By Senator Clary

4-629-05

1 A bill to be entitled 2 An act relating to hospitals that provide charity care; creating a commission to study 3 the effect of the 2004 hurricane season on 4 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 study commission; requiring the Department of 9 10 Community Affairs to provide staff for the study commission; requiring the commission to 11 12 submit a report and recommendations to the 13 Governor and the Legislature; providing an effective date. 14 15 WHEREAS, the state of Florida experienced four major 16 17 hurricanes during 2004, and WHEREAS, the state recognizes the importance of 18 maintaining a system of hospitals throughout the state to 19 ensure that the underserved population has access to hospitals 20 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 that these hospitals continue to provide health care services 2.4 to the state's underserved populations, and 25 WHEREAS, many hospitals and health care facilities 26 27 sustained significant structural damage to their facilities in 2.8 2004, and WHEREAS, hospitals that provide the majority of 29 30 safety-net care for indigent and charity cases were forced to

operate in facilities that were not structurally sound, and

1	WHEREAS, these hospitals do not have the ability to
2	care for patients at alternative sites during natural
3	disasters, and
4	WHEREAS, these hospitals do not have the capital needed
5	to invest in the significant infrastructure costs associated
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
10	lines, NOW, THEREFORE,
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12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. (1) STUDY COMMISSIONThere is created a
15	study commission to address critical issues relating to
16	hospitals serving indigent populations and licensed under
17	chapter 395, Florida Statutes, which sustained significant
18	damage to their facilities during the 2004 hurricane season.
19	(2) SUBJECT OF STUDY
20	(a) The commission shall identify:
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
24	administrative rules;
25	2. Hospitals that are located within 10 miles of the
26	coastline; and
27	3. Hospitals that are located in a designated flood
28	zone.
29	(b) The study commission shall make recommendations
30	for allowing these hospitals to find alternative methods of
31	renovating their existing facility in order to meet the

1	requirements of the Florida Building Code, including an
2	evaluation of whether any hospital located in a county that
3	experienced or may experience significant hurricane damage
4	should be exempt from the certificate-of-need process for the
5	purpose of relocating its currently licensed beds to a
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
9	designated flood zone shall be allowed to have satellite beds
10	for use in the future.
11	(3) REPORT The commission shall meet by September 1,
12	2005, and shall submit recommendations, including
13	recommendations for statutory changes, to the Governor, the
14	President of the Senate, and the Speaker of the House of
15	Representatives by January 1, 2006. Such recommendations shall
16	also include an evaluation of whether grant funds should be
17	made available to assist hospitals with the cost of
18	reconstructing existing facilities.
19	(4) MEMBERSHIP The study commission shall be staffed
20	by the Department of Community Affairs and shall include:
21	(a) The Secretary of Community Affairs, or his or her
22	designee;
23	(b) The Director of the Division of Emergency
24	Management, or his or her designee;
25	(c) The Secretary of Health Care Administration, or
26	his or her designee;
27	(d) The Secretary of Health, or his or her designee;
28	<u>and</u>
29	(e) A director of county emergency management,
30	selected by the Florida Association of Counties.
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1	(5) REIMBURSEMENTMembers of the study commission
2	shall serve without remuneration, but are entitled to
3	reimbursement in accordance with section 112.061, Florida
4	Statutes, for per diem and travel expenses incurred in
5	performing their duties in accordance with this section.
6	Section 2. This act shall take effect upon becoming a
7	law.
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10	SENATE SUMMARY
11	Creates a commission to study the effect of the 2004 hurricane season on hospitals that provide charity care.
12	Provides for membership, reimbursement for per diem and travel expenses, and duties of the study commission.
13	Requires the Department of Community Affairs to staff the study commission. Requires the commission to submit a
14	report and recommendations to the Governor and to legislative leaders by January 1, 2006.
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