

1 (3) This moratorium on certificates of need shall not
2 apply to sheltered nursing home beds in a continuing care
3 retirement community certified by the former Department of
4 Insurance or by the Office of Insurance Regulation pursuant to
5 chapter 651.

6 (4)(a) The moratorium on certificates of need does not
7 apply and a certificate of need for additional community
8 nursing home beds may be approved for a county that meets the
9 following circumstances:

- 10 1. The county has no community nursing home beds; and
11 2. The lack of community nursing home beds occurs
12 because all nursing home beds in the county that were licensed
13 on July 1, 2001, have subsequently closed.

14 (b) The certificate-of-need review for such
15 circumstances shall be subject to the comparative review
16 process consistent with the provisions of s. 408.039, and the
17 number of beds may not exceed the number of beds lost by the
18 county after July 1, 2001.

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20 This subsection shall be repealed upon the expiration of the
21 moratorium established in subsection (1).

22 (5) The moratorium on certificates of need does not
23 apply for the addition of nursing home beds licensed under
24 chapter 400 to a nursing home located in a county having up to
25 50,000 residents, in a number not exceeding 10 total beds or
26 10 percent of the number of beds licensed in the facility
27 being expanded, whichever is greater. In addition to any other
28 documentation required by the agency, a request submitted
29 under this subsection must:

1 (a) Certify that the facility has not had any class I
2 or class II deficiencies within the 30 months preceding the
3 request for addition.

4 (b) Certify that the prior 12-month average occupancy
5 rate for the nursing home beds at the facility meets or
6 exceeds 94 percent and the facility had not had any class I or
7 class II deficiencies since its initial licensure.

8 (c) For a facility that has been licensed for less
9 than 24 months, certify that the prior 6-month average
10 occupancy rate for the nursing home beds at the facility meets
11 or exceeds 94 percent and that the facility has not had any
12 class I or class II deficiencies since its initial licensure.

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14 This subsection shall be repealed upon the expiration of the
15 moratorium established in subsection (1).

16 (6) The moratorium on certificates of need does not
17 apply for the addition of nursing home beds licensed under
18 chapter 400 in a number not exceeding 10 total beds or 10
19 percent of the number of beds licensed in the facility being
20 expanded, whichever is greater, if the facility meets the
21 requirements of paragraph (a).

22 (a) In addition to any other documentation required by
23 the agency, a request for the addition of beds under this
24 subsection must certify that:

25 1. The facility has not had any class I or class II
26 deficiencies within the 30 months preceding the request for
27 addition;

28 2. The prior 12-month average occupancy rate for the
29 nursing home beds at the facility meets or exceeds 96 percent;

30 3. The occupancy rate for nursing home beds in the
31 subdistrict is 94 percent or greater; and

