

1                                   A bill to be entitled  
 2           An act relating to skilled nursing facilities;  
 3           creating s. 408.0362, F.S.; providing an exemption  
 4           from certificate-of-need requirements for construction  
 5           of a licensed skilled nursing facility in a retirement  
 6           community; providing conditions for the exemption;  
 7           providing procedures to obtain an exemption; limiting  
 8           the number of community skilled nursing home beds that  
 9           are added under the exemption; requiring qualified  
 10          retirement communities to submit a request for  
 11          exemption; requiring facilities and beds to have  
 12          certain certifications; providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Section 408.0362, Florida Statutes, is created  
 17 to read:

18           408.0362 Skilled nursing facility in retirement community;  
 19 exemption from review.—

20           (1) Upon request by a deed-restricted retirement  
 21 community, the construction of a skilled nursing facility  
 22 licensed under part II of chapter 400 for the addition of  
 23 community skilled nursing home beds located within the  
 24 retirement community is exempt from s. 408.036 if:

25           (a) The retirement community is located in a county that  
 26 has 25 percent or more of its population consisting of persons  
 27 age 65 and older;

28 | (b) The retirement community is located in a county that  
29 | has a rate of no more than 16.1 beds per thousand persons age 65  
30 | years or older. The rate shall be determined by using the  
31 | current number of licensed and approved community skilled  
32 | nursing home beds in the agency's most recent published  
33 | inventory;

34 | (c) The retirement community is zoned for a mix of  
35 | residential and nonresidential uses;

36 | (d) The residential use area of the retirement community  
37 | is deed-restricted as housing for older persons as defined in s.  
38 | 760.29; and

39 | (e) The retirement community has a population of at least  
40 | 8,000 residents, based on a population data source accepted by  
41 | the agency.

42 | (2) The number of community skilled nursing home beds  
43 | allowed in a retirement community under the exemption shall be  
44 | calculated at a rate of 16.1 beds per thousand persons age 65  
45 | years and older in the county in which the retirement community  
46 | is located. To determine whether or not the county in which the  
47 | retirement community is located is at or above the rate of 16.1  
48 | beds per thousand persons age 65 years and older, the agency  
49 | must use a prospective county population estimate 3 years in the  
50 | future to demonstrate:

51 | (a) That the number of persons age 65 years and older will  
52 | comprise at least 25 percent of the county's population at the  
53 | end of the 3 years. From this result, the current number of  
54 | licensed community skilled nursing home beds in the agency's  
55 | published inventory shall be subtracted to determine the net

56 number of additional community skilled nursing home beds that  
57 the agency shall grant for development under the exemption; and

58 (b) That the rate of community skilled nursing home beds  
59 in the county will either remain at 16.1 beds per thousand  
60 persons age 65 years or older or will be fewer after 3 years,  
61 before additional community skilled nursing home beds are  
62 approved under the exemption.

63 (3) A retirement community that qualifies for the  
64 exemption provided in this section shall submit a written  
65 request for an exemption in accordance with the applicable  
66 rules. In the request, the retirement community shall provide  
67 evidence of population, mixed-use status, and the results of the  
68 calculation provided under subsection (2) showing the gross and  
69 net numbers of community skilled nursing home beds in the  
70 county.

71 (4) The number of community skilled nursing home beds that  
72 are added pursuant to the exemption shall at no time exceed 240  
73 in any qualifying retirement community.

74 (5) Any skilled nursing home facility built pursuant to  
75 this exemption shall be certified under both the Medicare and  
76 Medicaid programs. All beds in the skilled nursing home facility  
77 shall be certified under both the Medicare and Medicaid  
78 programs.

79 Section 2. This act shall take effect upon becoming a law.