



LEGISLATIVE ACTION

Senate	.	House
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

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

(a) A transfer of a certificate of need, except that when an existing hospital is acquired by a purchaser, all



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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.

16 (b) Replacement of a nursing home within the same district,
17 if the proposed project site is located within a geographic area
18 that contains at least 65 percent of the facility's current
19 residents and is within a 30-mile radius of the replaced nursing
20 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 which
34 25 percent or more of the population is age 65 years and older.

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

40 d. The retirement community has a population of at least
41 8,000 residents within the county, based on a population data



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42 source accepted by the agency.

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

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

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

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

65 5. Each nursing home facility approved under this paragraph
66 must be at least 1 mile from an existing approved and licensed
67 community nursing home, measured over publicly owned roadways.

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

69 7. A retirement community requesting expedited review under
70 this paragraph shall submit a written request to the agency for



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71 an expedited review in accordance with the agency's applicable
72 rules. The request must include the number of beds to be added
73 and provide evidence of compliance with the criteria specified
74 in subparagraph 1.

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

93 9. The qualified retirement community shall make land
94 available to applicants that meet the requirements established
95 by the retirement community for the project.

96 a. A certificate-of-need application submitted pursuant to
97 this paragraph must identify the intended site for the project
98 within the retirement community and the anticipated cost of the
99 project based on that site. The application must also include



100 written evidence that the retirement community has determined
101 that the provider submitting the application and the project
102 proposed by that provider satisfies all requirements for the
103 project.

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

108
109 The agency shall develop rules to implement the provisions for
110 expedited review, including time schedule, application content
111 which may be reduced from the full requirements of s.
112 408.037(1), and application processing.

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

114
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete everything before the enacting clause
118 and insert:

119 A bill to be entitled
120 An act relating to community nursing homes; providing
121 the criteria and procedure for expedited review of
122 applications for a certificate of need for the
123 construction of a community nursing home in a
124 retirement community; providing an effective date.