

By Senator Brown-Waite

10-971-98

See HB

1 A bill to be entitled
2 An act relating to emergency management
3 planning; amending s. 20.43, F.S.; defining
4 responsibilities of the county health
5 departments in providing assistance to local
6 special needs units or shelters; amending s.
7 252.355, F.S.; revising provisions relating to
8 registration of persons requiring special needs
9 assistance in emergencies; amending ss.
10 400.497, 400.610, and 408.034, F.S.; providing
11 minimum requirements for home health agency and
12 hospice comprehensive emergency management
13 plans; providing for plan review by the local
14 emergency management agency and other specified
15 entities; requiring the adoption of rules
16 establishing plan components and standards for
17 care and services to be provided in emergency
18 evacuation and sheltering; providing an
19 effective date.

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

23 Section 1. Subsection (5) of section 20.43, Florida
24 Statutes, is amended to read:

25 20.43 Department of Health.--There is created a
26 Department of Health.

27 (5)(a) The department shall plan and administer its
28 public health programs through its county health departments
29 and may, for administrative purposes and efficient service
30 delivery, establish up to 15 service areas to carry out such
31 duties as may be prescribed by the secretary. The boundaries

1 of the service areas shall be the same as, or combinations of,
2 the districts of the health and human services boards
3 established in s. 20.19 and, to the extent practicable, shall
4 take into consideration the boundaries of the jobs and
5 education regional boards.

6 (b) The county health department, as the primary
7 agency for local health and medical services, shall have the
8 lead role in coordinating staffing and securing medical
9 supplies and equipment for local special needs units or
10 shelters. The county health department shall coordinate with
11 local emergency management, local medical and health care
12 providers, the American Red Cross, and other interested
13 parties in developing and implementing the plan for the
14 management, operation, and staffing of special needs units or
15 shelters. The county health department shall, in conjunction
16 with the local emergency management agency, coordinate
17 recruitment of medical personnel to staff local special needs
18 units or shelters. During times of emergency or major
19 disaster, the county health department shall assist the local
20 emergency management agency in the operation of the special
21 needs units or shelters.

22 Section 2. Subsections (1) and (3) of section 252.355,
23 Florida Statutes, is amended to read:

24 252.355 Registry of ~~disabled~~ persons with special
25 needs; notice.--

26 (1) In order to meet the special needs of persons who
27 would need assistance during evacuations and sheltering
28 because of physical, mental, or sensory disabilities ~~or mental~~
29 ~~handicaps~~, each local emergency management agency in the state
30 shall maintain a registry of ~~disabled~~ persons with special
31 needs located within the jurisdiction of the local agency.

1 The registration shall identify those persons in need of
2 assistance and plan for resource allocation to meet those
3 identified needs. To assist the local emergency management
4 agency in identifying such persons, the Department of Children
5 and Family Services, Department of Health, and Department of
6 Elderly Affairs ~~Health and Rehabilitative Services~~ shall
7 provide registration information to all of their ~~its~~ special
8 needs clients and to all incoming clients as a part of the
9 intake process. The registry shall be updated annually. The
10 registration program shall give ~~disabled~~ persons with special
11 needs the option of preauthorizing emergency response
12 personnel to enter their homes during search and rescue
13 operations if necessary to assure their safety and welfare
14 following disasters.

15 (3) All records, data, information, correspondence,
16 and communications relating to the registration of ~~disabled~~
17 persons with special needs as provided in subsection (1) are
18 confidential and exempt from the provisions of s. 119.07(1),
19 except that such information shall be available to other
20 emergency response agencies, as determined by the local
21 emergency management director.

22 Section 3. Subsection (1) of section 400.497, Florida
23 Statutes, is amended, and subsection (11) is added to that
24 section, to read:

25 400.497 Rules establishing minimum standards.--The
26 Agency for Health Care Administration shall adopt, publish,
27 and enforce rules to implement this part, including, as
28 applicable, ss. 400.506 and 400.509, which must provide
29 reasonable and fair minimum standards relating to:

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1 (1) Scope of home health services to be provided,
2 which shall include services to be provided during emergency
3 evacuation and sheltering.

4 (11) The preparation and annual update of a
5 comprehensive emergency management plan. Home health agencies
6 must plan to continue to provide an acceptable level of care
7 during times of emergency or major disaster. To accomplish
8 this, each home health agency must prepare a comprehensive
9 emergency management plan. The Agency for Health Care
10 Administration shall adopt rules establishing minimum criteria
11 for the plan after consultation with the Department of
12 Community Affairs.

13 (a) At a minimum, the rules must provide for plan
14 components that address client education on personal disaster
15 preparedness; client awareness of the special needs
16 registration, evacuation, and shelter process; registration of
17 clients requiring public assistance; preparation of the agency
18 offices and staff; plans for providing continuity of care to
19 clients during disaster impact; provisions for caring for home
20 health clients evacuated to special needs units or shelters,
21 to include providing home health care staff to special needs
22 units or shelters; identification and tracking of clients, to
23 include the transfer of medical records; responding to family
24 inquiries; and post-impact delivery of services, to include
25 resumption of care, facilitating the clients' return to the
26 home environment, facilitating referral to residential care
27 facilities for clients unable to return home, and expansion of
28 services to accept new client referrals as a result of the
29 disaster.

30 (b) The plan is subject to review and approval by the
31 local emergency management agency. During its review, the

1 local emergency management agency shall ensure that the
2 following agencies, at a minimum, are given the opportunity to
3 review the plan:

- 4 1. Department of Elderly Affairs.
- 5 2. County health department.
- 6 3. Agency for Health Care Administration.
- 7 4. Local chapter of the American Red Cross or other
8 lead sheltering agency.
- 9 5. Department of Children and Family Services.

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11 The local emergency management agency shall complete its
12 review within 60 days after receipt of the plan and shall
13 either approve the plan or advise the home health agency of
14 necessary revisions.

15 Section 4. Paragraph (b) of subsection (1) of section
16 400.610, Florida Statutes, is amended to read:

17 400.610 Administration and management of a hospice.--

18 (1) A hospice shall have a clearly defined organized
19 governing body, consisting of a minimum of seven persons who
20 are representative of the general population of the community
21 served. The governing body shall have autonomous authority and
22 responsibility for the operation of the hospice and shall meet
23 at least quarterly. The governing body shall:

24 (b) Prepare and annually update a comprehensive
25 emergency management plan that ensures that the hospice will
26 continue to provide an acceptable level of care during times
27 of emergency or major disaster. The department shall adopt
28 rules establishing minimum criteria for the plan after
29 consultation with the Department of Community Affairs. ~~Prepare~~
30 ~~a disaster preparedness plan.~~

1 1. At a minimum, the rules must provide for plan
2 components that address client education on personal disaster
3 preparedness; client awareness of the special needs
4 registration, evacuation, and shelter process; registration of
5 clients requiring public assistance; preparation of the agency
6 offices and staff; plans for providing continuity of care to
7 clients during disaster impact; provisions for caring for
8 hospice clients evacuated to special needs units or shelters,
9 to include providing home health care staff to special needs
10 units or shelters; identification and tracking of clients, to
11 include the transfer of medical records; responding to family
12 inquiries; and post-impact delivery of services, to include
13 resumption of care, facilitating the client's return to the
14 home environment, and facilitating referral to residential
15 care facilities for clients unable to return home.

16 2. The plan is subject to review and approval by the
17 local emergency management agency. During its review, the
18 local emergency management agency shall ensure that the
19 following agencies, at a minimum, are given the opportunity to
20 review the plan:

- 21 a. Department of Elderly Affairs.
- 22 b. County health department.
- 23 c. Agency for Health Care Administration.
- 24 d. Local chapter of the American Red Cross or other
25 lead sheltering agency.
- 26 e. Department of Children and Family Services.

27
28 The local emergency management agency shall complete its
29 review within 60 days after receipt of the plan and shall
30 either approve the plan or advise the hospice of necessary
31 revisions.

1 Section 5. Subsection (5) of section 408.034, Florida
2 Statutes, is renumbered as subsection (6), and a new
3 subsection (5) is added to that section to read:

4 408.034 Duties and responsibilities of department;
5 rules.--

6 (5) The department shall establish, by rule, uniform
7 standards of care to be provided in special needs units or
8 shelters during times of emergency or major disaster.

9 Section 6. This act shall take effect on October 1 of
10 the year in which enacted.

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13 LEGISLATIVE SUMMARY

14 Provides that the county health departments shall
15 coordinate operations and staffing of shelters for
16 persons requiring special needs assistance during major
17 emergencies or disasters, in coordination with local
18 emergency management agencies. Provides minimum
19 requirements for home health agency and hospice
20 comprehensive emergency management plans, to include
21 registration of persons needing special assistance and
22 provisions for the care of such persons in special needs
23 units or shelters. Provides for plan review and approval
24 by the local emergency management agency within a
25 specified time period, and provides for opportunity for
26 review by the Department of Elderly Affairs, county
27 health department, Agency for Health Care Administration,
28 local American Red Cross chapter or other lead sheltering
29 agency, and Department of Children and Family Services.
30 Requires the adoption of rules establishing plan
31 components and standards for care and services provided
in emergency evacuation and sheltering.