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LEGISLATIVE ACTION

Senate

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House

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The Committee on Budget Subcommittee on Health and Human Services Appropriations (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 394.4574, Florida Statutes, is amended to read:

394.4574 Department responsibilities for a mental health resident who resides in an assisted living facility that holds a limited mental health license.—

(1) The term "mental health resident," for purposes of this section, means an individual who receives social security disability income due to a mental disorder as determined by the



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13 Social Security Administration or receives supplemental security  
14 income due to a mental disorder as determined by the Social  
15 Security Administration and receives optional state  
16 supplementation.

17 (2) The department must ensure that:

18 (a) A mental health resident has been assessed by a  
19 psychiatrist, clinical psychologist, clinical social worker, or  
20 psychiatric nurse, or an individual who is supervised by one of  
21 these professionals, and determined to be appropriate to reside  
22 in an assisted living facility. The documentation must be  
23 provided to the administrator of the facility within 30 days  
24 after the mental health resident has been admitted to the  
25 facility. An evaluation completed upon discharge from a state  
26 mental hospital meets the requirements of this subsection  
27 related to appropriateness for placement as a mental health  
28 resident if it was completed within 90 days prior to admission  
29 to the facility.

30 (b) A cooperative agreement, as required in s. 429.075, is  
31 developed between the mental health care services provider that  
32 serves a mental health resident and the administrator of the  
33 assisted living facility with a limited mental health license in  
34 which the mental health resident is living. The cooperative  
35 agreement must provide detailed information concerning case  
36 management services; access to consumer-operated drop-in  
37 centers; reliable access to services during evenings, weekends,  
38 and holidays which avoids the use of hospital emergency  
39 departments except in emergencies; supervision of clinical needs  
40 of the residents; and access to emergency psychiatric care. Any  
41 ~~entity that provides Medicaid prepaid health plan services shall~~



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42 ~~ensure the appropriate coordination of health care services with~~  
43 ~~an assisted living facility in cases where a Medicaid recipient~~  
44 ~~is both a member of the entity's prepaid health plan and a~~  
45 ~~resident of the assisted living facility. If the entity is at~~  
46 ~~risk for Medicaid targeted case management and behavioral health~~  
47 ~~services, the entity shall inform the assisted living facility~~  
48 ~~of the procedures to follow should an emergent condition arise.~~

49 (c) The community living support plan, as defined in s.  
50 429.02, has been prepared by a mental health resident and a  
51 mental health case manager of that resident in consultation with  
52 the administrator of the facility or the administrator's  
53 designee. The plan must be provided to the administrator of the  
54 assisted living facility with a limited mental health license in  
55 which the mental health resident lives. The support plan and the  
56 agreement may be in one document.

57 (d) The assisted living facility with a limited mental  
58 health license is provided with documentation that the  
59 individual meets the definition of a mental health resident.

60 (e) The mental health services provider assigns a case  
61 manager to each mental health resident who lives in an assisted  
62 living facility with a limited mental health license. The case  
63 manager is responsible for coordinating the development of and  
64 implementation of the community living support plan defined in  
65 s. 429.02. The plan must be updated as needed, but at least  
66 annually to ensure that the ongoing needs of the resident are  
67 addressed. The community living support plan must include a  
68 detailed description of how the clinical needs of the resident  
69 will be supervised, how often the case manager will see the  
70 resident, and how the resident may access the case manager, and



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71 must identify conditions indicative of a change in the condition  
72 of the resident which might warrant changes in clinical  
73 supervision or which might prompt the assisted living facility  
74 to contact the case manager on behalf of the resident and the  
75 steps that will be taken to ensure that the resident receives  
76 appropriate emergency psychiatric care through the mental health  
77 provider. Each case manager shall keep a record of the date and  
78 time of any face-to-face interaction with the mental health  
79 resident and make the record available to the department for  
80 inspection. The record must be retained for 2 years after the  
81 date of the most recent interaction.

82 (f) There is adequate and consistent monitoring and  
83 enforcement of community living support plans and cooperative  
84 agreements by the department.

85 (3) Medicaid prepaid health plans shall ensure the  
86 appropriate coordination of health care services with an  
87 assisted living facility when a Medicaid recipient is both a  
88 member of the entity's prepaid health plan and a resident of the  
89 assisted living facility. If the Medicaid prepaid plan is  
90 responsible for Medicaid targeted case management and behavioral  
91 health services, the plan shall inform the assisted living  
92 facility of the procedures to follow should an emergency  
93 condition arise.

94 (4) The department shall include in contracts with service  
95 providers provisions that require the service provider to assign  
96 a case manager for a mental health resident, prepare a community  
97 living support plan, enter into a cooperative agreement with the  
98 assisted living facility, and otherwise comply with this  
99 section. The department shall establish and impose penalties for



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100 mental health service providers under contract with the  
101 department which fail to comply with the provisions of this  
102 section.

103 (5) The Agency for Health Care Administration shall  
104 establish and impose contract penalties for Medicaid prepaid  
105 plans that fail to comply with the provisions of this section.

106 (6) The department shall enter into an interagency  
107 agreement with the Agency for Health Care Administration which  
108 delineates responsibilities and procedures for enforcing the  
109 provisions of this section related to the requirements of  
110 facilities and mental health providers.

111 (7)~~(3)~~ The Secretary of Children and Family Services, in  
112 consultation with the Agency for Health Care Administration,  
113 shall annually require each district administrator to develop,  
114 with community input, detailed plans that demonstrate how the  
115 district will ensure the provision of state-funded mental health  
116 and substance abuse treatment services to residents of assisted  
117 living facilities that hold a limited mental health license.  
118 These plans must be consistent with the substance abuse and  
119 mental health district plan developed pursuant to s. 394.75 and  
120 must address case management services; access to consumer-  
121 operated drop-in centers; access to services during evenings,  
122 weekends, and holidays; supervision of the clinical needs of the  
123 residents; and access to emergency psychiatric care.

124 Section 2. Subsection (2) of section 400.0078, Florida  
125 Statutes, is amended to read:

126 400.0078 Citizen access to State Long-Term Care Ombudsman  
127 Program services.-

128 (2) ~~Every resident or representative of a resident shall~~



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129 ~~receive,~~ Upon admission to a long-term care facility, each  
130 resident or representative of a resident must receive  
131 information regarding the purpose of the State Long-Term Care  
132 Ombudsman Program, the statewide toll-free telephone number for  
133 receiving complaints, the confidentiality of a complaint if the  
134 complaint will result in the identification of the resident  
135 about whom the complaint is made and the confidentiality of the  
136 complainant's name and identity, and other relevant information  
137 regarding how to contact the program. Residents or their  
138 representatives must be furnished additional copies of this  
139 information upon request.

140 Section 3. Paragraph (a) of subsection (1) of section  
141 415.1034, Florida Statutes, is amended to read:

142 415.1034 Mandatory reporting of abuse, neglect, or  
143 exploitation of vulnerable adults; mandatory reports of death.—

144 (1) MANDATORY REPORTING.—

145 (a) Any person, including, but not limited to, ~~any~~:

146 1. A physician, osteopathic physician, medical examiner,  
147 chiropractic physician, nurse, paramedic, emergency medical  
148 technician, or hospital personnel engaged in the admission,  
149 examination, care, or treatment of vulnerable adults;

150 2. A health professional or mental health professional  
151 other than one listed in subparagraph 1.;

152 3. A practitioner who relies solely on spiritual means for  
153 healing;

154 4. Nursing home staff; assisted living facility staff;  
155 adult day care center staff; adult family-care home staff;  
156 social worker; or other professional adult care, residential, or  
157 institutional staff;



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158           5. A state, county, or municipal criminal justice employee  
159 or law enforcement officer;

160           6. An employee of the Department of Business and  
161 Professional Regulation conducting inspections of public lodging  
162 establishments under s. 509.032;

163           7. A Florida advocacy council member or long-term care  
164 ombudsman council member; ~~or~~

165           8. A bank, savings and loan, or credit union officer,  
166 trustee, or employee; or

167           9. An employee or agent of a state or local agency who has  
168 regulatory responsibilities over state-licensed facilities, or  
169 who provides services to persons residing in a state-licensed  
170 facility,

171

172 who knows, or has reasonable cause to suspect, that a vulnerable  
173 adult has been or is being abused, neglected, or exploited must  
174 ~~shall~~ immediately report such knowledge or suspicion to the  
175 central abuse hotline.

176           Section 4. Subsections (5) and (11) of section 429.02,  
177 Florida Statutes, are amended, present subsections (6) through  
178 (14) of that section are redesignated as subsections (7) through  
179 (15), respectively, present subsections (15) through (26) of  
180 that section are redesignated as subsections (17) through (28),  
181 respectively, and new subsections (6) and (16) are added to that  
182 section, to read:

183           429.02 Definitions.—When used in this part, the term:

184           (5) "Assisted living facility" or "facility" means any  
185 building or buildings, section or distinct part of a building,  
186 private home, boarding home, home for the aged, or other



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187 residential facility, whether operated for profit or not, which  
188 undertakes through its ownership or management to provide  
189 housing, meals, and one or more personal services for a period  
190 exceeding 24 hours to one or more adults who are not relatives  
191 of the owner or administrator.

192 (6) "Board" means the Board of Long Term Care  
193 Administrators established under s. 468.1665.

194 (12)~~(11)~~ "Extended congregate care" means acts beyond those  
195 authorized in subsection (18) which ~~subsection (16) that~~ may be  
196 performed pursuant to part I of chapter 464 by persons licensed  
197 thereunder while carrying out their professional duties, and  
198 other supportive services which may be specified by rule. The  
199 purpose of such services is to enable residents to age in place  
200 in a residential environment despite mental or physical  
201 limitations that might otherwise disqualify them from residency  
202 in a facility licensed under this part.

203 (16) "Mental health surveyor" means a person:

204 (a) Licensed under chapter 458, chapter 459, chapter 464,  
205 chapter 490, or chapter 491 who provides mental health services  
206 as defined under s. 394.67 or has received training approved by  
207 the agency;

208 (b) Who has a baccalaureate degree with a concentration in  
209 mental health from an accredited college or university and at  
210 least 5 years of experience providing services that improve an  
211 individual's mental health or that treat mental illness; or

212 (c) Who has a baccalaureate degree and who has received  
213 training approved by the agency that enables the individual to  
214 effectively perform surveys of facilities with a limited mental  
215 health license to ensure the mental health residents are





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216 receiving services consistent with the community living support  
217 plan.

218 Section 5. Paragraphs (b) and (c) of subsection (3) of  
219 section 429.07, Florida Statutes, are amended, and paragraph (d)  
220 is added to subsection (4) of that section, to read:

221 429.07 License required; fee.—

222 (3) In addition to the requirements of s. 408.806, each  
223 license granted by the agency must state the type of care for  
224 which the license is granted. Licenses shall be issued for one  
225 or more of the following categories of care: standard, extended  
226 congregate care, limited nursing services, or limited mental  
227 health.

228 (b) An extended congregate care license shall be issued to  
229 facilities providing, directly or through contract, services  
230 beyond those authorized in paragraph (a), including services  
231 performed by persons licensed under part I of chapter 464 and  
232 supportive services, as defined by rule, to persons who would  
233 otherwise be disqualified from continued residence in a facility  
234 licensed under this part.

235 1. In order for extended congregate care services to be  
236 provided, the agency must first determine that all requirements  
237 established in law and rule are met and must specifically  
238 designate, on the facility's license, that such services may be  
239 provided and whether the designation applies to all or part of  
240 the facility. Such designation may be made at the time of  
241 initial licensure or relicensure, or upon request in writing by  
242 a licensee under this part and part II of chapter 408. The  
243 notification of approval or the denial of the request shall be  
244 made in accordance with part II of chapter 408. Existing



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245 facilities qualifying to provide extended congregate care  
246 services must have maintained a standard license and may not  
247 have been subject to administrative sanctions during the  
248 previous 2 years, or since initial licensure if the facility has  
249 been licensed for less than 2 years, for any of the following  
250 reasons:

251 a. A class I or class II violation;

252 b. Three or more repeat or recurring class III violations  
253 of identical or similar resident care standards from which a  
254 pattern of noncompliance is found by the agency;

255 c. Three or more class III violations that were not  
256 corrected in accordance with the corrective action plan approved  
257 by the agency;

258 d. Violation of resident care standards which results in  
259 requiring the facility to employ the services of a consultant  
260 pharmacist or consultant dietitian;

261 e. Denial, suspension, or revocation of a license for  
262 another facility licensed under this part in which the applicant  
263 for an extended congregate care license has at least 25 percent  
264 ownership interest; or

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

267 2. A facility that is licensed to provide extended  
268 congregate care services must ~~shall~~ maintain a written progress  
269 report on each person who receives services which describes the  
270 type, amount, duration, scope, and outcome of services that are  
271 rendered and the general status of the resident's health. A  
272 registered nurse, or appropriate designee, representing the  
273 agency shall visit the facility at least quarterly to monitor



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274 residents who are receiving extended congregate care services  
275 and to determine if the facility is in compliance with this  
276 part, part II of chapter 408, and relevant rules. One of the  
277 visits may be in conjunction with the regular survey. The  
278 monitoring visits may be provided through contractual  
279 arrangements with appropriate community agencies. A registered  
280 nurse shall serve as part of the team that inspects the  
281 facility. The agency may waive a monitoring visit during the  
282 licensure cycle ~~one of the required yearly monitoring visits~~ for  
283 a facility that has been licensed for at least 24 months to  
284 provide extended congregate care services, if, during the  
285 inspection, the registered nurse determines that extended  
286 congregate care services are being provided appropriately, and  
287 if the facility:

288       a. Has no class I or class II violations and no uncorrected  
289 class III violations;

290       b. Has no ombudsman referrals that were made to the agency  
291 which resulted in a citation for a licensure violation; and

292       c. Has no complaints that resulted in citation for a  
293 licensure violation. ~~The agency must first consult with the~~  
294 ~~long-term care ombudsman council for the area in which the~~  
295 ~~facility is located to determine if any complaints have been~~  
296 ~~made and substantiated about the quality of services or care.~~  
297 ~~The agency may not waive one of the required yearly monitoring~~  
298 ~~visits if complaints have been made and substantiated.~~

299       3. A facility that is licensed to provide extended  
300 congregate care services must:

301       a. Demonstrate the capability to meet unanticipated  
302 resident service needs.



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303           b. Offer a physical environment that promotes a homelike  
304 setting, provides for resident privacy, promotes resident  
305 independence, and allows sufficient congregate space as defined  
306 by rule.

307           c. Have sufficient staff available, taking into account the  
308 physical plant and firesafety features of the building, to  
309 assist with the evacuation of residents in an emergency.

310           d. Adopt and follow policies and procedures that maximize  
311 resident independence, dignity, choice, and decisionmaking to  
312 permit residents to age in place, so that moves due to changes  
313 in functional status are minimized or avoided.

314           e. Allow residents or, if applicable, a resident's  
315 representative, designee, surrogate, guardian, or attorney in  
316 fact to make a variety of personal choices, participate in  
317 developing service plans, and share responsibility in  
318 decisionmaking.

319           f. Implement the concept of managed risk.

320           g. Provide, directly or through contract, the services of a  
321 person licensed under part I of chapter 464.

322           h. In addition to the training mandated in s. 429.52,  
323 provide specialized training as defined by rule for facility  
324 staff.

325           4. A facility that is licensed to provide extended  
326 congregate care services is exempt from the criteria for  
327 continued residency set forth in rules adopted under s. 429.41.  
328 A licensed facility must adopt its own requirements within  
329 guidelines for continued residency set forth by rule. However,  
330 the facility may not serve residents who require 24-hour nursing  
331 supervision. A licensed facility that provides extended



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332 congregate care services must also provide each resident with a  
333 written copy of facility policies governing admission and  
334 retention.

335 5. The primary purpose of extended congregate care services  
336 is to allow residents, as they become more impaired, the option  
337 of remaining in a familiar setting from which they would  
338 otherwise be disqualified for continued residency. A facility  
339 licensed to provide extended congregate care services may also  
340 admit an individual who exceeds the admission criteria for a  
341 facility with a standard license, if the individual is  
342 determined appropriate for admission to the extended congregate  
343 care facility.

344 6. Before the admission of an individual to a facility  
345 licensed to provide extended congregate care services, the  
346 individual must undergo a medical examination as provided in s.  
347 429.26(4) and the facility must develop a preliminary service  
348 plan for the individual.

349 7. ~~If when~~ a facility can no longer provide or arrange for  
350 services in accordance with the resident's service plan and  
351 needs and the facility's policy, the facility must ~~shall~~ make  
352 arrangements for relocating the person in accordance with s.  
353 429.28(1)(k).

354 8. Failure to provide extended congregate care services may  
355 result in denial of extended congregate care license renewal.

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

359 1. In order for limited nursing services to be provided in  
360 a facility licensed under this part, the agency must first



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361 determine that all requirements established in law and rule are  
362 met and must specifically designate, on the facility's license,  
363 that such services may be provided. Such designation may be made  
364 at the time of initial licensure or relicensure, or upon request  
365 in writing by a licensee under this part and part II of chapter  
366 408. Notification of approval or denial of such request shall be  
367 made in accordance with part II of chapter 408. Existing  
368 facilities qualifying to provide limited nursing services shall  
369 have maintained a standard license and may not have been subject  
370 to administrative sanctions that affect the health, safety, and  
371 welfare of residents for the previous 2 years or since initial  
372 licensure if the facility has been licensed for less than 2  
373 years.

374 2. Facilities that are licensed to provide limited nursing  
375 services shall maintain a written progress report on each person  
376 who receives such nursing services, which report describes the  
377 type, amount, duration, scope, and outcome of services that are  
378 rendered and the general status of the resident's health. A  
379 registered nurse representing the agency shall visit such  
380 facilities at least twice a year to monitor residents who are  
381 receiving limited nursing services and to determine if the  
382 facility is in compliance with applicable provisions of this  
383 part, part II of chapter 408, and related rules. The monitoring  
384 visits may be provided through contractual arrangements with  
385 appropriate community agencies. A registered nurse shall also  
386 serve as part of the team that inspects such facility. The  
387 agency may waive a monitoring visit during the licensure cycle  
388 for a facility that has been licensed for at least 24 months to  
389 provide limited nursing services if the facility:



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390           a. Has no class I or class II violations and no uncorrected  
391 class III violations;

392           b. Has no ombudsman referrals that were made to the agency  
393 which resulted in a citation for a licensure violation; and

394           c. Has no complaints which resulted in citation for a  
395 licensure violation.

396           3. A person who receives limited nursing services under  
397 this part must meet the admission criteria established by the  
398 agency for assisted living facilities. When a resident no longer  
399 meets the admission criteria for a facility licensed under this  
400 part, arrangements for relocating the person shall be made in  
401 accordance with s. 429.28(1)(k), unless the facility is licensed  
402 to provide extended congregate care services.

403           (4) In accordance with s. 408.805, an applicant or licensee  
404 shall pay a fee for each license application submitted under  
405 this part, part II of chapter 408, and applicable rules. The  
406 amount of the fee shall be established by rule.

407           (d) A licensed facility that has one or more class I or  
408 class II violations imposed by final order within the 2 years  
409 before licensure renewal is required to pay an additional \$500  
410 license fee plus an additional fee of \$55 for each licensed bed,  
411 without exception. The increased fee amounts are subject to  
412 annual adjustment pursuant to s. 408.805.

413           Section 6. Section 429.075, Florida Statutes, is amended to  
414 read:

415           429.075 Limited mental health license.—An assisted living  
416 facility that serves ~~three or more~~ mental health residents must  
417 obtain a limited mental health license.

418           (1) To obtain a limited mental health license, a facility



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419 must hold and maintain a standard license as an assisted living  
420 facility and, must not have been subject to administrative  
421 sanctions during the previous 2 years, or since initial  
422 licensure if the facility has been licensed for less than 2  
423 years, for any of the following reasons:

424 (a) Two or more class I or class II violations;

425 (b) Three or more repeat or recurring class III violations  
426 of resident care standards from which a pattern of noncompliance  
427 is found by the agency;

428 (c) Three or more class III violations that were not  
429 corrected in accordance within the time specified by the agency  
430 for correction;

431 (d) Denial, suspension, or revocation of a license for  
432 another facility licensed under this part in which the applicant  
433 had at least a 25 percent ownership interest; or

434 (f) Imposition of a moratorium pursuant to this part or  
435 part II of chapter 408 or initiation of injunctive proceedings.

436 ~~any current uncorrected deficiencies or violations, and must~~  
437 ~~ensure that, within 6 months after receiving a limited mental~~  
438 ~~health license, the facility administrator and the staff of the~~  
439 ~~facility who are in direct contact with mental health residents~~  
440 ~~must complete training of no less than 6 hours related to their~~  
441 ~~duties. Such designation~~

442 (2) Licensure to provide services to mental health  
443 residents may be made at the time of initial licensure or  
444 relicensure or upon request in writing by a licensee under this  
445 part and part II of chapter 408. Notification of agency approval  
446 or denial of such request must ~~shall~~ be made in accordance with  
447 this part, part II of chapter 408, and applicable rules. ~~This~~





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448 ~~training will be provided by or approved by the Department of~~  
449 ~~Children and Family Services.~~

450 (3)~~(2)~~ Facilities licensed to provide services to mental  
451 health residents shall provide appropriate supervision and  
452 staffing to provide for the health, safety, and welfare of such  
453 residents. In addition to the general training or educational  
454 requirements under this part or part II of chapter 468, as  
455 applicable, each administrator and staff member who provides  
456 regular or direct care to the residents of a facility licensed  
457 to provide services to mental health residents must meet the  
458 specialized limited mental health training requirements set  
459 forth in s. 429.52.

460 (4)~~(3)~~ A facility that holds ~~has~~ a limited mental health  
461 license must:

462 (a) Have a copy of each mental health resident's community  
463 living support plan and the cooperative agreement with the  
464 mental health care services provider. The support plan and the  
465 agreement may be combined.

466 (b) Have documentation that is provided by the Department  
467 of Children and Family Services that each mental health resident  
468 has been assessed and determined to be able to live in the  
469 community in an assisted living facility with a limited mental  
470 health license.

471 (c) Make the community living support plan available for  
472 inspection by the resident, the resident's legal guardian, the  
473 resident's health care surrogate, and other individuals who have  
474 a lawful basis for reviewing this document.

475 (d) Assist the mental health resident in carrying out the  
476 activities identified in the individual's community living



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477 support plan.

478 (5)~~(4)~~ A facility that holds ~~with~~ a limited mental health  
479 license may enter into a cooperative agreement with a private  
480 mental health provider. For purposes of the limited mental  
481 health license, the private mental health provider may act as  
482 the case manager.

483 (6) Effective January 1, 2013, a mental health surveyor  
484 shall serve as part of the team that inspects a facility that  
485 holds a limited mental health license, and may conduct the  
486 inspection without other agency representatives. The role of the  
487 mental health surveyor is to determine the facility's compliance  
488 in meeting obligations specified in the cooperative agreement  
489 pursuant to s. 394.4574. The agency shall enter into an  
490 interagency agreement with the Department of Children and Family  
491 Services to receive from the contracted community agencies  
492 reports concerning compliance with the requirements of  
493 cooperative agreements and community support plans under s.  
494 394.4574 applicable to a licensed facility, and whether the  
495 mental health residents are receiving the services required  
496 under those documents while residing in the licensed facility.  
497 Monitoring visits shall occur at least twice a year. The agency  
498 may waive a monitoring visit for a facility that has been  
499 licensed for at least 24 months to provide limited mental health  
500 services if the mental health surveyor determines the  
501 cooperative agreements and community support plans are in  
502 compliance with applicable requirements and the mental health  
503 residents are receiving the appropriate services under those  
504 documents while residing in the licensed facility and the  
505 facility:



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506           (a) Has had no class I or class II violations and no  
507 uncorrected class III violations;

508           (b) Has no ombudsman referrals that were made to the agency  
509 which resulted in a citation for a licensure violation; and

510           (c) Has no complaints that resulted in a citation for a  
511 licensure violation.

512           Section 7. Subsection (4) of section 429.14, Florida  
513 Statutes, is amended to read:

514           429.14 Administrative penalties.—

515           (4) The agency shall deny or revoke the license of an  
516 assisted living facility that:

517           (a) Has two or more class I violations and had a class I or  
518 class II violation from separate monitoring visits, surveys, or  
519 investigations that are similar or identical to violations  
520 identified by the agency during a survey, inspection, monitoring  
521 visit, or complaint investigation occurring within the previous  
522 2 years; or—

523           (b) Commits a class I violation that causes the death of a  
524 resident or an intentional or negligent act that, based on a  
525 court's findings, caused the death of a resident.

526           Section 8. Section 429.176, Florida Statutes, is amended to  
527 read:

528           429.176 ~~Notice of change of Administrator; managers.~~—

529           (1) Effective July 1, 2013, an assisted living facility  
530 must have an assisted living facility administrator who is  
531 licensed under part II of chapter 468. An administrator may be  
532 responsible for up to three assisted living facilities if all  
533 three assisted living facilities have identical controlling  
534 interests as defined in s. 408.803 and are located within 50



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535 miles of each other. If an administrator is responsible for more  
536 than one assisted living facility, a manager must be appointed  
537 for each facility to assume responsibility for the facility  
538 during the administrator's absence. The manager must be reported  
539 to the agency within 10 days after appointment.

540 (2) If, during the period for which a license is issued,  
541 the owner changes administrators, the administrator changes, the  
542 licensee owner must notify the agency of the change and the name  
543 and license number of the new administrator within 10 days after  
544 the change and provide documentation within 90 days that the new  
545 administrator has completed the applicable core educational  
546 requirements under s. 429.52.

547 (3) If an administrator leaves the employment of an  
548 assisted living facility, and a licensed administrator is not  
549 named as required in subsection (2), the assisted living  
550 facility must notify the agency within 2 days after the  
551 administrator's departure and may operate for up to 3 months  
552 with a manager who will assume responsibility for the operation  
553 of the facility during that period. The manager must have  
554 completed the 40-hour core training and successfully passed the  
555 examination described in s. 429.52(5).

556 (4) A manager of a facility who assumes responsibility for  
557 the operation of the facility during the absence of an  
558 administrator in accordance with subsection (1) must have  
559 completed the 40-hour core training and successfully passed the  
560 examination described in s. 429.52(5) within 30 days after being  
561 employed as, or becoming, a facility manager.

562 Section 9. Paragraphs (a) and (b) of subsection (2) of  
563 section 429.178, Florida Statutes, are amended to read:



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564 429.178 Special care for persons with Alzheimer's disease  
565 or other related disorders.—

566 (2) (a) Staff, including administrators, ~~An individual~~ who  
567 are is employed by a facility that provides special care for  
568 residents who have ~~with~~ Alzheimer's disease or other related  
569 disorders, and who provide ~~has~~ regular or direct care to ~~contact~~  
570 ~~with~~ such residents, must complete up to 4 hours of initial  
571 dementia-specific training developed or approved by the  
572 department. The training must ~~shall~~ be completed within 3 months  
573 after beginning employment ~~and shall satisfy the core training~~  
574 ~~requirements of s. 429.52(2)(g).~~

575 (b) A direct caregiver who is employed by a facility that  
576 provides special care for residents with Alzheimer's disease or  
577 other related disorders, and who provides direct care to such  
578 residents, must complete the ~~required initial~~ required  
579 in paragraph (a) and 4 additional hours of training developed or  
580 approved by the department. The training must ~~shall~~ be completed  
581 within 6 ~~9~~ months after beginning employment ~~and shall satisfy~~  
582 ~~the core training requirements of s. 429.52(2)(g).~~

583 Section 10. Subsection (2) of section 429.19, Florida  
584 Statutes, is amended to read:

585 429.19 Violations; imposition of administrative fines;  
586 grounds.—

587 (2) Each violation of this part and adopted rules shall be  
588 classified according to the nature of the violation and the  
589 gravity of its probable effect on facility residents as provided  
590 in s. 408.813.

591 (a) The agency shall indicate the classification on the  
592 written notice of the violation as follows:



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593           ~~1.(a) For~~ class "I" violations, ~~are defined in s. 408.813.~~  
594 the agency shall issue a citation regardless of correction and  
595 impose an administrative fine for a cited class I violation in  
596 an amount not less than \$5,000 and not exceeding \$10,000 for  
597 each violation.

598           ~~2.(b) For~~ class "II" violations, ~~are defined in s. 408.813.~~  
599 the agency shall issue a citation regardless of correction and  
600 impose an administrative fine for a cited class II violation in  
601 an amount not less than \$1,000 and not exceeding \$5,000 for each  
602 violation.

603           ~~3.(c) For~~ class "III" violations, ~~are defined in s.~~  
604 ~~408.813.~~ the agency shall impose an administrative fine ~~for a~~  
605 ~~cited class III violation~~ in an amount not less than \$500 and  
606 not exceeding \$1,000 for each violation.

607           ~~4.(d) For~~ class "IV" violations, ~~are defined in s. 408.813.~~  
608 the agency shall impose an administrative fine ~~for a cited class~~  
609 ~~IV violation~~ in an amount not less than \$100 and not exceeding  
610 \$200 for each violation.

611           (b) The agency shall impose the maximum penalty within the  
612 class if the violation findings involve the death of a resident.  
613 If the facility is cited for a repeat violation within a 2-year  
614 period, the agency shall double the fine for the second and  
615 subsequent violation even if the fine exceeds the maximum amount  
616 authorized. Notwithstanding s. 408.813, if a facility is cited  
617 for 15 or more class III violations during an inspection or  
618 survey, the agency shall impose a fine for each violation.

619           Section 11. Section 429.231, Florida Statutes, is created  
620 to read:

621           429.231 Advisory council, membership, duties.-



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622           (1) The department shall establish an advisory council to  
623 review the facts and circumstances of unexpected deaths in  
624 assisted living facilities and of elopements that result in harm  
625 to a resident. The purpose of this review is to:

626           (a) Achieve a greater understanding of the causes and  
627 contributing factors of the unexpected deaths and elopements.

628           (b) Identify any gaps, deficiencies, or problems in the  
629 delivery of services to the residents.

630           (2) Based on the review, the advisory council shall make  
631 recommendations for:

632           (a) Industry best practices that could be used to prevent  
633 unexpected deaths and elopements.

634           (b) Training and educational requirements for employees and  
635 administrators of assisted living facilities.

636           (c) Changes in the law, rules, or other policies to prevent  
637 unexpected deaths and elopements.

638           (3) The advisory council shall prepare an annual  
639 statistical report on the incidence and causes of unexpected  
640 deaths in assisted living facilities and of elopements that  
641 result in harm to residents during the prior calendar year. The  
642 advisory council shall submit a copy of the report by December  
643 31 of each year to the Governor, the President of the Senate,  
644 and the Speaker of the House of Representatives. The report may  
645 make recommendations for state action, including specific  
646 policy, procedural, regulatory, or statutory changes, and any  
647 other recommended preventive action.

648           (4) The advisory council shall consist of the following  
649 members:

650           (a) The Secretary of Elderly Affairs, or a designee, who



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651 shall be the chair.

652 (b) The Secretary of Health Care Administration, or a  
653 designee.

654 (c) The Secretary of Children and Family Services, or a  
655 designee.

656 (d) The State Long-Term Care Ombudsman, or a designee.

657 (e) The following persons who are selected by the Governor:

658 1. An owner or administrator of an assisted living facility  
659 with fewer than 17 beds.

660 2. An owner or administrator of an assisted living facility  
661 with 17 or more beds.

662 3. An owner or administrator or an assisted living facility  
663 with a limited mental health license.

664 4. A representative from each of three statewide  
665 associations that represent assisted living facilities.

666 5. A resident of an assisted living facility.

667 (5) The advisory council shall meet at least twice each  
668 calendar year or at the call of the chair. The chair may appoint  
669 ad hoc committees as necessary to carry out the duties of the  
670 council.

671 (6) The members of the advisory council selected by the  
672 Governor shall be appointed to staggered terms of office which  
673 may not exceed 2 years. Members are eligible for reappointment.

674 (7) Members of the advisory council shall serve without  
675 compensation but are entitled to reimbursement for per diem and  
676 travel expenses incurred in the performance of their duties as  
677 provided in s. 112.061 and to the extent that funds are  
678 available.

679 Section 12. Effective October 1, 2012, subsections (1) and





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680 (2), paragraph (d) of subsection (3), and subsection (6) of  
681 section 429.28, Florida Statutes, are amended to read:

682 429.28 Resident bill of rights.—

683 (1) A ~~No~~ resident of a facility may not ~~shall~~ be deprived  
684 of any civil or legal rights, benefits, or privileges guaranteed  
685 by law, the Constitution of the State of Florida, or the  
686 Constitution of the United States as a resident of a facility.  
687 Every resident of a facility shall have the right to:

688 (a) Live in a safe and decent living environment, free from  
689 abuse and neglect.

690 (b) Be treated with consideration and respect and with due  
691 recognition of personal dignity, individuality, and the need for  
692 privacy.

693 (c) Retain and use his or her own clothes and other  
694 personal property in his or her immediate living quarters, so as  
695 to maintain individuality and personal dignity, except when the  
696 facility can demonstrate that such would be unsafe, impractical,  
697 or an infringement upon the rights of other residents.

698 (d) Unrestricted private communication, including receiving  
699 and sending unopened correspondence, access to a telephone, and  
700 visiting with any person of his or her choice, at any time  
701 between the hours of 9 a.m. and 9 p.m. at a minimum. Upon  
702 request, the facility shall make provisions to extend visiting  
703 hours for caregivers and out-of-town guests, and in other  
704 similar situations.

705 (e) Freedom to participate in and benefit from community  
706 services and activities and to achieve the highest possible  
707 level of independence, autonomy, and interaction within the  
708 community.



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709           (f) Manage his or her financial affairs unless the resident  
710 or, if applicable, the resident's representative, designee,  
711 surrogate, guardian, or attorney in fact authorizes the  
712 administrator of the facility to provide safekeeping for funds  
713 as provided in s. 429.27.

714           (g) Share a room with his or her spouse if both are  
715 residents of the facility.

716           (h) Reasonable opportunity for regular exercise several  
717 times a week and to be outdoors at regular and frequent  
718 intervals except when prevented by inclement weather.

719           (i) Exercise civil and religious liberties, including the  
720 right to independent personal decisions. No religious beliefs or  
721 practices, nor any attendance at religious services, shall be  
722 imposed upon any resident.

723           (j) Access to adequate and appropriate health care  
724 consistent with established and recognized standards within the  
725 community.

726           (k) At least 30 ~~45~~ days' notice of relocation or  
727 termination of residency from the facility unless, for medical  
728 reasons, the resident is certified by a physician to require an  
729 emergency relocation to a facility providing a more skilled  
730 level of care or the resident engages in a pattern of conduct  
731 that is harmful or offensive to other residents. In the case of  
732 a resident who has been adjudicated mentally incapacitated, the  
733 guardian shall be given at least 30 ~~45~~ days' notice of a  
734 nonemergency relocation or residency termination. Reasons for  
735 relocation shall be set forth in writing. A resident or the  
736 resident's legal guardian or representative may file a grievance  
737 with the facility pursuant to s. 429.281 in response to



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738 receiving a notice of relocation or termination of residency  
739 from the facility. If a grievance is filed, the effective date  
740 of the relocation or termination or residency is extended at  
741 least 15 days. In order for a facility to terminate the  
742 residency of an individual without notice as provided herein,  
743 the facility shall show good cause in a court of competent  
744 jurisdiction.

745 (1) Present grievances and recommend changes in policies,  
746 procedures, and services to the staff of the facility, governing  
747 officials, or any other person without restraint, interference,  
748 coercion, discrimination, or reprisal. Each facility shall  
749 establish a grievance procedure to facilitate the residents'  
750 exercise of this right. This right includes access to ombudsman  
751 volunteers and advocates and the right to be a member of, to be  
752 active in, and to associate with advocacy or special interest  
753 groups.

754 (2) The administrator of a facility shall ensure that a  
755 written notice of the rights, obligations, and prohibitions set  
756 forth in this part is posted in a prominent place in each  
757 facility and read or explained to residents who cannot read. The  
758 This notice must shall include the name, address, and telephone  
759 numbers of the local ombudsman council and central abuse hotline  
760 and, if when applicable, Disability Rights Florida the Advocacy  
761 Center for Persons with Disabilities, Inc., and the Florida  
762 local advocacy council, where complaints may be lodged. The  
763 notice must state that the names or identities of the  
764 complainants or residents involved in a complaint made to the  
765 Office of State Long-Term Care Ombudsman or a local long-term  
766 care ombudsman council are confidential pursuant to s. 400.0077.



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767 The facility must ensure a resident's access to a telephone to  
768 call the local ombudsman council, central abuse hotline,  
769 Advocacy Center for Persons with Disabilities, Inc., and the  
770 Florida local advocacy council.

771 (3)

772 (d) The agency shall conduct periodic followup inspections  
773 to monitor the compliance of facilities having a history of  
774 class I violations that threaten the health, safety, or security  
775 of residents, and may conduct periodic followup inspections as  
776 necessary to monitor the compliance of facilities having with a  
777 history of any class I, class II, or class III violations that  
778 threaten the health, safety, or security of residents.

779 (6) A Any facility that which terminates the residency of  
780 an individual who participated in activities specified in  
781 subsection (5) must shall show good cause in a court of  
782 competent jurisdiction. If good cause is not shown, the agency  
783 shall impose a fine of \$2,500 in addition to any other penalty  
784 assessed against the facility.

785 Section 13. Effective October 1, 2012, section 429.281,  
786 Florida Statutes, is created to read:

787 429.281 Grievances for resident relocation or termination  
788 of residency.-

789 (1) As used in this section, the term:

790 (a) "Relocation" means to move a resident from one facility  
791 to another facility that is responsible for the resident's care.

792 (b) "Termination of residency" means the release of a  
793 resident from a facility that ceases to be responsible for the  
794 resident's care.

795 (2) Each facility licensed under this part must comply with



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796 s. 429.28(1)(k) when a decision is made to relocate or terminate  
797 the residency of a resident.

798 (3) Except as provided in s. 429.28(1)(k), at least 30 days  
799 before a proposed relocation or termination of residency, the  
800 facility must provide advance notice of the proposed relocation  
801 or termination of residency to the resident and to a family  
802 member, if known, or the resident's legal guardian or  
803 representative.

804 (4) The notice must be in writing and contain at a minimum,  
805 the following:

806 (a) The date on which the notice is provided to the  
807 resident or resident's legal guardian or representative;

808 (b) The effective date of the relocation or termination of  
809 residency if the resident:

810 1. Does not file a grievance; and

811 2. Files a grievance, which may not be less than 15 days  
812 after the effective date if a grievance is not filed;

813 (c) Information about the facility's procedures for filing  
814 a grievance which is presented in a concise, straightforward  
815 manner and is written at an eighth-grade reading level;

816 (d) Information about how to seek assistance from the local  
817 long-term care ombudsman council for a grievance;

818 (e) The location to which the resident is being relocated,  
819 if known; and

820 (f) The reason that the resident is being relocated or the  
821 residency is being terminated, along with a supporting  
822 explanation.

823 (5) A resident may be relocated or have his or her  
824 residency terminated by the facility only if:



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- 825       (a) The resident's needs cannot be met in the facility;  
826       (b) The resident no longer needs the services provided by  
827 the facility;  
828       (c) The health or safety of individuals in the facility is  
829 endangered by the resident;  
830       (d) The resident, resident's family, or resident's visitors  
831 cause disruption in the facility's normal environment; or  
832       (e) The resident has failed, after reasonable and  
833 appropriate notice, to pay.  
834       (6) A resident is entitled to challenge a facility's  
835 proposed relocation or termination of residency through the  
836 facility's grievance procedure. The grievance must be filed  
837 within 15 days after receipt of the notice of relocation or  
838 termination of residency. If the resident files a grievance, the  
839 resident may not be required to leave the facility until at  
840 least 45 days after the notice of proposed relocation or  
841 termination of residency is received by the resident or the  
842 resident's legal guardian or representative.  
843       (7) A resident may request that the local long-term care  
844 ombudsman council review any notice of relocation or termination  
845 of residency given to the resident. If requested, the local  
846 long-term care ombudsman council shall assist the resident, or  
847 the resident's legal guardian or representative, with filing a  
848 grievance and completing the grievance process.  
849       (8) Unless an emergency relocation is necessary as provided  
850 in this section, the facility may not impede the resident's  
851 right to remain in the facility, and the resident may remain in  
852 the facility until the outcome of the grievance, which must be  
853 completed within 45 days after receipt of the notice of



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854 relocation or termination of residency, unless both the facility  
855 and the resident, or the resident's legal guardian or  
856 representative, agree to extend the deadline for the conclusion  
857 of the grievance process. The facility must ensure that  
858 responsible representatives of the facility are reasonably  
859 available to participate in the grievance process.

860 (9) This section applies to relocations or terminations of  
861 residency which are initiated by the assisted living facility,  
862 and does not apply to those initiated by the resident or by the  
863 resident's physician, legal guardian, or representative.

864 (10) This section does not affect the rights the resident  
865 has to seek civil remedies.

866 Section 14. Section 429.34, Florida Statutes, is amended to  
867 read:

868 429.34 Right of entry and inspection.—

869 (1) In addition to the requirements of s. 408.811, a any  
870 duly designated officer or employee of the department, the  
871 Department of Children and Family Services, the Medicaid Fraud  
872 Control Unit of the Office of the Attorney General, the state or  
873 local fire marshal, or a member of the state or local long-term  
874 care ombudsman council shall have the right to enter unannounced  
875 upon and into the premises of any facility licensed pursuant to  
876 this part in order to determine the state of compliance with the  
877 provisions of this part, part II of chapter 408, and applicable  
878 rules. Data collected by the state or local long-term care  
879 ombudsman councils or the state or local advocacy councils may  
880 be used by the agency in investigations involving violations of  
881 regulatory standards.

882 (2) The agency is designated the central agency for



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883 tracking complaints that involve potential licensure violations  
884 to ensure a timely response to allegations regarding facilities  
885 and the initiation of licensure enforcement action, if  
886 warranted. Any other state agency regulating, or providing  
887 services to residents of, assisted living facilities, including  
888 the department, the Long-Term Care Ombudsman Council, and the  
889 Department of Children and Family Services, must report any  
890 allegations or complaints that have been substantiated or are  
891 likely to have occurred to the agency within 2 business days if  
892 the report reflects serious and immediate risk to residents. All  
893 other referrals must be made within 10 business days.

894 (3) The agency shall have lead surveyors in each field  
895 office who specialize in assessing assisted living facilities.  
896 The lead surveyors shall provide initial and ongoing training to  
897 surveyors who will be inspecting and monitoring facilities. The  
898 lead surveyors shall ensure that consistent inspection and  
899 monitoring assessments are conducted.

900 (4) The agency shall have one statewide lead surveyor who  
901 specializes in assisted living facility inspections. The lead  
902 surveyor shall coordinate communication between lead surveyors  
903 of assisted living facilities throughout the state and ensure  
904 statewide consistency in applying facility inspection laws and  
905 rules.

906 Section 15. Paragraph (1) of subsection (1) and subsections  
907 (2) and (5) of section 429.41, Florida Statutes, are amended to  
908 read:

909 429.41 Rules establishing standards.—

910 (1) It is the intent of the Legislature that rules  
911 published and enforced pursuant to this section shall include





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912 criteria by which a reasonable and consistent quality of  
913 resident care and quality of life may be ensured and the results  
914 of such resident care may be demonstrated. Such rules shall also  
915 ensure a safe and sanitary environment that is residential and  
916 noninstitutional in design or nature. It is further intended  
917 that reasonable efforts be made to accommodate the needs and  
918 preferences of residents to enhance the quality of life in a  
919 facility. The agency, in consultation with the department, may  
920 adopt rules to administer the requirements of part II of chapter  
921 408. In order to provide safe and sanitary facilities and the  
922 highest quality of resident care accommodating the needs and  
923 preferences of residents, the department, in consultation with  
924 the agency, the Department of Children and Family Services, and  
925 the Department of Health, shall adopt rules, policies, and  
926 procedures to administer this part, which must include  
927 reasonable and fair minimum standards in relation to:

928 (1) The establishment of specific policies and procedures  
929 on resident elopement. Facilities shall conduct a minimum of two  
930 resident elopement drills each year. All administrators and  
931 direct care staff shall participate in the drills. Facilities  
932 shall document the drills. Each calendar year, the agency shall  
933 observe the elopement drills of 10 percent of the licensed  
934 facilities in the state. The facilities must be randomly  
935 selected by the agency and the elopement drills must coincide  
936 with an inspection or survey conducted by the agency. If an  
937 agency employee observes an elopement drill that does not meet  
938 licensure standards, the agency shall cite violations in  
939 accordance with s. 429.19(2).

940 (2) In adopting any rules pursuant to this part, the



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941 department, in conjunction with the agency, shall make distinct  
942 standards for facilities based upon facility size; the types of  
943 care provided; the physical and mental capabilities and needs of  
944 residents; the type, frequency, and amount of services and care  
945 offered; and the staffing characteristics of the facility. Rules  
946 developed pursuant to this section may ~~shall~~ not restrict the  
947 use of shared staffing and shared programming in facilities that  
948 are part of retirement communities that provide multiple levels  
949 of care and otherwise meet the requirements of law and rule.  
950 Except for uniform firesafety standards, the department shall  
951 adopt by rule separate and distinct standards for facilities  
952 with 16 or fewer beds and for facilities with 17 or more beds.  
953 The standards for facilities with 16 or fewer beds must ~~shall~~ be  
954 appropriate for a noninstitutional residential environment if  
955 ~~provided that~~ the structure is no more than two stories in  
956 height and all persons who cannot exit the facility unassisted  
957 in an emergency reside on the first floor. The department, in  
958 conjunction with the agency, may make other distinctions among  
959 types of facilities as necessary to enforce the provisions of  
960 this part. If ~~where~~ appropriate, the agency shall offer  
961 alternate solutions for complying with established standards,  
962 based on distinctions made by the department and the agency  
963 relative to the physical characteristics of facilities and the  
964 types of care offered ~~therein~~.

965 (5) In order to allocate resources efficiently, the agency  
966 shall conduct ~~may use~~ an abbreviated biennial standard licensure  
967 inspection that consists of a review of key quality-of-care  
968 standards in lieu of a full inspection in a facility that has a  
969 good record of past performance. However, a full inspection must



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970 be conducted in a facility that has a history of class I or  
971 class II violations, uncorrected class III violations, confirmed  
972 ombudsman council complaints that resulted in a citation for  
973 licensure, or confirmed licensure complaints which resulted in a  
974 citation for a licensure violation, within the previous  
975 licensure period immediately preceding the inspection or if a  
976 potentially serious problem is identified during the abbreviated  
977 inspection. The agency, in consultation with the department,  
978 shall develop the key quality-of-care standards with input from  
979 the State Long-Term Care Ombudsman Council and representatives  
980 of provider groups for incorporation into its rules.

981 Section 16. Subsection (1) of section 429.49, Florida  
982 Statutes, is amended to read:

983 429.49 Resident records; penalties for alteration.—

984 (1) Any person who fraudulently alters, defaces, or  
985 falsifies any medical or other record of an assisted living  
986 facility, or causes or procures any such offense to be  
987 committed, commits a misdemeanor of the first ~~second~~ degree,  
988 punishable as provided in s. 775.082 or s. 775.083.

989 Section 17. Section 429.515, Florida Statutes, is created  
990 to read:

991 429.515 Preservice orientation.—

992 (1) Each employee, including an administrator, of an  
993 assisted living facility who is newly hired on or after July 1,  
994 2012, must attend a preservice orientation provided by the  
995 facility which covers topics that will enable the employee to  
996 relate and respond to the residents of the facility. The  
997 orientation must be at least 2 hours in duration, be available  
998 in English and, if the employee is not fluent in English but is



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999 fluent in Spanish, Spanish, and, at a minimum, cover the  
1000 following topics:  
1001 (a) Care of persons who have Alzheimer's disease or other  
1002 related disorders.  
1003 (b) Deescalation techniques.  
1004 (c) Aggression control.  
1005 (d) Elopement prevention.  
1006 (e) Behavior management.  
1007 (2) Upon completion of the preservice orientation, the  
1008 administrator or owner of the facility must sign an affidavit,  
1009 under penalty of perjury, stating that the employee completed  
1010 the preservice orientation. The administrator of the facility  
1011 must maintain the signed affidavit in the employee's work file.  
1012 Section 18. Section 429.52, Florida Statutes, is amended to  
1013 read:  
1014 (Substantial rewording of section. See  
1015 s. 429.52, F.S., for present text.)  
1016 429.52 Training; examination; tutorial; continuing  
1017 education.-  
1018 (1) Staff, other than administrators, hired on or after  
1019 January 1, 2013, who provide regular or direct care to residents  
1020 must complete a 20-hour staff training curriculum, and  
1021 interactive online tutorial that demonstrates an understanding  
1022 of the training. The training and tutorial must be completed  
1023 within 90 days after employment and is in addition to the  
1024 preservice orientation required under s. 429.515. Any cost or  
1025 fee associated with the training and tutorial shall be borne by  
1026 the participant or the participant's employer. The department  
1027 may grant an exemption from the applicable hours to nurses,



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1028 certified nursing assistants, or home health aides who can  
1029 demonstrate completion of training that is substantially similar  
1030 to all or portions of the staff training curriculum.

1031 (2) Staff, other than administrators, providing regular or  
1032 direct care to residents must participate in a minimum of 4  
1033 hours of continuing education every 2 years. The continuing  
1034 education may be offered through online courses and any fee  
1035 associated with the online service shall be borne by the  
1036 participant or the participant's employer.

1037 (3) A certificate must be provided to each person upon  
1038 completion of the training required in this section. A copy of  
1039 the certificate must be maintained in the employee's work file.

1040 (4) A person who can document that he or she has completed  
1041 the training and continuing education required by this section  
1042 is not required to retake the training or continuing education  
1043 for the applicable 2-year cycle upon employment with a different  
1044 facility if the break in employment does not exceed 6 months.

1045 (5) The department, in consultation with the agency, the  
1046 Department of Children and Family Services, and their agents,  
1047 shall develop the following:

1048 (a) Assisted living facility administrator core training  
1049 that includes at least 40 hours of training. The curriculum, at  
1050 a minimum, must cover the following topics:

1051 1. State law and rules relating to assisted living  
1052 facilities.

1053 2. Resident rights and the identification and reporting of  
1054 abuse, neglect, and exploitation.

1055 3. The special needs of elderly persons, persons who have  
1056 mental illness, and persons who have developmental disabilities



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- 1057 and how to meet those needs.
- 1058 4. Nutrition and food service, including acceptable  
1059 sanitation practices for preparing, storing, and serving food.
- 1060 5. Medication management, recordkeeping, and proper  
1061 techniques for assisting residents who self-administer  
1062 medication.
- 1063 6. Firesafety requirements, including procedures for fire  
1064 evacuation drills and other emergency procedures.
- 1065 7. The care of persons who have Alzheimer's disease and  
1066 related disorders.
- 1067 8. Elopement prevention.
- 1068 9. Aggression and behavior management, deescalation  
1069 techniques, and proper protocols and procedures relating to the  
1070 Baker Act as provided in part I of chapter 394.
- 1071 10. Do-not-resuscitate orders.
- 1072 11. Infection control.
- 1073 12. Admission and continued residency.
- 1074 13. Phases of care and interacting with residents.
- 1075 14. Best practices in the industry.
- 1076 15. Business operations, including, but not limited to,  
1077 human resources, financial management, and supervision of staff.
- 1078 (b) An assisted living facility administrator examination  
1079 that tests the applicant's knowledge and training of the core  
1080 training topics listed in paragraph (a).
- 1081 (c) A continuing education curriculum of 16 hours for  
1082 licensed assisted living facility administrators. The department  
1083 or its agent shall also develop an examination that corresponds  
1084 with each continuing education course. Continuing education must  
1085 include topics similar to those of the core training in



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1086 paragraph (a), and may include additional subject matter that  
1087 enhances the knowledge, skills, and abilities of assisted living  
1088 facility administrators, as adopted by rule.

1089 (d) Specialty training, continuing education, examinations,  
1090 and tutorials for the requirements in paragraph (7).

1091 (6) The department, in consultation with stakeholders, the  
1092 agency, and the Department of Children and Family Services shall  
1093 develop the standardized staff training curriculum and  
1094 continuing education required under subsections (1) and (2). The  
1095 curriculum must include at least 20 hours of inservice training,  
1096 with at least 1 hour of training per topic, covering at least  
1097 the following topics:

1098 (a) Reporting major incidents.

1099 (b) Reporting adverse incidents.

1100 (c) Facility emergency procedures, including chain-of-  
1101 command and staff member roles relating to emergency evacuation.

1102 (d) Resident rights in an assisted living facility.

1103 (e) Recognizing and reporting resident abuse, neglect, and  
1104 exploitation.

1105 (f) Resident behavior and needs.

1106 (g) Providing assistance with the activities of daily  
1107 living.

1108 (h) Infection control.

1109 (i) Aggression and behavior management and deescalation  
1110 techniques.

1111 (7) Additional specialty training and continuing education  
1112 for assisted living facility staff and administrators is  
1113 required as follows:

1114 (a) Administrators and staff who provide regular or direct



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1115 care to residents of a facility that holds an extended  
1116 congregate care license must complete a minimum of 4 hours of  
1117 extended congregate care training within 90 days after beginning  
1118 employment or after the facility receives an extended congregate  
1119 care license and 2 hours of continuing education every 2 years.

1120 (b) If a facility holds a limited nursing services license:

1121 1. The administrator must complete a minimum of 4 hours of  
1122 courses that train and educate administrators on the special  
1123 needs and care of those residents requiring limited nursing  
1124 services within 90 days after employment or after the facility  
1125 receives a limited nursing services license.

1126 2. Staff providing regular and direct care to residents  
1127 receiving limited nursing services must complete a minimum of 2  
1128 hours of courses that train and educate staff on the special  
1129 needs and care of those requiring limited nursing services. The  
1130 training must be completed within 90 days after employment or  
1131 after the facility receives a limited nursing services license.

1132 (c) Staff who provide regular or direct care to mental  
1133 health residents and administrators who are employed by a  
1134 facility that holds a limited mental health license must  
1135 complete a minimum of 8 hours of department-approved mental  
1136 health training within 90 days after beginning employment or  
1137 after the facility receives a limited mental health license.  
1138 Staff and administrators must also complete 2 hours of  
1139 continuing education that enhances the ability to care for  
1140 mental health residents. A staff member must complete an online  
1141 interactive tutorial related to the training and continuing  
1142 education in order to demonstrate an understanding of the  
1143 material and receive a certificate of completion. An





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1144 administrator must pass an examination related to the  
1145 administrator's training with a minimum score of 80 percent. An  
1146 administrator must complete an online interactive tutorial  
1147 related to the continuing education in order to demonstrate an  
1148 understanding of the material and receive a certificate of  
1149 completion. The participant or the participant's employer shall  
1150 pay any fee associated with the training, tutorial, or  
1151 examination.

1152 1. A staff member who does not complete the initial  
1153 training tutorial within the 90 days may not provide regular or  
1154 direct care to mental health residents until he or she  
1155 successfully completes the tutorial.

1156 2. An administrator who does not pass the examination  
1157 within 6 months after completing the mental health training may  
1158 not be an administrator of a facility that holds a limited  
1159 mental health license until the administrator achieves a passing  
1160 score.

1161 (d) Staff, including administrators, who prepare or serve  
1162 food must receive a minimum of 1 hour of inservice training in  
1163 safe food handling practices within 30 days after beginning  
1164 employment.

1165 (e) Staff, including administrators, must receive at least  
1166 1 hour of inservice training on the facility's resident  
1167 elopement response policies and procedures within 30 days after  
1168 beginning employment.

1169 1. A copy of the facility's resident elopement response  
1170 policies and procedures must be provided to staff and the  
1171 administrator.

1172 2. Staff members and the administrator must demonstrate



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1173 understanding and competency in the implementation of the  
1174 elopement response policies and procedures.

1175 (f) Staff, including the administrator, involved with the  
1176 management of medications and the assistance with self-  
1177 administration of medications under s. 429.256 must complete a  
1178 minimum of 4 additional hours of training provided by a  
1179 registered nurse, licensed pharmacist, or department staff  
1180 member. The department shall establish by rule the minimum  
1181 requirements of this training, including continuing education  
1182 requirements.

1183 (8) Other facility staff members shall participate in  
1184 training relevant to their job duties and as specified by rule.

1185 (9) The department, in consultation with a panel of at  
1186 least three mental health professionals, the agency, and the  
1187 Department of Children and Family Services, and their agents  
1188 shall develop a limited mental health curriculum, examination,  
1189 and on-line interactive tutorial.

1190 (10) The agency or department may require or cause to be  
1191 provided the training or education of staff of an assisted  
1192 living facility beyond that which is required under this part if  
1193 the agency or department determines that there are problems in a  
1194 facility which could be reduced through specific staff training  
1195 or education.

1196 (11) Existing curricula, examinations, and tutorials may be  
1197 used, modified, or enhanced as appropriate. To the extent  
1198 funding is available, the department may contract for assistance  
1199 with the development, review, updating of the training,  
1200 examinations, and on-line tutorials required under this section.

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1202 All training, examinations, and tutorials must be developed and  
1203 offered in English and Spanish, and must be reviewed at least  
1204 annually and updated as needed to reflect changes in the law,  
1205 rules, and best practices.

1206 Section 19. Section 429.522, Florida Statutes, is created  
1207 to read:

1208 429.522 Assisted living training providers; certification.-

1209 (1) Effective January 1, 2013, an individual seeking to  
1210 provide assisted living training in this state must be certified  
1211 by the department. The applicant must provide the department  
1212 with proof of completion of the minimum core training  
1213 requirements, successful passage of the assisted living facility  
1214 administrator licensure examination, and proof of compliance  
1215 with continuing education requirements for assisted living  
1216 facility administrators since completion of training.

1217 (2) A person seeking to be certified as a trainer must  
1218 also:

1219 (a) Provide proof of completion of a 4-year baccalaureate  
1220 degree from an accredited college or university and must have  
1221 worked in a management position in an assisted living facility  
1222 for 3 years after obtaining certification in core training  
1223 courses;

1224 (b) Have worked in a management position in an assisted  
1225 living facility for 5 years;

1226 (c) Have been previously employed as a trainer of core  
1227 training courses for the department;

1228 (d) Have at least 5 years of employment with the agency as  
1229 a surveyor of assisted living facilities;

1230 (e) Have at least 5 years of employment as an educator or



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1231 staff trainer for persons working in an assisted living facility  
1232 or another long-term care setting;

1233 (f) Have a 4-year baccalaureate degree from an accredited  
1234 college or university in the areas of health care, gerontology,  
1235 social work, education, or human services and at least 4 years  
1236 of experience as an educator or staff trainer for persons  
1237 working in an assisted living facility or another long-term care  
1238 setting after receiving certification in core courses; or

1239 (g) Meet other qualification criteria as defined by rule of  
1240 the department.

1241 (3) Training may also be provided by faculty in a Florida  
1242 College System institution.

1243 (4) The department shall provide oversight of the assisted  
1244 living training providers. The department shall adopt rules to  
1245 establish requirements for trainer certification and  
1246 recertification requirements, including continuing education  
1247 requirments, disciplinary action that may be taken against a  
1248 trainer, a trainer decertification process, and required  
1249 electronic reporting of persons who have successfully completing  
1250 training courses.

1251 (5) If funding is available, by January 1, 2013, the  
1252 department shall develop and maintain an electronic database,  
1253 accessible to the public, which lists all persons holding  
1254 certification as an assisted living trainer, including any  
1255 history of violations. Assisted living trainers shall keep a  
1256 record of individuals who complete training and shall submit the  
1257 record to the department electronically within 24 hours after  
1258 the completion of a course in order for the department to  
1259 include the information in the database.



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1260 Section 20. Section 429.54, Florida Statutes, is amended to  
1261 read:

1262 429.54 Collection of information; local subsidy;  
1263 interagency communication; facility reporting.—

1264 (1) To enable the department to collect the information  
1265 requested by the Legislature regarding the actual cost of  
1266 providing room, board, and personal care in assisted living  
1267 facilities, the department may ~~is authorized to~~ conduct field  
1268 visits and audits of facilities as ~~may be~~ necessary. The owners  
1269 of randomly sampled facilities shall submit such reports,  
1270 audits, and accountings of cost as the department may require by  
1271 rule; however, provided that such reports, audits, and  
1272 accountings may not be more than ~~shall be~~ the minimum necessary  
1273 to implement the provisions of this subsection ~~section~~. Any  
1274 facility selected to participate in the study shall cooperate  
1275 with the department by providing cost of operation information  
1276 to interviewers.

1277 (2) Local governments or organizations may contribute to  
1278 the cost of care of local facility residents by further  
1279 subsidizing the rate of state-authorized payment to such  
1280 facilities. Implementation of local subsidy shall require  
1281 departmental approval and may ~~shall~~ not result in reductions in  
1282 the state supplement.

1283 (3) Subject to the availability of funds, the agency, the  
1284 department, the Department of Children and Family Services, and  
1285 the Agency for Persons with Disabilities shall develop or modify  
1286 electronic systems of communication among state-supported  
1287 automated systems to ensure that relevant information pertaining  
1288 to the regulation of assisted living facilities and facility



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1289 staff is timely and effectively communicated among agencies in  
1290 order to facilitate the protection of residents.

1291 (4) All assisted living facilities shall submit electronic  
1292 reports to the agency twice a year.

1293 (a) The reports must represent facility data on March 30  
1294 and September 30 of each year and be submitted within 15  
1295 calendar days. The following information and must be submitted:

1296 1. The number of beds in the facility;

1297 2. The number of occupied beds;

1298 3. The number of residents, by age group, younger than 65  
1299 years of age, from 65 to 74 years of age, from 75 to 84 years of  
1300 age, and 85 years of age or older;

1301 4. The number of residents who are mental health residents,  
1302 who are receiving extended congregate care, who are receiving  
1303 limited nursing services, and who are receiving hospice care;

1304 5. If there is a facility waiting list, the number of  
1305 individuals on the waiting list and the type of services or care  
1306 they require, if known;

1307 6. The number of residents receiving optional state  
1308 supplementation; and

1309 7. The number of residents who are Medicaid recipients and  
1310 the type of waiver used to fund their assisted living facility  
1311 certification care.

1312 (b) The agency must maintain electronically the electronic  
1313 information submitted and, at a minimum, use the information to  
1314 track trends in resident populations and needs.

1315 (c) Reporting under this subsection begins March 1, 2013,  
1316 and expires July 1, 2017.

1317 Section 21. Section 429.55, Florida Statutes, is created to



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1318 read:

1319 429.55 Assisted living facility rating system.—

1320 (1) The agency, in consultation with the department, the  
1321 Department of Children and Family Services, and the Office of  
1322 State Long-Term Care Ombudsman, shall develop and adopt by rule  
1323 a user-friendly assisted living facility rating system.

1324 (2) The rating system must be publicly available on the  
1325 Internet in order to assist consumers in evaluating assisted  
1326 living facilities and the services provided by such facilities.

1327 (3) The rating system must be based on resident  
1328 satisfaction, the number and class of deficiencies for which the  
1329 facility has been cited, agency inspection reports, the  
1330 inspection reports of any other regulatory agency, assessments  
1331 conducted by the ombudsman program pursuant to part I of chapter  
1332 400, and other criteria as determined by the agency.

1333 (4) The Internet home page for the rating system must  
1334 include a link that allows consumers to complete a voluntary  
1335 survey that provides feedback on whether the rating system is  
1336 helpful and suggestions for improvement.

1337 (5) The agency may adopt rules as necessary to administer  
1338 this section.

1339 Section 22. The Division of Statutory Revision is requested  
1340 to rename part II of chapter 468, Florida Statutes, consisting  
1341 of ss. 468.1635-468.1756, Florida Statutes, as "Nursing Home and  
1342 Assisted Living Facility Administration."

1343 Section 23. Section 468.1635, Florida Statutes, is amended  
1344 to read:

1345 468.1635 Purpose.—The sole legislative purpose for enacting  
1346 this ~~part~~ ~~chapter~~ is to ensure that every nursing home



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1347 administrator and assisted living facility administrator  
1348 practicing in this state meets minimum requirements for safe  
1349 practice. It is ~~the~~ legislative intent that nursing home  
1350 administrators and assisted living facility administrators who  
1351 fall below minimum competency or who otherwise present a danger  
1352 to the public ~~shall~~ be prohibited from practicing in this state.

1353 Section 24. Section 468.1645, Florida Statutes, is amended  
1354 to read:

1355 468.1645 Administrator license required.—

1356 (1) A ~~No~~ nursing home in the state may not operate in this  
1357 state unless it is under the management of a nursing home  
1358 administrator, and effective July 1, 2013, an assisted living  
1359 facility may not operate in this state unless it is under the  
1360 management of an assisted living facility administrator who  
1361 holds a currently valid license, provisional license, or  
1362 temporary license.

1363 (2) ~~Nothing in~~ This part, and ~~or in~~ the rules adopted  
1364 pursuant to this part, do not hereunder shall require an  
1365 administrator of a ~~any~~ facility or institution operated by and  
1366 for persons who rely exclusively upon treatment by spiritual  
1367 means through prayer, in accordance with the creed or tenets of  
1368 any organized church or religious denomination, to be licensed  
1369 as a nursing home administrator or assisted living facility  
1370 administrator if the administrator is employed only to  
1371 administer in such facilities or institutions for the care and  
1372 treatment of the sick.

1373 Section 25. Section 468.1655, Florida Statutes, is amended  
1374 to read:

1375 468.1655 Definitions.—As used in this part:





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1376           (1) "Assisted living facility" means a facility licensed  
1377 under part I of chapter 429.

1378           (2) "Assisted living facility administrator" means a person  
1379 who is licensed to engage in the practice of assisted living  
1380 facility administration in this state under the authority of  
1381 this part.

1382           (3) "Assisted living facility administrator certification"  
1383 means a professional credential awarded by a board-approved  
1384 third-party credentialing entity to individuals who demonstrate  
1385 core competency in the practice of assisted living facility  
1386 administration and who meet the education, background screening,  
1387 and other criteria specified by the board for licensure as an  
1388 assisted living facility administrator.

1389           (4)~~(1)~~ "Board" means the Board of Long-Term Care ~~Nursing~~  
1390 ~~Home~~ Administrators.

1391           (5)~~(2)~~ "Department" means the Department of Health.

1392           (6) "Long-term care" means any service provided in  
1393 facilities licensed under part II of chapter 400 or part I of  
1394 chapter 429.

1395           (7)~~(3)~~ "Nursing home administrator" means a person who is  
1396 licensed to engage in the practice of nursing home  
1397 administration in this state under the authority of this part.

1398           (8) "Practice of assisted living facility administration"  
1399 means any service requiring education, training, or experience  
1400 in assisted living facility administration and its application  
1401 to the planning, organizing, staffing, directing, and  
1402 controlling of the total management of an assisted living  
1403 facility. A person is practicing or offering to practice  
1404 assisted living facility administration if such person:



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1405 (a) Practices any of the above services.

1406 (b) Holds himself or herself out as able to perform, or  
1407 does perform, any form of assisted living facility  
1408 administration by written or verbal claim, sign, advertisement,  
1409 letterhead, or card; or in any other way represents himself or  
1410 herself to be, or implies that he or she is, an assisted living  
1411 facility administrator.

1412 (9)-(4) "Practice of nursing home administration" means any  
1413 service requiring education, training, or experience in nursing  
1414 home administration education, training, or experience and the  
1415 application of such to the planning, organizing, staffing,  
1416 directing, and controlling of the total management of a nursing  
1417 home. A person is practicing or offering shall be construed to  
1418 practice or to offer to practice nursing home administration if  
1419 the person who:

1420 (a) Practices any of the above services.

1421 (b) Holds himself or herself out as able to perform, or  
1422 does perform, any form of nursing home administration by written  
1423 or verbal claim, sign, advertisement, letterhead, or card; or in  
1424 any other way represents himself or herself to be, or implies  
1425 that he or she is, a nursing home administrator.

1426 (10)-(5) "Nursing home" means an institution or facility  
1427 licensed as such under part II of chapter 400.

1428 Section 26. Section 468.1665, Florida Statutes, is amended  
1429 to read:

1430 468.1665 Board of Long-Term Care Nursing Home  
1431 Administrators; membership; appointment; terms.-

1432 (1) The Board of Long-Term Care Nursing Home Administrators  
1433 is created within the department and shall consist of eleven



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1434 ~~seven~~ members, to be appointed by the Governor and confirmed by  
1435 the Senate to a term of 4 years or for a term to complete an  
1436 unexpired vacancy.

1437 (2) Three members of the board must be licensed nursing  
1438 home administrators. Three members of the board must be licensed  
1439 assisted living facility administrators. Two members of the  
1440 board must be health care practitioners. Three ~~The remaining two~~  
1441 members of the board must be laypersons who are not, and have  
1442 never been, nursing home or assisted living facility  
1443 administrators or members of any health care profession or  
1444 occupation, and at least one of these laypersons must be a  
1445 resident of an assisted living facility. At least one member of  
1446 the board must be 60 years of age or older.

1447 (3) Only board members who are nursing home administrators  
1448 may have a direct financial interest in any nursing home. Only  
1449 board members who are assisted living facility administrators  
1450 may have a direct financial interest in any assisted living  
1451 facility.

1452 (4) All provisions of chapter 456 relating to activities of  
1453 regulatory boards shall apply.

1454 Section 27. Section 468.1685, Florida Statutes, is amended  
1455 to read:

1456 468.1685 Powers and duties of board and department.—It is  
1457 the function and duty of the board, together with the  
1458 department, to:

1459 (1) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to  
1460 implement the provisions of this part conferring duties upon the  
1461 board.

1462 (2) Develop, impose, and enforce specific standards within



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1463 the scope of the general qualifications established by this part  
1464 which must be met by individuals in order to receive licenses as  
1465 nursing home or assisted living facility administrators. These  
1466 standards shall be designed to ensure that nursing home and  
1467 assisted living facility administrators are individuals of good  
1468 character and otherwise suitable and, by training or experience  
1469 in the field of health care facility ~~institutional~~  
1470 administration, qualified to serve as nursing home or assisted  
1471 living facility administrators.

1472 (3) Develop by appropriate techniques, including  
1473 examinations and investigations, a method for determining  
1474 whether an individual meets such standards.

1475 (a) The board shall approve one or more third-party  
1476 credentialing entities for the purpose of developing and  
1477 administering certification programs for assisted living  
1478 facility administrators. A third-party credentialing entity must  
1479 be a nonprofit organization that has met nationally recognized  
1480 standards for developing and administering professional  
1481 certification programs.

1482 (b) In order to obtain approval, a third-party  
1483 credentialing entity must also:

1484 1. Establish professional requirements and standards that  
1485 applicants must achieve in order to obtain an assisted living  
1486 facility administrator certification and to maintain such  
1487 certification. At a minimum, these requirements and standards  
1488 must include completion of the requirements for assisted living  
1489 facility administrators required in this part and in rules  
1490 adopted by the board, including all education, experience, and  
1491 continuing education requirements;



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1492           2. Agree to assist the Department of Elderly Affairs with  
1493 developing the training and testing materials under section  
1494 429.52 using nationally recognized certification and  
1495 psychometric standards;

1496           3. Maintain an Internet-based database, accessible to the  
1497 public, of all persons holding an assisted living facility  
1498 administrator certification; and

1499           4. Require continuing education and, at least, biennial  
1500 certification renewal for persons holding an assisted living  
1501 facility administrator certification.

1502           (4) Issue licenses to qualified individuals meeting the  
1503 standards of the board and revoke or suspend licenses previously  
1504 issued by the board if ~~when~~ the individual holding such license  
1505 is determined to have failed to ~~conform~~ substantially conform to  
1506 the requirements of such standards.

1507           (5) Establish by rule and carry out procedures, ~~by rule,~~  
1508 designed to ensure that licensed nursing home or assisted living  
1509 facility administrators ~~will~~ comply with the standards adopted  
1510 by the board.

1511           (6) Receive, investigate, and take appropriate action with  
1512 respect to any charge or complaint filed with the department ~~to~~  
1513 ~~the effect~~ that a licensed nursing home or assisted living  
1514 facility administrator has failed to comply with the  
1515 requirements or standards adopted by the board.

1516           (7) Conduct a continuing study and investigation of nursing  
1517 homes and assisted living facilities and the administrators of  
1518 nursing homes and assisted living facilities in order to improve  
1519 the standards imposed for the licensing of such administrators  
1520 and the procedures and methods for enforcing such standards with



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1521 respect to licensed administrators ~~of nursing homes who have~~  
1522 ~~been licensed as such.~~

1523 (8) Set up procedures by rule for advising and acting  
1524 together with the department ~~of Health~~ and other boards of other  
1525 health professions in matters affecting procedures and methods  
1526 for effectively enforcing the purpose of this part and the  
1527 administration of chapters 400 and 429.

1528 Section 28. Section 468.1695, Florida Statutes, is amended  
1529 to read:

1530 468.1695 Licensure by examination; licensure by  
1531 certification.-

1532 (1) Any person desiring to be licensed as a nursing home  
1533 administrator shall apply to the department to take the  
1534 licensure examination. The examination shall be given at least  
1535 two times a year and shall include, but not be limited to,  
1536 questions on the subjects of nursing home administration such  
1537 as:

1538 (a) Applicable standards of nursing home health and safety;

1539 (b) Federal, state, and local health and safety laws and  
1540 rules;

1541 (c) General administration;

1542 (d) Psychology of patient care;

1543 (e) Principles of medical care;

1544 (f) Personal and social care;

1545 (g) Therapeutic and supportive care and services in long-  
1546 term care;

1547 (h) Departmental organization and management;

1548 (i) Community interrelationships; and

1549 (j) Terminology.



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1550  
1551 The board may, by rule, adopt use of a national examination in  
1552 lieu of part or all of the examination required by this part.

1553 (2) The department shall examine each applicant for a  
1554 nursing home administrator license who the board certifies has  
1555 completed the application form and remitted an examination fee  
1556 set by the board not to exceed \$250 and who:

1557 (a)1. Holds a baccalaureate degree from an accredited  
1558 college or university and majored in health care administration  
1559 or has credit for at least 60 semester hours in subjects, as  
1560 prescribed by rule of the board, which prepare the applicant for  
1561 total management of a nursing home; and

1562 2. Has fulfilled the requirements of a college-affiliated  
1563 or university-affiliated internship in nursing home  
1564 administration or of a 1,000-hour nursing home administrator-in-  
1565 training program prescribed by the board; or

1566 (b)1. Holds a baccalaureate degree from an accredited  
1567 college or university; and

1568 2.a. Has fulfilled the requirements of a 2,000-hour nursing  
1569 home administrator-in-training program prescribed by the board;  
1570 or

1571 b. Has 1 year of management experience allowing for the  
1572 application of executive duties and skills, including the  
1573 staffing, budgeting, and directing of resident care, dietary,  
1574 and bookkeeping departments within a skilled nursing facility,  
1575 hospital, hospice, assisted living facility with a minimum of 60  
1576 licensed beds, or geriatric residential treatment program and,  
1577 if such experience is not in a skilled nursing facility, has  
1578 fulfilled the requirements of a 1,000-hour nursing home



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1579 administrator-in-training program prescribed by the board.

1580 (3) The department shall issue a license to practice  
1581 nursing home administration to any applicant who successfully  
1582 completes the examination in accordance with this section and  
1583 otherwise meets the requirements of this part. The department  
1584 shall not issue a license to any applicant who is under  
1585 investigation in this state or another jurisdiction for an  
1586 offense which would constitute a violation of s. 468.1745 or s.  
1587 468.1755. Upon completion of the investigation, the provisions  
1588 of s. 468.1755 shall apply.

1589 (4) The board may by rule establish a preceptor  
1590 certification and recertification fee not to exceed \$100 which  
1591 shall be remitted by those individuals seeking board approval to  
1592 act as preceptors in administrator-in-training programs as  
1593 prescribed by the board. This said fee may be charged at the  
1594 time of application for initial certification and at the time of  
1595 application for recertification. The board may by rule establish  
1596 a trainee application fee not to exceed \$500 to defray the costs  
1597 of the board's supervision of the administrator-in-training  
1598 program, to be remitted by those individuals seeking to undergo  
1599 a board prescribed administrator-in-training program.

1600 (5) Any person desiring to be licensed as an assisted  
1601 living facility administrator must apply to the department,  
1602 remit a nonrefundable fee set by the board not to exceed \$150,  
1603 and provide proof of a current and valid assisted living  
1604 facility administrator certification.

1605 (6) An assisted living facility administrator certification  
1606 must be issued by a board-approved third-party credentialing  
1607 entity that certifies that the individual:





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- 1608           (a) Is at least 21 years old;
- 1609           (b) Holds a 4-year baccalaureate degree from an accredited  
1610 college or university, including completion of coursework in  
1611 health care, gerontology, or geriatrics; holds a 4-year  
1612 baccalaureate degree from an accredited college or university  
1613 and has at least 2 years of experience in direct care in or  
1614 management of an assisted living facility or nursing home; or  
1615 holds a 2-year associate degree and has at least 4 years of  
1616 experience in direct care in an assisted living facility or  
1617 nursing home;
- 1618           (c) Has completed a least 40 hours of core training;
- 1619           (d) Has passed an examination that documents core  
1620 competencies in the training required for assisted living  
1621 facility administrators prior to licensure with a minimum score  
1622 of 80 percent;
- 1623           (e) Has completed background screening pursuant to ss.  
1624 429.174 and 456.0365; and
- 1625           (f) Otherwise meets the requirements of this part and part  
1626 I of chapter 429.
- 1627           (7) An assisted living facility administrator who is  
1628 continuously employed as a facility administrator, or a nursing  
1629 home administrator who is continuously employed as a nursing  
1630 home administrator, for at least the 2 years before January 1,  
1631 2013, is eligible for certification as an assisted living  
1632 facility administrator without meeting the requirements in  
1633 subsection (6) if:
- 1634           (a) The applicant completed the core training, examination,  
1635 and continuing education requirements under chapter 429 which  
1636 were in effect on June 30, 2012; and



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1637           (b) The applicant was not the administrator of a facility  
1638 or nursing home that was cited for a class I or class II  
1639 violation within the 2 years before January 1, 2013.

1640           (8) Other licensed professionals may be exempted from some  
1641 or all of the training requirements of this section for assisted  
1642 living facility administrator certification, as determined by  
1643 the board, in consultation with the Department of Elderly  
1644 Affairs and the Agency for Health Care Administration, by rule.

1645           (9) A licensed assisted living facility administrator  
1646 applying for relicensure must submit an application, remit a  
1647 renewal fee of \$150, and demonstrate that he or she has obtained  
1648 and maintained his or her assisted living facility administrator  
1649 certification that substantiates that he or she has completed at  
1650 least 16 hours of general continuing education, any specialty  
1651 training and continuing education required based on licensure of  
1652 the facility for which the applicant is an administrator, has  
1653 successfully passed all required examinations, and satisfies all  
1654 other requirements for licensure renewal under this part and  
1655 part I of chapter 429.

1656           (10) The board may adopt rules for licensure forms,  
1657 staggered license expirations dates, prorated licensure fees,  
1658 and certification to implement the licensure and relicensure of  
1659 assisted living facility administrators.

1660           Section 29. Subsection (1) of section 468.1705, Florida  
1661 Statutes, is amended to read:

1662           468.1705 Licensure by endorsement; temporary license.—

1663           (1) The department shall issue a nursing home administrator  
1664 license by endorsement to an ~~any~~ applicant who, upon applying to  
1665 the department and remitting a fee set by the board not to



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1666 exceed \$500, demonstrates to the board that he or she:

1667 (a) Meets one of the following requirements:

1668 1. Holds a valid active license to practice nursing home  
1669 administration in another state of the United States if,  
1670 ~~provided that~~ the current requirements for licensure in that  
1671 state are substantially equivalent to, or more stringent than,  
1672 current requirements in this state; or

1673 2. Meets the qualifications for licensure in s. 468.1695;  
1674 and

1675 (b)1. Has successfully completed a national examination  
1676 which is substantially equivalent to, or more stringent than,  
1677 the examination given by the department;

1678 2. Has passed an examination on the laws and rules of this  
1679 state governing the administration of nursing homes; and

1680 3. Has worked as a fully licensed nursing home  
1681 administrator for 2 years within the 5-year period immediately  
1682 preceding the application by endorsement.

1683 Section 30. Section 468.1745, Florida Statutes, is amended  
1684 to read:

1685 468.1745 Prohibitions; penalties.—

1686 (1) A ~~No~~ person may not ~~shall~~:

1687 (a) Practice nursing home administration unless the person  
1688 holds an active license to practice nursing home administration.

1689 (b) Use the name or title "nursing home administrator" if  
1690 ~~when~~ the person has not been licensed pursuant to this part ~~act~~.

1691 (c) Present as his or her own the license of another.

1692 (d) Give false or forged evidence to the board or a member  
1693 thereof for the purpose of obtaining a license.

1694 (e) Use or attempt to use a nursing home administrator's



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1695 license or an assisted living facility administrator's license  
1696 that ~~which~~ has been suspended or revoked.

1697 (f) Knowingly employ unlicensed persons in the practice of  
1698 nursing home administration or assisted living facility  
1699 administration.

1700 (g) Knowingly conceal information relative to violations of  
1701 this part.

1702 (h) Practice assisted living facility administration unless  
1703 the person holds an active license to practice assisted living  
1704 facility administration.

1705 (i) Use the name or title "assisted living facility  
1706 administrator" if the person has not been licensed pursuant to  
1707 this part.

1708 (2) Any person who violates the provisions of this section  
1709 is guilty of a misdemeanor of the second degree, punishable as  
1710 provided in s. 775.082 or s. 775.083.

1711 Section 31. Section 468.1755, Florida Statutes, is amended  
1712 to read:

1713 468.1755 Disciplinary proceedings.—

1714 (1) The following acts constitute grounds for denial of a  
1715 nursing home administrator license, assisted living facility  
1716 administrator license, or disciplinary action, as specified in  
1717 s. 456.072(2):

1718 (a) Violation of any provision of s. 456.072(1) or s.  
1719 468.1745(1).

1720 (b) Attempting to procure a license to practice nursing  
1721 home administration or assisted living facility administration  
1722 by bribery, by fraudulent misrepresentation, or through an error  
1723 of the department or the board.



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1724 (c) Having a license to practice nursing home  
1725 administration or assisted living facility administration  
1726 revoked, suspended, or otherwise acted against, including the  
1727 denial of licensure, by the licensing authority of another  
1728 state, territory, or country.

1729 (d) Being convicted or found guilty, regardless of  
1730 adjudication, of a crime in any jurisdiction which relates to  
1731 the practice of nursing home administration, assisted living  
1732 facility administration, or the ability to practice nursing home  
1733 administration or assisted living facility administration. Any  
1734 plea of nolo contendere shall be considered a conviction for  
1735 purposes of this part.

1736 (e) Making or filing a report or record which the licensee  
1737 knows to be false, intentionally failing to file a report or  
1738 record required by state or federal law, willfully impeding or  
1739 obstructing such filing, or inducing another person to impede or  
1740 obstruct such filing. Such reports or records shall include only  
1741 those which are signed in the capacity of a licensed nursing  
1742 home administrator or licensed assisted living facility  
1743 administrator.

1744 (f) Authorizing the discharge or transfer of a resident by  
1745 a nursing home administrator for a reason other than those  
1746 provided in ss. 400.022 and 400.0255.

1747 (g) Advertising goods or services in a manner which is  
1748 fraudulent, false, deceptive, or misleading in form or content.

1749 (h) Fraud or deceit, negligence, incompetence, or  
1750 misconduct in the practice of nursing home administration or  
1751 assisted living facility administration.

1752 (i) Violation of a lawful order of the board or department



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1753 previously entered in a disciplinary hearing or failing to  
1754 comply with a lawfully issued subpoena of the board or  
1755 department.

1756 (j) Practicing with a revoked, suspended, inactive, or  
1757 delinquent license.

1758 (k) Repeatedly acting in a manner inconsistent with the  
1759 health, safety, or welfare of the patients of the facility in  
1760 which he or she is the administrator.

1761 (l) Being unable to practice nursing home administration or  
1762 assisted living facility administration with reasonable skill  
1763 and safety to patients by reason of illness, drunkenness, use of  
1764 drugs, narcotics, chemicals, or any other material or substance  
1765 or as a result of any mental or physical condition. In enforcing  
1766 this paragraph, upon a finding of the State Surgeon General or  
1767 his or her designee that probable cause exists to believe that  
1768 the licensee is unable to serve as a nursing home administrator  
1769 or assisted living facility administrator due to the reasons  
1770 stated in this paragraph, the department shall have the  
1771 authority to issue an order to compel the licensee to submit to  
1772 a mental or physical examination by a physician designated by  
1773 the department. If the licensee refuses to comply with such  
1774 order, the department's order directing such examination may be  
1775 enforced by filing a petition for enforcement in the circuit  
1776 court where the licensee resides or serves as a nursing home  
1777 administrator or assisted living facility administrator. The  
1778 licensee against whom the petition is filed shall not be named  
1779 or identified by initials in any public court records or  
1780 documents, and the proceedings shall be closed to the public.  
1781 The department shall be entitled to the summary procedure



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1782 provided in s. 51.011. A licensee affected under this paragraph  
1783 shall have the opportunity, at reasonable intervals, to  
1784 demonstrate that he or she can resume the competent practice of  
1785 nursing home administration or assisted living facility  
1786 administration with reasonable skill and safety to patients.

1787 (m) Willfully or repeatedly violating any of the provisions  
1788 of the law, code, or rules of the licensing or supervising  
1789 authority or agency of the state or political subdivision  
1790 thereof having jurisdiction of the operation and licensing of  
1791 nursing homes or assisted living facilities.

1792 (n) Paying, giving, causing to be paid or given, or  
1793 offering to pay or to give to any person a commission or other  
1794 valuable consideration for the solicitation or procurement,  
1795 either directly or indirectly, of nursing home usage or assisted  
1796 living facility usage, except as specifically authorized by law.

1797 (o) Willfully permitting unauthorized disclosure of  
1798 information relating to a patient or his or her records.

1799 (p) Discriminating with respect to patients, residents,  
1800 employees, or staff on account of race, religion, color, sex, or  
1801 national origin.

1802 (q) Failing to implement an ongoing quality assurance  
1803 program by a nursing home administrator which is directed by an  
1804 interdisciplinary team that meets at least every other month.

1805 (r) Violating any provision of this chapter or chapter 456,  
1806 or any rules adopted pursuant thereto.

1807 (2) The board may enter an order denying nursing home  
1808 administrator licensure, assisted living facility administrator  
1809 licensure, or imposing any of the penalties in s. 456.072(2)  
1810 against any applicant for licensure or licensee who:



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1811           (a) Is found guilty of violating any provision of  
1812 subsection (1) of this section or who is found guilty of  
1813 violating any provision of s. 456.072(1).

1814           (b) Has a controlling interest in or knowingly participates  
1815 in one or more violations at an assisted living facility or  
1816 nursing home which results in denial or revocation of an  
1817 assisted living facility license or nursing home license.

1818           (c) Has a controlling interest in or knowingly operates an  
1819 unlicensed assisted living facility.

1820           (3) The board shall revoke the license of an assisted  
1821 living facility administrator who knowingly participates in  
1822 intentional misconduct or engages in conduct that constitutes  
1823 gross negligence which contributes to the death of a resident.

1824           (4)~~(3)~~ The department shall reissue the license of a  
1825 disciplined licensee upon certification by the board that the  
1826 disciplined licensee has complied with all of the terms and  
1827 conditions set forth in the final order.

1828           Section 32. Section 468.1756, Florida Statutes, is amended  
1829 to read:

1830           468.1756 Statute of limitations.—An administrative  
1831 complaint may only be filed pursuant to s. 456.073 for an act  
1832 listed in s. 468.1755 ~~s. 468.1755(1)(e)–(g)~~ within 4 years after  
1833 ~~from~~ the time of the incident giving rise to the complaint, or  
1834 within 4 years after ~~from~~ the time the incident is discovered or  
1835 should have been discovered.

1836           Section 33. Assisted living facility streamlining task  
1837 force.—

1838           (1) The Agency for Health Care Administration shall create  
1839 a task force consisting of at least one representative of the





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1840 agency, the Department of Elderly Affairs, the Department of  
1841 Children and Family Services, the Department of Health, and the  
1842 Office of State Long-Term Care Ombudsman.

1843 (2) The purpose of the task force is to determine whether  
1844 agencies currently have overlapping regulatory responsibilities  
1845 over assisted living facilities and whether increased efficiency  
1846 and effectiveness may be realized by transferring,  
1847 consolidating, eliminating, or modifying such oversight between  
1848 agencies.

1849 (3) The task force shall meet at least three times and  
1850 submit a report to the Governor, the President of the Senate,  
1851 and the Speaker of the House of Representatives by January 1,  
1852 2013, which includes the task force's findings and  
1853 recommendations pertaining to streamlining agency oversight and  
1854 improving the effectiveness of regulatory functions.

1855 (4) The task force is terminated effective March 1, 2013.  
1856 Section 34. By January 1, 2013, the Agency for Health Care  
1857 Administration shall submit copies of all of its inspection  
1858 forms used to inspect assisted living facilities to the Office  
1859 of State Long-Term Care Ombudsman. The office shall create and  
1860 act as the chair of a task force of up to 11 members, consisting  
1861 of an ombudsman, one representative of a nonprofit assisted  
1862 living facility, one representative of a for-profit assisted  
1863 living facility, at least one resident or family member of a  
1864 resident, other stakeholders, and one representative of the  
1865 agency, the Department of Elderly Affairs, the Department of  
1866 Children and Family Services, and the Department of Health, to  
1867 review the inspection forms. The task force shall provide  
1868 recommendations, if any, to modify the forms in order to ensure



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1869 that inspections adequately assess whether the assisted living  
1870 facilities are in compliance with the law, meet the needs of  
1871 residents, and ensure resident safety. The task force must  
1872 provide its recommendations, including explanations of its  
1873 recommendations, to the agency within 90 days after receiving  
1874 the inspection forms. The task force is terminated July 1, 2013.

1875 Section 35. Except as otherwise expressly provided in this  
1876 act, this act shall take effect July 1, 2012.

1877  
1878 ===== T I T L E A M E N D M E N T =====

1879 And the title is amended as follows:

1880 Delete everything before the enacting clause  
1881 and insert:

1882 A bill to be entitled  
1883 An act relating to assisted living facilities;  
1884 amending s. 394.4574, F.S.; revising the duties of the  
1885 case manager for, and requirements relating to the  
1886 cooperative agreement and the community living support  
1887 plan of, a mental health resident of an assisted  
1888 living facility; amending s. 400.0078, F.S.; requiring  
1889 that residents of long-term care facilities be  
1890 informed about the confidentiality of the identity of  
1891 the complainant of a complaint received by the State  
1892 Long-Term Care Ombudsman Program; amending s.  
1893 415.1034, F.S.; adding certain employees or agents of  
1894 a state or local agency to the list of persons who  
1895 must report the known or suspected abuse of a  
1896 vulnerable adult to the abuse hotline; amending s.  
1897 429.02, F.S.; providing definitions for "board" and



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1898 "mental health surveyor"; amending s. 429.07, F.S.;

1899 authorizing the waiver of certain monitoring

1900 requirements under certain conditions; increasing the

1901 biennial license fee required for a facility that has

1902 certain violations within the 2 years preceding

1903 license renewal; amending s. 429.075, F.S.; revising

1904 the criteria preventing a licensed facility from

1905 receiving a limited mental health license; providing

1906 training requirements for administrators and staff

1907 members of facilities that hold a limited mental

1908 health license; requiring that a mental health

1909 surveyor be part of the team inspecting a facility

1910 that holds a limited mental health license; requiring

1911 semiannual monitoring of the facility; providing for

1912 an exception from semiannual monitoring; amending s.

1913 429.14, F.S.; revising the conditions for mandatory

1914 license denial or revocation; requiring the revocation

1915 of a facility license for certain violations that

1916 result in the death of a resident; amending s.

1917 429.176, F.S.; requiring the licensure of facility

1918 administrators; authorizing one administrator for

1919 multiple facilities under certain conditions;

1920 authorizing qualified facility managers during the

1921 temporary absence of an administrator; amending s.

1922 429.178, F.S.; revising training requirements for

1923 staff who provide care for persons who have

1924 Alzheimer's disease and related disorders; amending s.

1925 429.19, F.S.; conforming provisions to changes made by

1926 the act; authorizing the Agency for Health Care



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1927 Administration to impose certain citations and fines  
1928 regardless of correction of a violation, an increased  
1929 fine for certain violations that result in the death  
1930 of a resident, and enhanced fines; creating s.  
1931 429.231, F.S.; creating an advisory council to review  
1932 unexpected deaths and elopements; providing for  
1933 membership and duties; amending s. 429.28, F.S.;

1934 authorizing a resident to file a grievance with a  
1935 facility when a notice of relocation or termination of  
1936 residency has been received; requiring residents of  
1937 facilities to be informed about the confidentiality of  
1938 the identity of the resident and complainant of a  
1939 complaint made to the State Long-Term Care Ombudsman  
1940 Program; requiring the agency to conduct followup  
1941 inspections of facilities that have a history of  
1942 certain violations; providing that a facility that  
1943 terminates an individual's residency will be fined if  
1944 good cause is not shown in court; creating s. 429.281,  
1945 F.S.; establishing procedures for a resident grievance  
1946 process upon notification of resident relocation or  
1947 termination of residency; amending s. 429.34, F.S.;

1948 providing that the agency is designated as the central  
1949 agency for tracking facility complaints; specifying  
1950 timeframes for other state agencies to submit reports  
1951 to the agency; requiring the agency to have lead  
1952 surveyors who specialize in assessing facilities;

1953 amending s. 429.41, F.S.; requiring the agency to  
1954 observe the elopement drills of a randomly selected  
1955 group of facilities; requiring the agency to conduct



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1956 an abbreviated biennial licensure inspection; amending  
1957 s. 429.49, F.S.; increasing the criminal penalty for  
1958 altering facility records; creating s. 429.515, F.S.;  
1959 requiring new facility employees to attend a  
1960 preservice orientation; providing requirements for  
1961 such orientation; amending s. 429.52, F.S.; revising  
1962 training, examination, and continuing education  
1963 requirements for facility staff, including  
1964 administrators; providing for the use of interactive  
1965 online tutorials; requiring the Department of Elderly  
1966 Affairs to develop training, examinations, and  
1967 tutorials; creating s. 429.522, F.S.; requiring  
1968 training providers to be certified by the Department  
1969 of Elderly Affairs and provide trainer oversight;  
1970 providing trainer requirements; requiring the  
1971 department to maintain an electronic database of  
1972 certified providers and persons who complete training  
1973 if funding is available; amending s. 429.54, F.S.;  
1974 requiring specified state agencies to have an  
1975 electronic system of communication pertaining to the  
1976 regulation of facilities; requiring facilities to  
1977 submit certain facility and resident information  
1978 electronically to the agency twice yearly; providing  
1979 for the maintenance and use of such information;  
1980 providing for expiration of this requirement; creating  
1981 s. 429.55, F.S.; directing the agency to establish an  
1982 online, user-friendly facility rating system that may  
1983 be accessed by the public; providing a directive to  
1984 the Division of Statutory Revision; amending s.



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1985 468.1635, F.S.; revising the purpose of part II of ch.  
1986 468, F.S., to include assisted living administrators;  
1987 amending s. 468.1645, F.S.; requiring assisted living  
1988 facilities to be operated under the management of a  
1989 licensed administrator; amending s. 468.1655, F.S.;  
1990 revising and providing definitions; amending s.  
1991 468.1665, F.S.; renaming the Board of Nursing Home  
1992 Administrators as the "Board of Long-Term Care  
1993 Administrators"; providing for membership; prohibiting  
1994 certain conflicts of interest with respect to board  
1995 members; amending s. 468.1685, F.S.; revising duties  
1996 of the board to include approving third-party  
1997 credentialing entities for the purpose of an assisted  
1998 living facility administrator certification program;  
1999 amending s. 468.1695, F.S.; providing for licensure of  
2000 assisted living facility administrators through  
2001 certification; providing licensure requirements;  
2002 establishing a maximum fee; amending s. 468.1705,  
2003 F.S., relating to licensure by endorsement; conforming  
2004 provisions to changes made by the act; amending s.  
2005 468.1745, F.S.; providing requirements for who must be  
2006 licensed as an assisted living facility administrator;  
2007 amending s. 468.1755, F.S.; conforming provisions to  
2008 changes made by the act; providing grounds for  
2009 disciplinary action for assisted living facility  
2010 administrators; amending s. 468.1756, F.S.; conforming  
2011 provisions to changes made by the act; requiring the  
2012 agency to create a task force to determine whether  
2013 state agencies have overlapping regulatory



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2014 jurisdiction over facilities and to submit findings  
2015 and recommendations to the Governor and Legislature by  
2016 a certain date; providing for termination; requiring  
2017 the Office of the State Long-Term Care Ombudsman to  
2018 create a task force to review the agency's facility  
2019 inspection forms and to submit its recommendations to  
2020 the agency by a certain date; providing for  
2021 termination; providing effective dates.