

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 467
SPONSOR(S): Clarke
TIED BILLS:

Assisted Care Communities

IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---|--------|---------|----------------|
| 1) Elder & Long-Term Care Committee | | Walsh | Liem |
| 2) Future of Florida's Families Committee | | | |
| 3) Health & Families Council | | | |
| 4) _____ | | | |
| 5) _____ | | | |

SUMMARY ANALYSIS

HB 467 transfers provisions relating to assisted living facilities from Part III, Chapter 400, F.S., to newly-created Chapter 429, F.S., to be entitled "Assisted Care Communities."

The effective date is July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Chapter 400, F.S., is entitled "Nursing Homes and Related Health Care Facilities." It consists of 13 parts:

| PART | TITLE |
|------|--|
| I | Long-Term Care Facilities: Ombudsman Program |
| II | Nursing Homes |
| III | Assisted Living Facilities |
| IV | Home Health Agencies |
| V | Adult Day Care Centers |
| VI | Hospices |
| VII | Adult Family-Care Home Act |
| VIII | Intermediate, Special Services, and Transitional-Living Facilities |
| IX | Prescribed Pediatric Extended Care Centers |
| X | Home Medical Equipment Providers |
| XI | Intermediate Care Facilities for Developmentally Disabled Persons |
| XII | Health Care Services Pools |
| XIII | Health Care Clinic Act |

Part III of Chapter 400, F.S., was created in 1975 and details the licensing and regulatory requirements for assisted living facilities. An assisted living facility is

any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.¹

HB 467 moves Part III to newly-created Chapter 429, F.S., to be entitled "Assisted Care Communities." It directs the Division of Statutory Revision to prepare a reviser's bill to for introduction at a subsequent session of the Legislature to conform the statutes to the changes made by this bill.

C. SECTION DIRECTORY:

Section 1: Renumbers ss. 400.401-400.504, F.S., as ss. 429.01-429.49, F.S.; creates Chapter 429, Assisted Care Communities.

Section 2: Directs Division of Statutory Revision to make conforming changes to Florida Statutes.

Section 3: Provides an effective date of July 1, 2005.

¹ S. 400.402(6), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The municipal/county mandates provision in section 18 of article VII of the Florida Constitution does not appear to be applicable since the bill does not appear to require counties or municipalities to take action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Division of Statutory Revision (Division) is charged with

a systematic and continuing study of the statutes and laws of this state for the purpose of reducing their number and bulk, removing inconsistencies, redundancies, and unnecessary repetitions and otherwise improving their clarity and facilitating their correct and proper interpretation; and for the same purpose, to prepare and submit to the Legislature reviser's bills and bills for the amendment, consolidation, revision, repeal, or

other alterations or changes in any general statute or laws or parts thereof of a general nature and application of the preceding session or sessions which may appear to be subject to revision.²

Staff of the committee and the Division reviewed the statutory changes that would result from the movement of Part III of Chapter 400 to newly-created Chapter 429. Because of the inter-relatedness of Part III to other parts of Chapter 400, many of the necessary changes are substantive rather than merely clarifying, and thus outside the purview of a reviser's bill. Accordingly, it is suggested that Section 2 of the bill be deleted and replaced by an amendment specifying each conforming change required to accurately move Part III of Chapter 400 to its new chapter.

The Agency for Health Care Administration (AHCA) notes that the bill impacts the regulatory and systematic relationship between assisted living facilities and adult family care homes. Adult family care homes mirror the services on a smaller scale to that of assisted living facilities. If the reasons for transferring the provisions relating to assisted living facilities are to identify them to a more closely defined program as it relates to their services, AHCA suggests that adult family care homes, Part VII of Chapter 400, should also be moved to Chapter 429.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

² S.11.242(1), F.S.