

By the Committee on Rules; and Senator Richter

595-05235-11

2011692c1

1 A bill to be entitled
2 An act relating to assisted living facilities;
3 amending s. 429.19, F.S.; removing a requirement that
4 the Agency for Health Care Administration disseminate
5 annually a printed list of assisted living facilities
6 sanctioned or fined to specified agencies and
7 departments; amending s. 429.23, F.S.; removing
8 reporting requirements for assisted living facilities
9 relating to liability claims; amending s. 429.35,
10 F.S.; removing an obsolete reporting requirement;
11 amending s. 429.41, F.S.; removing a provision
12 requiring the Department of Elderly Affairs to submit
13 to the Legislature for review and comment a copy of
14 proposed department rules establishing standards for
15 resident care; repealing s. 429.54, F.S., relating to
16 a provision that authorizes the Department of Elderly
17 Affairs to collect information regarding the cost of
18 providing certain services in facilities and to
19 conduct field visits and audits and a provision
20 authorizing a local subsidy; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (9) of section 429.19, Florida
26 Statutes, is amended to read:

27 429.19 Violations; imposition of administrative fines;
28 grounds.—

29 ~~(9) The agency shall develop and disseminate an annual list~~

595-05235-11

2011692c1

30 ~~of all facilities sanctioned or fined for violations of state~~
31 ~~standards, the number and class of violations involved, the~~
32 ~~penalties imposed, and the current status of cases. The list~~
33 ~~shall be disseminated, at no charge, to the Department of~~
34 ~~Elderly Affairs, the Department of Health, the Department of~~
35 ~~Children and Family Services, the Agency for Persons with~~
36 ~~Disabilities, the area agencies on aging, the Florida Statewide~~
37 ~~Advocacy Council, and the state and local ombudsman councils.~~
38 ~~The Department of Children and Family Services shall disseminate~~
39 ~~the list to service providers under contract to the department~~
40 ~~who are responsible for referring persons to a facility for~~
41 ~~residency. The agency may charge a fee commensurate with the~~
42 ~~cost of printing and postage to other interested parties~~
43 ~~requesting a copy of this list. This information may be provided~~
44 ~~electronically or through the agency's Internet site.~~

45 Section 2. Subsections (6) through (10) of section 429.23,
46 Florida Statutes, are redesignated as subsections (5) through
47 (9), respectively, and present subsection (5) of that section is
48 amended to read:

49 429.23 Internal risk management and quality assurance
50 program; adverse incidents and reporting requirements.—

51 ~~(5) Each facility shall report monthly to the agency any~~
52 ~~liability claim filed against it. The report must include the~~
53 ~~name of the resident, the dates of the incident leading to the~~
54 ~~claim, if applicable, and the type of injury or violation of~~
55 ~~rights alleged to have occurred. This report is not discoverable~~
56 ~~in any civil or administrative action, except in such actions~~
57 ~~brought by the agency to enforce the provisions of this part.~~

58 Section 3. Subsection (3) of section 429.35, Florida

595-05235-11

2011692c1

59 Statutes, is redesignated as subsection (2), and present
60 subsection (2) of that section is amended to read:

61 429.35 Maintenance of records; reports.—

62 ~~(2) Within 60 days after the date of the biennial~~
63 ~~inspection visit required under s. 408.811 or within 30 days~~
64 ~~after the date of any interim visit, the agency shall forward~~
65 ~~the results of the inspection to the local ombudsman council in~~
66 ~~whose planning and service area, as defined in part II of~~
67 ~~chapter 400, the facility is located; to at least one public~~
68 ~~library or, in the absence of a public library, the county seat~~
69 ~~in the county in which the inspected assisted living facility is~~
70 ~~located; and, when appropriate, to the district Adult Services~~
71 ~~and Mental Health Program Offices.~~

72 Section 4. Subsections (4) and (5) of section 429.41,
73 Florida Statutes, are redesignated as subsections (3) and (4),
74 respectively, and present subsection (3) of that section is
75 amended to read:

76 429.41 Rules establishing standards.—

77 ~~(3) The department shall submit a copy of proposed rules to~~
78 ~~the Speaker of the House of Representatives, the President of~~
79 ~~the Senate, and appropriate committees of substance for review~~
80 ~~and comment prior to the promulgation thereof. Rules promulgated~~
81 ~~by the department shall encourage the development of homelike~~
82 ~~facilities which promote the dignity, individuality, personal~~
83 ~~strengths, and decisionmaking ability of residents.~~

84 Section 5. Section 429.54, Florida Statutes, is repealed.

85 Section 6. This act shall take effect July 1, 2011.