

By the Committee on Health Care Standards & Regulatory
Reform and Representatives Ogles and D. Prewitt

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; authorizing
7 the Department of Health to adopt rules;
8 amending s. 252.355, F.S.; revising provisions
9 relating to registration of persons requiring
10 special needs assistance in emergencies;
11 amending ss. 400.497 and 400.610, F.S.;
12 providing minimum requirements for home health
13 agency and hospice comprehensive emergency
14 management plans; providing for plan review by
15 the local emergency management agency and other
16 specified entities; requiring the adoption of
17 rules establishing plan components and
18 standards for care and services to be provided
19 in emergency evacuation and sheltering;
20 providing for certain exemptions; amending s.
21 408.15, F.S.; authorizing the Agency for Health
22 Care Administration to establish certain
23 standards of care; creating a special needs
24 shelter interagency committee within the
25 Department of Community Affairs; providing
26 committee tasks; requiring reports; providing
27 an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (5) of section 20.43, Florida
2 Statutes, is amended to read:

3 20.43 Department of Health.--There is created a
4 Department of Health.

5 (5)(a) The department shall plan and administer its
6 public health programs through its county health departments
7 and may, for administrative purposes and efficient service
8 delivery, establish up to 15 service areas to carry out such
9 duties as may be prescribed by the secretary. The boundaries
10 of the service areas shall be the same as, or combinations of,
11 the districts of the health and human services boards
12 established in s. 20.19 and, to the extent practicable, shall
13 take into consideration the boundaries of the jobs and
14 education regional boards.

15 (b) The county health department, as the primary
16 agency for local health and medical services, shall coordinate
17 with local medical and health care providers, the American Red
18 Cross, and other interested parties in developing and
19 implementing the plan for the management, operation,
20 logistics, and staffing of special needs units or shelters.
21 The county health department shall, in conjunction with the
22 local emergency management agency, coordinate recruitment of
23 medical personnel to staff local special needs units or
24 shelters. During times of emergency or major disaster, the
25 county health department shall assist the local emergency
26 management agency in the operation of the special needs units
27 or shelters. The Department of Health may promulgate, adopt,
28 and enforce all rules necessary to implement this paragraph.

29 Section 2. Subsections (1) and (3) of section 252.355,
30 Florida Statutes, are amended to read:

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1 252.355 Registry of ~~disabled~~ persons with special
2 needs; notice.--
3 (1) In order to meet the special needs of persons who
4 would need assistance during evacuations and sheltering
5 because of physical, mental, or sensory disabilities ~~or mental~~
6 ~~handicaps~~, each local emergency management agency in the state
7 shall maintain a registry of ~~disabled~~ persons with special
8 needs located within the jurisdiction of the local agency.
9 The registration shall identify those persons in need of
10 assistance and plan for resource allocation to meet those
11 identified needs. To assist the local emergency management
12 agency in identifying such persons, the Department of Children
13 and Family Services, Department of Health, and Department of
14 Elderly Affairs ~~Health and Rehabilitative Services~~ shall
15 provide registration information to all of their ~~its~~ special
16 needs clients and to all incoming clients as a part of the
17 intake process. The registry shall be updated annually. The
18 registration program shall give ~~disabled~~ persons with special
19 needs the option of preauthorizing emergency response
20 personnel to enter their homes during search and rescue
21 operations if necessary to assure their safety and welfare
22 following disasters.
23 (3) All records, data, information, correspondence,
24 and communications relating to the registration of ~~disabled~~
25 persons with special needs as provided in subsection (1) are
26 confidential and exempt from the provisions of s. 119.07(1),
27 except that such information shall be available to other
28 emergency response agencies, as determined by the local
29 emergency management director.
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1 Section 3. Subsection (1) of section 400.497, Florida
2 Statutes, is amended, and subsection (11) is added to said
3 section, to read:

4 400.497 Rules establishing minimum standards.--The
5 Agency for Health Care Administration shall adopt, publish,
6 and enforce rules to implement this part, including, as
7 applicable, ss. 400.506 and 400.509, which must provide
8 reasonable and fair minimum standards relating to:

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

12 (11)(a) The preparation and annual update of a
13 comprehensive emergency management plan. Home health agencies
14 must plan to continue to provide a continuing amount of care
15 during times of emergency or major disaster. To accomplish
16 this, each home health agency must prepare a comprehensive
17 emergency management plan. The Agency for Health Care
18 Administration shall adopt rules establishing minimum criteria
19 for the plan after consultation with the Department of
20 Community Affairs. This requirement does not apply to:

21 1. A facility that is certified under chapter 651 and
22 has a licensed home health agency used exclusively by the
23 residents of the facility; or

24 2. A retirement community that consists of residential
25 units for independent living and either a licensed nursing
26 home or an assisted living facility, and has a licensed home
27 health agency used exclusively by the residents of the
28 retirement community;

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1 provided the comprehensive emergency management plan for the
2 facility or retirement community provides for continuous care
3 of all residents with special needs during an emergency.

4 (b) At a minimum, the rules must provide for plan
5 components that address client education on personal disaster
6 preparedness; client awareness of the special needs
7 registration, evacuation, and shelter process; registration of
8 clients requiring public assistance; preparation of the agency
9 offices and staff; plans for coordinating with other agencies
10 to provide continuity of care to clients during disaster
11 impact; provisions for continuing services for home health
12 clients evacuated to special needs units or shelters, to
13 include providing home health care staff to special needs
14 units or shelters; identification and tracking of clients, to
15 include the transfer of medical records; responding to family
16 inquiries; and postimpact delivery of services, to include
17 resumption of care, facilitating the clients' return to the
18 home environment, facilitating referral to residential care
19 facilities for clients unable to return home, and expansion of
20 services to accept new client referrals as a result of the
21 disaster.

22 (c) The plan is subject to review and approval by the
23 local emergency management agency. During its review, the
24 local emergency management agency shall ensure that the
25 following agencies, at a minimum, are given the opportunity to
26 review the plan:

- 27 1. Department of Elderly Affairs.
- 28 2. County health department.
- 29 3. Agency for Health Care Administration.
- 30 4. Local chapter of the American Red Cross or other
31 lead sheltering agency.

1 5. Department of Children and Family Services.
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3 The local emergency management agency shall complete its
4 review within 60 days after receipt of the plan and shall
5 either approve the plan or advise the home health agency of
6 necessary revisions.
7 Section 4. Paragraph (b) of subsection (1) of section
8 400.610, Florida Statutes, is amended to read:
9 400.610 Administration and management of a hospice.--
10 (1) A hospice shall have a clearly defined organized
11 governing body, consisting of a minimum of seven persons who
12 are representative of the general population of the community
13 served. The governing body shall have autonomous authority and
14 responsibility for the operation of the hospice and shall meet
15 at least quarterly. The governing body shall:
16 (b) Prepare and annually update a comprehensive
17 emergency management plan which ensures that the hospice will
18 continue to provide an acceptable level of care during times
19 of emergency or major disaster. The department shall adopt
20 rules establishing minimum criteria for the plan after
21 consultation with the Department of Community Affairs.~~Prepare~~
22 ~~a disaster preparedness plan.~~
23 1. At a minimum, the rules must provide for plan
24 components that address client education on personal disaster
25 preparedness; client awareness of the special needs
26 registration, evacuation, and shelter process; registration of
27 clients requiring public assistance; preparation of the agency
28 offices and staff; plans for providing continuity of care to
29 clients during disaster impact; provisions for caring for
30 hospice clients evacuated to special needs units or shelters,
31 to include providing hospice staff to special needs units or

1 shelters; identification and tracking of clients, to include
2 the transfer of medical records; responding to family
3 inquiries; and postimpact delivery of services, to include
4 resumption of care, facilitating the clients' return to the
5 home environment, facilitating referral to residential care
6 facilities for clients unable to return home, and expansion of
7 services to accept new client referrals as a result of the
8 disaster.

9 2. The plan is subject to review and approval by the
10 local emergency management agency. During its review, the
11 local emergency management agency shall ensure that the
12 following agencies, at a minimum, are given the opportunity to
13 review the plan:

- 14 a. Department of Elderly Affairs.
15 b. County health department.
16 c. Agency for Health Care Administration.
17 d. Local chapter of the American Red Cross or other
18 lead sheltering agency.
19 e. Department of Children and Family Services.
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21 The local emergency management agency shall complete its
22 review within 60 days after receipt of the plan and shall
23 either approve the plan or advise the hospice of necessary
24 revisions.

25 Section 5. Subsection (12) is added to section 408.15,
26 Florida Statutes, to read:

27 408.15 Powers of the agency.--In addition to the
28 powers granted to the agency elsewhere in this chapter, the
29 agency is authorized to:

30 (12) Establish, in coordination with the Department of
31 Health, uniform standards of care to be provided in special

1 needs units or shelters during times of emergency or major
2 disaster.

3 Section 6. (1) There is created within the Department
4 of Community Affairs a special needs shelter interagency
5 committee, to be chaired and staffed by the department. The
6 committee is directed to resolve those special needs
7 sheltering problems and issues not addressed in the state
8 comprehensive emergency management plan, and to serve as an
9 oversight committee to monitor the effectiveness of an
10 implemented special needs sheltering program. The specific
11 tasks for the committee are to:

12 (a) Establish clear roles and responsibilities of
13 state agencies and other organizations necessary to implement
14 the program on or before January 1, 1999.

15 (b) Identify those issues requiring additional
16 legislation and funding on or before January 1, 1999.

17 (c) Determine the need for local or county advisory
18 committees to work with the appropriate local agencies and
19 staff.

20 (d) Propose and negotiate any necessary interagency
21 agreements.

22 (e) Provide ongoing evaluation, recommendations, and
23 monitoring to the program administrator and submit a 6-month
24 report to the Legislature. Thereafter, reports shall be
25 submitted to the Legislature annually.

26 (2) The special needs shelter interagency committee
27 shall be composed of representatives of emergency management,
28 health, medical, and social services organizations. Membership
29 shall include at least one representative from the following
30 agencies and entities: Department of Community Affairs,
31 Department of Health, Department of Children and Family

1 Services, Agency for Health Care Administration, Department of
2 Elderly Affairs, Department of Education, Department of Labor
3 and Employment Security, Associated Home Health Industries of
4 Florida, Inc., Florida Nurses Association, Florida Health Care
5 Association, Florida Hospital Association, Florida Homes for
6 the Aging, and the Salvation Army.

7 (3) Headquarters for committee meetings shall be in
8 Tallahassee, with the Division of Emergency Management of the
9 Department of Community Affairs determining the exact meeting
10 locations. Members of the committee shall serve at the expense
11 of the agencies or organizations they represent.

12 Section 7. This act shall take effect on October 1 of
13 the year in which enacted.

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