

By the Committee on Health Policy; and Senator Hays

588-03421-13

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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 an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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

12 408.0362 Skilled nursing facility in retirement community;
13 exempt from review.-

14 (1) Upon request by a deed-restricted retirement community,
15 the construction of a skilled nursing facility licensed under
16 part II of chapter 400 for the addition of community skilled
17 nursing home beds located within the retirement community is
18 exempt from s. 408.036 if:

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

22 (b) The retirement community is located in a county that
23 has a rate of no more than 16.1 beds per thousand persons aged
24 65 years or older. The rate shall be determined by using the
25 current number of licensed and approved community skilled
26 nursing home beds in the agency's most recent published
27 inventory;

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

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

33 (e) The retirement community has a population of at least
34 8,000 residents, based on a population data source accepted by
35 the agency.

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

44 (a) That the number of persons aged 65 years and older will
45 comprise at least 25 percent of the county's population at the
46 end of the 3 years. From this result, the current number of
47 licensed community skilled nursing home beds in the agency's
48 published inventory shall be subtracted to determine the net
49 number of additional community skilled nursing home beds that
50 the agency shall grant for development under the exemption; and

51 (b) That the rate of community skilled nursing home beds in
52 the county will either remain at 16.1 beds per thousand persons
53 aged 65 years or older or will be less after 3 years, prior to
54 approval of additional community skilled nursing home beds under
55 the exemption.

56 (3) A retirement community that qualifies for the exemption
57 provided in this section shall provide a written request for an
58 exemption in accordance with the applicable rules. In the

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59 request, the retirement community shall provide evidence of
60 population, mixed-use status, and the results of the calculation
61 showing the gross and net numbers of community skilled nursing
62 home beds in the county.

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

66 (5) Any skilled nursing home facility built pursuant to the
67 exemption shall be certified under both the Medicare and
68 Medicaid programs. All beds in the skilled nursing home facility
69 shall be certified under both the Medicare and Medicaid
70 programs.

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