Florida Senate - 2005

By Senator Clary

4-629-05

1	A bill to be entitled
2	An act relating to hospitals that provide
3	charity care; creating a commission to study
4	the effect of the 2004 hurricane season on
5	certain hospitals and identify hospitals unable
6	to comply with the Florida Building Code or
7	located in flood-prone areas; providing for
8	membership, reimbursement, and duties of the
9	study commission; requiring the Department of
10	Community Affairs to provide staff for the
11	study commission; requiring the commission to
12	submit a report and recommendations to the
13	Governor and the Legislature; providing an
14	effective date.
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16	WHEREAS, the state of Florida experienced four major
17	hurricanes during 2004, and
18	WHEREAS, the state recognizes the importance of
19	maintaining a system of hospitals throughout the state to
20	ensure that the underserved population has access to hospitals
21	when the need arises and acknowledges that these hospitals
22	serve a critical state purpose in providing this care, and
23	WHEREAS, it is an important state interest to ensure
24	that these hospitals continue to provide health care services
25	to the state's underserved populations, and
26	WHEREAS, many hospitals and health care facilities
27	sustained significant structural damage to their facilities in
28	2004, and
29	WHEREAS, hospitals that provide the majority of
30	safety-net care for indigent and charity cases were forced to
31	operate in facilities that were not structurally sound, and
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1 WHEREAS, these hospitals do not have the ability to 2 care for patients at alternative sites during natural 3 disasters, and WHEREAS, these hospitals do not have the capital needed 4 to invest in the significant infrastructure costs associated 5 6 with hurricane damage, and 7 WHEREAS, these hospitals have been in existence for 8 many years and have become geographically place-bound, with 9 little opportunity to expand beyond their current property lines, NOW, THEREFORE, 10 11 12 Be It Enacted by the Legislature of the State of Florida: 13 Section 1. (1) STUDY COMMISSION. -- There is created a 14 study commission to address critical issues relating to 15 hospitals serving indigent populations and licensed under 16 chapter 395, Florida Statutes, which sustained significant 17 18 damage to their facilities during the 2004 hurricane season. (2) SUBJECT OF STUDY.--19 (a) The commission shall identify: 20 21 1. All hospitals that are currently not able to comply 22 with the provisions of the Florida Building Code as defined in 23 chapter 553, Florida Statutes, and any associated 2.4 administrative rules; 25 2. Hospitals that are located within 10 miles of the coastline; and 26 27 3. Hospitals that are located in a designated flood zone. 28 29 (b) The study commission shall make recommendations for allowing these hospitals to find alternative methods of 30 renovating their existing facility in order to meet the 31

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1 requirements of the Florida Building Code, including an 2 evaluation of whether any hospital located in a county that experienced or may experience significant hurricane damage 3 4 should be exempt from the certificate-of-need process for the purpose of relocating its currently licensed beds to a 5 6 facility that is not located on the main hospital campus. 7 (c) The commission shall review and determine whether 8 hospitals located within 10 miles of the coastline or in a designated flood zone shall be allowed to have satellite beds 9 10 for use in the future. (3) REPORT. -- The commission shall meet by September 1, 11 12 2005, and shall submit recommendations, including recommendations for statutory changes, to the Governor, the 13 President of the Senate, and the Speaker of the House of 14 Representatives by January 1, 2006. Such recommendations shall 15 also include an evaluation of whether grant funds should be 16 17 made available to assist hospitals with the cost of 18 reconstructing existing facilities. (4) MEMBERSHIP. -- The study commission shall be staffed 19 by the Department of Community Affairs and shall include: 2.0 21 (a) The Secretary of Community Affairs, or his or her 2.2 designee; 23 (b) The Director of the Division of Emergency Management, or his or her designee; 2.4 (c) The Secretary of Health Care Administration, or 25 his or her designee; 26 27 (d) The Secretary of Health, or his or her designee; 2.8 and 29 (e) A director of county emergency management, 30 selected by the Florida Association of Counties. 31

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(5) REIMBURSEMENT.--Members of the study commission shall serve without remuneration, but are entitled to reimbursement in accordance with section 112.061, Florida Statutes, for per diem and travel expenses incurred in performing their duties in accordance with this section. б Section 2. This act shall take effect upon becoming a law. SENATE SUMMARY Creates a commission to study the effect of the 2004 hurricane season on hospitals that provide charity care. Provides for membership, reimbursement for per diem and travel expenses, and duties of the study commission. Requires the Department of Community Affairs to staff the study commission. Requires the commission to submit a report and recommendations to the Governor and to legislative leaders by January 1, 2006. 2.4

SB 662

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