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2 An act relating to retirement communities;
3 amending s. 400.235, F.S., relating to the Gold
4 Seal Program; amending standards for evidence
5 of financial soundness and stability of certain
6 nursing home facilities; amending s. 400.141,
7 F.S.; amending prerequisites that certain
8 nursing homes must fulfill to qualify for
9 sharing programming and staff with other
10 entities that are part of a retirement
11 community; authorizing the Agency for Health
12 Care Administration to adopt rules; amending
13 ss. 651.081, 651.085, F.S.; providing for the
14 establishment of a residents' organization;
15 providing for the purposes of such an
16 organization; requiring notice of a meeting or
17 ballot election to select a designated
18 representative to represent a residents'
19 organization before the governing body of a
20 continuing care provider; providing an
21 effective date.

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

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25 Section 1. Paragraph (b) of subsection (5) of section
26 400.235, Florida Statutes, is amended to read:

27 400.235 Nursing home quality and licensure status;
28 Gold Seal Program.--

29 (5) Facilities must meet the following additional
30 criteria for recognition as a Gold Seal Program facility:

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1 (b) Evidence financial soundness and stability
2 according to standards adopted by the agency in administrative
3 rule. A nursing home that is part of the same corporate entity
4 as a continuing care facility licensed under chapter 651 which
5 meets the minimum liquid reserve requirements specified in s.
6 651.035 and is accredited by a recognized accrediting
7 organization under s. 651.028 and rules of the Office of
8 Insurance Regulation satisfies this requirement as long as the
9 accreditation is not provisional.

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11 A facility assigned a conditional licensure status may not
12 qualify for consideration for the Gold Seal Program until
13 after it has operated for 30 months with no class I or class
14 II deficiencies and has completed a regularly scheduled
15 relicensure survey.

16 Section 2. Subsection (7) of section 400.141, Florida
17 Statutes, is amended to read:

18 400.141 Administration and management of nursing home
19 facilities.--Every licensed facility shall comply with all
20 applicable standards and rules of the agency and shall:

21 (7) If the facility has a standard license ~~licensure~~
22 ~~status~~ or is a Gold Seal facility, exceeds the minimum
23 required hours of licensed nursing and certified nursing
24 assistant direct care per resident per day ~~staffing standards~~,
25 and is part of a continuing care facility licensed under
26 chapter 651 or a retirement community that offers other
27 services pursuant to part III, part IV, or part V on a single
28 campus, be allowed to share programming and staff. At the
29 time of inspection and in the semiannual report required
30 pursuant to s. 400.141(15)~~relicensure~~, a continuing care
31 facility or retirement community that uses this option must

1 demonstrate through staffing records that minimum staffing
2 requirements for the facility were ~~met exceeded~~. Licensed
3 nurses and certified nursing assistants who work in the
4 nursing home facility may be used to provide services
5 elsewhere on campus if the facility exceeds the minimum number
6 of direct care hours required per resident per day and the
7 total number of residents receiving direct care services from
8 a licensed nurse or a certified nursing assistant does not
9 cause the facility to violate the staffing ratios required
10 under s. 400.23(3)(a). Compliance with the minimum staffing
11 ratios shall be based on total number of residents receiving
12 direct care services, regardless of where they reside on
13 campus. If the facility receives a conditional license, it may
14 not share staff until the conditional license status ends.
15 This subsection does not restrict the agency's authority under
16 federal or state law to require additional staff if a facility
17 is cited for deficiencies in care which are caused by an
18 insufficient number of certified nursing assistants or
19 licensed nurses. The agency may adopt rules for the
20 documentation necessary to determine compliance with this
21 provision.

22 Section 3. Section 651.081, Florida Statutes, is
23 amended to read:

24 651.081 Continuing care facilities residents'
25 organizations.--

26 (1) Residents living in a facility holding a valid
27 certificate of authority under this chapter have the right of
28 self-organization, the right to be represented by an
29 individual of their own choosing, and the right to engage in
30 concerted activities for the purpose of keeping informed on
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1 the operation of the facility which is caring for them or for
2 the purpose of other mutual aid or protection.

3 (2) A residents' organization created for the purpose
4 of representing residents on matters set forth in s. 651.085
5 may be established through an election in which the residents,
6 as defined in this chapter, vote by ballot, either physically
7 or by proxy. If the election is to be held during a meeting, a
8 notice of the organizational meeting must be provided to all
9 residents of the community at least 10 business days before
10 the meeting. Notice may be given through internal mailboxes,
11 communitywide newsletters, bulletin boards, in-house
12 television stations, and other similar means of communication.
13 An election for creating a residents' organization is valid if
14 at least 40 percent of the total resident population
15 participates in the election and a majority of the
16 participants vote affirmatively for the organization. The
17 initial residents' organization created under this section is
18 valid for at least 12 months. If the facility has a residents'
19 association, residents' council, or similarly organized body
20 with bylaws and elected officials, such organization must be
21 recognized as the residents' organization under this section
22 and s. 651.085. There shall be only one residents'
23 organization to represent residents before the governing body
24 of the provider as described in s. 651.085(2).

25 Section 4. Subsection (2) of section 651.085, Florida
26 Statutes, is amended to read:

27 651.085 Quarterly meetings between residents and the
28 governing body of the provider; resident representation before
29 the governing body of the provider.--

30 (2) A residents' organization formed pursuant to s.
31 651.081, members of which are elected by the residents, may

1 designate a resident to represent them before the governing
2 body of the provider or organize a meeting or ballot election
3 ~~of the majority~~ of the residents of the facility to determine
4 whether to elect a resident to represent them before the
5 governing body of the provider. If a ~~no~~ residents'
6 organization as described in s. 651.081 does not exist ~~exists~~,
7 any resident may organize a meeting or ballot election ~~of the~~
8 ~~majority~~ of the residents of the facility to determine whether
9 to elect a resident to represent them before the governing
10 body and, if applicable, elect the representative. The
11 residents' organization, or the resident that organizes
12 ~~convenes~~ a meeting or ballot election ~~of residents to make the~~
13 ~~determination or~~ elect a representative, shall give all
14 residents of the facility notice at least 10 business days
15 before the meeting or election ~~7 days' notice in a conspicuous~~
16 ~~place at the facility.~~ Notice may be given through internal
17 mailboxes, communitywide newsletters, bulletin boards,
18 in-house television stations, and other similar means of
19 communication. An election of the representative is valid if
20 at least 40 percent of the total resident population
21 participates in the election and a majority of the
22 participants vote affirmatively for the representative. The
23 initial designated representative elected under this section
24 shall be elected to serve for a period of at least 12 months.

25 Section 5. This act shall take effect upon becoming a
26 law.

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