

1 A bill to be entitled
 2 An act relating to long-term care; amending s. 400.141,
 3 F.S.; requiring licensed nursing home facilities to
 4 satisfy specified financial responsibilities relating to
 5 liability insurance coverage; providing application;
 6 providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:

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 10 Section 1. Subsection (20) of section 400.141, Florida
 11 Statutes, is amended to read:

12 400.141 Administration and management of nursing home
 13 facilities.--Every licensed facility shall comply with all
 14 applicable standards and rules of the agency and shall:

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

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29 facilities created under s. 430.80 may demonstrate proof of
30 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 shall apply to all policies issued or renewed on or after that
39 date.