

1 A bill to be entitled
2 An act relating to hospitals that provide charity care;
3 creating a commission to study the effect of the 2004
4 hurricane season on certain hospitals and identify
5 hospitals unable to comply with the Florida Building Code
6 or located in flood-prone areas; providing for membership,
7 reimbursement, and duties of the study commission;
8 requiring the Department of Community Affairs to provide
9 staff for the study commission; requiring the commission
10 to submit a report and recommendations to the Governor and
11 the Legislature; providing an effective date.

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13 WHEREAS, the State of Florida experienced four major
14 hurricanes during 2004, and

15 WHEREAS, the state recognizes the importance of maintaining
16 a system of hospitals throughout the state to ensure that the
17 underserved population has access to hospitals when the need
18 arises and acknowledges that these hospitals serve a critical
19 state purpose in providing this care, and

20 WHEREAS, it is an important state interest to ensure that
21 these hospitals continue to provide health care services to the
22 state's underserved populations, and

23 WHEREAS, many hospitals and health care facilities
24 sustained significant structural damage to their facilities in
25 2004, and

26 WHEREAS, hospitals that provide the majority of safety net
27 care for indigent and charity cases were forced to operate in
28 facilities that were not structurally sound, and

29 WHEREAS, these hospitals do not have the ability to care
 30 for patients at alternative sites during natural disasters, and

31 WHEREAS, these hospitals do not have the capital needed to
 32 invest in the significant infrastructure costs associated with
 33 hurricane damage, and

34 WHEREAS, these hospitals have been in existence for many
 35 years and have become geographically place-bound, with little
 36 opportunity to expand beyond their current property lines, NOW,
 37 THEREFORE,

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

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41 Section 1. (1) STUDY COMMISSION.--There is created a
 42 study commission to address critical issues relating to
 43 hospitals serving indigent populations and licensed under
 44 chapter 395, Florida Statutes, which sustained significant
 45 damage to their facilities during the 2004 hurricane season.

46 (2) SUBJECT OF STUDY.--

47 (a) The commission shall identify:

48 1. All hospitals that are currently not able to comply
 49 with the provisions of the Florida Building Code as defined in
 50 chapter 553, Florida Statutes, and any associated administrative
 51 rules;

52 2. Hospitals that are located within 10 miles of the
 53 coastline; and

54 3. Hospitals that are located in a designated flood zone.

55 (b) The study commission shall make recommendations for
 56 allowing these hospitals to find alternative methods of

57 renovating their existing facility in order to meet the
58 requirements of the Florida Building Code, including an
59 evaluation of whether any hospital located in a county that
60 experienced or may experience significant hurricane damage
61 should be exempt from the certificate-of-need process for the
62 purpose of relocating its currently licensed beds to a facility
63 that is not located on the main hospital campus.

64 (c) The commission shall review and determine whether
65 hospitals located within 10 miles of the coastline or in a
66 designated flood zone shall be allowed to have satellite beds
67 for use in the future.

68 (3) REPORT.--The commission shall meet by September 1,
69 2005, and shall submit recommendations, including
70 recommendations for statutory changes, to the Governor, the
71 President of the Senate, and the Speaker of the House of
72 Representatives by January 1, 2006. Such recommendations shall
73 also include an evaluation of whether grant funds should be made
74 available to assist hospitals with the cost of reconstructing
75 existing facilities.

76 (4) MEMBERSHIP.--The study commission shall be staffed by
77 the Department of Community Affairs and shall include:

78 (a) The Secretary of Community Affairs, or his or her
79 designee;

80 (b) The Director of the Division of Emergency Management,
81 or his or her designee;

82 (c) The Secretary of Health Care Administration, or his or
83 her designee;

84 (d) The Secretary of Health, or his or her designee; and

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85 (e) A director of county emergency management, selected by
86 the Florida Association of Counties.

87 (5) REIMBURSEMENT.--Members of the study commission shall
88 serve without remuneration, but are entitled to reimbursement in
89 accordance with section 112.061, Florida Statutes, for per diem
90 and travel expenses incurred in performing their duties in
91 accordance with this section.

92 Section 2. This act shall take effect upon becoming a law.