

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 189  
**SPONSOR(S):** McInvale  
**TIED BILLS:**

Hospice Facilities

**IDEN./SIM. BILLS:** SB 112

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Elder &amp; Long-Term Care Committee</u>	<u>6 Y, 0 N</u>	<u>Walsh</u>	<u>Liem</u>
2) <u>Local Government Council</u>	<u>7 Y, 0 N</u>	<u>Smith</u>	<u>Hamby</u>
3) <u>Health Care Appropriations Committee</u>	<u>13 Y, 0 N</u>	<u>Speir</u>	<u>Massengale</u>
4) <u>Health &amp; Families Council</u>	<u></u>	<u>Walsh</u>	<u>Moore</u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

House Bill 189 adds "hospice residential and inpatient facilities and units" to the provisions and requirements that the Florida Building Code must address. The bill removes the requirement that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration (agency), establish minimum standards and procedures for "the physical plant standards for hospice residential and inpatient facilities."

House Bill 189 also creates a new subsection, which provides that the construction and renovation of hospice residential or inpatient facilities or units must comply with the building construction standards, the Florida Building Code, and the other applicable provisions of Chapter 553, Florida Statutes. The bill also requires the agency to provide technical assistance to the Florida Building Commission in updating the construction standards of the Florida Building Code relative to hospice facilities.

The bill does not appear to have a fiscal impact on state or local governments or the private sector.

The bill takes effect July 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government** - This bill adds “hospice residential and inpatient facilities and units” to the provisions and requirements that the Florida Building Code must contain. It also requires the Agency for Health Care Agency (agency) to provide technical assistance to the Florida Building Commission in updating, pursuant to Chapter 120, F.S., the construction standards of the Florida Building Code relative to hospice facilities. The bill removes the requirement that the Department of Elderly Affairs (department) in consultation with the agency, implement rules addressing the “physical plant standards for hospice residential and inpatient facilities.”

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Pursuant to s. 400.605, F.S., the department is required, in consultation with the agency to adopt rules establishing minimum standards and procedures for hospice facilities. One of the administrative rules that the department and the agency are required to promulgate pursuant to this section is a rule that sets the minimum physical plant standards for hospice residential and inpatient facilities and units. Rules 58A-2.0236 and 58A-2.025, F.A.C., implement these minimum standards.

Part IV of Chapter 553, F.S., sets forth the requirements for the Florida Building Code. The intent of the Legislature in providing for the Florida Building Code was to create a “mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code.”<sup>1</sup>

The Florida Building Commission is required to adopt the Florida Building Code:

which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.<sup>2</sup>

Certain provisions or requirements must be part of the Florida Building Code:

public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, **health care facilities, including assisted living facilities, adult day care facilities**, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements.<sup>3</sup> [Emphasis supplied.]

##### Effect of Proposed Changes

House Bill 189 adds “hospice residential and inpatient facilities and units” to the provisions and requirements that the Florida Building Code must contain. This change specifies that hospice

<sup>1</sup> See Fla. Stat. §553.72(1).

<sup>2</sup> See Fla. Stat. §553.73(1).

<sup>3</sup> See Fla. Stat. §553.73(2).

residential facilities and inpatient facilities or units should be considered another type of "health care facility" to be included within the Code.

The bill removes the requirement that the department, in consultation with the agency, implements rules addressing "the physical plant standards for hospice residential and inpatient facilities" and creates a new subsection which provides that the construction and the renovation of hospice residential or inpatient facilities or units must comply with the provisions of Chapter 553, Florida Statutes.

The bill requires the agency to provide technical assistance to the Florida Building Commission in updating the construction standards of the Florida Building Code relative to hospice facilities.

**C. SECTION DIRECTORY:**

Section 1: Amends s. 553.73(2), F.S.; setting forth provisions or requirements related to residential and inpatient hospice facilities to the Florida Building Code.

Section 2: Amends s. 400.605(1); deleting subparagraph (i) to remove the requirement that the Department of Elderly Affairs establish physical plant standards for hospices.

Section 3: Creates s. 400.6051, F.S.; requiring that construction and renovation of hospice residential or inpatient facilities or units comply with Chapter 553, F.S., the Florida Building Code.

Section 4: Provides an effective date of July 1, 2005.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

By requiring the Florida Building Code to contain provisions or requirements for "hospice residential facilities and inpatient facilities and units," the Florida Building Commission will be required to adopt such provisions pursuant to Chapters 120 and 553, Florida Statutes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

None.