

1 A bill to be entitled
2 An act relating to emergency medical air
3 transportation services; creating s. 401.2515, F.S.;
4 providing a short title; providing definitions;
5 directing the Department of Health to establish the
6 Emergency Medical Air Transportation Act Account
7 within the Emergency Medical Services Trust Fund;
8 requiring the department to use the moneys in such
9 account for specified purposes; providing duties of
10 the director of the Division of Emergency Preparedness
11 and Community Support; providing conditions for the
12 department to increase Florida Medicaid reimbursement
13 payments to emergency medical air transportation
14 services providers; amending ss. 318.18 and 318.21,
15 F.S.; requiring an additional penalty to be imposed
16 for certain moving violations; providing for
17 distribution and use of the moneys received; providing
18 an effective date.

19
20 WHEREAS, emergency medical air transportation services
21 providers offer lifesaving transportation to persons critically
22 injured in motor vehicle accidents, transporting them directly
23 from the scene of the accident to a trauma center, and

24 WHEREAS, emergency medical air transportation services
25 providers transport all emergency patients regardless of whether

26 | he or she has medical insurance or the ability to pay for the
27 | service, and

28 | WHEREAS, emergency medical air transportation services
29 | providers are ineligible to apply for additional federal funding
30 | for providing such services to a large number of Medicaid,
31 | uninsured, or underinsured patients pursuant to the Florida
32 | Medicaid program, and

33 | WHEREAS, emergency medical air transportation services
34 | providers cover multiple counties within a 100-mile radius of
35 | their bases, and their transports often originate in a county
36 | other than their own, making it difficult for providers in small
37 | counties to receive local funding, and

38 | WHEREAS, the Florida Medicaid program reimburses emergency
39 | medical air transportation services providers at a rate that is
40 | far less than what it costs the providers to provide such
41 | services and does not reimburse the providers if the patient is
42 | indigent and ineligible for Medicaid, and

43 | WHEREAS, fines and penalties for traffic violations
44 | discourage dangerous driving behaviors and, for certain traffic
45 | violations, a portion of the fines and penalties is used to fund
46 | health care and rehabilitation programs for victims of dangerous
47 | drivers, and

48 | WHEREAS, an additional penalty for each moving traffic
49 | violation will help support emergency medical air transportation
50 | services, and

51 WHEREAS, emergency medical air transportation services are
 52 essential in the statewide emergency medical services system,
 53 including disaster response and homeland security, and

54 WHEREAS, the Legislature determines that there is an
 55 important state interest in supporting these vital services,
 56 NOW, THEREFORE,

57

58 Be It Enacted by the Legislature of the State of Florida:

59

60 Section 1. Section 401.2515, Florida Statutes, is created
 61 to read:

62 401.2515 Emergency medical air transportation services.-

63 (1) This section may be cited as the "Emergency Medical
 64 Air Transportation Act."

65 (2) As used in this section, the term:

66 (a) "Air mileage rate" means the per-mile reimbursement
 67 rate paid for services rendered by rotary-wing and fixed-wing
 68 providers.

69 (b) "Director" means the director of the Division of
 70 Emergency Preparedness and Community Support.

71 (c) "Fixed-wing" means a type of aircraft, commonly
 72 referred to as an airplane, which generates lift through the use
 73 of the forward motion of the aircraft and wings that do not
 74 revolve around a mast but are fixed in relation to the fuselage
 75 of the aircraft.

76 (d) "Provider" means a provider of emergency medical air
77 transportation services.

78 (e) "Rotary-wing" means a type of aircraft, commonly
79 referred to as a helicopter, that generates lift through the use
80 of wings, known as rotor blades, which revolve around a mast.

81 (3) The department shall establish the Emergency Medical
82 Air Transportation Act Account within the Emergency Medical
83 Services Trust Fund in an amount determined by the Legislature
84 to be used pursuant to this section.

85 (4) In cooperation with the Agency for Health Care
86 Administration, the department shall use the moneys in the
87 Emergency Medical Air Transportation Act Account to generate
88 federal matching funds to augment reimbursement payments made to
89 providers by the Florida Medicaid program. The director shall:

90 (a) By September 1, 2018, meet with providers to develop
91 the most appropriate methodology for distribution of
92 reimbursement payments.

93 (b) Implement the methodology developed under paragraph
94 (a) in a timely manner.

95 (c) Seek amendments to the Medicaid state plan and waivers
96 of federal laws, as necessary, to implement this section. Moneys
97 in the account may be distributed pursuant to this section until
98 federal approvals are received.

99 (5) (a) Upon appropriation by the Legislature, the
100 department shall use moneys in the Emergency Medical Air

101 Transportation Act Account and federal matching funds generated
 102 pursuant to subsection (4) to increase the Florida Medicaid
 103 reimbursement paid to providers by not more than the customary
 104 fees charged by the providers for such services.

105 (b) Notwithstanding any other provision of law and
 106 pursuant to this subsection, the department shall increase the
 107 Florida Medicaid reimbursement payments pursuant to paragraph
 108 (a) if the following conditions are met:

109 1. Moneys in the Emergency Medical Air Transportation Act
 110 Account are sufficient to cover the cost of increased
 111 reimbursement payments.

112 2. General revenue funds are not used to offset the cost
 113 of increased reimbursement payments.

114 Section 2. Subsection (23) is added to section 318.18,
 115 Florida Statutes, to read:

116 318.18 Amount of penalties.—The penalties required for a
 117 noncriminal disposition pursuant to s. 318.14 or a criminal
 118 offense listed in s. 318.17 are as follows:

119 (23) In addition to any other penalty, except penalties
 120 imposed under subsections (7) and (15), \$1 for a moving
 121 violation under chapter 316. Within 30 days after the last day
 122 of each calendar quarter, each municipality and county shall
 123 transfer moneys collected under this subsection to the
 124 Department of Health Emergency Medical Services Trust Fund,
 125 established under s. 20.435, for deposit into the Emergency

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126 Medical Air Transportation Act Account, established under s.
127 401.2515, to be used as provided in that section.

128 Section 3. Subsection (22) is added to section 318.21,
129 Florida Statutes, to read:

130 318.21 Disposition of civil penalties by county courts.—
131 All civil penalties received by a county court pursuant to the
132 provisions of this chapter shall be distributed and paid monthly
133 as follows:

134 (22) Notwithstanding subsections (1) and (2), the proceeds
135 from the additional penalty imposed under s. 318.18(23) shall be
136 distributed as provided in that subsection.

137 Section 4. This act shall take effect July 1, 2018.