Florida Senate - 2005

By Senator Constantine

22-18-05

1	A bill to be entitled
2	An act relating to hospice facilities; amending
3	s. 553.73, F.S.; including hospice facilities
4	within the purview of the Florida Building
5	Code; amending s. 400.605, F.S.; deleting
6	provisions requiring the Department of Elderly
7	Affairs to adopt physical plant standards for
8	hospice facilities; amending s. 400.601, F.S.;
9	limiting the definition of the term "hospice"
10	to entities exempt from federal tax; creating
11	s. 400.6055, F.S.; requiring that construction
12	standards for hospice facilities be in
13	compliance with the Florida Building Code;
14	requiring the Agency for Health Care
15	Administration to provide technical assistance
16	to the Florida Building Commission to update
17	the Florida Building Code for hospice
18	facilities; providing an effective date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Subsection (2) of section 553.73, Florida
23	Statutes, is amended to read:
24	553.73 Florida Building Code
25	(2) The Florida Building Code shall contain provisions
26	or requirements for public and private buildings, structures,
27	and facilities relative to structural, mechanical, electrical,
28	plumbing, energy, and gas systems, existing buildings,
29	historical buildings, manufactured buildings, elevators,
30	coastal construction, lodging facilities, food sales and food
31	service facilities, health care facilities, including assisted
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1 living facilities, adult day care facilities, hospice 2 residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private 3 educational facilities, swimming pools, and correctional 4 facilities and enforcement of and compliance with such 5 6 provisions or requirements. Further, the Florida Building Code 7 must provide for uniform implementation of ss. 515.25, 515.27, 8 and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door 9 and window exit alarms, and other equipment required therein, 10 which are consistent with the intent of s. 515.23. Technical 11 12 provisions to be contained within the Florida Building Code 13 are restricted to requirements related to the types of materials used and construction methods and standards employed 14 in order to meet criteria specified in the Florida Building 15 Code. Provisions relating to the personnel, supervision or 16 17 training of personnel, or any other professional qualification 18 requirements relating to contractors or their workforce may not be included within the Florida Building Code, and 19 subsections (4), (5), (6), and (7) are not to be construed to 20 21 allow the inclusion of such provisions within the Florida 22 Building Code by amendment. This restriction applies to both 23 initial development and amendment of the Florida Building 2.4 Code. Section 2. Subsection (1) of section 400.605, Florida 25 Statutes, is amended to read: 26 27 400.605 Administration; forms; fees; rules; 2.8 inspections; fines.--(1) The department, in consultation with the agency, 29

30 shall by rule establish minimum standards and procedures for a31 hospice. The rules must include:

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1 (a) License application procedures and requirements. 2 (b) The qualifications of professional and ancillary personnel to ensure the provision of appropriate and adequate 3 4 hospice care. 5 (c) Standards and procedures for the administrative 6 management of a hospice. 7 (d) Standards for hospice services that ensure the 8 provision of quality patient care. (e) Components of a patient plan of care. 9 10 (f) Procedures relating to the implementation of advanced directives and do-not-resuscitate orders. 11 12 (g) Procedures for maintaining and ensuring 13 confidentiality of patient records. (h) Standards for hospice care provided in 14 freestanding inpatient facilities that are not otherwise 15 licensed medical facilities and in residential care facilities 16 17 such as nursing homes, assisted living facilities, adult family care homes, and hospice residential units and 18 facilities. 19 20 (i) Physical plant standards for hospice residential 21 and inpatient facilities and units. 22 (i)(j) Components of a comprehensive emergency 23 management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the 2.4 Department of Community Affairs. 25 (j)(k) Standards and procedures relating to the 26 27 establishment and activities of a quality assurance and 2.8 utilization review committee. (k) (1) Components and procedures relating to the 29 30 collection of patient demographic data and other information on the provision of hospice care in this state. 31

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Section 3. Subsection (3) of section 400.601, Florida 1 2 Statutes, is amended to read: 3 400.601 Definitions.--As used in this part, the term: 4 (3) "Hospice" means a centrally administered 5 corporation not for profit, as defined in chapter 617, and б exempt from federal taxation under s. 501(c)(3) of the 7 Internal Revenue Code, providing a continuum of palliative and 8 supportive care for the terminally ill patient and his or her 9 family. 10 Section 4. Section 400.6055, Florida Statutes, is created to read: 11 12 400.6055 Construction and renovation; 13 requirements. -- The requirements for the construction and the renovation of a hospice residential or inpatient facility or 14 15 unit must comply with the provisions of chapter 553 which pertain to building construction standards, including 16 plumbing, electrical, glass, manufactured buildings, 17 accessibility by physically handicapped persons, and the state 18 minimum building codes. The Agency for Health Care 19 Administration shall provide technical assistance to the 20 21 Florida Building Commission in updating the construction standards of the Florida Building Code relative to hospice 22 23 facilities. Section 5. This act shall take effect July 1, 2005. 2.4 25 26 27 28 29 30 31

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2	SENATE SUMMARY
3	Includes hospice facilities in the Florida Building Code. Deletes provisions requiring the Department of Elderly
4	Affairs to adopt physical plant standards for hospice facilities. Redefines the term "hospice." Requires
5	construction standards for hospice facilities to comply with the Florida Building Code. Requires the Agency for
6	Health Care Administration to provide technical assistance to the Florida Building Commission to update
7	the Florida Building Code for hospice facilities.
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