



109328

LEGISLATIVE ACTION

Senate

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House

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Floor: 7/AD/2R

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04/23/2009 05:38 PM

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Senator Lawson moved the following:

**Senate Amendment (with title amendment)**

Between lines 520 and 521

insert:

Section 7. Paragraph (e) of subsection (2) of section  
395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed  
under this chapter, having 100 or fewer licensed beds and an  
emergency room, which is:

1. The sole provider within a county with a population



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- 13 density of no greater than 100 persons per square mile;
- 14 2. An acute care hospital, in a county with a population  
15 density of no greater than 100 persons per square mile, which is  
16 at least 30 minutes of travel time, on normally traveled roads  
17 under normal traffic conditions, from any other acute care  
18 hospital within the same county;
- 19 3. A hospital supported by a tax district or subdistrict  
20 whose boundaries encompass a population of 100 persons or fewer  
21 per square mile;
- 22 4. A hospital in a constitutional charter county with a  
23 population of over 1 million persons that has imposed a local  
24 option health service tax pursuant to law and in an area that  
25 was directly impacted by a catastrophic event on August 24,  
26 1992, for which the Governor of Florida declared a state of  
27 emergency pursuant to chapter 125, and has 120 beds or less that  
28 serves an agricultural community with an emergency room  
29 utilization of no less than 20,000 visits and a Medicaid  
30 inpatient utilization rate greater than 15 percent;
- 31 5. A hospital with a service area that has a population of  
32 100 persons or fewer per square mile. As used in this  
33 subparagraph, the term "service area" means the fewest number of  
34 zip codes that account for 75 percent of the hospital's  
35 discharges for the most recent 5-year period, based on  
36 information available from the hospital inpatient discharge  
37 database in the Florida Center for Health Information and Policy  
38 Analysis at the Agency for Health Care Administration; or
- 39 6. A hospital designated as a critical access hospital, as  
40 defined in s. 408.07(15).
- 41



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42 Population densities used in this paragraph must be based upon  
43 the most recently completed United States census. A hospital  
44 that received funds under s. 409.9116 for a quarter beginning no  
45 later than July 1, 2002, is deemed to have been and shall  
46 continue to be a rural hospital from that date through June 30,  
47 2015 ~~2012~~, if the hospital continues to have 100 or fewer  
48 licensed beds and an emergency room, or meets the criteria of  
49 subparagraph 4. An acute care hospital that has not previously  
50 been designated as a rural hospital and that meets the criteria  
51 of this paragraph shall be granted such designation upon  
52 application, including supporting documentation to the Agency  
53 for Health Care Administration.

54 Section 8. Paragraph (a) of subsection (2) of section  
55 408.040, Florida Statutes, is amended to read:

56 408.040 Conditions and monitoring.—

57 (2) (a) Unless the applicant has commenced construction, if  
58 the project provides for construction, unless the applicant has  
59 incurred an enforceable capital expenditure commitment for a  
60 project, if the project does not provide for construction, or  
61 unless subject to paragraph (b), a certificate of need shall  
62 terminate 18 months after the date of issuance, except a  
63 certificate of need of an entity which was issued on or before  
64 January 1, 2009, shall terminate 36 months after the date of  
65 issuance. The agency shall monitor the progress of the holder of  
66 the certificate of need in meeting the timetable for project  
67 development specified in the application, and may revoke the  
68 certificate of need, if the holder of the certificate is not  
69 meeting such timetable and is not making a good-faith effort, as  
70 defined by rule, to meet it.



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71 Section 9. Subsection (43) of section 408.07, Florida  
72 Statutes, is amended to read:

73 408.07 Definitions.—As used in this chapter, with the  
74 exception of ss. 408.031-408.045, the term:

75 (43) "Rural hospital" means an acute care hospital licensed  
76 under chapter 395, having 100 or fewer licensed beds and an  
77 emergency room, and which is:

78 (a) The sole provider within a county with a population  
79 density of no greater than 100 persons per square mile;

80 (b) An acute care hospital, in a county with a population  
81 density of no greater than 100 persons per square mile, which is  
82 at least 30 minutes of travel time, on normally traveled roads  
83 under normal traffic conditions, from another acute care  
84 hospital within the same county;

85 (c) A hospital supported by a tax district or subdistrict  
86 whose boundaries encompass a population of 100 persons or fewer  
87 per square mile;

88 (d) A hospital with a service area that has a population of  
89 100 persons or fewer per square mile. As used in this paragraph,  
90 the term "service area" means the fewest number of zip codes  
91 that account for 75 percent of the hospital's discharges for the  
92 most recent 5-year period, based on information available from  
93 the hospital inpatient discharge database in the Florida Center  
94 for Health Information and Policy Analysis at the Agency for  
95 Health Care Administration; or

96 (e) A critical access hospital.

97  
98 Population densities used in this subsection must be based upon  
99 the most recently completed United States census. A hospital



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100 that received funds under s. 409.9116 for a quarter beginning no  
101 later than July 1, 2002, is deemed to have been and shall  
102 continue to be a rural hospital from that date through June 30,  
103 2015 ~~2012~~, if the hospital continues to have 100 or fewer  
104 licensed beds and an emergency room, or meets the criteria of s.  
105 395.602(2)(e)4. An acute care hospital that has not previously  
106 been designated as a rural hospital and that meets the criteria  
107 of this subsection shall be granted such designation upon  
108 application, including supporting documentation, to the Agency  
109 for Health Care Administration.

110  
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete line 24

114 and insert:

115 nurse registry; amending ss. 395.602 and 408.07, F.S.;

116 revising the definition of the term "rural hospital"

117 relating to hospital licensing and regulation and

118 health care administration; amending s. 408.040, F.S.;

119 providing an exception to the termination of certain

120 certificates of need; creating s. 408.8065, F.S.;

121 providing