

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

1 with respect to the planning and operation of
2 special needs shelters; providing required
3 functions of the committee; providing for the
4 inclusion of specified rules with respect to
5 health practitioner recruitment for special
6 needs shelters; providing that the requirement
7 for submission of emergency management plans by
8 home health agencies, nurse registries, and
9 hospice programs to local emergency management
10 agencies for review and approval remains in
11 effect; providing requirements with respect to
12 such plans; removing a condition of specified
13 funding as a prerequisite to the submission of
14 such plans; amending s. 252.385, F.S.;
15 requiring the Department of Management Services
16 to annually review the registry of persons with
17 special needs to ensure that the construction
18 of special needs shelters is sufficient and
19 suitable to house such persons during and after
20 an evacuation; amending s. 400.492, F.S.;
21 providing that home health, hospice, and
22 durable medical equipment provider agencies
23 shall not be required to continue to provide
24 care to patients in emergency situations that
25 are beyond their control and that make it
26 impossible to provide services; authorizing
27 home health agencies and durable medical
28 equipment providers to establish links to local
29 emergency operations centers to determine a
30 mechanism to approach areas within a disaster
31 area in order for the agency to reach its

1 clients; providing that the presentation of
2 home care clients to the special needs shelter
3 without the home health agency making a good
4 faith effort to provide services in the shelter
5 setting constitutes abandonment of the client;
6 requiring regulatory review in such cases;
7 amending s. 408.831, F.S.; providing that
8 entities regulated or licensed by the Agency
9 for Health Care Administration may exceed their
10 licensed capacity to act as a receiving
11 facility under specified circumstances;
12 providing requirements while such entities are
13 in an overcapacity status; providing for
14 issuance of an inactive license to such
15 licensees under specified conditions; providing
16 requirements and procedures with respect to the
17 issuance and reactivation of an inactive
18 license; providing fees; providing an effective
19 date.
20

21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 252.355, Florida Statutes, is
24 amended to read:

25 252.355 Registry of persons with special needs;
26 notice.--

27 (1) In order to meet the special needs of persons who
28 would need assistance during evacuations and sheltering
29 because of physical, mental, or sensory disabilities, each
30 local emergency management agency in the state shall maintain
31 a registry of persons with special needs located within the

1 jurisdiction of the local agency. The registration shall
2 identify those persons in need of assistance and plan for
3 resource allocation to meet those identified needs. To assist
4 the local emergency management agency in identifying such
5 persons, the Department of Children and Family Services,
6 Department of Health, Agency for Health Care Administration,
7 Department of Labor and Employment Security, and Department of
8 Elderly Affairs shall provide registration information to all
9 of their special needs clients and to all incoming clients as
10 a part of the intake process. The registry shall be updated
11 annually. The registration program shall give persons with
12 special needs the option of preauthorizing emergency response
13 personnel to enter their homes during search and rescue
14 operations if necessary to assure their safety and welfare
15 following disasters.

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

24 ~~(3)(2)~~ On or before May 1 of each year each electric
25 utility in the state shall annually notify residential
26 customers in its service area of the availability of the
27 registration program available through their local emergency
28 management agency.

29 ~~(4)(3)~~ All records, data, information, correspondence,
30 and communications relating to the registration of persons
31 with special needs as provided in subsection (1) are

1 confidential and exempt from the provisions of s. 119.07(1),
2 except that such information shall be available to other
3 emergency response agencies, as determined by the local
4 emergency management director.

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

16 Section 2. Section 381.0303, Florida Statutes, is
17 amended to read:

18 381.0303 Health practitioner recruitment for special
19 needs shelters.--

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

31

1 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--~~Provided~~
2 ~~funds have been appropriated to support medical services~~
3 ~~disaster coordinator positions in county health departments,~~
4 The department shall assume lead responsibility for the local
5 coordination of local medical and health care providers, the
6 American Red Cross, and other interested parties in developing
7 a plan for the staffing and medical management of special
8 needs shelters. The local Children's Medical Services offices
9 shall assume lead responsibility for the local coordination of
10 local medical and health care providers, the American Red
11 Cross, and other interested parties in developing a plan for
12 the staffing and medical management of pediatric special needs
13 shelters. Plans ~~The plan~~ shall be in conformance with the
14 local comprehensive emergency management plan.

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

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

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

3 (d) The Department of Children and Family Services
4 shall be the lead agency responsible for ensuring the
5 placement of developmentally disabled special needs residents,
6 mental health special needs residents, and Alzheimer adult
7 special needs residents rendered homeless due to a disaster
8 event and the appropriate and necessary discharge planning for
9 special needs shelter residents. Other social service agencies
10 or organizations shall assist the Department of Children and
11 Family Services in this effort.

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

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

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

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

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

23 | (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
24 | Department of Health may establish a special needs shelter
25 | interagency committee, to be chaired and staffed by the
26 | department. The committee shall resolve problems related to
27 | special needs shelters not addressed in the state
28 | comprehensive emergency medical plan and shall serve in a
29 | consultative role in ~~as an oversight committee to monitor~~ the
30 | planning and operation of special needs shelters.

31 | (a) The committee shall ~~may~~:

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

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

6 3. Submit recommendations to the Legislature as
7 necessary.

8 (b) The special needs shelter interagency committee
9 shall be composed of representatives of emergency management,
10 health, medical, and social services organizations. Membership
11 shall include, but shall not be limited to, the Departments of
12 Community Affairs, Children and Family Services, Elderly
13 Affairs, Labor and Employment Security, and Education; the
14 Agency for Health Care Administration; the Florida Medical
15 Association; the Florida Osteopathic Medical Association;
16 Associated Home Health Industries of Florida, Inc.; the
17 Florida Nurses Association; the Florida Health Care
18 Association; the Florida Assisted Living Association; the
19 Florida Hospital Association; the Florida Statutory Teaching
20 Hospital Council; the Florida Association of Homes for the
21 Aging; the Florida Emergency Preparedness Association; the
22 American Red Cross; Florida Hospices, Inc.; the Association of
23 Community Hospitals and Health Systems; the Florida
24 Association of Health Maintenance Organizations; the Florida
25 League of Health Systems; Private Care Association; and the
26 Salvation Army.

27 (c) Meetings of the committee shall be held in
28 Tallahassee, and members of the committee shall serve at the
29 expense of the agencies or organizations they represent.

30 (6) RULES.--The department has the authority to adopt
31 rules necessary to implement this section. Rules shall ~~may~~

1 include a definition of a special needs patient, specification
2 with respect to ~~specify~~ physician reimbursement, and the
3 designation of ~~designate which~~ county health departments which
4 will have responsibility for the implementation of subsections
5 (2) and (3).

6 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--The
7 requirement for submission of emergency management plans ~~to~~
8 ~~county health departments~~ by home health agencies pursuant to
9 s. 400.497(8)(c) and (d) and by nurse registries pursuant to
10 s. 400.506(16)(e) and by hospice programs pursuant to s.
11 400.610(1)(b) to local emergency management agencies for
12 review and approval remains in effect. These plans shall
13 specifically address an agency's functional staffing plan for
14 the shelters to ensure continuity of care and services for
15 clients is conditional upon the receipt of an appropriation by
16 ~~the department to establish medical services disaster~~
17 ~~coordinator positions in county health departments unless the~~
18 ~~secretary of the department and a local county commission~~
19 ~~jointly determine to require such plans to be submitted based~~
20 ~~on a determination that there is a special need to protect~~
21 ~~public health in the local area during an emergency.~~

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

24 252.385 Public shelter space.--

25 (4)(a) Public facilities, including schools,
26 postsecondary education facilities, and other facilities owned
27 or leased by the state or local governments, but excluding
28 hospitals or nursing homes, which are suitable for use as
29 public hurricane evacuation shelters shall be made available
30 at the request of the local emergency management agencies.
31 Such agencies shall coordinate with the appropriate school

1 board, university, community college, or local governing board
2 when requesting the use of such facilities as public hurricane
3 evacuation shelters.

4 (b) The Department of Management Services shall
5 incorporate provisions for the use of suitable leased public
6 facilities as public hurricane evacuation shelters into lease
7 agreements for state agencies. Suitable leased public
8 facilities include leased public facilities that are solely
9 occupied by state agencies and have at least 2,000 square feet
10 of net floor area in a single room or in a combination of
11 rooms having a minimum of 400 square feet in each room. The
12 net square footage of floor area must be determined by
13 subtracting from the gross square footage the square footage
14 of spaces such as mechanical and electrical rooms, storage
15 rooms, open corridors, restrooms, kitchens, science or
16 computer laboratories, shop or mechanical areas,
17 administrative offices, records vaults, and crawl spaces.

18 (c) The Department of Management Services shall
19 annually review the registry of persons with special needs to
20 ensure that the construction of special needs shelters is
21 sufficient and suitable to house such persons during and after
22 an evacuation.

23 ~~(d)(e)~~ The Department of Management Services shall, in
24 consultation with local and state emergency management
25 agencies, assess Department of Management Services facilities
26 to identify the extent to which each facility has public
27 hurricane evacuation shelter space. The Department of
28 Management Services shall submit proposed facility retrofit
29 projects that incorporate hurricane protection enhancements to
30 the department for assessment and inclusion in the annual
31 report prepared in accordance with subsection (3).

1 Section 4. Subsection (3) of section 400.492, Florida
2 Statutes, is amended to read:

3 400.492 Provision of services during an
4 emergency.--Each home health agency shall prepare and maintain
5 a comprehensive emergency management plan that is consistent
6 with the standards adopted by national accreditation
7 organizations and consistent with the local special needs
8 plan. The plan shall be updated annually and shall provide for
9 continuing home health services during an emergency that
10 interrupts patient care or services in the patient's home. The
11 plan shall describe how the home health agency establishes and
12 maintains an effective response to emergencies and disasters,
13 including: notifying staff when emergency response measures
14 are initiated; providing for communication between staff
15 members, county health departments, and local emergency
16 management agencies, including a backup system; identifying
17 resources necessary to continue essential care or services or
18 referrals to other organizations subject to written agreement;
19 and prioritizing and contacting patients who need continued
20 care or services.

21 (3) Home health, hospice, and durable medical
22 equipment provider agencies shall not be required to continue
23 to provide care to patients in emergency situations that are
24 beyond their control and that make it impossible to provide
25 services, such as when roads are impassable or when patients
26 do not go to the location specified in their patient records.
27 Home health agencies and durable medical equipment providers
28 may establish links to local emergency operations centers to
29 determine a mechanism to approach areas within the disaster
30 area in order for the agency to reach its clients. The
31 presentation of home care clients to a special needs shelter

1 without the home health agency making a good faith effort to
2 provide services in the shelter setting will constitute
3 abandonment of the client and will result in regulatory
4 review.

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

7 408.831 Denial, suspension, or revocation of a
8 license, registration, certificate, or application.--

9 (1) In addition to any other remedies provided by law,
10 the agency may deny each application or suspend or revoke each
11 license, registration, or certificate of entities regulated or
12 licensed by it:

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

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

25 (2) In reviewing any application requesting a change
26 of ownership or change of the licensee, registrant, or
27 certificateholder, the transferor shall, prior to agency
28 approval of the change, repay or make arrangements to repay
29 any amounts owed to the agency. Should the transferor fail to
30 repay or make arrangements to repay the amounts owed to the
31 agency, the issuance of a license, registration, or

1 certificate to the transferee shall be delayed until repayment
2 or until arrangements for repayment are made.

3 (3) Entities subject to this section may exceed their
4 licensed capacity to act as a receiving facility in accordance
5 with an emergency operations plan for clients of evacuating
6 providers from a geographic area where an evacuation order has
7 been issued by a local authority having jurisdiction. While in
8 an overcapacity status, each provider must furnish or arrange
9 for appropriate care and services to all clients and comply
10 with all firesafety requirements of state and local
11 authorities. Overcapacity status in excess of 30 days
12 requires written prior approval by the agency, which shall be
13 based upon satisfactory justification and need.

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

18 (a) Suffered damage to the provider's operation during
19 that state of emergency;

20 (b) Is currently licensed;

21 (c) Does not have a provisional license; and

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

24
25 An inactive license may be issued for a period not to exceed
26 12 months but may be renewed by the agency for up to 6
27 additional months upon demonstration to the agency of progress
28 toward reopening. A request by a licensee for an inactive
29 license or to extend the previously approved inactive period
30 must be submitted in writing to the agency, accompanied by
31 written justification for the inactive license which states

1 the beginning and ending dates of inactivity, and including a
2 plan for the transfer of any clients to other providers and
3 appropriate licensure fees. Upon agency approval, the licensee
4 shall notify clients of any necessary discharge or transfer as
5 required by authorizing statutes or applicable rules. The
6 beginning of the inactive licensure period shall be the date
7 the provider ceases operations. The end of the inactive period
8 shall become the licensee expiration date and all licensure
9 fees must be current, paid in full, and may be prorated.
10 Reactivation of an inactive license requires the prior
11 approval by the agency of a renewal application, including
12 payment of licensure fees and agency inspections indicating
13 compliance with all requirements of this part and applicable
14 rules and statutes.

15 ~~(5)(3)~~ This section provides standards of enforcement
16 applicable to all entities licensed or regulated by the Agency
17 for Health Care Administration. This section controls over any
18 conflicting provisions of chapters 39, 381, 383, 390, 391,
19 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted
20 pursuant to those chapters.

21 Section 6. This act shall take effect July 1, 2005.
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