operation and maintenance of a hospital or hospitals made by the district may be made through participation in group purchasing plans by or with other governmental or nongovernmental agencies at the discretion of the board of commissioners. The district may purchase in accordance with prices established by such group purchasing plans where it can be demonstrated that savings to the district would be realized.

(2) Any plans and specifications provided to prospective bidders shall be solely for the purpose of identifying the purchase or construction desired, and the board of commissioners is hereby authorized and empowered to deviate from such plans, specifications, and instructions in the acceptance of any bid so long as the contract or purchase accepted is substantially similar in function and purpose to that identified. The board of commissioners is further authorized and empowered to agree with the successful bidder for changes and modifications to the successful bid, the total value of changes and modifications not to exceed 20 percent of the agreed price, without voiding the existing contract and without any further bidding procedure.

(3) No bidding procedure prescribed in this section shall apply to work performed by regular employees of the district.

(4) Whenever it reasonably appears to the board of commissioners that, by reason of an emergency or unusual conditions, compliance with the bidding procedures prescribed by this section would be detrimental to the interests of the North Broward Hospital District, the board of commissioners may by appropriate resolution identify such emergency or unusual condition and authorize the purchase or construction desired without compliance with the prescribed bidding procedures of this section.

Section 25. Bad debts.—The board of commissioners is authorized to declare accounts receivable uncollectible and to write such accounts off the active books and financial records of the district as bad debts. The board of commissioners is further authorized to destroy the account records of those accounts declared to be bad debts, but such records shall not be destroyed earlier than 4 years after the annual audit of the district reflecting such writeoff has been sent to the office of the Florida Chief Financial Officer, as required by law.

Section 26. Settlement of claims of district against others.—The board of commissioners shall be authorized and empowered to compromise and settle any accounts receivable or other claim on money due and owing to the district according to such terms and conditions as the board of commissioners in its discretion might determine. It is expressly provided that factors which may be considered by the board of commissioners in such compromise are the ability of the debtors to pay and the probabilities of collection in full. The board of commissioners is further authorized and empowered to sell, assign, or convey to any person the right, title, and interest of the district in any account receivable or judgment owned by the district by full or partial payment of such account or judgment as the board of commissioners in its discretion might determine. The board of commissioners is further authorized and empowered to subordinate its interest in any mortgage or judgment lien to the interests of any third parties according to such terms and conditions as the board of commissioners in its discretion might determine.

Section 27. Payments to other medical institutions.—The board of commissioners is authorized and empowered to obligate the district for the payment of hospital and nursing home expenses for patients transferred from hospitals of the district to such other institutions at the district's request, provided that said patients shall be first certified to be medically indigent by the North Broward Hospital District, based upon the definition and standards used by the state. The authority to obligate the district to such institutions may be delegated by the board of commissioners to such administrative officers of the district as the board might believe to be necessary and proper, and such obligations may be incurred by the district according to such circumstances, terms, and conditions as the board of commissioners might determine or specify.

Section 28. Parking facilities.—The board of commissioners is authorized and empowered to establish, construct, and maintain such automobile parking facilities upon district property as the board of commissioners in its

discretion might determine to be necessary and proper to a hospital facility. The board of commissioners is further authorized and empowered to charge such fee for the use of such facilities as it might determine.

Section 29. Medical research.—The board of commissioners is hereby authorized and empowered at any time in its discretion to establish, maintain, or participate in such programs and projects of and for medical research, education, and development affecting human physical or mental health and well being as it may deem desirable. In connection with such programs and projects, the board of commissioners is authorized and empowered to cooperate with public and private educational or research institutions, corporations, foundations, or organizations of any and all types as well as agencies, departments, divisions, branches, or bodies of government, or created by government, whether federal, state, county, municipal, or otherwise. In furtherance of such programs and projects, said board of commissioners is further authorized and empowered to expend moneys and utilize assets and property, real or personal, of the district and to receive donations, grants, or gifts of money or property, real or personal, from any person or persons, firm, organization, corporation, society, institution, foundation, or legal entity of whatever nature, whether private, governmental, or public.

Section 30. Fiscal year.—Notwithstanding the provisions of section 218.33, Florida Statutes, the fiscal year of the North Broward Hospital District shall commence July 1 and end June 30 of each calendar year.

Section 31. Use of Florida Industrial Development Financing Act.—The district is hereby declared to be a local agency as defined in section 159.27, Florida Statutes, and shall have all additional powers set forth in part II of chapter 159, Florida Statutes, to be exercised in furtherance of the purposes of the district.

Section 32. Transfer or lease of facilities to not-for-profit corporations authorized.—

(1) The district shall have the authority to transfer, by lease, installment sale agreement, or otherwise, any or all of its hospitals and other facilities to one or more Florida not-for-profit corporations for the purpose of operating and managing such facilities and to enter into leases with one or more Florida not-for-profit corporations for the operating of such facilities. The term of any such lease, contract, or agreement and the conditions, covenants, and agreements to be contained therein shall be determined by the board.

(2) Any lease, contract, or agreement made pursuant to subsection (1) shall:

(a) Provide that the articles of incorporation of such not-for-profit corporations initially be subject to the approval of the board of commissioners of the district.

(b) Require that the not-for-profit corporations become qualified under s. 501(c)(3) of the United States Internal Revenue Code.

(c) Provide for the orderly transition of such facilities to not-for-profit corporations.

(d) Provide for the return of such facility to the district upon the termination of such agreement or the dissolution of such not-for-profit corporations.

Section 33. Community Redevelopment Act of 1969.—

(1) Notwithstanding the provisions of part III of chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, the North Broward Hospital District shall not be deemed to be a public body or taxing authority as those terms are used in part III of chapter 163, Florida Statutes.

(2) This section shall not apply with respect to community redevelopment agencies established prior to January 1, 2002.

Section 34. Liberal construction of act.—The provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for in this act, and where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 4. Severability.—Any provision of this act which for any reason may be held or declared invalid or unenforceable may be eliminated, and the remaining portion or portions thereof shall remain in full force and be valid and enforceable as if such invalid or unenforceable provision had not been incorporated therein.

Section 5. Chapters 27438 (1951), 61-1931, 61-1937, 63-1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-363, Laws of Florida, are repealed.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.