

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Wood offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 201-238 and insert:

5 (10) Upon conclusion of all hearings and proceedings, and  
6 upon consideration of all evidence presented, the court shall  
7 render a final judgment as to whether the governing board  
8 complied with the process provided in this section. In reaching  
9 its final judgment, the court shall determine whether:

10 (a) The proposed transaction is permitted by law.

11 (b) The governing board reviewed all proposals.

12 (c) The governing board publicly advertised the meeting at  
13 which the proposed transaction was considered by the board in  
14 compliance with ss. 286.0105 and 286.011.

15 (d) The governing board publicly advertised the offer to  
16 accept proposals in compliance with s. 255.0525.

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17 (e) The governing board did not act arbitrarily and  
18 capriciously in making the determination to sell or lease the  
19 hospital assets, selecting the proposed purchaser or lessee, and  
20 negotiating the terms of the sale of lease.

21 (f) Any conflict of interest was disclosed, including, but  
22 not limited to, conflicts of interest relating to members of the  
23 governing board and experts retained by the parties to the  
24 transaction.

25 (g) The seller or lessor will receive fair market value  
26 for the assets, which includes an explanation of why the public  
27 interest is served by the proposed transaction.

28 (h) The governing board incorporated a provision in the  
29 sale or lease requiring the acquiring entity to continue to  
30 provide existing programs and services and quality health care  
31 to all residents of the affected community, particularly to the  
32 indigent, the uninsured, and the underinsured.

33 (i) The proposed transaction will result in a reduction or  
34 elimination of ad valorem or other taxes used to support the  
35 hospital.

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**T I T L E A M E N D M E N T**

Remove lines 28-30 and insert:  
requiring the court to enter a final judgment; requiring  
the board to pay costs associated with