

By the Committee on Community Affairs; and Senator Clary

578-1908-05

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.

15  
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

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,

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. (1) STUDY COMMISSION.--There 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. The commission  
2 shall review all alternatives that could be made available to  
3 those hospitals when renovation is not financially practicable  
4 or structurally feasible. The commission shall review existing  
5 laws and agency rules and recommend needed changes to address  
6 these issues.

7 (3) REPORT.--The commission shall meet by September 1,  
8 2005, and shall submit recommendations, including  
9 recommendations for statutory changes, to the Governor, the  
10 President of the Senate, and the Speaker of the House of  
11 Representatives by January 1, 2006. Such recommendations shall  
12 also include an evaluation of whether grant funds should be  
13 made available to assist hospitals with the cost of  
14 reconstructing existing facilities.

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

17 (a) The Secretary of Community Affairs, or his or her  
18 designee;

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

21 (c) The Secretary of Health Care Administration, or  
22 his or her designee;

23 (d) Four representatives of hospitals from regions of  
24 the state where hospitals experienced significant hurricane  
25 damage during 2004, with two members appointed by the  
26 President of the Senate and two members appointed by the  
27 Speaker of the House of Representatives;

28 (e) The Secretary of Health, or his or her designee;  
29 and

30 (f) A director of county emergency management,  
31 selected by the Florida Emergency Preparedness Association.

