

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Kreegel offered the following:

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3 **Amendment to Amendment (825909) (with title amendment)**

4 Between lines 53 and 54, insert:

5 Section 16. Paragraph (a) of subsection (2) of section
6 408.040, Florida Statutes, is amended to read:

7 408.040 Conditions and monitoring.--

8 (2) (a) Unless the applicant has commenced construction, if
9 the project provides for construction, unless the applicant has
10 incurred an enforceable capital expenditure commitment for a
11 project, if the project does not provide for construction, or
12 unless subject to paragraph (b), a certificate of need shall
13 terminate 18 months after the date of issuance, except an entity
14 holding a certificate of need issued on or before April 1, 2009,
15 which shall terminate 36 months after the date of issuance. The

16 agency shall monitor the progress of the holder of the
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17 certificate of need in meeting the timetable for project
18 development specified in the application, and may revoke the
19 certificate of need, if the holder of the certificate is not
20 meeting such timetable and is not making a good-faith effort, as
21 defined by rule, to meet it.

22 Section 17. The amendment to s. 408.040(2)(a), Florida
23 Statutes, by this act shall control over any conflicting
24 amendment to s. 408.040(2)(a), Florida Statutes, that is adopted
25 during the 2009 Regular Session or an extension thereof and
26 becomes law.

27 Section 18. Subsection (43) of section 408.07, Florida
28 Statutes, is amended to read:

29 408.07 Definitions.--As used in this chapter, with the
30 exception of ss. 408.031-408.045, the term:

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

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

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

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

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

52 (e) A critical access hospital.
53

54 Population densities used in this subsection must be based upon
55 the most recently completed United States census. A hospital
56 that received funds under s. 409.9116 for a quarter beginning no
57 later than July 1, 2002, is deemed to have been and shall
58 continue to be a rural hospital from that date through June 30,
59 2015 ~~2012~~, if the hospital continues to have 100 or fewer
60 licensed beds and an emergency room, or meets the criteria of s.
61 395.602(2)(e)4. An acute care hospital that has not previously
62 been designated as a rural hospital and that meets the criteria
63 of this subsection shall be granted such designation upon
64 application, including supporting documentation, to the Agency
65 for Health Care Administration.
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68 **T I T L E A M E N D M E N T**

69 Remove line 943 and insert:

70 and operations in certain injunctive proceedings; amending s.
71 408.040, F.S.; extending the period for which a certificate of
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72 need is valid for certain entities; providing that the amendment
73 to s. 408.040(2)(a), F.S., shall control over conflicting
74 provisions; amending s. 408.07, F.S.; providing an additional 3-
75 year transition period for certain hospitals to retain their
76 designation as rural hospitals; amending