

Tab 2 **SB 184** by **Book**; Aging Programs

Tab 3 **SB 318** by **Montford**; (Compare to H 00601) Child Abuse, Abandonment, and Neglect

Tab 4 **SB 374** by **Harrell**; Children and Youth Cabinet

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Book, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Monday, February 11, 2019

TIME: 4:30—6:00 p.m.

PLACE: 301 Senate Building

MEMBERS: Senator Book, Chair; Senator Mayfield, Vice Chair; Senators Bean, Harrell, Rader, Torres, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Update on Sober Homes		Discussed
2	SB 184 Book	<p>Aging Programs; Transferring the powers, duties, and functions of the Department of Elderly Affairs relating to hospices, assisted living facilities, adult family-care homes, and adult day care centers to the Agency for Health Care Administration; establishing that the agency is the lead agency responsible for the regulation of hospices, assisted living facilities, adult day care centers, and adult family-care homes, etc.</p> <p style="text-align: center;">CF 02/11/2019 Favorable AHS AP</p>	Favorable Yea 6 Nays 0
3	SB 318 Montford (Compare H 601)	<p>Child Abuse, Abandonment, and Neglect; Specifying that instructional personnel, school administrators, and educational support employees who follow certain policies when reporting or providing information related to child abuse, abandonment, or neglect are reporters; providing that any information that would identify a reporter in cases of child abuse, abandonment, or neglect may be released only under certain circumstances, etc.</p> <p style="text-align: center;">CF 02/11/2019 Temporarily Postponed ED RC</p>	Temporarily Postponed
4	SB 374 Harrell	<p>Children and Youth Cabinet; Expanding the membership of the Children and Youth Cabinet within the Executive Office of the Governor to include a representative from the Florida Dental Association appointed by the Governor, etc.</p> <p style="text-align: center;">CF 02/11/2019 Favorable HP RC</p>	Favorable Yea 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: **SB 184**

INTRODUCER: Senator Book

SUBJECT: Aging Programs

DATE: February 8, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2. _____	_____	<u>AHS</u>	_____
3. _____	_____	<u>AP</u>	_____

I. Summary:

SB 184 moves rule making authority for certain programs from the Department of Elder Affairs to the Agency for Health Care Administration. These programs include hospice care, assisted living facilities, adult family care homes, and adult day care programs. Currently both agencies develop rules, while licensing and inspection is solely performed by the Agency for Health Care Administration. The bill makes no substantive changes to the requirements of these programs.

The bill has no fiscal impact and has an effective date of July 1, 2019.

II. Present Situation:

When the Department of Health and Rehabilitative Services was transformed into the Department of Children and Families, many duties and programs were moved to the newly created Agency for Health Care Administration and the Department of Elder Affairs. For hospice care, assisted living facilities, adult family care homes, and adult day care programs, duties for rule making were split between the Agency for Health Care Administration and the Department of Elder Affairs. Over time this has created operational challenges due to the regulating agency (the Agency for Health Care Administration) enforcing rules that it did not write. Both agencies have proposed changes to this arrangement to the Legislature to place all rule writing authority with the Agency for Health Care Administration.

Hospice Care

Hospice care is provided to terminally ill patients. Providers of hospice care are regulated by federal and state law and are licensed by the Agency for Health Care Administration. The Department of Elder Affairs is responsible for certain rule making. Each hospice must provide a continuum of hospice services which afford the patient and the family of the patient a range of service delivery which are tailored to the specific needs and preferences of the patient and family

at any point in time throughout the length of care for the terminally ill patient and during the bereavement period. These services must be available 24 hours a day, 7 days a week, and must include: nursing services, social work services, pastoral or counseling services, dietary counseling, and bereavement counseling services.¹ Physician services may be provided by the hospice directly or through contract. A hospice may also use contracted staff if necessary to supplement hospice employees in order to meet the needs of patients during periods of peak patient loads or under extraordinary circumstances. Each hospice must also provide or arrange for such additional services as are needed to meet all the palliative and support needs of the patient and family. These services may include, but are not limited to, physical therapy, occupational therapy, speech therapy, massage therapy, home health aide services, infusion therapy, provision of medical supplies and durable medical equipment, day care, homemaker and chore services, and funeral services. There are 47 licensed hospice providers with a total of 1,000 beds in Florida.²

Assisted Living Facilities (ALF)

An ALF is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.³ A personal service is direct physical assistance with, or supervision of, the activities of daily living and the self-administration of medication.⁴ Activities of daily living include ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks.⁵ ALFs are licensed by the Agency for Health Care Administration. Both the agency and the Department of Elder Affairs have rule making duties.

An ALF is required to provide care and services appropriate to the needs of the residents accepted for admission to the facility.⁶ The owner or facility administrator determines whether an individual is appropriate for admission to the facility based on a number of criteria.⁷ If, as determined by the facility administrator or health care provider, a resident no longer meets the criteria for continued residency or the facility is unable to meet the resident's needs, the resident must be discharged in accordance with the Resident Bill of Rights.⁸ There are 3,084 licensed ALFs in Florida having a total of 105,090 beds.⁹

Adult Family Care Homes

Adult family care homes are residential homes designed to provide personal care services to individuals requiring assistance. The provider must live in the home and offer personal services

¹ See part 4 of Chapter 400, F.S.

² Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 7, 2019.

³ Section 429.02(5), F.S.

⁴ Section 429.02(16), F.S.

⁵ Section 429.02(1), F.S.

⁶ For specific minimum standards see Fla. Admin. Code R 58A-5.0182.

⁷ Section 429.26, F.S., and Fla. Admin. Code R 58A-5.0181.

⁸ Section 429.28, F.S.

⁹ Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 7, 2019.

for up to five residents.¹⁰ Adult family care homes are licensed by the Agency for Health Care Administration. Both the agency and the Department of Elder Affairs have rule making duties. There are 336 licensed adult family care homes with 1,534 beds.¹¹

Adult Day Care Centers

Adult day care centers provide therapeutic programs of social and health services as well as activities for adults in a non-institutional setting.¹² Participants may use a variety of services offered during any part of a day, but less than a 24-hour period. Adult day care centers are licensed by the Agency for Health Care Administration. Both the agency and the Department of Elder Affairs have rule making duties. There are 326 licensed adult day care centers with 17,636 beds.¹³

III. Effect of Proposed Changes:

Section 1 transfers all powers, duties, budget and personnel supporting certain regulatory functions from the Department of Elder Affairs to the Agency for Health Care Administration. Resources include those needed for specified rule making for hospice care, assisted living facilities, adult family-care homes, and adult day care centers are moved under the bill.

Section 2 amends s. 20.41, F.S., relating to the Department of Elder Affairs, to require the agency to provide any needed information on hospice care, assisted living facilities, adult day care centers and adult family-care homes to the Agency for Health Care Administration.

Section 3 amends s. 20.42, F.S., relating to the Agency for Health Care Administration, to assign the agency with the lead responsibility for regulation of hospice care, assisted living facilities, adult day care centers and adult family-care homes.

Section 4 amends s. 400.605, F.S., relating to hospice regulation, to remove the requirements for the Department of Elder Affairs to consult with the Agency for Health Care Administration.

Section 5 amends s. 400.60501, F.S., relating to hospice annual reports, to transfer the responsibility to collect and produce such reports from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 6 amends s. 400.6095, F.S., relating to hospice admissions, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

¹⁰ See part 2 of Chapter 429, F.S.

¹¹ Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 7, 2019.

¹² See part 3 of Chapter 429, F.S.

¹³ Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 7, 2019.

Section 7 amends s. 400.610, F.S., relating to hospice administration, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 8 amends s. 429.02, F.S., relating to definitions used in chapter 429 on assisted living facilities to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 9 amends s. 429.17, F.S., relating to assisted living facility licenses, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 10 amends s. 429.23, F.S., relating to assisted living facility risk management, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 11 amends s. 429.24, F.S., relating to assisted living facility contracts, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 12 amends s. 429.255, F.S., relating to assisted living facility personnel and emergency care, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 13 amends s. 429.256, F.S., relating to assistance with self-administration of medication in an assisted living facility, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 14 amends s. 429.27, F.S., relating to personal property of residents in assisted living facilities, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 15 amends s. 429.275, F.S., relating to financial records of an assisted living facility, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 16 amends s. 429.31, F.S., relating to the closing of an assisted living facility, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 17 amends s. 429.34, F.S., relating to the right to enter and inspect an assisted living facility to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 18 amends s. 429.41, F.S., relating to assisted living facility licensing standards, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency

for Health Care Administration. The bill deletes outdated language requiring the department to submit a copy of its rules to the Legislature.

Section 19 amends s. 429.42, F.S., relating to assisted living facility pharmacy and dietary services, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 20 amends s. 429.52, F.S., relating to assisted living facility staff training, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 21 amends s. 429.54, F.S., relating to the collection of data on assisted living facility costs, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 22 amends s. 429.63, F.S., providing legislative intent on adult family care home licensure, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 23 amends s. 429.67, F.S., relating to licensure of adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 24 amends s. 429.71, F.S., relating to licensure deficiencies in adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 25 amends s. 429.73, F.S., relating to licensure standards for adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 26 amends s. 429.75, F.S., relating to training and education programs for adult family care homes providers, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 27 amends s. 429.81, F.S., relating to resident agreements in adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 28 amends s. 429.929, F.S., relating to standards for adult day care centers, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 29 amends s. 765.110, F.S., relating to health care advance directives, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 30 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact to the state. The bill requires the transfer of all budget, salary rate, and personnel used in the development of rules for specified aging programs from the Department of Elder Affairs to the Agency for Health Care Administration.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.41, 20.42, 400.605, 400.60501, 400.6095, 400.610, 429.02, 429.17, 429.23, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.34, 429.41, 429.42, 429.52, 429.54, 429.63, 429.67, 429.71, 429.73, 429.75, 429.81, 429.929, and 765.110.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Book

32-00734B-19

A bill to be entitled

2019184

2 An act relating to aging programs; transferring the
3 powers, duties, and functions of the Department of
4 Elderly Affairs relating to hospices, assisted living
5 facilities, adult family-care homes, and adult day
6 care centers to the Agency for Health Care
7 Administration; amending s. 20.41, F.S.; requiring the
8 department to provide certain documents and
9 information to the agency upon request; amending s.
10 20.42, F.S.; establishing that the agency is the lead
11 agency responsible for the regulation of hospices,
12 assisted living facilities, adult day care centers,
13 and adult family-care homes; amending ss. 400.605,
14 400.60501, 400.6095, 400.610, 429.02, 429.17, 429.23,
15 429.24, 429.255, 429.256, 429.27, 429.275, 429.31,
16 429.34, 429.41, 429.42, 429.52, 429.54, 429.63,
17 429.67, 429.71, 429.73, 429.75, 429.81, 429.929, and
18 765.110, F.S.; conforming provisions to changes made
19 by the act; providing an effective date.

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

Section 1. All powers, duties, functions, records, personnel, property, salary rate, budget authority, and administrative authority of the Department of Elderly Affairs relating to hospices, assisted living facilities, adult family-care homes, and adult day care centers, and the administrative rules in chapters 58A-2, 58A-5, 58A-6, and 58A-14, Florida Administrative Code, are transferred by a type two transfer, as

Page 1 of 29

CODING: Words stricken are deletions; words underlined are additions.

32-00734B-19

2019184

30 defined in s. 20.06(2), Florida Statutes, to the Agency for
31 Health Care Administration.

Section 2. Subsection (9) is added to section 20.41, Florida Statutes, to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(9) Upon request, the department shall provide the Agency for Health Care Administration with any documents and information needed for the agency's regulation of hospices, assisted living facilities, adult family-care homes, and adult day care centers.

Section 3. Subsection (3) of section 20.42, Florida Statutes, is amended to read:

20.42 Agency for Health Care Administration.—

(3) The department shall be the chief health policy and planning entity for the state. The department is responsible for health facility licensure, inspection, and regulatory enforcement; investigation of consumer complaints related to health care facilities and managed care plans; the implementation of the certificate of need program; the operation of the Florida Center for Health Information and Transparency; the administration of the Medicaid program; the administration of the contracts with the Florida Healthy Kids Corporation; the certification of health maintenance organizations and prepaid health clinics as set forth in part III of chapter 641; and any other duties prescribed by statute or agreement. The department is the lead agency responsible for the regulation of hospices, assisted living facilities, adult day care centers, and adult family-care homes.

Page 2 of 29

CODING: Words ~~strieken~~ are deletions; words underlined are additions.

32-00734B-19 2019184

Section 4. Subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice pursuant to this part. The rules must include:

(a) The qualifications of professional and ancillary personnel to ensure the provision of appropriate and adequate hospice care.

(b) Standards and procedures for the administrative management of a hospice.

(c) Standards for hospice services that ensure the provision of quality patient care.

(d) Components of a patient plan of care.

(e) Procedures relating to the implementation of advanced directives and do-not-resuscitate orders.

(f) Procedures for maintaining and ensuring confidentiality of patient records.

(g) Standards for hospice care provided in freestanding inpatient facilities that are not otherwise licensed medical facilities and in residential care facilities such as nursing homes, assisted living facilities, adult family-care homes, and hospice residential units and facilities.

(h) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Division of Emergency

Page 3 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184

88 Management.

89 (i) Standards and procedures relating to the establishment
90 and activities of a quality assurance and utilization review
91 committee.

92 (j) Components and procedures relating to the collection of
93 patient demographic data and other information on the provision
94 of hospice care in this state.

95 Section 5. Section 400.60501, Florida Statutes, is amended
96 to read:

97 400.60501 Outcome measures; adoption of federal quality
98 measures; public reporting; annual report.—

99 (1) No later than December 31, 2019, ~~the department, in
100 conjunction with the agency,~~ shall adopt the national hospice
101 outcome measures and survey data in 42 C.F.R. part 418 to
102 determine the quality and effectiveness of hospice care for
103 hospices licensed in the state.

104 (2) ~~The department, in conjunction with~~ The agency, shall:

105 (a) Make available to the public the national hospice
106 outcome measures and survey data in a format that is
107 comprehensible by a layperson and that allows a consumer to
108 compare such measures of one or more hospices.

109 (b) Develop an annual report that analyzes and evaluates
110 the information collected under this act and any other data
111 collection or reporting provisions of law.

112 Section 6. Subsection (8) of section 400.6095, Florida
113 Statutes, is amended to read:

114 400.6095 Patient admission; assessment; plan of care;
115 discharge; death.—

116 (8) The hospice care team may withhold or withdraw

Page 4 of 29

CODING: Words ~~strieken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

117 cardiopulmonary resuscitation if presented with an order not to
 118 resuscitate executed pursuant to s. 401.45. The agency
 119 ~~department~~ shall adopt rules providing for the implementation of
 120 such orders. Hospice staff shall not be subject to criminal
 121 prosecution or civil liability, nor be considered to have
 122 engaged in negligent or unprofessional conduct, for withholding
 123 or withdrawing cardiopulmonary resuscitation pursuant to such an
 124 order and applicable rules. The absence of an order to
 125 resuscitate executed pursuant to s. 401.45 does not preclude a
 126 physician from withholding or withdrawing cardiopulmonary
 127 resuscitation as otherwise permitted by law.

128 Section 7. Paragraph (b) of subsection (1) of section
 129 400.610, Florida Statutes, is amended to read:

130 400.610 Administration and management of a hospice.—

131 (1) A hospice shall have a clearly defined organized
 132 governing body, consisting of a minimum of seven persons who are
 133 representative of the general population of the community
 134 served. The governing body shall have autonomous authority and
 135 responsibility for the operation of the hospice and shall meet
 136 at least quarterly. The governing body shall:

137 (b)1. Prepare and maintain a comprehensive emergency
 138 management plan that provides for continuing hospice services in
 139 the event of an emergency that is consistent with local special
 140 needs plans. The plan shall include provisions for ensuring
 141 continuing care to hospice patients who go to special needs
 142 shelters. The plan shall include the means by which the hospice
 143 provider will continue to provide staff to provide the same type
 144 and quantity of services to their patients who evacuate to
 145 special needs shelters which were being provided to those

Page 5 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

146 patients prior to evacuation. The plan is subject to review and
 147 approval by the county health department, except as provided in
 148 subparagraph 2. During its review, the county health department
 149 shall contact state and local health and medical stakeholders
 150 when necessary. The county health department shall complete its
 151 review to ensure that the plan complies with criteria in rules
 152 of the agency ~~Department of Elderly Affairs~~ within 90 days after
 153 receipt of the plan and shall either approve the plan or advise
 154 the hospice of necessary revisions. Hospice providers may
 155 establish links to local emergency operations centers to
 156 determine a mechanism by which to approach specific areas within
 157 a disaster area in order for the provider to reach its clients.
 158 A hospice shall demonstrate a good faith effort to comply with
 159 the requirements of this paragraph by documenting attempts of
 160 staff to follow procedures as outlined in the hospice's
 161 comprehensive emergency management plan and to provide
 162 continuing care for those hospice clients who have been
 163 identified as needing alternative caregiver services in the
 164 event of an emergency.

165 2. For any hospice that operates in more than one county,
 166 the Department of Health during its review shall contact state
 167 and local health and medical stakeholders when necessary. The
 168 Department of Health shall complete its review to ensure that
 169 the plan complies with criteria in rules of the agency
 170 ~~Department of Elderly Affairs~~ within 90 days after receipt of
 171 the plan and shall approve the plan or advise the hospice of
 172 necessary revisions. The Department of Health shall make every
 173 effort to avoid imposing differing requirements on a hospice
 174 that operates in more than one county as a result of differing

Page 6 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184
 175 or conflicting comprehensive plan requirements of the counties
 176 in which the hospice operates.

177 Section 8. Subsections (13) and (17) of section 429.02,
 178 Florida Statutes, are amended to read:

179 429.02 Definitions.—When used in this part, the term:

180 (13) "Limited nursing services" means acts that may be
 181 performed by a person licensed under part I of chapter 464.
 182 Limited nursing services shall be for persons who meet the
 183 admission criteria established by the agency department for
 184 assisted living facilities ~~but are and~~ shall not be complex
 185 enough to require 24-hour nursing supervision and may include
 186 such services as the application and care of routine dressings,
 187 and care of casts, braces, and splints.

188 (17) "Personal services" means direct physical assistance
 189 with or supervision of the activities of daily living, the self-
 190 administration of medication, or other similar services that
 191 ~~which~~ the agency department may define by rule. The term may not
 192 be construed to mean the provision of medical, nursing, dental,
 193 or mental health services.

194 Section 9. Subsection (6) of section 429.17, Florida
 195 Statutes, is amended to read:

196 429.17 Expiration of license; renewal; conditional
 197 license.—

198 (6) The agency department may by rule establish renewal
 199 procedures, identify forms, and specify documentation necessary
 200 to administer this section ~~and~~. The agency, in consultation with
 201 the ~~department~~, may adopt rules to administer the requirements
 202 of part II of chapter 408.

203 Section 10. Subsection (10) of section 429.23, Florida

Page 7 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184
 204 Statutes, is amended to read:

205 429.23 Internal risk management and quality assurance
 206 program; adverse incidents and reporting requirements.—

207 (10) The agency Department of Elderly Affairs may adopt
 208 rules necessary to administer this section.

209 Section 11. Subsection (8) of section 429.24, Florida
 210 Statutes, is amended to read:

211 429.24 Contracts.—

212 (8) The agency department may by rule clarify terms,
 213 establish procedures, clarify refund policies and contract
 214 provisions, and specify documentation as necessary to administer
 215 this section.

216 Section 12. Subsections (4) and (5) of section 429.255,
 217 Florida Statutes, are amended to read:

218 429.255 Use of personnel; emergency care.—

219 (4) Facility staff may withhold or withdraw cardiopulmonary
 220 resuscitation or the use of an automated external defibrillator
 221 if presented with an order not to resuscitate executed pursuant
 222 to s. 401.45. The agency department shall adopt rules providing
 223 for the implementation of such orders. Facility staff and
 224 facilities may ~~shall~~ not be subject to criminal prosecution or
 225 civil liability, nor be considered to have engaged in negligent
 226 or unprofessional conduct, for withholding or withdrawing
 227 cardiopulmonary resuscitation or use of an automated external
 228 defibrillator pursuant to such an order and rules adopted by the
 229 agency department. The absence of an order to resuscitate
 230 executed pursuant to s. 401.45 does not preclude a physician
 231 from withholding or withdrawing cardiopulmonary resuscitation or
 232 use of an automated external defibrillator as otherwise

Page 8 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184__

233 permitted by law.

234 (5) The agency Department of Elderly Affairs may adopt
235 rules to implement the provisions of this section relating to
236 use of an automated external defibrillator.

237 Section 13. Subsection (6) of section 429.256, Florida
238 Statutes, is amended to read:

239 429.256 Assistance with self-administration of medication.—

240 (6) The agency department may by rule establish facility
241 procedures and interpret terms as necessary to implement this
242 section.

243 Section 14. Subsection (8) of section 429.27, Florida
244 Statutes, is amended to read:

245 429.27 Property and personal affairs of residents.—

246 (8) The agency department may by rule clarify terms and
247 specify procedures and documentation necessary to administer the
248 provisions of this section relating to the proper management of
249 residents' funds and personal property and the execution of
250 surety bonds.

251 Section 15. Subsection (4) of section 429.275, Florida
252 Statutes, is amended to read:

253 429.275 Business practice; personnel records; liability
254 insurance.—The assisted living facility shall be administered on
255 a sound financial basis that is consistent with good business
256 practices.

257 (4) The agency department may by rule clarify terms,
258 establish requirements for financial records, accounting
259 procedures, personnel procedures, insurance coverage, and
260 reporting procedures, and specify documentation as necessary to
261 implement ~~the requirements of~~ this section.

Page 9 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184__

262 Section 16. Subsection (2) of section 429.31, Florida
263 Statutes, is amended to read:

264 429.31 Closing of facility; notice; penalty.—

265 (2) Immediately upon the notice by the agency of the
266 voluntary or involuntary termination of such operation, the
267 agency shall monitor the transfer of residents to other
268 facilities and ensure that residents' rights are being
269 protected. The agency department, in consultation with the
270 Department of Children and Families, shall specify procedures
271 for ensuring that all residents who receive services are
272 appropriately relocated.

273 Section 17. Subsection (1) of section 429.34, Florida
274 Statutes, is amended to read:

275 429.34 Right of entry and inspection.—

276 (1) In addition to the requirements of s. 408.811, a duly
277 designated officer or employee of the agency department, of the
278 Department of Children and Families, of the Medicaid Fraud
279 Control Unit of the Office of the Attorney General, or of the
280 state or local fire marshal, or a representative of the State
281 Long-Term Care Ombudsman Program or a member of the state or
282 local long-term care ombudsman council has the right to enter
283 unannounced upon and into the premises of any facility licensed
284 under this part in order to determine the state of compliance
285 with this part, part II of chapter 408, and applicable rules.
286 Data collected by the State Long-Term Care Ombudsman Program,
287 local long-term care ombudsman councils, or the state or local
288 advocacy councils may be used by the agency in investigations
289 involving violations of regulatory standards. A person specified
290 in this section who knows or has reasonable cause to suspect

Page 10 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184

291 that a vulnerable adult has been or is being abused, neglected,
 292 or exploited shall immediately report such knowledge or
 293 suspicion to the central abuse hotline pursuant to chapter 415.

294 Section 18. Section 429.41, Florida Statutes, is amended to
 295 read:

296 429.41 Rules establishing standards.—

297 (1) It is the intent of the Legislature that rules
 298 published and enforced pursuant to this section shall include
 299 criteria by which a reasonable and consistent quality of
 300 resident care and quality of life may be ensured and the results
 301 of such resident care may be demonstrated. Such rules shall also
 302 ensure a safe and sanitary environment that is residential and
 303 noninstitutional in design or nature. It is further intended
 304 that reasonable efforts be made to accommodate the needs and
 305 preferences of residents to enhance the quality of life in a
 306 facility. Uniform firesafety standards for assisted living
 307 facilities shall be established by the State Fire Marshal
 308 pursuant to s. 633.206. The agency, ~~in consultation with the~~
 309 ~~department,~~ may adopt rules to administer ~~the requirements of~~
 310 part II of chapter 408. In order to provide safe and sanitary
 311 facilities and the highest quality of resident care
 312 accommodating the needs and preferences of residents, the agency
 313 ~~department,~~ in consultation with the agency, ~~the~~ Department of
 314 Children and Families, and the Department of Health, shall adopt
 315 rules, policies, and procedures to administer this part, which
 316 must include reasonable and fair minimum standards in relation
 317 to:

318 (a) The requirements for and maintenance of facilities, not
 319 in conflict with chapter 553, relating to plumbing, heating,

Page 11 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184

320 cooling, lighting, ventilation, living space, and other housing
 321 conditions, which will ensure the health, safety, and comfort of
 322 residents suitable to the size of the structure.

323 1. Firesafety evacuation capability determination.—An
 324 evacuation capability evaluation for initial licensure shall be
 325 conducted within 6 months after the date of licensure.

326 2. Firesafety requirements.—

327 a. The National Fire Protection Association, Life Safety
 328 Code, NFPA 101 and 101A, current editions, shall be used in
 329 determining the uniform firesafety code adopted by the State
 330 Fire Marshal for assisted living facilities, pursuant to s.
 331 633.206.

332 b. A local government or a utility may charge fees only in
 333 an amount not to exceed the actual expenses incurred by the
 334 local government or the utility relating to the installation and
 335 maintenance of an automatic fire sprinkler system in a licensed
 336 assisted living facility structure.

337 c. All licensed facilities must have an annual fire
 338 inspection conducted by the local fire marshal or authority
 339 having jurisdiction.

340 d. An assisted living facility that is issued a building
 341 permit or certificate of occupancy before July 1, 2016, may at
 342 its option and after notifying the authority having
 343 jurisdiction, remain under the provisions of the 1994 and 1995
 344 editions of the National Fire Protection Association, Life
 345 Safety Code, NFPA 101, and NFPA 101A. The facility opting to
 346 remain under such provisions may make repairs, modernizations,
 347 renovations, or additions to, or rehabilitate, the facility in
 348 compliance with NFPA 101, 1994 edition, and may utilize the

Page 12 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

349 alternative approaches to life safety in compliance with NFPA
 350 101A, 1995 edition. However, a facility for which a building
 351 permit or certificate of occupancy is issued before July 1,
 352 2016, that undergoes Level III building alteration or
 353 rehabilitation, as defined in the Florida Building Code, or
 354 seeks to utilize features not authorized under the 1994 or 1995
 355 editions of the Life Safety Code must thereafter comply with all
 356 aspects of the uniform firesafety standards established under s.
 357 633.206, and the Florida Fire Prevention Code, in effect for
 358 assisted living facilities as adopted by the State Fire Marshal.

359 3. Resident elopement requirements.—Facilities are required
 360 to conduct a minimum of two resident elopement prevention and
 361 response drills per year. All administrators and direct care
 362 staff must participate in the drills, which shall include a
 363 review of procedures to address resident elopement. Facilities
 364 must document the implementation of the drills and ensure that
 365 the drills are conducted in a manner consistent with the
 366 facility's resident elopement policies and procedures.

367 (b) The preparation and annual update of a comprehensive
 368 emergency management plan. Such standards must be included in
 369 the rules adopted by the agency department after consultation
 370 with the Division of Emergency Management. At a minimum, the
 371 rules must provide for plan components that address emergency
 372 evacuation transportation; adequate sheltering arrangements;
 373 postdisaster activities, including provision of emergency power,
 374 food, and water; postdisaster transportation; supplies;
 375 staffing; emergency equipment; individual identification of
 376 residents and transfer of records; communication with families;
 377 and responses to family inquiries. The comprehensive emergency

Page 13 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

378 management plan is subject to review and approval by the local
 379 emergency management agency. During its review, the local
 380 emergency management agency shall ensure that the following
 381 agencies, at a minimum, are given the opportunity to review the
 382 plan: ~~the Department of Elderly Affairs~~, the Department of
 383 Health, the Agency for Health Care Administration, and the
 384 Division of Emergency Management. Also, appropriate volunteer
 385 organizations must be given the opportunity to review the plan.
 386 The local emergency management agency shall complete its review
 387 within 60 days and either approve the plan or advise the
 388 facility of necessary revisions.

389 (c) The number, training, and qualifications of all
 390 personnel having responsibility for the care of residents. The
 391 rules must require adequate staff to provide for the safety of
 392 all residents. Facilities licensed for 17 or more residents are
 393 required to maintain an alert staff for 24 hours per day.

394 (d) All sanitary conditions within the facility and its
 395 surroundings which will ensure the health and comfort of
 396 residents. The rules must clearly delineate the responsibilities
 397 of the agency's licensure and survey staff, the county health
 398 departments, and the local authority having jurisdiction over
 399 firesafety and ensure that inspections are not duplicative. The
 400 agency may collect fees for food service inspections conducted
 401 by the county health departments and transfer such fees to the
 402 Department of Health.

403 (e) License application and license renewal, transfer of
 404 ownership, proper management of resident funds and personal
 405 property, surety bonds, resident contracts, refund policies,
 406 financial ability to operate, and facility and staff records.

Page 14 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184__

407 (f) Inspections, complaint investigations, moratoriums,
 408 classification of deficiencies, levying and enforcement of
 409 penalties, and use of income from fees and fines.

410 (g) The enforcement of the resident bill of rights
 411 specified in s. 429.28.

412 (h) The care and maintenance of residents, which must
 413 include, but is not limited to:

414 1. The supervision of residents;

415 2. The provision of personal services;

416 3. The provision of, or arrangement for, social and leisure
 417 activities;

418 4. The arrangement for appointments and transportation to
 419 appropriate medical, dental, nursing, or mental health services,
 420 as needed by residents;

421 5. The management of medication;

422 6. The nutritional needs of residents;

423 7. Resident records; and

424 8. Internal risk management and quality assurance.

425 (i) Facilities holding a limited nursing, extended
 426 congregate care, or limited mental health license.

427 (j) The establishment of specific criteria to define
 428 appropriateness of resident admission and continued residency in
 429 a facility holding a standard, limited nursing, extended
 430 congregate care, and limited mental health license.

431 (k) The use of physical or chemical restraints. The use of
 432 physical restraints is limited to half-bed rails as prescribed
 433 and documented by the resident's physician with the consent of
 434 the resident or, if applicable, the resident's representative or
 435 designee or the resident's surrogate, guardian, or attorney in

Page 15 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184__

436 fact. The use of chemical restraints is limited to prescribed
 437 dosages of medications authorized by the resident's physician
 438 and must be consistent with the resident's diagnosis. Residents
 439 who are receiving medications that can serve as chemical
 440 restraints must be evaluated by their physician at least
 441 annually to assess:

442 1. The continued need for the medication.

443 2. The level of the medication in the resident's blood.

444 3. The need for adjustments in the prescription.

445 (1) The establishment of specific policies and procedures
 446 on resident elopement. Facilities shall conduct a minimum of two
 447 resident elopement drills each year. All administrators and
 448 direct care staff shall participate in the drills. Facilities
 449 shall document the drills.

450 (2) In adopting any rules pursuant to this part, the
 451 ~~department, in conjunction with the agency,~~ shall make distinct
 452 standards for facilities based upon facility size; the types of
 453 care provided; the physical and mental capabilities and needs of
 454 residents; the type, frequency, and amount of services and care
 455 offered; and the staffing characteristics of the facility. Rules
 456 developed pursuant to this section may not restrict the use of
 457 shared staffing and shared programming in facilities that are
 458 part of retirement communities that provide multiple levels of
 459 care and otherwise meet the requirements of law and rule. If a
 460 continuing care facility licensed under chapter 651 or a
 461 retirement community offering multiple levels of care licenses a
 462 building or part of a building designated for independent living
 463 for assisted living, staffing requirements established in rule
 464 apply only to residents who receive personal, limited nursing,

Page 16 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184

465 or extended congregate care services under this part. Such
 466 facilities shall retain a log listing the names and unit number
 467 for residents receiving these services. The log must be
 468 available to surveyors upon request. Except for uniform
 469 firesafety standards, the agency ~~department~~ shall adopt by rule
 470 separate and distinct standards for facilities with 16 or fewer
 471 beds and for facilities with 17 or more beds. The standards for
 472 facilities with 16 or fewer beds must be appropriate for a
 473 noninstitutional residential environment; however, the structure
 474 may not be more than two stories in height and all persons who
 475 cannot exit the facility unassisted in an emergency must reside
 476 on the first floor. The ~~department~~, in conjunction with the
 477 agency, may make other distinctions among types of facilities as
 478 necessary to enforce this part. Where appropriate, the agency
 479 shall offer alternate solutions for complying with established
 480 standards, based on distinctions made by the ~~department~~ and the
 481 agency relative to the physical characteristics of facilities
 482 and the types of care offered.

483 (3) ~~The department shall submit a copy of proposed rules to~~
 484 ~~the Speaker of the House of Representatives, the President of~~
 485 ~~the Senate, and appropriate committees of substance for review~~
 486 ~~and comment prior to the promulgation thereof.~~ Rules adopted
 487 promulgated by the agency ~~department~~ shall encourage the
 488 development of homelike facilities that ~~which~~ promote the
 489 dignity, individuality, personal strengths, and decisionmaking
 490 ability of residents.

491 (4) The agency, ~~in consultation with the department~~, may
 492 waive rules adopted ~~under~~ promulgated pursuant to this part ~~in~~
 493 order to demonstrate and evaluate innovative or cost-effective

Page 17 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

2019184

494 32-00734B-19
 495 congregate care alternatives that ~~which~~ enable individuals to
 496 age in place. Such waivers may be granted only in instances
 497 where there is reasonable assurance that the health, safety, or
 498 welfare of residents will not be endangered. To apply for a
 499 waiver, the licensee shall submit to the agency a written
 500 description of the concept to be demonstrated, including goals,
 501 objectives, and anticipated benefits; the number and types of
 502 residents who will be affected, if applicable; a brief
 503 description of how the demonstration will be evaluated; and any
 504 other information deemed appropriate by the agency. Any facility
 505 granted a waiver shall submit a report of findings to the agency
 506 and the ~~department~~ within 12 months. At such time, the agency
 507 may renew or revoke the waiver or pursue any regulatory or
 508 statutory changes necessary to allow other facilities to adopt
 509 the same practices. The agency ~~department~~ may by rule clarify
 510 terms and establish waiver application procedures, criteria for
 511 reviewing waiver proposals, and procedures for reporting
 512 findings, as necessary to implement this subsection.

513 (5) The agency may use an abbreviated biennial standard
 514 licensure inspection that consists of a review of key quality-
 515 of-care standards in lieu of a full inspection in a facility
 516 that has a good record of past performance. However, a full
 517 inspection must be conducted in a facility that has a history of
 518 class I or class II violations, uncorrected class III
 519 violations, confirmed ombudsman council complaints, or confirmed
 520 licensure complaints, ~~within~~ the previous licensure period
 521 immediately preceding the inspection or if a potentially serious
 522 problem is identified during the abbreviated inspection. The
 523 agency, ~~in consultation with the department~~, shall develop the

Page 18 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184

523 key quality-of-care standards with input from the State Long-
 524 Term Care Ombudsman Council and representatives of provider
 525 groups for incorporation into its rules.

526 Section 19. Subsection (4) of section 429.42, Florida
 527 Statutes, is amended to read:

528 429.42 Pharmacy and dietary services.—

529 (4) The agency department may by rule establish procedures
 530 and specify documentation as necessary to implement this
 531 section.

532 Section 20. Subsections (2), (3), (4), and (6) through (12)
 533 of section 429.52, Florida Statutes, are amended to read:

534 429.52 Staff training and educational programs; core
 535 educational requirement.—

536 (2) Administrators and other assisted living facility staff
 537 must meet minimum training and education requirements
 538 established by the agency Department of Elderly Affairs by rule.
 539 This training and education is intended to assist facilities to
 540 appropriately respond to the needs of residents, to maintain
 541 resident care and facility standards, and to meet licensure
 542 requirements.

543 (3) The agency, in conjunction with providers, department
 544 shall develop establish a competency test and a minimum required
 545 score to indicate successful completion of the training and
 546 educational requirements. The competency test must be developed
by the department in conjunction with the agency and providers.
 547 The required training and education must cover at least the
 548 following topics:

549 (a) State law and rules relating to assisted living
 550 facilities.

Page 19 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184

552 (b) Resident rights and identifying and reporting abuse,
 553 neglect, and exploitation.

554 (c) Special needs of elderly persons, persons with mental
 555 illness, and persons with developmental disabilities and how to
 556 meet those needs.

557 (d) Nutrition and food service, including acceptable
 558 sanitation practices for preparing, storing, and serving food.

559 (e) Medication management, recordkeeping, and proper
 560 techniques for assisting residents with self-administered
 561 medication.

562 (f) Firesafety requirements, including fire evacuation
 563 drill procedures and other emergency procedures.

564 (g) Care of persons with Alzheimer's disease and related
 565 disorders.

566 (4) A new facility administrator must complete the required
 567 training and education, including the competency test, within 90
 568 days after date of employment as an administrator. Failure to do
 569 so is a violation of this part and subjects the violator to an
 570 administrative fine as prescribed in s. 429.19. Administrators
 571 licensed in accordance with part II of chapter 468 are exempt
 572 from this requirement. Other licensed professionals may be
 573 exempted, as determined by the agency department by rule.

574 (6) Staff involved with the management of medications and
 575 assisting with the self-administration of medications under s.
 576 429.256 must complete a minimum of 6 additional hours of
 577 training provided by a registered nurse, a licensed pharmacist,
 578 or agency department staff. The agency department shall
 579 establish by rule the minimum requirements of this additional
 580 training.

Page 20 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

581 (7) Other facility staff shall participate in training
 582 relevant to their job duties as specified by rule of the agency
 583 department.

584 (8) If the department or the agency determines that there
 585 are problems in a facility which that could be reduced through
 586 specific staff training or education beyond that already
 587 required under this section, the department or the agency may
 588 require, and provide, or cause to be provided, the training or
 589 education of any personal care staff in the facility.

590 (9) The agency department shall adopt rules related to
 591 these training requirements, the competency test, necessary
 592 procedures, and competency test fees and shall adopt or contract
 593 with another entity to develop a curriculum, which shall be used
 594 as the minimum core training requirements. The agency department
 595 shall consult with representatives of stakeholder associations
 596 and agencies in the development of the curriculum.

597 (10) The training required by this section other than the
 598 preservice orientation must be conducted by persons registered
 599 with the agency department as having the requisite experience
 600 and credentials to conduct the training. A person seeking to
 601 register as a trainer must provide the agency department with
 602 proof of completion of the minimum core training education
 603 requirements, successful passage of the competency test
 604 established under this section, and proof of compliance with the
 605 continuing education requirement in subsection (5).

606 (11) A person seeking to register as a trainer must also:

607 (a) Provide proof of completion of a 4-year degree from an
 608 accredited college or university and must have worked in a
 609 management position in an assisted living facility for 3 years

Page 21 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

610 after being core certified;

611 (b) Have worked in a management position in an assisted
 612 living facility for 5 years after being core certified and have
 613 1 year of teaching experience as an educator or staff trainer
 614 for persons who work in assisted living facilities or other
 615 long-term care settings;

616 (c) Have been previously employed as a core trainer for the
 617 agency or department; or

618 (d) Meet other qualification criteria as defined in rule,
 619 which the agency department is authorized to adopt.

620 (12) The agency department shall adopt rules to establish
 621 trainer registration requirements.

622 Section 21. Section 429.54, Florida Statutes, is amended to
 623 read:

624 429.54 Collection of information; local subsidy.—

625 (1) To enable the agency department to collect the
 626 information requested by the Legislature regarding the actual
 627 cost of providing room, board, and personal care in facilities,
 628 the agency department is authorized to conduct field visits and
 629 audits of facilities as ~~may be~~ necessary. The owners of randomly
 630 sampled facilities shall submit such reports, audits, and
 631 accountings of cost as the agency department may require by
 632 rule; provided that such reports, audits, and accountings shall
 633 be the minimum necessary to implement the ~~provisions of~~ this
 634 section. Any facility selected to participate in the study shall
 635 cooperate with the agency department by providing cost of
 636 operation information to interviewers.

637 (2) Local governments or organizations may contribute to
 638 the cost of care of local facility residents by further

Page 22 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

639 subsidizing the rate of state-authorized payment to such
 640 facilities. Implementation of local subsidy requires agency
 641 ~~shall require~~ departmental approval and may ~~shall~~ not result in
 642 reductions in the state supplement.

643 Section 22. Subsections (4) and (5) of section 429.63,
 644 Florida Statutes, are amended to read:

645 429.63 Legislative intent; purpose.—

646 (4) The Legislature further finds and declares that
 647 licensure under this part is a public trust and a privilege, and
 648 not an entitlement. This principle must guide the finder of fact
 649 or trier of law at any administrative proceeding or circuit
 650 court action initiated by the agency ~~department~~ to enforce this
 651 part.

652 (5) Rules of the agency ~~department~~ relating to adult
 653 family-care homes shall be as minimal and flexible as possible
 654 to ensure the protection of residents while minimizing the
 655 obstacles that could inhibit the establishment of adult family-
 656 care homes.

657 Section 23. Subsections (9), (10), and (11) of section
 658 429.67, Florida Statutes, are amended to read:

659 429.67 Licensure.—

660 (9) In addition to the license categories available in s.
 661 408.808, the agency may issue a conditional license to a
 662 provider for the purpose of bringing the adult family-care home
 663 into compliance with licensure requirements. A conditional
 664 license must be limited to a specific period, not exceeding 6
 665 months. The agency ~~department~~ shall, by rule, establish criteria
 666 for issuing conditional licenses.

667 (10) The agency ~~department~~ may adopt rules to establish

Page 23 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

668 procedures, identify forms, specify documentation, and clarify
 669 terms, as necessary, to administer this section.

670 ~~(11) The agency may adopt rules to administer the~~
 671 ~~requirements of part II of chapter 408.~~

672 Section 24. Subsection (6) of section 429.71, Florida
 673 Statutes, is amended to read:

674 429.71 Classification of deficiencies; administrative
 675 fines.—

676 ~~(6) The agency shall establish department shall set forth,~~
 677 ~~by rule,~~ notice requirements and procedures for correction of
 678 deficiencies.

679 Section 25. Section 429.73, Florida Statutes, is amended to
 680 read:

681 429.73 Rules and standards relating to adult family-care
 682 homes.—

683 ~~(1) The agency, in consultation with the department, may~~
 684 ~~adopt rules to administer the requirements of part II of chapter~~
 685 ~~408. The department, in consultation with the Department of~~
 686 ~~Health and, the Department of Children and Families, and the~~
 687 ~~agency shall, by rule, establish by rule minimum standards to~~
 688 ~~ensure the health, safety, and well-being of each resident in~~
 689 ~~the adult family-care home pursuant to this part. The rules must~~
 690 ~~address:~~

691 (a) Requirements for the physical site of the facility and
 692 facility maintenance.

693 (b) Services that must be provided to all residents of an
 694 adult family-care home and standards for such services, which
 695 must include, but need not be limited to:

696 1. Room and board.

Page 24 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184

697 2. Assistance necessary to perform the activities of daily
 698 living.
 699 3. Assistance necessary to administer medication.
 700 4. Supervision of residents.
 701 5. Health monitoring.
 702 6. Social and leisure activities.
 703 (c) Standards and procedures for license application and
 704 annual license renewal, advertising, proper management of each
 705 resident's funds and personal property and personal affairs,
 706 financial ability to operate, medication management,
 707 inspections, complaint investigations, and facility, staff, and
 708 resident records.
 709 (d) Qualifications, training, standards, and
 710 responsibilities for providers and staff.
 711 (e) Compliance with chapter 419, relating to community
 712 residential homes.
 713 (f) Criteria and procedures for determining the
 714 appropriateness of a resident's placement and continued
 715 residency in an adult family-care home. A resident who requires
 716 24-hour nursing supervision may not be retained in an adult
 717 family-care home unless such resident is an enrolled hospice
 718 patient and the resident's continued residency is mutually
 719 agreeable to the resident and the provider.
 720 (g) Procedures for providing notice and assuring the least
 721 possible disruption of residents' lives when residents are
 722 relocated, an adult family-care home is closed, or the ownership
 723 of an adult family-care home is transferred.
 724 (h) Procedures to protect the residents' rights as provided
 725 in s. 429.85.

Page 25 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184

726 (i) Procedures to promote the growth of adult family-care
 727 homes as a component of a long-term care system.
 728 (j) Procedures to promote the goal of aging in place for
 729 residents of adult family-care homes.
 730 (2) The agency department shall ~~by rule~~ provide by rule
 731 minimum standards and procedures for emergencies. Pursuant to s.
 732 633.206, the State Fire Marshal, in consultation with the
 733 ~~department and the agency~~, shall adopt uniform fire safety
 734 standards for adult family-care homes.
 735 (3) The agency department shall adopt rules providing for
 736 the implementation of orders not to resuscitate. The provider
 737 may withhold or withdraw cardiopulmonary resuscitation if
 738 presented with an order not to resuscitate executed pursuant to
 739 s. 401.45. The provider shall not be subject to criminal
 740 prosecution or civil liability, nor be considered to have
 741 engaged in negligent or unprofessional conduct, for withholding
 742 or withdrawing cardiopulmonary resuscitation pursuant to such an
 743 order and applicable rules.
 744 Section 26. Subsections (3), (4), and (5) of section
 745 429.75, Florida Statutes, are amended to read:
 746 429.75 Training and education programs.—
 747 (3) Providers must complete the training and education
 748 program within a reasonable time determined by the agency
 749 ~~department~~. Failure to complete the training and education
 750 program within the time set by the agency ~~department~~ is a
 751 violation of this part and subjects the provider to revocation
 752 of the license.
 753 (4) If the Department of Children and Families ~~or, the~~ agency,
 754 ~~or the department~~ determines that there are problems in

Page 26 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184
 755 an adult family-care home which could be reduced through
 756 specific training or education beyond that required under this
 757 section, the agency may require the provider or staff to
 758 complete such training or education.

759 (5) The agency department may adopt rules as necessary to
 760 administer this section.

761 Section 27. Subsection (2) of section 429.81, Florida
 762 Statutes, is amended to read:

763 429.81 Residency agreements.—

764 (2) Each residency agreement must specify the personal care
 765 and accommodations to be provided by the adult family-care home,
 766 the rates or charges, a requirement of at least 30 days' notice
 767 before a rate increase, and any other provisions required by
 768 rule of the agency department.

769 Section 28. Section 429.929, Florida Statutes, is amended
 770 to read:

771 429.929 Rules establishing standards.—

772 (1) The agency, in consultation with the department, may
adopt rules to administer the requirements of part II of chapter
773 408. The Department of Elderly Affairs, in conjunction with the
774 agency, shall adopt rules to implement the provisions of this
775 part. The rules must include reasonable and fair standards. Any
776 conflict between these standards and those that may be set forth
777 in local, county, or municipal ordinances shall be resolved in
778 favor of those having statewide effect. Such standards must
779 relate to:

780 (a) The maintenance of adult day care centers with respect
 781 to plumbing, heating, lighting, ventilation, and other building
 782 conditions, including adequate meeting space, to ensure the

Page 27 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19 2019184
 784 health, safety, and comfort of participants and protection from
 785 fire hazard. Such standards may not conflict with chapter 553
 786 and must be based upon the size of the structure and the number
 787 of participants.

788 (b) The number and qualifications of all personnel employed
 789 by adult day care centers who have responsibilities for the care
 790 of participants.

791 (c) All sanitary conditions within adult day care centers
 792 and their surroundings, including water supply, sewage disposal,
 793 food handling, and general hygiene, and maintenance of sanitary
 794 conditions, to ensure the health and comfort of participants.

795 (d) Basic services provided by adult day care centers.

796 (e) Supportive and optional services provided by adult day
 797 care centers.

798 (f) Data and information relative to participants and
 799 programs of adult day care centers, including, but not limited
 800 to, the physical and mental capabilities and needs of the
 801 participants, the availability, frequency, and intensity of
 802 basic services and of supportive and optional services provided,
 803 the frequency of participation, the distances traveled by
 804 participants, the hours of operation, the number of referrals to
 805 other centers or elsewhere, and the incidence of illness.

806 (g) Components of a comprehensive emergency management
 807 plan, developed in consultation with the Department of Health,
 808 the Agency for Health Care Administration, and the Division of
 809 Emergency Management.

810 (2) Pursuant to this part, s. 408.811, and applicable
 811 rules, the agency may conduct an abbreviated biennial inspection
 812 of key quality-of-care standards, in lieu of a full inspection,

Page 28 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

813 of a center that has a record of good performance. However, the
814 agency must conduct a full inspection of a center that has had
815 one or more confirmed complaints within the licensure period
816 immediately preceding the inspection or which has a serious
817 problem identified during the abbreviated inspection. The agency
818 shall develop the key quality-of-care standards, taking into
819 consideration the comments and recommendations of ~~the Department~~
820 ~~of Elderly Affairs and of~~ provider groups. These standards shall
821 be included in rules adopted by the ~~agency~~ Department of Elderly
822 Affairs.

823 Section 29. Subsection (4) of section 765.110, Florida
824 Statutes, is amended to read:

825 765.110 Health care facilities and providers; discipline.—
826 (4) ~~The Department of Elderly Affairs for hospices and, in~~
~~consultation with the Department of Elderly Affairs, the~~
827 ~~Department of Health, in consultation with the Department of~~
828 ~~Elderly Affairs, for health care providers; the Agency for~~
829 ~~Health Care Administration for hospitals, hospices, nursing~~
830 ~~homes, home health agencies, and health maintenance~~
831 ~~organizations; and the Department of Children and Families for~~
832 ~~facilities subject to part I of chapter 394 shall adopt rules to~~
833 ~~implement this the provisions of the section.~~
834

835 Section 30. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

2/11/19

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

184

Meeting Date
Bill Number (if applicable)

Topic Aging Programs

Amendment Barcode (if applicable)

Name Susan Anderson

Job Title VP of Public Policy

Address 2292 Wednesday St., Suite 1

Phone 850-708-4971

Street

Tallahassee

FL

32308

Email sanderson@floridaseniorliving.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Senior Living Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 184
FINAL ACTION: Favorable
MEETING DATE: Monday, February 11, 2019
TIME: 4:30—6:00 p.m.
PLACE: 301 Senate Building

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: **SB 318**

INTRODUCER: Senator Montford

SUBJECT: Child Abuse, Abandonment, and Neglect

DATE: February 8, 2019 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Preston	Hendon	CF	Pre-meeting
2.		ED	
3.		RC	

I. Summary:

SB 318 amends the laws relating to child abuse, neglect and abandonment reporting and confidentiality of records. Specifically the bill:

- Emphasizes that any instructional personnel as defined in s. 1012.01(2), F.S., school administrator as defined in s. 1012.01(3)(c), F.S., and educational support employee as defined in s.1012(6)(a), F.S., who has complied with school or district polity in reporting or providing information, is considered a reporter for purposes of confidentiality.
- Requires that any information that would identify a reporter of child abuse, abandonment or neglect remain confidential.

The bill has no impact or state or local government and has an effective date of July 1, 2019.

II. Present Situation:

Mandatory Reporting of Child Abuse, Abandonment and Neglect

Current law requires that any individual who knows, or who has reasonable cause to suspect, that a child is being abused, abandoned or neglected by a caregiver to report that knowledge to the department's central abuse hotline. Any known or suspected child abuse by a non-caregiver and sexual abuse of a child is also required to be reported. Reporters in a number of occupational categories are required to provide their names to the hotline, including a:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
- Health or mental health professional other than one listed above;
- Practitioner who relies solely on spiritual means for healing;
- School teacher or other school official or personnel;
- Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;

- Law enforcement officer; or
- Judge.

Confidentiality of Records

Section 39.202, F.S., currently provides that the names of reporters of known or suspected child abuse, abandonment or neglect to the central abuse hotline shall be entered into the record of the report, but shall be held confidential and exempt from disclosure. There are currently no provisions for protecting the identifying information of any individual who has made a report to the central abuse hotline.

III. Effect of Proposed Changes:

Section 1 amends s. 39.201, F.S., to emphasize that any instructional personnel as defined in s. 1012.01(2), F.S., school administrator as defined in s. 1012.01(3)(c), F.S., and educational support employee as defined in s.1012(6)(a), F.S., who has complied with school or district polity in reporting or providing information, is considered a reporter for purposes of confidentiality.

Section 2 amends s. 39.202, F.S., to require that any information that would identify a reporter of child abuse, abandonment or neglect remain confidential.

Section 3 provides and effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill appears to have a public records issue that may need to be addressed.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

No analysis from the Department of Children and Families, the Department of Education or the School Board Association was received to provide additional information on the impact of the bill.

VIII. Statutes Affected:

The bill amends ss. 39.201 and 39.202 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Montford

3-00582-19

A bill to be entitled

2019318

2 An act relating to child abuse, abandonment, and
3 neglect; amending s. 39.201, F.S.; specifying that
4 instructional personnel, school administrators, and
5 educational support employees who follow certain
6 policies when reporting or providing information
7 related to child abuse, abandonment, or neglect are
8 reporters; amending s. 39.202, F.S.; providing that
9 any information that would identify a reporter in
10 cases of child abuse, abandonment, or neglect may be
11 released only under certain circumstances; providing
12 that any information contained in reports or records
13 relating to child abuse, abandonment, or neglect which
14 would identify specified persons may be released only
15 to specified individuals and entities; providing an
16 effective date.

18 Be It Enacted by the Legislature of the State of Florida:

20 Section 1. Present paragraphs (e) through (h) of subsection
21 (1) of section 39.201, Florida Statutes, are redesignated as
22 paragraphs (f) through (i), respectively, and a new paragraph
23 (e) is added to that subsection, to read:

24 39.201 Mandatory reports of child abuse, abandonment, or
25 neglect; mandatory reports of death; central abuse hotline.—

26 (1)

27 (e) Any instructional personnel as defined in s.
28 1012.01(2), school administrator as defined in s. 1012.01(3)(c),
29 or educational support employee as defined in s. 1012.01(6)(a)

Page 1 of 7

CODING: Words stricken are deletions; words underlined are additions.

3-00582-19

2019318

30 who has followed a school-level or districtwide policy in
31 reporting or providing information related to child abuse,
32 abandonment, or neglect is a reporter for the purposes of s.
33 39.202.

34 Section 2. Subsections (2) and (5) of section 39.202,
35 Florida Statutes, are amended to read:

36 39.202 Confidentiality of reports and records in cases of
37 child abuse or neglect.-

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter and any information that would identify the reporter, which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

43 (a) Employees, authorized agents, or contract providers of
44 the department, the Department of Health, the Agency for Persons
45 with Disabilities, the Office of Early Learning, or county
46 agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Early intervention and prevention services;
4. Healthy Start services;
5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapter 393, family day care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children;
6. Employment screening for caregivers in residential group homes; or
7. Services for victims of domestic violence when provided

Page 2 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-00582-19

2019318__

59 by certified domestic violence centers working at the
 60 department's request as case consultants or with shared clients.
 61

62 Also, employees or agents of the Department of Juvenile Justice
 63 responsible for the provision of services to children, pursuant
 64 to chapters 984 and 985.

65 (b) Criminal justice agencies of appropriate jurisdiction.

66 (c) The state attorney of the judicial circuit in which the
 67 child resides or in which the alleged abuse or neglect occurred.

68 (d) The parent or legal custodian of any child who is
 69 alleged to have been abused, abandoned, or neglected, and the
 70 child, and their attorneys, including any attorney representing
 71 a child in civil or criminal proceedings. This access shall be
 72 made available no later than 60 days after the department
 73 receives the initial report of abuse, neglect, or abandonment.
 74 However, any information otherwise made confidential or exempt
 75 by law may ~~shall~~ not be released pursuant to this paragraph.

76 (e) Any person alleged in the report as having caused the
 77 abuse, abandonment, or neglect of a child. This access must
 78 shall be made available no later than 60 days after the
 79 department receives the initial report of abuse, abandonment, or
 80 neglect and, when the alleged perpetrator is not a parent, must
 81 shall be limited to information involving the protective
 82 investigation only and may ~~not~~ shall not include any information
 83 relating to subsequent dependency proceedings. However, any
 84 information otherwise made confidential or exempt by law may ~~not~~
 85 shall not be released pursuant to this paragraph.

86 (f) A court upon its finding that access to such records
 87 may be necessary for the determination of an issue before the

Page 3 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-00582-19

2019318__

88 court; however, such access must ~~shall~~ be limited to inspection
 89 in camera, unless the court determines that public disclosure of
 90 the information contained therein is necessary for the
 91 resolution of an issue then pending before it.

92 (g) A grand jury, by subpoena, upon its determination that
 93 access to such records is necessary in the conduct of its
 94 official business.

95 (h) Any appropriate official of the department or the
 96 Agency for Persons with Disabilities who is responsible for:

97 1. Administration or supervision of the department's
 98 program for the prevention, investigation, or treatment of child
 99 abuse, abandonment, or neglect, or abuse, neglect, or
 100 exploitation of a vulnerable adult, when carrying out his or her
 101 official function;

102 2. Taking appropriate administrative action concerning an
 103 employee of the department or the agency who is alleged to have
 104 perpetrated child abuse, abandonment, or neglect, or abuse,
 105 neglect, or exploitation of a vulnerable adult; or

106 3. Employing and continuing employment of personnel of the
 107 department or the agency.

108 (i) Any person authorized by the department who is engaged
 109 in the use of such records or information for bona fide
 110 research, statistical, or audit purposes. Such individual or
 111 entity shall enter into a privacy and security agreement with
 112 the department and shall comply with all laws and rules
 113 governing the use of such records and information for research
 114 and statistical purposes. Information identifying the subjects
 115 of such records or information shall be treated as confidential
 116 by the researcher and may ~~shall~~ not be released in any form.

Page 4 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-00582-19

2019318__

117 (j) The Division of Administrative Hearings for purposes of
 118 any administrative challenge.

119 (k) Any appropriate official of a Florida advocacy council
 120 investigating a report of known or suspected child abuse,
 121 abandonment, or neglect; the Auditor General or the Office of
 122 Program Policy Analysis and Government Accountability for the
 123 purpose of conducting audits or examinations pursuant to law; or
 124 the guardian ad litem for the child.

125 (l) Employees or agents of an agency of another state which
 126 that has comparable jurisdiction to the jurisdiction described
 127 in paragraph (a).

128 (m) The Public Employees Relations Commission for the sole
 129 purpose of obtaining evidence for appeals filed pursuant to s.
 130 447.207. Records may be released only after deletion of all
 131 information that which specifically identifies persons other
 132 than the employee.

133 (n) Employees or agents of the Department of Revenue
 134 responsible for child support enforcement activities.

135 (o) Any person in the event of the death of a child
 136 determined to be a result of abuse, abandonment, or neglect.
 137 Information identifying the person reporting abuse, abandonment,
 138 or neglect may shall not be released. Any information otherwise
 139 made confidential or exempt by law may shall not be released
 140 pursuant to this paragraph.

141 (p) An employee of the local school district who is
 142 designated as a liaison between the school district and the
 143 department pursuant to an interagency agreement required under
 144 s. 39.0016 and the principal of a public school, private school,
 145 or charter school where the child is a student. Information

Page 5 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-00582-19

2019318__

146 contained in the records which the liaison or the principal
 147 determines are necessary for a school employee to effectively
 148 provide a student with educational services may be released to
 149 that employee.

150 (q) An employee or agent of the Department of Education who
 151 is responsible for the investigation or prosecution of
 152 misconduct by a certified educator.

153 (r) Staff of a children's advocacy center that is
 154 established and operated under s. 39.3035.

155 (s) A physician licensed under chapter 458 or chapter 459,
 156 a psychologist licensed under chapter 490, or a mental health
 157 professional licensed under chapter 491 engaged in the care or
 158 treatment of the child.

159 (t) Persons with whom the department is seeking to place
 160 the child or to whom placement has been granted, including
 161 foster parents for whom an approved home study has been
 162 conducted, the designee of a licensed residential group home
 163 described in s. 39.523, an approved relative or nonrelative with
 164 whom a child is placed pursuant to s. 39.402, preadoptive
 165 parents for whom a favorable preliminary adoptive home study has
 166 been conducted, adoptive parents, or an adoption entity acting
 167 on behalf of preadoptive or adoptive parents.

168 (5) Any information contained in reports or records
 169 relating to child abuse, abandonment, or neglect which would
 170 identify ~~The name of~~ any person reporting child abuse,
 171 abandonment, or neglect may not be released to any person other
 172 than employees of the department responsible for child
 173 protective services, the central abuse hotline, law enforcement,
 174 the child protection team, or the appropriate state attorney.

Page 6 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-00582-19

2019318__

175 without the written consent of the person reporting. This does
176 not prohibit the subpoenaing of a person reporting child abuse,
177 abandonment, or neglect when deemed necessary by the court, the
178 state attorney, or the department, provided the fact that such
179 person made the report is not disclosed. Any person who reports
180 a case of child abuse or neglect may, at the time he or she
181 makes the report, request that the department notify him or her
182 that a child protective investigation occurred as a result of
183 the report. Any person specifically listed in s. 39.201(1) who
184 makes a report in his or her official capacity may also request
185 a written summary of the outcome of the investigation. The
186 department shall mail such a notice to the reporter within 10
187 days after completing the child protective investigation.

188 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019
Meeting Date

SB 318

Bill Number (if applicable)

Topic Child Abuse, Abandonment Neglect

Amendment Barcode (if applicable)

Name Trish Neely

Job Title Board Member

Address 2024 Shangri La Lane
Street

Tally FL 32303
City State Zip

Phone 850 322 3317

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

2.11.19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

318

Bill Number (if applicable)

Topic Child Abuse, Abandonment and Neglect

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850.510.9922

Email barney@barneybishop.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 374

INTRODUCER: Senator Harrell

SUBJECT: Children and Youth Cabinet

DATE: February 8, 2019 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Preston	Hendon	CF	Favorable
2. _____	_____	HP	_____
3. _____	_____	RC	_____

I. Summary:

SB 374 adds a representative of the Florida Dental Association to the Children and Youth Cabinet. The representative is to be appointed by the Governor.

The bill has no fiscal impact on the state and has an effective date of July 1, 2019.

II. Present Situation:

The Children and Youth Cabinet was established in 2007 in the Executive Office of the Governor to ensure that Florida's public policy relating to children and youth is developed to promote interdepartmental collaboration and program implementation in order that services designed for children and youth are planned, managed, and delivered in a holistic and integrated manner to improve children's self-sufficiency, safety, economic stability, health, and quality of life.¹

Currently the cabinet has 16 members and the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, the Attorney General, and the Chief Financial Officer, or their appointed designees, serve as ex officio members of the cabinet.

Members include:

- The Governor;
- The Secretary of the Department of Children and Families;
- The Secretary of the Department of Juvenile Justice;
- The director of the Agency for Persons with Disabilities;
- The director of the Office of Early Learning;
- The State Surgeon General;
- The Secretary of the Agency for Health Care Administration;

¹ Section 402.56, F.S.

- The Commissioner of Education;
- The director of the Statewide Guardian Ad Litem Office;
- The director of the Office of Adoption and Child Protection;
- A superintendent of schools, appointed by the Governor; and
- Five members who represent children and youth advocacy organizations and who are not service providers, appointed by the Governor.

III. Effect of Proposed Changes:

Section 1 amends s. 402.56, F.S., to add a representative of the Florida Dental Association to the Children and Youth Cabinet, to be appointed by the Governor.

Section 2 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill amends s. 402.56 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Harrell

25-00579A-19

2019374__

A bill to be entitled

An act relating to the Children and Youth Cabinet; amending s. 402.56, F.S.; expanding the membership of the Children and Youth Cabinet within the Executive Office of the Governor to include a representative from the Florida Dental Association appointed by the Governor; providing an effective date.

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

Section 1. Subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities; annual report.—

(4) MEMBERS.—The cabinet shall consist of 17 ~~16~~ members including the Governor and the following persons:

(a) 1. The Secretary of Children and Families;

2. The Secretary of Juvenile Justice;

3. The director of the Agency for Persons with

Disabilities;

4. The director of the Office of Early Learning;

5. The State Surgeon General;

6. The Secretary of Health Care Administration;

7. The Commissioner of Education;

8. The director of the Statewide Guardian Ad Litem Office;

9. The director of the Office of Adoption and Child

Protection;

10. A superintendent of schools, appointed by the Governor;

11. A representative of the Florida Dental Association,

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-00579A-19

2019374__

appointed by the Governor; and

12.11. Five members who represent children and youth advocacy organizations and who are not service providers, appointed by the Governor.

(b) The President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, the Attorney General, and the Chief Financial Officer, or their appointed designees, shall serve as ex officio members of the cabinet.

(c) The Governor or the Governor's designee shall serve as the chair of the cabinet.

(d) Nongovernmental members of the cabinet shall serve without compensation, but are entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

2/11/19
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 374

Bill Number (if applicable)

Topic Children and Youth Cabinet

Amendment Barcode (if applicable)

Name Joe Anne Hart

Job Title Chief Legislative Officer

Address 118 East Jefferson Street
Street

Phone 850.224.1089

City Tallahassee State FL Zip 32301

Email johart@floridadental.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dental Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 374
FINAL ACTION: Favorable
MEETING DATE: Monday, February 11, 2019
TIME: 4:30—6:00 p.m.
PLACE: 301 Senate Building

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

THE FLORIDA SENATE
APPEARANCE RECORD

02/11/2019
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Bill Number (if applicable)

Topic Sober Home Update

Amendment Barcode (if applicable)

Name Daniel Lauber, AICP

Job Title Attorney / Planning Consultant

Address 7215 Oak Avenue
Street

Phone 708-366-5200

River Forest
City

1L
State

60305
Zip

Email dan@lauberlaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/11/2019

Meeting Date

Bill Number (if applicable)

Topic Sober Home Update

Amendment Barcode (if applicable)

Name Maureen Kielian

Job Title President of Southeast FL Recovery Advocates

Address 3302 NE Holly Creek Drive
Street

Phone 954-629-5264

Jensen Beach
City

FL
State

34951
Zip

Email mkielian@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

02/11/2019

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Bill Number (if applicable)

Topic Sober Home Update

Amendment Barcode (if applicable)

Name Steven Farnsworth

Job Title Executive Director

Address 326 W Lantana Rd. Suite #1
Street

Phone 561-544-7490

Lantana FL 33462
City State Zip

Email steve@farronline.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of Recovery Residences

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/11/2019
Meeting Date

Bill Number (if applicable)

Topic Sober Home Update

Amendment Barcode (if applicable)

Name Lissa Franklin

Job Title _____

Address _____
Street _____

Phone 305-978-2207

City _____ State _____ Zip _____

Email franklin.lissa@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

L

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19
Meeting Date

Child Support

Bill Number (if applicable)

Topic Amended Rule's in the^ Guideline Amendment Barcode (if applicable)

Name ISAIAH DAVIS

Job Title Warehouse Worker

Address 35540 nw 8th ct

Street

Ft Lauderdale FL 33311

City

State

Zip

Phone (786)226-3506

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)