

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 467 CS Assisted Care Communities
SPONSOR(S): Clarke and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1836

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder & Long-Term Care Committee	7 Y, 0 N, w/CS	Walsh	Liem
2) Future of Florida's Families Committee	6 Y, 0 N	Preston	Collins
3) Health & Families Council	9 Y, 0 N, w/CS	Walsh	Moore
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Council Substitute for HB 467 transfers provisions relating to assisted living facilities, adult family-care homes, and adult day care centers from Parts III, V, and VII of Chapter 400, F.S., to newly-created Parts I, III and II of Chapter 429, F.S., to be entitled "Assisted Care Communities."

The CS makes multiple statutory revisions which specify each conforming change required to accurately move these sections to their new chapter.

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 defined as:

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

Part V of Chapter 400, F.S., was created in 1978 and details the licensing and regulatory requirements for adult day care centers. An "adult day care center" is defined as:

any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.²

Part VII of Chapter 400, F.S., was created in 1985 and details the licensing and regulatory requirements for adult family-care homes. An "adult family-care home" is defined as:

¹ S. 400.402(6), F.S.

² S. 400.551(1), F.S.

a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives.³

It is believed that transferring the provisions that regulate assisted living facilities, adult family-care homes, and adult day care centers into an independent chapter will help to more closely identify these programs as providing similar services. Additionally, the proposed chapter title is descriptive of the broad range of services provided under its parts.

Council Substitute for HB 467 moves Parts III, V, and VII of Chapter 400, F.S., to newly-created Chapter 429, F.S., to be entitled "Assisted Care Communities." It makes multiple changes to Florida Statutes, which specify each conforming change required to reflect the relocation of these sections to the newly-created chapter.

C. SECTION DIRECTORY:

Section 1: Creates Chapter 429, Assisted Care Communities.

Section 2: Renumbers ss. 400.401 through 400.454 as ss. 429.01 through 429.54 and designates those sections as Part I, Assisted Living Facilities.

Section 3: Renumbers ss. 400.616 through 400.629 as ss. 429.60 through 429.87 and designates those sections as Part II, Adult Family-Care Homes.

Section 4: Renumbers ss. 400.55 through 400.564 as ss. 429.90 through 429.933 and designates those sections as Part III, Adult Day Care Centers.

Sections 5 through 123: Specifies each conforming change required to reflect the relocation of Parts III, V and III of Chapter 400, F.S., to newly-created Chapter 429.

Section 124: Directs the Division of Statutory Revision to prepare a reviser's bill for introduction at a subsequent legislative session making conforming changes to Florida Statutes.

Section 125: Provides an effective date of July 1, 2005.

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.

³ S. 400.618(2), F.S.

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:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 9, 2005, meeting, the Committee on Elder & Long-Term Care adopted a Committee Substitute for HB 467. The CS replaced a direction to the Division of Statutory Revision, to prepare a reviser's bill to conform the statutes to the changes made by the bill, with multiple bill sections specifying each conforming change required to reflect the relocation of Part III of Chapter 400, F.S., to newly-created Chapter 429.

At its April 18, 2005, meeting, the Health and Families Council adopted an amendment to the Elder & Long-Term Care Committee Substitute for HB 467. The amendment relocates Parts V and VII of Chapter 400, F.S., relating to Adult Day Care Centers and Adult Family-Care Homes, to Parts III and II of newly-created Chapter 429, F.S. The Council favorably reported a Council Substitute.

This analysis is drawn to the Council Substitute.