

By Senator Storms

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1 A bill to be entitled
2 An act relating to nursing home facilities; amending
3 s. 400.141, F.S.; providing that general and
4 professional liability insurance policies containing
5 certain provisions are insufficient to fulfill certain
6 requirements specified by state law; providing for
7 applicability; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (20) of section 400.141, Florida
12 Statutes, is amended to read:

13 400.141 Administration and management of nursing home
14 facilities.—Every licensed facility shall comply with all
15 applicable standards and rules of the agency and shall:

16 (20) Maintain general and professional liability insurance
17 coverage that is in force at all times. Any general and
18 professional liability insurance that provides for the payment
19 of litigation costs or attorney's fees for the defense of any
20 claim against a nursing home pursuant to common law, s. 400.023,
21 or s. 400.0233 as a deduction from the liability limits of the
22 policy or that in any way reduces the liability coverage limits
23 available under the policy for a settlement or judgment by any
24 amount attributable to legal costs or attorney's fees incurred
25 during the course of the defense of the insured does not fulfill
26 the insurance requirement of this section. In lieu of general
27 and professional liability insurance coverage, a state-
28 designated teaching nursing home and its affiliated assisted
29 living facilities created under s. 430.80 may demonstrate proof

10-01120-09

20091270__

30 of financial responsibility as provided in s. 430.80(3)(h).

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32 Facilities that have been awarded a Gold Seal under the program
33 established in s. 400.235 may develop a plan to provide
34 certified nursing assistant training as prescribed by federal
35 regulations and state rules and may apply to the agency for
36 approval of their program.

37 Section 2. This act shall take effect July 1, 2009, and
38 applies to all policies issued or renewed on or after that date.