



918804

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
	.	
	.	
	.	

The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

408.0362 Skilled nursing facility in retirement community; exempt from review.-

(1) Upon request by a deed-restricted retirement community, the construction of a skilled nursing facility licensed under part II of chapter 400 for the addition of community skilled nursing home beds located within the retirement community is



918804

13 exempt from s. 408.036 if:

14 (a) The retirement community is located in a county that
15 has 25 percent or more of its population consisting of persons
16 aged 65 and older;

17 (b) The retirement community is located in a county that
18 has a rate of no more than 16.1 beds per thousand persons aged
19 65 years or older. The rate shall be determined by using the
20 current number of licensed and approved community skilled
21 nursing home beds in the agency's most recent published
22 inventory;

23 (c) The retirement community is zoned for a mix of
24 residential and nonresidential uses;

25 (d) The residential use area of the retirement community is
26 deed-restricted as housing for older persons as defined in s.
27 760.29; and

28 (e) The retirement community has a population of at least
29 8,000 residents, based on a population data source accepted by
30 the agency.

31 (2) The number of community skilled nursing home beds
32 allowed in a retirement community under the exemption shall be
33 calculated at a rate of 16.1 beds per thousand persons aged 65
34 years and older in the county in which the retirement community
35 is located. To determine whether or not the county in which the
36 retirement community is located is at or above the rate of 16.1
37 beds per 1,000 elderly, the agency must use a prospective county
38 population estimate 3 years in the future to demonstrate:

39 (a) That the number of persons aged 65 years and older will
40 comprise at least 25 percent of the county's population at the
41 end of the 3 years. From this result, the current number of



918804

42 licensed community skilled nursing home beds in the agency's
43 published inventory shall be subtracted to determine the net
44 number of additional community skilled nursing home beds that
45 the agency shall grant for development under the exemption; and

46 (b) That the rate of community skilled nursing home beds in
47 the county will either remain at 16.1 beds per thousand persons
48 aged 65 years or older or will be less after 3 years, prior to
49 approval of additional community skilled nursing home beds under
50 the exemption.

51 (3) A retirement community that qualifies for the exemption
52 provided in this section shall provide a written request for an
53 exemption in accordance with the applicable rules. In the
54 request, the retirement community shall provide evidence of
55 population, mixed-use status, and the results of the calculation
56 showing the gross and net numbers of community skilled nursing
57 home beds in the county.

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

61 (5) Any skilled nursing home facility built pursuant to the
62 exemption shall be certified under both the Medicare and
63 Medicaid programs. All beds in the skilled nursing home facility
64 shall be certified under both the Medicare and Medicaid
65 programs.

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

68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70 Delete everything before the enacting clause



918804

71 and insert:

72 A bill to be entitled
73 An act relating to skilled nursing facilities;
74 creating s. 408.0362, F.S.; providing an exemption
75 from certificate-of-need requirements for construction
76 of a licensed skilled nursing facility in a retirement
77 community; providing an effective date.