

By the Committees on Community Affairs; Domestic Security; and  
Senator Clary

578-2284-05

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

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

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

1 information; revising the composition of the  
2 special needs shelter interagency committee;  
3 requiring the inclusion of specified rules with  
4 respect to special needs shelters and specified  
5 minimum standards therefor; providing  
6 requirements with respect to emergency  
7 management plans submitted by a home health  
8 agency, nurse registry, or hospice to a county  
9 health department for review; removing a  
10 condition of specified funding as a  
11 prerequisite to the submission of such plans;  
12 amending s. 252.385, F.S.; requiring the  
13 Division of Emergency Management of the  
14 Department of Community Affairs to prepare and  
15 submit a statewide emergency shelter plan to  
16 the Governor and the Cabinet for approval;  
17 providing plan requirements; requiring the  
18 Department of Health to assist the division in  
19 determining the estimated need for special  
20 needs shelter space; requiring inspection of  
21 public hurricane evacuation shelter facilities  
22 by local emergency management agencies prior to  
23 activation of such facilities; amending s.  
24 400.492, F.S.; providing that nurse registries,  
25 hospices, and durable medical equipment  
26 providers shall prepare and maintain a  
27 comprehensive emergency management plan;  
28 providing that home health, hospice, and  
29 durable medical equipment provider agencies  
30 shall not be required to continue to provide  
31 care to patients in emergency situations that

1 are beyond their control and that make it  
2 impossible to provide services; authorizing  
3 home health agencies, nurse registries,  
4 hospices, and durable medical equipment  
5 providers to establish links to local emergency  
6 operations centers to determine a mechanism to  
7 approach areas within a disaster area in order  
8 for the agency to reach its clients; providing  
9 that the presentation of home care or hospice  
10 clients to the special needs shelter without  
11 the home health agency or hospice making a good  
12 faith effort to provide services in the shelter  
13 setting constitutes abandonment of the client;  
14 requiring regulatory review in such cases;  
15 amending s. 408.831, F.S.; providing that  
16 entities regulated or licensed by the Agency  
17 for Health Care Administration may exceed their  
18 licensed capacity to act as a receiving  
19 facility under specified circumstances;  
20 providing requirements while such entities are  
21 in an overcapacity status; providing for  
22 issuance of an inactive license to such  
23 licensees under specified conditions; providing  
24 requirements and procedures with respect to the  
25 issuance and reactivation of an inactive  
26 license; providing fees; creating s. 252.357,  
27 F.S., requiring the Florida Comprehensive  
28 Emergency Management Plan to permit the Agency  
29 for Health Care Administration to initially  
30 contact nursing homes in disaster areas for  
31 specified monitoring purposes; requiring the

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

5 Be It Enacted by the Legislature of the State of Florida:  
6

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

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

11 (1) In order to meet the special needs of clients  
12 ~~persons~~ who would need assistance during evacuations and  
13 sheltering because of physical, mental, cognitive impairment,  
14 or sensory disabilities, each local emergency management  
15 agency in the state shall maintain a registry of persons with  
16 special needs located within the jurisdiction of the local  
17 agency. The registration shall identify those persons in need  
18 of assistance and plan for resource allocation to meet those  
19 identified needs. To assist the local emergency management  
20 agency in identifying such persons, the Department of Children  
21 and Family Services, Department of Health, Agency for Health  
22 Care Administration, Department of Education, Agency for  
23 Persons with Disabilities, ~~Department of Labor and Employment~~  
24 ~~Security,~~ and Department of Elderly Affairs shall provide  
25 registration information to all of their special needs clients  
26 and to all people with disabilities or special needs who  
27 receive services incoming clients as a part of the intake  
28 ~~process.~~ The registry shall be updated annually. The  
29 registration program shall give persons with special needs the  
30 option of preauthorizing emergency response personnel to enter  
31

1 their homes during search and rescue operations if necessary  
2 to assure their safety and 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 and special needs shelters and  
7 general information regarding shelter stays. The Department of  
8 Community Affairs shall disseminate such educational and  
9 outreach information through the local emergency management  
10 offices. The department shall coordinate the development of  
11 curriculum and dissemination of all community education and  
12 outreach related to special needs shelters with the  
13 Clearinghouse on Disability Information of the Governor's  
14 Working Group on the Americans with Disabilities Act, the  
15 Department of Children and Family Services, the Department of  
16 Health, the Agency for Health Care Administration, the  
17 Department of Education, the Agency for Persons with  
18 Disabilities, and the Department of Elderly Affairs.

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

24 ~~(4)(3)~~ All records, data, information, correspondence,  
25 and communications relating to the registration of persons  
26 with special needs as provided in subsection (1) are  
27 confidential and exempt from the provisions of s. 119.07(1),  
28 except that such information shall be available to other  
29 emergency response agencies, as determined by the local  
30 emergency management director, and shall be provided to the  
31

1 Department of Health in the furtherance of their duties and  
2 responsibilities.

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

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

17       381.0303 ~~Health practitioner recruitment for~~ Special  
18 needs shelters.--

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

31

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

5           (a) The department shall assume lead responsibility  
6 for the ~~local~~ coordination of local medical and health care  
7 providers, the American Red Cross, and other interested  
8 parties in developing a plan for the staffing and medical  
9 management of special needs shelters. The local Children's  
10 Medical Services offices shall assume lead responsibility for  
11 the local coordination of local medical and health care  
12 providers, the American Red Cross, and other interested  
13 parties in developing a plan for the staffing and medical  
14 management of pediatric special needs shelters. Plans shall  
15 conform to ~~The plan shall be in conformance with~~ the local  
16 comprehensive emergency management plan.

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

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

30           (d)~~(c)~~ Local emergency management agencies shall be  
31 responsible for the designation and operation of special needs

1 shelters during times of emergency or disaster and the closure  
2 of the facilities following an emergency or disaster. County  
3 health departments shall assist the local emergency management  
4 agency with regard to the management of medical services in  
5 special needs shelters.

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

10 (f) The Secretary of Elderly Affairs, or his or her  
11 designee, shall convene, at any time that he or she deems  
12 appropriate and necessary, a multiagency emergency special  
13 needs shelter response team or teams to assist local areas  
14 that are severely impacted by a natural or manmade disaster  
15 that requires the use of special needs shelters. Multiagency  
16 response teams shall provide assistance to local emergency  
17 management agencies with the continued operation or closure of  
18 the shelters, as well as with the discharge of special needs  
19 clients to alternate facilities if necessary. Local emergency  
20 management agencies may request the assistance of a  
21 multiagency response team by alerting statewide emergency  
22 management officials of the necessity for additional  
23 assistance in their area. The Secretary of Elderly Affairs is  
24 encouraged to proactively work with other state agencies prior  
25 to any natural disasters for which warnings are provided to  
26 ensure that multiagency response teams are ready to assemble  
27 and deploy rapidly upon a determination by state emergency  
28 management officials that a disaster area requires additional  
29 assistance. The Secretary of Elderly Affairs may call upon any  
30 state agency or office to provide staff to assist a  
31 multiagency response team or teams. Unless the secretary

1 determines that the nature or circumstances surrounding the  
2 disaster do not warrant participation from a particular  
3 agency's staff, each multiagency response team shall include  
4 at least one representative from each of the following state  
5 agencies:

- 6 1. Department of Elderly Affairs.
- 7 2. Department of Health.
- 8 3. Department of Children and Family Services.
- 9 4. Department of Veterans' Affairs.
- 10 5. Department of Community Affairs.
- 11 6. Agency for Health Care Administration.
- 12 7. Agency for Persons with Disabilities.

13 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND  
14 FACILITIES.--

15 (a) The Department of Health shall upon request  
16 ~~reimburse, subject to the availability of funds for this~~  
17 ~~purpose,~~ health care practitioners, as defined in s. 456.001,  
18 provided the practitioner is not providing care to a patient  
19 under an existing contract, and emergency medical technicians  
20 and paramedics licensed under ~~pursuant to~~ chapter 401, for  
21 medical care provided at the request of the department in  
22 special needs shelters or at other locations during times of  
23 emergency or a declared major disaster. Reimbursement for  
24 health care practitioners, except for physicians licensed  
25 under ~~pursuant to~~ chapter 458 or chapter 459, shall be based  
26 on the average hourly rate that such practitioners were paid  
27 according to the most recent survey of Florida hospitals  
28 conducted by the Florida Hospital Association. Reimbursement  
29 shall be requested on forms prepared by the Department of  
30 Health and shall be paid as specified in paragraph (d).  
31

1           (b) Hospitals and nursing homes that are used to  
2 shelter special needs clients during or after an evacuation  
3 may submit invoices for reimbursement to the department. The  
4 department shall develop a form for reimbursement and shall  
5 specify by rule which expenses are reimbursable and the rate  
6 of reimbursement for each service. Reimbursement for the  
7 services described in this paragraph shall be paid as  
8 specified in paragraph (d).

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

25           (d) If a Presidential Disaster Declaration has been  
26 issued ~~made~~, and the Federal Government makes funds available,  
27 the department shall use those ~~such~~ funds for reimbursement of  
28 eligible expenditures. In other situations, or if federal  
29 funds do not fully compensate the department for  
30 reimbursements permissible under ~~reimbursement made pursuant~~  
31 ~~to~~ this section, the department shall submit to the Cabinet or

1 the Legislature, as appropriate, a budget amendment to obtain  
2 reimbursement from the working capital fund. The department  
3 may not provide reimbursement to facilities under this  
4 subsection for services provided to a special needs client if,  
5 during the period of time in which the services were provided,  
6 the client was enrolled in another state-funded program, such  
7 as Medicaid or another similar program, which would otherwise  
8 pay for the same services. Travel expense and per diem costs  
9 shall be reimbursed pursuant to s. 112.061.

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

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

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

26 1. Develop and negotiate any necessary interagency  
27 agreements.

28 2. Undertake other such activities as the department  
29 deems necessary to facilitate the implementation of this  
30 section.

31

1           3. Submit recommendations to the Legislature as  
2 necessary. Such recommendations shall include, but not be  
3 limited to, the following:

4           a. Defining "special needs shelter."

5           b. Defining "special needs client."

6           c. Development of a uniform registration form for  
7 special needs clients.

8           d. Improving public awareness regarding the  
9 registration process.

10           e. Improving overall communications with special needs  
11 clients both before and after a disaster.

12           f. Recommending the construction or designation of  
13 additional special needs shelters in underserved areas of the  
14 state and the necessity of upgrading, modifying, or  
15 retrofitting existing special needs shelters.

16           g. Recommending guidelines to establish a statewide  
17 database designed to collect and disseminate timely and  
18 appropriate special needs registration information.

19           (b) The special needs shelter interagency committee  
20 shall be composed of representatives of emergency management,  
21 health, medical, and social services organizations. Membership  
22 shall include, but shall not be limited to, representatives of  
23 the Departments of Health, Community Affairs, Children and  
24 Family Services, Elderly Affairs, ~~Labor and Employment~~  
25 ~~Security~~, and Education; the Agency for Health Care  
26 Administration; the Florida Medical Association; the Florida  
27 Osteopathic Medical Association; Associated Home Health  
28 Industries of Florida, Inc.; the Florida Nurses Association;  
29 the Florida Health Care Association; the Florida Assisted  
30 Living Affiliation Association; the Florida Hospital  
31 Association; the Florida Statutory Teaching Hospital Council;

1 the Florida Association of Homes for the Aging; the Florida  
2 Emergency Preparedness Association; the American Red Cross;  
3 Florida Hospices and Palliative Care, Inc.; the Association of  
4 Community Hospitals and Health Systems; the Florida  
5 Association of Health Maintenance Organizations; the Florida  
6 League of Health Systems; Private Care Association; ~~and~~ the  
7 Salvation Army; the Florida Association of Aging Services  
8 Providers; and the AARP.

9 (c) Meetings of the committee shall be held in  
10 Tallahassee, and members of the committee shall serve at the  
11 expense of the agencies or organizations they represent. The  
12 committee shall make every effort to use teleconference or  
13 video conference capabilities in order to ensure statewide  
14 input and participation.

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

23 (a) The provision of electricity.

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

26 (c) Provision of transportation services.

27 (d) Compliance with applicable service animal laws.

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

30 (f) Provision of support and services for individuals  
31 with physical, cognitive, and psychiatric disabilities.

1           (g) Standardized applications that include specific  
2 eligibility criteria and the services an individual with  
3 special needs can expect to receive.

4           (h) Procedures for addressing the needs of  
5 unregistered individuals in need of shelter.

6           (i) Requirements that the special needs shelter  
7 location meets the Florida Accessibility Code for Building  
8 Construction. If the location fails to meet the standards, a  
9 plan must be provided describing how compliance will be  
10 achieved.

11           (j) Procedures for addressing the needs of families  
12 that are eligible for special needs shelter services. Specific  
13 procedures shall be developed to address the needs of families  
14 with multiple dependents where only one dependent is eligible  
15 for the special needs shelter. Specific procedures shall be  
16 developed to address the needs of adults with special needs  
17 who are caregivers for individuals without special needs.

18           (k) Standards for special needs shelters, including  
19 staffing, emergency power, transportation services, supplies,  
20 including durable medical equipment, and any other  
21 recommendations for minimum standards as determined by the  
22 committee.

23           (7) ~~REVIEW OF EMERGENCY MANAGEMENT PLANS; CONTINUITY~~  
24 ~~OF CARE.--~~Each emergency management plan submitted to a county  
25 health department by a home health agency pursuant to s.  
26 400.497, by a nurse registry pursuant to s. 400.506, or by a  
27 hospice pursuant to s. 400.610, shall specify the  
28 organization's functional staffing plan for special needs  
29 shelters to ensure continuity of care and services to its  
30 clients during and after the disaster or emergency situation.  
31 ~~The submission of Emergency management plans to county health~~

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

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

14 252.385 Public shelter space.--

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

29 (b) By January 31 of each even-numbered year, the  
30 Division of Emergency Management within the Department of  
31 Community Affairs shall prepare and submit a statewide

1 emergency shelter plan to the Governor and the Cabinet for  
2 approval, subject to the requirements for approval provided in  
3 s. 1013.37(2). The plan must also identify the general  
4 location and square footage of special needs shelters, by  
5 regional planning council region, during the next 5 years. The  
6 Department of Health shall assist the division in determining  
7 the estimated need for special needs shelter space based on  
8 information from the special needs registration database and  
9 other factors.

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

23           (b) The Department of Management Services shall  
24 incorporate provisions for the use of suitable leased public  
25 facilities as public hurricane evacuation shelters into lease  
26 agreements for state agencies. Suitable leased public  
27 facilities include leased public facilities that are solely  
28 occupied by state agencies and have at least 2,000 square feet  
29 of net floor area in a single room or in a combination of  
30 rooms having a minimum of 400 square feet in each room. The  
31 net square footage of floor area must be determined by

1 subtracting from the gross square footage the square footage  
2 of spaces such as mechanical and electrical rooms, storage  
3 rooms, open corridors, restrooms, kitchens, science or  
4 computer laboratories, shop or mechanical areas,  
5 administrative offices, records vaults, and crawl spaces.

6 (c) The Department of Management Services shall, in  
7 consultation with local and state emergency management  
8 agencies, assess Department of Management Services facilities  
9 to identify the extent to which each facility has public  
10 hurricane evacuation shelter space. The Department of  
11 Management Services shall submit proposed facility retrofit  
12 projects that incorporate hurricane protection enhancements to  
13 the department for assessment and inclusion in the annual  
14 report prepared in accordance with subsection (3).

15 Section 4. Section 400.492, Florida Statutes, is  
16 amended to read:

17 400.492 Provision of services during an  
18 emergency.--Each home health agency, nurse registry, hospice,  
19 or durable medical equipment provider shall prepare and  
20 maintain a comprehensive emergency management plan that is  
21 consistent with the standards adopted by national  
22 accreditation organizations and consistent with the local  
23 special needs plan. The plan shall be updated annually and  
24 shall provide for continuing home health, nurse registry,  
25 hospice, or durable medical equipment services during an  
26 emergency that interrupts patient care or services in the  
27 patient's home. The plan shall describe how the home health  
28 agency, nurse registry, hospice, or durable medical equipment  
29 provider establishes and maintains an effective response to  
30 emergencies and disasters, including: notifying staff when  
31 emergency response measures are initiated; providing for

1 communication between staff members, county health  
2 departments, and local emergency management agencies,  
3 including a backup system; identifying resources necessary to  
4 continue essential care or services or referrals to other  
5 organizations subject to written agreement; and prioritizing  
6 and contacting patients who need continued care or services.

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

19 (2) Each home health agency shall maintain a current  
20 prioritized list of patients who need continued services  
21 during an emergency. The list shall indicate how services  
22 shall be continued in the event of an emergency or disaster  
23 for each patient and if the patient is to be transported to a  
24 special needs shelter, and shall indicate if the patient is  
25 receiving skilled nursing services and the patient's  
26 medication and equipment needs. The list shall be furnished to  
27 county health departments and to local emergency management  
28 agencies, upon request.

29 (3) Home health, hospice, and durable medical  
30 equipment provider agencies shall not be required to continue  
31 to provide care to patients in emergency situations that are

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

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

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

19 408.831 Denial, suspension, or revocation of a  
20 license, registration, certificate, or application.--

21 (1) In addition to any other remedies provided by law,  
22 the agency may deny each application or suspend or revoke each  
23 license, registration, or certificate of entities regulated or  
24 licensed by it:

25 (a) If the applicant, licensee, registrant, or  
26 certificateholder, or, in the case of a corporation,  
27 partnership, or other business entity, if any officer,  
28 director, agent, or managing employee of that business entity  
29 or any affiliated person, partner, or shareholder having an  
30 ownership interest equal to 5 percent or greater in that  
31 business entity, has failed to pay all outstanding fines,

1 liens, or overpayments assessed by final order of the agency  
2 or final order of the Centers for Medicare and Medicaid  
3 Services, not subject to further appeal, unless a repayment  
4 plan is approved by the agency; or

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

6 (2) In reviewing any application requesting a change  
7 of ownership or change of the licensee, registrant, or  
8 certificateholder, the transferor shall, prior to agency  
9 approval of the change, repay or make arrangements to repay  
10 any amounts owed to the agency. Should the transferor fail to  
11 repay or make arrangements to repay the amounts owed to the  
12 agency, the issuance of a license, registration, or  
13 certificate to the transferee shall be delayed until repayment  
14 or until arrangements for repayment are made.

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

29 (4) An inactive license may be issued to a licensee  
30 subject to this section when the provider is located in a  
31

1 geographic area where a state of emergency was declared by the  
2 Governor of Florida if the provider:

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

5 (b) Is currently licensed.

6 (c) Does not have a provisional license.

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

9  
10 An inactive license may be issued for a period not to exceed  
11 12 months but may be renewed by the agency for up to 6  
12 additional months upon demonstration to the agency of progress  
13 toward reopening. A request by a licensee for an inactive  
14 license or to extend the previously approved inactive period  
15 must be submitted in writing to the agency, accompanied by  
16 written justification for the inactive license which states  
17 the beginning and ending dates of inactivity and includes a  
18 plan for the transfer of any clients to other providers and  
19 appropriate licensure fees. Upon agency approval, the licensee  
20 shall notify clients of any necessary discharge or transfer as  
21 required by authorizing statutes or applicable rules. The  
22 beginning of the inactive licensure period shall be the date  
23 the provider ceases operations. The end of the inactive period  
24 shall become the licensee expiration date and all licensure  
25 fees must be current, paid in full, and may be prorated.  
26 Reactivation of an inactive license requires the prior  
27 approval by the agency of a renewal application, including  
28 payment of licensure fees and agency inspections indicating  
29 compliance with all requirements of this part and applicable  
30 rules and statutes.

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1           ~~(5)(3)~~ This section provides standards of enforcement  
2 applicable to all entities licensed or regulated by the Agency  
3 for Health Care Administration. This section controls over any  
4 conflicting provisions of chapters 39, 381, 383, 390, 391,  
5 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted  
6 pursuant to those chapters.

7           Section 6. Section 252.357, Florida Statutes, is  
8 created to read:

9           252.357 Monitoring of nursing homes during  
10 disaster.--The Florida Comprehensive Emergency Management Plan  
11 shall permit the Agency for Health Care Administration,  
12 working from the agency's offices or in the Emergency  
13 Operations Center, ESF-8, to make initial contact with each  
14 nursing home in the disaster area. The agency, by July 15,  
15 2005, and annually thereafter, shall publish on the Internet  
16 an emergency telephone number that can be used by nursing  
17 homes to contact the agency on a schedule established by the  
18 agency to report requests for assistance. The agency may also  
19 provide the telephone number to each facility when it makes  
20 the initial facility call.

21           Section 7. This act shall take effect July 1, 2005.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   CS/SB 2616  
4                   The committee substitute for committee substitute (CS) deletes  
5                   language requiring the Agency for Workforce Innovation to  
6                   provide certain registration information. It deletes language  
7                   that specified which agency would assume lead responsibility  
8                   for certain clients in the event of a disaster. Instead, it  
9                   designates the Department of Elderly Affairs as the lead  
10                  agency responsible for convening a multiagency emergency  
11                  special needs response team to assist local areas severely  
12                  impacted by a natural or manmade disaster. Other agencies are  
13                  required to assist the department in this effort. The CS also  
14                  provides for the reimbursement of health care facilities, such  
15                  as a nursing home, assisted living facility, or a community  
16                  residential group home, for caring for special needs shelter  
17                  clients that have been discharged from a special needs  
18                  shelter.  
19                  This CS requires a special needs shelter interagency  
20                  committee, if established by the Department of Health, to make  
21                  additional recommendations to the Legislature. It deletes  
22                  language requiring the Department of Health to establish a  
23                  statewide database for special needs registration information.  
24                  Finally, the CS requires the Agency for Health Care  
25                  Administration to make initial contact with nursing homes in a  
26                  disaster area and provide a schedule for the nursing homes to  
27                  contact the agency thereafter to report requests for  
28                  assistance.  
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