



455382

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2019	.	
	.	
	.	
	.	

The Committee on Health Policy (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (8), (9), and (10) of
section 395.003, Florida Statutes, are redesignated as
subsections (9), (10), and (11), respectively, paragraph (c) of
subsection (1) and present subsections (9) and (10) of that
section are amended, and a new subsection (8) is added to that
section, to read:



455382

11 395.003 Licensure; denial, suspension, and revocation.—

12 (1)

13 ~~(c) Until July 1, 2006, additional emergency departments~~
14 ~~located off the premises of licensed hospitals may not be~~
15 ~~authorized by the agency.~~

16 (8) Applicable only to a general hospital that is, or will
17 be, newly licensed on or after July 1, 2019; that does not hold
18 a certificate of need issued by the agency; and that is not
19 replacing a currently operating general hospital located within
20 1 mile of the newly licensed hospital:

21 (a) When proposing a new general hospital project subject
22 to this subsection and before filing for approval of plans and
23 specifications under s. 395.0163, each prospective applicant for
24 licensure must submit a notice to the agency of its intent to
25 establish a newly licensed hospital which includes the location
26 for the proposed hospital, the number and types of beds to be
27 licensed, and the services that the hospital will offer.

28 (b) Other than a long-term care hospital, the agency may
29 not license a new general hospital subject to this subsection
30 unless:

31 1. The hospital has at least 80 beds and has intensive
32 care, progressive care, and medical-surgical beds. This
33 requirement does not apply if the hospital is a rural hospital,
34 as defined in s. 395.602, or is located in a medically
35 underserved area; and

36 2. The hospital has an onsite emergency department that
37 will operate 24 hours per day, 7 days per week.

38 (c) Each such hospital must participate in the state
39 Medicaid program and the Medicare program.



455382

40 (d) Except as provided in paragraph (e), each such hospital
41 must provide charity care in an amount equal to or greater than
42 the district average for hospitals in the applicable district.
43 The agency shall adopt by rule a method for calculating the
44 district average for charity care for each district. For
45 purposes of this subsection, the term "charity care" means
46 uncompensated care delivered to uninsured patients having an
47 income at or below 200 percent of the federal poverty level when
48 such services are preauthorized by the licensee and not subject
49 to collection procedures, and "district" has the same meaning as
50 in s. 408.032(5). The valuation of charity care must be based on
51 Medicaid reimbursement rates.

52 (e) If such a hospital is located in a medically
53 underserved area, the amount of charity care required to be
54 provided by the hospital under paragraph (d) is equivalent in
55 percentage to the medically underserved area's Index of Medical
56 Underservice score as calculated by the federal Health Resources
57 and Services Administration within the Department of Health and
58 Human Services.

59 (f) In lieu of providing charity care under paragraph (d)
60 or paragraph (e), each such hospital may donate an amount
61 determined by the agency to be functionally equivalent to the
62 amounts required under those paragraphs to the agency's Grants
63 and Donations Trust Fund.

64 (g) Each such hospital shall annually report to the agency
65 its compliance with paragraphs (c)-(f). Failure to report
66 compliance constitutes noncompliance. The agency shall assess an
67 administrative fine on a hospital that fails to comply with this
68 subsection in the amount of 1 percent of its net revenue for



455382

69 each 0.5 percent of the required amount of charity care not
70 provided pursuant to paragraph (d) or paragraph (e) or the
71 required amount as determined by the agency pursuant to
72 paragraph (f).

73 (h) The agency shall adopt rules to implement this
74 subsection.

75 (10)-(9) A hospital licensed as of June 1, 2004, is shall be
76 exempt from subsection (9) -(8) as long as the hospital maintains
77 the same ownership, facility street address, and range of
78 services that were in existence on June 1, 2004. Any transfer of
79 beds, or other agreements that result in the establishment of a
80 hospital or hospital services within the intent of this section,
81 shall be subject to subsection (9) -(8). Unless the hospital is
82 otherwise exempt under subsection (9) -(8), the agency shall deny
83 or revoke the license of a hospital that violates any of the
84 criteria set forth in that subsection.

85 (11)-(10) The agency may adopt rules implementing the
86 licensure requirements set forth in subsection (9) -(8). Within
87 14 days after rendering its decision on a license application or
88 revocation, the agency shall publish its proposed decision in
89 the Florida Administrative Register. Within 21 days after
90 publication of the agency's decision, any authorized person may
91 file a request for an administrative hearing. In administrative
92 proceedings challenging the approval, denial, or revocation of a
93 license pursuant to subsection (9) -(8), the hearing must be
94 based on the facts and law existing at the time of the agency's
95 proposed agency action. Existing hospitals may initiate or
96 intervene in an administrative hearing to approve, deny, or
97 revoke licensure under subsection (9) -(8) based upon a showing



455382

98 that an established program will be substantially affected by
99 the issuance or renewal of a license to a hospital within the
100 same district or service area.

101 Section 2. Section 395.6025, Florida Statutes, is repealed.

102 Section 3. Subsections (8) and (13) of section 408.032,
103 Florida Statutes, are amended to read:

104 408.032 Definitions relating to Health Facility and
105 Services Development Act.—As used in ss. 408.031-408.045, the
106 term:

107 (8) "Health care facility" means a ~~hospital, long-term care~~
108 ~~hospital~~, skilled nursing facility, hospice, or intermediate
109 care facility for the developmentally disabled. A facility
110 relying solely on spiritual means through prayer for healing is
111 not included as a health care facility.

112 ~~(13) "Long-term care hospital" means a hospital licensed~~
113 ~~under chapter 395 which meets the requirements of 42 C.F.R. s.~~
114 ~~412.23(e) and seeks exclusion from the acute care Medicare~~
115 ~~prospective payment system for inpatient hospital services.~~

116 Section 4. Subsection (2) of section 408.034, Florida
117 Statutes, is amended to read:

118 408.034 Duties and responsibilities of agency; rules.—

119 (2) In the exercise of its authority to issue licenses to
120 health care facilities and health service providers, as provided
121 under chapters 393 and 395 and parts II, IV, and VIII of chapter
122 400, the agency may not issue a license to any health care
123 facility or health service provider that fails to receive a
124 certificate of need or an exemption for the licensed facility or
125 service, except that the agency may issue a license to a general
126 hospital that has not been issued a certificate of need if that



455382

127 hospital meets the criteria established in s. 395.003(8).

128 Section 5. Section 408.035, Florida Statutes, is amended to
129 read:

130 408.035 Review criteria.—

131 ~~(1)~~ The agency shall determine the reviewability of
132 applications and shall review applications for certificate-of-
133 need determinations for health care facilities and health
134 services in context with the following criteria, ~~except for~~
135 ~~general hospitals as defined in s. 395.002:~~

136 (1) ~~(a)~~ The need for the health care facilities and health
137 services being proposed.

138 (2) ~~(b)~~ The availability, quality of care, accessibility,
139 and extent of utilization of existing health care facilities and
140 health services in the service district of the applicant.

141 (3) ~~(c)~~ The ability of the applicant to provide quality of
142 care and the applicant's record of providing quality of care.

143 (4) ~~(d)~~ The availability of resources, including health
144 personnel, management personnel, and funds for capital and
145 operating expenditures, for project accomplishment and
146 operation.

147 (5) ~~(e)~~ The extent to which the proposed services will
148 enhance access to health care for residents of the service
149 district.

150 (6) ~~(f)~~ The immediate and long-term financial feasibility of
151 the proposal.

152 (7) ~~(g)~~ The extent to which the proposal will foster
153 competition that promotes quality and cost-effectiveness.

154 (8) ~~(h)~~ The costs and methods of the proposed construction,
155 including the costs and methods of energy provision and the



455382

156 availability of alternative, less costly, or more effective
157 methods of construction.

158 ~~(9)(i)~~ The applicant's past and proposed provision of
159 health care services to Medicaid patients and the medically
160 indigent.

161 ~~(10)(j)~~ The applicant's designation as a Gold Seal Program
162 nursing facility pursuant to s. 400.235, when the applicant is
163 requesting additional nursing home beds at that facility.

164 ~~(2) For a general hospital, the agency shall consider only~~
165 ~~the criteria specified in paragraph (1)(a), paragraph (1)(b),~~
166 ~~except for quality of care in paragraph (1)(b), and paragraphs~~
167 ~~(1)(e), (g), and (i).~~

168 Section 6. Paragraphs (b) and (c) of subsection (1) of
169 section 408.036, Florida Statutes, are amended to read:

170 408.036 Projects subject to review; exemptions.—

171 (1) APPLICABILITY.—Unless exempt under subsection (3), all
172 health-care-related projects, as described in paragraphs (a)–
173 (f), are subject to review and must file an application for a
174 certificate of need with the agency. The agency is exclusively
175 responsible for determining whether a health-care-related
176 project is subject to review under ss. 408.031–408.045.

177 (b) The new construction or establishment of additional
178 health care facilities, except for the construction of or
179 establishment of a general hospital or ~~including~~ a replacement
180 health care facility when the proposed project site is ~~not~~
181 located on the same site as or within 1 mile of the existing
182 health care facility, if the number of beds in each licensed bed
183 category will not increase.

184 (c) The conversion from one type of health care facility to



455382

185 another, including the conversion from a general hospital or, a
186 specialty hospital, ~~or a long-term care hospital~~ except that the
187 conversion of a specialty hospital to a general hospital is not
188 subject to review if, once converted, the hospital meets the
189 licensure criteria in s. 395.003(8).

190 Section 7. Section 408.037, Florida Statutes, is amended to
191 read:

192 408.037 Application content.—

193 (1) ~~Except as provided in subsection (2) for a general~~
194 ~~hospital,~~ An application for a certificate of need must contain:

195 (a) A detailed description of the proposed project and
196 statement of its purpose and need in relation to the district
197 health plan.

198 (b) A statement of the financial resources needed by and
199 available to the applicant to accomplish the proposed project.
200 This statement must include:

201 1. A complete listing of all capital projects, including
202 new health facility development projects and health facility
203 acquisitions applied for, pending, approved, or underway in any
204 state at the time of application, regardless of whether or not
205 that state has a certificate-of-need program or a capital
206 expenditure review program pursuant to s. 1122 of the Social
207 Security Act. The agency may, by rule, require less-detailed
208 information from major health care providers. This listing must
209 include the applicant's actual or proposed financial commitment
210 to those projects and an assessment of their impact on the
211 applicant's ability to provide the proposed project.

212 2. A detailed listing of the needed capital expenditures,
213 including sources of funds.



455382

214 3. A detailed financial projection, including a statement
215 of the projected revenue and expenses for the first 2 years of
216 operation after completion of the proposed project. This
217 statement must include a detailed evaluation of the impact of
218 the proposed project on the cost of other services provided by
219 the applicant.

220 (c) An audited financial statement of the applicant or the
221 applicant's parent corporation if audited financial statements
222 of the applicant do not exist. In an application submitted by an
223 existing health care facility, health maintenance organization,
224 or hospice, financial condition documentation must include, but
225 need not be limited to, a balance sheet and a profit-and-loss
226 statement of the 2 previous fiscal years' operation.

227 ~~(2) An application for a certificate of need for a general
228 hospital must contain a detailed description of the proposed
229 general hospital project and a statement of its purpose and the
230 needs it will meet. The proposed project's location, as well as
231 its primary and secondary service areas, must be identified by
232 zip code. Primary service area is defined as the zip codes from
233 which the applicant projects that it will draw 75 percent of its
234 discharges. Secondary service area is defined as the zip codes
235 from which the applicant projects that it will draw its
236 remaining discharges. If, subsequent to issuance of a final
237 order approving the certificate of need, the proposed location
238 of the general hospital changes or the primary service area
239 materially changes, the agency shall revoke the certificate of
240 need. However, if the agency determines that such changes are
241 deemed to enhance access to hospital services in the service
242 district, the agency may permit such changes to occur. A party~~



455382

243 ~~participating in the administrative hearing regarding the~~
244 ~~issuance of the certificate of need for a general hospital has~~
245 ~~standing to participate in any subsequent proceeding regarding~~
246 ~~the revocation of the certificate of need for a hospital for~~
247 ~~which the location has changed or for which the primary service~~
248 ~~area has materially changed. In addition, the application for~~
249 ~~the certificate of need for a general hospital must include a~~
250 ~~statement of intent that, if approved by final order of the~~
251 ~~agency, the applicant shall within 120 days after issuance of~~
252 ~~the final order or, if there is an appeal of the final order,~~
253 ~~within 120 days after the issuance of the court's mandate on~~
254 ~~appeal, furnish satisfactory proof of the applicant's financial~~
255 ~~ability to operate. The agency shall establish documentation~~
256 ~~requirements, to be completed by each applicant, which show~~
257 ~~anticipated provider revenues and expenditures, the basis for~~
258 ~~financing the anticipated cash-flow requirements of the~~
259 ~~provider, and an applicant's access to contingency financing. A~~
260 ~~party participating in the administrative hearing regarding the~~
261 ~~issuance of the certificate of need for a general hospital may~~
262 ~~provide written comments concerning the adequacy of the~~
263 ~~financial information provided, but such party does not have~~
264 ~~standing to participate in an administrative proceeding~~
265 ~~regarding proof of the applicant's financial ability to operate.~~
266 ~~The agency may require a licensee to provide proof of financial~~
267 ~~ability to operate at any time if there is evidence of financial~~
268 ~~instability, including, but not limited to, unpaid expenses~~
269 ~~necessary for the basic operations of the provider.~~

270 (2)~~(3)~~ The applicant must certify that it will license and
271 operate the health care facility. For an existing health care



455382

272 facility, the applicant must be the licenseholder of the
273 facility.

274 Section 8. Paragraphs (c) and (d) of subsection (3),
275 paragraphs (b) and (c) of subsection (5), and paragraph (d) of
276 subsection (6) of section 408.039, Florida Statutes, are amended
277 to read:

278 408.039 Review process.—The review process for certificates
279 of need shall be as follows:

280 (3) APPLICATION PROCESSING.—

281 ~~(c) Except for competing applicants, in order to be~~
282 ~~eligible to challenge the agency decision on a general hospital~~
283 ~~application under review pursuant to paragraph (5) (c), existing~~
284 ~~hospitals must submit a detailed written statement of opposition~~
285 ~~to the agency and to the applicant. The detailed written~~
286 ~~statement must be received by the agency and the applicant~~
287 ~~within 21 days after the general hospital application is deemed~~
288 ~~complete and made available to the public.~~

289 ~~(d) In those cases where a written statement of opposition~~
290 ~~has been timely filed regarding a certificate of need~~
291 ~~application for a general hospital, the applicant for the~~
292 ~~general hospital may submit a written response to the agency.~~
293 ~~Such response must be received by the agency within 10 days of~~
294 ~~the written statement due date.~~

295 (5) ADMINISTRATIVE HEARINGS.—

296 (b) Hearings shall be held in Tallahassee unless the
297 administrative law judge determines that changing the location
298 will facilitate the proceedings. The agency shall assign
299 proceedings requiring hearings to the Division of Administrative
300 Hearings of the Department of Management Services within 10 days



455382

301 after the time has expired for requesting a hearing. Except upon
302 unanimous consent of the parties or upon the granting by the
303 administrative law judge of a motion of continuance, hearings
304 shall commence within 60 days after the administrative law judge
305 has been assigned. ~~For an application for a general hospital,~~
306 ~~administrative hearings shall commence within 6 months after the~~
307 ~~administrative law judge has been assigned, and a continuance~~
308 ~~may not be granted absent a finding of extraordinary~~
309 ~~circumstances by the administrative law judge.~~ All parties,
310 except the agency, shall bear their own expense of preparing a
311 transcript. In any application for a certificate of need which
312 is referred to the Division of Administrative Hearings for
313 hearing, the administrative law judge shall complete and submit
314 to the parties a recommended order as provided in ss. 120.569
315 and 120.57. The recommended order shall be issued within 30 days
316 after the receipt of the proposed recommended orders or the
317 deadline for submission of such proposed recommended orders,
318 whichever is earlier. The division shall adopt procedures for
319 administrative hearings which shall maximize the use of
320 stipulated facts and shall provide for the admission of prepared
321 testimony.

322 (c) In administrative proceedings challenging the issuance
323 or denial of a certificate of need, only applicants considered
324 by the agency in the same batching cycle are entitled to a
325 comparative hearing on their applications. Existing health care
326 facilities may initiate or intervene in an administrative
327 hearing upon a showing that an established program will be
328 substantially affected by the issuance of any certificate of
329 need, whether reviewed under s. 408.036(1) or (2), to a



455382

330 competing proposed facility or program within the same district.
331 ~~With respect to an application for a general hospital, competing~~
332 ~~applicants and only those existing hospitals that submitted a~~
333 ~~detailed written statement of opposition to an application as~~
334 ~~provided in this paragraph may initiate or intervene in an~~
335 ~~administrative hearing. Such challenges to a general hospital~~
336 ~~application shall be limited in scope to the issues raised in~~
337 ~~the detailed written statement of opposition that was provided~~
338 ~~to the agency. The administrative law judge may, upon a motion~~
339 ~~showing good cause, expand the scope of the issues to be heard~~
340 ~~at the hearing. Such motion shall include substantial and~~
341 ~~detailed facts and reasons for failure to include such issues in~~
342 ~~the original written statement of opposition.~~

343 (6) JUDICIAL REVIEW.—

344 ~~(d) The party appealing a final order that grants a general~~
345 ~~hospital certificate of need shall pay the appellee's attorney's~~
346 ~~fees and costs, in an amount up to \$1 million, from the~~
347 ~~beginning of the original administrative action if the appealing~~
348 ~~party loses the appeal, subject to the following limitations and~~
349 ~~requirements:~~

350 ~~1. The party appealing a final order must post a bond in~~
351 ~~the amount of \$1 million in order to maintain the appeal.~~

352 ~~2. Except as provided under s. 120.595(5), in no event~~
353 ~~shall the agency be held liable for any other party's attorney's~~
354 ~~fees or costs.~~

355 Section 9. Subsection (1) of section 408.040, Florida
356 Statutes, is amended, to read:

357 408.040 Conditions and monitoring.—

358 (1) (a) The agency may issue a certificate of need, or an



455382

359 exemption, predicated upon statements of intent expressed by an
360 applicant in the application for a certificate of need or an
361 exemption. Any conditions imposed on a certificate of need or an
362 exemption based on such statements of intent shall be stated on
363 the face of the certificate of need or in the exemption
364 approval.

365 (b) The agency may consider, in addition to the other
366 criteria specified in s. 408.035, a statement of intent by the
367 applicant that a specified percentage of the annual patient days
368 at the facility will be utilized by patients eligible for care
369 under Title XIX of the Social Security Act. Any certificate of
370 need issued to a nursing home in reliance upon an applicant's
371 statements that a specified percentage of annual patient days
372 will be utilized by residents eligible for care under Title XIX
373 of the Social Security Act must include a statement that such
374 certification is a condition of issuance of the certificate of
375 need. The certificate-of-need program shall notify the Medicaid
376 program office and the Department of Elderly Affairs when it
377 imposes conditions as authorized in this paragraph in an area in
378 which a community diversion pilot project is implemented.
379 Effective July 1, 2012, the agency may not impose sanctions
380 related to patient day utilization by patients eligible for care
381 under Title XIX of the Social Security Act for nursing homes.

382 (c) A certificateholder or an exemption holder may apply to
383 the agency for a modification of conditions imposed under
384 paragraph (a) or paragraph (b). If the holder of a certificate
385 of need or an exemption demonstrates good cause why the
386 certificate or exemption should be modified, the agency shall
387 reissue the certificate of need or exemption with such



455382

388 modifications as may be appropriate. The agency shall by rule
389 define the factors constituting good cause for modification.

390 (d) If the holder of a certificate of need or the holder of
391 an exemption fails to comply with a condition that is unrelated
392 to the provision of charity care or the provision of care under
393 the Florida Medicaid program upon which the issuance of the
394 certificate or exemption was predicated, the agency may assess
395 an administrative fine against the certificateholder or
396 exemption holder in an amount not to exceed \$1,000 per failure
397 per day. If the holder of a certificate of need or the holder of
398 an exemption fails to comply with a condition related to the
399 provision of charity care or the provision of care under the
400 Florida Medicaid program upon which the issuance of the
401 certificate or exemption was predicated, the agency must assess
402 an administrative fine against the certificateholder or
403 exemption holder in the amount of \$2,500 per day for each
404 instance of noncompliance. Failure to annually report compliance
405 with any condition upon which the issuance of the certificate or
406 exemption was predicated constitutes noncompliance. In assessing
407 the penalty, the agency shall take into account as mitigation
408 the degree of noncompliance. Proceeds of such penalties shall be
409 deposited in the Public Medical Assistance Trust Fund.

410 (e) A general hospital that was issued a certificate of
411 need with conditions imposed as described in paragraph (a) or
412 paragraph (b), relating to the provision of charity care or the
413 provision of care under the Florida Medicaid program, must
414 continue to meet those conditions to maintain licensure
415 regardless of the status of that hospital's certificate of need
416 unless such conditions are modified by the agency pursuant to



455382

417 paragraph (c).

418 Section 10. Subsection (1) of section 408.043, Florida
419 Statutes, is amended to read:

420 408.043 Special provisions.—

421 ~~(1) OSTEOPATHIC ACUTE CARE HOSPITALS.—When an application~~
422 ~~is made for a certificate of need to construct or to expand an~~
423 ~~osteopathic acute care hospital, the need for such hospital~~
424 ~~shall be determined on the basis of the need for and~~
425 ~~availability of osteopathic services and osteopathic acute care~~
426 ~~hospitals in the district. When a prior certificate of need to~~
427 ~~establish an osteopathic acute care hospital has been issued in~~
428 ~~a district, and the facility is no longer used for that purpose,~~
429 ~~the agency may continue to count such facility and beds as an~~
430 ~~existing osteopathic facility in any subsequent application for~~
431 ~~construction of an osteopathic acute care hospital.~~

432 Section 11. Effective upon this act becoming a law:

433 (1) The Agency for Health Care Administration may not
434 initiate a review cycle or accept letters of intent or
435 applications for the issuance of a certificate of need for the
436 new construction or establishment of a freestanding general
437 hospital.

438 (2) The agency shall issue a certificate of need to any
439 pending applicant for a certificate of need for the new
440 construction of or establishment of a freestanding general
441 hospital:

442 (a) With intensive care, progressive care, and medical-
443 surgical beds;

444 (b) With an onsite emergency department that will be
445 operational 24 hours per day, 7 days per week; and



455382

446 (c) Whose application for a certificate of need has been
447 approved by the agency, regardless of the litigation status of
448 the application.

449 (3) For an applicant seeking a certificate of need for the
450 new construction or establishment of a freestanding general
451 hospital that does not meet the criteria in subsection (2),
452 including an applicant whose application is pending approval or
453 denial by the agency and an applicant whose application was
454 initially denied by the agency but such denial is under appeal,
455 ss. 395.6025, 408.032, 408.034, 408.035, 408.036, 408.037,
456 408.039, and 408.043, Florida Statutes (2018), and any rules
457 adopted thereunder remain in effect until such time as the
458 agency has either issued the applicant a certificate of need,
459 the agency has denied the application and all appeals of the
460 denial have been exhausted, or the application has been
461 withdrawn.

462 Section 12. Except as otherwise expressly provided in this
463 act and except for this section, which shall take effect upon
464 this act becoming a law, this act shall take effect July 1,
465 2019.

466
467 ===== T I T L E A M E N D M E N T =====

468 And the title is amended as follows:

469 Delete everything before the enacting clause
470 and insert:

471 A bill to be entitled
472 An act relating to hospital licensure; amending s.
473 395.003, F.S.; deleting an obsolete provision;
474 providing applicability; requiring certain hospitals



455382

475 licensed after a specified date to submit a notice to
476 the Agency for Health Care Administration which
477 contains specified information before filing for
478 approval of plans and specifications to establish a
479 new general hospital; prohibiting the agency from
480 licensing a new general hospital unless certain
481 criteria are met; requiring certain hospitals to
482 participate in the Medicaid program and the Medicare
483 program and to provide a certain amount of charity
484 care; defining the terms "charity care" and
485 "district"; providing a separate calculation of
486 required charity care for such hospitals located in a
487 medically underserved area; authorizing such hospitals
488 to provide a certain donation the agency's Grants and
489 Donations Trust Fund in lieu of providing the required
490 charity care; requiring such hospitals to annually
491 report compliance to the agency; requiring the agency
492 to impose a specified administrative fine for
493 noncompliance; requiring the agency to adopt rules;
494 repealing s. 395.6025, F.S., relating to rural
495 hospital replacement facilities; amending s. 408.032,
496 F.S.; revising the definition of the term "health care
497 facility" to exclude hospitals and long-term care
498 hospitals for purposes of the Health Facility and
499 Services Development Act; deleting the definition of
500 the term "long-term care hospital"; amending s.
501 408.034; authoring the agency to issue a license to a
502 general hospital that has not been issued a
503 certificate of need under certain circumstances;



455382

504 amending s. 408.035, F.S.; deleting provisions related
505 to the agency's consideration and review of
506 certificates of need for general hospitals; amending
507 s. 408.036, F.S.; providing an exception for the
508 construction or establishment of a general hospital
509 and the conversion of a specialty hospital to a
510 general hospital from certificate of need review
511 requirements; amending ss. 408.037 and 408.039, F.S.;
512 deleting provisions relating to certificate of need
513 applications for general hospitals; amending s.
514 408.040, F.S.; requiring the agency to assess a
515 specified administrative fine against the holder of a
516 certificate of need or the holder of an exemption
517 which fails to comply with specified conditions;
518 requiring a general hospital that was issued a
519 certificate of need with certain conditions to
520 continue to meet those conditions to maintain
521 licensure; amending s. 408.043, F.S.; deleting
522 provisions relating to certificates of need for
523 osteopathic acute care hospitals; prohibiting the
524 agency from initiating a review cycle or from
525 accepting letters of intent or applications for the
526 issuance of certificate of need for the new
527 construction or the establishment of a freestanding
528 hospital; requiring the agency to issue such a
529 certificate of need to certain applicants, regardless
530 of litigation status; providing applicability;
531 providing effective dates.