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LEGISLATIVE ACTION

Senate	.	House
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Senator Lawson moved the following:

Senate Amendment (with title amendment)

Between lines 619 and 620
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
density of no greater than 100 persons per square mile;



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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
42 Population densities used in this paragraph must be based upon



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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 April 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.

71 Section 9. The amendment to s. 408.040(2)(a), Florida



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72 Statutes, by this act shall control over any conflicting
73 amendments to s. 408.040(2)(a), Florida Statutes, which is
74 adopted during the 2009 Regular Session or an extension thereof
75 and becomes law.

76 Section 10. Subsection (43) of section 408.07, Florida
77 Statutes, is amended to read:

78 408.07 Definitions.—As used in this chapter, with the
79 exception of ss. 408.031-408.045, the term:

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

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

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

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

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



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101 (e) A critical access hospital.

102
103 Population densities used in this subsection must be based upon
104 the most recently completed United States census. A hospital
105 that received funds under s. 409.9116 for a quarter beginning no
106 later than July 1, 2002, is deemed to have been and shall
107 continue to be a rural hospital from that date through June 30,
108 2015 ~~2012~~, if the hospital continues to have 100 or fewer
109 licensed beds and an emergency room, or meets the criteria of s.
110 395.602(2)(e)4. An acute care hospital that has not previously
111 been designated as a rural hospital and that meets the criteria
112 of this subsection shall be granted such designation upon
113 application, including supporting documentation, to the Agency
114 for Health Care Administration.

115
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete line 27

119 and insert:

120 registry; amending ss. 395.602 and 408.07, F.S.;

121 revising the definition of the term "rural hospital"

122 relating to hospital licensing and regulation and

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

124 providing an exception to the termination of certain

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

126 providing