



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 |          providing that state employees with a  
22 |          preestablished role in disaster response may be  
23 |          called upon to serve in times of disaster in  
24 |          specified capacities; requiring the Secretary  
25 |          of Elderly Affairs to convene a multiagency  
26 |          emergency special needs shelter response team  
27 |          or teams to assist local areas that are  
28 |          severely impacted by a natural or manmade  
29 |          disaster that requires the use of special needs  
30 |          shelters; providing duties and responsibilities  
31 |          of multiagency response teams; authorizing

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

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

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

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

2

3 Section 1. Section 252.355, Florida Statutes, is  
4 amended to read:

5 252.355 Registry of persons with special needs;  
6 notice.--

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

29 (2) The Department of Community Affairs shall be the  
30 designated lead agency responsible for community education and  
31 outreach to the general public, including special needs

1 clients, regarding registration and special needs shelters and  
2 general information regarding shelter stays. The Department of  
3 Community Affairs shall disseminate such educational and  
4 outreach information through the local emergency management  
5 offices. The department shall coordinate the development of  
6 curriculum and dissemination of all community education and  
7 outreach related to special needs shelters with the  
8 Clearinghouse on Disability Information of the Governor's  
9 Working Group on the Americans with Disabilities Act, the  
10 Department of Children and Family Services, the Department of  
11 Health, the Agency for Health Care Administration, the  
12 Department of Education, the Agency for Persons with  
13 Disabilities, and the Department of Elderly Affairs.

14 ~~(3)(2)~~ On or before May 1 of each year each electric  
15 utility in the state shall annually notify residential  
16 customers in its service area of the availability of the  
17 registration program available through their local emergency  
18 management agency.

19 ~~(4)(3)~~ All records, data, information, correspondence,  
20 and communications relating to the registration of persons  
21 with special needs as provided in subsection (1) are  
22 confidential and exempt from the provisions of s. 119.07(1),  
23 except that such information shall be available to other  
24 emergency response agencies, as determined by the local  
25 emergency management director, and shall be provided to the  
26 Department of Health in the furtherance of their duties and  
27 responsibilities.

28 ~~(5)(4)~~ All appropriate agencies and community-based  
29 service providers, including home health care providers, and  
30 hospices, shall assist emergency management agencies by  
31 collecting registration information for persons with special

1 needs as part of program intake processes, establishing  
2 programs to increase the awareness of the registration  
3 process, and educating clients about the procedures that may  
4 be necessary for their safety during disasters. Clients of  
5 state or federally funded service programs with physical,  
6 mental, cognitive impairment, or sensory disabilities who need  
7 assistance in evacuating, or when in shelters, must register  
8 as persons with special needs.

9 Section 2. Section 381.0303, Florida Statutes, is  
10 amended to read:

11 381.0303 ~~Health practitioner recruitment for~~ Special  
12 needs shelters.--

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

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

29 (a) The department shall assume lead responsibility  
30 for the ~~local~~ coordination of local medical and health care  
31 providers, the American Red Cross, and other interested



1 parties in developing a plan for the staffing and medical  
2 management of special needs shelters. The local Children's  
3 Medical Services offices shall assume lead responsibility for  
4 the local coordination of local medical and health care  
5 providers, the American Red Cross, and other interested  
6 parties in developing a plan for the staffing and medical  
7 management of pediatric special needs shelters. Plans shall  
8 conform to ~~The plan shall be in conformance with~~ the local  
9 comprehensive emergency management plan.

10 (b)(a) County health departments shall, in conjunction  
11 with the local emergency management agencies, have the lead  
12 responsibility for coordination of the recruitment of health  
13 care practitioners to staff local special needs shelters.  
14 County health departments shall assign their employees to work  
15 in special needs shelters when those employees are needed to  
16 protect the health and safety of special needs clients ~~of~~  
17 patients. County governments shall assist in this process.

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

23 (d)(e) Local emergency management agencies shall be  
24 responsible for the designation and operation of special needs  
25 shelters during times of emergency or disaster and the closure  
26 of the facilities following an emergency or disaster. County  
27 health departments shall assist the local emergency management  
28 agency with regard to the management of medical services in  
29 special needs shelters.

30 (e) State employees having a preestablished role in  
31 disaster response, unless they have other mandated response

1 activities that preclude participation, may be called upon to  
2 serve in times of disaster commensurate with their knowledge,  
3 skills, and abilities and any needed activities related to the  
4 situation.

5 (f) The Secretary of Elderly Affairs, or his or her  
6 designee, shall convene, at any time that he or she deems  
7 appropriate and necessary, a multiagency emergency special  
8 needs shelter response team or teams to assist local areas  
9 that are severely impacted by a natural or manmade disaster  
10 that requires the use of special needs shelters. Multiagency  
11 response teams shall provide assistance to local emergency  
12 management agencies with the continued operation or closure of  
13 the shelters, as well as with the discharge of special needs  
14 clients to alternate facilities if necessary. Local emergency  
15 management agencies may request the assistance of a  
16 multiagency response team by alerting statewide emergency  
17 management officials of the necessity for additional  
18 assistance in their area. The Secretary of Elderly Affairs is  
19 encouraged to proactively work with other state agencies prior  
20 to any natural disasters for which warnings are provided to  
21 ensure that multiagency response teams are ready to assemble  
22 and deploy rapidly upon a determination by state emergency  
23 management officials that a disaster area requires additional  
24 assistance. The Secretary of Elderly Affairs may call upon any  
25 state agency or office to provide staff to assist a  
26 multiagency response team or teams. Unless the secretary  
27 determines that the nature of or circumstances surrounding the  
28 disaster do not warrant participation from a particular  
29 agency's staff, each multiagency response team shall include  
30 at least one representative from each of the following state  
31 agencies:

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

8           (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND  
9 FACILITIES.--

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

26           (b) Hospitals and nursing homes that are used to  
27 shelter special needs clients during or after an evacuation  
28 may submit invoices for reimbursement to the department. The  
29 department shall develop a form for reimbursement and shall  
30 specify by rule which expenses are reimbursable and the rate  
31 of reimbursement for each service. Reimbursement for the

1 services described in this paragraph shall be paid as  
2 specified in paragraph (d).

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

19 (d) If a Presidential Disaster Declaration has been  
20 issued ~~made,~~ and the Federal Government makes funds available,  
21 the department shall use those ~~such~~ funds for reimbursement of  
22 eligible expenditures. In other situations, or if federal  
23 funds do not fully compensate the department for  
24 reimbursements permissible under ~~reimbursement made pursuant~~  
25 ~~to~~ this section, the department shall process a budget  
26 amendment to obtain reimbursement from unobligated,  
27 unappropriated moneys in the General Revenue Fund. The  
28 department shall not provide reimbursement to facilities under  
29 this subsection for services provided to a special needs  
30 client if, during the period of time in which the services  
31 were provided, the client was enrolled in another state-funded

1 program, such as Medicaid or another similar program, which  
2 would otherwise pay for the same services. Travel expense and  
3 per diem costs shall be reimbursed pursuant to s. 112.061.

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

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

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

- 20 1. Develop and negotiate any necessary interagency  
21 agreements.
- 22 2. Undertake other such activities as the department  
23 deems necessary to facilitate the implementation of this  
24 section.
- 25 3. Submit recommendations to the Legislature as  
26 necessary. Such recommendations shall include, but not be  
27 limited to, the following:
- 28 a. Defining "special needs shelter."  
29 b. Defining "special needs client."  
30 c. Development of a uniform registration form for  
31 special needs clients.

1           d. Improving public awareness regarding the  
2 registration process.

3           e. Improving overall communications with special needs  
4 clients both before and after a disaster.

5           f. Recommending the construction or designation of  
6 additional special needs shelters in underserved areas of the  
7 state and the necessity of upgrading, modifying, or  
8 retrofitting existing special needs shelters.

9           g. Recommending guidelines to establish a statewide  
10 database designed to collect and disseminate timely and  
11 appropriate special needs registration information.

12           (b) The special needs shelter interagency committee  
13 shall be composed of representatives of emergency management,  
14 health, medical, and social services organizations. Membership  
15 shall include, but shall not be limited to, representatives of  
16 the Departments of Health, Community Affairs, Children and  
17 Family Services, Elderly Affairs, ~~Labor and Employment~~  
18 ~~Security~~, and Education; the Agency for Health Care  
19 Administration; the Florida Medical Association; the Florida  
20 Osteopathic Medical Association; Associated Home Health  
21 Industries of Florida, Inc.; the Florida Nurses Association;  
22 the Florida Health Care Association; the Florida Assisted  
23 Living ~~Affiliation Association~~; the Florida Hospital  
24 Association; the Florida Statutory Teaching Hospital Council;  
25 the Florida Association of Homes for the Aging; the Florida  
26 Emergency Preparedness Association; the American Red Cross;  
27 Florida Hospices and Palliative Care, Inc.; the Association of  
28 Community Hospitals and Health Systems; the Florida  
29 Association of Health Maintenance Organizations; the Florida  
30 League of Health Systems; Private Care Association; ~~and~~ the  
31

1 Salvation Army; the Florida Association of Aging Services  
2 Providers; the Florida Renal Coalition; and the AARP.

3 (c) Meetings of the committee shall be held in  
4 Tallahassee, and members of the committee shall serve at the  
5 expense of the agencies or organizations they represent. The  
6 committee shall make every effort to use teleconference or  
7 video conference capabilities in order to ensure statewide  
8 input and participation.

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

17 (a) Staffing levels for provision of services to  
18 assist individuals with activities of daily living.

19 (b) Provision of transportation services.

20 (c) Compliance with applicable service animal laws.

21 (d) Eligibility criteria that include individuals with  
22 physical, cognitive, and psychiatric disabilities.

23 (e) Provision of support and services for individuals  
24 with physical, cognitive, and psychiatric disabilities,  
25 including persons receiving dialysis.

26 (f) Standardized applications that include specific  
27 eligibility criteria and the services an individual with  
28 special needs can expect to receive.

29 (g) Procedures for addressing the needs of  
30 unregistered individuals in need of shelter.

31

1           (h) Requirements that the special needs shelter  
2 location meets the Florida Accessibility Code for Building  
3 Construction. If the location fails to meet the standards, a  
4 plan must be provided describing how compliance will be  
5 achieved.

6           (i) Procedures for addressing the needs of families  
7 that are eligible for special needs shelter services. Specific  
8 procedures shall be developed to address the needs of families  
9 with multiple dependents where only one dependent is eligible  
10 for the special needs shelter. Specific procedures shall be  
11 developed to address the needs of adults with special needs  
12 who are caregivers for individuals without special needs.

13           (j) Standards for special needs shelters, including  
14 staffing, onsite emergency power, transportation services,  
15 supplies, including durable medical equipment, and any other  
16 recommendations for minimum standards as determined by the  
17 committee.

18           (7) ~~REVIEW OF EMERGENCY MANAGEMENT PLANS; CONTINUITY~~  
19 ~~OF CARE.--Each emergency management plan submitted to a county~~  
20 ~~health department by a home health agency pursuant to s.~~  
21 ~~400.497, by a nurse registry pursuant to s. 400.506, or by a~~  
22 ~~hospice pursuant to s. 400.610 shall specify the~~  
23 ~~organization's functional staffing plan for special needs~~  
24 ~~shelters to ensure continuity of care and services to its~~  
25 ~~clients during and after the disaster or emergency situation.~~  
26 ~~The submission of Emergency management plans to county health~~  
27 ~~departments by home health agencies pursuant to s.~~  
28 ~~400.497(8)(c) and (d) and by nurse registries pursuant to s.~~  
29 ~~400.506(16)(c) and by hospice programs pursuant to s.~~  
30 ~~400.610(1)(b) is conditional upon the receipt of an~~  
31 ~~appropriation by the department to establish medical services~~



1 ~~disaster coordinator positions in county health departments~~  
2 ~~unless the secretary of the department and a local county~~  
3 ~~commission jointly determine to require such plans to be~~  
4 ~~submitted based on a determination that there is a special~~  
5 ~~need to protect public health in the local area during an~~  
6 ~~emergency.~~

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

9 252.385 Public shelter space.--

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

24 (b) By January 31 of each even-numbered year, the  
25 Division of Emergency Management of the Department of  
26 Community Affairs shall prepare and submit a statewide  
27 emergency shelter plan to the Governor and the Cabinet for  
28 approval, subject to the requirements for approval provided in  
29 s. 1013.37(2). The plan must also identify the general  
30 location and square footage of special needs shelters, by  
31 regional planning council region, during the next 5 years. The

1 Department of Health shall assist the division in determining  
2 the estimated need for special needs shelter space based on  
3 information from the special needs registration database and  
4 other factors.

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

18           (b) The Department of Management Services shall  
19 incorporate provisions for the use of suitable leased public  
20 facilities as public hurricane evacuation shelters into lease  
21 agreements for state agencies. Suitable leased public  
22 facilities include leased public facilities that are solely  
23 occupied by state agencies and have at least 2,000 square feet  
24 of net floor area in a single room or in a combination of  
25 rooms having a minimum of 400 square feet in each room. The  
26 net square footage of floor area must be determined by  
27 subtracting from the gross square footage the square footage  
28 of spaces such as mechanical and electrical rooms, storage  
29 rooms, open corridors, restrooms, kitchens, science or  
30 computer laboratories, shop or mechanical areas,  
31 administrative offices, records vaults, and crawl spaces.

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

10 Section 4. Section 400.492, Florida Statutes, is  
11 amended to read:

12 400.492 Provision of services during an  
13 emergency.--Each home health agency, nurse registry, hospice,  
14 or durable medical equipment provider shall prepare and  
15 maintain a comprehensive emergency management plan that is  
16 consistent with the standards adopted by national  
17 accreditation organizations and consistent with the local  
18 special needs plan. The plan shall be updated annually and  
19 shall provide for continuing home health, nurse registry,  
20 hospice, or durable medical equipment services during an  
21 emergency that interrupts patient care or services in the  
22 patient's home. The plan shall describe how the home health  
23 agency, nurse registry, hospice, or durable medical equipment  
24 provider establishes and maintains an effective response to  
25 emergencies and disasters, including: notifying staff when  
26 emergency response measures are initiated; providing for  
27 communication between staff members, county health  
28 departments, and local emergency management agencies,  
29 including a backup system; identifying resources necessary to  
30 continue essential care or services or referrals to other  
31

1 organizations subject to written agreement; and prioritizing  
2 and contacting patients who need continued care or services.

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

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

25 (3) Home health, hospice, and durable medical  
26 equipment provider agencies shall not be required to continue  
27 to provide care to patients in emergency situations that are  
28 beyond their control and that make it impossible to provide  
29 services, such as when roads are impassable or when patients  
30 do not go to the location specified in their patient records.  
31 Home health agencies, nurse registries, hospices, and durable

1 medical equipment providers may establish links to local  
2 emergency operations centers to determine a mechanism to  
3 approach areas within the disaster area in order for the  
4 agency to reach its clients. The presentation of home care or  
5 hospice clients to a special needs shelter without the home  
6 health agency or hospice making a good faith effort to provide  
7 services in the shelter setting will constitute abandonment of  
8 the client and will result in regulatory review.

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

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

15           408.831 Denial, suspension, or revocation of a  
16 license, registration, certificate, or application.--

17           (1) In addition to any other remedies provided by law,  
18 the agency may deny each application or suspend or revoke each  
19 license, registration, or certificate of entities regulated or  
20 licensed by it:

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

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

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

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

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

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

31 (b) Is currently licensed.

1           (c) Does not have a provisional license.

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

4  
5 An inactive license may be issued for a period not to exceed  
6 12 months but may be renewed by the agency for up to 6  
7 additional months upon demonstration to the agency of progress  
8 toward reopening. A request by a licensee for an inactive  
9 license or to extend the previously approved inactive period  
10 must be submitted in writing to the agency, accompanied by  
11 written justification for the inactive license which states  
12 the beginning and ending dates of inactivity and includes a  
13 plan for the transfer of any clients to other providers and  
14 appropriate licensure fees. Upon agency approval, the licensee  
15 shall notify clients of any necessary discharge or transfer as  
16 required by authorizing statutes or applicable rules. The  
17 beginning of the inactive licensure period shall be the date  
18 the provider ceases operations. The end of the inactive period  
19 shall become the licensee expiration date, and all licensure  
20 fees must be current or paid in full and may be prorated.  
21 Reactivation of an inactive license requires the prior  
22 approval by the agency of a renewal application, including  
23 payment of licensure fees and agency inspections indicating  
24 compliance with all requirements of this part and applicable  
25 rules and statutes.

26           ~~(5)(3)~~ This section provides standards of enforcement  
27 applicable to all entities licensed or regulated by the Agency  
28 for Health Care Administration. This section controls over any  
29 conflicting provisions of chapters 39, 381, 383, 390, 391,  
30 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted  
31 pursuant to those chapters.

1           Section 6. Section 252.357, Florida Statutes, is  
2 created to read:

3           252.357 Monitoring of nursing homes during  
4 disaster.--The Florida Comprehensive Emergency Management Plan  
5 shall permit the Agency for Health Care Administration,  
6 working from the agency's offices or in the Emergency  
7 Operations Center, ESF-8, to make initial contact with each  
8 nursing home in the disaster area. The agency, by July 15,  
9 2005, and annually thereafter, shall publish on the Internet  
10 an emergency telephone number that can be used by nursing  
11 homes to contact the agency on a schedule established by the  
12 agency to report requests for assistance. The agency may also  
13 provide the telephone number to each facility when it makes  
14 the initial facility call.

15           Section 7. This act shall take effect July 1, 2006.

16  
17           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18           COMMITTEE SUBSTITUTE FOR  
19           Senate Bill 1058

20           The committee substitute exempts state employees with a  
21 pre-established disaster response role from serving in times  
22 of disaster if they have other mandated response activities  
23 that preclude participation.  
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