



051714

CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/9/2008 8:47 PM

1 Senator Peaden moved the following **amendment**:

2
3 **Senate Amendment (with directory and title amendments)**

4 Delete line(s) 165-180

5 and insert:

6 (6) JUDICIAL REVIEW.--

7 (d) The party appealing a final order that grants a general
8 hospital certificate of need shall pay the appellee's attorney's
9 fees and costs from the beginning of the original administrative
10 action if the appealing party loses the appeal, subject to the
11 following limitations and requirements:

12 1. Up to \$1 million if the hospital is a statutory teaching
13 hospital pursuant to s. 408.07(45), a public hospital owned or
14 operated by a governmental entity as defined in s. 395.002(11),
15 or designated as a statutory rural hospital pursuant to s.
16 408.07(43);

17 2. Up to \$2 million if the hospital does not fall within



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18 | the definitions enumerated in subparagraph 1.; and
19 | 3. The party appealing a final order must post a bond in
20 | the amount of \$1 million in order to maintain the appeal.

21 |
22 | Except as provided under s. 120.595(5), in no event shall the
23 | agency be held liable for any other party's attorney's fees or
24 | costs.

25 | Section 4. Subsection (3) of section 408.040, Florida
26 | Statutes, is repealed.

27 | Section 5. The provisions of this act do not apply to a
28 | certificate of need application filed before the effective date
29 | of this act.

30 | Section 6. If any provision of this act or its
31 | application to any person or circumstance is held invalid, the
32 | invalidity does not affect other provisions or applications of
33 | the act which can be given effect without the invalid provision
34 | or application, and to this end the provisions of this act are
35 | severable.

36 |
37 | ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

38 | And the directory clause is amended as follows:

39 | Delete line(s) 113-116

40 | and insert:

41 | Section 3. Paragraph (d) is added to subsection (6) of
42 | section 408.039, Florida Statutes, to read:

43 |
44 | ===== T I T L E A M E N D M E N T =====

45 | And the title is amended as follows:

46 | Delete line(s) 14-21

47 | and insert:



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48 application for a general hospital; requiring that the
49 party appealing a final order granting a certificate of
50 need for a general hospital pay the appellee's attorney's
51 fees and costs subject to certain requirements; providing
52 that the agency may not be held liable for any other
53 party's attorney's fees or costs; repealing s. 408.040(3),
54 F.S., relating to a requirement for an architect's
55 certification of final payment before issuance of a
56 certificate of need; providing for application of the act;
57 providing for severability; providing an effective date.