

Resolution FY22-08

Resolution Governing the Disposition of Surplus Personal Property of the District

WHEREAS, the North Broward Hospital District (the “District”) is a special district, as such term is defined under § 189.012(6), Florida Statutes, established in 1951 through authority granted by the Florida Legislature under Ch. 27438, Laws of Florida, as recodified in ch. 2006-347, Laws of Florida, as amended (collectively, the “District’s Charter”);

WHEREAS, from time to time, the District possesses tangible personal property of a nonconsumable nature that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function (“Surplus Property”);

WHEREAS, it is within the best interests of the District that such Surplus Property be disposed of pursuant to the District’s Charter and Florida law;

WHEREAS, section 20 of the District’s Charter provides the procedure for disposing of Surplus Property;

WHEREAS, in accordance with § 274.09, Florida Statutes, the provisions of ch. 274, Florida Statutes, is cumulative and supplementary to section 20 of the District’s Charter and likewise governs the disposition of Surplus Property;

WHEREAS, in addition to formal notice and procedural requirements, certain inventorying and recording of Surplus Property must be kept consistent with § 274.02 and § 274.07, Florida Statutes, as well as Fla. Admin. Code. R. 69I-73.001, *et seq.*;

WHEREAS, the Board of Commissioners of the District wish, in accordance with the District’s Charter and Florida law, to set forth the following procedure and recordation requirements governing the disposition of the District’s Surplus Property; and

WHEREAS, unless context otherwise requires, capitalized terms used but not defined herein have the meanings ascribed to such terms in the Amended and Restated Bylaws of the North Broward Hospital District and its accompanying Codified Resolutions of the Board of Commissioners of the North Broward Hospital District.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the North Broward Hospital District, that:

1. The following procedure be established governing the disposition of Surplus Property of the District.
2. *Definitions.* For purposes of this Policy, the following words shall have the meanings set forth below and ascribed to them regardless of whether they are capitalized unless the context in which they are used clearly requires a different meaning:
 - (a) *Board* shall mean the Board of Commissioners of North Broward Hospital District.
 - (b) *Custodian* shall mean the person to whom the custody of the District’s Property has been delegated.
 - (c) *District* shall mean the North Broward Hospital District and all of its wholly-owned subsidiaries and affiliates.
 - (d) *District’s Charter* shall mean ch. 2006-347, Laws of Florida, as amended.
 - (e) *Governmental Unit* shall mean Broward County, Broward County Sheriff’s Office, or any other taxing district within Broward County.
 - (f) *Political Subdivision* shall mean any counties, cities, towns, villages, special districts, special tax school districts, special road and bridge districts, bridge districts, and all other districts and political subdivisions in the State of Florida which do not otherwise fall within the definition of a Governmental Unit.
 - (g) *Private Nonprofit Agency* shall mean a nonprofit charitable organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, which has been held to be tax-exempt under the provisions of § 501 of the Internal Revenue Code of 1954, and which has

as its principal mission public health and welfare; education; environmental restoration and conservation; civil and human rights; or the relief of human suffering and poverty.

- (h) *Private Persons or Entities* shall mean individuals, sole proprietors, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, companies, unincorporated organizations, other legal entity or organizations, and all other groups or combinations thereof which do not otherwise fall within the definition of a Private Nonprofit Agency.
 - (i) *Property* shall mean tangible personal property of the District which is of a nonconsumable nature.
 - (j) *Spending Threshold* shall have the same meaning as Spending Threshold referenced in the Board's Procurement Policy entitled Threshold Categories of the Procurement Code incorporated in the Procurement Policy Table, as amended from time to time and then in effect.
 - (k) *Surplus Property* shall mean Property of the District that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function.
3. *Classification and Method of Disposition of Surplus Property.* Property of the District, that is not otherwise lawfully disposed of, may be declared as Surplus Property upon occurrence of one (1) of the following:
- (a) *Classification and Disposition Method of Surplus Property with Commercial Value Under the Spending Threshold.* Property, the estimated value of which is less than the Spending Threshold, may be declared and classified as Surplus Property by the District's President and Chief Executive Officer, or his or her designee, and the method of the disposition of the Surplus Property (as explained in greater detail below) may also be made by the District's President and Chief Executive Officer, or his or her designee.
 - (b) *Classification and Disposition Method of Surplus Property with Commercial Value Equal to or Above the Spending Threshold.* Property, the estimated value of which is equal to or more than the Spending Threshold, may only be declared and classified as Surplus Property by the Board, and the method of the disposition of such Surplus Property (as explained in greater detail below) may only be made by the Board. The foregoing classifications shall be made via one (1) or more appropriate resolution(s) identifying the method of disposition of such Surplus Property and that the Property in question is surplus to the needs and requirements of the District.
4. *Publication Notice for Disposition of Surplus Property.* Following the classification of Property of the District as Surplus Property, but before such Property may be disposed of, the District shall comply with the following publication and notice requirements as applicable:
- (a) *No Notice for Disposition of Surplus Property with no Commercial Value.* Surplus Property possessing no commercial value may be disposed of in any lawful manner without formal newspaper publication.
 - (b) *Publication Notice for Disposition of Surplus Property to Governmental Units or Private Nonprofit Agencies.*
 - (1) *Surplus Property with Commercial Value Under the Spending Threshold Sold or Donated to a Governmental Unit or Private Nonprofit Agency.* Surplus Property possessing commercial value, but the estimated commercial value of which is less than the Spending Threshold, may be offered by sale or donation without any formal newspaper publication to a Governmental Unit or Private Nonprofit Agency.
 - (2) *Surplus Property with Commercial Value Equal to or Above the Spending Threshold Sold or Donated to a Governmental Unit or Private Nonprofit Agency.* Surplus Property, the estimated commercial value of which is equal to or more than the Spending Threshold, may be offered by sale or donation to a Governmental Unit or Private Nonprofit Agency after publishing a notice of intent to dispose of such Surplus Property in a newspaper of general circulation in Broward County at least thirty (30) days in advance of such sale or donation. Consistent with § 274.05, Florida Statutes

and section 20 of the District's Charter, the published notice shall be sufficient if it reasonably identifies the Surplus Property in question, discloses the value and condition of the Surplus Property, and informs any Governmental Unit or Private Nonprofit Agency interested in such property that the Board desires to dispose of said Surplus 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 from accepting different terms and conditions which the Board might determine to be more beneficial to the District. Offers submitted by Governmental Units or Private Nonprofit Agencies are not required to be sealed or to be kept confidential to the District, unless otherwise specified in the published notice, and any Governmental Unit or Private Nonprofit Agency may submit any number of alternate offers at any time during the bidding period.

(c) *Publication Notice for Disposition of Surplus Property to the State of Florida, Political Subdivisions, and Private Persons or Entities.*

- (1) *Surplus Property with Commercial Value Under \$5000 to the State of Florida, Political Subdivisions, and Private Persons or Entities.* Surplus Property possessing commercial value, but the estimated commercial value of which is less than \$5,000, may be disposed of and sold to the State of Florida, Political Subdivisions, or Private Persons or Entities, without any formal notice, in the most suitable, appropriate, efficient, and cost-effective means as determined by the District's President and Chief Executive Officer, or his or her designee, in the reasonable exercise of their discretion and having consideration for the best interests of the District.
- (2) *Surplus Property with Commercial Value Equal to or Above \$5000 but Less than the Spending Threshold to the State of Florida, Political Subdivisions, and Private Persons or Entities.* Surplus Property, the estimated commercial value of which is equal to or more than \$5,000 but less than the Spending Threshold, may be disposed of and sold to the State of Florida, Political Subdivisions, or Private Persons or Entities after providing publication of notice not less than one (1) week nor more than two (2) weeks prior to sale in a newspaper having a general circulation in Broward County.
- (3) *Surplus Property with Commercial Value Equal to or Above the Spending Threshold to the State of Florida, Political Subdivisions, and Private Persons or Entities.* Surplus Property, the estimated commercial value of which is equal to or more than the Spending Threshold, may be disposed of and sold to the State of Florida, Political Subdivisions, or Private Persons or Entities after (i) publishing a notice of intent to dispose of such Surplus Property in a newspaper of general circulation in Broward County at least thirty (30) days in advance of the sale or disposition of the Surplus Property with such notice reasonably identifying the Surplus Property in question and informing any interested parties that the Board desires to dispose of the Surplus Property and seeks offers to buy thereon consistent with the notice requirements of section 20 of the District's Charter; and (ii) providing an additional publication of notice not less than one (1) week nor more than two (2) weeks prior to sale or disposition in a newspaper of general circulation in Broward County.

5. *Method of Disposition of Surplus Property.* Following the classification of Property as Surplus Property and proper publication of notice as applicable, such Surplus Property shall be disposed of as follows:

(a) *Method of Disposition of Surplus Property with no Commercial Value.*

- (1) *Destruction or Abandonment of Surplus Property with no Commercial Value.* Surplus Property possessing no commercial value may be lawfully destroyed or abandoned by the District in the most suitable, appropriate, efficient, and cost-effective means as determined by the District's President and Chief Executive Officer, or his or her designee, in the reasonable exercise of their discretion and having consideration for the best interests of the District.

- (2) *Donation of Surplus Property with no Commercial Value.* Surplus Property possessing no commercial value may be donated to the State of Florida, a Political Subdivision, a Governmental Unit, or a Private Nonprofit Agency as provided herein; provided, however, that Surplus Property possessing any commercial value may not be donated to the State of Florida or a Political Subdivision, and Surplus Property, regardless of its commercial value, may not be donated to any Private Persons or Entities.
- (b) *Method of Disposition of Surplus Property with Commercial Value to Governmental Units and Private Nonprofit Agencies.*
- (1) *Surplus Property with Commercial Value Below the Spending Threshold Sold or Donated to a Governmental Unit or Private Nonprofit Agency.* Surplus Property possessing commercial value, but the estimated commercial value of which is less than the Spending Threshold, may be offered by sale or donation to a Governmental Unit or Private Nonprofit Agency without Board approval as determined by the District’s President and Chief Executive Officer, or his or her designee, within the reasonable exercise of their discretion and having consideration for the best interests of the District, and in accordance with § 274.05, Florida Statutes, as amended.
 - (2) *Surplus Property with Commercial Value Equal to or Above the Spending Threshold Sold to a Governmental Unit or Private Nonprofit Agency.* Surplus Property, the estimated commercial value of which is equal to or more than the Spending Threshold, may be offered by sale or donation to a Governmental Unit or Private Nonprofit Agency following approval by the Board and in accordance with § 274.05, Florida Statutes and section 20 of the District’s Charter, both as amended from time to time, after publication of notice consistent with the “Publication Notice for Disposition of Surplus Property” section of this Policy.
 - (3) *Disclosure of Value and Condition.* The value and condition must be disclosed for all Surplus Property offered for sale to a Governmental Unit or Private Nonprofit Agency.
 - (4) *Costs of Transfer Borne by the Receiving Governmental Units or Private Nonprofit Agencies.* The cost of transferring Surplus Property under this subsection shall always be borne and paid by the Governmental Unit or the Private Nonprofit Agency purchasing or receiving the donation of the Surplus Property.
- (c) *Method of Disposition of Surplus Property with Commercial Value to the State of Florida, Political Subdivisions, and Private Persons or Entities.*
- (1) *Surplus Property with Commercial Value Under \$5000 to the State of Florida, Political Subdivisions, and Private Persons or Entities.* Surplus Property possessing commercial value, but the estimated commercial value of which is less than \$5,000, may be sold to the State of Florida, Political Subdivisions, or Private Persons or Entities without Board approval in the most suitable, appropriate, efficient, and cost-effective means as determined by the District’s President and Chief Executive Officer, or his or her designee, in the reasonable exercise of their discretion and having consideration for the best interests of the District.
 - (2) *Surplus Property with Commercial Value Equal to or Above \$5000 to the State of Florida, Political Subdivisions, and Private Persons or Entities.* Surplus Property, the estimated commercial value of which is equal to or more than \$5,000 but less than the Spending Threshold, may be sold to the State of Florida, Political Subdivisions, or Private Persons or Entities without Board approval consistent with § 274.06, Florida Statutes, as amended, and shall be sold only to the highest responsible bidder by quote, sealed bid, or by public auction after publication of notice consistent with the “Publication Notice for Disposition of Surplus Property” section of this Policy.

- (3) *Surplus Property with Commercial Value Equal to or Above the Spending Threshold to Private Persons or Entities.* Surplus Property, the estimated commercial value of which is equal to or more than the Spending Threshold, may be disposed of to the State of Florida, Political Subdivisions, or Private Persons or Entities consistent with § 274.06, Florida Statutes and section 20 of the District’s Charter, both as amended from time to time, following approval by the Board and shall be sold only to the highest responsible bidder, or by public auction after publication of notice consistent with the “Publication Notice for Disposition of Surplus Property” section of this Policy.

6. *Recordation of Surplus Property.*

- (a) *Recordation of Surplus Property Disposed of Under \$5000.* All Surplus Property with no commercial value or with an estimated commercial value less than \$5,000 shall be recorded by the Custodian in the manner prescribed and determined by the District’s President and Chief Executive Officer, or his or her designee, within the reasonable exercise of their discretion and having consideration for the best interests of the District.
- (b) *Recordation of Surplus Property Disposed of Equal to or Above \$5000.* All Surplus Property, the estimated commercial value of which is equal to or more than \$5,000, shall be recorded by the Custodian in the manner prescribed under § 274.02, Florida Statutes and Fla. Admin. Code R. 69I-73.001, *et seq.*, all as amended from time to time and any successive statute or regulation thereof.
- (c) *Board Recordation.* In addition to the requirements for recording the disposition of Surplus Property with a commercial value equal to or more than \$5,000, the authority for the disposal of Property deemed by the Board as Surplus Property shall be recorded in the minutes of a regular meeting or special meeting of the Board called for that purpose. The form and method by which the disposal shall be by resolution adopted during a regular or special meeting of the Board.

7. *Consistency with Florida Law.* In all circumstances, the disposition of Surplus Property shall be consistent with ch. 274, Florida Statutes and section 20 of the District’s Charter, all as amended from time to time and then in effect. The above-mentioned Policy shall be read consistent with the foregoing laws and to the extent the above-mentioned Policy conflicts with or otherwise modifies the foregoing laws, the foregoing laws shall control as if fully set forth herein.

8. The foregoing procedure shall be codified within Chapter 6 of the Codified Resolutions of the Board of Commissioners of the North Broward Hospital District.

9. This Resolution is effective immediately upon its ratification by the Board.

10. This Resolution hereby supersedes, amends, replaces, and repeals any conflicting resolution or conflicting policy previously adopted by the Board.

DULY ADOPTED this ___ day of November, 2021.

Time Adopted _____ PM