



655154

CHAMBER ACTION

Senate

House

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Floor: 3/AD/2R  
4/10/2008 9:46 AM

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

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

4 Delete line(s) 165-180

5 and insert:

6  
7 (6) JUDICIAL REVIEW.--

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

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



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18       2. Up to \$2 million if the appealing hospital does not fall  
19 within the definitions enumerated in subparagraph 1.; and

20       3. The party appealing a final order must post a bond in  
21 the amount of \$1 million in order to maintain the appeal.

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

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27 Statutes, is repealed.

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

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

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

39 And the directory clause is amended as follows:

40       Delete line(s) 113-116

41 and insert:

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

45  
46 ===== T I T L E   A M E N D M E N T =====

47 And the title is amended as follows:



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48 Delete line(s) 14-21

49 and insert:

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