

Bill No. HB 2029, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Carlton moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 8, between lines 4 and 5,

15

16 insert:

17 Section 6. Subsections (1) and (3) of section 252.355,
18 Florida Statutes, are amended to read:

19 252.355 Registry of ~~disabled~~ persons with special
20 needs; notice.--

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

27 The registration shall identify those persons in need of
28 assistance and plan for resource allocation to meet those
29 identified needs. To assist the local emergency management
30 agency in identifying such persons, the Department of Children
31 and Family Services, Department of Health, Department of Labor

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1 and Employment Security, and Department of Elderly Affairs
 2 ~~Health and Rehabilitative Services~~ shall provide registration
 3 information to all of their ~~its~~ special needs clients and to
 4 all incoming clients as a part of the intake process. The
 5 registry shall be updated annually. The registration program
 6 shall give ~~disabled~~ persons with special needs the option of
 7 preauthorizing emergency response personnel to enter their
 8 homes during search and rescue operations if necessary to
 9 assure their safety and welfare following disasters.

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

17 Section 7. Section 381.0303, Florida Statutes, is
 18 created to read:

19 381.0303 Health practitioner recruitment for special
 20 needs shelters.--

21 (1) PURPOSE.--The purpose of this section is to
 22 designate the Department of Health, through its county health
 23 departments, as the lead agency for coordination of the
 24 recruitment of health care practitioners to staff special
 25 needs shelters in times of emergency or disaster and to
 26 provide resources to the department to carry out this
 27 responsibility. However, nothing in this section prohibits a
 28 county health department from entering into an agreement with
 29 a local emergency management agency to assume the lead
 30 responsibility for recruiting health care practitioners.

31 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided

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1 funds have been appropriated to support medical services
2 disaster coordinator positions in county health departments,
3 the department shall assume lead responsibility for the local
4 coordination of local medical and health care providers, the
5 American Red Cross, and other interested parties in developing
6 a plan for the staffing and medical management of special
7 needs shelters. The plan shall be in conformance with the
8 local comprehensive emergency management plan.

9 (a) County health departments shall, in conjunction
10 with the local emergency management agencies, have the lead
11 responsibility for coordination of the recruitment of health
12 care practitioners to staff local special needs shelters.
13 County health departments shall assign their employees to work
14 in special needs shelters when needed to protect the health of
15 patients.

16 (b) The appropriate county health department and local
17 emergency management agency shall jointly determine who has
18 responsibility for medical supervision in a special needs
19 shelter.

20 (c) Local emergency management agencies shall be
21 responsible for the designation and operation of special needs
22 shelters during times of emergency or disaster. County health
23 departments shall assist the local emergency management agency
24 with regard to the management of medical services in special
25 needs shelters.

26 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
27 Department of Health shall reimburse, subject to the
28 availability of funds for this purpose, health care
29 practitioners as defined in s. 455.501, provided the
30 practitioner is not providing care to a patient under an
31 existing contract, and emergency medical technicians and

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1 paramedics licensed pursuant to chapter 401 for medical care
2 provided at the request of the department in special needs
3 shelters or at other locations during times of emergency or
4 major disaster. Reimbursement for health care practitioners,
5 except for physicians, shall be based on the average hourly
6 rate that such practitioners were paid according to the most
7 recent survey of Florida hospitals conducted by the Florida
8 Hospital Association. Reimbursement shall be requested on
9 forms prepared by the Department of Health. If a Presidential
10 Disaster Declaration has been made, and the Federal Government
11 makes funds available, the department shall use such funds for
12 reimbursement of eligible expenditures. In other situations,
13 or if federal funds do not fully compensate the department for
14 reimbursement made pursuant to this section, the department
15 shall submit to the Cabinet or Legislature, as appropriate, a
16 budget amendment to obtain reimbursement from the working
17 capital fund. Travel expense and per diem costs shall be
18 reimbursed pursuant to s. 112.061.

19 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department
20 may use the registries established in ss. 401.273 and 455.276
21 when health care practitioners are needed to staff special
22 needs shelters or to staff disaster medical assistance teams.

23 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
24 Department of Health may establish a special needs shelter
25 interagency committee, to be chaired and staffed by the
26 department. The committee shall resolve problems related to
27 special needs shelters not addressed in the state
28 comprehensive emergency medical plan and shall serve as an
29 oversight committee to monitor the planning and operation of
30 special needs shelters.

31 (a) The committee may:

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1 1. On or before January 1, 2000, resolve questions
2 concerning the roles and responsibilities of state agencies
3 and other organizations that are necessary to implement the
4 program.

5 2. On or before January 1, 2000, identify any issues
6 requiring additional legislation and funding.

7 3. Develop and negotiate any necessary interagency
8 agreements.

9 4. Undertake other such activities as the department
10 deems necessary to facilitate the implementation of this
11 section.

12 5. Submit recommendations to the Legislature as
13 necessary.

14 (b) The special needs shelter interagency committee
15 shall be composed of representatives of emergency management,
16 health, medical, and social services organizations. Membership
17 shall include, but shall not be limited to, the Departments of
18 Community Affairs, Children and Family Services, Elderly
19 Affairs, Labor and Employment Security, and Education; the
20 Agency for Health Care Administration; the Florida Medical
21 Association; Associated Home Health Industries of Florida,
22 Inc.; the Florida Nurses Association; the Florida Health Care
23 Association; the Florida Hospital Association; the Florida
24 Statutory Teaching Hospital Council; the Florida Association
25 of Homes for the Aging; the Florida Emergency Preparedness
26 Association; the American Red Cross; Florida Hospices, Inc.;
27 the Association of Community Hospitals and Health Systems; the
28 Florida Association of Health Maintenance Organizations; the
29 Florida League of Health Systems; Private Care Association;
30 and the Salvation Army.

31 (c) Meetings of the committee shall be held in

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1 Tallahassee and members of the committee shall serve at the
2 expense of the agencies or organizations they represent.

3 (6) RULES.--The department may adopt rules necessary
4 to implement this section.

5 (7) IMPLEMENTATION CONDITIONAL UPON
6 APPROPRIATION.--The implementation of subsections (3), (4),
7 and (5) is conditional upon the receipt of an appropriation by
8 the department to establish headquarters staff for special
9 needs shelter staffing coordination. The submission of
10 emergency management plans to county health departments by
11 home health agencies, hospices, and nurse registries pursuant
12 to ss. 400.497(11)(c) and (d), 400.610(1)(b) and (c), and
13 400.506(16)(e) is conditional upon the receipt of an
14 appropriation by the department to establish medical services
15 disaster coordinator positions in county health departments.

16 Section 8. Section 400.492, Florida Statutes, is
17 created to read:

18 400.492 Provision of services during an
19 emergency.--Each home health agency shall prepare and maintain
20 a comprehensive emergency management plan that is consistent
21 with the standards adopted by national accreditation
22 organizations and consistent with the local special needs
23 plan. The plan shall be updated annually and shall provide for
24 continuing home health services during an emergency that
25 interrupts patient care or services in the patient's home. The
26 plan shall describe how the home health agency establishes and
27 maintains an effective response to emergencies and disasters,
28 including: notifying staff when emergency response measures
29 are initiated; providing for communication between staff
30 members, county health departments, and local emergency
31 management agencies, including a backup system; identifying

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1 resources necessary to continue essential care or services or
2 referrals to other organizations subject to written agreement;
3 and prioritizing and contacting patients who need continued
4 care or services.

5 (1) Each patient record for patients who are listed in
6 the registry established pursuant to s. 252.355 shall include
7 a description of how care or services will be continued in the
8 event of an emergency or disaster. The home health agency
9 shall discuss the emergency provisions with the patient and
10 the patient's caregivers, including where and how the patient
11 is to evacuate, procedures for notifying the home health
12 agency in the event that the patient evacuates to a location
13 other than the shelter identified in the patient record, and a
14 list of medications and equipment which must either accompany
15 the patient or will be needed by the patient in the event of
16 an evacuation.

17 (2) Each home health agency shall maintain a current
18 prioritized list of patients who need continued services
19 during an emergency. The list shall indicate how services
20 shall be continued in the event of an emergency or disaster
21 for each patient and if the patient is to be transported to a
22 special needs shelter, and shall indicate if the patient is
23 receiving skilled nursing services and the patient's
24 medication and equipment needs. The list shall be furnished to
25 county health departments and to local emergency management
26 agencies, upon request.

27 (3) Home health agencies shall not be required to
28 continue to provide care to patients in emergency situations
29 that are beyond their control and that make it impossible to
30 provide services, such as when roads are impassable or when
31 patients do not go to the location specified in their patient

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1 records.

2 (4) Notwithstanding the provisions of s. 400.464(2) or
3 any other provision of law to the contrary, a home health
4 agency may provide services in a special needs shelter located
5 in any county.

6 Section 9. Subsection (1) of section 400.497, Florida
7 Statutes, is amended, and subsection (11) is added to that
8 section, to read:

9 400.497 Rules establishing minimum standards.--The
10 Agency for Health Care Administration shall adopt, publish,
11 and enforce rules to implement this part, including, as
12 applicable, ss. 400.506 and 400.509, which must provide
13 reasonable and fair minimum standards relating to:

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

17 (11) Preparation of a comprehensive emergency
18 management plan pursuant to s. 400.492.

19 (a) The Agency for Health Care Administration shall
20 adopt rules establishing minimum criteria for the plan and
21 plan updates, with the concurrence of the Department of Health
22 and in consultation with the Department of Community Affairs.

23 (b) The rules must address the requirements in s.
24 400.492. In addition, the rules shall provide for the
25 maintenance of patient-specific medication lists that can
26 accompany patients who are transported from their homes.

27 (c) The plan is subject to review and approval by the
28 county health department. During its review, the county health
29 department shall ensure that the following agencies, at a
30 minimum, are given the opportunity to review the plan:

31 1. The local emergency management agency.

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- 1 2. The Agency for Health Care Administration.
2 3. The local chapter of the American Red Cross or
3 other lead sheltering agency.
4 4. The district office of the Department of Children
5 and Family Services.
6
7 The county health department shall complete its review within
8 60 days after receipt of the plan and shall either approve the
9 plan or advise the home health agency of necessary revisions.
10 (d) For any home health agency that operates in more
11 than one county, the Department of Health shall review the
12 plan, after consulting with all of the county health
13 departments, the agency, and all the local chapters of the
14 American Red Cross or other lead sheltering agencies in the
15 areas of operation for that particular hospice. The Department
16 of Health shall complete its review within 90 days after
17 receipt of the plan and shall either approve the plan or
18 advise the hospice of necessary revisions. The Department of
19 Health shall make every effort to avoid imposing differing
20 requirements based on differences between counties on the
21 hospice.
22 (e) The requirements in this subsection do not apply
23 to:
24 1. A facility that is certified under chapter 651 and
25 has a licensed home health agency used exclusively by
26 residents of the facility; or
27 2. A retirement community that consists of residential
28 units for independent living and either a licensed nursing
29 home or an assisted living facility, and has a licensed home
30 health agency used exclusively by the residents of the
31 retirement community; provided the comprehensive emergency

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1 registered pursuant to s. 252.355 and are under the care of
2 persons referred for contract and who need continued services
3 during an emergency. This list shall indicate, for each
4 patient, if the client is to be transported to a special needs
5 shelter and if the patient is receiving skilled nursing
6 services. Nurse registries shall make this list available to
7 county health departments and to local emergency management
8 agencies upon request.

9 (c) Each person referred for contract who is caring
10 for a patient who is registered pursuant to s. 252.355 shall
11 provide a list of their patient's medication and equipment
12 needs to the nurse registry. Each person referred for contract
13 shall make this information available to county health
14 departments and to local emergency management agencies upon
15 request.

16 (d) Each person referred for contract shall not be
17 required to continue to provide care to patients in emergency
18 situations that are beyond their control and that make it
19 impossible to provide services, such as when roads are
20 impassable or when patients do not go to the location
21 specified in their patient records.

22 (e) The comprehensive emergency management plan
23 required by this subsection is subject to review and approval
24 by the county health department. During its review, the county
25 health department shall ensure that, at a minimum, the local
26 emergency management agency, the Agency for Health Care
27 Administration and the local chapter of the American Red Cross
28 or other lead sheltering agency are given the opportunity to
29 review the plan. The county health department shall complete
30 its review within 60 days after receipt of the plan and shall
31 either approve the plan or advise the nurse registry of

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1 necessary revisions.

2 (f) The Agency for Health Care Administration shall
3 adopt rules establishing minimum criteria for the
4 comprehensive emergency management plan and plan updates
5 required by this subsection, with the concurrency of the
6 Department of Health and in consultation with the Department
7 of Community Affairs.

8 Section 11. Paragraph (g) is added to subsection (1)
9 of section 400.605, Florida Statutes, to read:

10 400.605 Administration; forms; fees; rules;
11 inspections; fines.--

12 (1) The department, in consultation with the agency,
13 shall by rule establish minimum standards and licensure
14 procedures for a hospice. The rules must include:

15 (g) Components of a comprehensive emergency plan,
16 developed in consultation with the Department of Health and
17 the Department of Community Affairs.

18 Section 12. Paragraph (f) is added to subsection (5)
19 of section 400.6095, Florida Statutes, to read:

20 400.6095 Patient admission; assessment; plan of care;
21 discharge; death.--

22 (5) Each hospice, in collaboration with the patient
23 and the patient's primary or attending physician, shall
24 prepare and maintain a plan of care for each patient, and the
25 care provided to a patient must be in accordance with the plan
26 of care. The plan of care shall be made a part of the
27 patient's medical record and shall include, at a minimum:

28 (f) A description of how needed care and services will
29 be provided in the event of an emergency.

30 Section 13. Paragraph (b) of subsection (1) of section
31 400.610, Florida Statutes, is amended, paragraphs (c), (d),

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1 and (e) of that subsection are redesignated as paragraphs (d),
2 (e), and (f), respectively, and a new paragraph (c) is added
3 to that subsection, to read:

4 400.610 Administration and management of a hospice.--

5 (1) A hospice shall have a clearly defined organized
6 governing body, consisting of a minimum of seven persons who
7 are representative of the general population of the community
8 served. The governing body shall have autonomous authority and
9 responsibility for the operation of the hospice and shall meet
10 at least quarterly. The governing body shall:

11 (b) Prepare and maintain a comprehensive emergency
12 management plan that provides for continuing hospice services
13 in the event of an emergency that is consistent with local
14 special needs plans. The plan shall include provisions for
15 ensuring continuing care to hospice patients who go to special
16 needs shelters. The plan is subject to review and approval by
17 the county health department except as provided in paragraph
18 (c). During its review, the county health department shall
19 ensure that the department, the agency, and the local chapter
20 of the American Red Cross or other lead sheltering agency have
21 an opportunity to review and comment on the plan. The county
22 health department shall complete its review within 60 days
23 after receipt of the plan and shall either approve the plan or
24 advise the hospice of necessary revisions.~~Prepare a disaster~~
25 ~~preparedness plan.~~

26 (c) For any hospice that operates in more than one
27 county, the Department of Health shall review the plan, after
28 consulting with all of the county health departments, the
29 agency, and all the local chapters of the American Red Cross
30 or other lead sheltering agencies in the areas of operation
31 for that particular hospice. The Department of Health shall

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1 complete its review within 90 days after receipt of the plan
2 and shall either approve the plan or advise the hospice of
3 necessary revisions. The Department of Health shall make every
4 effort to avoid imposing differing requirements based on
5 differences between counties on the hospice.

6 (d)~~(c)~~ Adopt an annual budget.

7 (e)~~(d)~~ Appoint a director who shall be responsible for
8 the day-to-day management and operation of the hospice and who
9 shall serve as the liaison between the governing body and the
10 hospice staff.

11 (f)~~(e)~~ Undertake such additional activities as
12 necessary to ensure that the hospice is complying with the
13 requirements for hospice services as set forth in this part.

14 Section 14. Section 401.273, Florida Statutes, is
15 created to read:

16 401.273 Emergency medical technician and paramedic
17 registry for disasters and emergencies.--The department shall
18 include on its forms for the certification or recertification
19 of emergency medical technicians and paramedics who could
20 assist the department in the event of a disaster a question
21 asking if the practitioner would be available to provide
22 health care services in special needs shelters or to help
23 staff disaster medical assistance teams during times of
24 emergency or major disaster. The names of the emergency
25 medical technicians and paramedics who answer affirmatively
26 shall be maintained by the department as a registry for
27 disasters and emergencies.

28 Section 15. Subsection (12) is added to section
29 408.15, Florida Statutes, 1998 Supplement, to read:

30 408.15 Powers of the agency.--In addition to the
31 powers granted to the agency elsewhere in this chapter, the

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1 agency is authorized to:

2 (12) Establish, in coordination with the Department of
3 Health, uniform standards of care to be provided in special
4 needs units or shelters during times of emergency or major
5 disaster.

6 Section 16. Section 455.276, Florida Statutes, is
7 created to read:

8 455.276 Health care practitioner registry for
9 disasters and emergencies.--The Department of Health shall
10 include on its forms for the licensure or certification of
11 physicians, physician assistants, certified nursing
12 assistants, licensed practical nurses, registered nurses,
13 nurse practitioners, respiratory therapists, and other health
14 care practitioners who could assist the department in the
15 event of a disaster a question asking if the practitioner
16 would be available to provide health care services in special
17 needs shelters or to help staff disaster medical assistance
18 teams during times of emergency or major disaster. The names
19 of practitioners who answer affirmatively shall be maintained
20 by the department as a health care practitioner registry for
21 disasters and emergencies.

22 Section 17. State agencies that contract with
23 providers for the care of persons with disabilities or
24 limitations that make such persons dependent upon the care of
25 others shall include emergency and disaster planning
26 provisions in such contracts at the time the contracts are
27 initiated or upon renewal. These provisions shall include, but
28 shall not be limited to:

29 (1) The designation of an emergency coordinating
30 officer.

31 (2) A procedure to contact all at-risk provider

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1 clients, on a priority basis, prior to and immediately
2 following an emergency or disaster.

3 (3) A procedure to help at-risk clients register with
4 the special needs registry of the local emergency management
5 agency.

6 (4) A procedure to dispatch the emergency coordinating
7 officer or other staff members to special needs shelters to
8 assist clients with special needs, if necessary.

9 (5) A procedure for providing the essential services
10 the organization currently provides to special needs clients
11 in preparation for, and during and following, a disaster.

12 Section 18. Chapter 515, Florida Statutes, consisting
13 of sections 515.21, 515.23, 515.25, 515.27, 515.29, 515.31,
14 515.33, 515.35, and 515.37, is created to read:

15 515.21 Short title.--This chapter may be cited as the
16 "Preston de Ibern/McKenzie Merriam Residential Swimming Pool
17 Safety Act."

18 515.23 Legislative findings and intent.--The
19 Legislature finds that drowning is the leading cause of death
20 of young children in this state and is also a significant
21 cause of death for medically frail elderly persons in this
22 state, that constant adult supervision is the key to
23 accomplishing the objective of reducing the number of
24 submersion incidents, and that when lapses in supervision
25 occur a pool safety feature designed to deny, delay, or detect
26 unsupervised entry to the swimming pool, spa, or hot tub will
27 reduce drowning and near-drowning incidents. In addition to
28 the incalculable human cost of these submersion incidents, the
29 health care costs, loss of lifetime productivity, and legal
30 and administrative expenses associated with drownings of young
31 children and medically frail elderly persons in this state

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1 each year and the lifetime costs for the care and treatment of
2 young children who have suffered brain disability due to
3 near-drowning incidents each year are enormous. Therefore, it
4 is the intent of the Legislature that all new residential
5 swimming pools, spas, and hot tubs be equipped with at least
6 one pool safety feature as specified in this chapter. It is
7 also the intent of the Legislature that the Department of
8 Health be responsible for producing for the public a
9 publication that provides information on drowning prevention
10 and the responsibilities of pool ownership and also for
11 developing a drowning prevention education program for the
12 public and for persons violating the pool safety requirements
13 of this chapter.

14 515.25 Definitions.--As used in this chapter, the
15 term:

16 (1) "Approved safety pool cover" means a manually or
17 power-operated safety pool cover that meets all of the
18 performance standards of the American Society for Testing and
19 Materials (ASTM) in compliance with standard F1346-91.

20 (2) "Barrier" means a fence, dwelling wall, or
21 nondwelling wall, or any combination thereof, which completely
22 surrounds the swimming pool and obstructs access to the
23 swimming pool, especially access from the residence or from
24 the yard outside the barrier.

25 (3) "Department" means the Department of Health.

26 (4) "Exit alarm" means a device that makes audible,
27 continuous alarm sounds when any door or window which permits
28 access from the residence to any pool area that is without an
29 intervening enclosure is opened or left ajar.

30 (5) "Indoor swimming pool" means a swimming pool that
31 is totally contained within a building and surrounded on all

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1 four sides by walls of or within the building.

2 (6) "Medically frail elderly person" means any person
3 who is at least 65 years of age and has a medical problem that
4 affects balance, vision, or judgment, including, but not
5 limited to, a heart condition, diabetes, or Alzheimer's
6 disease or any related disorder.

7 (7) "Outdoor swimming pool" means any swimming pool
8 that is not an indoor swimming pool.

9 (8) "Portable spa" means a nonpermanent structure
10 intended for recreational bathing, in which all controls and
11 water-heating and water-circulating equipment are an integral
12 part of the product and which is cord-connected and not
13 permanently electrically wired.

14 (9) "Public swimming pool" means a swimming pool, as
15 defined in s. 514.011(2), which is operated, with or without
16 charge, for the use of the general public; however, the term
17 does not include a swimming pool located on the grounds of a
18 private residence.

19 (10) "Residential" means situated on the premises of
20 a detached one-family or two-family dwelling or a one-family
21 townhouse not more than three stories high.

22 (11) "Swimming pool" means any structure, located in
23 a residential area, that is intended for swimming or
24 recreational bathing and contains water over 24 inches deep,
25 including, but not limited to, in-ground, aboveground, and
26 on-ground swimming pools; hot tubs; and nonportable spas.

27 (12) "Young child" means any person under the age of
28 6 years.

29 515.27 Residential swimming pool safety feature
30 options; penalties.--

31 (1) In order to pass final inspection and receive a

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1 certificate of completion, a residential swimming pool must
2 meet at least one of the following requirements relating to
3 pool safety features:

4 (a) The pool must be isolated from access to a home by
5 an enclosure that meets the pool barrier requirements of s.
6 515.29;

7 (b) The pool must be equipped with an approved safety
8 pool cover;

9 (c) All doors and windows providing direct access from
10 the home to the pool must be equipped with an exit alarm that
11 has a minimum sound pressure rating of 85 dB A at 10 feet; or

12 (d) All doors providing direct access from the home to
13 the pool must be equipped with a self-closing, self-latching
14 device with a release mechanism placed no lower than 54 inches
15 above the floor.

16 (2) A person who fails to equip a new residential
17 swimming pool with at least one pool safety feature as
18 required in subsection (1) commits a misdemeanor of the second
19 degree, punishable as provided in s. 775.082 or s. 775.083,
20 except that no penalty shall be imposed if the person, within
21 45 days after arrest or issuance of a summons or a notice to
22 appear, has equipped the pool with at least one safety feature
23 as required in subsection (1) and has attended a drowning
24 prevention education program as established by s. 515.31.
25 However, the requirement of attending a drowning prevention
26 education program is waived if such program is not offered
27 within 45 days after issuance of the citation.

28 515.29 Residential swimming pool barrier
29 requirements.--

30 (1) A residential swimming pool barrier must have all
31 of the following characteristics:

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1 (a) The barrier must be at least 4 feet high on the
2 outside.

3 (b) The barrier may not have any gaps, openings,
4 indentations, protrusions, or structural components that could
5 allow a young child to crawl under, squeeze through, or climb
6 over the barrier.

7 (c) The barrier must be placed around the perimeter
8 of the pool and must be separate from any fence, wall, or
9 other enclosure surrounding the yard unless the fence, wall,
10 or other enclosure or portion thereof is situated on the
11 perimeter of the pool, is being used as part of the barrier,
12 and meets the barrier requirements of this section.

13 (d) The barrier must be placed sufficiently away from
14 the water's edge to prevent a young child or medically frail
15 elderly person who may have managed to penetrate the barrier
16 from immediately falling into the water.

17 (2) The structure of an aboveground swimming pool may
18 be used as its barrier or the barrier for such a pool may be
19 mounted on top of its structure; however, such structure or
20 separately mounted barrier must meet all barrier requirements
21 of this section. In addition, any ladder or steps that are the
22 means of access to an aboveground pool must be capable of
23 being secured, locked, or removed to prevent access or must be
24 surrounded by a barrier that meets the requirements of this
25 section.

26 (3) Gates that provide access to swimming pools must
27 open outwards away from the pool and be self-closing and
28 equipped with a self-latching locking device, the release
29 mechanism of which must be located on the pool side of the
30 gate and so placed that it cannot be reached by a young child
31 over the top or through any opening or gap.

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1 (4) A wall of a dwelling may serve as part of the
2 barrier if it does not contain any door or window that opens
3 to provide access to the swimming pool.

4 (5) A barrier may not be located in a way that allows
5 any permanent structure, equipment, or similar object to be
6 used for climbing the barrier.

7 515.31 Drowning prevention education program; public
8 information publication.--

9 (1) The department shall develop a drowning
10 prevention education program, which shall be made available to
11 the public at the state and local levels and which shall be
12 required as set forth in s. 515.27(2) for persons in violation
13 of the pool safety requirements of this chapter. The
14 department may charge a fee, not to exceed \$100, for
15 attendance at such a program. The drowning prevention
16 education program shall be funded using fee proceeds, state
17 funds appropriated for such purpose, and grants. The
18 department, in lieu of developing its own program, may adopt a
19 nationally recognized drowning prevention education program to
20 be approved for use in local safety education programs, as
21 provided by rule of the department.

22 (2) The department shall also produce, for
23 distribution to the public at no charge, a publication that
24 provides information on drowning prevention and the
25 responsibilities of pool ownership. The department, in lieu of
26 developing its own publication, may adopt a nationally
27 recognized drowning prevention and responsibilities of pool
28 ownership publication, as provided by rule of the department.

29 515.33 Information required to be furnished to
30 buyers.--A licensed pool contractor, on entering into an
31 agreement with a buyer to build a residential swimming pool,

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1 or a licensed home builder or developer, on entering into an
2 agreement with a buyer to build a house that includes a
3 residential swimming pool, must give the buyer a document
4 containing the requirements of this chapter and a copy of the
5 publication produced by the department under s. 515.31 that
6 provides information on drowning prevention and the
7 responsibilities of pool ownership.

8 515.35 Rulemaking authority.--The department shall
9 adopt rules pursuant to the Administrative Procedure Act
10 establishing the fees required to attend drowning prevention
11 education programs and setting forth the information required
12 under this chapter to be provided by licensed pool contractors
13 and licensed home builders or developers.

14 515.37 Exemptions.--This chapter does not apply to:

15 (1) Any system of sumps, irrigation canals, or
16 irrigation flood control or drainage works constructed or
17 operated for the purpose of storing, delivering, distributing,
18 or conveying water.

19 (2) Stock ponds, storage tanks, livestock operations,
20 livestock watering troughs, or other structures used in normal
21 agricultural practices.

22 (3) Public swimming pools.

23 (4) Any political subdivision that has adopted or
24 adopts a residential pool safety ordinance, provided the
25 ordinance is equal to or more stringent than the provisions of
26 this chapter.

27 (5) Any portable spa with a safety cover that
28 complies with ASTM F1346-91(Standard Performance Specification
29 for Safety Covers and Labeling Requirements for All Covers for
30 Swimming Pools, Spas and Hot Tubs).

31 (6) Small, temporary pools without motors, which are

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1 commonly referred to or known as "kiddy pools."

2 Section 19. Implementation of sections 6 through 17 of
3 this act is contingent upon a specific appropriation for
4 Fiscal Year 1999-2000.

5 Section 20. All sections of this act shall take effect
6 July 1, 1999, unless otherwise specified.

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8

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

10 And the title is amended as follows:

11 On page 2, line 18, after the semicolon

12

13 insert:

14 amending s. 252.355, F.S.; revising provisions
15 relating to registration of persons requiring
16 special needs assistance in emergencies;
17 creating s. 381.0303, F.S.; providing for
18 recruitment of health care practitioners for
19 special needs shelters; providing for
20 reimbursement; providing duties of the
21 Department of Health, the county health
22 departments, and the local emergency management
23 agencies; authorizing use of a health care
24 practitioner registry; authorizing
25 establishment of a special needs shelter
26 interagency committee; providing membership and
27 responsibilities; providing that implementing
28 certain provisions is conditional upon the
29 receipt of appropriations as specified;
30 providing for rules; amending s. 400.506, F.S. ;
31 requiring nurse registries to assist at-risk

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1 clients with special needs registration and to
2 prepare a comprehensive emergency management
3 plan; specifying plan requirements; providing
4 for plan review and approval; creating s.
5 400.492, F.S.; requiring home health agencies
6 to prepare a comprehensive emergency management
7 plan; specifying plan requirements; amending
8 ss. 400.497 and 400.610, F.S.; providing
9 minimum requirements for home health agency and
10 hospice comprehensive emergency management
11 plans; providing for rules; providing for plan
12 review and approval; providing for plan review
13 and approval for hospices operating in more
14 than one county; providing for plan review and
15 approval for home health agencies operating in
16 more than one county; amending s. 400.506,
17 F.S.; requiring nurse registries to assist
18 at-risk clients with special needs registration
19 and to prepare a comprehensive emergency
20 management plan; specifying plan requirements;
21 providing for plan review and approval;
22 creating s. 401.273, F.S.; amending s. 400.605,
23 F.S.; requiring the Department of Elderly
24 Affairs to include components for comprehensive
25 emergency management plan in its rules
26 establishing minimum standards for a hospice;
27 amending s. 400.6095, F.S.; requiring that
28 certain emergency care and service information
29 be included in hospice patients' medical
30 records; providing for establishment of a
31 registry of emergency medical technicians and

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1 paramedics for disasters and emergencies;
2 amending s. 408.15, F.S.; authorizing the
3 Agency for Health Care Administration to
4 establish uniform standards of care for special
5 needs shelters; creating s. 455.276, F.S.;
6 providing for establishment of a health
7 practitioner registry for disasters and
8 emergencies; requiring emergency and disaster
9 planning provisions in certain state agency
10 provider contracts; specifying minimum contract
11 requirements; creating ch. 515, F.S., the
12 "Preston de Ibern/ McKenzie Merriam Residential
13 Swimming Pool Safety Act"; providing
14 legislative findings and intent; providing
15 definitions; providing pool safety feature
16 requirements and options; providing penalties;
17 providing pool barrier requirements; providing
18 for a drowning prevention education program and
19 a public information publication; providing for
20 a fee; requiring pool contractors, home
21 builders, and developers to provide buyers with
22 certain information; providing rulemaking
23 authority; providing exemptions; making the
24 implementation of part of the act contingent
25 upon a specific appropriation; providing an
26 appropriation; providing an effective date.

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