



HB 0705

2003

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A bill to be entitled
 An act relating to retirement communities; amending s. 400.141, F.S.; revising prerequisites that certain nursing homes must fulfill to qualify for sharing programming and staff with other entities that are part of a retirement community; amending s. 400.235, F.S.; revising standards for evidence of financial soundness and stability of certain nursing home facilities in the Gold Seal Program; amending ss. 651.081 and 651.085, F.S.; providing for the establishment of a residents' organization for certain purposes; requiring notice of a meeting or ballot election to select a designated representative to represent a residents' organization before the governing body of a provider; providing an effective date.

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

Section 1. Subsection (7) of section 400.141, Florida Statutes, is amended to read:

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

(7) If the facility has a standard license licensure status or is a Gold Seal facility, exceeds the minimum required hours of licensed nursing and certified nursing assistant direct care per resident per day staffing standards, and is part of a continuing care facility licensed under chapter 651 or a retirement community that offers other services pursuant to part III, part IV, or part V on a single campus, be allowed to share

CODING: Words **stricken** are deletions; words **underlined** are additions.



HB 0705

2003

30 programming and staff. At the time of relicensure, a continuing
31 care facility or retirement community that uses this option must
32 demonstrate through staffing records that minimum staffing
33 requirements for the facility were exceeded. Licensed nurses and
34 certified nursing assistants may be used to provide services
35 elsewhere on campus if the facility exceeds the minimum number
36 of direct care hours required per resident per day and the
37 number of residents served on campus by a licensed nurse or a
38 certified nursing assistant never drops below the staffing
39 ratios required in s. 400.23(3)(a). If the facility receives a
40 conditional license, it may not share staff until the
41 conditional license status ends. This subsection does not
42 restrict the agency's authority under federal or state law to
43 require additional staff if a facility is cited for deficiencies
44 in care which are caused by an insufficient number of certified
45 nursing assistants or licensed nurses.

46
47 Facilities that have been awarded a Gold Seal under the program
48 established in s. 400.235 may develop a plan to provide
49 certified nursing assistant training as prescribed by federal
50 regulations and state rules and may apply to the agency for
51 approval of their program.

52 Section 2. Paragraph (b) of subsection (5) of section
53 400.235, Florida Statutes, is amended to read:

54 400.235 Nursing home quality and licensure status; Gold
55 Seal Program.--

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



HB 0705

2003

58 (b) Evidence financial soundness and stability according
59 to standards adopted by the agency in administrative rule. A
60 nursing home that is part of the same corporate entity as a
61 continuing care facility licensed under chapter 651 which meets
62 the minimum liquid reserve requirements specified in s. 651.035
63 and is accredited by a recognized accrediting organization under
64 s. 651.028 and rules of the Office of Insurance Regulation
65 satisfies this requirement as long as the accreditation is not
66 provisional.

67
68 A facility assigned a conditional licensure status may not
69 qualify for consideration for the Gold Seal Program until after
70 it has operated for 30 months with no class I or class II
71 deficiencies and has completed a regularly scheduled relicensure
72 survey.

73 Section 3. Section 651.081, Florida Statutes, is amended
74 to read:

75 651.081 Continuing care facilities residents'
76 organizations.--

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

84 (2) A residents' organization created for the purpose of
85 representing residents on matters set forth in s. 651.085 may be
86 established through an election in which the residents, as



HB 0705

2003

87 defined in this chapter, vote by ballot, either physically or by
 88 proxy. If the election is to be held during a meeting, a notice
 89 of the organizational meeting must be provided to all residents
 90 of the community at least 10 business days before the meeting.
 91 Notice may be given through internal mailboxes, communitywide
 92 newsletters, bulletin boards, in-house television stations, and
 93 other similar means of communication. An election for creating a
 94 residents' organization is valid if at least 40 percent of the
 95 total resident population participates in the election and a
 96 majority of the participants vote affirmatively for the
 97 organization. The initial residents' organization created under
 98 this section is valid for at least 12 months. If the facility
 99 has a residents' association, residents' council, or similarly
 100 organized body with bylaws and elected officials, such
 101 organization must be recognized as the residents' organization
 102 under this section and s. 651.085. There shall be only one
 103 residents' organization to represent residents before the
 104 governing body of the provider as described in s. 651.085(2).

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

107 651.085 Quarterly meetings between residents and the
 108 governing body of the provider; resident representation before
 109 the governing body of the provider.--

110 (2) A residents' organization formed pursuant to s.
 111 651.081, members of which are elected by the residents, may
 112 designate a resident to represent them before the governing body
 113 of the provider or organize a meeting or ballot election ~~of the~~
 114 ~~majority~~ of the residents of the facility to determine whether
 115 to elect a resident to represent them before the governing body



HB 0705

2003

116 of the provider. If ~~a~~ ~~no~~ residents' organization as described in
 117 s. 651.081 does not exist ~~exists~~, any resident may organize a
 118 meeting or ballot election of the ~~majority of the~~ residents of
 119 the facility to determine whether to elect a resident to
 120 represent them before the governing body and, if applicable,
 121 elect the representative. The residents' organization, or the
 122 resident that organizes ~~convenes~~ a meeting or ballot election ~~of~~
 123 ~~residents~~ to ~~make the determination or~~ elect a representative,
 124 shall give all residents of the facility notice at least 10
 125 business days before the meeting or election ~~7 days' notice in a~~
 126 ~~conspicuous place at the facility~~. Notice may be given through
 127 internal mailboxes, communitywide newsletters, bulletin boards,
 128 in-house television stations, and other similar means of
 129 communication. An election of the representative is valid if at
 130 least 40 percent of the total resident population participates
 131 in the election and a majority of the participants vote
 132 affirmatively for the representative. The initial designated
 133 representative elected under this section shall be elected to
 134 serve for a period of at least 12 months.

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