

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to emergency management; amending s.  
8 252.355, F.S.; specifying additional agencies that are  
9 required to provide registration information to special  
10 needs clients and persons with disabilities or special  
11 needs who receive services from such agencies for purposes  
12 of inclusion within the registry of persons with special  
13 needs maintained by local emergency management agencies;  
14 providing that the Department of Community Affairs shall  
15 be the designated lead agency responsible for community  
16 education and outreach to the general public, including  
17 special needs clients, regarding registration as a person  
18 with special needs, special needs shelters, and general  
19 information regarding shelter stays; requiring the  
20 department to disseminate educational and outreach  
21 information through local emergency management offices;  
22 requiring the department to coordinate community education  
23 and outreach related to special needs shelters with

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24 | specified agencies and entities; providing that specified  
25 | confidential and exempt information relating to  
26 | registration of persons with special needs be provided to  
27 | the Department of Health; amending s. 381.0303, F.S.;  
28 | removing a condition of specified funding as a  
29 | prerequisite to the assumption of lead responsibility by  
30 | the Department of Health for specified coordination with  
31 | respect to the development of a plan for the staffing and  
32 | medical management of special needs shelters; providing  
33 | that the local Children's Medical Services offices shall  
34 | assume lead responsibility for specified coordination with  
35 | respect to the development of a plan for the staffing and  
36 | medical management of pediatric special needs shelters;  
37 | requiring such plans to be in conformance with the local  
38 | comprehensive emergency management plan; requiring county  
39 | governments to assist in the process of coordinating the  
40 | recruitment of health care practitioners to staff local  
41 | special needs shelters; providing that the appropriate  
42 | county health department, Children's Medical Services, and  
43 | local emergency management agency shall jointly determine  
44 | the responsibility for medical supervision in a special  
45 | needs shelter; providing that the Department of Elderly  
46 | Affairs shall be the lead agency responsible for ensuring  
47 | the placement of special needs elderly and Alzheimer's  
48 | adult special needs residents rendered homeless due to a  
49 | disaster event and for appropriate discharge planning;  
50 | providing that the Agency for Persons with Disabilities  
51 | shall be the lead agency responsible for ensuring the

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52 placement of developmentally disabled special needs  
53 residents rendered homeless by a disaster event and for  
54 appropriate and necessary discharge planning; providing  
55 that the Department of Children and Family Services shall  
56 be the lead agency responsible for ensuring the placement  
57 of mental health special needs residents rendered homeless  
58 due to a disaster event and for appropriate and necessary  
59 discharge planning and for the placement of children  
60 within the welfare system; providing that the appropriate  
61 agency shall provide necessary discharge planning for  
62 their respective clients; providing that state employees  
63 with a preestablished role in disaster response may be  
64 called upon to serve in times of disaster in specified  
65 capacities; requiring hospitals and nursing homes that are  
66 used to shelter special needs persons during and after an  
67 evacuation to submit invoices for reimbursement from the  
68 state for expenses incurred for medical care provided at  
69 the request of the Department of Health in special needs  
70 shelters or at other locations during times of emergency  
71 or major disaster; revising the role of the special needs  
72 shelter interagency committee with respect to the planning  
73 and operation of special needs shelters; providing  
74 required functions of the committee; providing that the  
75 Department of Health shall establish a statewide database  
76 to capture and disseminate special needs registration  
77 information; revising the composition of the special needs  
78 shelter interagency committee; requiring the inclusion of  
79 specified rules with respect to health practitioner

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80 recruitment for special needs shelters and specified  
81 minimum standards for special needs shelters; providing  
82 requirements with respect to emergency management plans  
83 submitted by home health agencies, nurse registries, and  
84 hospice programs to county health departments for review;  
85 removing a condition of specified funding as a  
86 prerequisite to the submission of such plans; amending s.  
87 252.385, F.S.; requiring the Division of Emergency  
88 Management of the Department of Community Affairs to  
89 prepare and submit a statewide emergency shelter plan to  
90 the Governor and the Cabinet for approval; providing plan  
91 requirements; requiring the Department of Health to assist  
92 the division in determining the estimated need for special  
93 needs shelter space; requiring inspection of public  
94 hurricane evacuation shelter facilities by local emergency  
95 management agencies prior to activation of such  
96 facilities; amending s. 400.492, F.S.; providing that  
97 nurse registries, hospices, and durable medical equipment  
98 providers shall prepare and maintain a comprehensive  
99 emergency management plan; providing that home health,  
100 hospice, and durable medical equipment provider agencies  
101 shall not be required to continue to provide care to  
102 patients in emergency situations that are beyond their  
103 control and that make it impossible to provide services;  
104 authorizing home health agencies, nurse registries,  
105 hospices, and durable medical equipment providers to  
106 establish links to local emergency operations centers to  
107 determine a mechanism to approach areas within a disaster

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108 | area in order for the agency to reach its clients;  
 109 | providing that the presentation of home care or hospice  
 110 | clients to the special needs shelter without the home  
 111 | health agency or hospice making a good faith effort to  
 112 | provide services in the shelter setting constitutes  
 113 | abandonment of the client; requiring regulatory review in  
 114 | such cases; amending s. 408.831, F.S.; providing that  
 115 | entities regulated or licensed by the Agency for Health  
 116 | Care Administration may exceed their licensed capacity to  
 117 | act as a receiving facility under specified circumstances;  
 118 | providing requirements while such entities are in an  
 119 | overcapacity status; providing for issuance of an inactive  
 120 | license to such licensees under specified conditions;  
 121 | providing requirements and procedures with respect to the  
 122 | issuance and reactivation of an inactive license;  
 123 | providing fees; creating s. 252.357, F.S., requiring the  
 124 | Agency for Health Care Administration, under the Florida  
 125 | Comprehensive Emergency Management Plan, to contact  
 126 | nursing homes in disaster areas for specified monitoring  
 127 | purposes; requiring the agency to establish an emergency  
 128 | telephone number for use by nursing homes; providing an  
 129 | effective date.

130

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

132

133 | Section 1. Section 252.355, Florida Statutes, is amended  
 134 | to read:

135 | 252.355 Registry of persons with special needs; notice.--

136 (1) In order to meet the special needs of persons who  
 137 would need assistance during evacuations and sheltering because  
 138 of physical, mental, cognitive impairment, or sensory  
 139 disabilities, each local emergency management agency in the  
 140 state shall maintain a registry of persons with special needs  
 141 located within the jurisdiction of the local agency. The  
 142 registration shall identify those persons in need of assistance  
 143 and plan for resource allocation to meet those identified needs.  
 144 To assist the local emergency management agency in identifying  
 145 such persons, the Department of Children and Family Services,  
 146 Department of Health, Agency for Health Care Administration,  
 147 Department of Education, Agency for Persons with Disabilities,  
 148 Agency for Workforce Innovation, ~~Department of Labor and~~  
 149 ~~Employment Security,~~ and Department of Elderly Affairs shall  
 150 provide registration information to all of their special needs  
 151 clients and to all people with disabilities or special needs who  
 152 receive services ~~incoming clients as a part of the intake~~  
 153 ~~process~~. The registry shall be updated annually. The  
 154 registration program shall give persons with special needs the  
 155 option of preauthorizing emergency response personnel to enter  
 156 their homes during search and rescue operations if necessary to  
 157 assure their safety and welfare following disasters.

158 (2) The Department of Community Affairs shall be the  
 159 designated lead agency responsible for community education and  
 160 outreach to the general public, including special needs clients,  
 161 regarding registration and special needs shelters and general  
 162 information regarding shelter stays. The Department of Community  
 163 Affairs shall disseminate such educational and outreach

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164 information through the local emergency management offices. The  
 165 department shall coordinate the development of curriculum and  
 166 dissemination of all community education and outreach related to  
 167 special needs shelters with the Clearinghouse on Disability  
 168 Information of the Governor's Working Group on the Americans  
 169 with Disabilities Act, the Department of Children and Family  
 170 Services, the Department of Health, the Agency for Health Care  
 171 Administration, the Department of Education, the Agency for  
 172 Persons with Disabilities, the Clearinghouse on Disability  
 173 Information, the Agency for Workforce Development, and the  
 174 Department of Elderly Affairs.

175 ~~(3)~~~~(2)~~ On or before May 1 of each year each electric  
 176 utility in the state shall annually notify residential customers  
 177 in its service area of the availability of the registration  
 178 program available through their local emergency management  
 179 agency.

180 ~~(4)~~~~(3)~~ All records, data, information, correspondence, and  
 181 communications relating to the registration of persons with  
 182 special needs as provided in subsection (1) are confidential and  
 183 exempt from the provisions of s. 119.07(1), except that such  
 184 information shall be available to other emergency response  
 185 agencies, as determined by the local emergency management  
 186 director and shall be provided to the Department of Health in  
 187 the furtherance of their duties and responsibilities.

188 ~~(5)~~~~(4)~~ All appropriate agencies and community-based  
 189 service providers, including home health care providers, and  
 190 hospices shall assist emergency management agencies by  
 191 collecting registration information for persons with special

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192 needs as part of program intake processes, establishing programs  
 193 to increase the awareness of the registration process, and  
 194 educating clients about the procedures that may be necessary for  
 195 their safety during disasters. Clients of state or federally  
 196 funded service programs with physical, mental, cognitive  
 197 impairment, or sensory disabilities who need assistance in  
 198 evacuating, or when in shelters, must register as persons with  
 199 special needs.

200 Section 2. Section 381.0303, Florida Statutes, is amended  
 201 to read:

202 381.0303 Health practitioner recruitment for special needs  
 203 shelters.--

204 (1) PURPOSE.--The purpose of this section is to designate  
 205 the Department of Health, through its county health departments,  
 206 as the lead agency for coordination of the recruitment of health  
 207 care practitioners, as defined in s. 456.001(4), to staff  
 208 special needs shelters in times of emergency or disaster and to  
 209 provide resources to the department to carry out this  
 210 responsibility. However, nothing in this section prohibits a  
 211 county health department from entering into an agreement with a  
 212 local emergency management agency to assume the lead  
 213 responsibility for recruiting health care practitioners.

214 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--~~Provided~~  
 215 ~~funds have been appropriated to support medical services~~  
 216 ~~disaster coordinator positions in county health departments,~~ The  
 217 department shall assume lead responsibility for the local  
 218 coordination of local medical and health care providers, the  
 219 American Red Cross, and other interested parties in developing a



220 plan for the staffing and medical management of special needs  
 221 shelters. The local Children's Medical Services offices shall  
 222 assume lead responsibility for the local coordination of local  
 223 medical and health care providers, the American Red Cross, and  
 224 other interested parties in developing a plan for the staffing  
 225 and medical management of pediatric special needs shelters.

226 Plans ~~The plan~~ shall be in conformance with the local  
 227 comprehensive emergency management plan.

228 (a) County health departments shall, in conjunction with  
 229 the local emergency management agencies, have the lead  
 230 responsibility for coordination of the recruitment of health  
 231 care practitioners to staff local special needs shelters. County  
 232 health departments shall assign their employees to work in  
 233 special needs shelters when needed to protect the health of  
 234 patients. County governments shall assist in this process.

235 (b) The appropriate county health department, Children's  
 236 Medical Services, and local emergency management agency shall  
 237 jointly determine who has responsibility for medical supervision  
 238 in a special needs shelter.

239 (c) The Department of Elderly Affairs shall be the lead  
 240 agency responsible for ensuring the placement of special needs  
 241 elderly residents and Alzheimer adult special needs residents  
 242 rendered homeless due to a disaster event and for appropriate  
 243 and necessary discharge planning for special needs shelter  
 244 residents. Other elder service agencies and organizations shall  
 245 assist the Department of Elderly Affairs in this effort.

246 (d)1. The Department of Children and Family Services shall  
 247 be the lead agency responsible for ensuring the placement of

248 mental health special needs residents rendered homeless due to a  
 249 disaster event and the appropriate and necessary discharge  
 250 planning for special needs shelter residents. Other social  
 251 service agencies or organizations shall assist the Department of  
 252 Children and Family Services in this effort. The Agency for  
 253 Persons with Disabilities shall be the lead agency responsible  
 254 for ensuring the placement of and appropriate necessary  
 255 discharge planning for special needs shelter residents with  
 256 developmental disabilities rendered homeless by a disaster  
 257 event.

258 2. The Department of Children and Family Services shall be  
 259 the lead agency responsible for ensuring the placement of  
 260 children within the welfare system.

261  
 262 In all cases, the appropriate agency shall provide the  
 263 appropriate and necessary discharge planning for their  
 264 respective clients. Other social service agencies or  
 265 organizations shall assist the aforementioned agencies in this  
 266 effort.

267 (e) State employees with a preestablished role in disaster  
 268 response may be called upon to serve in times of disaster  
 269 commensurate with their knowledge, skills, and abilities and any  
 270 needed activities related to the situation.

271 (f)(e) Local emergency management agencies shall be  
 272 responsible for the designation and operation of special needs  
 273 shelters during times of emergency or disaster. County health  
 274 departments shall assist the local emergency management agency

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275 | with regard to the management of medical services in special  
276 | needs shelters.

277 |       (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The  
278 | Department of Health shall reimburse, subject to the  
279 | availability of funds for this purpose, health care  
280 | practitioners, as defined in s. 456.001, provided the  
281 | practitioner is not providing care to a patient under an  
282 | existing contract, and emergency medical technicians and  
283 | paramedics licensed pursuant to chapter 401 for medical care  
284 | provided at the request of the department in special needs  
285 | shelters or at other locations during times of emergency or  
286 | major disaster. Reimbursement for health care practitioners,  
287 | except for physicians licensed pursuant to chapter 458 or  
288 | chapter 459, shall be based on the average hourly rate that such  
289 | practitioners were paid according to the most recent survey of  
290 | Florida hospitals conducted by the Florida Hospital Association.  
291 | Reimbursement shall be requested on forms prepared by the  
292 | Department of Health. If a Presidential Disaster Declaration has  
293 | been made, and the Federal Government makes funds available, the  
294 | department shall use such funds for reimbursement of eligible  
295 | expenditures. In other situations, or if federal funds do not  
296 | fully compensate the department for reimbursement made pursuant  
297 | to this section, the department shall submit to the Cabinet or  
298 | Legislature, as appropriate, a budget amendment to obtain  
299 | reimbursement from the working capital fund. Hospitals and  
300 | nursing homes that are used to shelter special needs persons  
301 | during and after an evacuation shall submit invoices for  
302 | reimbursement from the state for expenses incurred in this

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303 effort. Travel expense and per diem costs shall be reimbursed  
304 pursuant to s. 112.061.

305 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department may  
306 use the registries established in ss. 401.273 and 456.38 when  
307 health care practitioners are needed to staff special needs  
308 shelters or to staff disaster medical assistance teams.

309 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The  
310 Department of Health may establish a special needs shelter  
311 interagency committee, to be chaired and staffed by the  
312 department. The committee shall resolve problems related to  
313 special needs shelters not addressed in the state comprehensive  
314 emergency medical plan and shall serve in a consultative role in  
315 ~~as an oversight committee to monitor~~ the planning and operation  
316 of special needs shelters.

317 (a) The committee shall ~~may~~:

318 1. Develop and negotiate any necessary interagency  
319 agreements.

320 2. Undertake other such activities as the department deems  
321 necessary to facilitate the implementation of this section.

322 3. Submit recommendations to the Legislature as necessary.  
323 Such recommendations shall include, but not be limited to, the  
324 following:

325 a. Defining "special needs shelter."

326 b. Defining "special needs person."

327 c. Development of a uniform registration form.

328 d. The improvement of public awareness regarding the  
329 registration process.

330        e. The improvement of overall communications with special  
 331 needs persons both before and after a disaster.

332        f. The establishment of special needs shelter guidelines  
 333 for staffing, supplies, including durable medical, emergency  
 334 power, and transportation.

335  
 336 The Department of Health shall establish a statewide database  
 337 designed to collect and disseminate timely and appropriate  
 338 special needs registration information.

339        (b) The special needs shelter interagency committee shall  
 340 be composed of representatives of emergency management, health,  
 341 medical, and social services organizations. Membership shall  
 342 include, but shall not be limited to, the Departments of  
 343 Community Affairs, Children and Family Services, Elderly  
 344 Affairs, ~~Labor and Employment Security~~, and Education; the  
 345 Agency for Health Care Administration; the Agency for Workforce  
 346 Innovation; the Florida Medical Association; the Florida  
 347 Osteopathic Medical Association; Associated Home Health  
 348 Industries of Florida, Inc.; the Florida Nurses Association; the  
 349 Florida Health Care Association; the Florida Assisted Living  
 350 Association; the Florida Hospital Association; the Florida  
 351 Statutory Teaching Hospital Council; the Florida Association of  
 352 Homes for the Aging; the Florida Emergency Preparedness  
 353 Association; the American Red Cross; Florida Hospices, Inc.; the  
 354 Association of Community Hospitals and Health Systems; the  
 355 Florida Association of Health Maintenance Organizations; the  
 356 Florida League of Health Systems; Private Care Association; ~~and~~

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357 the Salvation Army; the Florida Association of Aging Services  
358 Providers; and the AARP.

359 (c) Meetings of the committee shall be held in  
360 Tallahassee, and members of the committee shall serve at the  
361 expense of the agencies or organizations they represent. The  
362 committee shall make every effort to use teleconference or video  
363 conference capabilities in order to ensure widespread input and  
364 to accommodate persons from other areas of the state.

365 (6) RULES.--The department has the authority to adopt  
366 rules necessary to implement this section. Rules shall ~~may~~  
367 include a definition of a special needs patient, specification  
368 with respect to ~~specify~~ physician reimbursement, and the  
369 designation of ~~designate which~~ county health departments which  
370 will have responsibility for the implementation of subsections  
371 (2) and (3). Standards for special needs shelters adopted by  
372 rule shall include minimum standards relating to:

373 (a) The provision of electricity.

374 (b) Staffing levels for provision of services to assist  
375 individuals with activities of daily living.

376 (c) Provision of transportation services.

377 (d) Compliance with applicable service animal laws.

378 (e) Eligibility criteria that includes individuals with  
379 physical, cognitive, and psychiatric disabilities.

380 (f) Provision of support and services for individuals with  
381 physical, cognitive, and psychiatric disabilities.

382 (g) Standardized applications that include specific  
383 eligibility criteria and the services an individual with special  
384 needs can expect to receive.

385 (h) Procedures for addressing the needs of unregistered  
 386 individuals in need of shelter.

387 (i) Requirements that the special needs shelter location  
 388 meets the Florida Accessibility Code for Building Construction.  
 389 If the location fails to meet the standards, a plan must be  
 390 provided describing how compliance will be achieved.

391 (j) Procedures for addressing the needs of families that  
 392 are eligible for special needs shelter services. Specific  
 393 procedures shall be developed to address the needs of families  
 394 with multiple dependents where only one dependent is eligible  
 395 for the special needs shelter. Specific procedures shall be  
 396 developed to address the needs of adults with special needs who  
 397 are caregivers for individuals without special needs.

398 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--~~The submission~~  
 399 ~~of~~ Emergency management plans submitted to county health  
 400 departments by home health agencies pursuant to s. 400.497(8)(c)  
 401 and (d) and by nurse registries pursuant to s. 400.506(16)(e)  
 402 and by hospice programs pursuant to s. 400.610(1)(b) shall  
 403 specifically address an agency's functional staffing plan for  
 404 the shelters to ensure continuity of care and services for  
 405 clients registered pursuant to s. 252.355. Staffing plans for a  
 406 nurse registry shall be consistent with s. 400.506(16)(a). ~~is~~  
 407 ~~conditional upon the receipt of an appropriation by the~~  
 408 ~~department to establish medical services disaster coordinator~~  
 409 ~~positions in county health departments unless the secretary of~~  
 410 ~~the department and a local county commission jointly determine~~  
 411 ~~to require such plans to be submitted based on a determination~~

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412 ~~that there is a special need to protect public health in the~~  
413 ~~local area during an emergency.~~

414 Section 3. Subsections (2) and (4) of section 252.385,  
415 Florida Statutes, are amended to read:

416 252.385 Public shelter space.--

417 (2)(a) The division shall administer a program to survey  
418 existing schools, universities, community colleges, and other  
419 state-owned, municipally owned, and county-owned public  
420 buildings and any private facility that the owner, in writing,  
421 agrees to provide for use as a public hurricane evacuation  
422 shelter to identify those that are appropriately designed and  
423 located to serve as such shelters. The owners of the facilities  
424 must be given the opportunity to participate in the surveys. The  
425 Board of Regents, district school boards, community college  
426 boards of trustees, and the Department of Education are  
427 responsible for coordinating and implementing the survey of  
428 public schools, universities, and community colleges with the  
429 division or the local emergency management agency.

430 (b) By January 31 of each even-numbered year, the Division  
431 of Emergency Management of the Department of Community Affairs  
432 shall prepare and submit a statewide emergency shelter plan to  
433 the Governor and the Cabinet for approval, subject to the  
434 requirements for approval provided in s. 1013.37(2). The plan  
435 must also identify the general location and square footage of  
436 special needs shelters, by regional planning council region,  
437 during the next 5 years. The Department of Health shall assist  
438 the division in determining the estimated need for special needs



439 shelter space based on information from the special needs  
 440 registration database and other factors.

441 (4)(a) Public facilities, including schools, postsecondary  
 442 education facilities, and other facilities owned or leased by  
 443 the state or local governments, but excluding hospitals or  
 444 nursing homes, which are suitable for use as public hurricane  
 445 evacuation shelters shall be made available at the request of  
 446 the local emergency management agencies. The local emergency  
 447 management agency shall inspect a designated facility to  
 448 determine its readiness prior to activating such facility for a  
 449 specific hurricane or disaster. Such agencies shall coordinate  
 450 with the appropriate school board, university, community  
 451 college, or local governing board when requesting the use of  
 452 such facilities as public hurricane evacuation shelters.

453 (b) The Department of Management Services shall  
 454 incorporate provisions for the use of suitable leased public  
 455 facilities as public hurricane evacuation shelters into lease  
 456 agreements for state agencies. Suitable leased public facilities  
 457 include leased public facilities that are solely occupied by  
 458 state agencies and have at least 2,000 square feet of net floor  
 459 area in a single room or in a combination of rooms having a  
 460 minimum of 400 square feet in each room. The net square footage  
 461 of floor area must be determined by subtracting from the gross  
 462 square footage the square footage of spaces such as mechanical  
 463 and electrical rooms, storage rooms, open corridors, restrooms,  
 464 kitchens, science or computer laboratories, shop or mechanical  
 465 areas, administrative offices, records vaults, and crawl spaces.

466 (c) The Department of Management Services shall, in  
 467 consultation with local and state emergency management agencies,  
 468 assess Department of Management Services facilities to identify  
 469 the extent to which each facility has public hurricane  
 470 evacuation shelter space. The Department of Management Services  
 471 shall submit proposed facility retrofit projects that  
 472 incorporate hurricane protection enhancements to the department  
 473 for assessment and inclusion in the annual report prepared in  
 474 accordance with subsection (3).

475 Section 4. Section 400.492, Florida Statutes, is amended  
 476 to read:

477 400.492 Provision of services during an emergency.--Each  
 478 home health agency, nurse registry, hospice, or durable medical  
 479 equipment provider shall prepare and maintain a comprehensive  
 480 emergency management plan that is consistent with the standards  
 481 adopted by national accreditation organizations and consistent  
 482 with the local special needs plan. The plan shall be updated  
 483 annually and shall provide for continuing home health, nurse  
 484 registry, hospice, or durable medical equipment services during  
 485 an emergency that interrupts patient care or services in the  
 486 patient's home. The plan shall describe how the home health  
 487 agency, nurse registry, hospice, or durable medical equipment  
 488 provider establishes and maintains an effective response to  
 489 emergencies and disasters, including: notifying staff when  
 490 emergency response measures are initiated; providing for  
 491 communication between staff members, county health departments,  
 492 and local emergency management agencies, including a backup  
 493 system; identifying resources necessary to continue essential

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494 care or services or referrals to other organizations subject to  
495 written agreement; and prioritizing and contacting patients who  
496 need continued care or services.

497 (1) Each patient record for patients who are listed in the  
498 registry established pursuant to s. 252.355 shall include a  
499 description of how care or services will be continued in the  
500 event of an emergency or disaster. The home health agency shall  
501 discuss the emergency provisions with the patient and the  
502 patient's caregivers, including where and how the patient is to  
503 evacuate, procedures for notifying the home health agency in the  
504 event that the patient evacuates to a location other than the  
505 shelter identified in the patient record, and a list of  
506 medications and equipment which must either accompany the  
507 patient or will be needed by the patient in the event of an  
508 evacuation.

509 (2) Each home health agency shall maintain a current  
510 prioritized list of patients who need continued services during  
511 an emergency. The list shall indicate how services shall be  
512 continued in the event of an emergency or disaster for each  
513 patient and if the patient is to be transported to a special  
514 needs shelter, and shall indicate if the patient is receiving  
515 skilled nursing services and the patient's medication and  
516 equipment needs. The list shall be furnished to county health  
517 departments and to local emergency management agencies, upon  
518 request.

519 (3) Home health, hospice, and durable medical equipment  
520 provider agencies shall not be required to continue to provide  
521 care to patients in emergency situations that are beyond their

522 control and that make it impossible to provide services, such as  
 523 when roads are impassable or when patients do not go to the  
 524 location specified in their patient records. Home health  
 525 agencies, nurse registries, hospices, and durable medical  
 526 equipment providers may establish links to local emergency  
 527 operations centers to determine a mechanism to approach areas  
 528 within the disaster area in order for the agency to reach its  
 529 clients. The presentation of home care or hospice clients to a  
 530 special needs shelter without the home health agency or hospice  
 531 making a good faith effort to provide services in the shelter  
 532 setting will constitute abandonment of the client and will  
 533 result in regulatory review.

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

538 Section 5. Section 408.831, Florida Statutes, is amended  
 539 to read:

540 408.831 Denial, suspension, or revocation of a license,  
 541 registration, certificate, or application.--

542 (1) In addition to any other remedies provided by law, the  
 543 agency may deny each application or suspend or revoke each  
 544 license, registration, or certificate of entities regulated or  
 545 licensed by it:

546 (a) If the applicant, licensee, registrant, or  
 547 certificateholder, or, in the case of a corporation,  
 548 partnership, or other business entity, if any officer, director,  
 549 agent, or managing employee of that business entity or any

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550 affiliated person, partner, or shareholder having an ownership  
 551 interest equal to 5 percent or greater in that business entity,  
 552 has failed to pay all outstanding fines, liens, or overpayments  
 553 assessed by final order of the agency or final order of the  
 554 Centers for Medicare and Medicaid Services, not subject to  
 555 further appeal, unless a repayment plan is approved by the  
 556 agency; or

557 (b) For failure to comply with any repayment plan.

558 (2) In reviewing any application requesting a change of  
 559 ownership or change of the licensee, registrant, or  
 560 certificateholder, the transferor shall, prior to agency  
 561 approval of the change, repay or make arrangements to repay any  
 562 amounts owed to the agency. Should the transferor fail to repay  
 563 or make arrangements to repay the amounts owed to the agency,  
 564 the issuance of a license, registration, or certificate to the  
 565 transferee shall be delayed until repayment or until  
 566 arrangements for repayment are made.

567 (3) Entities subject to this section may exceed their  
 568 licensed capacity to act as a receiving facility in accordance  
 569 with an emergency operations plan for clients of evacuating  
 570 providers from a geographic area where an evacuation order has  
 571 been issued by a local authority having jurisdiction. While in  
 572 an overcapacity status, each provider must furnish or arrange  
 573 for appropriate care and services to all clients. Overcapacity  
 574 status in excess of 15 days shall require compliance with all  
 575 firesafety requirements or their equivalency as approved by  
 576 state and local authorities, whichever is applicable. In  
 577 addition, the agency shall approve requests for overcapacity

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578 beyond 15 days, which approvals shall be based upon satisfactory  
 579 justification and need as provided by the receiving and sending  
 580 facility.

581 (4) An inactive license may be issued to a licensee  
 582 subject to this section when the provider is located in a  
 583 geographic area where a state of emergency was declared by the  
 584 Governor of Florida if the provider:

585 (a) Suffered damage to the provider's operation during  
 586 that state of emergency.

587 (b) Is currently licensed.

588 (c) Does not have a provisional license.

589 (d) Will be temporarily unable to provide services but is  
 590 reasonably expected to resume services within 12 months.

591  
 592 An inactive license may be issued for a period not to exceed 12  
 593 months but may be renewed by the agency for up to 6 additional  
 594 months upon demonstration to the agency of progress toward  
 595 reopening. A request by a licensee for an inactive license or to  
 596 extend the previously approved inactive period must be submitted  
 597 in writing to the agency, accompanied by written justification  
 598 for the inactive license which states the beginning and ending  
 599 dates of inactivity and includes a plan for the transfer of any  
 600 clients to other providers and appropriate licensure fees. Upon  
 601 agency approval, the licensee shall notify clients of any  
 602 necessary discharge or transfer as required by authorizing  
 603 statutes or applicable rules. The beginning of the inactive  
 604 licensure period shall be the date the provider ceases  
 605 operations. The end of the inactive period shall become the

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606 licensee expiration date and all licensure fees must be current,  
 607 paid in full, and may be prorated. Reactivation of an inactive  
 608 license requires the prior approval by the agency of a renewal  
 609 application, including payment of licensure fees and agency  
 610 inspections indicating compliance with all requirements of this  
 611 part and applicable rules and statutes.

612 ~~(5)(3)~~ This section provides standards of enforcement  
 613 applicable to all entities licensed or regulated by the Agency  
 614 for Health Care Administration. This section controls over any  
 615 conflicting provisions of chapters 39, 381, 383, 390, 391, 393,  
 616 394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant  
 617 to those chapters.

618 Section 6. Section 252.357, Florida Statutes, is created  
 619 to read:

620 252.357 Monitoring of nursing homes during disaster.--The  
 621 state comprehensive emergency management plan shall require that  
 622 the Agency for Health Care Administration working in the State  
 623 Emergency Operations Center, ESF-8, shall make contact with  
 624 every nursing home in a declared disaster area on a daily basis  
 625 to determine if any nursing home is in need of services or  
 626 supplies to adequately care for residents. By June 1, 2005, and  
 627 annually thereafter, the Agency for Health Care Administration  
 628 shall publish an emergency telephone number that can be used by  
 629 nursing homes to contact the agency at the State Emergency  
 630 Operations Center on a 24-hour basis to report requests for  
 631 assistance.

632 Section 7. This act shall take effect July 1, 2005.