



769858

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/26/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs (Rich)  
 2 recommended the following **amendment**:

**Senate Amendment (with title amendments)**

Delete line(s) 148-163

and insert:

Section 1. Section 393.0673, Florida Statutes, is amended to read:

393.0673 Denial, suspension, or revocation of license; moratorium on admissions; administrative fines; procedures.--

(1) The agency may ~~deny~~, ~~revoke~~, or suspend a license or impose an administrative fine, not to exceed \$1,000 per violation per day, if:

(a) The ~~applicant~~ or licensee has:

1.(a) ~~Has~~ Falsely represented or omitted a material fact in its license application submitted under s. 393.0673; ~~i.~~



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17        2.~~(b)~~ ~~Has~~ Had prior action taken against it under the  
18 Medicaid or Medicare program; or-

19        3.~~(c)~~ ~~Has~~ Failed to comply with the applicable requirements  
20 of this chapter or rules applicable to the ~~applicant~~ or licensee.

21        (b) The Department of Children and Family Services has  
22 verified that the licensee is responsible for the abuse, neglect,  
23 or abandonment of a child or the abuse, neglect, or exploitation  
24 of a vulnerable adult.

25        (2) The agency may deny an application for licensure  
26 submitted under s. 393.067 if:

27        (a) The applicant has:

28        1. Falsely represented or omitted a material fact in its  
29 license application submitted under s. 393.067;

30        2. Had prior action taken against it under the Medicaid or  
31 Medicare program;

32        3. Failed to comply with the applicable requirements of  
33 this chapter or rules applicable to the applicant; or

34        4. Previously had a license to operate a residential  
35 facility revoked by the agency, the Department of Children and  
36 Family Services, or the Agency for Health Care Administration.

37        (b) The Department of Children and Family Services has  
38 verified that the applicant is responsible for the abuse,  
39 neglect, or abandonment of a child or the abuse, neglect, or  
40 exploitation of a vulnerable adult.

41        (3)~~(2)~~ All hearings shall be held within the county in  
42 which the licensee or applicant operates or applies for a license  
43 to operate a facility as defined herein.

44        (4)~~(3)~~ The agency, as a part of any final order issued by  
45 it under this chapter, may impose such fine as it deems proper,  
46 except that such fine may not exceed \$1,000 for each violation.



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47 | Each day a violation of this chapter occurs constitutes a  
48 | separate violation and is subject to a separate fine, but in no  
49 | event may the aggregate amount of any fine exceed \$10,000. Fines  
50 | paid by any facility licensee under the provisions of this  
51 | subsection shall be deposited in the Resident Protection Trust  
52 | Fund and expended as provided in s. 400.063.

53 |       (5)~~(4)~~ The agency may issue an order immediately suspending  
54 | or revoking a license when it determines that any condition in  
55 | the facility presents a danger to the health, safety, or welfare  
56 | of the residents in the facility.

57 |       (6)~~(5)~~ The agency may impose an immediate moratorium on  
58 | admissions to any facility when the agency ~~department~~ determines  
59 | that any condition in the facility presents a threat to the  
60 | health, safety, or welfare of the residents in the facility.

61 |       (7)~~(6)~~ The agency shall establish by rule criteria for  
62 | evaluating the severity of violations and for determining the  
63 | amount of fines imposed.