

Bill No. CS for SB 1190

Barcode 281758

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Atwater moved the following amendment:

Senate Amendment (with title amendment)

On page 4, line 11, through
page 5, line 12, delete those lines

and insert: documents, the transaction involving the sale or
lease of a hospital shall not be construed as:

(a) A transfer of a governmental function from the
county, district, or municipality to the private purchaser or
lessee;

(b) Constituting a financial interest of the public
lessor in the private lessee; or

(c) Making a private lessee an integral part of the
public lessor's decisionmaking process.

(7) The lessee of a hospital, under ~~pursuant to~~ this
section or any special act of the Legislature, operating under
a lease shall not be construed to be "acting on behalf of" the
lessor as that term is used in statute, unless the lease
document expressly provides to the contrary.

(8)(a) If whenever the sale of a public hospital by a

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1 public agency to a private corporation or other private entity
2 pursuant to this section or pursuant to a special act of the
3 Legislature reflects that:

4 1. The private corporation or other private entity
5 purchaser acquires 100 percent ownership in the hospital
6 enterprise;

7 2. The private corporation or other private entity
8 purchases the physical plant of the hospital facility and has
9 complete responsibility for the operation and maintenance of
10 the facility, regardless of ownership of the underlying real
11 property;

12 3. The public agency seller retains no control over
13 decisionmaking or policymaking for the hospital;

14 4. The private corporation or other private entity
15 purchaser receives no funding from the public agency seller
16 other than by contract for services rendered to patients for
17 whom the public agency seller has the responsibility to pay
18 for hospital or medical care;

19 5. The public agency seller makes no substantial
20 investment in or loans to the private entity;

21 6. The private corporation or other private entity
22 purchaser was not created by the public entity seller; and

23 7. The private corporation or other private entity
24 purchaser operates primarily for its own financial interests
25 and not primarily for the interests of the public agency,

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27 such a sale shall be considered a complete sale of the public
28 agency's interest in the hospital.

29 (b) A complete sale of a hospital as described in this
30 subsection shall not be construed as:

31 1. A transfer of a governmental function from the

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1 county, district, or municipality to the private corporation
2 or other private entity purchaser;

3 2. Constituting a financial interest of the public
4 agency in the private corporation or other private entity
5 purchaser;

6 3. Making the private corporation or other private
7 entity purchaser an "agency" as that term is used in statutes;

8 4. Making the private corporation or other private
9 entity purchaser an integral part of the public agency's
10 decisionmaking process; or

11 5. Indicating that the private corporation or other
12 private entity purchaser is "acting on behalf of a public
13 agency" as that term is used in statute.

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, lines 6-11, delete those lines

19
20

and insert:

21 private purchaser; providing conditions that
22 must be met in order for a sale to be
23 considered a complete sale; providing an
24 effective date.

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