



862950

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Health Regulation (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 94 - 138  
and insert:

(3) Any sale, lease, or contract entered into pursuant to this section prior to the effective date of this act must have complied with the requirements of subsection (2) in effect at the time of the sale, lease, or contract. Any lease modification, renewal, or, extension relating to a hospital that was leased before the effective date of this act is not subject to this section. It is the intent of the Legislature that this section does not impose any further requirements with respect to



862950

13 the formation of any for-profit or not-for-profit Florida  
14 corporation, the composition of the board of directors of any  
15 Florida corporation, or the manner in which control of the  
16 hospital is transferred to the Florida corporation.

17 (4) As used in this section, the term:

18 (a) "Affected community" means those persons residing  
19 within the geographic boundaries defined by the charter of the  
20 county, district, or municipal hospital, or if the boundaries  
21 are not specifically defined by charter of the hospital, by the  
22 geographic area from which 75 percent of the county, district,  
23 or municipal hospital's inpatient admissions are derived.

24 (b) "Fair market value" means the price that a seller or  
25 lessor is willing to accept and a buyer or lessee is willing to  
26 pay on the open market and in an arms-length transaction, or  
27 what an independent expert in hospital valuation determines the  
28 fair market value to be.

29 (c) "Interested party" includes any person submitting a  
30 proposal for sale or lease of the county, district, or municipal  
31 hospital, as well as the governing board.

32 (5) Within 45 calendar days after July 1, 2012, the  
33 governing board of a county, district, or municipal hospital  
34 shall commence an evaluation of the possible benefits to an  
35 affected community from the sale or lease of hospital facilities  
36 owned by the board to a not-for-profit or for-profit entity. In  
37 the course of such evaluation, the board shall:

38 (a) Conduct a public hearing to provide interested persons  
39 the opportunity to be heard on the matter.

40 (b) Publish notice of the public hearing in one or more  
41 newspapers of general circulation in the county in which the



862950

42 majority of the physical assets of the hospital are located and  
43 in the Florida Administrative Weekly at least 15 days before the  
44 hearing is scheduled to take place.

45 (c) Contract with a certified public accounting firm or  
46 other firm having substantial expertise in the valuation of  
47 hospitals for an independent valuation of the hospital's fair  
48 market value, with such valuation being available to the public  
49 before the scheduled public hearing.

50 (d) Consider an objective operating comparison between a  
51 hospital or hospital system operated by the district, county, or  
52 municipality and

53

54

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

56 And the title is amended as follows:

57 Delete line 5

58 and insert:

59 market value," and "interested party"; requiring the