

Bill No. CS for SB 2616

Barcode 365774

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Clary) 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 clients ~~persons~~ who would need assistance during evacuations and sheltering because of physical, mental, cognitive impairment, 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

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

13 (2) The Department of Community Affairs shall be the
 14 designated lead agency responsible for community education and
 15 outreach to the general public, including special needs
 16 clients, regarding registration and special needs shelters and
 17 general information regarding shelter stays. The Department of
 18 Community Affairs shall disseminate such educational and
 19 outreach information through the local emergency management
 20 offices. The department shall coordinate the development of
 21 curriculum and dissemination of all community education and
 22 outreach related to special needs shelters with the
 23 Clearinghouse on Disability Information of the Governor's
 24 Working Group on the Americans with Disabilities Act, the
 25 Department of Children and Family Services, the Department of
 26 Health, the Agency for Health Care Administration, the
 27 Department of Education, the Agency for Persons with
 28 Disabilities, and the Department of Elderly Affairs.

29 (3)(2) On or before May 1 of each year each electric
 30 utility in the state shall annually notify residential
 31 customers in its service area of the availability of the

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1 registration program available through their local emergency
2 management agency.

3 ~~(4)(3)~~ All records, data, information, correspondence,
4 and communications relating to the registration of persons
5 with special needs as provided in subsection (1) are
6 confidential and exempt from the provisions of s. 119.07(1),
7 except that such information shall be available to other
8 emergency response agencies, as determined by the local
9 emergency management director, and shall be provided to the
10 Department of Health in the furtherance of their duties and
11 responsibilities.

12 ~~(5)(4)~~ All appropriate agencies and community-based
13 service providers, including home health care providers, and
14 hospices shall assist emergency management agencies by
15 collecting registration information for persons with special
16 needs as part of program intake processes, establishing
17 programs to increase the awareness of the registration
18 process, and educating clients about the procedures that may
19 be necessary for their safety during disasters. Clients of
20 state or federally funded service programs with physical,
21 mental, cognitive impairment, or sensory disabilities who need
22 assistance in evacuating, or when in shelters, must register
23 as persons with special needs.

24 Section 2. Section 381.0303, Florida Statutes, is
25 amended to read:

26 381.0303 ~~Health practitioner recruitment for Special~~
27 ~~needs shelters.--~~

28 (1) PURPOSE.--The purpose of this section is to
29 provide for the operation, maintenance, and closure of special
30 needs shelters and to designate the Department of Health,
31 through its county health departments, as the lead agency for

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1 coordination of the recruitment of health care practitioners,
 2 as defined in s. 456.001(4), to staff special needs shelters
 3 in times of emergency or disaster and to provide resources to
 4 the department to carry out this responsibility. However,
 5 nothing in this section prohibits a county health department
 6 from entering into an agreement with a local emergency
 7 management agency to assume the lead responsibility for
 8 recruiting health care practitioners.

9 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; CLOSURE;
 10 STATE AGENCY ASSISTANCE AND STAFFING.--~~Provided funds have~~
 11 ~~been appropriated to support medical services disaster~~
 12 ~~coordinator positions in county health departments,~~

13 (a) The department shall assume lead responsibility
 14 for the ~~local~~ coordination of local medical and health care
 15 providers, the American Red Cross, and other interested
 16 parties in developing a plan for the staffing and medical
 17 management of special needs shelters. The local Children's
 18 Medical Services offices shall assume lead responsibility for
 19 the local coordination of local medical and health care
 20 providers, the American Red Cross, and other interested
 21 parties in developing a plan for the staffing and medical
 22 management of pediatric special needs shelters. Plans shall
 23 conform to ~~The plan shall be in conformance with the local~~
 24 comprehensive emergency management plan.

25 (b)~~(a)~~ County health departments shall, in conjunction
 26 with the local emergency management agencies, have the lead
 27 responsibility for coordination of the recruitment of health
 28 care practitioners to staff local special needs shelters.
 29 County health departments shall assign their employees to work
 30 in special needs shelters when those employees are needed to
 31 protect the health and safety of special needs clients of

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1 patients. County governments shall assist in this process.

2 (c)(b) The appropriate county health department,
3 Children's Medical Services office, and local emergency
4 management agency shall jointly ~~decide~~ determine who has
5 responsibility for medical supervision in each a special needs
6 shelter and shall notify the department of their decision.

7 (d)(c) Local emergency management agencies shall be
8 responsible for the designation and operation of special needs
9 shelters during times of emergency or disaster and the closure
10 of the facilities following an emergency or disaster. County
11 health departments shall assist the local emergency management
12 agency with regard to the management of medical services in
13 special needs shelters.

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

18 (f) The Secretary of Elderly Affairs, or his or her
19 designee, shall convene, at any time that he or she deems
20 appropriate and necessary, a multiagency emergency special
21 needs shelter response team or teams to assist local areas
22 that are severely impacted by a natural or manmade disaster
23 that requires the use of special needs shelters. Multiagency
24 response teams shall provide assistance to local emergency
25 management agencies with the continued operation or closure of
26 the shelters, as well as with the discharge of special needs
27 clients to alternate facilities if necessary. Local emergency
28 management agencies may request the assistance of a
29 multiagency response team by alerting statewide emergency
30 management officials of the necessity for additional
31 assistance in their area. The Secretary of Elderly Affairs is

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1 encouraged to proactively work with other state agencies prior
 2 to any natural disasters for which warnings are provided to
 3 ensure that multiagency response teams are ready to assemble
 4 and deploy rapidly upon a determination by state emergency
 5 management officials that a disaster area requires additional
 6 assistance. The Secretary of Elderly Affairs may call upon any
 7 state agency or office to provide staff to assist a
 8 multiagency response team or teams. Unless the secretary
 9 determines that the nature or circumstances surrounding the
 10 disaster do not warrant participation from a particular
 11 agency's staff, each multiagency response team shall include
 12 at least one representative from each of the following state
 13 agencies:

- 14 1. Department of Elderly Affairs.
- 15 2. Department of Health.
- 16 3. Department of Children and Family Services.
- 17 4. Department of Veterans' Affairs.
- 18 5. Department of Community Affairs.
- 19 6. Agency for Health Care Administration.
- 20 7. Agency for Persons with Disabilities.

21 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
 22 FACILITIES.--

23 (a) The Department of Health shall upon request
 24 ~~reimburse, subject to the availability of funds for this~~
 25 ~~purpose,~~ health care practitioners, as defined in s. 456.001,
 26 provided the practitioner is not providing care to a patient
 27 under an existing contract, and emergency medical technicians
 28 and paramedics licensed under ~~pursuant to~~ chapter 401, for
 29 medical care provided at the request of the department in
 30 special needs shelters or at other locations during times of
 31 emergency or a declared major disaster. Reimbursement for

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1 health care practitioners, except for physicians licensed
2 under ~~pursuant to~~ chapter 458 or chapter 459, shall be based
3 on the average hourly rate that such practitioners were paid
4 according to the most recent survey of Florida hospitals
5 conducted by the Florida Hospital Association. Reimbursement
6 shall be requested on forms prepared by the Department of
7 Health and shall be paid as specified in paragraph (d).

8 (b) Hospitals and nursing homes that are used to
9 shelter special needs clients during or after an evacuation
10 may submit invoices for reimbursement to the department. The
11 department shall develop a form for reimbursement and shall
12 specify by rule which expenses are reimbursable and the rate
13 of reimbursement for each service. Reimbursement for the
14 services described in this paragraph shall be paid as
15 specified in paragraph (d).

16 (c) If, upon closure of a special needs shelter, a
17 multiagency response team determines that it is necessary to
18 discharge special needs shelter clients to other health care
19 facilities, such as nursing homes, assisted living facilities,
20 and community residential group homes, the receiving
21 facilities shall be eligible for reimbursement for services
22 provided to the clients for up to 90 days. Any facility
23 eligible for reimbursement under this paragraph shall submit
24 invoices for reimbursement on forms developed by the
25 department. A facility shall show proof of a written request
26 from a representative of an agency serving on the multiagency
27 response team that the client for whom the facility is seeking
28 reimbursement for services rendered was referred to that
29 facility from a special needs shelter. Reimbursement for the
30 services described in this paragraph shall be paid as
31 specified in paragraph (d).

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1 (d) If a Presidential Disaster Declaration has been
 2 issued made, and the Federal Government makes funds available,
 3 the department shall use those ~~such~~ funds for reimbursement of
 4 eligible expenditures. In other situations, or if federal
 5 funds do not fully compensate the department for
 6 reimbursements permissible under ~~reimbursement made pursuant~~
 7 ~~to~~ this section, the department shall submit to the Cabinet or
 8 the Legislature, as appropriate, a budget amendment to obtain
 9 reimbursement from the working capital fund. The department
 10 may not provide reimbursement to facilities under this
 11 subsection for services provided to a special needs client if,
 12 during the period of time in which the services were provided,
 13 the client was enrolled in another state-funded program, such
 14 as Medicaid or another similar program, which would otherwise
 15 pay for the same services. Travel expense and per diem costs
 16 shall be reimbursed pursuant to s. 112.061.

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

21 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
 22 ~~Secretary Department~~ of Health may establish a special needs
 23 shelter interagency committee and serve as or appoint a
 24 designee to serve as the committee's chair. The department
 25 shall provide any necessary staff and resources to support the
 26 committee in the performance of its duties, ~~to be chaired and~~
 27 ~~staffed by the department.~~ The committee shall resolve
 28 problems related to special needs shelters not addressed in
 29 the state comprehensive emergency medical plan and shall
 30 consult on ~~serve as an oversight committee to monitor the~~
 31 planning and operation of special needs shelters.

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

2 1. Develop and negotiate any necessary interagency
3 agreements.

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

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

10 a. Defining "special needs shelter."

11 b. Defining "special needs client."

12 c. Development of a uniform registration form for
13 special needs clients.

14 d. Improving public awareness regarding the
15 registration process.

16 e. Improving overall communications with special needs
17 clients both before and after a disaster.

18 f. Recommending the construction or designation of
19 additional special needs shelters in underserved areas of the
20 state and the necessity of upgrading, modifying, or
21 retrofitting existing special needs shelters.

22 g. Recommending guidelines to establish a statewide
23 database designed to collect and disseminate timely and
24 appropriate special needs registration information.

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

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

15 (c) Meetings of the committee shall be held in
 16 Tallahassee, and members of the committee shall serve at the
 17 expense of the agencies or organizations they represent. The
 18 committee shall make every effort to use teleconference or
 19 video conference capabilities in order to ensure statewide
 20 input and participation.

21 (6) RULES.--The department has the authority to adopt
 22 rules necessary to implement this section. Rules shall ~~may~~
 23 include a definition of a special needs client ~~patient~~,
 24 ~~specify~~ physician reimbursement, and the designation of
 25 ~~designate which~~ county health departments which will have
 26 responsibility for the implementation of subsections (2) and
 27 (3). Standards for special needs shelters adopted by rule
 28 shall include minimum standards relating to:

29 (a) The provision of electricity.

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

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- 1 (c) Provision of transportation services.
- 2 (d) Compliance with applicable service animal laws.
- 3 (e) Eligibility criteria that includes individuals
4 with physical, cognitive, and psychiatric disabilities.
- 5 (f) Provision of support and services for individuals
6 with physical, cognitive, and psychiatric disabilities.
- 7 (g) Standardized applications that include specific
8 eligibility criteria and the services an individual with
9 special needs can expect to receive.
- 10 (h) Procedures for addressing the needs of
11 unregistered individuals in need of shelter.
- 12 (i) Requirements that the special needs shelter
13 location meets the Florida Accessibility Code for Building
14 Construction. If the location fails to meet the standards, a
15 plan must be provided describing how compliance will be
16 achieved.
- 17 (j) Procedures for addressing the needs of families
18 that are eligible for special needs shelter services. Specific
19 procedures shall be developed to address the needs of families
20 with multiple dependents where only one dependent is eligible
21 for the special needs shelter. Specific procedures shall be
22 developed to address the needs of adults with special needs
23 who are caregivers for individuals without special needs.
- 24 (k) Standards for special needs shelters, including
25 staffing, emergency power, transportation services, supplies,
26 including durable medical equipment, and any other
27 recommendations for minimum standards as determined by the
28 committee.
- 29 (7) ~~REVIEW OF EMERGENCY MANAGEMENT PLANS; CONTINUITY~~
30 ~~OF CARE.--~~Each emergency management plan submitted to a county
31 health department by a home health agency pursuant to s.

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1 400.497, by a nurse registry pursuant to s. 400.506, or by a
 2 hospice pursuant to s. 400.610, shall specify the
 3 organization's functional staffing plan for special needs
 4 shelters to ensure continuity of care and services to its
 5 clients during and after the disaster or emergency situation.

6 ~~The submission of Emergency management plans to county health~~
 7 ~~departments by home health agencies pursuant to s.~~
 8 ~~400.497(8)(c) and (d) and by nurse registries pursuant to s.~~
 9 ~~400.506(16)(e) and by hospice programs pursuant to s.~~
 10 ~~400.610(1)(b) is conditional upon the receipt of an~~
 11 ~~appropriation by the department to establish medical services~~
 12 ~~disaster coordinator positions in county health departments~~
 13 ~~unless the secretary of the department and a local county~~
 14 ~~commission jointly determine to require such plans to be~~
 15 ~~submitted based on a determination that there is a special~~
 16 ~~need to protect public health in the local area during an~~
 17 ~~emergency.~~

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

20 252.385 Public shelter space.--

21 (2)(a) The division shall administer a program to
 22 survey existing schools, universities, community colleges, and
 23 other state-owned, municipally owned, and county-owned public
 24 buildings and any private facility that the owner, in writing,
 25 agrees to provide for use as a public hurricane evacuation
 26 shelter to identify those that are appropriately designed and
 27 located to serve as such shelters. The owners of the
 28 facilities must be given the opportunity to participate in the
 29 surveys. The Board of Regents, district school boards,
 30 community college boards of trustees, and the Department of
 31 Education are responsible for coordinating and implementing

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1 the survey of public schools, universities, and community
 2 colleges with the division or the local emergency management
 3 agency.

4 (b) By January 31 of each even-numbered year, the
 5 Division of Emergency Management within the Department of
 6 Community Affairs shall prepare and submit a statewide
 7 emergency shelter plan to the Governor and the Cabinet for
 8 approval, subject to the requirements for approval provided in
 9 s. 1013.37(2). The plan must also identify the general
 10 location and square footage of special needs shelters, by
 11 regional planning council region, during the next 5 years. The
 12 Department of Health shall assist the division in determining
 13 the estimated need for special needs shelter space based on
 14 information from the special needs registration database and
 15 other factors.

16 (4)(a) Public facilities, including schools,
 17 postsecondary education facilities, and other facilities owned
 18 or leased by the state or local governments, but excluding
 19 hospitals or nursing homes, which are suitable for use as
 20 public hurricane evacuation shelters shall be made available
 21 at the request of the local emergency management agencies. The
 22 local emergency management agency shall inspect a designated
 23 facility to determine its readiness prior to activating such
 24 facility for a specific hurricane or disaster. Such agencies
 25 shall coordinate with the appropriate school board,
 26 university, community college, or local governing board when
 27 requesting the use of such facilities as public hurricane
 28 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, in
 13 | consultation with local and state emergency management
 14 | agencies, assess Department of Management Services facilities
 15 | to identify the extent to which each facility has public
 16 | hurricane evacuation shelter space. The Department of
 17 | Management Services shall submit proposed facility retrofit
 18 | projects that incorporate hurricane protection enhancements to
 19 | the department for assessment and inclusion in the annual
 20 | report prepared in accordance with subsection (3).

21 | Section 4. Section 400.492, Florida Statutes, is
 22 | amended to read:

23 | 400.492 Provision of services during an
 24 | emergency.--Each home health agency, nurse registry, hospice,
 25 | or durable medical equipment provider shall prepare and
 26 | maintain a comprehensive emergency management plan that is
 27 | consistent with the standards adopted by national
 28 | accreditation organizations and consistent with the local
 29 | special needs plan. The plan shall be updated annually and
 30 | shall provide for continuing home health, nurse registry,
 31 | hospice, or durable medical equipment services during an

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

13 (1) Each patient record for patients who are listed in
 14 the registry established pursuant to s. 252.355 shall include
 15 a description of how care or services will be continued in the
 16 event of an emergency or disaster. The home health agency
 17 shall discuss the emergency provisions with the patient and
 18 the patient's caregivers, including where and how the patient
 19 is to evacuate, procedures for notifying the home health
 20 agency in the event that the patient evacuates to a location
 21 other than the shelter identified in the patient record, and a
 22 list of medications and equipment which must either accompany
 23 the patient or will be needed by the patient in the event of
 24 an evacuation.

25 (2) Each home health agency shall maintain a current
 26 prioritized list of patients who need continued services
 27 during an emergency. The list shall indicate how services
 28 shall be continued in the event of an emergency or disaster
 29 for each patient and if the patient is to be transported to a
 30 special needs shelter, and shall indicate if the patient is
 31 receiving skilled nursing services and the patient's

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1 medication and equipment needs. The list shall be furnished to
2 county health departments and to local emergency management
3 agencies, upon request.

4 (3) Home health, hospice, and durable medical
5 equipment provider agencies shall not be required to continue
6 to provide care to patients in emergency situations that are
7 beyond their control and that make it impossible to provide
8 services, such as when roads are impassable or when patients
9 do not go to the location specified in their patient records.
10 Home health agencies, nurse registries, hospices, and durable
11 medical equipment providers may establish links to local
12 emergency operations centers to determine a mechanism to
13 approach areas within the disaster area in order for the
14 agency to reach its clients. The presentation of home care or
15 hospice clients to a special needs shelter without the home
16 health agency or hospice making a good-faith effort to provide
17 services in the shelter setting will constitute abandonment of
18 the client and will result in regulatory review.

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

23 Section 5. Section 408.831, Florida Statutes, is
24 amended to read:

25 408.831 Denial, suspension, or revocation of a
26 license, registration, certificate, or application.--

27 (1) In addition to any other remedies provided by law,
28 the agency may deny each application or suspend or revoke each
29 license, registration, or certificate of entities regulated or
30 licensed by it:

31 (a) If the applicant, licensee, registrant, or

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1 certificateholder, or, in the case of a corporation,
 2 partnership, or other business entity, if any officer,
 3 director, agent, or managing employee of that business entity
 4 or any affiliated person, partner, or shareholder having an
 5 ownership interest equal to 5 percent or greater in that
 6 business entity, has failed to pay all outstanding fines,
 7 liens, or overpayments assessed by final order of the agency
 8 or final order of the Centers for Medicare and Medicaid
 9 Services, not subject to further appeal, unless a repayment
 10 plan is approved by the agency; or

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

12 (2) In reviewing any application requesting a change
 13 of ownership or change of the licensee, registrant, or
 14 certificateholder, the transferor shall, prior to agency
 15 approval of the change, repay or make arrangements to repay
 16 any amounts owed to the agency. Should the transferor fail to
 17 repay or make arrangements to repay the amounts owed to the
 18 agency, the issuance of a license, registration, or
 19 certificate to the transferee shall be delayed until repayment
 20 or until arrangements for repayment are made.

21 (3) Entities subject to this section may exceed their
 22 licensed capacity to act as a receiving facility in accordance
 23 with an emergency operations plan for clients of evacuating
 24 providers from a geographic area where an evacuation order has
 25 been issued by a local authority having jurisdiction. While in
 26 an overcapacity status, each provider must furnish or arrange
 27 for appropriate care and services to all clients. Overcapacity
 28 status in excess of 15 days shall require compliance with all
 29 fire safety requirements or their equivalency as approved by
 30 state and local authorities, whichever is applicable. In
 31 addition, the agency shall approve requests for overcapacity

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1 beyond 15 days, which approvals shall be based upon
2 satisfactory justification and need as provided by the
3 receiving and sending facility.

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

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

10 (b) Is currently licensed.

11 (c) Does not have a provisional license.

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

14
15 An inactive license may be issued for a period not to exceed
16 12 months but may be renewed by the agency for up to 6
17 additional months upon demonstration to the agency of progress
18 toward reopening. A request by a licensee for an inactive
19 license or to extend the previously approved inactive period
20 must be submitted in writing to the agency, accompanied by
21 written justification for the inactive license which states
22 the beginning and ending dates of inactivity and includes a
23 plan for the transfer of any clients to other providers and
24 appropriate licensure fees. Upon agency approval, the licensee
25 shall notify clients of any necessary discharge or transfer as
26 required by authorizing statutes or applicable rules. The
27 beginning of the inactive licensure period shall be the date
28 the provider ceases operations. The end of the inactive period
29 shall become the licensee expiration date and all licensure
30 fees must be current, paid in full, and may be prorated.

31 Reactivation of an inactive license requires the prior

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1 approval by the agency of a renewal application, including
2 payment of licensure fees and agency inspections indicating
3 compliance with all requirements of this part and applicable
4 rules and statutes.

5 ~~(5)(3)~~ This section provides standards of enforcement
6 applicable to all entities licensed or regulated by the Agency
7 for Health Care Administration. This section controls over any
8 conflicting provisions of chapters 39, 381, 383, 390, 391,
9 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted
10 pursuant to those chapters.

11 Section 6. Section 252.357, Florida Statutes, is
12 created to read:

13 252.357 Monitoring of nursing homes during
14 disaster.--The Florida Comprehensive Emergency Management Plan
15 shall permit the Agency for Health Care Administration,
16 working from the agency's offices or in the Emergency
17 Operations Center, ESF-8, to make initial contact with each
18 nursing home in the disaster area. The agency, by July 15,
19 2005, and annually thereafter, shall publish on the Internet
20 an emergency telephone number that can be used by nursing
21 homes to contact the agency on a schedule established by the
22 agency to report requests for assistance. The agency may also
23 provide the telephone number to each facility when it makes
24 the initial facility call.

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

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27

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled
3 An act relating to emergency management;
4 amending s. 252.355, F.S.; specifying
5 additional agencies that are required to
6 provide registration information to special
7 needs clients and persons with disabilities or
8 special needs who receive services from such
9 agencies for purposes of inclusion within the
10 registry of persons with special needs
11 maintained by local emergency management
12 agencies; providing that the Department of
13 Community Affairs shall be the designated lead
14 agency responsible for community education and
15 outreach to the general public, including
16 special needs clients, regarding registration
17 as a person with special needs, special needs
18 shelters, and general information regarding
19 shelter stays; requiring the department to
20 disseminate educational and outreach
21 information through local emergency management
22 offices; requiring the department to coordinate
23 community education and outreach related to
24 special needs shelters with specified agencies
25 and entities; providing that specified
26 confidential and exempt information relating to
27 registration of persons with special needs be
28 provided to the Department of Health; amending
29 s. 381.0303, F.S.; providing for the operation,
30 maintenance, and closure of special needs
31 shelters; removing a condition of specified

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1 funding as a prerequisite to the assumption of
2 lead responsibility by the Department of Health
3 for specified coordination with respect to the
4 development of a plan for the staffing and
5 medical management of special needs shelters;
6 providing that the local Children's Medical
7 Services offices shall assume lead
8 responsibility for specified coordination with
9 respect to the development of a plan for the
10 staffing and medical management of pediatric
11 special needs shelters; requiring such plans to
12 conform to the local comprehensive emergency
13 management plan; requiring county governments
14 to assist in the process of coordinating the
15 recruitment of health care practitioners to
16 staff local special needs shelters; providing
17 that the appropriate county health department,
18 Children's Medical Services office, and local
19 emergency management agency shall jointly
20 determine the responsibility for medical
21 supervision in a special needs shelter;
22 requiring local emergency management agencies
23 to be responsible for the closure of special
24 needs shelters following an emergency;
25 providing that state employees with a
26 preestablished role in disaster response may be
27 called upon to serve in times of disaster in
28 specified capacities; requiring the Secretary
29 of Elderly Affairs to convene a multiagency
30 emergency special needs shelter response team
31 or teams to assist local areas that are

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1 severely impacted by a natural or manmade
2 disaster that required the use of special needs
3 shelters; providing duties and responsibilities
4 of multiagency response teams; authorizing
5 local emergency management agencies to request
6 the assistance of a multiagency response team;
7 providing for the inclusion of specified state
8 agency representatives on each multiagency
9 response team; authorizing hospitals and
10 nursing homes that are used to shelter special
11 needs persons during or after an evacuation to
12 submit invoices for reimbursement to the
13 Department of Health; requiring the department
14 to specify by rule expenses that are
15 reimbursable and the rate of reimbursement for
16 services; prescribing means of and procedures
17 for reimbursement; providing eligibility for
18 reimbursement of health care facilities to whom
19 special needs shelter clients have been
20 discharged by a multiagency response team upon
21 closure of a special needs shelter; providing
22 requirements with respect to such
23 reimbursement; prescribing means of and
24 procedures for reimbursement; disallowing
25 specified reimbursements; revising the role of
26 the special needs shelter interagency committee
27 with respect to the planning and operation of
28 special needs shelters; providing required
29 functions of the committee; providing that the
30 committee shall recommend guidelines to
31 establish a statewide database to collect and

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1 disseminate special needs registration
2 information; revising the composition of the
3 special needs shelter interagency committee;
4 requiring the inclusion of specified rules with
5 respect to special needs shelters and specified
6 minimum standards therefor; providing
7 requirements with respect to emergency
8 management plans submitted by a home health
9 agency, nurse registry, or hospice to a county
10 health department for review; removing a
11 condition of specified funding as a
12 prerequisite to the submission of such plans;
13 amending s. 252.385, F.S.; requiring the
14 Division of Emergency Management of the
15 Department of Community Affairs to prepare and
16 submit a statewide emergency shelter plan to
17 the Governor and the Cabinet for approval;
18 providing plan requirements; requiring the
19 Department of Health to assist the division in
20 determining the estimated need for special
21 needs shelter space; requiring inspection of
22 public hurricane evacuation shelter facilities
23 by local emergency management agencies prior to
24 activation of such facilities; amending s.
25 400.492, F.S.; providing that nurse registries,
26 hospices, and durable medical equipment
27 providers shall prepare and maintain a
28 comprehensive emergency management plan;
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, nurse registries,
5 hospices, and durable medical equipment
6 providers to establish links to local emergency
7 operations centers to determine a mechanism to
8 approach areas within a disaster area in order
9 for the agency to reach its clients; providing
10 that the presentation of home care or hospice
11 clients to the special needs shelter without
12 the home health agency or hospice making a good
13 faith effort to provide services in the shelter
14 setting constitutes abandonment of the client;
15 requiring regulatory review in such cases;
16 amending s. 408.831, F.S.; providing that
17 entities regulated or licensed by the Agency
18 for Health Care Administration may exceed their
19 licensed capacity to act as a receiving
20 facility under specified circumstances;
21 providing requirements while such entities are
22 in an overcapacity status; providing for
23 issuance of an inactive license to such
24 licensees under specified conditions; providing
25 requirements and procedures with respect to the
26 issuance and reactivation of an inactive
27 license; providing fees; creating s. 252.357,
28 F.S., requiring the Florida Comprehensive
29 Emergency Management Plan to permit the Agency
30 for Health Care Administration to initially
31 contact nursing homes in disaster areas for

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1 specified monitoring purposes; requiring the
2 agency to publish an emergency telephone number
3 for use by nursing homes; providing an
4 effective date.
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