

Bill No. CS for CS for SB 862

Barcode 090474

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Diaz de la Portilla moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 On page 9, lines 18 and 19, delete those lines

15

16 insert:

17 Section 8. The Legislature finds that there is a
18 compelling need to better coordinate emergency response
19 capabilities among local, state, federal, nongovernment, and
20 private sector partners to provide the best and most effective
21 postdisaster services to the people of the State of Florida.
22 In order to encourage the rapid recovery of economies in
23 disaster affected areas, the Legislature finds that programs
24 to restore normal commerce in communities should be a part of
25 the State Comprehensive Emergency Management Plan. The
26 Legislature recognizes nongovernment agencies and the private
27 sector as key partners in disaster preparedness, response, and
28 recovery. Further, the Legislature recognizes the demonstrated
29 abilities and contributions of these entities in successfully
30 providing logistical support and commodities through
31 well-proven distribution systems. In order to enhance the

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1 State Comprehensive Plan, the Division of Emergency Management
2 within the Department of Community Affairs is directed to
3 conduct a feasibility study on incorporating into the state's
4 emergency management plan the logistical supply and
5 distribution of essential commodities by nongovernment
6 agencies and private entities. In conducting the study, the
7 division shall consult with the Florida Retail Federation, the
8 Florida Petroleum Council, the Florida Petroleum Marketers and
9 Convenience Store Association, the Florida Emergency
10 Preparedness Association, the American Red Cross, Volunteer
11 Florida, and other entities as appropriate. As part of the
12 study, the division shall create a set of operational
13 standards that may be adopted by retail establishments to
14 qualify for preemption from local government regulations in
15 response to a disaster. No later than February 1, 2007, the
16 division shall make recommendations based on the study to the
17 Governor, the President of the Senate, and the Speaker of the
18 House of Representatives, and shall provide a set of
19 operational standards for retail establishments which are
20 recognized as part of the state emergency management plan.
21 These standards must be met in order for retail establishments
22 to participate in the state emergency response to a disaster
23 and to qualify for preemption of regulation of such businesses
24 to the state during such a response.

25 Section 9. Effective July 1, 2006, section 526.143,
26 Florida Statutes, is created to read:

27 526.143 Alternate generated power capacity for motor
28 fuel dispensing facilities.--

29 (1) By June 1, 2007, each motor fuel terminal
30 facility, as defined in s. 526.303(16), and each wholesaler,
31 as defined in s. 526.303(17), which sells motor fuel in this

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1 state must be capable of operating its distribution loading
 2 racks using an alternate generated power source for a minimum
 3 of 72 hours. Pending a postdisaster examination of the
 4 equipment by the operator to determine any extenuating damage
 5 that would render it unsafe to use, the facility must have
 6 such alternate generated power source available for operation
 7 no later than 36 hours after a major disaster as defined in s.
 8 252.34. Installation of appropriate wiring, including a
 9 transfer switch, shall be performed by a certified electrical
 10 contractor. Each business that is subject to this subsection
 11 must keep a copy of the documentation of such installation on
 12 site or at its corporate headquarters. In addition, each
 13 business must keep a written statement attesting to the
 14 periodic testing and ensured operational capacity of the
 15 equipment. The required documents must be made available, upon
 16 request, to the Division of Emergency Management and the
 17 director of the county emergency management agency.

18 (2) Each newly constructed or substantially renovated
 19 motor fuel retail outlet, as defined in s. 526.303(14), for
 20 which a certificate of occupancy is issued on or after July 1,
 21 2006, shall be prewired with an appropriate transfer switch,
 22 and capable of operating all fuel pumps, dispensing equipment,
 23 life-safety systems, and payment-acceptance equipment using an
 24 alternate generated power source. As used in this subsection,
 25 the term "substantially renovated" means a renovation that
 26 results in an increase of greater than 50 percent in the
 27 assessed value of the motor fuel retail outlet. Local building
 28 inspectors shall include this equipment and operations check
 29 in the normal inspection process before issuing a certificate
 30 of occupancy. Each retail outlet that is subject to this
 31 subsection must keep a copy of the certificate of occupancy on

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1 site or at its corporate headquarters. In addition, each
 2 retail outlet must keep a written statement attesting to the
 3 periodic testing of and ensured operational capability of the
 4 equipment. The required documents must be made available, upon
 5 request, to the Division of Emergency Management and the
 6 director of the county emergency management agency.

7 (3)(a) No later than June 1, 2007, each motor fuel
 8 retail outlet described in subparagraph 1., subparagraph 2.,
 9 or subparagraph 3., which is located within one-half mile
 10 proximate to an interstate highway or state or federally
 11 designated evacuation route must be prewired with an
 12 appropriate transfer switch and be capable of operating all
 13 fuel pumps, dispensing equipment, life-safety systems, and
 14 payment-acceptance equipment using an alternate generated
 15 power source:

16 1. A motor fuel retail outlet located in a county
 17 having a population of 300,000 or more which has 16 or more
 18 fueling positions.

19 2. A motor fuel retail outlet located in a county
 20 having a population of 100,000 or more, but fewer than
 21 300,000, which has 12 or more fueling positions.

22 3. A motor fuel retail outlet located in a county
 23 having a population of fewer than 100,000 which has eight or
 24 more fueling positions.

25 (b) Installation of appropriate wiring and transfer
 26 switches must be performed by a certified electrical
 27 contractor. Each retail outlet that is subject to this
 28 subsection must keep a copy of the documentation of such
 29 installation on site or at its corporate headquarters. In
 30 addition, each retail outlet must keep a written statement
 31 attesting to the periodic testing of and ensured operational

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1 capacity of the equipment. The required documents must be made
2 available, upon request, to the Division of Emergency
3 Management and the director of the county emergency management
4 agency.

5 (4)(a) Subsections (2) and (3) apply to any
6 self-service, full-service, or combination self-service and
7 full-service motor fuel retail outlet regardless of whether
8 the retail outlet is located on the grounds of, or is owned
9 by, another retail business establishment that does not engage
10 in the business of selling motor fuel.

11 (b) Subsections (2) and (3) do not apply to:

- 12 1. An automobile dealer;
- 13 2. A person who operates a fleet of motor vehicles;
- 14 3. A person who sells motor fuel exclusively to a
15 fleet of motor vehicles; or

16 4. A motor fuel retail outlet that has a written
17 agreement with a public hospital, in a form approved by the
18 Division of Emergency Management, wherein the public hospital
19 agrees to provide the motor fuel retail outlet with an
20 alternative means of power generation onsite so that the
21 outlet's fuel pumps may be operated in the event of a power
22 outage.

23 (5)(a) Each corporation or other entity that owns 10
24 or more motor fuel retail outlets located within a single
25 county shall maintain at least one portable generator that is
26 capable of providing an alternate generated power source as
27 required under subsection (2) for every 10 outlets. If an
28 entity owns more than 10 outlets or a multiple of 10 outlets
29 plus an additional six outlets, the entity must provide one
30 additional generator to accommodate such additional outlets.
31 Each portable generator must be stored within this state, or

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1 may be stored in another state if located within 250 miles of
2 this state, and must be available for use in an affected
3 location within 24 hours after a disaster.

4 (b) Each corporation or other entity that owns 10 or
5 more motor fuel retail outlets located within a single
6 domestic security region, as determined pursuant to s.
7 943.0312(1), and that does not own additional outlets located
8 outside the domestic security region shall maintain a written
9 document of agreement with one or more similarly equipped
10 entities for the use of portable generators that may be used
11 to meet the requirements of paragraph (a) and that are located
12 within this state but outside the affected domestic security
13 region. The agreement may be reciprocal, may allow for payment
14 for services rendered by the providing entity, and must
15 guarantee the availability of the portable generators to an
16 affected location within 24 hours after a disaster.

17 (c) For purposes of this section, ownership of a motor
18 fuel retail outlet shall be the owner of record of the fuel
19 storage systems operating at the location, as identified in
20 the Department of Environmental Protection underground storage
21 facilities registry pursuant to s. 376.303(1).

22 Section 10. Effective July 1, 2006, section 526.144,
23 Florida Statutes, is created to read:

24 526.144 Florida Disaster Motor Fuel Supplier
25 Program.--

26 (1)(a) There is created the Florida Disaster Motor
27 Fuel Supplier Program within the Department of Community
28 Affairs.

29 (b) Participation in the program shall be at the
30 option of each county governing body. In counties choosing to
31 participate in the program, the local emergency management

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1 agency shall be primarily responsible for administering the
2 program within those counties. Nothing in this section
3 requires participation in the program.

4 (c) In participating counties, the Florida Disaster
5 Motor Fuel Supplier Program shall allow any retail motor fuel
6 outlet doing business in those counties to participate in a
7 network of emergency responders to provide fuel supplies and
8 services to government agencies, medical institutions and
9 facilities, critical infrastructure, and other responders, as
10 well as the general public, during a declared disaster as
11 described in s. 252.36(2).

12 (d) Retail motor fuel outlets doing business in
13 participating counties that choose to become members of the
14 Florida Disaster Motor Fuel Supplier Program must be able to
15 demonstrate the capability to provide onsite fuel dispensing
16 services to other members of the State Emergency Response Team
17 within 24 hours after a major disaster has occurred and agree
18 to make such service available as needed. Local emergency
19 management agencies may determine appropriate measures for
20 determining such readiness, including acceptance of a written
21 attestation from the retail motor fuel outlet, a copy of an
22 executed contract for services, or other documents or
23 activities that demonstrate readiness. Participating retail
24 motor fuel outlets may choose to sell motor fuel through a
25 pre-existing contract with local, state, or federal response
26 agencies or may provide point-of-sale service to such
27 agencies. In addition, participating retail motor fuel outlets
28 may choose to sell motor fuel to the general public upon
29 compliance with requirements to provide service under ss.
30 252.35 and 252.38 as directed by county or state emergency
31 management officials. This section does not preclude any

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1 retail motor fuel outlet from selling fuel during lawful
2 operating hours. Nonparticipating motor fuel retail outlets
3 may not operate during declared curfew hours. If requested,
4 appropriate law enforcement or security personnel may be
5 provided through emergency management protocol to the
6 participating business for the purpose of maintaining civil
7 order during operating hours.

8 (e) Motor fuel outlets that choose to participate in
9 the Florida Disaster Motor Fuel Supplier Program pursuant to
10 paragraph (d) may be issued a State Emergency Response Team
11 logo by the participating county emergency management agency
12 for public display to alert emergency responders and the
13 public that the business is capable of assisting in an
14 emergency.

15 (f) Counties that choose to participate in the Florida
16 Disaster Motor Fuel Supplier Program may charge a fee to cover
17 the actual costs of accepting a retail motor fuel outlet into
18 the program, including the cost of performing any required
19 review, filing of necessary forms, and producing logo decals
20 for public display. Additional charges may not be imposed for
21 processing individual documents associated with the program.
22 Funds collected shall be deposited into an appropriate county
23 operating account.

24 (3) Persons who are designated as members of the State
25 Emergency Response Team and who can produce appropriate
26 identification, as determined by state or county emergency
27 management officials, shall be given priority for purchasing
28 fuel at businesses designated as members of the State
29 Emergency Response Team. A business may be directed by county
30 or state emergency management officials to remain open during
31 a declared curfew in order to provide service for emergency

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1 personnel. Under such direction, the business is not in
 2 violation of the curfew and may not be penalized for such
 3 operation and the emergency personnel are not in violation of
 4 the curfew. A person traveling during a curfew must be able to
 5 produce valid official documentation of his or her position
 6 with the State Emergency Response Team or the local emergency
 7 management agency. Such documentation may include, but need
 8 not be limited to, a current SERT identification badge,
 9 current law enforcement or other response agency
 10 identification or shield, current health care employee
 11 identification card, or current government services
 12 identification card indicating a critical services position.

13 (4) A business that is designated as a member of the
 14 State Emergency Response Team may request priority in
 15 receiving a resupply of fuel in order to continue service to
 16 emergency responders. Such request is not binding but shall be
 17 considered by emergency management officials in determining
 18 appropriate response actions.

19 (5)(a) Notwithstanding any other law or local
 20 ordinance and for the purpose of ensuring an appropriate
 21 emergency management response following major disasters in
 22 this state, the regulation, siting, and placement of alternate
 23 power source capabilities and equipment at motor fuel terminal
 24 facilities, motor fuel wholesalers, and motor fuel retail
 25 sales outlets are preempted to the state.

26 (b) Notwithstanding any other law or other ordinance
 27 and for the purpose of ensuring an appropriate emergency
 28 management response following major disasters in this state,
 29 the regulation of all other retail establishments
 30 participating in such response shall be as follows:

31 1. Regulation of retail establishments that meet the

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1 standards created by the Division of Emergency Management in
2 the report required in section 8 of this act by July 1, 2007,
3 is preempted to the state;

4 2. The division shall provide written certification of
5 such preemption to retail establishments that qualify and
6 shall provide such information to local governments upon
7 request; and

8 3. Regulation of retail establishments that do not
9 meet the operational standards is subject to local government
10 laws or ordinances.

11 (6) The Energy Office of the Department of
12 Environmental Protection shall review situational progress in
13 post-disaster motor fuel supply distribution and provide a
14 report to the Legislature by March 1, 2007. The report must
15 include information concerning statewide compliance with s.
16 526.143, Florida Statutes, and an identification of all motor
17 fuel retail outlets that are participating in the Florida
18 Disaster Motor Fuel Supplier Program.

19 Section 11. Effective July 1, 2006, subsection (2) of
20 section 501.160, Florida Statutes, is amended to read:

21 501.160 Rental or sale of essential commodities during
22 a declared state of emergency; prohibition against
23 unconscionable prices.--

24 (2) Upon a declaration of a state of emergency by the
25 Governor, it is unlawful and a violation of s. 501.204 for a
26 person or her or his agent or employee to rent or sell or
27 offer to rent or sell at an unconscionable price within the
28 area for which the state of emergency is declared, any
29 essential commodity including, but not limited to, supplies,
30 services, provisions, or equipment that is necessary for
31 consumption or use as a direct result of the emergency. This

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1 prohibition is effective not to exceed 60 days under the
 2 initial declared state of emergency as defined in s. 252.36(2)
 3 and shall be renewed by statement in any subsequent renewals
 4 of the declared state of emergency by the Governor ~~remains in~~
 5 ~~effect until the declaration expires or is terminated.~~

6 Section 12. Effective July 1, 2006, section 553.509,
 7 Florida Statutes, is amended to read:

8 553.509 Vertical accessibility.--

9 (1) Nothing in sections 553.501-553.513 or the
 10 guidelines shall be construed to relieve the owner of any
 11 building, structure, or facility governed by those sections
 12 from the duty to provide vertical accessibility to all levels
 13 above and below the occupiable grade level, regardless of
 14 whether the guidelines require an elevator to be installed in
 15 such building, structure, or facility, except for:

16 (a)(1) Elevator pits, elevator penthouses, mechanical
 17 rooms, piping or equipment catwalks, and automobile
 18 lubrication and maintenance pits and platforms;

19 (b)(2) Unoccupiable spaces, such as rooms, enclosed
 20 spaces, and storage spaces that are not designed for human
 21 occupancy, for public accommodations, or for work areas; and

22 (c)(3) Occupiable spaces and rooms that are not open
 23 to the public and that house no more than five persons,
 24 including, but not limited to, equipment control rooms and
 25 projection booths.

26 (2)(a) Any person, firm, or corporation that owns,
 27 manages, or operates a residential multifamily dwelling,
 28 including a condominium, that is at least 75 feet high and
 29 contains a public elevator, as described in s. 399.035(2) and
 30 (3) and rules adopted by the Florida Building Commission,
 31 shall have at least one public elevator that is capable of

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1 operating on an alternate power source for emergency purposes.
 2 Alternate power shall be available for the purpose of allowing
 3 all residents access for a specified number of hours each day
 4 over a 5-day period following a natural disaster, manmade
 5 disaster, emergency, or other civil disturbance that disrupts
 6 the normal supply of electricity. The alternate power source
 7 that controls elevator operations must also be capable of
 8 powering any connected fire alarm system in the building.

9 (b) At a minimum, the elevator must be appropriately
 10 pre-wired and prepared to accept an alternate power source and
 11 must have a connection on the line side of the main
 12 disconnect, pursuant to National Electric Code Handbook,
 13 Article 700. In addition to the required power source for the
 14 elevator and connected fire alarm system in the building, the
 15 alternate power supply must be sufficient to provide emergency
 16 lighting to the interior lobbies, hallways, and other portions
 17 of the building used by the public. Residential multifamily
 18 dwelling must have an available generator and fuel source on
 19 the property or have proof of a current contract posted in the
 20 elevator machine room or other place conspicuous to the
 21 elevator inspector affirming a current guaranteed service
 22 contract for such equipment and fuel source to operate the
 23 elevator on an on-call basis within 24 hours after a request.

24 By December 31, 2006, any person, firm or corporation that
 25 owns, manages or operates a residential multifamily dwelling
 26 as defined in paragraph (4)(a) must provide to the local
 27 building inspection agency verification of engineering plans
 28 for residential multifamily dwellings that provide for the
 29 capability to generate power by alternate means. Compliance
 30 with installation requirements and operational capability
 31 requirements must be verified by local building inspectors and

1 reported to the county emergency management agency by December
2 31, 2007.

3 (c) Each newly constructed residential multifamily
4 dwelling, including a condominium, that is at least 75 feet
5 high and contains a public elevator, as described in s.
6 399.035(2) and (3) and rules adopted by the Florida Building
7 Commission, must have at least one public elevator that is
8 capable of operating on an alternate power source for the
9 purpose of allowing all residents access for a specified
10 number of hours each day over a 5-day period following a
11 natural disaster, manmade disaster, emergency, or other civil
12 disturbance that disrupts the normal supply of electricity.
13 The alternate power source that controls elevator operations
14 must be capable of powering any connected fire alarm system in
15 the building. In addition to the required power source for the
16 elevator and connected fire alarm system, the alternate power
17 supply must be sufficient to provide emergency lighting to the
18 interior lobbies, hallways, and other portions of the building
19 used by the public. Engineering plans and verification of
20 operational capability must be provided by the local building
21 inspector to the county emergency management agency before
22 occupancy of the newly constructed building.

23 (d) Each person, firm, or corporation that is required
24 to maintain an alternate power source under this subsection
25 shall maintain a written emergency operations plan that
26 details the sequence of operations before, during, and after a
27 natural or manmade disaster or other emergency situation. The
28 plan must include, at a minimum, a life safety plan for
29 evacuation, maintenance of the electrical and lighting supply,
30 and provisions for the health, safety, and welfare of the
31 residents. In addition, the owner, manager, or operator of the

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1 residential multifamily dwelling must keep written records of
2 any contracts for alternative power generation equipment.
3 Also, quarterly inspection records of life safety equipment
4 and alternate power generation equipment must be posted in the
5 elevator machine room or other place conspicuous to the
6 elevator inspector, which confirm that such equipment is
7 properly maintained and in good working condition, and copies
8 of contracts for alternate power generation equipment shall be
9 maintained on site for verification. The written emergency
10 operations plan and inspection records shall also be open for
11 periodic inspection by local and state government agencies as
12 deemed necessary. The owner or operator must keep a generator
13 key in a lockbox posted at or near any installed generator
14 unit.

15 (e) Multistory affordable residential dwellings for
16 persons age 62 and older that are financed or insured by the
17 United States Department of Housing and Urban Development must
18 make every effort to obtain grant funding from the Federal
19 Government or the Florida Housing Finance Corporation to
20 comply with this subsection. If an owner of such a residential
21 dwelling cannot comply with the requirements of this
22 subsection, the owner must develop a plan with the local
23 emergency management agency to ensure that residents are
24 evacuated to a place of safety in the event of a power outage
25 resulting from a natural or manmade disaster or other
26 emergency situation that disrupts the normal supply of
27 electricity for an extended period of time. A place of safety
28 may include, but is not limited to, relocation to an
29 alternative site within the building or evacuation to a local
30 shelter.

31 (f) As a part of the annual elevator inspection

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1 required under s. 399.061, certified elevator inspectors shall
2 confirm that all installed generators required by this chapter
3 are in working order, have current inspection records posted
4 in the elevator machine room or other place conspicuous to the
5 elevator inspector, and that the required generator key is
6 present in the lockbox posted at or near the installed
7 generator. If a building does not have an installed generator,
8 the inspector shall confirm that the appropriate pre-wiring
9 and switching capabilities are present and that a statement is
10 posted in the elevator machine room or other place conspicuous
11 to the elevator inspector affirming a current guaranteed
12 contract exists for contingent services for alternate power is
13 current for the operating period.

14
15 However, buildings, structures, and facilities must, as a
16 minimum, comply with the requirements in the Americans with
17 Disabilities Act Accessibility Guidelines.

18 Section 13. Effective July 1, 2006, paragraph (i) of
19 subsection (2) of section 252.35, Florida Statutes, is
20 amended, present paragraphs (j) through (q) of that subsection
21 are redesignated as paragraphs (k) through (r), respectively,
22 present paragraphs (r) through (v) of that subsection are
23 redesignated as paragraphs (u) through (y), respectively, and
24 new paragraphs (j), (s), and (t) are added to that subsection
25 to read:

26 252.35 Emergency management powers; Division of
27 Emergency Management.--

28 (2) The division is responsible for carrying out the
29 provisions of ss. 252.31-252.90. In performing its duties
30 under ss. 252.31-252.90, the division shall:

31 (i) Institute statewide public awareness programs.

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1 This shall include an intensive public educational campaign on
2 emergency preparedness issues, including, but not limited to,
3 the personal responsibility of individual citizens to be
4 self-sufficient for up to 72 hours following a natural or
5 manmade disaster. The public educational campaign shall
6 include relevant information on statewide disaster plans,
7 evacuation routes, fuel suppliers, and shelters. All
8 educational materials must be available in alternative formats
9 and mediums to ensure that they are available to persons with
10 disabilities.

11 (j) The Division of Emergency Management and the
12 Department of Education shall coordinate with the Agency For
13 Persons with Disabilities to provide an educational outreach
14 program on disaster preparedness and readiness to individuals
15 who have limited English skills and identify persons who are
16 in need of assistance but are not defined under special-needs
17 criteria.

18 (s) By January 1, 2007, the Division of Emergency
19 Management shall complete an inventory of portable generators
20 owned by the state and local governments which are capable of
21 operating during a major disaster. The inventory must
22 identify, at a minimum, the location of each generator, the
23 number of generators stored at each specific location, the
24 agency to which each the generator belongs, the primary use of
25 the generator by the owner agency, and the names, addresses,
26 and telephone numbers of persons having the authority to loan
27 the stored generators as authorized by the Division of
28 Emergency Management during a declared emergency.

29 (t) The division shall maintain an inventory list of
30 generators owned by the state and local governments. In
31 addition, the division may keep a list of private entities,

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1 along with appropriate contact information, which offer
2 generators for sale or lease. The list of private entities
3 shall be available to the public for inspection in written and
4 electronic formats.

5 Section 14. There is appropriated \$76,150 in
6 nonrecurring general revenue funds to the Department of
7 Community Affairs for a study on the feasibility of
8 incorporating nongovernment agencies and private entities into
9 the logistical supply and distribution system for essential
10 commodities. This section takes effect July 1, 2006.

11 Section 15. If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 invalidity does not affect other provisions or applications of
14 the act which can be given effect without the invalid
15 provision or application, and to this end the provisions of
16 this act are severable.

17 Section 16. Effective July 1, 2006, section 252.355,
18 Florida Statutes, is amended to read:

19 252.355 Registry of persons with special needs;
20 notice.--

21 (1) In order to meet the special needs of persons who
22 would need assistance during evacuations and sheltering
23 because of physical, mental, cognitive impairment, or sensory
24 disabilities, each local emergency management agency in the
25 state shall maintain a registry of persons with special needs
26 located within the jurisdiction of the local agency. The
27 registration shall identify those persons in need of
28 assistance and plan for resource allocation to meet those
29 identified needs. To assist the local emergency management
30 agency in identifying such persons, home health agencies,
31 hospices, nurse registries, home medical equipment providers,

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1 the Department of Children and Family Services, Department of
 2 Health, Agency for Health Care Administration, Department of
 3 Education, Agency for Persons with Disabilities, ~~Labor and~~
 4 ~~Employment Security~~, and Department of Elderly Affairs shall
 5 provide registration information to all of their special needs
 6 clients and to all persons with special needs who receive
 7 services ~~incoming clients as a part of the intake process~~. The
 8 registry shall be updated annually. The registration program
 9 shall give persons with special needs the option of
 10 preauthorizing emergency response personnel to enter their
 11 homes during search and rescue operations if necessary to
 12 assure their safety and welfare following disasters.

13 (2) The Department of Community Affairs shall be the
 14 designated lead agency responsible for community education and
 15 outreach to the public, including special needs clients,
 16 regarding registration and special needs shelters and general
 17 information regarding shelter stays.

18 (3) A person with special needs must be allowed to
 19 bring his or her service animal into a special needs shelter
 20 in accordance with s. 413.08.

21 (4)(a)(2) On or before May 31 ~~May 1~~ of each year each
 22 electric utility in the state shall annually notify
 23 residential customers in its service area of the availability
 24 of the registration program available through their local
 25 emergency management agency by:-

26 1. An initial notification upon the activation of new
 27 residential service with the electric utility, followed by one
 28 annual notification between January 1 and May 31; or

29 2. Two separate annual notifications between January 1
 30 and May 31.

31 (b) The notification may be made by any available

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1 means, including, but not limited to, written, electronic, or
2 verbal notification, and may be made concurrently with any
3 other notification to residential customers required by law or
4 rule.

5 ~~(5)(3)~~ All records, data, information, correspondence,
6 and communications relating to the registration of persons
7 with special needs as provided in subsection (1) are
8 confidential and exempt from the provisions of s. 119.07(1),
9 except that such information shall be available to other
10 emergency response agencies, as determined by the local
11 emergency management director. Local law enforcement agencies
12 shall be given complete shelter roster information upon
13 request.

14 ~~(6)(4)~~ All appropriate agencies and community-based
15 service providers, including home health care providers,
16 hospices, nurse registries, and home medical equipment
17 providers, shall assist emergency management agencies by
18 collecting registration information for persons with special
19 needs as part of program intake processes, establishing
20 programs to increase the awareness of the registration
21 process, and educating clients about the procedures that may
22 be necessary for their safety during disasters. Clients of
23 state or federally funded service programs with physical,
24 mental, cognitive impairment, or sensory disabilities who need
25 assistance in evacuating, or when in shelters, must register
26 as persons with special needs.

27 Section 17. Effective July 1, 2006, section 252.3568,
28 Florida Statutes, is created to read:

29 252.3568 Emergency sheltering of persons with
30 pets.--In accordance with s. 252.35, the division shall
31 address strategies for the evacuation of persons with pets in

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1 the shelter component of the state comprehensive emergency
 2 management plan and shall include the requirement for similar
 3 strategies in its standards and requirements for local
 4 comprehensive emergency management plans. The Department of
 5 Agriculture and Consumer Services shall assist the division in
 6 determining strategies regarding this activity.

7 Section 18. Effective July 1, 2006, section 252.357,
 8 Florida Statutes, is created to read:

9 252.357 Monitoring of nursing homes and assisted
 10 living facilities during disaster.--The Florida Comprehensive
 11 Emergency Management Plan shall permit the Agency for Health
 12 Care Administration, working from the agency's offices or in
 13 the Emergency Operations Center, ESF-8, to make initial
 14 contact with each nursing home and assisted living facility in
 15 the disaster area. The agency, by July 15, 2006, and annually
 16 thereafter, shall publish on the Internet an emergency
 17 telephone number that may be used by nursing homes and
 18 assisted living facilities to contact the agency on a schedule
 19 established by the agency to report requests for assistance.
 20 The agency may also provide the telephone number to each
 21 facility when it makes the initial facility call.

22 Section 19. Effective July 1, 2006, subsections (2)
 23 and (4) of section 252.385, Florida Statutes, are amended to
 24 read:

25 252.385 Public shelter space.--
 26 (2)(a) The division shall administer a program to
 27 survey existing schools, universities, community colleges, and
 28 other state-owned, municipally owned, and county-owned public
 29 buildings and any private facility that the owner, in writing,
 30 agrees to provide for use as a public hurricane evacuation
 31 shelter to identify those that are appropriately designed and

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1 located to serve as such shelters. The owners of the
 2 facilities must be given the opportunity to participate in the
 3 surveys. The state university boards of trustees ~~Board of~~
 4 ~~Regents~~, district school boards, community college boards of
 5 trustees, and the Department of Education are responsible for
 6 coordinating and implementing the survey of public schools,
 7 universities, and community colleges with the division or the
 8 local emergency management agency.

9 (b) By January 31 of each even-numbered year, the
 10 division shall prepare and submit a statewide emergency
 11 shelter plan to the Governor and Cabinet for approval, subject
 12 to the requirements for approval in s. 1013.37(2). The plan
 13 shall identify the general location and square footage of
 14 special needs shelters, by regional planning council region,
 15 during the next 5 years. The plan shall also include
 16 information on the availability of shelters that accept pets.
 17 The Department of Health shall assist the division in
 18 determining the estimated need for special needs shelter
 19 space and the adequacy of facilities to meet the needs of
 20 persons with special needs based on information from the
 21 registries of persons with special needs and other
 22 information.

23 (4)(a) Public facilities, including schools,
 24 postsecondary education facilities, and other facilities owned
 25 or leased by the state or local governments, but excluding
 26 hospitals, hospice care facilities, assisted living
 27 facilities, and ~~or~~ nursing homes, which are suitable for use
 28 as public hurricane evacuation shelters shall be made
 29 available at the request of the local emergency management
 30 agencies. The local emergency management agency shall
 31 coordinate with these entities to ensure that designated

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1 facilities are ready to activate prior to a specific hurricane
 2 or disaster. Such agencies shall coordinate with the
 3 appropriate school board, university, community college, or
 4 local governing board when requesting the use of such
 5 facilities as public hurricane evacuation shelters.

6 (b) The Department of Management Services shall
 7 incorporate provisions for the use of suitable leased public
 8 facilities as public hurricane evacuation shelters into lease
 9 agreements for state agencies. Suitable leased public
 10 facilities include leased public facilities that are solely
 11 occupied by state agencies and have at least 2,000 square feet
 12 of net floor area in a single room or in a combination of
 13 rooms having a minimum of 400 square feet in each room. The
 14 net square footage of floor area shall ~~must~~ be determined by
 15 subtracting from the gross square footage the square footage
 16 of spaces such as mechanical and electrical rooms, storage
 17 rooms, open corridors, restrooms, kitchens, science or
 18 computer laboratories, shop or mechanical areas,
 19 administrative offices, records vaults, and crawl spaces.

20 (c) The Department of Management Services shall, in
 21 consultation with local and state emergency management
 22 agencies, assess Department of Management Services facilities
 23 to identify the extent to which each facility has public
 24 hurricane evacuation shelter space. The Department of
 25 Management Services shall submit proposed facility retrofit
 26 projects that incorporate hurricane protection enhancements to
 27 the department for assessment and inclusion in the annual
 28 report prepared in accordance with subsection (3).

29 Section 20. Effective July 1, 2006, section 381.0303,
 30 Florida Statutes, is amended to read:

31 (Substantial rewording of section. See

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1 s. 381.0303, F.S., for present text.)

2 381.0303 Special needs shelters.--

3 (1) PURPOSE.--The purpose of this section is to
4 provide for the operation and closure of special needs
5 shelters and to designate the Department of Health, through
6 its county health departments, as the lead agency for
7 coordination of the recruitment of health care practitioners,
8 as defined in s. 456.001(4), to staff special needs shelters
9 in times of emergency or disaster and to provide resources to
10 the department to carry out this responsibility. However,
11 nothing in this section prohibits a county health department
12 from entering into an agreement with a local emergency
13 management agency to assume the lead responsibility for
14 recruiting health care practitioners.

15 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
16 ASSISTANCE.--If funds have been appropriated to support
17 disaster coordinator positions in county health departments:

18 (a) The department shall assume lead responsibility
19 for the coordination of local medical and health care
20 providers, the American Red Cross, and other interested
21 parties in developing a plan for the staffing and medical
22 management of special needs shelters. The local Children's
23 Medical Services offices shall assume lead responsibility for
24 the coordination of local medical and health care providers,
25 the American Red Cross, and other interested parties in
26 developing a plan for the staffing and medical management of
27 pediatric special needs shelters. Plans must conform to the
28 local comprehensive emergency management plan.

29 (b) County health departments shall, in conjunction
30 with the local emergency management agencies, have the lead
31 responsibility for coordination of the recruitment of health

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1 care practitioners to staff local special needs shelters.
 2 County health departments shall assign their employees to work
 3 in special needs shelters when those employees are needed to
 4 protect the health and safety of persons with special needs.
 5 County governments shall assist the department with nonmedical
 6 staffing and the operation of special needs shelters. The
 7 local health department and emergency management agency shall
 8 coordinate these efforts to ensure appropriate staffing in
 9 special needs shelters.

10 (c) The appropriate county health department,
 11 Children's Medical Services office, and local emergency
 12 management agency shall jointly decide who has responsibility
 13 for medical supervision in each special needs shelter.

14 (d) Local emergency management agencies shall be
 15 responsible for the designation and operation of special needs
 16 shelters during times of emergency or disaster and the closure
 17 of the facilities following an emergency or disaster. The
 18 local health department and emergency management agency shall
 19 coordinate these efforts to ensure the appropriate designation
 20 and operation of special needs shelters. County health
 21 departments shall assist the local emergency management agency
 22 with regard to the management of medical services in special
 23 needs shelters.

24 (e) The Secretary of Elderly Affairs, or his or her
 25 designee, shall convene, at any time that he or she deems
 26 appropriate and necessary, a multiagency special needs shelter
 27 discharge planning team to assist local areas that are
 28 severely impacted by a natural or manmade disaster that
 29 requires the use of special needs shelters. Multiagency
 30 special needs shelter discharge planning teams shall provide
 31 assistance to local emergency management agencies with the

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1 continued operation or closure of the shelters, as well as
 2 with the discharge of special needs clients to alternate
 3 facilities if necessary. Local emergency management agencies
 4 may request the assistance of a multiagency special needs
 5 shelter discharge planning team by alerting statewide
 6 emergency management officials of the necessity for additional
 7 assistance in their area. The Secretary of Elderly Affairs is
 8 encouraged to proactively work with other state agencies prior
 9 to any natural disasters for which warnings are provided to
 10 ensure that multiagency special needs shelter discharge
 11 planning teams are ready to assemble and deploy rapidly upon a
 12 determination by state emergency management officials that a
 13 disaster area requires additional assistance. The Secretary of
 14 Elderly Affairs may call upon any state agency or office to
 15 provide staff to assist a multiagency special needs shelter
 16 discharge planning team. Unless the secretary determines that
 17 the nature or circumstances surrounding the disaster do not
 18 warrant participation from a particular agency's staff, each
 19 multiagency special needs shelter discharge planning team
 20 shall include at least one representative from each of the
 21 following state agencies:

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

29 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
 30 FACILITIES.--

31 (a) The department shall, upon request, reimburse in

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1 accordance with paragraph (b):

2 1. Health care practitioners, as defined in s.
3 456.001, provided the practitioner is not providing care to a
4 patient under an existing contract, and emergency medical
5 technicians and paramedics licensed under chapter 401 for
6 medical care provided at the request of the department in
7 special needs shelters or at other locations during times of
8 emergency or a declared disaster. Reimbursement for health
9 care practitioners, except for physicians licensed under
10 chapter 458 or chapter 459, shall be based on the average
11 hourly rate that such practitioners were paid according to the
12 most recent survey of Florida hospitals conducted by the
13 Florida Hospital Association or other nationally recognized or
14 state-recognized data source.

15 2. Health care facilities, such as hospitals, nursing
16 homes, assisted living facilities, and community residential
17 homes, if, upon closure of a special needs shelter, a
18 multiagency special needs shelter discharge planning team
19 determines that it is necessary to discharge persons with
20 special needs to other health care facilities. The receiving
21 facilities are eligible for reimbursement for services
22 provided to the individuals for up to 90 days. A facility must
23 show proof of a written request from a representative of an
24 agency serving on the multiagency special needs shelter
25 discharge planning team that the individual for whom the
26 facility is seeking reimbursement for services rendered was
27 referred to that facility from a special needs shelter. The
28 department shall specify by rule which expenses are
29 reimbursable and the rate of reimbursement for each service.

30 (b) Reimbursement is subject to the availability of
31 federal funds and shall be requested on forms prepared by the

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1 department. If a Presidential Disaster Declaration has been
2 issued, the department shall request federal reimbursement of
3 eligible expenditures. The department may not provide
4 reimbursement to facilities under this subsection for services
5 provided to a person with special needs if, during the period
6 of time in which the services were provided, the individual
7 was enrolled in another state-funded program, such as Medicaid
8 or another similar program, was covered under a policy of
9 health insurance as defined in s. 624.603, or was a member of
10 a health maintenance organization or prepaid health clinic as
11 defined in chapter 641, which would otherwise pay for the same
12 services. Travel expense and per diem costs shall be
13 reimbursed pursuant to s. 112.061.

14 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department
15 may use the registries established in ss. 401.273 and 456.38
16 when health care practitioners are needed to staff special
17 needs shelters or to assist with other disaster-related
18 activities.

19 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
20 Secretary of Health may establish a special needs shelter
21 interagency committee and serve as, or appoint a designee to
22 serve as, the committee's chair. The department shall provide
23 any necessary staff and resources to support the committee in
24 the performance of its duties. The committee shall address and
25 resolve problems related to special needs shelters not
26 addressed in the state comprehensive emergency medical plan
27 and shall consult on the planning and operation of special
28 needs shelters.

29 (a) The committee shall:

30 1. Develop, negotiate, and regularly review any
31 necessary interagency agreements.

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1 2. Undertake other such activities as the department
2 deems necessary to facilitate the implementation of this
3 section.

4 3. Submit recommendations to the Legislature as
5 necessary.

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

27 (c) Meetings of the committee shall be held in
28 Tallahassee, and members of the committee shall serve at the
29 expense of the agencies or organizations they represent. The
30 committee shall make every effort to use teleconference or
31 video conference capabilities in order to ensure statewide

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1 input and participation.

2 (6) RULES.--The department has the authority to adopt
3 rules necessary to implement this section. Rules shall
4 include:

5 (a) The definition of a "person with special needs,"
6 including eligibility criteria for individuals with physical,
7 mental, cognitive impairment, or sensory disabilities and the
8 services a person with special needs can expect to receive in
9 a special needs shelter.

10 (b) The process for special needs shelter health care
11 practitioners and facility reimbursement for services provided
12 in a disaster.

13 (c) Guidelines for special needs shelter staffing
14 levels to provide services.

15 (d) The definition of and standards for special needs
16 shelter supplies and equipment, including durable medical
17 equipment.

18 (e) Standards for the special needs shelter
19 registration process, including guidelines for addressing the
20 needs of unregistered persons in need of a special needs
21 shelter.

22 (f) Standards for addressing the needs of families
23 where only one dependent is eligible for admission to a
24 special needs shelter and the needs of adults with special
25 needs who are caregivers for individuals without special
26 needs.

27 (g) The requirement of the county health departments
28 to seek the participation of hospitals, nursing homes,
29 assisted living facilities, home health agencies, hospice
30 providers, nurse registries, home medical equipment providers,
31 dialysis centers, and other health and medical emergency

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1 preparedness stakeholders in pre-event planning activities.

2 (7) EMERGENCY MANAGEMENT PLANS.--The submission of
3 emergency management plans to county health departments by
4 home health agencies, nurse registries, hospice programs, and
5 home medical equipment providers is conditional upon receipt
6 of an appropriation by the department to establish disaster
7 coordinator positions in county health departments unless the
8 secretary of the department and a local county commission
9 jointly determine to require that such plans be submitted
10 based on a determination that there is a special need to
11 protect public health in the local area during an emergency.

12 Section 21. Effective July 1, 2006, section 400.492,
13 Florida Statutes, is amended to read:

14 400.492 Provision of services during an
15 emergency.--Each home health agency shall prepare and maintain
16 a comprehensive emergency management plan that is consistent
17 with the standards adopted by national or state accreditation
18 organizations and consistent with the local special needs
19 plan. The plan shall be updated annually and shall provide for
20 continuing home health services during an emergency that
21 interrupts patient care or services in the patient's home. The
22 plan shall include the means by which the home health agency
23 will continue to provide staff to perform the same type and
24 quantity of services to their patients who evacuate to special
25 needs shelters that were being provided to those patients
26 prior to evacuation. The plan shall describe how the home
27 health agency establishes and maintains an effective response
28 to emergencies and disasters, including: notifying staff when
29 emergency response measures are initiated; providing for
30 communication between staff members, county health
31 departments, and local emergency management agencies,

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1 including a backup system; identifying resources necessary to
 2 continue essential care or services or referrals to other
 3 organizations subject to written agreement; and prioritizing
 4 and contacting patients who need continued care or services.

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

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

27 (3) Home health agencies shall not be required to
 28 continue to provide care to patients in emergency situations
 29 that are beyond their control and that make it impossible to
 30 provide services, such as when roads are impassable or when
 31 patients do not go to the location specified in their patient

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1 records. Home health agencies may establish links to local
 2 emergency operations centers to determine a mechanism by which
 3 to approach specific areas within a disaster area in order for
 4 the agency to reach its clients. Home health agencies shall
 5 demonstrate a good faith effort to comply with the
 6 requirements of this subsection by documenting attempts of
 7 staff to follow procedures outlined in the home health
 8 agency's comprehensive emergency management plan, and by the
 9 patient's record, which support a finding that the provision
 10 of continuing care has been attempted for those patients who
 11 have been identified as needing care by the home health agency
 12 and registered under s. 252.355, in the event of an emergency
 13 or disaster under subsection (1).

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

18 Section 22. Effective July 1, 2006, subsection (8) of
 19 section 400.497, Florida Statutes, is amended to read:

20 400.497 Rules establishing minimum standards.--The
 21 agency shall adopt, publish, and enforce rules to implement
 22 this part, including, as applicable, ss. 400.506 and 400.509,
 23 which must provide reasonable and fair minimum standards
 24 relating to:

25 (8) Preparation of a comprehensive emergency
 26 management plan pursuant to s. 400.492.

27 (a) The Agency for Health Care Administration shall
 28 adopt rules establishing minimum criteria for the plan and
 29 plan updates, with the concurrence of the Department of Health
 30 and in consultation with the Department of Community Affairs.

31 (b) The rules must address the requirements in s.

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1 400.492. In addition, the rules shall provide for the
2 maintenance of patient-specific medication lists that can
3 accompany patients who are transported from their homes.

4 (c) The plan is subject to review and approval by the
5 county health department. During its review, the county health
6 department shall contact state and local health and medical
7 stakeholder when necessary. ~~ensure that the following~~
8 ~~agencies, at a minimum, are given the opportunity to review~~
9 ~~the plan:~~

- 10 1. ~~The local emergency management agency.~~
- 11 2. ~~The Agency for Health Care Administration.~~
- 12 3. ~~The local chapter of the American Red Cross or~~
13 ~~other lead sheltering agency.~~
- 14 4. ~~The district office of the Department of Children~~
15 ~~and Family Services.~~

16
17 The county health department shall complete its review to
18 ensure that the plan is in accordance with the criteria in the
19 Agency for Health Care Administration rules within 90 60 days
20 after receipt of the plan and shall either approve the plan or
21 advise the home health agency of necessary revisions. If the
22 home health agency fails to submit a plan or fails to submit
23 the requested information or revisions to the county health
24 department within 30 days after written notification from the
25 county health department, the county health department shall
26 notify the Agency for Health Care Administration. The agency
27 shall notify the home health agency that its failure
28 constitutes a deficiency, subject to a fine of \$5,000 per
29 occurrence. If the plan is not submitted, information is not
30 provided, or revisions are not made as requested, the agency
31 may impose the fine.

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1 (d) For any home health agency that operates in more
 2 than one county, the Department of Health shall review the
 3 plan, after consulting with state and local health and medical
 4 stakeholders when necessary ~~all of the county health~~
 5 ~~departments, the agency, and all the local chapters of the~~
 6 ~~American Red Cross or other lead sheltering agencies in the~~
 7 ~~areas of operation for that particular home health agency.~~ The
 8 department ~~of Health~~ shall complete its review within 90 days
 9 after receipt of the plan and shall ~~either~~ approve the plan or
 10 advise the home health agency of necessary revisions. The
 11 department ~~of Health~~ shall make every effort to avoid imposing
 12 differing requirements on a home health agency that operates
 13 in more than one county as a result of differing or
 14 conflicting comprehensive plan requirements of the ~~based on~~
 15 ~~differences between counties in which~~ ~~on~~ the home health
 16 agency operates.

17 (e) The requirements in this subsection do not apply
 18 to:

19 1. A facility that is certified under chapter 651 and
 20 has a licensed home health agency used exclusively by
 21 residents of the facility; or

22 2. A retirement community that consists of residential
 23 units for independent living and either a licensed nursing
 24 home or an assisted living facility, and has a licensed home
 25 health agency used exclusively by the residents of the
 26 retirement community, provided the comprehensive emergency
 27 management plan for the facility or retirement community
 28 provides for continuous care of all residents with special
 29 needs during an emergency.

30 Section 23. Effective July 1, 2006, subsection (16) of
 31 section 400.506, Florida Statutes, is amended to read:

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1 400.506 Licensure of nurse registries; requirements;
2 penalties.--

3 (16) Each nurse registry shall prepare and maintain a
4 comprehensive emergency management plan that is consistent
5 with the criteria in this subsection and with the local
6 special needs plan. The plan shall be updated annually. The
7 plan shall include the means by which the nurse registry will
8 continue to provide the same type and quantity of services to
9 its patients who evacuate to special needs shelters which were
10 being provided to those patients prior to evacuation. The plan
11 shall specify how the nurse registry shall facilitate the
12 provision of continuous care by persons referred for contract
13 to persons who are registered pursuant to s. 252.355 during an
14 emergency that interrupts the provision of care or services in
15 private residencies. Nurse registries may establish links to
16 local emergency operations centers to determine a mechanism by
17 which to approach specific areas within a disaster area in
18 order for a provider to reach its clients. Nurse registries
19 shall demonstrate a good-faith effort to comply with the
20 requirements of this subsection by documenting attempts of
21 staff to follow procedures outlined in the nurse registry's
22 comprehensive emergency management plan which support a
23 finding that the provision of continuing care has been
24 attempted for patients identified as needing care by the nurse
25 registry and registered under s. 252.355 in the event of an
26 emergency under s. 400.506(1).

27 (a) All persons referred for contract who care for
28 persons registered pursuant to s. 252.355 must include in the
29 patient record a description of how care will be continued
30 during a disaster or emergency that interrupts the provision
31 of care in the patient's home. It shall be the responsibility

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1 of the person referred for contract to ensure that continuous
2 care is provided.

3 (b) Each nurse registry shall maintain a current
4 prioritized list of patients in private residences who are
5 registered pursuant to s. 252.355 and are under the care of
6 persons referred for contract and who need continued services
7 during an emergency. This list shall indicate, for each
8 patient, if the client is to be transported to a special needs
9 shelter and if the patient is receiving skilled nursing
10 services. Nurse registries shall make this list available to
11 county health departments and to local emergency management
12 agencies upon request.

13 (c) Each person referred for contract who is caring
14 for a patient who is registered pursuant to s. 252.355 shall
15 provide a list of the patient's medication and equipment needs
16 to the nurse registry. Each person referred for contract shall
17 make this information available to county health departments
18 and to local emergency management agencies upon request.

19 (d) Each person referred for contract shall not be
20 required to continue to provide care to patients in emergency
21 situations that are beyond the person's control and that make
22 it impossible to provide services, such as when roads are
23 impassable or when patients do not go to the location
24 specified in their patient records.

25 (e) The comprehensive emergency management plan
26 required by this subsection is subject to review and approval
27 by the county health department. During its review, the county
28 health department shall contact state and local health and
29 medical stakeholders when necessary ~~ensure that, at a minimum,~~
30 ~~the local emergency management agency, the Agency for Health~~
31 ~~Care Administration, and the local chapter of the American Red~~

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1 ~~Cross or other lead sheltering agency are given the~~
2 ~~opportunity to review the plan.~~ The county health department
3 shall complete its review to ensure that the plan complies
4 with the criteria in the Agency for Health Care Administration
5 rules within 90 60 days after receipt of the plan and shall
6 either approve the plan or advise the nurse registry of
7 necessary revisions. If a nurse registry fails to submit a
8 plan or fails to submit requested information or revisions to
9 the county health department within 30 days after written
10 notification from the county health department, the county
11 health department shall notify the Agency for Health Care
12 Administration. The agency shall notify the nurse registry
13 that its failure constitutes a deficiency, subject to a fine
14 of \$5,000 per occurrence. If the plan is not submitted,
15 information is not provided, or revisions are not made as
16 requested, the agency may impose the fine.

17 (f) The Agency for Health Care Administration shall
18 adopt rules establishing minimum criteria for the
19 comprehensive emergency management plan and plan updates
20 required by this subsection, with the concurrence of the
21 Department of Health and in consultation with the Department
22 of Community Affairs.

23 Section 24. Effective July 1, 2006, subsection (1) of
24 section 400.610, Florida Statutes, is amended to read:

25 400.610 Administration and management of a hospice.--

26 (1) A hospice shall have a clearly defined organized
27 governing body, consisting of a minimum of seven persons who
28 are representative of the general population of the community
29 served. The governing body shall have autonomous authority and
30 responsibility for the operation of the hospice and shall meet
31 at least quarterly. The governing body shall:

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1 (a) Adopt an annual plan for the operation of the
2 hospice, which shall include a plan for providing for
3 uncompensated care and philanthropic community activities.

4 (b)1. Prepare and maintain a comprehensive emergency
5 management plan that provides for continuing hospice services
6 in the event of an emergency that is consistent with local
7 special needs plans. The plan shall include provisions for
8 ensuring continuing care to hospice patients who go to special
9 needs shelters. The plan shall include the means by which the
10 hospice provider will continue to provide staff to provide the
11 same type and quantity of services to their patients who
12 evacuate to special needs shelters which were being provided
13 to those patients prior to evacuation. The plan is subject to
14 review and approval by the county health department, except as
15 provided in subparagraph 2. During its review, the county
16 health department shall contact state and local health and
17 medical stakeholders when necessary ~~ensure that the~~
18 ~~department, the agency, and the local chapter of the American~~
19 ~~Red Cross or other lead sheltering agency have an opportunity~~
20 ~~to review and comment on the plan.~~ The county health
21 department shall complete its review to ensure that the plan
22 complies with criteria in rules of the Department of Elderly
23 Affairs within 90 60 days after receipt of the plan and shall
24 either approve the plan or advise the hospice of necessary
25 revisions. Hospice providers may establish links to local
26 emergency operations centers to determine a mechanism by which
27 to approach specific areas within a disaster area in order for
28 the provider to reach its clients. A hospice shall demonstrate
29 a good-faith effort to comply with the requirements of this
30 paragraph by documenting attempts of staff to follow
31 procedures as outlined in the hospice's comprehensive

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1 emergency management plan and to provide continuing care for
2 those hospice clients who have been identified as needing
3 alternative caregiver services in the event of an emergency.

4 2. For any hospice that operates in more than one
5 county, the Department of Health during its review shall
6 contact state and local health and medical stakeholders when
7 necessary ~~review the plan, after consulting with all of the~~
8 ~~county health departments, the agency, and all the local~~
9 ~~chapters of the American Red Cross or other lead sheltering~~
10 ~~agency in the areas of operation for that particular hospice.~~
11 The Department of Health shall complete its review to ensure
12 that the plan complies with criteria in rules of the
13 Department of Elderly Affairs within 90 days after receipt of
14 the plan and shall ~~either~~ approve the plan or advise the
15 hospice of necessary revisions. The Department of Health shall
16 make every effort to avoid imposing ~~on the hospice~~ differing
17 requirements on a hospice that operates in more than one
18 county as a result of differing or conflicting comprehensive
19 plan requirements of the ~~based on differences between~~ counties
20 in which the hospice operates.

21 (c) Adopt an annual budget.

22 (d) Appoint a director who shall be responsible for
23 the day-to-day management and operation of the hospice and who
24 shall serve as the liaison between the governing body and the
25 hospice staff.

26 (e) Undertake such additional activities as necessary
27 to ensure that the hospice is complying with the requirements
28 for hospice services as set forth in this part.

29 Section 25. Effective July 1, 2006, present
30 subsections (13) through (16) of section 400.925, Florida
31 Statutes, are redesignated as subsections (14) through (17)

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1 respectively, and a new subsection (13) is added to that
2 section, to read:

3 400.925 Definitions.--As used in this part, the term:

4 (13) "Life-supporting or life-sustaining equipment"
5 means a device that is essential to, or that yields
6 information that is essential to, the restoration or
7 continuation of a bodily function important to the
8 continuation of human life. Life- supporting or
9 life-sustaining equipment includes apnea monitors, enteral
10 feeding pumps, infusion pumps, portable home dialysis
11 equipment, and ventilator equipment and supplies for all
12 related equipment, including oxygen equipment and related
13 respiratory equipment.

14 Section 26. Effective July 1, 2006, subsections (20),
15 (21), and (22) are added to section 400.934, Florida Statutes,
16 to read:

17 400.934 Minimum standards.--As a requirement of
18 licensure, home medical equipment providers shall:

19 (20)(a) Prepare and maintain a comprehensive emergency
20 management plan that meets minimum criteria established by
21 agency rule under s. 400.935. The plan shall be updated
22 annually and shall provide for continuing home medical
23 equipment services for life-supporting or life-sustaining
24 equipment, as defined in s. 400.925, during an emergency that
25 interrupts home medical equipment services in a patient's
26 home. The plan shall include:

27 1. The means by which the home medical equipment
28 provider will continue to provide equipment to perform the
29 same type and quantity of services to its patients who
30 evacuate to special needs shelters which were being provided
31 to those patients prior to evacuation.

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1 2. The means by which the home medical equipment
2 provider establishes and maintains an effective response to
3 emergencies and disasters, including plans for:

4 a. Notification of staff when emergency response
5 measures are initiated.

6 b. Communication between staff members, county health
7 departments, and local emergency management agencies, which
8 includes provisions for a backup communications system.

9 c. Identification of resources necessary to continue
10 essential care or services or referrals to other organizations
11 subject to written agreement.

12 d. Contacting and prioritizing patients in need of
13 continued medical equipment services and supplies.

14 (b) The plan is subject to review and approval by the
15 county health department. During its review, the county health
16 department shall contact state and local health and medical
17 stakeholders when necessary. The county health department
18 shall complete its review to ensure that the plan is in
19 accordance with the criteria in the Agency for Health Care
20 Administration rules within 90 days after receipt of the plan.
21 If a home medical equipment provider fails to submit a plan or
22 fails to submit requested information or revisions to the
23 county health department within 30 days after written
24 notification from the county health department, the county
25 health department shall notify the Agency for Health Care
26 Administration. The agency shall notify the home medical
27 equipment provider that such failure constitutes a deficiency,
28 subject to a fine of \$5,000 per occurrence. If the plan is not
29 submitted, information is not provided, or revisions are not
30 made as requested, the agency may impose the fine.

31 (21) Each home medical equipment provider shall

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1 maintain a current prioritized list of patients who need
 2 continued services during an emergency. The list shall
 3 indicate the means by which services shall be continued for
 4 each patient in the event of an emergency or disaster, whether
 5 the patient is to be transported to a special needs shelter,
 6 and whether the patient has life-supporting or life-sustaining
 7 equipment, including the specific type of equipment and
 8 related supplies. The list shall be furnished to county health
 9 departments and local emergency management agencies upon
 10 request.

11 (22) Home medical equipment providers may establish
 12 links to local emergency operations centers to determine a
 13 mechanism by which to approach specific areas within a
 14 disaster area in order for the provider to reach its patients.

15 Section 27. Effective July 1, 2006, subsection (11) is
 16 added to section 400.935, Florida Statutes, to read:

17 400.935 Rules establishing minimum standards.--The
 18 agency shall adopt, publish, and enforce rules to implement
 19 this part, which must provide reasonable and fair minimum
 20 standards relating to:

21 (11) Preparation of the comprehensive emergency
 22 management plan under s. 400.934 and the establishment of
 23 minimum criteria for the plan, including the maintenance of
 24 patient equipment and supply lists that can accompany patients
 25 who are transported from their homes. Such rules shall be
 26 formulated in consultation with the Department of Health and
 27 the Department of Community Affairs.

28 Section 28. Effective July 1, 2006, section 408.831,
 29 Florida Statutes, is amended to read:

30 408.831 Denial, suspension, or revocation of a
 31 license, registration, certificate, or application.--

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

5 (a) If the applicant, licensee, registrant, or
6 certificateholder, or, in the case of a corporation,
7 partnership, or other business entity, if any officer,
8 director, agent, or managing employee of that business entity
9 or any affiliated person, partner, or shareholder having an
10 ownership interest equal to 5 percent or greater in that
11 business entity, has failed to pay all outstanding fines,
12 liens, or overpayments assessed by final order of the agency
13 or final order of the Centers for Medicare and Medicaid
14 Services, not subject to further appeal, unless a repayment
15 plan is approved by the agency; or

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

17 (2) In reviewing any application requesting a change
18 of ownership or change of the licensee, registrant, or
19 certificateholder, the transferor shall, prior to agency
20 approval of the change, repay or make arrangements to repay
21 any amounts owed to the agency. Should the transferor fail to
22 repay or make arrangements to repay the amounts owed to the
23 agency, the issuance of a license, registration, or
24 certificate to the transferee shall be delayed until repayment
25 or until arrangements for repayment are made.

26 (3) An entity subject to this section may exceed its
27 licensed capacity to act as a receiving facility in accordance
28 with an emergency operations plan for clients of evacuating
29 providers from a geographic area where an evacuation order has
30 been issued by a local authority having jurisdiction. While in
31 an overcapacity status, each provider must furnish or arrange

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1 for appropriate care and services to all clients. In addition,
 2 the agency may approve requests for overcapacity beyond 15
 3 days, which approvals may be based upon satisfactory
 4 justification and need as provided by the receiving and
 5 sending facilities.

6 (4)(a) An inactive license may be issued to a licensee
 7 subject to this section when the provider is located in a
 8 geographic area where a state of emergency was declared by the
 9 Governor if the provider:

10 1. Suffered damage to its operation during that state
 11 of emergency.

12 2. Is currently licensed.

13 3. Does not have a provisional license.

14 4. Will be temporarily unable to provide services but
 15 is reasonably expected to resume services within 12 months.

16 (b) An inactive license may be issued for a period not
 17 to exceed 12 months but may be renewed by the agency for up to
 18 12 additional months upon demonstration to the agency of
 19 progress toward reopening. A request by a licensee for an
 20 inactive license or to extend the previously approved inactive
 21 period must be submitted in writing to the agency, accompanied
 22 by written justification for the inactive license, which
 23 states the beginning and ending dates of inactivity and
 24 includes a plan for the transfer of any clients to other
 25 providers and appropriate licensure fees. Upon agency
 26 approval, the licensee shall notify clients of any necessary
 27 discharge or transfer as required by authorizing statutes or
 28 applicable rules. The beginning of the inactive licensure
 29 period shall be the date the provider ceases operations. The
 30 end of the inactive period shall become the licensee
 31 expiration date, and all licensure fees must be current, paid

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1 in full, and may be prorated. Reactivation of an inactive
 2 license requires the prior approval by the agency of a renewal
 3 application, including payment of licensure fees and agency
 4 inspections indicating compliance with all requirements of
 5 this part and applicable rules and statutes.

6 (5)(3) This section provides standards of enforcement
 7 applicable to all entities licensed or regulated by the Agency
 8 for Health Care Administration. This section controls over any
 9 conflicting provisions of chapters 39, 381, 383, 390, 391,
 10 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted
 11 pursuant to those chapters.

12 Section 29. Emergency preparedness-prescription
 13 medication refills.--All health insurers, managed care
 14 organizations, and other entities that are licensed by the
 15 Office of Insurance Regulation and provide prescription
 16 medication coverage as part of a policy or contract shall
 17 waive time restrictions on prescription medication refills,
 18 which includes suspension of electronic "refill too soon"
 19 edits to pharmacies, to enable insureds or subscribers to
 20 refill prescriptions in advance, if there are authorized
 21 refills remaining, and shall authorize payment to pharmacies
 22 for at least a thirty day supply of any prescription
 23 medication, regardless of the date upon which the prescription
 24 had most recently been filled by a pharmacist, when the
 25 following conditions occur:

26 (1) The person seeking the prescription medication
 27 refill resides in a county that:

28 (a) Is under a hurricane warning issued by the
 29 National Weather Service;

30 (b) Is declared to be under a state of emergency in an
 31 executive order issued by the Governor; or

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1 (c) Has activated its emergency operations center and
2 its emergency management plan.

3 (2) The prescription medication refill is requested
4 within 30 days after the origination date of the conditions
5 stated in this section or until such conditions are terminated
6 by the issuing authority or no longer exists. The time period
7 for the waiver of prescription medication refills may be
8 extended in 15- or 30-day increments by emergency orders
9 issued by the Office of Insurance Regulation.

10

11 This section does not excuse or exempt an insured or
12 subscriber from compliance with all other terms of the policy
13 or contract providing prescription medication coverage. This
14 section takes effect July 1, 2006.

15 Section 30. Except as otherwise expressly provided in
16 this act, this act shall take effect upon becoming a law.

17

18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 30, delete that line

22

23 insert:

24 directing the Division of Emergency Management
25 to conduct a feasibility study relating to the
26 supply and distribution of essential
27 commodities by nongovernment and private
28 entities; creating s. 526.143, F.S.; providing
29 that each motor fuel terminal facility and
30 wholesaler that sells motor fuel in the state
31 must be capable of operating its distribution

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1 loading racks using an alternate power source
 2 for a specified period by a certain date;
 3 providing requirements with respect to the
 4 operation of such equipment following a major
 5 disaster; providing requirements with respect
 6 to inspection of such equipment; requiring
 7 newly constructed or substantially renovated
 8 motor fuel retail outlets to be capable of
 9 operation using an alternate power source;
 10 defining "substantially renovated"; requiring
 11 certain motor fuel retail outlets located
 12 within a specified distance from an interstate
 13 highway or state or federally designated
 14 evacuation route to be capable of operation
 15 using an alternate power source by a specified
 16 date; providing inspection and recordkeeping
 17 requirements; providing applicability; creating
 18 s. 526.144, F.S.; creating the Florida Disaster
 19 Motor Fuel Supplier Program within the
 20 Department of Community Affairs; providing
 21 requirements for participation in the program;
 22 providing that participation in the program
 23 shall be at the option of each county;
 24 providing for administration of the program;
 25 providing requirements of businesses certified
 26 as State Emergency Response Team members;
 27 providing for preemption to the state of the
 28 regulation of and requirements for siting and
 29 placement of an alternate power source and any
 30 related equipment at motor fuel terminal
 31 facilities, wholesalers, and retail sales

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1 outlets; providing for preemption to the state
2 of the regulation of certain retail
3 establishments; providing for review of the
4 program; providing a report; amending s.
5 501.160, F.S., providing limiting price gouge
6 prohibition periods; providing prohibition
7 period renewal; amending s. 553.509, F.S.,
8 relating to requirements with respect to
9 vertical accessibility under part II of ch.
10 553, F.S., the "Florida Americans With
11 Disabilities Accessibility Implementation Act";
12 requiring specified existing and newly
13 constructed residential multifamily dwellings
14 to have at least one public elevator that is
15 capable of operating on an alternate power
16 source for emergency purposes; providing
17 requirements with respect to the alternate
18 power source; providing for verification of
19 compliance by specified dates; providing
20 requirements with respect to emergency
21 operations plans and inspection records;
22 requiring any person, firm, or corporation that
23 owns, manages or operates specified multistory
24 affordable residential dwellings to attempt to
25 obtain grant funding to comply with the act;
26 requiring an owner, manager or operator of such
27 a dwelling to develop an evacuation plan in the
28 absence of compliance with the act; providing
29 additional inspection requirements under ch.
30 399, F.S., the "Elevator Safety Act"; amending
31 s. 252.35, F.S.; expanding the duty of the

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1 Division of Emergency Management to conduct a
2 public educational campaign on emergency
3 preparedness issues; expanding the duty of the
4 Division of Emergency Management to create and
5 maintain lists of emergency generators;
6 providing an additional duty of the division
7 with respect to educational outreach concerning
8 disaster preparedness; providing an
9 appropriation to the Department of Community
10 Affairs to conduct a feasibility study;
11 providing severability; amending s. 252.355,
12 F.S.; specifying additional entities and
13 agencies that are required to provide
14 registration information to persons with
15 disabilities or special needs for purposes of
16 inclusion within the registry of persons with
17 special needs maintained by local emergency
18 management agencies; providing that the
19 Department of Community Affairs is the
20 designated lead agency responsible for
21 community education and outreach to the general
22 public, including persons with special needs,
23 regarding registration as a person with special
24 needs, special needs shelters, and general
25 information regarding shelter stays; providing
26 that special needs shelters must allow persons
27 with special needs to bring service animals
28 into special needs shelters; revising
29 provisions with respect to the required
30 notification of residential utility customers
31 of the availability of the special needs

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1 registration program; providing that specified
2 confidential and exempt information relating to
3 the roster of persons with special needs in
4 special needs shelters be provided to local law
5 enforcement; creating s. 252.3568, F.S.;
6 requiring the Division of Emergency Management
7 to address strategies for the evacuation of
8 persons with pets in the shelter component of
9 the state comprehensive emergency management
10 plan; creating s. 252.357, F.S.; requiring the
11 Florida Comprehensive Emergency Management Plan
12 to permit the Agency for Health Care
13 Administration to make initial contact with
14 each nursing home and assisted living facility
15 in a disaster area; requiring the agency to
16 annually publish an emergency telephone number
17 that may be used by nursing homes and assisted
18 living facilities to contact the agency;
19 amending s. 252.385, F.S., relating to public
20 shelter space; requiring the Division of
21 Emergency Management of the Department of
22 Community Affairs to biennially prepare and
23 submit a statewide emergency shelter plan to
24 the Governor and the Cabinet for approval;
25 providing plan requirements; requiring the
26 Department of Health to provide specified
27 assistance to the division; revising the list
28 of those facilities that are excluded as being
29 suitable for use as public hurricane evacuation
30 shelters; requiring local emergency management
31 agencies to coordinate with public facilities

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1 to determine readiness prior to activation;
2 amending s. 381.0303, F.S.; providing for the
3 operation of special needs shelters; providing
4 that local Children's Medical Services offices
5 shall assume lead responsibility for specified
6 coordination with respect to the development of
7 a plan for the staffing and medical management
8 of pediatric special needs shelters; requiring
9 that such plans conform to the local
10 comprehensive emergency management plan;
11 requiring county governments to assist the
12 Department of Health with nonmedical staffing
13 and operation of special needs shelters;
14 requiring county health departments and
15 emergency management agencies to coordinate
16 such efforts to ensure appropriate staffing;
17 providing that the appropriate county health
18 department, Children's Medical Services office,
19 and local emergency management agency shall
20 jointly determine the responsibility for
21 medical supervision in a special needs shelter;
22 providing notification requirements; requiring
23 the emergency management agency and the local
24 health department to coordinate efforts to
25 ensure appropriate designation, operation, and
26 closure of special needs shelters; requiring
27 the Secretary of Elderly Affairs to convene
28 multiagency special needs shelter discharge
29 planning teams to assist local areas that are
30 severely impacted by a natural or manmade
31 disaster that requires the use of special needs

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1 shelters; providing duties and responsibilities
2 of such discharge planning teams; providing for
3 the inclusion of specified state agency
4 representatives on each discharge planning
5 team; revising provisions relating to
6 reimbursement of health care practitioners;
7 providing for eligibility of specified health
8 care facilities for reimbursement when a
9 multiagency special needs shelter discharge
10 planning team discharges persons with special
11 needs to such receiving facilities; providing
12 procedures and requirements with respect to
13 such reimbursement; requiring the department to
14 specify by rule expenses that are reimbursable
15 and the rate of reimbursement for services;
16 revising provisions that prescribe means of and
17 procedures for reimbursement; disallowing
18 specified reimbursements; revising provisions
19 with respect to the organization, role, duties,
20 and composition of the special needs shelter
21 interagency committee; requiring the department
22 to adopt specified rules with respect to
23 special needs shelters; amending ss. 400.492,
24 400.497, 400.506, 400.610, and 400.934, F.S.;
25 revising requirements with respect to the
26 comprehensive emergency management plans of
27 home health agencies, nurse registries, and
28 hospices, and providing requirements with
29 respect to home medical equipment providers, to
30 include the means by which continuing services
31 will be provided to patients who evacuate to

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1 special needs shelters; authorizing the
2 establishment of links to local emergency
3 operations centers for specified purposes;
4 revising requirements of a county health
5 department with respect to review of a
6 comprehensive emergency management plan
7 submitted by a home health agency, nurse
8 registry, or hospice; providing requirements
9 upon failure to submit a plan or requested
10 information to the department; providing for
11 imposition of a fine; revising requirements of
12 the Department of Health with respect to review
13 of the plan of a home health agency or hospice
14 that operates in more than one county;
15 providing that the preparation and maintenance
16 of a comprehensive emergency management plan by
17 a home medical equipment provider is a
18 requirement for licensure and must meet minimum
19 criteria established by the Agency for Health
20 Care Administration; providing plan
21 requirements; providing that the plan is
22 subject to review and approval by the county
23 health department; requiring each home medical
24 equipment provider to maintain a current
25 prioritized list of patients who need continued
26 services during an emergency; amending s.
27 400.925, F.S.; defining "life-supporting or
28 life-sustaining equipment" for purposes of part
29 X of ch. 400, F.S., relating to home medical
30 equipment providers; amending s. 400.935, F.S.;

31 requiring the Agency for Health Care

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1 Administration to adopt rules with respect to
2 the comprehensive emergency management plan
3 prepared by a home medical equipment services
4 provider; amending s. 408.831, F.S.; providing
5 that entities regulated or licensed by the
6 Agency for Health Care Administration may
7 exceed their licensed capacity to act as
8 receiving facilities under specified
9 circumstances; providing requirements while
10 such entities are in an overcapacity status;
11 providing for issuance of an inactive license
12 to such licensees under specified conditions;
13 providing requirements and procedures with
14 respect to the issuance and reactivation of an
15 inactive license; providing fees; requiring
16 certain health insurance companies to waive
17 restrictions on filling prescriptions during a
18 declared State of Emergency; providing
19 effective dates.

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