

Bill No. SB 2616

Barcode 164460

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, or sensory disabilities, each local emergency management agency in the state shall maintain a registry of persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the local emergency management agency in identifying such persons, the Department of Children and Family Services,

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1 Department of Health, Agency for Health Care Administration,  
 2 Department of Labor and Employment Security, and Department of  
 3 Elderly Affairs shall provide registration information to all  
 4 of their special needs clients and to all incoming clients as  
 5 a part of the intake process. The registry shall be updated  
 6 annually. The registration program shall give persons with  
 7 special needs the option of preauthorizing emergency response  
 8 personnel to enter their homes during search and rescue  
 9 operations if necessary to assure their safety and welfare  
 10 following disasters.

11 (2) The Department of Community Affairs shall be the  
 12 designated lead agency responsible for community education and  
 13 outreach to the general public, including special needs  
 14 clients, regarding registration and special needs shelters and  
 15 general information regarding shelter stays. The Department of  
 16 Community Affairs shall disseminate such educational and  
 17 outreach information through the local emergency management  
 18 offices.

19 ~~(3)(2)~~ On or before May 1 of each year each electric  
 20 utility in the state shall annually notify residential  
 21 customers in its service area of the availability of the  
 22 registration program available through their local emergency  
 23 management agency.

24 ~~(4)(3)~~ All records, data, information, correspondence,  
 25 and communications relating to the registration of persons  
 26 with special needs as provided in subsection (1) are  
 27 confidential and exempt from the provisions of s. 119.07(1),  
 28 except that such information shall be available to other  
 29 emergency response agencies, as determined by the local  
 30 emergency management director.

31 ~~(5)(4)~~ All appropriate agencies and community-based

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1 service providers, including home health care providers, and  
 2 hospices shall assist emergency management agencies by  
 3 collecting registration information for persons with special  
 4 needs as part of program intake processes, establishing  
 5 programs to increase the awareness of the registration  
 6 process, and educating clients about the procedures that may  
 7 be necessary for their safety during disasters. Clients of  
 8 state or federally funded service programs with physical,  
 9 mental, or sensory disabilities who need assistance in  
 10 evacuating, or when in shelters, must register as persons with  
 11 special needs.

12 Section 2. Section 381.0303, Florida Statutes, is  
 13 amended to read:

14 381.0303 Health practitioner recruitment for special  
 15 needs shelters.--

16 (1) PURPOSE.--The purpose of this section is to  
 17 designate the Department of Health, through its county health  
 18 departments, as the lead agency for coordination of the  
 19 recruitment of health care practitioners, as defined in s.  
 20 456.001(4), to staff special needs shelters in times of  
 21 emergency or disaster and to provide resources to the  
 22 department to carry out this responsibility. However, nothing  
 23 in this section prohibits a county health department from  
 24 entering into an agreement with a local emergency management  
 25 agency to assume the lead responsibility for recruiting health  
 26 care practitioners.

27 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--~~Provided~~  
 28 ~~funds have been appropriated to support medical services~~  
 29 ~~disaster coordinator positions in county health departments,~~  
 30 The department shall assume lead responsibility for the local  
 31 coordination of local medical and health care providers, the

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1 American Red Cross, and other interested parties in developing  
 2 a plan for the staffing and medical management of special  
 3 needs shelters. The local Children's Medical Services offices  
 4 shall assume lead responsibility for the local coordination of  
 5 local medical and health care providers, the American Red  
 6 Cross, and other interested parties in developing a plan for  
 7 the staffing and medical management of pediatric special needs  
 8 shelters. Plans ~~The plan~~ shall be in conformance with the  
 9 local comprehensive emergency management plan.

10 (a) County health departments shall, in conjunction  
 11 with the local emergency management agencies, have the lead  
 12 responsibility for coordination of the recruitment of health  
 13 care practitioners to staff local special needs shelters.  
 14 County health departments shall assign their employees to work  
 15 in special needs shelters when needed to protect the health of  
 16 patients. County governments shall assist in this process.

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

21 (c) The Department of Elderly Affairs shall be the  
 22 lead agency responsible for ensuring the placement of special  
 23 needs residents rendered homeless due to a disaster event and  
 24 for appropriate and necessary discharge planning for special  
 25 needs shelter residents. Other elder service agencies and  
 26 organizations shall assist Department of Elderly Affairs in  
 27 this effort.

28 (d)1. The Agency for Persons with Disabilities shall  
 29 be the lead agency responsible for ensuring the placement of  
 30 developmentally disabled special needs residents.

31 2. The Department of Elderly Affairs shall be the lead

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1 agency responsible for ensuring the placement of elderly  
2 residents in programs, Alzheimer's patients, and adult special  
3 needs residents rendered homeless due to a disaster event.

4 3. The Department of Children and Family Services  
5 shall be the lead agency responsible for ensuring the  
6 placement of children within the welfare system and  
7 individuals receiving mental health services from the  
8 department.

9  
10 In all cases, the appropriate agency shall provide the  
11 appropriate and necessary discharge planning for their  
12 respective clients. Other social service agencies or  
13 organizations shall assist the aforementioned agencies in this  
14 effort.

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

19 (f)(c) Local emergency management agencies shall be  
20 responsible for the designation and operation of special needs  
21 shelters during times of emergency or disaster. County health  
22 departments shall assist the local emergency management agency  
23 with regard to the management of medical services in special  
24 needs shelters.

25 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The  
26 Department of Health shall reimburse, subject to the  
27 availability of funds for this purpose, health care  
28 practitioners, as defined in s. 456.001, provided the  
29 practitioner is not providing care to a patient under an  
30 existing contract, and emergency medical technicians and  
31 paramedics licensed pursuant to chapter 401 for medical care

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1 provided at the request of the department in special needs  
2 shelters or at other locations during times of emergency or  
3 major disaster. Reimbursement for health care practitioners,  
4 except for physicians licensed pursuant to chapter 458 or  
5 chapter 459, shall be based on the average hourly rate that  
6 such practitioners were paid according to the most recent  
7 survey of Florida hospitals conducted by the Florida Hospital  
8 Association. Reimbursement shall be requested on forms  
9 prepared by the Department of Health. If a Presidential  
10 Disaster Declaration has been made, and the Federal Government  
11 makes funds available, the department shall use such funds for  
12 reimbursement of eligible expenditures. In other situations,  
13 or if federal funds do not fully compensate the department for  
14 reimbursement made pursuant to this section, the department  
15 shall submit to the Cabinet or Legislature, as appropriate, a  
16 budget amendment to obtain reimbursement from the working  
17 capital fund. Hospitals that are used to shelter special needs  
18 persons during and after an evacuation shall submit invoices  
19 for reimbursement from the state for expenses incurred in this  
20 effort. Travel expense and per diem costs shall be reimbursed  
21 pursuant to s. 112.061.

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

26 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The  
27 Department of Health may establish a special needs shelter  
28 interagency committee, to be chaired and staffed by the  
29 department. The committee shall resolve problems related to  
30 special needs shelters not addressed in the state  
31 comprehensive emergency medical plan and shall serve in a

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1 consultative role in ~~as an oversight committee to monitor~~ the  
2 planning and operation of special needs shelters.

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

4 1. Develop and negotiate any necessary interagency  
5 agreements.

6 2. Undertake other such activities as the department  
7 deems necessary to facilitate the implementation of this  
8 section.

9 3. Submit recommendations to the Legislature as  
10 necessary. Such recommendations shall include, but not be  
11 limited to, the following:

12 a. Defining "special needs shelter."

13 b. Defining "special needs person."

14 c. Development of a uniform registration form.

15 d. The improvement of public awareness regarding the  
16 registration process.

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

19 f. The establishment of special needs shelter  
20 guidelines for staffing, supplies, including durable medical,  
21 emergency power, and transportation.

22  
23 The Department of Health shall establish a statewide database  
24 designed to collect and disseminate timely and appropriate  
25 special needs registration information.

26 (b) The special needs shelter interagency committee  
27 shall be composed of representatives of emergency management,  
28 health, medical, and social services organizations. Membership  
29 shall include, but shall not be limited to, the Departments of  
30 Community Affairs, Children and Family Services, Elderly  
31 Affairs, ~~Labor and Employment Security,~~ and Education; the

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1 Agency for Health Care Administration; the Agency for  
2 Workforce Innovation; the Florida Medical Association; the  
3 Florida Osteopathic Medical Association; Associated Home  
4 Health Industries of Florida, Inc.; the Florida Nurses  
5 Association; the Florida Health Care Association; the Florida  
6 Assisted Living Association; the Florida Hospital Association;  
7 the Florida Statutory Teaching Hospital Council; the Florida  
8 Association of Homes for the Aging; the Florida Emergency  
9 Preparedness Association; the American Red Cross; Florida  
10 Hospices, Inc.; the Association of Community Hospitals and  
11 Health Systems; the Florida Association of Health Maintenance  
12 Organizations; the Florida League of Health Systems; Private  
13 Care Association; ~~and~~ the Salvation Army; the Florida  
14 Association of Aging Services Providers; and the American  
15 Association of Retired Persons.

16 (c) Meetings of the committee shall be held in  
17 Tallahassee, and members of the committee shall serve at the  
18 expense of the agencies or organizations they represent. The  
19 committee shall make every effort to use teleconference or  
20 video conference capabilities in order to ensure widespread  
21 input and to accommodate persons from other areas of the  
22 state.

23 (6) RULES.--The department has the authority to adopt  
24 rules necessary to implement this section. Rules shall ~~may~~  
25 include a definition of a special needs patient, specification  
26 with respect to ~~specify~~ physician reimbursement, and the  
27 designation of ~~designate which~~ county health departments which  
28 will have responsibility for the implementation of subsections  
29 (2) and (3).

30 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--~~The~~  
31 ~~submission of~~ Emergency management plans submitted to county



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1 health departments by home health agencies pursuant to s.  
2 400.497(8)(c) and (d) and by nurse registries pursuant to s.  
3 400.506(16)(e) and by hospice programs pursuant to s.  
4 400.610(1)(b) shall specifically address an agency's  
5 functional staffing plan for the shelters to ensure continuity  
6 of care and services for clients is conditional upon the  
7 receipt of an appropriation by the department to establish  
8 medical services disaster coordinator positions in county  
9 health departments unless the secretary of the department and  
10 a local county commission jointly determine to require such  
11 plans to be submitted based on a determination that there is a  
12 special need to protect public health in the local area during  
13 an emergency.

14 Section 3. Subsection (4) of section 252.385, Florida  
15 Statutes, is amended to read:

16 252.385 Public shelter space.--

17 (4)(a) Public facilities, including schools,  
18 postsecondary education facilities, and other facilities owned  
19 or leased by the state or local governments, but excluding  
20 hospitals or nursing homes, which are suitable for use as  
21 public hurricane evacuation shelters shall be made available  
22 at the request of the local emergency management agencies. The  
23 local emergency management agency shall inspect a facility  
24 prior to activating such facility for a specific hurricane or  
25 disaster. Such agencies shall coordinate with the appropriate  
26 school board, university, community college, or local  
27 governing board when requesting the use of such facilities as  
28 public hurricane evacuation shelters.

29 (b) The Department of Management Services shall  
30 incorporate provisions for the use of suitable leased public  
31 facilities as public hurricane evacuation shelters into lease

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1 | agreements for state agencies. Suitable leased public  
 2 | facilities include leased public facilities that are solely  
 3 | occupied by state agencies and have at least 2,000 square feet  
 4 | of net floor area in a single room or in a combination of  
 5 | rooms having a minimum of 400 square feet in each room. The  
 6 | net square footage of floor area must be determined by  
 7 | subtracting from the gross square footage the square footage  
 8 | of spaces such as mechanical and electrical rooms, storage  
 9 | rooms, open corridors, restrooms, kitchens, science or  
 10 | computer laboratories, shop or mechanical areas,  
 11 | administrative offices, records vaults, and crawl spaces.

12 |       (c) The Department of Management Services shall  
 13 | annually review the registry of persons with special needs to  
 14 | ensure that the construction of special needs shelters is  
 15 | sufficient and suitable to house such persons during and after  
 16 | an evacuation.

17 |       ~~(d)(c)~~ The Department of Management Services shall, in  
 18 | consultation with local and state emergency management  
 19 | agencies, assess Department of Management Services facilities  
 20 | to identify the extent to which each facility has public  
 21 | hurricane evacuation shelter space. The Department of  
 22 | Management Services shall submit proposed facility retrofit  
 23 | projects that incorporate hurricane protection enhancements to  
 24 | the department for assessment and inclusion in the annual  
 25 | report prepared in accordance with subsection (3).

26 |       Section 4. Subsection (3) of section 400.492, Florida  
 27 | Statutes, is amended to read:

28 |       400.492 Provision of services during an  
 29 | emergency.--Each home health agency shall prepare and maintain  
 30 | a comprehensive emergency management plan that is consistent  
 31 | with the standards adopted by national accreditation

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1 organizations and consistent with the local special needs  
2 plan. The plan shall be updated annually and shall provide for  
3 continuing home health services during an emergency that  
4 interrupts patient care or services in the patient's home. The  
5 plan shall describe how the home health agency establishes and  
6 maintains an effective response to emergencies and disasters,  
7 including: notifying staff when emergency response measures  
8 are initiated; providing for communication between staff  
9 members, county health departments, and local emergency  
10 management agencies, including a backup system; identifying  
11 resources necessary to continue essential care or services or  
12 referrals to other organizations subject to written agreement;  
13 and prioritizing and contacting patients who need continued  
14 care or services.

15 (3) Home health, hospice, and durable medical  
16 equipment provider agencies shall not be required to continue  
17 to provide care to patients in emergency situations that are  
18 beyond their control and that make it impossible to provide  
19 services, such as when roads are impassable or when patients  
20 do not go to the location specified in their patient records.  
21 Home health agencies and durable medical equipment providers  
22 may establish links to local emergency operations centers to  
23 determine a mechanism to approach areas within the disaster  
24 area in order for the agency to reach its clients. The  
25 presentation of home care clients to a special needs shelter  
26 without the home health agency making a good-faith effort to  
27 provide the home health services in the shelter setting, which  
28 the agency is currently providing in the client's home, will  
29 constitute abandonment of the client and will result in  
30 regulatory review.

31 Section 5. Section 408.831, Florida Statutes, is

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1 amended to read:

2           408.831 Denial, suspension, or revocation of a  
3 license, registration, certificate, or application.--

4           (1) In addition to any other remedies provided by law,  
5 the agency may deny each application or suspend or revoke each  
6 license, registration, or certificate of entities regulated or  
7 licensed by it:

8           (a) If the applicant, licensee, registrant, or  
9 certificateholder, or, in the case of a corporation,  
10 partnership, or other business entity, if any officer,  
11 director, agent, or managing employee of that business entity  
12 or any affiliated person, partner, or shareholder having an  
13 ownership interest equal to 5 percent or greater in that  
14 business entity, has failed to pay all outstanding fines,  
15 liens, or overpayments assessed by final order of the agency  
16 or final order of the Centers for Medicare and Medicaid  
17 Services, not subject to further appeal, unless a repayment  
18 plan is approved by the agency; or

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

20           (2) In reviewing any application requesting a change  
21 of ownership or change of the licensee, registrant, or  
22 certificateholder, the transferor shall, prior to agency  
23 approval of the change, repay or make arrangements to repay  
24 any amounts owed to the agency. Should the transferor fail to  
25 repay or make arrangements to repay the amounts owed to the  
26 agency, the issuance of a license, registration, or  
27 certificate to the transferee shall be delayed until repayment  
28 or until arrangements for repayment are made.

29           (3) Entities subject to this section may exceed their  
30 licensed capacity to act as a receiving facility in accordance  
31 with an emergency operations plan for clients of evacuating

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1 providers from a geographic area where an evacuation order has  
2 been issued by a local authority having jurisdiction. While in  
3 an overcapacity status, each provider must furnish or arrange  
4 for appropriate care and services to all clients and comply  
5 with all firesafety requirements of state and local  
6 authorities. Overcapacity status in excess of 30 days requires  
7 prior written approval by the agency, which shall be based  
8 upon satisfactory justification and need.

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

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

15           (b) Is currently licensed.

16           (c) Does not have a provisional license.

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

19  
20 An inactive license may be issued for a period not to exceed  
21 12 months but may be renewed by the agency for up to 6  
22 additional months upon demonstration to the agency of progress  
23 toward reopening. A request by a licensee for an inactive  
24 license or to extend the previously approved inactive period  
25 must be submitted in writing to the agency, accompanied by  
26 written justification for the inactive license which states  
27 the beginning and ending dates of inactivity and includes a  
28 plan for the transfer of any clients to other providers and  
29 appropriate licensure fees. Upon agency approval, the licensee  
30 shall notify clients of any necessary discharge or transfer as  
31 required by authorizing statutes or applicable rules. The

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1 beginning of the inactive licensure period shall be the date  
2 the provider ceases operations. The end of the inactive period  
3 shall become the licensee expiration date and all licensure  
4 fees must be current, paid in full, and may be prorated.  
5 Reactivation of an inactive license requires the prior  
6 approval by the agency of a renewal application, including  
7 payment of licensure fees and agency inspections indicating  
8 compliance with all requirements of this part and applicable  
9 rules and statutes.

10       ~~(5)(3)~~ This section provides standards of enforcement  
11 applicable to all entities licensed or regulated by the Agency  
12 for Health Care Administration. This section controls over any  
13 conflicting provisions of chapters 39, 381, 383, 390, 391,  
14 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted  
15 pursuant to those chapters.

16       Section 6. This act shall take effect July 1, 2005.  
17  
18

19 ===== T I T L E   A M E N D M E N T =====

20 And the title is amended as follows:

21       Delete everything before the enacting clause  
22

23 and insert:

24                       A bill to be entitled  
25       An act relating to emergency management;  
26       amending s. 252.355, F.S.; providing that the  
27       Department of Community Affairs shall be the  
28       designated lead agency responsible for  
29       community education and outreach to the general  
30       public, including special needs clients,  
31       regarding registration as a person with special

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1 needs, special needs shelters, and general  
2 information regarding shelter stays; requiring  
3 the department to disseminate educational and  
4 outreach information through local emergency  
5 management offices; amending s. 381.0303, F.S.;  
6 removing a condition of specified funding as a  
7 prerequisite to the assumption of lead  
8 responsibility by the Department of Health for  
9 specified coordination with respect to the  
10 development of a plan for the staffing and  
11 medical management of special needs shelters;  
12 providing that the local Children's Medical  
13 Services offices shall assume lead  
14 responsibility for specified coordination with  
15 respect to the development of a plan for the  
16 staffing and medical management of pediatric  
17 special needs shelters; requiring such plans to  
18 be in conformance with the local comprehensive  
19 emergency management plan; requiring county  
20 governments to assist in the process of  
21 coordinating the recruitment of health care  
22 practitioners to staff local special needs  
23 shelters; providing that the appropriate county  
24 health department, Children's Medical Services,  
25 and local emergency management agency shall  
26 jointly determine the responsibility for  
27 medical supervision in a special needs shelter;  
28 providing that the Department of Elderly  
29 Affairs shall be the lead agency responsible  
30 for ensuring the placement of special needs  
31 residents rendered homeless due to a disaster

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1 event and for appropriate discharge planning;  
2 providing that the Agency for Persons with  
3 Disabilities shall be the lead agency  
4 responsible for ensuring the placement of  
5 developmentally disabled special needs  
6 residents; providing that the Department of  
7 Elderly Affairs shall be the lead agency  
8 responsible for ensuring the placement of  
9 elderly residents in programs, Alzheimer's  
10 patients, and adult special needs residents  
11 rendered homeless due to a disaster event;  
12 providing that the Department of Children and  
13 Family Services shall be the lead agency  
14 responsible for ensuring the placement of  
15 children within the welfare system and  
16 individuals receiving mental health services  
17 from the department; providing that the  
18 appropriate agency shall provide necessary  
19 discharge planning for their respective  
20 clients; providing that state employees with a  
21 preestablished role in disaster response may be  
22 called upon to serve in times of disaster in  
23 specified capacities; requiring hospitals that  
24 are used to shelter special needs persons  
25 during and after an evacuation to submit  
26 invoices for reimbursement from the state for  
27 expenses incurred for medical care provided at  
28 the request of the Department of Health in  
29 special needs shelters or at other locations  
30 during times of emergency or major disaster;  
31 revising the role of the special needs shelter



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1 interagency committee with respect to the  
2 planning and operation of special needs  
3 shelters; providing required functions of the  
4 committee; providing that the Department of  
5 Health shall establish a statewide database to  
6 capture and disseminate special needs  
7 registration information; revising the  
8 composition of the special needs shelter  
9 interagency committee; providing for the  
10 inclusion of specified rules with respect to  
11 health practitioner recruitment for special  
12 needs shelters; providing requirements with  
13 respect to emergency management plans submitted  
14 by home health agencies, nurse registries, and  
15 hospice programs to county health departments  
16 for review; removing a condition of specified  
17 funding as a prerequisite to the submission of  
18 such plans; amending s. 252.385, F.S. ;  
19 requiring inspection of public hurricane  
20 evacuation shelter facilities by local  
21 emergency management agencies prior to  
22 activation of such facilities; requiring the  
23 Department of Management Services to annually  
24 review the registry of persons with special  
25 needs to ensure that the construction of  
26 special needs shelters is sufficient and  
27 suitable to house such persons during and after  
28 an evacuation; amending s. 400.492, F.S. ;  
29 providing that home health, hospice, and  
30 durable medical equipment provider agencies  
31 shall not be required to continue to provide

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1 care to patients in emergency situations that  
2 are beyond their control and that make it  
3 impossible to provide services; authorizing  
4 home health agencies and durable medical  
5 equipment providers to establish links to local  
6 emergency operations centers to determine a  
7 mechanism to approach areas within a disaster  
8 area in order for the agency to reach its  
9 clients; providing that the presentation of  
10 home care clients to the special needs shelter  
11 without the home health agency making a good  
12 faith effort to provide services in the shelter  
13 setting constitutes abandonment of the client;  
14 requiring regulatory review in such cases;  
15 amending s. 408.831, F.S.; providing that  
16 entities regulated or licensed by the Agency  
17 for Health Care Administration may exceed their  
18 licensed capacity to act as a receiving  
19 facility under specified circumstances;  
20 providing requirements while such entities are  
21 in an overcapacity status; providing for  
22 issuance of an inactive license to such  
23 licensees under specified conditions; providing  
24 requirements and procedures with respect to the  
25 issuance and reactivation of an inactive  
26 license; providing fees; providing an effective  
27 date.

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