



786228

CHAMBER ACTION

Senate

House

.
. .
. .
. .

Floor: 1/AD/2R
4/10/2008 9:45 AM

1 Senator Peaden moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete line(s) 99-139

5 and insert:

6
7 (2) An application for a certificate of need for a general
8 hospital must contain a detailed description of the proposed
9 general hospital project and a statement of its purpose and the
10 needs it will meet. The proposed project's location, as well as
11 its primary and secondary service areas, must be identified by
12 zip code. Primary service area is defined as the zip codes from
13 which the applicant projects that it will draw 75 percent of its
14 discharges. Secondary service area is defined as the zip codes
15 from which the applicant projects that it will draw its remaining
16 discharges. In addition, the application for the certificate of
17 need must include a statement of intent that, if approved by



786228

18 final order of the agency, the application for licensure pursuant
19 to ss.395.003 and 408.810 will include the items found in
20 subparagraph (1)(b)3. and paragraph (1)(c).

21 (3)~~(2)~~ The applicant must certify that it will license and
22 operate the health care facility. For an existing health care
23 facility, the applicant must be the licenseholder of the
24 facility.

25 Section 3. Subsection (3) of section 408.039, Florida
26 Statutes, is amended, to read:

27 408.039 Review process.--The review process for
28 certificates of need shall be as follows:

29 (3) APPLICATION PROCESSING.--

30 (a) An applicant shall file an application with the agency
31 and shall furnish a copy of the application to the agency. Within
32 15 days after the applicable application filing deadline
33 established by agency rule, the staff of the agency shall
34 determine if the application is complete. If the application is
35 incomplete, the staff shall request specific information from the
36 applicant necessary for the application to be complete; however,
37 the staff may make only one such request. If the requested
38 information is not filed with the agency within 21 days after the
39 receipt of the staff's request, the application shall be deemed
40 incomplete and deemed withdrawn from consideration.

41 (b) Upon the request of any applicant or substantially
42 affected person within 14 days after notice that an application
43 has been filed, a public hearing may be held at the agency's
44 discretion if the agency determines that a proposed project
45 involves issues of great local public interest. In such cases,
46 the agency shall attend the public hearing. The public hearing
47 shall allow applicants and other interested parties reasonable



786228

48 | time to present their positions and to present rebuttal
49 | information. A recorded verbatim record of the hearing shall be
50 | maintained. The public hearing shall be held at the local level
51 | within 21 days after the application is deemed complete.

52 | (c) Except for competing applicants, in order to be
53 | eligible to challenge the agency decision on a general hospital
54 | application under review pursuant to paragraph (5)(c), existing
55 | hospitals must submit a detailed written statement of opposition
56 | to the agency and to the applicant. The detailed written
57 | statement must be received by the agency and the applicant within
58 | 21 days after the general hospital application is deemed
59 | complete.

60 | (d) In those cases where a written statement of opposition
61 | has been timely filed regarding a certificate of need application
62 | for a general hospital, the applicant for the general hospital
63 | may submit a written response to the agency. Such response must
64 | be received by the agency within 10 days of the written statement
65 | due date.

66 |
67 | ===== T I T L E A M E N D M E N T =====

68 | And the title is amended as follows:

69 | Delete line(s) 6-11

70 | and insert:

71 | hospital; amending s. 408.037, F.S.; revising the
72 | requirements for an application for a certificate of need
73 | by an applicant for a general hospital; amending s.
74 | 408.039, F.S.; requiring the agency to attend public
75 | hearings on such applications; requiring an existing
76 | hospital to submit a written statement of opposition in
77 | order to challenge the agency decision on an application



786228

78 | for a certificate of need for a general hospital;
79 | authorizing the applicant to submit a written response;
80 | limiting.