

1 A bill to be entitled
2 An act relating to adult protection and care; amending s.
3 322.142, F.S.; authorizing the Department of Children and
4 Family Services to obtain copies of driver's license files
5 maintained by the Department of Highway Safety and Motor
6 Vehicles for the purpose of conducting protective
7 investigations; amending s. 415.103, F.S.; requiring that
8 reports to the central abuse hotline relating to
9 vulnerable adults be transferred to the county sheriff's
10 office under certain circumstances; amending s. 415.1051,
11 F.S.; authorizing the Department of Children and Family
12 Services to file a petition within 60 days to determine
13 incapacity in adult protection proceedings; prohibiting
14 the department from serving as the guardian or providing
15 legal counsel to the guardian under certain circumstances;
16 amending s. 415.112, F.S.; providing authority and
17 requirements for department rules; amending s. 429.28,
18 F.S.; revising and specifying certain conditions in an
19 assisted living facility's resident bill of rights for a
20 resident's relocation or termination of residency;
21 creating s. 429.285, F.S.; prohibiting resident relocation
22 or termination of residency in the absence of certain
23 specified conditions; requiring the administrator or
24 employee of a facility to sign a notice of relocation or
25 termination of residency and requiring a physician's
26 signature under certain circumstances; requiring a
27 licensee to provide advance written notice to the resident
28 and other specified persons regarding relocation or

29 | termination of residency; providing that the notice
 30 | contain certain information; providing for the creation of
 31 | a form to submit relocation or termination of residency
 32 | information and specifying information to be included
 33 | therein; requiring a licensee to report relocation or
 34 | termination of residency to the Office of State Long-term
 35 | Care Ombudsman within a certain timeframe; permitting
 36 | residents to seek the assistance of the local long-term
 37 | care ombudsmen council in reviewing a notice of relocation
 38 | or termination of residency; providing for emergency
 39 | relocation and termination of residency; permitting the
 40 | local long-term care ombudsmen council to request private
 41 | informal contact with a resident upon receipt of a notice
 42 | of relocation or termination of residency; authorizing the
 43 | agency to adopt rules; amending ss. 429.07 and 429.31,
 44 | F.S.; conforming cross-references; providing an effective
 45 | date.

46 |

47 | Be It Enacted by the Legislature of the State of Florida:

48 |

49 | Section 1. Subsection (4) of section 322.142, Florida
 50 | Statutes, is amended to read:

51 | 322.142 Color photographic or digital imaged licenses.--

52 | (4) The department may maintain a film negative or print
 53 | file. The department shall maintain a record of the digital
 54 | image and signature of the licensees, together with other data
 55 | required by the department for identification and retrieval.
 56 | Reproductions from the file or digital record are exempt from

57 the provisions of s. 119.07(1) and shall be made and issued only
 58 for departmental administrative purposes; for the issuance of
 59 duplicate licenses; in response to law enforcement agency
 60 requests; to the Department of State pursuant to an interagency
 61 agreement to facilitate determinations of eligibility of voter
 62 registration applicants and registered voters in accordance with
 63 ss. 98.045 and 98.075; to the Department of Revenue pursuant to
 64 an interagency agreement for use in establishing paternity and
 65 establishing, modifying, or enforcing support obligations in
 66 Title IV-D cases; to the Department of Children and Family
 67 Services pursuant to an interagency agreement to conduct
 68 protective investigations under chapter 415; or to the
 69 Department of Financial Services pursuant to an interagency
 70 agreement to facilitate the location of owners of unclaimed
 71 property, the validation of unclaimed property claims, and the
 72 identification of fraudulent or false claims, ~~and are exempt~~
 73 ~~from the provisions of s. 119.07(1).~~

74 Section 2. Subsection (2) of section 415.103, Florida
 75 Statutes, is amended to read:

76 415.103 Central abuse hotline.--

77 (2) Upon receiving an oral or written report of known or
 78 suspected abuse, neglect, or exploitation of a vulnerable adult,
 79 the central abuse hotline shall ~~must~~ determine if the report
 80 requires an immediate onsite protective investigation.

81 (a) For reports requiring an immediate onsite protective
 82 investigation, the central abuse hotline must immediately notify
 83 the department's designated protective investigative district

84 staff responsible for protective investigations to ensure prompt
 85 initiation of an onsite investigation.

86 (b) For reports not requiring an immediate onsite
 87 protective investigation, the central abuse hotline must notify
 88 the department's designated protective investigative district
 89 staff responsible for protective investigations in sufficient
 90 time to allow for an investigation to be commenced within 24
 91 hours. At the time of notification ~~of district staff with~~
 92 ~~respect to the report~~, the central abuse hotline must also
 93 provide any ~~known information on any~~ previous reports report
 94 concerning the a subject of the present report or any pertinent
 95 information relative to the present report or any noted earlier
 96 reports.

97 (c) If the report is of known or suspected abuse of a
 98 vulnerable adult by someone other than a relative, caregiver, or
 99 household member, the report shall be immediately transferred to
 100 the appropriate county sheriff's office.

101 Section 3. Paragraph (e) of subsection (1) and paragraph
 102 (g) of subsection (2) of section 415.1051, Florida Statutes, are
 103 amended to read:

104 415.1051 Protective services interventions when capacity
 105 to consent is lacking; nonemergencies; emergencies; orders;
 106 limitations.--

107 (1) NONEMERGENCY PROTECTIVE SERVICES INTERVENTIONS.--If
 108 the department has reasonable cause to believe that a vulnerable
 109 adult or a vulnerable adult in need of services is being abused,
 110 neglected, or exploited and is in need of protective services
 111 but lacks the capacity to consent to protective services, the

112 department shall petition the court for an order authorizing the
 113 provision of protective services.

114 (e) Continued protective services.--

115 1. Within ~~No more than~~ 60 days after the date of the order
 116 authorizing the provision of protective services, the department
 117 shall petition the court to determine whether:

118 a. Protective services are to ~~will~~ be continued with the
 119 consent of the vulnerable adult pursuant to this subsection;

120 b. Protective services are to ~~will~~ be continued for the
 121 vulnerable adult who lacks capacity;

122 c. Protective services are to ~~will~~ be discontinued; or

123 d. A petition for guardianship shall ~~should~~ be filed
 124 pursuant to chapter 744.

125 2. If the court determines that a petition for
 126 guardianship shall ~~should~~ be filed pursuant to chapter 744, the
 127 court, for good cause shown, may order continued protective
 128 services until it makes a determination regarding capacity.

129 3. If the department has a good faith belief that the
 130 vulnerable adult lacks capacity, the petition to determine
 131 incapacity under s. 744.3201 may be filed by the department.
 132 Once the petition is filed, the department may not be appointed
 133 guardian and may not provide legal counsel for the guardian.

134 (2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.--If the
 135 department has reasonable cause to believe that a vulnerable
 136 adult is suffering from abuse or neglect that presents a risk of
 137 death or serious physical injury to the vulnerable adult and
 138 that the vulnerable adult lacks the capacity to consent to
 139 emergency protective services, the department may take action

140 under this subsection. If the vulnerable adult has the capacity
 141 to consent and refuses consent to emergency protective services,
 142 emergency protective services may not be provided.

143 (g) Continued emergency protective services.--

144 1. Within ~~Not more than~~ 60 days after the date of the
 145 order authorizing the provision of emergency protective
 146 services, the department shall petition the court to determine
 147 whether:

148 a. Emergency protective services are to ~~will~~ be continued
 149 with the consent of the vulnerable adult;

150 b. Emergency protective services are to ~~will~~ be continued
 151 for the vulnerable adult who lacks capacity;

152 c. Emergency protective services are to ~~will~~ be
 153 discontinued; or

154 d. A petition shall ~~should~~ be filed under chapter 744.

155 2. If it is decided to file a petition under chapter 744,
 156 for good cause shown, the court may order continued emergency
 157 protective services until a determination is made by the court.

158 3. If the department has a good faith belief that the
 159 vulnerable adult lacks capacity, the petition to determine
 160 incapacity under s. 744.3201 may be filed by the department.
 161 Once the petition is filed, the department may not be appointed
 162 guardian and may not provide legal counsel for the guardian.

163 Section 4. Section 415.112, Florida Statutes, is amended
 164 to read:

165 415.112 Specific rulemaking authority ~~Rules for~~
 166 ~~implementation of ss. 415.101-415.113.--~~The department shall
 167 adopt promulgate rules to administer this chapter, including,

168 but not limited to: ~~for the implementation of ss. 415.101-~~
 169 ~~415.113.~~

170 (1) Background screening of department employees and
 171 applicants for employment, which shall include a criminal
 172 records check and drug testing of adult protective investigators
 173 and adult protective investigator supervisors.

174 (2) Reporting of adult abuse, neglect, and exploitation;
 175 reporting of a vulnerable adult in need of services; false
 176 reporting; and adult protective investigations.

177 (3) Confidentiality and retention of department records,
 178 access to records, and record requests.

179 (4) Injunctions and other protective orders.

180 (5) The provision of emergency and nonemergency protective
 181 services intervention.

182 (6) Agreements with law enforcement and other state
 183 agencies.

184 (7) Legal and casework procedures, including, but not
 185 limited to, diligent search, petitions, emergency removals,
 186 capacity to consent, and adult protection teams.

187 (8) Legal and casework management of cases involving
 188 protective supervision, protective orders, judicial reviews,
 189 administrative reviews, case plans, and documentation
 190 requirements.

191 Section 5. Paragraphs (k) and (l) of subsection (1),
 192 subsection (2), and paragraph (b) of subsection (3) of section
 193 429.28, Florida Statutes, are amended to read:

194 429.28 Resident bill of rights.--

195 (1) No resident of a facility shall be deprived of any
 196 civil or legal rights, benefits, or privileges guaranteed by
 197 law, the Constitution of the State of Florida, or the
 198 Constitution of the United States as a resident of a facility.
 199 Every resident of a facility shall have the right to:

200 (k) Receive at least 45 days' written notice of relocation
 201 or termination of residency from the licensee as provided in s.
 202 429.285, unless the relocation or termination of residency is
 203 initiated by the resident or the resident designee; faecility
 204 ~~unless,~~ for medical reasons, the resident is certified by a
 205 physician to require an emergency relocation to a facility
 206 providing a more skilled level of care; or the resident engages
 207 in a pattern of conduct that is harmful or offensive to other
 208 residents. ~~In the case of a resident who has been adjudicated~~
 209 ~~mentally incapacitated, the guardian shall be given at least 45~~
 210 ~~days' notice of a nonemergency relocation or residency~~
 211 ~~termination. Reasons for relocation shall be set forth in~~
 212 ~~writing.~~ In order for a licensee faecility to terminate the
 213 residency of an individual without notice as provided in this
 214 paragraph herein, the licensee faecility shall show good cause in
 215 a court of competent jurisdiction. Admission to a facility
 216 licensed under this part may not be conditioned upon a waiver of
 217 such right, and any document or provision in a document that
 218 purports to waive or preclude such right is void and
 219 unenforceable.

220 (l) Present grievances and recommend changes in policies,
 221 procedures, and services to the staff of the facility, governing
 222 officials, or any other person without restraint, interference,

223 coercion, discrimination, or reprisal. Each licensee ~~facility~~
 224 shall establish a written grievance procedure to facilitate the
 225 residents' exercise of this right. This right includes access to
 226 ombudsman volunteers and advocates and the right to be a member
 227 of, to be active in, and to associate with advocacy or special
 228 interest groups. Each licensee shall maintain a written log of
 229 grievances that shall be available for inspection and shall be
 230 maintained for at least 2 years. Residents may provide verbal or
 231 written grievances.

232 (2) The administrator of a facility shall ensure that a
 233 written notice of the rights, obligations, and prohibitions set
 234 forth in this part is posted in a prominent place in each
 235 facility and read or explained to residents who cannot read.
 236 This notice shall include the name, address, and telephone
 237 numbers of the local ombudsman council and central abuse hotline
 238 and, when applicable, the Advocacy Center for Persons with
 239 Disabilities, Inc., and the Florida local advocacy council,
 240 where complaints may be lodged. The licensee ~~facility~~ must
 241 ensure a resident's access to a telephone to call the local
 242 ombudsman council, central abuse hotline, Advocacy Center for
 243 Persons with Disabilities, Inc., and the Florida local advocacy
 244 council.

245 (3)

246 (b) In order to determine whether the licensee ~~facility~~ is
 247 adequately protecting residents' rights, the biennial survey
 248 shall include private informal conversations with a sample of
 249 residents and consultation with the ombudsman council in the

250 planning and service area in which the facility is located to
251 discuss residents' experiences within the facility.

252 Section 6. Section 429.285, Florida Statutes, is created
253 to read:

254 429.285 Resident relocation or termination of residency;
255 requirements and procedures.--

256 (1) A facility licensed under this part must permit a
257 resident to remain in the facility. Relocation or termination of
258 residency of a resident may not occur unless:

259 (a) The relocation or termination of residency is
260 necessary for the resident's welfare and the resident's needs
261 cannot be met in the facility;

262 (b) The relocation or termination of residency is
263 appropriate because the resident's health has improved
264 sufficiently so that the resident no longer needs the services
265 provided by the facility;

266 (c) The health and safety of other residents or facility
267 employees would be endangered;

268 (d) The resident has failed, after at least 30 days'
269 notice, to provide payment for his or her stay in the facility;

270 (e) The facility ceases to operate;

271 (f) There is a documented pattern of harmful and offensive
272 behavior by the resident; or

273 (g) The contract provided for under s. 429.24(1) between
274 the licensee and the resident expires on its own terms.

275 (2) When a relocation or termination of residency is
276 initiated by the licensee, the administrator that is relocating
277 the resident or terminating residency, or an individual employed

278 by the facility who is designated by the administrator to act on
 279 behalf of the administration, must sign the notice of relocation
 280 or termination of residency. Any notice indicating a medical
 281 reason for relocation or termination of residency must be signed
 282 by the resident's physician or include an attached physician's
 283 written order for the relocation or termination of residency.

284 (3) At least 45 days prior to a proposed relocation or
 285 termination of residency, a licensee must provide by certified
 286 mail advance written notice of the proposed relocation or
 287 termination of residency to the resident and, if known, to a
 288 family member or the resident's legal guardian or
 289 representative.

290 (4) The notice must be in writing and contain all
 291 information required by state and federal laws, rules, and
 292 regulations. A copy of the notice must be placed in the
 293 resident's file. The agency shall develop a standard form to be
 294 used by all facilities licensed under this part for purposes of
 295 notifying residents of a relocation or termination of residency.
 296 In addition to any other pertinent information included, the
 297 form shall:

298 (a) Specify the reason allowed under state law justifying
 299 the relocation or termination of the residency, with an
 300 explanation to support this action.

301 (b) State the effective date of the relocation or
 302 termination of residency and the location to which the resident
 303 is being relocated.

304 (c) Include the right and means to request the local long-
 305 term care ombudsman council to review the notice of relocation

306 or termination of residency.

307 (5) A relocation or termination of residency notice
308 initiated by a licensee must be reported to the Office of State
309 Long-Term Care Ombudsman by mail, electronic mail, or facsimile
310 within 5 business days after a resident's receipt of a notice to
311 relocate or terminate residency. The Office of State Long-Term
312 Care Ombudsman shall compile and publish the information
313 collected from such notices in the annual report required by s.
314 400.0065(2)(i). A resident may request that the local long-term
315 care ombudsman council review any notice of relocation or
316 termination of residency given to the resident. When requested
317 by a resident to review such notice, the local long-term care
318 ombudsman council shall do so within 5 business days after
319 receipt of the request.

320 (6) In the event of an emergency relocation or termination
321 of residency, as provided under s. 429.28(1)(k), notice shall be
322 provided to the resident, the resident's legal guardian or
323 representative, and the local long-term care ombudsman council
324 by telephone or in person. The written notice shall be given
325 before the relocation or termination of residency, if possible,
326 and no later than 5 business days after the relocation or
327 termination of residency. A local long-term care ombudsman
328 council conducting a review under this section shall do so
329 within 2 business days after receipt of the request. The
330 resident's file must include documentation indicating who was
331 contacted, whether the contact was by telephone or in person,
332 and the date and time of the contact.

333 (7) After receipt of a notice required under this section,

334 the local long-term care ombudsman council may request a private
 335 informal conversation with a resident to whom the notice is
 336 directed, and, if known, a family member or the resident's legal
 337 guardian or representative, to ensure that the licensee is
 338 proceeding with the relocation or termination of residency in
 339 accordance with the requirements of this section.

340 (8) The agency may adopt rules pursuant to ss. 120.536(1)
 341 and 120.54 to administer this section.

342 Section 7. Paragraphs (b) and (c) of subsection (3) of
 343 section 429.07, Florida Statutes, are amended to read:

344 429.07 License required; fee.--

345 (3) In addition to the requirements of s. 408.806, each
 346 license granted by the agency must state the type of care for
 347 which the license is granted. Licenses shall be issued for one
 348 or more of the following categories of care: standard, extended
 349 congregate care, limited nursing services, or limited mental
 350 health.

351 (b) An extended congregate care license shall be issued to
 352 facilities providing, directly or through contract, services
 353 beyond those authorized in paragraph (a), including acts
 354 performed pursuant to part I of chapter 464 by persons licensed
 355 thereunder, and supportive services defined by rule to persons
 356 who otherwise would be disqualified from continued residence in
 357 a facility licensed under this part.

358 1. In order for extended congregate care services to be
 359 provided in a facility licensed under this part, the agency must
 360 first determine that all requirements established in law and
 361 rule are met and must specifically designate, on the facility's

362 license, that such services may be provided and whether the
363 designation applies to all or part of a facility. Such
364 designation may be made at the time of initial licensure or
365 relicensure, or upon request in writing by a licensee under this
366 part and part II of chapter 408. Notification of approval or
367 denial of such request shall be made in accordance with part II
368 of chapter 408. Existing facilities qualifying to provide
369 extended congregate care services must have maintained a
370 standard license and may not have been subject to administrative
371 sanctions during the previous 2 years, or since initial
372 licensure if the facility has been licensed for less than 2
373 years, for any of the following reasons:

- 374 a. A class I or class II violation;
- 375 b. Three or more repeat or recurring class III violations
376 of identical or similar resident care standards as specified in
377 rule from which a pattern of noncompliance is found by the
378 agency;
- 379 c. Three or more class III violations that were not
380 corrected in accordance with the corrective action plan approved
381 by the agency;
- 382 d. Violation of resident care standards resulting in a
383 requirement to employ the services of a consultant pharmacist or
384 consultant dietitian;
- 385 e. Denial, suspension, or revocation of a license for
386 another facility under this part in which the applicant for an
387 extended congregate care license has at least 25 percent
388 ownership interest; or

389 f. Imposition of a moratorium pursuant to this part or
390 part II of chapter 408 or initiation of injunctive proceedings.

391 2. Facilities that are licensed to provide extended
392 congregate care services shall maintain a written progress
393 report on each person who receives such services, which report
394 describes the type, amount, duration, scope, and outcome of
395 services that are rendered and the general status of the
396 resident's health. A registered nurse, or appropriate designee,
397 representing the agency shall visit such facilities at least
398 quarterly to monitor residents who are receiving extended
399 congregate care services and to determine if the facility is in
400 compliance with this part, part II of chapter 408, and rules
401 that relate to extended congregate care. One of these visits may
402 be in conjunction with the regular survey. The monitoring visits
403 may be provided through contractual arrangements with
404 appropriate community agencies. A registered nurse shall serve
405 as part of the team that inspects such facility. The agency may
406 waive one of the required yearly monitoring visits for a
407 facility that has been licensed for at least 24 months to
408 provide extended congregate care services, if, during the
409 inspection, the registered nurse determines that extended
410 congregate care services are being provided appropriately, and
411 if the facility has no class I or class II violations and no
412 uncorrected class III violations. Before such decision is made,
413 the agency shall consult with the long-term care ombudsman
414 council for the area in which the facility is located to
415 determine if any complaints have been made and substantiated
416 about the quality of services or care. The agency may not waive

417 one of the required yearly monitoring visits if complaints have
 418 been made and substantiated.

419 3. Facilities that are licensed to provide extended
 420 congregate care services shall:

421 a. Demonstrate the capability to meet unanticipated
 422 resident service needs.

423 b. Offer a physical environment that promotes a homelike
 424 setting, provides for resident privacy, promotes resident
 425 independence, and allows sufficient congregate space as defined
 426 by rule.

427 c. Have sufficient staff available, taking into account
 428 the physical plant and firesafety features of the building, to
 429 assist with the evacuation of residents in an emergency, as
 430 necessary.

431 d. Adopt and follow policies and procedures that maximize
 432 resident independence, dignity, choice, and decisionmaking to
 433 permit residents to age in place to the extent possible, so that
 434 moves due to changes in functional status are minimized or
 435 avoided.

436 e. Allow residents or, if applicable, a resident's
 437 representative, designee, surrogate, guardian, or attorney in
 438 fact to make a variety of personal choices, participate in
 439 developing service plans, and share responsibility in
 440 decisionmaking.

441 f. Implement the concept of managed risk.

442 g. Provide, either directly or through contract, the
 443 services of a person licensed pursuant to part I of chapter 464.

444 h. In addition to the training mandated in s. 429.52,
445 provide specialized training as defined by rule for facility
446 staff.

447 4. Facilities licensed to provide extended congregate care
448 services are exempt from the criteria for continued residency as
449 set forth in rules adopted under s. 429.41. Facilities so
450 licensed shall adopt their own requirements within guidelines
451 for continued residency set forth by rule. However, such
452 facilities may not serve residents who require 24-hour nursing
453 supervision. Facilities licensed to provide extended congregate
454 care services shall provide each resident with a written copy of
455 facility policies governing admission and retention.

456 5. The primary purpose of extended congregate care
457 services is to allow residents, as they become more impaired,
458 the option of remaining in a familiar setting from which they
459 would otherwise be disqualified for continued residency. A
460 facility licensed to provide extended congregate care services
461 may also admit an individual who exceeds the admission criteria
462 for a facility with a standard license, if the individual is
463 determined appropriate for admission to the extended congregate
464 care facility.

465 6. Before admission of an individual to a facility
466 licensed to provide extended congregate care services, the
467 individual must undergo a medical examination as provided in s.
468 429.26(4) and the facility must develop a preliminary service
469 plan for the individual.

470 7. When a facility can no longer provide or arrange for
471 services in accordance with the resident's service plan and

472 needs and the facility's policy, the facility shall make
 473 arrangements for relocating the person in accordance with s.
 474 429.285 ~~429.28(1)(k)~~.

475 8. Failure to provide extended congregate care services
 476 may result in denial of extended congregate care license
 477 renewal.

478 9. No later than January 1 of each year, the department,
 479 in consultation with the agency, shall prepare and submit to the
 480 Governor, the President of the Senate, the Speaker of the House
 481 of Representatives, and the chairs of appropriate legislative
 482 committees, a report on the status of, and recommendations
 483 related to, extended congregate care services. The status report
 484 must include, but need not be limited to, the following
 485 information:

486 a. A description of the facilities licensed to provide
 487 such services, including total number of beds licensed under
 488 this part.

489 b. The number and characteristics of residents receiving
 490 such services.

491 c. The types of services rendered that could not be
 492 provided through a standard license.

493 d. An analysis of deficiencies cited during licensure
 494 inspections.

495 e. The number of residents who required extended
 496 congregate care services at admission and the source of
 497 admission.

498 f. Recommendations for statutory or regulatory changes.

499 g. The availability of extended congregate care to state
500 clients residing in facilities licensed under this part and in
501 need of additional services, and recommendations for
502 appropriations to subsidize extended congregate care services
503 for such persons.

504 h. Such other information as the department considers
505 appropriate.

506 (c) A limited nursing services license shall be issued to
507 a facility that provides services beyond those authorized in
508 paragraph (a) and as specified in this paragraph.

509 1. In order for limited nursing services to be provided in
510 a facility licensed under this part, the agency must first
511 determine that all requirements established in law and rule are
512 met and must specifically designate, on the facility's license,
513 that such services may be provided. Such designation may be made
514 at the time of initial licensure or relicensure, or upon request
515 in writing by a licensee under this part and part II of chapter
516 408. Notification of approval or denial of such request shall be
517 made in accordance with part II of chapter 408. Existing
518 facilities qualifying to provide limited nursing services shall
519 have maintained a standard license and may not have been subject
520 to administrative sanctions that affect the health, safety, and
521 welfare of residents for the previous 2 years or since initial
522 licensure if the facility has been licensed for less than 2
523 years.

524 2. Facilities that are licensed to provide limited nursing
525 services shall maintain a written progress report on each person
526 who receives such nursing services, which report describes the

527 | type, amount, duration, scope, and outcome of services that are
 528 | rendered and the general status of the resident's health. A
 529 | registered nurse representing the agency shall visit such
 530 | facilities at least twice a year to monitor residents who are
 531 | receiving limited nursing services and to determine if the
 532 | facility is in compliance with applicable provisions of this
 533 | part, part II of chapter 408, and related rules. The monitoring
 534 | visits may be provided through contractual arrangements with
 535 | appropriate community agencies. A registered nurse shall also
 536 | serve as part of the team that inspects such facility.

537 | 3. A person who receives limited nursing services under
 538 | this part must meet the admission criteria established by the
 539 | agency for assisted living facilities. When a resident no longer
 540 | meets the admission criteria for a facility licensed under this
 541 | part, arrangements for relocating the person shall be made in
 542 | accordance with s. 429.285 ~~429.28(1)(k)~~, unless the facility is
 543 | licensed to provide extended congregate care services.

544 | Section 8. Subsection (1) of section 429.31, Florida
 545 | Statutes, is amended to read:

546 | 429.31 Closing of facility; notice; penalty.--

547 | (1) In addition to the requirements of part II of chapter
 548 | 408, the facility shall inform each resident or the next of kin,
 549 | legal representative, or agency acting on each resident's
 550 | behalf, of the fact and the proposed time of discontinuance of
 551 | operation, following the notification requirements provided in
 552 | s. 429.285 ~~429.28(1)(k)~~. In the event a resident has no person
 553 | to represent him or her, the facility shall be responsible for
 554 | referral to an appropriate social service agency for placement.

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Section 9. This act shall take effect October 1, 2008.