

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative O'Toole offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 67-116 and insert:

5 Section 2. Subsection (2) of section 408.036, Florida
6 Statutes, is amended to read:

7 408.036 Projects subject to review; exemptions.—

8 (2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt
9 pursuant to subsection (3), projects subject to an expedited
10 review shall include, but not be limited to:

11 (a) A transfer of a certificate of need, except that when
12 an existing hospital is acquired by a purchaser, all
13 certificates of need issued to the hospital which are not yet
14 operational shall be acquired by the purchaser, without need for
15 a transfer.

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16 (b) Replacement of a nursing home within the same
17 district, if the proposed project site is located within a
18 geographic area that contains at least 65 percent of the
19 facility's current residents and is within a 30-mile radius of
20 the replaced nursing home.

21 (c) Relocation of a portion of a nursing home's licensed
22 beds to a facility within the same district, if the relocation
23 is within a 30-mile radius of the existing facility and the
24 total number of nursing home beds in the district does not
25 increase.

26 (d) The new construction of a community nursing home in a
27 retirement community as further provided in this paragraph.

28 1. Expedited review under this paragraph is available if
29 all of the following criteria are met:

30 a. The residential use area of the retirement community is
31 deed-restricted as housing for older persons as defined in s.
32 760.29(4)(b).

33 b. The retirement community is located in a county in
34 which 25 percent or more of its population is age 65 and older.

35 c. The retirement community is located in a county that
36 has a rate of no more than 16.1 beds per 1,000 persons age 65
37 years or older. The rate shall be determined by using the
38 current number of licensed and approved community nursing home
39 beds in the county per the agency's most recent published
40 inventory.

41 d. The retirement community has a population of at least
42 8,000 residents within the county, based on a population data
43 source accepted by the agency.

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44 e. The number of proposed community nursing home beds in
45 an application does not exceed the projected bed need after
46 applying the rate of 16.1 beds per 1,000 persons aged 65 years
47 and older projected for the county 3 years into the future using
48 the estimates adopted by the agency, after subtracting the
49 inventory of licensed and approved community nursing home beds
50 in the county per the agency's most recent published inventory.

51 2. No more than 120 community nursing home beds shall be
52 approved for a qualified retirement community under each request
53 for application for expedited review. Subsequent requests for
54 expedited review under this process shall not be made until 2
55 years after construction of the facility has commenced or 1 year
56 after the beds approved through the initial request are
57 licensed, whichever occurs first.

58 3. The total number of community nursing home beds which
59 may be approved for any single deed-restricted community
60 pursuant to this paragraph shall not exceed 240, regardless of
61 whether the retirement community is located in more than one
62 qualifying county.

63 4. Each nursing home facility approved under this
64 paragraph shall be dually certified for participation in the
65 Medicare and Medicaid programs.

66 5. Each nursing home facility approved under this
67 paragraph shall be at least one mile from an existing approved
68 and licensed community nursing home, measured over publicly
69 owned roadways.

70 6. Section 408.0435 does not apply to this paragraph.

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71 7. A retirement community requesting expedited review
72 under this paragraph shall submit a written request to the
73 agency for an expedited review. The request shall include the
74 number of beds to be added and provide evidence of compliance
75 with the criteria specified in subparagraph 1.

76 8. After verifying that the retirement community meets the
77 criteria for expedited review specified in subparagraph 1., the
78 agency shall publicly notice in the Florida Administrative
79 Register that a request for an expedited review has been
80 submitted by a qualifying retirement community and that the
81 qualifying retirement community intends to make land available
82 for the construction and operation of a community nursing home.
83 The agency's notice shall identify where potential applicants
84 can obtain information describing sales price of, or terms of
85 the land lease for, the property on which the project will be
86 located and the requirements established by the retirement
87 community. The agency notice shall also specify the deadline for
88 submission of any certificate-of-need application, which shall
89 not be earlier than the 91st day and not be later than the 125th
90 day after the date the notice appears in the Florida
91 Administrative Register.

92 9. The qualified retirement community shall make land
93 available to applicants it deems to have met its requirements
94 for the construction and operation of a community nursing home
95 but will sell or lease the land only to the applicant that is
96 issued a certificate of need by the agency under the provisions
97 of this paragraph.

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98 a. A certificate of need application submitted pursuant to
99 this paragraph shall identify the intended site for the project
100 within the retirement community and the anticipated costs for
101 the project based on that site. The application shall also
102 include written evidence that the retirement community has
103 determined that the provider submitting the application and the
104 project proposed by that provider satisfies its requirements for
105 the project.

106 b. The retirement community's determination that more than
107 one provider satisfies its requirements for the project does not
108 preclude the retirement community from notifying the agency of
109 the provider it prefers.

110 10. Each application submitted shall be reviewed by the
111 agency. If multiple applications are submitted for the project
112 as published pursuant to subparagraph 8. above, then the
113 competing applications shall be reviewed by the agency.

114 11. The agency shall develop rules to implement the
115 provisions for expedited review, including time schedule,
116 application content which may be reduced from the full
117 requirements of s. 408.037(1), and application processing.

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120 expedited review, including time schedule, application content
121 which may be reduced from the full requirements of s.
122 408.037(1), and application processing.

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125 **T I T L E A M E N D M E N T**

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126 Remove lines 5-13 and insert:
127 under certain circumstances; amending s. 408.036,
128 F.S.; providing for expedited review of certificate-
129 of-need for licensed skilled nursing facilities in
130 qualifying retirement communities; providing criteria
131 for expedited review for licensed skilled nursing
132 homes in qualifying retirement communities; limiting
133 the number of beds per retirement community that can
134 be added through expedited review;