

By the Committee on Domestic Security; and Senator Clary

583-2083-05

1 A bill to be entitled
2 An act relating to emergency management;
3 amending s. 252.355, F.S.; requiring the
4 Department of Community Affairs to be the
5 designated lead agency responsible for
6 community education and outreach to the general
7 public regarding registration as a person with
8 special needs, for special needs shelters, and
9 for general information regarding shelter
10 stays; requiring the department to disseminate
11 educational and outreach information through
12 local emergency management offices; requiring
13 the department to coordinate with other
14 organizations; requiring information about
15 special needs registration to be given to the
16 Department of Health; amending s. 381.0303,
17 F.S.; removing a condition of specified funding
18 as a prerequisite to the assumption of lead
19 responsibility by the Department of Health for
20 specified coordination with respect to the
21 development of a plan for the staffing and
22 medical management of special needs shelters;
23 requiring the local Children's Medical Services
24 offices to assume lead responsibility for
25 specified coordination with respect to the
26 development of a plan for the staffing and
27 medical management of pediatric special needs
28 shelters; requiring such plans to be in
29 conformance with the local comprehensive
30 emergency management plan; requiring county
31 governments to assist in the process of

1 coordinating the recruitment of health care
2 practitioners to staff local special needs
3 shelters; requiring the appropriate county
4 health department, Children's Medical Services,
5 and local emergency management agency to
6 jointly determine the responsibility for
7 medical supervision in a special needs shelter;
8 requiring the Department of Elderly Affairs to
9 be the lead agency responsible for ensuring the
10 placement of special needs for elderly and
11 Alzheimer's adult special needs residents
12 rendered homeless due to a disaster event and
13 for appropriate discharge planning; requiring
14 the Agency for Persons with Disabilities to be
15 the lead agency responsible for ensuring the
16 placement of developmentally disabled special
17 needs residents rendered homeless by a disaster
18 event; requiring the Department of Children and
19 Family Services to be the lead agency
20 responsible for ensuring the placement of
21 children within the welfare system and
22 individuals receiving mental health services
23 from the department; requiring the appropriate
24 agency to provide necessary discharge planning
25 for their respective clients; providing that
26 state employees having a preestablished role in
27 disaster response may be called upon to serve
28 in times of disaster in specified capacities;
29 requiring hospitals and nursing homes that are
30 used to shelter special needs persons during
31 and after an evacuation to submit invoices for

1 reimbursement from the state for expenses
2 incurred for medical care provided at the
3 request of the Department of Health in special
4 needs shelters or at other locations during
5 times of emergency or major disaster; revising
6 the role of the special needs shelter
7 interagency committee with respect to the
8 planning and operation of special needs
9 shelters; providing required functions of the
10 committee; requiring the Department of Health
11 to establish a statewide database to capture
12 and disseminate special needs registration
13 information; revising the composition of the
14 special needs shelter interagency committee;
15 providing for the inclusion of specified rules
16 with respect to health practitioner recruitment
17 for special needs shelters; providing
18 requirements with respect to emergency
19 management plans submitted by home health
20 agencies, nurse registries, and hospice
21 programs to county health departments for
22 review; removing a condition of specified
23 funding as a prerequisite to the submission of
24 such plans; amending s. 252.385, F.S.;
25 requiring the Department of Community Affairs
26 to include special needs shelters in their
27 biennial plan; requiring inspection of public
28 hurricane evacuation shelter facilities by
29 local emergency management agencies before
30 activation of such facilities; amending s.
31 400.492, F.S.; providing that a home health

1 agency, a hospice, and a durable medical
2 equipment provider are not required to continue
3 to provide care to patients in emergency
4 situations that are beyond their control and
5 that make it impossible to provide services;
6 authorizing home health agencies, nurse
7 registries, hospices, and durable medical
8 equipment providers to establish links to local
9 emergency operations centers to determine a
10 mechanism to approach areas within a disaster
11 area in order for the agency to reach its
12 clients; providing that the presentation of
13 home care clients to the special needs shelter
14 without the home health agency making a
15 good-faith effort to provide services in the
16 shelter setting constitutes abandonment of the
17 client; requiring regulatory review in such
18 cases; amending s. 408.831, F.S.; authorizing
19 entities regulated or licensed by the Agency
20 for Health Care Administration to exceed their
21 licensed capacity to act as a receiving
22 facility under specified circumstances;
23 providing requirements while such entities are
24 in an overcapacity status; providing for
25 issuance of an inactive license to such
26 licensees under specified conditions; providing
27 requirements and procedures with respect to the
28 issuance and reactivation of an inactive
29 license; providing fees; creating s. 252.357,
30 F.S.; requiring the Agency for Health Care
31 Administration to contact nursing homes and

1 provide emergency contact numbers; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 252.355, Florida Statutes, is
7 amended to read:

8 252.355 Registry of persons with special needs;
9 notice.--

10 (1) In order to meet the special needs of persons who
11 would need assistance during evacuations and sheltering
12 because of physical, mental, cognitive impairment, or sensory
13 disabilities, each local emergency management agency in the
14 state shall maintain a registry of persons with special needs
15 located within the jurisdiction of the local agency. The
16 registration shall identify those persons in need of
17 assistance and plan for resource allocation to meet those
18 identified needs. To assist the local emergency management
19 agency in identifying such persons, the Department of Children
20 and Family Services, Department of Health, Agency for Health
21 Care Administration, Department of Education, the Agency for
22 Persons with Disabilities, Agency for Workforce Innovation,
23 ~~Department of Labor and Employment Security,~~ and Department of
24 Elderly Affairs shall provide registration information to all
25 of their special needs clients and to all people with
26 disabilities or special needs who receive services incoming
27 ~~clients as a part of the intake process~~. The registry shall be
28 updated annually. The registration program shall give persons
29 with special needs the option of preauthorizing emergency
30 response personnel to enter their homes during search and
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1 rescue operations if necessary to assure their safety and
2 welfare following disasters.

3 (2) The Department of Community Affairs shall be the
4 designated lead agency responsible for community education and
5 outreach to the general public, including special needs
6 clients, regarding registration as a person with special
7 needs, for special needs shelters, and for general information
8 regarding shelter stays. The Department of Community Affairs
9 shall disseminate such educational and outreach information
10 through the local emergency management offices. The Department
11 of Community Affairs shall coordinate the development of
12 curriculum and dissemination of all community education and
13 outreach related to special needs shelters with the
14 Clearinghouse on Disability Information of the Governor's
15 Americans with Disabilities Act Working Group, the Department
16 of Children and Family Services, the Department of Health, the
17 Agency for Health Care Administration, the Department of
18 Education, the Agency for Persons with Disabilities, the
19 Agency for Workforce Development, and the Department of
20 Elderly Affairs.

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

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

1 emergency management director and shall be provided to the
2 Department of Health in the furtherance of their duties and
3 responsibilities.

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

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 elderly residents and Alzheimer adult special needs
29 residents rendered homeless due to a disaster event and for
30 appropriate and necessary discharge planning for special needs
31 shelter residents. Other elder service agencies and

1 organizations shall assist Department of Elderly Affairs in
2 this effort.

3 (d)1. The Department of Children and Family Services
4 shall be the lead agency responsible for ensuring the
5 placement of mental health special needs residents rendered
6 homeless due to a disaster event and the appropriate and
7 necessary discharge planning for special needs shelter
8 residents. Other social service agencies or organizations
9 shall assist the Department of Children and Family Services in
10 this effort. The Agency for Persons with Disabilities shall be
11 the lead agency responsible for ensuring the placement and
12 appropriate, necessary discharge planning for special needs
13 shelter residents with developmental disabilities rendered
14 homeless by a disaster event.

15 2. The Department of Children and Families shall be
16 the lead agency responsible for ensuring the placement of
17 children within the welfare system.

18
19 In all cases, the appropriate agency shall provide the
20 appropriate and necessary discharge planning for their
21 respective clients. Other social service agencies or
22 organizations shall assist the aforementioned agencies in this
23 effort.

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

28 (f)(e) Local emergency management agencies shall be
29 responsible for the designation and operation of special needs
30 shelters during times of emergency or disaster. County health
31 departments shall assist the local emergency management agency

1 with regard to the management of medical services in special
2 needs shelters.

3 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
4 Department of Health shall reimburse, subject to the
5 availability of funds for this purpose, health care
6 practitioners, as defined in s. 456.001, provided the
7 practitioner is not providing care to a patient under an
8 existing contract, and emergency medical technicians and
9 paramedics licensed pursuant to chapter 401 for medical care
10 provided at the request of the department in special needs
11 shelters or at other locations during times of emergency or
12 major disaster. Reimbursement for health care practitioners,
13 except for physicians licensed pursuant to chapter 458 or
14 chapter 459, shall be based on the average hourly rate that
15 such practitioners were paid according to the most recent
16 survey of Florida hospitals conducted by the Florida Hospital
17 Association. Reimbursement shall be requested on forms
18 prepared by the Department of Health. If a Presidential
19 Disaster Declaration has been made, and the Federal Government
20 makes funds available, the department shall use such funds for
21 reimbursement of eligible expenditures. In other situations,
22 or if federal funds do not fully compensate the department for
23 reimbursement made pursuant to this section, the department
24 shall submit to the Cabinet or Legislature, as appropriate, a
25 budget amendment to obtain reimbursement from the working
26 capital fund. Hospitals and nursing homes that are used to
27 shelter special needs persons during and after an evacuation
28 shall submit invoices for reimbursement from the state for
29 expenses incurred in this effort. Travel expense and per diem
30 costs shall be reimbursed pursuant to s. 112.061.

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

5 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
6 Department of Health may establish a special needs shelter
7 interagency committee, to be chaired and staffed by the
8 department. The committee shall resolve problems related to
9 special needs shelters not addressed in the state
10 comprehensive emergency medical plan and shall serve in a
11 consultative role in as an oversight committee to monitor the
12 planning and operation of special needs shelters.

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

14 1. Develop and negotiate any necessary interagency
15 agreements.

16 2. Undertake other such activities as the department
17 deems necessary to facilitate the implementation of this
18 section.

19 3. Submit recommendations to the Legislature as
20 necessary. Such recommendations shall include, but not be
21 limited to, the following:

22 a. Defining "special needs shelter."

23 b. Defining "special needs person."

24 c. Development of a uniform registration form.

25 d. The improvement of public awareness regarding the
26 registration process.

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

29 f. The establishment of special needs shelter
30 guidelines for staffing, supplies, including durable medical,
31 emergency power, and transportation.

1
2 The Department of Health shall establish a statewide database
3 designed to collect and disseminate timely and appropriate
4 special needs registration information.

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

25 (c) Meetings of the committee shall be held in
26 Tallahassee, and members of the committee shall serve at the
27 expense of the agencies or organizations they represent. The
28 committee shall make every effort to use teleconference or
29 video conference capabilities in order to ensure widespread
30 input and to accommodate persons from other areas of the
31 state.

1 (6) RULES.--The department has the authority to adopt
2 rules necessary to implement this section. Rules ~~shall~~ may
3 include a definition of a special needs patient, specification
4 with respect to ~~specify~~ physician reimbursement, and the
5 designation of ~~designate which~~ county health departments which
6 will have responsibility for the implementation of subsections
7 (2) and (3). Special needs shelters shall include minimum
8 standards relating to:

9 (a) The provision of electricity.

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

12 (c) The provision of transportation services.

13 (d) Compliance with applicable service animal laws.

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

16 (f) The provision of supports and services for
17 individuals with physical, cognitive, and psychiatric
18 disabilities.

19 (g) Standardized applications that include specific
20 eligibility criteria and the services an individual with
21 special needs can expect.

22 (h) Procedures for addressing the needs of
23 unregistered individuals in need of shelter.

24 (i) Requirements that the special needs shelter
25 location meets the Florida Accessibility Code. If the location
26 fails to meet the standards, a plan must be provided
27 describing how compliance will be achieved.

28 (j) Procedures for addressing the needs of families
29 who are eligible for special needs shelter services. Specific
30 procedures shall be developed to address the needs of families
31 with multiple dependents where only one dependent is eligible

1 for the special needs shelter. Specific procedures shall be
2 developed to address the needs of adults with special needs
3 who are caregivers for individuals without special needs.

4 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--~~The~~
5 ~~submission of~~ Emergency management plans submitted to county
6 health departments by home health agencies pursuant to s.
7 400.497(8)(c) and (d) and by nurse registries pursuant to s.
8 400.506(16)(e) and by hospice programs pursuant to s.
9 400.610(1)(b) shall specifically address an agency's
10 functional staffing plan for the shelters to ensure continuity
11 of care and services for clients registered pursuant to s.
12 252.355. Staffing plans for a nurse registry shall be
13 consistent with s. 400.506(16)(a). ~~is conditional upon the~~
14 ~~receipt of an appropriation by the department to establish~~
15 ~~medical services disaster coordinator positions in county~~
16 ~~health departments unless the secretary of the department and~~
17 ~~a local county commission jointly determine to require such~~
18 ~~plans to be submitted based on a determination that there is a~~
19 ~~special need to protect public health in the local area during~~
20 ~~an emergency.~~

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

23 252.385 Public shelter space.--

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

1 surveys. The Board of Regents, district school boards,
2 community college boards of trustees, and the Department of
3 Education are responsible for coordinating and implementing
4 the survey of public schools, universities, and community
5 colleges with the division or the local emergency management
6 agency.

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

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

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

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

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

26 400.492 Provision of services during an
27 emergency.--Each home health agency, nurse registry, hospice,
28 or durable medical equipment provider shall prepare and
29 maintain a comprehensive emergency management plan that is
30 consistent with the standards adopted by national
31 accreditation organizations and consistent with the local

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

16 (3) Home health, hospice, and durable medical
17 equipment provider agencies ~~are shall~~ not ~~be~~ required to
18 continue to provide care to patients in emergency situations
19 that are beyond their control and that make it impossible to
20 provide services, such as when roads are impassable or when
21 patients do not go to the location specified in their patient
22 records. Home health agencies, nurse registries, hospices, and
23 durable medical equipment providers may establish links to
24 local emergency operations centers to determine a mechanism to
25 approach areas within the disaster area in order for the
26 agency to reach its clients. The presentation of home care or
27 hospice clients to a special needs shelter without the home
28 health agency or hospice making a good-faith effort to provide
29 services in the shelter setting will constitute abandonment of
30 the client and will result in regulatory review.
31

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

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

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

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

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

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

30 (3) Entities subject to this section may exceed their
31 licensed capacity to act as a receiving facility in accordance

1 with an emergency operations plan for clients of evacuating
2 providers from a geographic area where an evacuation order has
3 been issued by a local authority having jurisdiction. While in
4 an overcapacity status, each provider must furnish or arrange
5 for appropriate care and services to all clients. Overcapacity
6 status in excess of 15 days must comply with all fire safety
7 requirements or their equivalency as approved by state and
8 local authorities, as applicable. In addition, the agency
9 shall approve requests for overcapacity beyond 15 days, which
10 shall be based upon satisfactory justification and need as
11 provided by the receiving and sending facility.

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

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

18 (b) Is currently licensed.

19 (c) Does not have a provisional license.

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

22
23 An inactive license may be issued for a period not to exceed
24 12 months but may be renewed by the agency for up to 6
25 additional months upon demonstration to the agency of progress
26 toward reopening. A request by a licensee for an inactive
27 license or to extend the previously approved inactive period
28 must be submitted in writing to the agency, accompanied by
29 written justification for the inactive license which states
30 the beginning and ending dates of inactivity and includes a
31 plan for the transfer of any clients to other providers and

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

13 ~~(5)(3)~~ This section provides standards of enforcement
14 applicable to all entities licensed or regulated by the Agency
15 for Health Care Administration. This section controls over any
16 conflicting provisions of chapters 39, 381, 383, 390, 391,
17 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted
18 pursuant to those chapters.

19 Section 6. Section 252.357, Florida Statutes, is
20 created to read:

21 252.357 Nursing homes provisions.--The Florida
22 Comprehensive Emergency Management Plan shall require that the
23 Agency for Health Care Administration working in the State
24 Emergency Operations Center, ESF-8, shall make contact with
25 each nursing home in the disaster area on a daily basis to
26 determine if the nursing home is in need of services or
27 supplies to adequately care for residents. By June 1, 2005,
28 and annually thereafter, the Agency for Health Care
29 Administration shall publish an emergency telephone number
30 that can be used by nursing homes to contact the agency at the
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1 State Emergency Operation center on a 24-hour basis to report
2 requests for assistance.

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

4
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 2616

8 The committee substitute codifies specified reorganization of
9 certain state departments and agencies and assigns lead agency
10 responsibilities regarding planning and operation of Special
11 Needs Shelters, provides specific directions to the Special
12 Needs Shelter Interagency Committee regarding required
13 recommendations to the Legislature, directs the Department of
14 Health to establish a statewide database for Special Needs
15 Shelters registrants, requires the Department of Health to
16 provide rules to include certain minimum standards for Special
17 Needs Shelters, requires the Division of Emergency Management
18 to prepare and submit a biennial statewide emergency shelter
19 plan including specific requirements for Special Needs
20 Shelter, reduces allowed overcapacity time for facilities
21 receiving special needs patients from 30 days to 15 days
22 during a disaster, and requires the Agency for Health Care
23 Administration to make daily contact with nursing homes in a
24 disaster area and provide for a 24-hour emergency telephone
25 contact number to be made available to nursing homes.
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