

073-274—August 14, 1974

STATE

LICENSING REQUIRED FOR STATE HOSPITALS

To: *Richard S. Hodes, Chairman, House Committee on Health and Rehabilitative Services, Tampa*

Prepared by: *Jan Dunn, Assistant Attorney General*

QUESTIONS:

1. Are hospitals owned and operated by the State of Florida subject to the same laws and regulations relative to licensure as other hospitals?
2. If so, is the inspection and enforcement of these laws and regulations required of the Division of Health?

SUMMARY:

Hospitals owned and operated by the State of Florida are subject to the laws and regulations relative to licensure provided by Ch. 395, F. S. The duty of inspection and enforcement of these laws and regulations is vested in the Division of Health of the Department of Health and Rehabilitative Services.

The licensing statute in question is §395.03, F. S., which provides that:

After December 31, 1947, no person or governmental unit acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain a hospital in this state without a license under this law.

A governmental unit is defined as "the state, or any county, municipality, or other political subdivision or any department, division, board or other agency of any of the foregoing." Section 395.01(3), *id.* "Severally" means "distinctly, separately, apart from others." Black's Law Dictionary, 4th ed. "Jointly" is defined as "not separately; in conjunction," *id.* Therefore, under §395.03, *supra*, the state, including the Department of Health and Rehabilitative Services, the Department of Education, or any other governmental unit establishing or operating a hospital by itself or in conjunction with any other governmental unit or private person must have a license to operate. Since there are no distinctions in any of the hospital licensing statutes (Ch. 395, F. S.) between public and private hospitals, it follows that all hospitals are subject to the same laws and regulations relative to licensure. Your first question is thus answered in the affirmative.

Under Ch. 395, F. S., the duties of inspection and enforcement of licensing laws and regulations are given to the "licensing agency." Sections 395.07-395.09. "Licensing Agency" is defined in §395.01(4) as the Division of Health of the Department of Health and Rehabilitative Services.

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DECEDENTS

DISPOSITION OF REMAINS

To: *Jon C. Thomas, Representative, 86th District, Fort Lauderdale*

Prepared by: *Jan Dunn, Assistant Attorney General*