

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Health & Human Services Appropriations
12 offered the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Section 400.402, Florida Statutes, is
19 amended to read:

20 400.402 Definitions.--When used in this part, ~~unless~~
21 ~~the context otherwise requires,~~ the term:

22 (1) "Activities of daily living" means functions and
23 tasks for self-care, including ambulation, bathing, dressing,
24 eating, grooming, and toileting, and other similar tasks.

25 (2) "Administrator" means an individual at least 21
26 years of age who is responsible for the operation and
27 maintenance ~~who has general administrative charge~~ of an
28 assisted living facility.

29 ~~(3) "Assisted living facility," hereinafter referred~~
30 ~~to as "facility," means any building or buildings, section of~~
31 ~~a building, or distinct part of a building, residence, private~~

Amendment No. ____ (for drafter's use only)

1 ~~home, boarding home, home for the aged, or other place,~~
2 ~~whether operated for profit or not, which undertakes through~~
3 ~~its ownership or management to provide, for a period exceeding~~
4 ~~24 hours, housing, food service, and one or more personal~~
5 ~~services for four or more adults, not related to the owner or~~
6 ~~administrator by blood or marriage, who require such services,~~
7 ~~or to provide extended congregate care, limited nursing~~
8 ~~services, or limited mental health services, when specifically~~
9 ~~licensed to do so pursuant to s. 400.407, unless the facility~~
10 ~~is licensed as an adult family-care home. A facility offering~~
11 ~~personal services, extended congregate care, limited nursing~~
12 ~~services, or limited mental health services for fewer than~~
13 ~~four adults is within the meaning of this definition if it~~
14 ~~formally or informally advertises to or solicits the public~~
15 ~~for residents or referrals and holds itself out to the public~~
16 ~~to be an establishment which regularly provides such services,~~
17 ~~unless the facility is licensed as an adult family-care home.~~

18 ~~(3)(4)~~ "Agency" means the Agency for Health Care
19 Administration.

20 ~~(4)(5)~~ "Aging in place" or "age in place" means the
21 process of providing increased or adjusted services to a
22 person to compensate for ~~by which a person chooses to remain~~
23 ~~in a residential environment despite the physical or mental~~
24 ~~decline that may occur with the aging process, in order to~~
25 maximize. ~~For aging in place to occur, needed services are~~
26 ~~added, increased, or adjusted to compensate for the physical~~
27 ~~or mental decline of the individual, while maximizing the~~
28 ~~person's dignity and independence~~ and permit the person to
29 remain in a familiar, noninstitutional, residential
30 environment for as long as possible. Such services may be
31 provided by facility staff, volunteers, family, or friends, or

Amendment No. ____ (for drafter's use only)

1 through contractual arrangements with a third party.

2 (5)(6) "Applicant" means an individual owner,
3 corporation, partnership, firm, association, or governmental
4 entity that applies any facility owner, or if a business
5 entity, a person appointed by such entity to make application
6 for a license.

7 ~~(7) "Assistance with activities of daily living" means~~
8 ~~direct physical assistance with activities of daily living as~~
9 ~~defined in subsection (1).~~

10 (6) "Assisted living facility" means any building or
11 buildings, section or distinct part of a building, private
12 home, boarding home, home for the aged, or other residential
13 facility, whether operated for profit or not, which undertakes
14 through its ownership or management to provide housing, meals,
15 and one or more personal services for a period exceeding 24
16 hours to one or more adults who are not relatives of the owner
17 or administrator.

18 (7)(8) "Chemical restraint" means a pharmacologic drug
19 that physically limits, restricts, or deprives an individual
20 of movement or mobility, and is used for discipline or
21 convenience and not required for the treatment of medical
22 symptoms.

23 (8)(9) "Community living support plan" means a written
24 document prepared by a mental health resident and the
25 resident's mental health case manager of that resident in
26 consultation with the administrator of an assisted living the
27 facility with a limited mental health license or the
28 administrator's designee. A copy must be provided to the
29 administrator. The plan must include information about the
30 supports, services, and special needs of the resident which
31 enable the resident to live in the assisted living facility

Amendment No. ____ (for drafter's use only)

1 and a method by which facility staff can recognize and respond
2 to the signs and symptoms particular to that resident which
3 indicate the need for professional services.

4 (9)(10) "Cooperative agreement" means a written
5 statement of understanding between a mental health care
6 ~~services~~ provider and the administrator of the assisted living
7 facility with a limited mental health license in which a
8 mental health resident is living. The agreement must specify
9 ~~specifies~~ directions for accessing emergency and after-hours
10 care for the mental health resident. A single cooperative
11 agreement may cover all mental health residents of a single
12 facility who are clients of the same mental health care
13 provider.~~and a method by which the staff of the facility can~~
14 ~~recognize and respond to the signs and symptoms particular to~~
15 ~~that mental health resident that indicate the need for~~
16 ~~professional services. The cooperative agreement may be a~~
17 ~~component of the community living support plan.~~

18 (10)(11) "Department" means the Department of Elderly
19 Affairs.

20 (11)(12) "Emergency" means a situation, physical
21 condition, or method of operation which presents imminent
22 danger of death or serious physical or mental harm to facility
23 residents.

24 (12)(13) "Extended congregate care" means acts beyond
25 those authorized in subsection(17)(16)that may be performed
26 pursuant to chapter 464 by persons licensed thereunder while
27 carrying out their professional duties, and other supportive
28 services which may be specified by rule. The purpose of such
29 services is to enable residents to age in place in a
30 residential environment despite mental or physical limitations
31 that might otherwise disqualify them from residency in a

Amendment No. ____ (for drafter's use only)

1 facility licensed under this part.

2 (13)~~(14)~~ "Guardian" means a person to whom the law has
3 entrusted the custody and control of the person or property,
4 or both, of a person who has been legally adjudged
5 incapacitated.

6 (14)~~(15)~~ "Limited nursing services" means acts that
7 may be performed pursuant to chapter 464 by persons licensed
8 thereunder while carrying out their professional duties but
9 limited to those acts which the department specifies by rule.
10 Acts which may be specified by rule as allowable limited
11 nursing services shall be for persons who meet the admission
12 criteria established by the department for assisted living
13 facilities and shall not be complex enough to require 24-hour
14 nursing supervision and may include such services as the
15 application and care of routine dressings, and care of casts,
16 braces, and splints.

17 (15)~~(16)~~ "Managed risk" means the process by which the
18 facility staff discuss the service plan and the needs of the
19 resident with the resident and, if applicable, the resident's
20 representative or designee or the resident's surrogate,
21 guardian, or attorney in fact, in such a way that the
22 consequences of a decision, including any inherent risk, are
23 explained to all parties and reviewed periodically in
24 conjunction with the service plan, taking into account changes
25 in the resident's status and the ability of the facility to
26 respond accordingly.

27 (16)~~(17)~~ "Mental health resident" means an individual
28 who receives social security disability income due to a mental
29 disorder as determined by the Social Security Administration
30 or receives supplemental security income due to a mental
31 disorder as determined by the Social Security Administration

Amendment No. ____ (for drafter's use only)

1 and receives optional state supplementation.

2 (17)(18) "Personal services" means direct physical
3 ~~include, but are not limited to, such services as: individual~~
4 assistance with or supervision of the essential activities of
5 daily living and the self-administration of medication as
6 ~~defined in subsection (1),~~ and other similar services which
7 the department may define by rule. "Personal services" shall
8 not be construed to mean the provision of medical, nursing,
9 dental, or mental health services by the staff of a facility,
10 ~~except as provided in this part. In addition, an emergency~~
11 ~~response device installed in the apartment or living area of a~~
12 ~~resident shall not be classified as a personal service.~~

13 (18)(19) "Physical restraint" means a device which
14 physically limits, restricts, or deprives an individual of
15 movement or mobility, including, but not limited to, a
16 half-bed rail, a full-bed rail, a geriatric chair, and a posey
17 restraint. The term "physical restraint" shall also include
18 any device which was not specifically manufactured as a
19 restraint but which has been altered, arranged, or otherwise
20 used for this purpose. The term shall not include bandage
21 material used for the purpose of binding a wound or injury.

22 (19) "Relative" means an individual who is the father,
23 mother, stepfather, stepmother, son, daughter, brother,
24 sister, grandmother, grandfather, great-grandmother,
25 great-grandfather, grandson, granddaughter, uncle, aunt, first
26 cousin, nephew, niece, husband, wife, father-in-law,
27 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
28 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,
29 half-brother, or half-sister of an owner or administrator.

30 (20) "Resident" means a person 18 years of age or
31 older, residing in and receiving care from a facility.

Amendment No. ____ (for drafter's use only)

1 (21) "Resident's representative or designee" means a
2 person other than the owner, or an agent or employee of the
3 facility, designated in writing by the resident, if legally
4 competent, to receive notice of changes in the contract
5 executed pursuant to s. 400.424; to receive notice of and to
6 participate in meetings between the resident and the facility
7 owner, administrator, or staff concerning the rights of the
8 resident; to assist the resident in contacting the ombudsman
9 council if the resident has a complaint against the facility;
10 or to bring legal action on behalf of the resident pursuant to
11 s. 400.429.

12 (22) "Service plan" means a written plan, developed
13 and agreed upon by the resident and, if applicable, the
14 resident's representative or designee or the resident's
15 surrogate, guardian, or attorney in fact, if any, and the
16 administrator or designee representing the facility, which
17 addresses the unique physical and psychosocial needs,
18 abilities, and personal preferences of each resident receiving
19 extended congregate care services. The plan shall include a
20 brief written description, in easily understood language, of
21 what services shall be provided, who shall provide the
22 services, when the services shall be rendered, and the
23 purposes and benefits of the services.

24 (23) "Shared responsibility" means exploring the
25 options available to a resident within a facility and the
26 risks involved with each option when making decisions
27 pertaining to the resident's abilities, preferences, and
28 service needs, thereby enabling the resident and, if
29 applicable, the resident's representative or designee, or the
30 resident's surrogate, guardian, or attorney in fact, and the
31 facility to develop a service plan which best meets the

Amendment No. ____ (for drafter's use only)

1 resident's needs and seeks to improve the resident's quality
2 of life.

3 (24) "~~Supervision of activities of daily living~~" means
4 reminding residents to engage in activities of daily living
5 and the self-administration of medication, and, when
6 necessary, observing or providing verbal cuing to residents
7 while they perform these activities.

8 ~~(25) "Supervision of self-administered medication"~~
9 ~~means reminding residents to take medication, opening bottle~~
10 ~~caps for residents, opening prepackaged medication for~~
11 ~~residents, reading the medication label to residents,~~
12 ~~observing residents while they take medication, checking the~~
13 ~~self-administered dosage against the label of the container,~~
14 ~~reassuring residents that they have obtained and are taking~~
15 ~~the dosage as prescribed, keeping daily records of when~~
16 ~~residents receive supervision pursuant to this subsection, and~~
17 ~~immediately reporting noticeable changes in the condition of a~~
18 ~~resident to the resident's physician and the resident's case~~
19 ~~manager, if one exists. Residents who are capable of~~
20 ~~administering their own medication shall be allowed to do so.~~

21 (25)~~(26)~~ "Supplemental security income," Title XVI of
22 the Social Security Act, means a program through which the
23 Federal Government guarantees a minimum monthly income to
24 every person who is age 65 or older, or disabled, or blind and
25 meets the income and asset requirements.

26 (26)~~(27)~~ "Supportive services" means services designed
27 to encourage and assist aged persons or adults with
28 disabilities to remain in the least restrictive living
29 environment and to maintain their independence as long as
30 possible.

31 (27)~~(28)~~ "Twenty-four-hour nursing supervision" means

Amendment No. ____ (for drafter's use only)

1 services that are ordered by a physician for a resident whose
2 condition requires the supervision of a physician and
3 continued monitoring of vital signs and physical status. Such
4 services shall be: medically complex enough to require
5 constant supervision, assessment, planning, or intervention by
6 a nurse; required to be performed by or under the direct
7 supervision of licensed nursing personnel or other
8 professional personnel for safe and effective performance;
9 required on a daily basis; and consistent with the nature and
10 severity of the resident's condition or the disease state or
11 stage.

12 Section 2. Subsection (2) of section 400.404, Florida
13 Statutes, is amended to read:

14 400.404 Facilities to be licensed; exemptions.--

15 (2) The following are exempt from licensure under this
16 part:

17 (a) Any facility, institution, or other place operated
18 by the Federal Government or any agency of the Federal
19 Government.

20 (b) Any facility or part of a facility licensed under
21 chapter 393 or chapter 394.

22 (c) Any facility licensed as an adult family-care home
23 under part VII.

24 (d) Any person who provides housing, meals, and one or
25 more personal services on a 24-hour basis in the person's own
26 home to not more than two adults who do not receive optional
27 state supplementation. The person who provides the housing,
28 meals, and personal services must own or rent, and live in,
29 the home.

30 (e)~~(e)~~ Any home or facility approved by the United
31 States Department of Veterans Affairs as a residential care

Amendment No. ____ (for drafter's use only)

1 home wherein care is provided exclusively to three or fewer
2 veterans.

3 (f)~~(d)~~ Any facility that has been incorporated in this
4 state for 50 years or more on or before July 1, 1983, and the
5 board of directors of which is nominated or elected by the
6 residents, until the facility is sold or its ownership is
7 transferred; or any facility, with improvements or additions
8 thereto, which has existed and operated continuously in this
9 state for 60 years or more on or before July 1, 1989, is
10 directly or indirectly owned and operated by a nationally
11 recognized fraternal organization, is not open to the public,
12 and accepts only its own members and their spouses as
13 residents.

14 (g)~~(e)~~ Any facility certified under chapter 651, or a
15 retirement community, may provide services authorized under
16 this part or part IV of this chapter to its residents who live
17 in single-family homes, duplexes, quadruplexes, or apartments
18 located on the campus without obtaining a license to operate
19 an assisted living facility if residential units within such
20 buildings are used by residents who do not require staff
21 supervision for that portion of the day when personal services
22 are not being delivered and the owner obtains a home health
23 license to provide such services. However, any building or
24 distinct part of a building on the campus that is designated
25 for persons who receive personal services and require
26 supervision beyond that which is available while such services
27 are being rendered must be licensed in accordance with this
28 part. If a facility provides personal services to residents
29 who do not otherwise require supervision and the owner is not
30 licensed as a home health agency, the buildings or distinct
31 parts of buildings where such services are rendered must be

Amendment No. ____ (for drafter's use only)

1 licensed under this part. A resident of a facility that
2 obtains a home health license may contract with a home health
3 agency of his or her choice, provided that the home health
4 agency provides liability insurance and workers' compensation
5 coverage for its employees. Facilities covered by this
6 exemption may establish policies that give residents the
7 option of contracting for services and care beyond that which
8 is provided by the facility to enable them to age in place.
9 For purposes of this section, a retirement community consists
10 of a facility licensed under this part or under part II, and
11 apartments designed for independent living located on the same
12 campus.

13 Section 3. Subsection (1) of section 400.407, Florida
14 Statutes, is amended to read:

15 400.407 License required; fee, display.--

16 (1)~~(a)~~ A license issued by the agency is required for
17 an assisted living facility operating in this state.~~It is~~
18 ~~unlawful to operate or maintain a facility without first~~
19 ~~obtaining from the agency a license authorizing such~~
20 ~~operation.~~

21 ~~(b)1. Any person found guilty of violating paragraph~~
22 ~~(a) who, upon notification by the agency, fails, within 10~~
23 ~~working days after receiving such notification, to apply for a~~
24 ~~license commits a felony of the third degree, punishable as~~
25 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

26 ~~2. Any person found to be in violation of paragraph~~
27 ~~(a) due to a change in s. 400.402(3), (18), (24), or (25) or a~~
28 ~~modification in department policy pertaining to personal~~
29 ~~services as provided for in s. 400.402 and who, upon~~
30 ~~notification by the agency, fails, within 10 working days~~
31 ~~after receiving such notification, to apply for a license~~

Amendment No. ____ (for drafter's use only)

1 ~~commits a felony of the third degree, punishable as provided~~
2 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

3 ~~3. Except as provided for in subparagraph 2., any~~
4 ~~person who violates paragraph (a) who previously operated a~~
5 ~~licensed facility or concurrently operates a licensed facility~~
6 ~~and an unlicensed facility commits a felony of the third~~
7 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
8 ~~s. 775.084.~~

9 ~~4. Any person who fails to obtain a license after~~
10 ~~agency notification may be fined for each day of noncompliance~~
11 ~~pursuant to s. 400.419(1)(b).~~

12 ~~5. When an owner has an interest in more than one~~
13 ~~facility, and fails to license any one of these facilities,~~
14 ~~the agency may revoke the license or impose a moratorium on~~
15 ~~any or all of the licensed facilities until such time as the~~
16 ~~delinquent facility is licensed.~~

17 ~~6. If the agency determines that an owner is operating~~
18 ~~or maintaining a facility without obtaining a license~~
19 ~~authorizing such operation and determines that a condition~~
20 ~~exists in the facility that poses a threat to the health,~~
21 ~~safety, or welfare of a resident of the facility, the owner~~
22 ~~commits neglect as defined in s. 415.102 and is subject to the~~
23 ~~same actions and penalties specified in ss. 400.414 and~~
24 ~~400.419 for a negligent act seriously affecting the health,~~
25 ~~safety, or welfare of a resident of the facility.~~

26 Section 4. Effective January 1, 1999, subsection (1)
27 of section 400.4075, Florida Statutes, is amended to read:

28 400.4075 Limited mental health license.--An assisted
29 living facility that serves three or more mental health
30 residents must obtain a limited mental health license.

31 (1) To obtain a limited mental health license, a

Amendment No. ____ (for drafter's use only)

1 facility must hold a standard license as an assisted living
2 facility, must not have any current uncorrected deficiencies
3 or violations, and must ensure that, within 6 months after
4 receiving a limited mental health license, the facility
5 administrator and the staff of the facility who are in direct
6 contact with mental health residents must complete training of
7 no less than 6 hours related to their duties. This training
8 will be provided by or approved by the Department of Children
9 and Family Services.

10 Section 5. Section 400.408, Florida Statutes, is
11 amended to read:

12 400.408 Unlicensed facilities; referral of person for
13 residency to unlicensed facility; penalties penalty;
14 verification of licensure status.--

15 (1)(a) It is unlawful to own, operate, or maintain an
16 assisted living facility without obtaining a license under
17 this part.

18 (b) Except as provided under paragraph (d), any person
19 who owns, operates, or maintains an unlicensed assisted living
20 facility commits a felony of the third degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084. Application
22 for licensure within 10 working days after notification shall
23 be an affirmative defense to this felony violation.

24 (c) Any person found guilty of violating paragraph (a)
25 a second or subsequent time commits a felony of the second
26 degree, punishable as provided under s. 775.082, s. 775.083,
27 or s. 775.084.

28 (d) Any person who owns, operates, or maintains an
29 unlicensed assisted living facility due to a change in this
30 part or a modification in department rule within 6 months
31 after the effective date of such change and who, within 10

Amendment No. ____ (for drafter's use only)

1 working days after receiving notification from the agency,
2 fails to cease operation or apply for a license under this
3 part commits a felony of the third degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

5 (e) Pursuant to this subsection, any facility that
6 fails to apply for a license or cease operation after agency
7 notification may be fined for each day of noncompliance
8 pursuant to s. 400.419.

9 (f) When a licensee has an interest in more than one
10 assisted living facility, and fails to license any one of
11 these facilities, the agency may revoke the license or impose
12 a moratorium on any or all of the licensed facilities until
13 such time as the unlicensed facility applies for licensure or
14 ceases operation.

15 (g) If the agency determines that an owner is
16 operating or maintaining an assisted living facility without
17 obtaining a license and determines that a condition exists in
18 the facility that poses a threat to the health, safety, or
19 welfare of a resident of the facility, the owner is subject to
20 the same actions and fines imposed against a licensed facility
21 as specified in ss. 400.414 and 400.419.

22 (h) Any person aware of the operation of an unlicensed
23 assisted living facility must report that facility to the
24 agency. The agency shall provide to the department and to
25 elder information and referral providers a list, by county, of
26 licensed assisted living facilities, to assist persons who are
27 considering an assisted living facility placement in locating
28 a licensed facility.

29 (2)(1) It is unlawful to knowingly refer a person for
30 residency to an unlicensed facility that provides services
31 that may only be provided by an assisted living facility; to

Amendment No. ____ (for drafter's use only)

1 an assisted living facility the license of which is under
2 denial or has been suspended or revoked; or to an assisted
3 living a facility that has a moratorium on admissions. Any
4 person who violates this subsection commits ~~is guilty of~~ a
5 noncriminal violation, punishable by a fine not exceeding \$500
6 as provided in s. 775.083.

7 (a) Any employee of the agency or department, or the
8 Department of Children and Family ~~Health and Rehabilitative~~
9 Services, who knowingly refers a person for residency to an
10 unlicensed facility; to a facility the license of which is
11 under denial or has been suspended or revoked; or to a
12 facility that has a moratorium on admissions is subject to
13 disciplinary action by the agency or department, or the
14 Department of Children and Family ~~Health and Rehabilitative~~
15 Services.

16 (b) The employer of any person who is under contract
17 with the agency or department, or the Department of Children
18 and Family ~~Health and Rehabilitative~~ Services, and who
19 knowingly refers a person for residency to an unlicensed
20 facility; to a facility the license of which is under denial
21 or has been suspended or revoked; or to a facility that has a
22 moratorium on admissions shall be fined and required to
23 prepare a corrective action plan designed to prevent such
24 referrals.

25 ~~(c)(2)~~ The agency shall provide the department and the
26 Department of Children and Family ~~Health and Rehabilitative~~
27 Services with a list of licensed facilities within each county
28 and shall update the list at least quarterly ~~monthly~~.

29 ~~(d)(3)~~ At least annually, the agency shall notify, in
30 appropriate trade publications ~~as defined by rule~~, physicians
31 licensed under chapter 458 or chapter 459 ~~pursuant to chapter~~

Amendment No. ____ (for drafter's use only)

1 ~~458, osteopathic physicians licensed pursuant to chapter 459,~~
2 hospitals licensed under ~~pursuant to part I of~~ chapter 395,
3 ~~and~~ nursing home facilities licensed under ~~pursuant to~~ part II
4 of this chapter, and employees of the agency or the
5 department, or the Department of Children and Family Health
6 ~~and Rehabilitative~~ Services, who are responsible ~~having a~~
7 ~~responsibility~~ for referring persons for residency, that it is
8 unlawful to knowingly refer a person for residency to an
9 unlicensed assisted living facility and shall notify them of
10 the penalty for violating such prohibition. The department and
11 the Department of Children and Family Services shall, in turn,
12 notify service providers under contract to the respective
13 departments who have responsibility for resident referrals to
14 facilities. Further, the notice must direct each noticed
15 facility and individual to contact the appropriate agency
16 office in order to verify the licensure status of any facility
17 prior to referring any person for residency. Each notice must
18 include the name, telephone number, and mailing address of the
19 appropriate office to contact.

20 Section 6. Section 400.411, Florida Statutes, is
21 amended to read:

22 400.411 Initial application for license; provisional
23 license.--

24 (1) Application for license shall be made to the
25 agency on forms furnished by it and shall be accompanied by
26 the appropriate license fee. ~~The application shall contain~~
27 ~~sufficient information, as required by rules of the~~
28 ~~department, to establish that the applicant can provide~~
29 ~~adequate care.~~

30 (2) The applicant may be an individual owner,
31 corporation, partnership, firm, association, or governmental

Amendment No. ____ (for drafter's use only)

1 entity.

2 ~~(3)(2)~~ The application shall be signed by the
3 applicant under oath and shall contain the following:

4 (a) The name, address, date of birth, and social
5 security number of the applicant and the name by which the
6 facility is to be known. ~~Pursuant thereto:~~

7 ~~1.~~ If the applicant is a firm, partnership, or
8 association, the application shall contain the name, address,
9 date of birth, and social security number of every member
10 thereof.

11 ~~2.~~ If the applicant is a corporation, the application
12 shall contain the corporation's ~~its~~ name and address, the
13 name, address, date of birth, and social security number of
14 each of its directors and officers, and the name and address
15 of each person having at least a 5-percent ownership
16 ~~10-percent~~ interest in the corporation.

17 (b) The name and address of any professional service,
18 firm, association, partnership, or corporation that is to
19 provide goods, leases, or services to the facility ~~for which~~
20 ~~the application is made~~, if a 5-percent ~~10-percent~~ or greater
21 interest in the service, firm, association, partnership, or
22 corporation is owned by a person whose name must be listed on
23 the application under paragraph (a).

24 (c) Information sufficient ~~that provides a source~~ to
25 establish the suitable character, financial stability, and
26 competency of the applicant and of each person specified in
27 the application under paragraph (a) ~~subparagraph (a)1. or~~
28 ~~subparagraph (a)2. who has at least a 10-percent interest in~~
29 ~~the firm, partnership, association, or corporation and, if~~
30 different from the applicant, applicable, ~~of the administrator~~
31 and financial officer., including

Amendment No. ____ (for drafter's use only)

1 (d) The name and address of any long-term care
2 facility with which the applicant, ~~or administrator, or~~
3 financial officer has been affiliated through ownership or
4 employment within 5 years of the date of this license ~~the~~
5 application ~~for a license~~; and a signed affidavit disclosing
6 any financial or ownership interest that the applicant, or any
7 person listed in paragraph (a) ~~principal, partner, or~~
8 ~~shareholder thereof~~, holds or has held within the last 5 years
9 in any ~~other~~ facility licensed under this part, or in any
10 other entity licensed by this ~~the~~ state or another state to
11 provide health or residential care, which facility or entity
12 closed or ceased to operate as a result of financial problems,
13 or has had a receiver appointed or a license denied, suspended
14 or revoked, or was subject to a moratorium on admissions, or
15 has had an injunctive proceeding initiated against it.

16 (e) ~~(d)~~ The names and addresses of ~~other~~ persons of
17 whom the agency may inquire as to the character, and
18 reputation, and financial responsibility of the owner and, if
19 different from the applicant, the administrator and financial
20 officer applicant and, if applicable, of the administrator.

21 ~~(e)~~ The names and addresses of other persons of whom
22 the agency may inquire as to the financial responsibility of
23 the applicant.

24 (f) Identification of all other homes or facilities,
25 including the addresses and the license or licenses under
26 which they operate, if applicable, which are currently
27 operated by the applicant or administrator and which provide
28 housing, meals, and personal services to residents ~~adults~~.

29 ~~(g)~~ Such other reasonable information as may be
30 required by the agency to evaluate the ability of the
31 applicant to meet the responsibilities entailed under this

Amendment No. ____ (for drafter's use only)

1 ~~part.~~

2 ~~(g)(h)~~ The location of the facility for which a
3 license is sought and documentation, signed by the appropriate
4 local government official, which states that the applicant has
5 met local zoning requirements.

6 ~~(h)(i)~~ The name, address, date of birth, social
7 security number, education, and experience of the
8 administrator if different from the applicant.

9 ~~(4)(3)~~ The applicant shall furnish satisfactory proof
10 of financial ability to operate and conduct the facility in
11 accordance with the requirements of this part. A certificate
12 of authority, pursuant to chapter 651, may be provided as
13 proof of financial ability.~~An applicant applying for an~~
14 ~~initial license shall submit a balance sheet setting forth the~~
15 ~~assets and liabilities of the owner and a statement projecting~~
16 ~~revenues, expenses, taxes, extraordinary items, and other~~
17 ~~credits or charges for the first 12 months of operation of the~~
18 ~~facility.~~

19 ~~(5)(4)~~ If the applicant is a continuing care facility
20 certified under chapter 651, a copy of the facility's
21 certificate of authority must be provided ~~offers continuing~~
22 ~~care agreements, as defined in chapter 651, proof shall be~~
23 ~~furnished that the applicant has obtained a certificate of~~
24 ~~authority as required for operation under that chapter.~~

25 ~~(6)(5)~~ The applicant shall provide proof of liability
26 insurance as defined in s. 624.605.

27 ~~(7)(6)~~ If the applicant is a community residential
28 home, the applicant must provide proof that it has met the
29 ~~requirements specified in chapter 419 shall apply to community~~
30 ~~residential homes zoned single-family or multifamily.~~

31 ~~(8)(7)~~ The applicant must provide the agency with

Amendment No. ____ (for drafter's use only)

1 proof of legal right to occupy the property. ~~This proof may~~
2 ~~include, but is not limited to, copies of recorded warranty~~
3 ~~deeds, or copies of lease or rental agreements, contracts for~~
4 ~~deeds, quitclaim deeds, or other such documentation.~~

5 (9)~~(8)~~ The applicant must furnish proof that the
6 facility has received a satisfactory firesafety inspection.
7 The local ~~fire marshal or other~~ authority having jurisdiction
8 or the State Fire Marshal must conduct the inspection within
9 30 days after the written request by the applicant. ~~If an~~
10 ~~authority having jurisdiction does not have a certified~~
11 ~~firesafety inspector, the State Fire Marshal shall conduct the~~
12 ~~inspection.~~

13 (10) The applicant must furnish documentation of a
14 satisfactory sanitation inspection of the facility by the
15 county health department.

16 (11)~~(9)~~ A provisional license may be issued to an
17 applicant making initial application for licensure or making
18 application for a change of ownership. A provisional license
19 shall be limited in duration to a specific period of time not
20 to exceed 6 months, as determined by the agency.

21 (12)~~(10)~~ No county or municipality shall issue an
22 occupational license which is being obtained for the purpose
23 of operating a facility regulated under this part without
24 first ascertaining that the applicant has been licensed to
25 operate such facility at the specified location or locations
26 by the agency. The agency shall furnish to local agencies
27 responsible for issuing occupational licenses sufficient
28 instruction for making such ~~the above-required~~ determinations.

29 Section 7. Section 400.414, Florida Statutes, is
30 amended to read:

31 400.414 Denial, revocation, or suspension of license;

Amendment No. ____ (for drafter's use only)

1 imposition of administrative fine; grounds.--

2 (1) The agency may deny, revoke, or suspend any a
3 license issued under this part or impose an administrative
4 fine in the manner provided in chapter 120. At the chapter 120
5 hearing, the agency shall prove by a preponderance of the
6 evidence that its actions are warranted.

7 ~~(2)~~ Any of the following actions by an assisted living
8 facility or any facility employee ~~a facility or its employee~~
9 shall be grounds for action by the agency against a licensee:

10 (a) An intentional or negligent act seriously
11 affecting the health, safety, or welfare of a resident of the
12 facility.

13 (b) The determination by the agency that the facility
14 owner, ~~or~~ administrator, or financial officer is not of
15 suitable character or competency, or that the owner lacks the
16 financial ability, ~~to provide continuing adequate care to~~
17 ~~residents, pursuant to the information obtained through s.~~
18 ~~400.411, s. 400.417, or s. 400.434.~~

19 (c) Misappropriation or conversion of the property of
20 a resident of the facility.

21 (d) Failure to follow the criteria and procedures
22 provided under part I of chapter 394 relating to the
23 transportation, voluntary admission, and involuntary
24 examination of a facility resident.

25 (e) One or more class I, three or more class II, or
26 five or more repeated or recurring identical or similar class
27 III violations of this part which were identified by the
28 agency within the last 2 years ~~during the last biennial~~
29 ~~inspection, monitoring visit, or complaint investigation and~~
30 ~~which, in the aggregate, affect the health, safety, or welfare~~
31 ~~of the facility residents.~~

Amendment No. ____ (for drafter's use only)

1 (f) A confirmed report of adult abuse, neglect, or
2 exploitation, as defined in s. 415.102, which has been upheld
3 following a chapter 120 hearing or a waiver of such
4 proceedings where the perpetrator is an employee, volunteer,
5 administrator, or owner, or otherwise has access to the
6 residents of a facility, and the owner or administrator has
7 not taken action to remove the perpetrator. Exemptions from
8 disqualification may be granted as set forth in s. 435.07. No
9 administrative action may be taken against the facility if the
10 perpetrator is granted an exemption.

11 (g) Violation of a moratorium.

12 (h) Failure of the license applicant, the licensee
13 during relicensure, or ~~failure of a licensee that holds a~~
14 ~~provisional~~ an initial or change of ownership license, to meet
15 the minimum license standards or the requirements of rules
16 ~~adopted under~~ this part, or related rules, at the time of
17 license application or renewal.

18 (i) A fraudulent statement or omission of any material
19 fact on an application for a license or any other document
20 required by the agency ~~that is signed and notarized.~~

21 (j) An intentional or negligent life-threatening act
22 in violation of the uniform firesafety standards for assisted
23 living facilities or other firesafety standards ~~established by~~
24 ~~the State Fire Marshal,~~ that threatens the health, safety, or
25 welfare of a resident of a facility, as communicated to the
26 agency by the local State Fire Marshal, a local fire marshal,
27 ~~or other~~ authority having jurisdiction or the State Fire
28 Marshal.

29 (k) Knowingly operating any unlicensed facility or
30 providing without a license any service that must be licensed
31 under this chapter.

Amendment No. ____ (for drafter's use only)

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Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

~~(3) Proceedings brought under paragraphs (2)(a), (c), (e), and (j) shall not be subject to de novo review.~~

(2)(4) Upon notification by the local State Fire Marshal, local fire marshal, or other authority having jurisdiction or the State Fire Marshal, the agency may deny or revoke the license of an assisted living a facility that fails to correct cited fire code violations issued by the State Fire Marshal, a local fire marshal, or other authority having jurisdiction, that affect or threaten the health, safety, or welfare of a resident of a facility.

(3) The agency may deny a license to any applicant or to any officer or board member of an applicant who is a firm, corporation, partnership, or association or who owns 5 percent or more of the facility, if the applicant, officer, or board member has or had a 25-percent or greater financial or ownership interest in any other facility licensed under this part, or in any entity licensed by this state or another state to provide health or residential care, which facility or entity during the 5 years prior to the application for a license closed due to financial inability to operate; had a receiver appointed or a license denied, suspended, or revoked; was subject to a moratorium on admissions; had an injunctive proceeding initiated against it; or has an outstanding fine assessed under this chapter.

(4) The agency shall deny or revoke the license of an assisted living facility that has two or more class I violations that are similar or identical to violations

Amendment No. ____ (for drafter's use only)

1 identified by the agency during a survey, inspection,
2 monitoring visit, or complaint investigation occurring within
3 the previous 2 years.

4 ~~(5) The agency may deny a license to an applicant who~~
5 ~~owns 25 percent or more of, or operates, a facility which,~~
6 ~~during the 5 years prior to the application for a license, has~~
7 ~~had a license denied, suspended, or revoked pursuant to~~
8 ~~subsection (2), or, during the 2 years prior to the~~
9 ~~application for a license, has had a moratorium imposed on~~
10 ~~admissions, has had an injunctive proceeding initiated against~~
11 ~~it, has had a receiver appointed, was closed due to financial~~
12 ~~inability to operate, or has an outstanding fine assessed~~
13 ~~under this part.~~

14 (5)(6) An action taken by the agency to suspend, deny,
15 or revoke a facility's license under this part, in which the
16 agency claims that the facility owner or an employee of the
17 facility has threatened the health, safety, or welfare of a
18 resident of the facility, shall, ~~upon receipt of the~~
19 ~~facility's request for a hearing,~~ be heard by the Division of
20 Administrative Hearings of the Department of Management
21 Services within 120 days after receipt of the facility's ~~the~~
22 request for a hearing, unless that time limitation ~~period~~ is
23 waived by both parties. The administrative law judge must
24 render a decision within 30 days after receipt of a proposed
25 recommended order ~~the hearing~~.

26 (6)(7) The agency shall provide to the Division of
27 Hotels and Restaurants of the Department of Business and
28 Professional Regulation, on a monthly basis, a list of those
29 assisted living facilities which have had their licenses
30 denied, suspended, or revoked or which are involved in an
31 appellate proceeding pursuant to s. 120.60 related to the

Amendment No. ____ (for drafter's use only)

1 denial, suspension, or revocation of a license.

2 (7) Agency notification of a license suspension or
3 revocation, or denial of a license renewal, shall be posted
4 and visible to the public at the facility.

5 Section 8. Section 400.415, Florida Statutes, is
6 amended to read:

7 400.415 Moratorium on admissions; notice.--The agency
8 may impose an immediate moratorium on admissions to any
9 assisted living facility if ~~when~~ the agency determines that
10 any condition in the facility presents a threat to the health,
11 safety, or welfare of the residents in the facility.

12 (1) A facility the license of which is denied,
13 revoked, or suspended pursuant to ~~as a result of a violation~~
14 ~~of s. 400.414~~ may be subject to immediate imposition of a
15 moratorium on admissions to run concurrently with licensure
16 denial, revocation, or suspension.

17 (2) When a moratorium is placed on a facility, notice
18 of the moratorium shall be posted and visible to the public at
19 the facility until the moratorium is lifted.

20 (3) The department may by rule establish conditions
21 that constitute grounds for imposing a moratorium on a
22 facility and procedures for imposing and lifting a moratorium,
23 as necessary to administer this section.

24 Section 9. Section 400.417, Florida Statutes, is
25 amended to read:

26 400.417 Expiration of license; renewal; conditional
27 license.--

28 (1) Biennial licenses ~~issued for the operation of a~~
29 ~~facility,~~ unless sooner suspended or revoked, shall expire
30 ~~automatically~~ 2 years from the date of issuance. Limited
31 nursing, extended congregate care, and limited mental health

Amendment No. ____ (for drafter's use only)

1 licenses shall expire at the same time as the facility's
2 standard license, regardless of when issued.The agency shall
3 notify the facility by certified mail at least 120 days prior
4 to ~~the expiration of the license that a renewal license~~
5 ~~relicensure~~ is necessary to continue operation. Ninety days
6 prior to the expiration date, an application for renewal shall
7 be submitted to the agency. ~~A license shall be renewed upon~~
8 ~~the filing of an application on forms furnished by the agency~~
9 ~~if the applicant has first met the requirements established~~
10 ~~under this part and all rules promulgated under this part.~~The
11 failure to file a timely renewal application shall result in a
12 late fee charged to the facility in an amount equal to 50
13 percent of the current fee.~~in effect on the last preceding~~
14 ~~regular renewal date. Late fees shall be deposited into the~~
15 ~~Health Care Trust Fund as provided in s. 400.418. The~~
16 ~~facility shall file with the application satisfactory proof of~~
17 ~~ability to operate and conduct the facility in accordance with~~
18 ~~the requirements of this part.~~

19 (2) A license shall be renewed within 90 days upon the
20 timely filing of an application on forms furnished by the
21 agency and the provision of satisfactory proof of ability to
22 operate and conduct the facility in accordance with the
23 requirements of this part and adopted rules, including An
24 ~~applicant for renewal of a license must furnish~~ proof that the
25 facility has received a satisfactory firesafety inspection,
26 conducted by the local ~~fire marshal or other~~ authority having
27 jurisdiction or the State Fire Marshal, within the preceding
28 12 months.

29 (3) An applicant for renewal of a license who has
30 ~~complied on the initial license application with the~~
31 provisions of s. 400.411 with respect to proof of financial

Amendment No. ____ (for drafter's use only)

1 ability to operate shall not be required to provide further
2 ~~proof of financial ability on renewal applications~~ unless the
3 facility or any other facility owned or operated in whole or
4 in part by the same person ~~or business entity~~ has demonstrated
5 financial instability as provided under s. 400.447(2)
6 ~~evidenced by bad checks, delinquent accounts, or nonpayment of~~
7 ~~withholding taxes, utility expenses, or other essential~~
8 ~~services~~ or unless the agency suspects that the facility is
9 not financially stable as a result of the annual survey or
10 complaints from the public or a report from the State
11 Long-Term Care Ombudsman Council. Each facility must ~~shall~~
12 report to the agency any adverse court action concerning the
13 facility's financial viability, within 7 days after its
14 occurrence. The agency shall have access to books, records,
15 and any other financial documents maintained by the facility
16 to the extent necessary to determine the facility's financial
17 stability ~~carry out the purpose of this section~~. A license
18 for the operation of a facility shall not be renewed if the
19 licensee has any outstanding fines assessed pursuant to this
20 part which are in final order status.

21 (4)~~(2)~~ A licensee against whom a revocation or
22 suspension proceeding is pending at the time of license
23 renewal may be issued a conditional license effective until
24 final disposition by the agency ~~of such proceeding~~. If
25 judicial relief is sought from the final disposition, the
26 court having jurisdiction may issue a conditional license for
27 the duration of the judicial proceeding.

28 (5)~~(3)~~ A conditional license may be issued to an
29 applicant for license renewal if ~~when~~ the applicant fails to
30 meet all standards and requirements for licensure. A
31 conditional license issued under this subsection shall be

Amendment No. ____ (for drafter's use only)

1 limited in duration to a specific period of time not to exceed
2 6 months, as determined by the agency, and shall be
3 accompanied by an agency-approved ~~approved~~ plan of correction.

4 (6) When an extended care or limited nursing license
5 is requested during a facility's biennial license period, the
6 fee shall be prorated in order to permit the additional
7 license to expire at the end of the biennial license period.
8 The fee shall be calculated as of the date the additional
9 license application is received by the agency.

10 (7) The department may by rule establish renewal
11 procedures, identify forms, and specify documentation
12 necessary to administer this section.

13 Section 10. Section 400.4174, Florida Statutes, is
14 amended to read:

15 400.4174 Reports of abuse in facilities.--When an
16 employee, volunteer, administrator, or owner of a facility is
17 the subject of ~~has~~ a confirmed report of adult abuse, neglect,
18 or exploitation, as defined in s. 415.102, ~~or child abuse or~~
19 ~~neglect, as defined in s. 415.503,~~ and the protective
20 investigator knows that the individual is an employee,
21 volunteer, administrator, or owner of a facility, the agency
22 shall be notified of the confirmed report.

23 Section 11. Section 400.4176, Florida Statutes, is
24 amended to read:

25 400.4176 Notice of change of administrator.--If,
26 during the period for which a license is issued, the owner
27 changes administrators, the owner must notify the agency of
28 the change within 10 ~~45~~ days ~~thereof~~ and ~~must~~ provide
29 documentation within 90 days that the new administrator has
30 completed the applicable core educational requirements under
31 s. 400.452. Background screening shall be completed on any

Amendment No. ____ (for drafter's use only)

1 ~~new administrator to establish that the individual is of~~
2 ~~suitable character~~ as specified in s. 400.411 ~~ss.~~
3 ~~400.411(2)(c) and 400.456.~~

4 Section 12. Subsection (1) of section 400.418, Florida
5 Statutes, is amended to read:

6 400.418 Disposition of fees and administrative
7 fines.--

8 (1) Income from license fees, inspection fees, late
9 fees, and administrative fines generated pursuant to ss.
10 400.407, 400.408, 400.417, 400.419, and 400.431 shall be
11 deposited in the Health Care Trust Fund administered by the
12 agency. Such funds shall be directed to and used by the
13 agency for the following purposes:

14 (a) Up to 50 percent of the trust funds accrued each
15 fiscal year under this part may be used to offset the expenses
16 of receivership, pursuant to s. 400.422, if the court
17 determines that the income and assets of the facility are
18 insufficient to provide for adequate management and operation.

19 (b) An amount of \$5,000 of the trust funds accrued
20 each year under this part shall be allocated to pay for
21 inspection-related physical and mental health examinations
22 requested by the agency pursuant to s. 400.426 for residents
23 who are either recipients of supplemental security income or
24 have monthly incomes not in excess of the maximum combined
25 federal and state cash subsidies available to supplemental
26 security income recipients, as provided for in s. 409.212.
27 Such funds shall only be used where the resident is ineligible
28 for Medicaid.

29 (c) Any trust funds accrued each year under this part
30 and not used for the purposes specified in paragraphs (a) and
31 (b) shall be used to offset the costs of the licensure

Amendment No. ____ (for drafter's use only)

1 program, including the costs of conducting background
2 investigations, verifying information submitted, defraying the
3 costs of processing the names of applicants, and conducting
4 inspections and monitoring visits pursuant to this part.

5 Section 13. Section 400.419, Florida Statutes, is
6 amended to read:

7 400.419 Violations; administrative fines ~~penalties~~.--

8 ~~(1)(a) If the agency determines that a facility is not~~
9 ~~in compliance with standards promulgated pursuant to the~~
10 ~~provisions of this part, including the failure to report~~
11 ~~evidence of the facility's financial instability or the~~
12 ~~operation of a facility without a license, the agency, as an~~
13 ~~alternative to or in conjunction with an administrative action~~
14 ~~against a facility, shall make a reasonable attempt to discuss~~
15 ~~each violation and recommended corrective action with the~~
16 ~~owner or administrator of the facility, prior to written~~
17 ~~notification thereof. The agency, instead of fixing a period~~
18 ~~within which the facility shall enter into compliance with~~
19 ~~standards, may request a plan of corrective action from the~~
20 ~~facility which demonstrates a good faith effort to remedy each~~
21 ~~violation by a specific date, subject to the approval of the~~
22 ~~agency.~~

23 ~~(b) Any facility owner or administrator found in~~
24 ~~violation of this part, including any individual operating a~~
25 ~~facility without a license, shall be subject to a fine, set~~
26 ~~and levied by the agency.~~

27 ~~(c) Each day during which any person violates any such~~
28 ~~provision after the date fixed for termination of the~~
29 ~~violation, as ordered by the agency, constitutes an~~
30 ~~additional, separate, and distinct violation.~~

31 ~~(d) Any action taken to correct a violation shall be~~

Amendment No. ____ (for drafter's use only)

1 ~~documented in writing by the administrator of the facility and~~
2 ~~verified through followup visits by licensing personnel of the~~
3 ~~agency. The agency may impose a fine and, in the case of an~~
4 ~~owner-operated facility, revoke a facility's license when a~~
5 ~~facility administrator fraudulently misrepresents action taken~~
6 ~~to correct a violation.~~

7 ~~(e) If a facility desires to appeal any agency action~~
8 ~~under this section, it shall send a written request for a~~
9 ~~hearing to the agency within 15 days of receipt by certified~~
10 ~~mail of notice of the action of the agency. If the fine is~~
11 ~~upheld, the violator shall pay the fine, plus interest at the~~
12 ~~legal rate as specified in s. 687.01, for each day beyond the~~
13 ~~date set by the agency for payment of the fine.~~

14 ~~(2) In determining if a penalty is to be imposed and~~
15 ~~in fixing the amount of the penalty to be imposed, if any, for~~
16 ~~a violation, the agency shall consider the following factors:~~

17 ~~(a) The gravity of the violation, including the~~
18 ~~probability that death or serious physical or emotional harm~~
19 ~~to a resident will result or has resulted, the severity of the~~
20 ~~action or potential harm, and the extent to which the~~
21 ~~provisions of the applicable statutes or rules were violated.~~

22 ~~(b) Actions taken by the owner or administrator to~~
23 ~~correct violations.~~

24 ~~(c) Any previous violations.~~

25 ~~(d) The financial benefit to the facility of~~
26 ~~committing or continuing the violation.~~

27 ~~(e) The licensed capacity of the facility.~~

28 (1)(3) Each violation of this part and adopted rules
29 shall be classified according to the nature of the violation
30 and the gravity of its probable effect on facility residents.
31 The agency shall indicate the classification of each violation

Amendment No. ____ (for drafter's use only)

1 on the written ~~face of the~~ notice of the violation as follows:

2 (a) Class "I" violations are those conditions or
3 occurrences related to the operation and maintenance of a
4 facility or to the personal care of residents which the agency
5 determines present an imminent danger to the residents or
6 guests of the facility or a substantial probability that death
7 or serious physical or emotional harm would result therefrom.
8 The condition or practice constituting a class I violation
9 shall be abated or eliminated within 24 hours, unless a fixed
10 period, as determined by the agency, is required for
11 correction. A class I violation is subject to an
12 administrative fine ~~a civil penalty~~ in an amount not less than
13 \$1,000 and not exceeding \$10,000 ~~\$5,000~~ for each violation. A
14 fine may be levied notwithstanding the correction of the
15 violation.

16 (b) Class "II" violations are those conditions or
17 occurrences related to the operation and maintenance of a
18 facility or to the personal care of residents which the agency
19 determines directly threaten the physical or emotional health,
20 safety, or security of the facility residents, other than
21 class I violations. A class II violation is subject to an
22 administrative fine ~~a civil penalty~~ in an amount not less than
23 \$500 and not exceeding \$5,000 ~~\$1,000~~ for each violation. A
24 citation for a class II violation shall specify the time
25 within which the violation is required to be corrected. If a
26 class II violation is corrected within the time specified, no
27 fine ~~civil penalty~~ may be imposed, unless it is a repeated
28 offense.

29 (c) Class "III" violations are those conditions or
30 occurrences related to the operation and maintenance of a
31 facility or to the personal care of residents which the agency

Amendment No. ____ (for drafter's use only)

1 determines indirectly or potentially threaten the physical or
2 emotional health, safety, or security of facility residents,
3 other than class I or class II violations. A class III
4 violation is subject to an administrative fine ~~a civil penalty~~
5 of not less than \$100 and not exceeding \$1,000 ~~\$500~~ for each
6 violation. A citation for a class III violation shall specify
7 the time within which the violation is required to be
8 corrected. If a class III violation is corrected within the
9 time specified, no fine ~~civil penalty~~ may be imposed, unless
10 it is a repeated offense.

11 (d) Class "IV" violations are those conditions or
12 occurrences related to the operation and maintenance of a
13 building or to required reports, forms, or documents that do
14 not have the potential of negatively affecting residents.
15 These violations are of a type that the agency determines do
16 not threaten the health, safety, or security of residents of
17 the facility. A facility that does not correct a class IV
18 violation within the time ~~limit~~ specified in the
19 agency-approved corrective action plan is subject to an
20 administrative fine ~~a civil penalty~~ of not less than \$50 nor
21 more than \$200 for each violation. Any class IV violation
22 that is corrected during the time an agency survey is being
23 conducted will be identified as an agency finding and not as a
24 violation.

25 ~~(2)(4)~~ The agency may set and levy a fine not to
26 exceed \$1,000 ~~\$500~~ for each violation which cannot be
27 classified according to subsection ~~(1)(3)~~. ~~In no event may~~
28 Such finer ~~fine~~ in the aggregate may not exceed \$10,000 per
29 survey ~~\$5,000~~.

30 (3) In determining if a penalty is to be imposed and
31 in fixing the amount of the fine, the agency shall consider

Amendment No. ____ (for drafter's use only)

1 the following factors:

2 (a) The gravity of the violation, including the
3 probability that death or serious physical or emotional harm
4 to a resident will result or has resulted, the severity of the
5 action or potential harm, and the extent to which the
6 provisions of the applicable laws or rules were violated.

7 (b) Actions taken by the owner or administrator to
8 correct violations.

9 (c) Any previous violations.

10 (d) The financial benefit to the facility of
11 committing or continuing the violation.

12 (e) The licensed capacity of the facility.

13 (4) Each day of continuing violation after the date
14 fixed for termination of the violation, as ordered by the
15 agency, constitutes an additional, separate, and distinct
16 violation.

17 (5) Any action taken to correct a violation shall be
18 documented in writing by the owner or administrator of the
19 facility and verified through followup visits by agency
20 personnel. The agency may impose a fine and, in the case of an
21 owner-operated facility, revoke or deny a facility's license
22 when a facility administrator fraudulently misrepresents
23 action taken to correct a violation.

24 (6) For fines that are upheld following administrative
25 or judicial review, the violator shall pay the fine, plus
26 interest at the rate as specified in s. 55.03, for each day
27 beyond the date set by the agency for payment of the fine.

28 (7) Except as provided in subsection (8), any facility
29 that continues to operate without having applied for a license
30 10 days after agency notification is subject to a \$1,000 fine.
31 Each day beyond 20 days after agency notification constitutes

Amendment No. ____ (for drafter's use only)

1 a separate violation and the facility is subject to a fine of
2 \$500 per day.

3 (8) Unlicensed facilities whose owner or administrator
4 concurrently operates a licensed facility, has previously
5 operated a licensed facility, or has been employed in a
6 licensed facility shall immediately be subject to an
7 administrative fine of \$5,000 upon agency notification. Each
8 day that a facility continues to operate without having
9 applied for a license within 10 working days after agency
10 notification constitutes a separate violation, and such
11 facility shall be subject to a fine of \$500 per day
12 retroactive to the date of agency notification.

13 (9) Any facility whose owner fails to apply for a
14 change-of-ownership license in accordance with s. 400.412 and
15 operates the facility under the new ownership is subject to a
16 fine not to exceed \$5,000.

17 (10) In addition to any administrative fines imposed,
18 the agency may assess a survey fee, equal to the lesser of one
19 half of the facility's biennial license and bed fee or \$500,
20 to cover the cost of conducting initial complaint
21 investigations that result in the finding of a violation that
22 was the subject of the complaint or monitoring visits
23 conducted under s. 400.428(3)(c) to verify the correction of
24 the violations.

25 (11) The agency, as an alternative to or in
26 conjunction with an administrative action against a facility
27 for violations of this part and adopted rules, shall make a
28 reasonable attempt to discuss each violation and recommended
29 corrective action with the owner or administrator of the
30 facility, prior to written notification. The agency, instead
31 of fixing a period within which the facility shall enter into

Amendment No. ____ (for drafter's use only)

1 compliance with standards, may request a plan of corrective
2 action from the facility which demonstrates a good-faith
3 effort to remedy each violation by a specific date, subject to
4 the approval of the agency.

5 (12)(5) Administrative fines ~~Civil penalties~~ paid by
6 any facility under this section ~~the provisions of subsection~~
7 ~~(3)~~ shall be deposited into the Health Care Trust Fund and
8 expended as provided in s. 400.418.

9 (13)(6) The agency shall develop and disseminate an
10 annual list of all facilities sanctioned or fined \$5,000 or
11 more in excess of \$500 for violations of state standards, the
12 number and class of violations involved, the penalties
13 imposed, and the current status of cases. The list shall be
14 disseminated, at no charge, to the Department of Elderly
15 Affairs, the Department of Health ~~and Rehabilitative Services,~~
16 the Department of Children and Family Services, the area
17 agencies on aging, the Statewide Human Rights Advocacy
18 Committee, and the state and district nursing home ~~and~~
19 ~~long-term care facility~~ ombudsman councils. The Department of
20 Children and Family Services shall disseminate the list to
21 service providers under contract to the department who are
22 responsible for referring persons to a facility for residency.
23 The agency may charge a fee commensurate with the cost of
24 printing and postage to other interested parties requesting a
25 copy of this list.

26 Section 14. Section 400.4195, Florida Statutes, is
27 amended to read:

28 400.4195 Rebates prohibited; penalties.--

29 (1) It is unlawful for any assisted living facility
30 licensed under this part to contract or promise to pay or
31 receive any commission, bonus, kickback, or rebate or engage

Amendment No. ____ (for drafter's use only)

1 in any split-fee arrangement in any form whatsoever with any
2 physician, surgeon, organization, agency, or person, either
3 directly or indirectly, for residents referred to an assisted
4 living facility licensed under this part. A facility may
5 employ or contract with persons to market the facility,
6 provided the employee or contract provider clearly indicates
7 that he or she represents the facility. A person or agency
8 independent of the facility may provide placement or referral
9 services for a fee to individuals seeking assistance in
10 finding a suitable facility; however, any fee paid for
11 placement or referral services must be paid by the individual
12 looking for a facility, not by the facility.

13 (2) A violation of this section shall be considered
14 patient brokering and is punishable as provided in s. 817.505.
15 ~~The department, in consultation with the agency, shall adopt~~
16 ~~rules which assess administrative penalties for acts~~
17 ~~prohibited by subsection (1).~~

18 Section 15. Paragraph (a) of subsection (1) of section
19 400.422, Florida Statutes, is amended to read:

20 400.422 Receivership proceedings.--

21 (1) As an alternative to or in conjunction with an
22 injunctive proceeding, the agency may petition a court of
23 competent jurisdiction for the appointment of a receiver, if
24 suitable alternate placements are not available, when any of
25 the following conditions exist:

26 (a) The facility is operating without a license and
27 refuses to make application for a license as required by ss.
28 ~~s.~~400.407 and 400.408.

29 Section 16. Section 400.4256, Florida Statutes, is
30 created to read:

31 400.4256 Assistance with self-administration of

Amendment No. ____ (for drafter's use only)

1 medication.--

2 (1) For the purposes of this section, the term:

3 (a) "Informed consent" means advising the resident, or
4 the resident's surrogate, guardian, or attorney in fact, that
5 an assisted living facility is not required to have a licensed
6 nurse on staff, that the resident may be receiving assistance
7 with self-administration of medication from an unlicensed
8 person, and that such assistance, if provided by an unlicensed
9 person, will or will not be overseen by a licensed nurse.

10 (b) "Unlicensed person" means an individual not
11 currently licensed to practice nursing or medicine who is
12 employed by or under contract to an assisted living facility
13 and who has received training with respect to assisting with
14 the self-administration of medication in an assisted living
15 facility as provided under s. 400.452 prior to providing such
16 assistance as described in this section.

17 (2) Residents who are capable of self-administering
18 their own medications without assistance shall be encouraged
19 and allowed to do so. However, an unlicensed person may,
20 consistent with a dispensed prescription's label or the
21 package directions of an over-the-counter medication, assist a
22 resident whose condition is medically stable with the
23 self-administration of routine, regularly scheduled
24 medications that are intended to be self-administered.
25 Assistance with self-administration of medication by an
26 unlicensed person may occur only upon a documented request by,
27 and the written informed consent of, a resident or the
28 resident's surrogate, guardian, or attorney in fact. For the
29 purposes of this section, self-administered medications
30 include both legend and over-the-counter oral dosage forms,
31 topical dosage forms, and topical ophthalmic, otic, and nasal

Amendment No. ____ (for drafter's use only)

1 dosage forms including solutions, suspensions, sprays, and
2 inhalers.

3 (3) Assistance with self-administration of medication
4 includes:

5 (a) Taking the medication, in its previously
6 dispensed, properly labeled container, from where it is
7 stored, and bringing it to the resident.

8 (b) In the presence of the resident, reading the
9 label, opening the container, removing a prescribed amount of
10 medication from the container, and closing the container.

11 (c) Placing an oral dosage in the resident's hand or
12 placing the dosage in another container and helping the
13 resident by lifting the container to his or her mouth.

14 (d) Applying topical medications.

15 (e) Returning the medication container to proper
16 storage.

17 (f) Keeping a record of when a resident receives
18 assistance with self-administration of medication under this
19 section.

20 (4) Assistance with self-administration of medication
21 does not include:

22 (a) Mixing, compounding, converting, or calculating
23 medication doses, except for measuring a prescribed amount of
24 liquid medication or breaking a scored tableted or crushing a
25 tablet as prescribed.

26 (b) The preparation of syringes for injection or the
27 administration of medications by any injectable route.

28 (c) Administration of medications through intermittent
29 positive pressure breathing machines or a nebulizer.

30 (d) Administration of medications by way of a tube
31 inserted in a cavity of the body.

Amendment No. ____ (for drafter's use only)

- 1 (e) Administration of parenteral preparations.
2 (f) Irrigations or debriding agents used in the
3 treatment of a skin condition.
4 (g) Rectal, urethral, or vaginal preparations.
5 (h) Medications ordered by the physician or health
6 care professional with prescriptive authority to be given "as
7 needed," and at the request of a competent resident, unless
8 the order is written with specific parameters that preclude
9 independent judgment on the part of the unlicensed person.
10 (i) Medications for which the time of administration,
11 the amount, the strength of dosage, the method of
12 administration, or the reason for administration requires
13 judgment or discretion on the part of the unlicensed person.
14 (5) Assistance with the self-administration of
15 medication by an unlicensed person as described in this
16 section shall not be considered administration as defined in
17 s. 465.003.
18 (6) The department may by rule establish facility
19 procedures and interpret terms as necessary to implement this
20 section.

21 Section 17. Subsection (3) of section 400.428, Florida
22 Statutes, is amended to read:

23 400.428 Resident bill of rights.--

24 (3)(a) The agency shall conduct a survey ~~an inspection~~
25 to determine general compliance with facility standards and
26 compliance with residents' rights as a prerequisite to initial
27 ~~or renewal~~ licensure or licensure renewal.

28 (b) In order to determine whether the facility is
29 adequately protecting residents' rights, the biennial survey
30 ~~inspection of the facility~~ shall include private informal
31 conversations with a sample of residents and consultation with

Amendment No. ____ (for drafter's use only)

1 the ombudsman council in the planning and service area, ~~as~~
2 ~~defined in part II,~~ in which the facility is located to
3 discuss residents' experiences within the facility with
4 ~~respect to rights specified in this section and general~~
5 ~~compliance with standards.~~

6 (c) During any calendar year in which no survey
7 ~~inspection~~ is conducted, the agency shall conduct at least one
8 monitoring visit of each facility cited in the previous year
9 for a class I or class II violation, or more than three
10 uncorrected class III violations, ~~that led to a conditional~~
11 ~~license or a moratorium on admissions.~~

12 (d) The agency may conduct periodic followup
13 inspections as necessary to monitor the compliance of
14 facilities with a history of any class I, class II, or class
15 III violations that threaten the health, safety, or security
16 of residents.

17 (e) ~~(d)~~ The agency may conduct complaint investigations
18 as warranted to investigate any allegations of noncompliance
19 with requirements required under this part or rules adopted
20 ~~promulgated~~ under this part.

21 Section 18. Section 400.442, Florida Statutes, is
22 amended to read:

23 400.442 Pharmacy and dietary services.--

24 (1) ~~Notwithstanding s. 400.419,~~ Any assisted living
25 facility in which the agency has documented a class I or class
26 II deficiency or uncorrected class III deficiencies regarding
27 medicinal drugs or over-the-counter preparations, including
28 their storage, use, delivery, or administration, or dietary
29 services, or both, during a biennial survey or a monitoring
30 visit or an investigation in response to a complaint, shall,
31 in addition to or as an alternative to any penalties imposed

Amendment No. ____ (for drafter's use only)

1 under s. 400.419,be required to employ the consultant
2 services of a licensed pharmacist, a licensed registered
3 nurse,or a registered or licensed dietitian, ~~or both~~,as
4 applicable. The consultant shall ~~provide onsite consultation~~
5 ~~and shall continue with~~, at a minimum, provide onsite
6 quarterly consultation until the inspection team from the
7 agency determines that such consultation services are no
8 longer required.

9 (2) A corrective action plan for deficiencies related
10 to assistance with the self-administration of medication or
11 the administration of medication must be developed and
12 implemented by the facility within 48 hours after notification
13 of such deficiency, or sooner if the deficiency is determined
14 by the agency to be life threatening.

15 ~~(3)(2)~~ The agency shall employ at least two
16 pharmacists licensed pursuant to chapter 465 among its
17 personnel who biennially inspect assisted living facilities
18 licensed under this part, to participate in biennial
19 inspections or consult with the agency regarding deficiencies
20 relating to medicinal drugs or over-the-counter preparations,
21 including, but not limited to, their storage, use, delivery,
22 or administration. ~~A corrective action plan for deficiencies~~
23 ~~related to the administration or supervision of medication~~
24 ~~must be developed and implemented within 48 hours after~~
25 ~~notification of the deficiency, or sooner if the deficiency is~~
26 ~~determined by the agency to be life threatening.~~

27 Section 19. Section 400.452, Florida Statutes, is
28 amended to read:

29 400.452 Staff training and educational programs; core
30 educational requirement.--

31 (1) The department shall provide, or cause to be

Amendment No. ____ (for drafter's use only)

1 provided, training and educational programs for the
2 administrators and ~~such~~ other assisted living facility staff
3 ~~as are defined by the department~~ to better enable them to
4 appropriately respond to the needs of residents, to maintain
5 resident care and facility standards, and to meet licensure
6 requirements.

7 (2) The department shall also establish a core
8 educational requirement to be used in these programs.
9 Successful completion of the core educational requirement must
10 include successful completion of a competency test. Programs
11 must be provided by the department or by a provider approved
12 by the department at least quarterly. The core educational
13 requirement must cover at least the following topics:

14 (a) State law and rules relating to ~~on~~ assisted living
15 facilities, ~~including lifesafety requirements and procedures.~~

16 (b) Resident rights and identifying and reporting
17 abuse, neglect, and exploitation.

18 (c) Special needs of elderly persons, persons with
19 mental illness, and persons with developmental disabilities
20 and how to meet those needs.

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

23 (e) Medication management and recordkeeping, and
24 proper techniques for assisting residents with
25 self-administered medication, ~~including recordkeeping.~~

26 (f) Firesafety requirements, including fire evacuation
27 drill procedures and other emergency procedures ~~drills.~~

28 (g) Care of persons with Alzheimer's disease and ~~other~~
29 related disorders.

30 (3) Such a program must be available at least
31 quarterly in each planning and service area ~~district~~ of the

Amendment No. ____ (for drafter's use only)

1 department of Health and Rehabilitative Services. The
2 competency test must be developed by the department in
3 conjunction with the agency and providers ~~and must be~~
4 ~~available for use by January 1, 1997. Beginning July 1, 1997,~~
5 A new facility administrator must complete the core
6 educational requirement including the competency test within 3
7 months after being employed as an administrator. Failure to
8 complete a core educational requirement specified in this
9 subsection is a violation of this part and subjects the
10 violator to an administrative fine ~~a penalty~~ as prescribed in
11 s. 400.419. Administrators licensed in accordance with chapter
12 468, part II, are exempt from this requirement. Other licensed
13 professionals may be exempted, as determined by the department
14 by rule.

15 (4) Administrators are required to participate in
16 continuing education for a minimum of 12 contact hours every 2
17 years ~~as specified by rule of the department.~~

18 (5) Staff involved with the management of medications
19 and assisting with the self-administration of medications
20 under s. 400.4256 must complete a minimum of 4 hours of
21 training pursuant to a curriculum developed by the department,
22 provided by a registered nurse, licensed pharmacist, or
23 department staff. ~~Administrators and staff of facilities more~~
24 ~~than 10 percent of whose residents are mental health residents~~
25 ~~shall participate in training in the care and supervision of~~
26 ~~such residents as specified by rule of the department.~~

27 (6) Other facility staff shall participate in training
28 relevant to their job duties as specified by rule of the
29 department.

30 (7) ~~Any facility more than 90 percent of whose~~
31 ~~residents receive monthly optional supplementation payments is~~

Amendment No. ____ (for drafter's use only)

1 ~~not required to pay for the training and education programs~~
2 ~~provided under this section. A facility that has one or more~~
3 ~~such residents shall pay a reduced fee that is proportional to~~
4 ~~the percentage of such residents in the facility.~~A facility
5 that does not have any residents who receive monthly optional
6 supplementation payments must pay a reasonable fee, ~~as~~
7 ~~established by the department,~~for such training and education
8 programs. A facility that has one or more such residents shall
9 pay a reduced fee that is proportional to the percentage of
10 such residents in the facility. Any facility more than 90
11 percent of whose residents receive monthly optional state
12 supplementation payments is not required to pay for the
13 training and continuing education programs required under this
14 section.

15 (8) If the department or the agency determines that
16 there are problems in a facility that could be reduced through
17 specific staff training or education beyond that already
18 required under this section, the department or the agency may
19 require, and provide, or cause to be provided, the training or
20 education of any personal care staff in the facility.

21 (9) The department shall adopt rules pursuant to the
22 Administrative Procedure Act to establish training programs,
23 standards and curriculum for training, staff training
24 requirements, procedures for approving training programs, and
25 training fees.

26 Section 20. Paragraph (c) is added to subsection (2)
27 of section 400.474, Florida Statutes, to read:

28 400.474 Denial, suspension, revocation of license;
29 injunction; grounds.--

30 (2) Any of the following actions by a home health
31 agency or its employee is grounds for disciplinary action by

Amendment No. ____ (for drafter's use only)

1 the Agency for Health Care Administration:

2 (c) Knowingly providing home health services in an
3 unlicensed assisted living facility or unlicensed adult
4 family-care home, unless the home health agency or employee
5 reports the unlicensed facility or home to the agency within
6 72 hours after providing the services.

7 Section 21. Section 400.618, Florida Statutes, is
8 amended to read:

9 400.618 Definitions.--As used in this part ~~ss.~~
10 ~~400.616-400.629~~, the term:

11 (1) "Activities of daily living" means functions and
12 tasks for self-care, including eating, bathing, grooming,
13 dressing, ambulating, and other similar tasks.

14 (2) "Adult family-care home" means a full-time,
15 family-type living arrangement, in a private home, under which
16 a person who owns or rents, and lives in, the home provides ~~or~~
17 ~~persons provide~~, for profit or not for profit, room, board,
18 and one or more personal services, on a 24-hour basis ~~as~~
19 ~~appropriate for the level of functional impairment~~, for no
20 more than five aged persons or disabled adults who are not
21 relatives. The following family-type living arrangements
22 ~~establishments~~ are not required to be licensed as an adult
23 family-care home ~~homes~~:

24 (a) An arrangement whereby the person who owns or
25 rents the home provides room, board, and ~~establishment that~~
26 ~~provides~~ personal services for not more than two ~~three or~~
27 ~~fewer~~ adults who do not receive optional state supplementation
28 under s. 409.212, ~~but that does not hold itself out to the~~
29 ~~public to be an establishment that regularly provides such~~
30 services. The person who provides the housing, meals, and
31 personal services must own or rent, and live in, the home.

Amendment No. ____ (for drafter's use only)

1 (b) An arrangement whereby the person who owns or
2 rents the home provides room, board, and establishment in
3 ~~which a person or persons provide~~ personal services only to
4 their relatives.

5 (c) An establishment that is licensed as an assisted
6 living facility under part III.

7 (3) "Aged person" means any person age 60 or over who
8 is currently a resident of the state and who, because of a
9 functional impairment, requires one or more personal services
10 but does not require 24-hour skilled nursing home or
11 institutional care.

12 (4) "Agency" means the Agency for Health Care
13 Administration.

14 (5) "Aging in place" means remaining in a
15 noninstitutional living environment despite the physical or
16 mental changes that may occur in a person who is aging. For
17 aging in place to occur, needed services are added, increased,
18 or adjusted to compensate for a person's physical or mental
19 changes.

20 (6) "Chemical restraint" means a pharmacologic drug
21 that physically limits, restricts, or deprives an individual
22 of movement or mobility, and is used for discipline or
23 convenience and not required for the treatment of medical
24 symptoms.

25 (7) "Department" means the Department of Elderly
26 Affairs.

27 (8) "Disabled adult" means any person between 18 and
28 59 years of age, inclusive, who is a resident of the state and
29 who has one or more permanent physical or mental limitations
30 that restrict the person's ability to perform the normal
31 activities of daily living.

Amendment No. ____ (for drafter's use only)

1 (9) "Personal services" include, but are not limited
2 to, individual assistance with or supervision of activities of
3 daily living; supervision of self-administered medication; and
4 other similar services that the department defines by rule.

5 (10) "Provider" means a person who is licensed to
6 operate an adult family-care home.

7 (11) "Relative" means an individual who is the father,
8 mother, son, daughter, brother, sister, uncle, aunt, first
9 cousin, nephew, niece, husband, wife, father-in-law,
10 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
11 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
12 stepbrother, stepsister, half brother, or half sister of a
13 provider.

14 Section 22. Paragraph (h) of subsection (3) of section
15 408.036, Florida Statutes, is amended to read:

16 408.036 Projects subject to review.--

17 (3) EXEMPTIONS.--Upon request, supported by such
18 documentation as the agency requires, the agency shall grant
19 an exemption from the provisions of subsection (1):

20 (h) For the establishment of a Medicare-certified home
21 health agency by a facility certified under chapter 651; a
22 retirement community, as defined in s. 400.404(2)(g)~~s.~~
23 ~~400.404(2)(e)~~; or a residential facility that serves only
24 retired military personnel, their dependents, and the
25 surviving dependents of deceased military personnel.
26 Medicare-reimbursed home health services provided through such
27 agency shall be offered exclusively to residents of the
28 facility or retirement community or to residents of facilities
29 or retirement communities owned, operated, or managed by the
30 same corporate entity. Each visit made to deliver
31 Medicare-reimbursable home health services to a home health

Amendment No. ____ (for drafter's use only)

1 patient who, at the time of service, is not a resident of the
2 facility or retirement community shall be a deceptive and
3 unfair trade practice and constitutes a violation of ss.
4 501.201-501.213.

5
6 A request for exemption under this subsection may be made at
7 any time and is not subject to the batching requirements of
8 this section.

9 Section 23. Subsection (3) is added to section
10 394.4574, Florida Statutes, to read:

11 394.4574 Department responsibilities for a mental
12 health resident who resides in an assisted living facility
13 that holds a limited mental health license.--

14 (3) The secretary of the department, in consultation
15 with the Agency for Health Care Administration, shall annually
16 require each district administrator to develop, with community
17 input, detailed plans that demonstrate how the district will
18 ensure the provision of state-funded mental health and
19 substance abuse treatment services to residents of assisted
20 living facilities that hold a limited mental health license.
21 These plans must be consistent with the alcohol, drug abuse,
22 and mental health district plan developed pursuant to s.
23 394.75 and must address case management services; access to
24 consumer-operated drop-in centers; access to services during
25 evenings, weekends, and holidays; supervision of the clinical
26 needs of the residents; and access to emergency psychiatric
27 care.

28 Section 24. Except as otherwise provided herein, this
29 act shall take effect October 1 of the year in which enacted.

30
31

Amendment No. ____ (for drafter's use only)

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6

A bill to be entitled

7

An act relating to assisted living facilities

8

and adult family-care homes; amending s.

9

400.402, F.S.; revising definitions; amending

10

s. 400.404, F.S.; providing additional

11

exemptions from licensure as an assisted living

12

facility; amending ss. 400.407 and 400.408,

13

F.S.; reorganizing and revising provisions

14

relating to unlawful facilities; providing

15

penalties; requiring report of unlicensed

16

facilities; providing for disciplinary actions;

17

revising provisions relating to referral to

18

unlicensed facilities; providing for certain

19

notice to service providers; amending s.

20

400.4075, F.S.; providing an additional

21

requirement for a limited mental health

22

license; amending s. 400.411, F.S.; revising

23

requirements for an initial application for

24

license; providing for a fee; amending s.

25

400.414, F.S.; revising authority and grounds

26

for denial, revocation, or suspension of

27

licenses or imposition of administrative fines;

28

specifying terms for review of proceedings

29

challenging administrative actions; amending s.

30

400.415, F.S.; requiring a facility to post

31

notice of a moratorium on admissions; providing

Amendment No. ____ (for drafter's use only)

1 for rules establishing grounds for imposition
2 of a moratorium; amending s. 400.417, F.S.;
3 providing for coordinated expiration of a
4 facility's licenses; providing for prorated
5 fees; revising requirements for license
6 renewal; providing for rules; amending s.
7 400.4174, F.S.; amending an outdated reference
8 to child abuse or neglect; amending s.
9 400.4176, F.S.; revising time requirement for
10 notice of change of administrator; amending ss.
11 400.418, 400.422, and 408.036, F.S., relating
12 to the disposition of fees and fines,
13 receivership proceedings, and the review of
14 certain projects; conforming cross references
15 to changes made by the act; amending s.
16 400.419, F.S.; revising procedures relating to
17 violations and penalties; increasing
18 administrative fines for specified classes of
19 violations; providing fines for unlicensed
20 operation of a facility and for failure to
21 apply for a change of ownership license;
22 authorizing a survey fee to cover the cost of
23 certain complaint investigations; providing for
24 corrective action plans to correct violations;
25 expanding dissemination of information
26 regarding facilities sanctioned or fined;
27 amending s. 400.4195, F.S., relating to a
28 prohibition on rebates; providing a penalty;
29 creating s. 400.4256, F.S.; establishing
30 procedures for assistance with the
31 self-administration of medication; amending s.

Amendment No. ____ (for drafter's use only)

1 400.428, F.S.; providing for surveys to
2 determine compliance with facility standards
3 and residents' rights; amending s. 400.442,
4 F.S.; providing for professional assistance and
5 corrective action plans for facilities with
6 deficiencies related to the administration of
7 medications; amending s. 400.452, F.S.;
8 revising provisions relating to facility staff
9 training and education programs; providing for
10 rules; amending s. 400.474, F.S.; providing for
11 disciplinary action against a home health
12 agency or employee who knowingly provides
13 services in an unlicensed assisted living
14 facility or adult family-care home; amending s.
15 400.618, F.S.; revising the definition of the
16 term "adult family-care home"; amending s.
17 394.4574, F.S.; requiring district
18 administrators of the Department of Children
19 and Family Services to develop plans to ensure
20 the provision of mental health and substance
21 abuse treatment services to residents of
22 assisted living facilities that hold a limited
23 mental health license; providing effective
24 dates.

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