

By Representative Ogles

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.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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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 said  
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 which 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.~~

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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 clients' 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.  
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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 said 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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12 HOUSE SUMMARY

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