

1                   A bill to be entitled  
2           An act relating to emergency medical air  
3           transportation services; creating s. 401.2515, F.S.;  
4           providing a short title; defining terms; directing the  
5           Department of Health to establish the Emergency  
6           Medical Air Transportation Act Account within the  
7           Emergency Medical Services Trust Fund; requiring the  
8           department to use the moneys in such account for  
9           specified purposes; specifying duties of the director  
10          of the Division of Emergency Preparedness and  
11          Community Support; providing conditions for the  
12          department to increase Florida Medicaid reimbursement  
13          payments to emergency medical air transportation  
14          services providers; amending ss. 318.18 and 318.21,  
15          F.S.; requiring an additional penalty to be imposed  
16          for certain moving violations; providing for  
17          distribution and use of the moneys received; providing  
18          an effective date.

19  
20          WHEREAS, emergency medical air transportation services  
21          providers offer lifesaving transportation for the most  
22          critically injured patients from motor vehicle crash scenes  
23          directly to trauma centers, and

24          WHEREAS, emergency medical air transportation services  
25          providers transport all emergency patients without knowing

26 | whether a patient has medical insurance or the ability to pay  
27 | for the service, and

28 |       WHEREAS, emergency medical air transportation services  
29 | providers are not eligible to apply for additional federal  
30 | funding for providing services to high numbers of Medicaid,  
31 | uninsured, or underinsured patients pursuant to Florida's  
32 | Medicaid program, and

33 |       WHEREAS, emergency medical air transportation services  
34 | providers cover multiple counties within a 100-mile radius of  
35 | their bases, and often a provider's transport originates in a  
36 | county other than the county in which the provider is based,  
37 | which makes it difficult for providers in small counties to be  
38 | locally funded, and

39 |       WHEREAS, the Florida Medicaid program reimburses emergency  
40 | medical air transportation services providers at a rate far less  
41 | than what it costs the providers to provide emergency air  
42 | transportation, and the program does not reimburse the providers  
43 | if the patient is indigent and ineligible for Medicaid, and

44 |       WHEREAS, fines and penalties for traffic violations  
45 | discourage dangerous driving behavior and, for certain traffic  
46 | violations, a portion of the fines and penalties is used to fund  
47 | programs that provide health care and rehabilitation to victims  
48 | of dangerous drivers, and

49 |       WHEREAS, an additional penalty for each moving traffic  
50 | violation will provide support for emergency medical air

51 transportation services, which are the most critical services  
 52 for persons injured as a result of a motor vehicle crash, and  
 53 WHEREAS, emergency medical air transportation services play  
 54 a key role in the statewide emergency medical services system,  
 55 including disaster response and homeland security, and,  
 56 therefore, it is important for the state to support these vital  
 57 services, NOW, THEREFORE,

58  
 59 Be It Enacted by the Legislature of the State of Florida:

60  
 61 Section 1. Section 401.2515, Florida Statutes, is created  
 62 to read:

63 401.2515 Emergency medical air transportation services.-

64 (1) This section may be cited as the "Emergency Medical  
 65 Air Transportation Act."

66 (2) As used in this section, the term:

67 (a) "Director" means the director of the Division of  
 68 Emergency Preparedness and Community Support.

69 (b) "Provider" means a provider of emergency medical air  
 70 transportation services.

71 (3) The department shall establish the Emergency Medical  
 72 Air Transportation Act Account within the Emergency Medical  
 73 Services Trust Fund in an amount determined by the Legislature  
 74 to be used pursuant to this section.

75 (4) In cooperation with the Agency for Health Care

76 Administration, the department shall use the moneys in the  
77 Emergency Medical Air Transportation Act Account to generate  
78 federal matching funds to increase the reimbursement payments  
79 made to providers by the Florida Medicaid program. The director  
80 shall:

81 (a) By September 1, 2019, meet with providers to develop  
82 the most appropriate methodology for distribution of  
83 reimbursement payments.

84 (b) Implement the methodology developed under paragraph  
85 (a) in a timely manner.

86 (c) Seek amendments to the Medicaid state plan and waivers  
87 of federal laws, as necessary, to implement this section. Moneys  
88 in the account may be distributed pursuant to this section until  
89 federal approvals of waiver requests are received.

90 (5) (a) Upon appropriation by the Legislature, the  
91 department shall use moneys in the Emergency Medical Air  
92 Transportation Act Account and federal matching funds generated  
93 pursuant to subsection (4) to increase the Florida Medicaid  
94 reimbursement paid to providers to not more than the customary  
95 fees charged by the providers for their services.

96 (b) Notwithstanding any other provision of law and  
97 pursuant to this subsection, the department must increase the  
98 Florida Medicaid reimbursement payments pursuant to paragraph  
99 (a) if the following conditions are met:

100 1. Moneys in the Emergency Medical Air Transportation Act

101 Account are sufficient to cover the cost of increased  
 102 reimbursement payments.

103 2. General revenue funds are not used to offset the cost  
 104 of increased reimbursement payments.

105 Section 2. Subsection (23) is added to section 318.18,  
 106 Florida Statutes, to read:

107 318.18 Amount of penalties.—The penalties required for a  
 108 noncriminal disposition pursuant to s. 318.14 or a criminal  
 109 offense listed in s. 318.17 are as follows:

110 (23) In addition to any other penalty, \$1 for a moving  
 111 violation under chapter 316, except for penalties imposed under  
 112 subsections (7) and (15). Within 30 days after the last day of  
 113 each calendar quarter, each municipality and county shall  
 114 transfer moneys collected under this subsection to the Emergency  
 115 Medical Services Trust Fund within the Department of Health,  
 116 established under s. 20.435, for deposit into the Emergency  
 117 Medical Air Transportation Act Account, established under s.  
 118 401.2515, to be used as provided in s. 401.2515.

119 Section 3. Subsection (22) is added to section 318.21,  
 120 Florida Statutes, to read:

121 318.21 Disposition of civil penalties by county courts.—  
 122 All civil penalties received by a county court pursuant to the  
 123 provisions of this chapter shall be distributed and paid monthly  
 124 as follows:

125 (22) Notwithstanding subsections (1) and (2), the proceeds

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126 | from the additional penalty imposed under s. 318.18(23) shall be  
127 | distributed as provided in that subsection.

128 | Section 4. This act shall take effect July 1, 2019.