



481238

LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/30/2013 03:06 PM

Senator Soto moved the following:

Senate Amendment (with title amendment)

Delete lines 2561 - 3073

and insert:

complaints that resulted in a citation for licensure. The agency must first consult with the state ~~long-term care~~ ombudsman program council for the area in which the facility is located to determine whether ~~if~~ any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

4.3. A facility that is licensed to provide extended congregate care services must:



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- 14 a. Demonstrate the capability to meet unanticipated
15 resident service needs.
- 16 b. Offer a physical environment that promotes a homelike
17 setting, provides for resident privacy, promotes resident
18 independence, and allows sufficient congregate space as defined
19 by rule.
- 20 c. Have sufficient staff available, taking into account the
21 physical plant and firesafety features of the building, to
22 assist with the evacuation of residents in an emergency.
- 23 d. Adopt and follow policies and procedures that maximize
24 resident independence, dignity, choice, and decisionmaking to
25 permit residents to age in place, so that moves due to changes
26 in functional status are minimized or avoided.
- 27 e. Allow residents or, if applicable, a resident's
28 representative, designee, surrogate, guardian, or attorney in
29 fact to make a variety of personal choices, participate in
30 developing service plans, and share responsibility in
31 decisionmaking.
- 32 f. Implement the concept of managed risk.
- 33 g. Provide, directly or through contract, the services of a
34 person licensed under part I of chapter 464.
- 35 h. In addition to the training mandated in s. 429.52,
36 provide specialized training as defined by rule for facility
37 staff.
- 38 5.4. A facility that is licensed to provide extended
39 congregate care services is exempt from the criteria for
40 continued residency set forth in rules adopted under s. 429.41.
41 A licensed facility must adopt its own requirements within
42 guidelines for continued residency set forth by rule. However,



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43 the facility may not serve residents who require 24-hour nursing
44 supervision. A licensed facility that provides extended
45 congregate care services must also provide each resident with a
46 written copy of facility policies governing admission and
47 retention.

48 ~~5. The primary purpose of extended congregate care services~~
49 ~~is to allow residents, as they become more impaired, the option~~
50 ~~of remaining in a familiar setting from which they would~~
51 ~~otherwise be disqualified for continued residency. A facility~~
52 ~~licensed to provide extended congregate care services may also~~
53 ~~admit an individual who exceeds the admission criteria for a~~
54 ~~facility with a standard license, if the individual is~~
55 ~~determined appropriate for admission to the extended congregate~~
56 ~~care facility.~~

57 6. Before the admission of an individual to a facility
58 licensed to provide extended congregate care services, the
59 individual must undergo a medical examination as provided in s.
60 429.26(4) and the facility must develop a preliminary service
61 plan for the individual.

62 7. ~~If~~ When a facility can no longer provide or arrange for
63 services in accordance with the resident's service plan and
64 needs and the facility's policy, the facility must ~~shall~~ make
65 arrangements for relocating the person in accordance with s.
66 429.28(1) (k) .

67 ~~8. Failure to provide extended congregate care services may~~
68 ~~result in denial of extended congregate care license renewal.~~

69
70 The agency may deny or revoke a facility's extended congregate
71 care license for not meeting the standards of an extended



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72 congregate care license or for any of the grounds listed in this
73 subsection.

74 (c) A limited nursing services license shall be issued to a
75 facility that provides services beyond those authorized in
76 paragraph (a) and as specified in this paragraph.

77 1. In order for limited nursing services to be provided in
78 a facility licensed under this part, the agency must first
79 determine that all requirements established in law and rule are
80 met and must specifically designate, on the facility's license,
81 that such services may be provided. Such designation may be made
82 at the time of initial licensure or licensure renewal
83 ~~relicensure~~, or upon request in writing by a licensee under this
84 part and part II of chapter 408. Notification of approval or
85 denial of such request shall be made in accordance with part II
86 of chapter 408. An existing facility that qualifies ~~facilities~~
87 ~~qualifying~~ to provide limited nursing services must ~~shall~~ have
88 maintained a standard license and may not have been subject to
89 administrative sanctions that affect the health, safety, and
90 welfare of residents for the previous 2 years or since initial
91 licensure if the facility has been licensed for less than 2
92 years.

93 2. A facility ~~Facilities~~ that is ~~are~~ licensed to provide
94 limited nursing services shall maintain a written progress
95 report on each person who receives such nursing services. The
96 ~~which~~ report must describe ~~describes~~ the type, amount, duration,
97 scope, and outcome of services that are rendered and the general
98 status of the resident's health. A registered nurse representing
99 the agency shall visit the facility ~~such facilities~~ at least
100 annually ~~twice a year~~ to monitor residents who are receiving



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101 limited nursing services and to determine if the facility is in
102 compliance with applicable provisions of this part, part II of
103 chapter 408, and related rules. The monitoring visits may be
104 provided through contractual arrangements with appropriate
105 community agencies. A registered nurse shall also serve as part
106 of the team that inspects such facility. Visits may be in
107 conjunction with other agency inspections. The agency may waive
108 one of the required yearly monitoring visits for a facility that
109 has:

110 a. A limited nursing services license for at least 24
111 months;

112 b. No class I or class II violations and no uncorrected
113 class III violations; and

114 c. No confirmed ombudsman program complaints that resulted
115 in a citation for licensure.

116 3. A person who receives limited nursing services under
117 this part must meet the admission criteria established by the
118 agency for assisted living facilities. When a resident no longer
119 meets the admission criteria for a facility licensed under this
120 part, arrangements for relocating the person shall be made in
121 accordance with s. 429.28(1)(k), unless the facility is licensed
122 to provide extended congregate care services.

123 Section 59. Section 429.075, Florida Statutes, is amended
124 to read:

125 429.075 Limited mental health license.—An assisted living
126 facility that serves one ~~three~~ or more mental health residents
127 must obtain a limited mental health license.

128 (1) To obtain a limited mental health license, a facility
129 must hold a standard license as an assisted living facility,



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130 must not have any current uncorrected ~~deficiencies or~~
131 violations, and must ensure that, within 6 months after
132 receiving a limited mental health license, the facility
133 administrator and the staff of the facility who are in direct
134 contact with mental health residents must complete training of
135 no less than 6 hours related to their duties. Such designation
136 may be made at the time of initial licensure or relicensure or
137 upon request in writing by a licensee under this part and part
138 II of chapter 408. Notification of approval or denial of such
139 request shall be made in accordance with this part, part II of
140 chapter 408, and applicable rules. This training must ~~will~~ be
141 provided by or approved by the Department of Children and
142 Families ~~Family Services~~.

143 (2) A facility that is ~~Facilities~~ licensed to provide
144 services to mental health residents must ~~shall~~ provide
145 appropriate supervision and staffing to provide for the health,
146 safety, and welfare of such residents.

147 (3) A facility that has a limited mental health license
148 must:

149 (a) Have a copy of each mental health resident's community
150 living support plan and the cooperative agreement with the
151 mental health care services provider. The support plan and the
152 agreement may be combined.

153 (b) Have documentation that is provided by the Department
154 of Children and Families ~~Family Services~~ that each mental health
155 resident has been assessed and determined to be able to live in
156 the community in an assisted living facility that has ~~with~~ a
157 limited mental health license.

158 (c) Make the community living support plan available for



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159 inspection by the resident, the resident's legal guardian, the
160 resident's health care surrogate, and other individuals who have
161 a lawful basis for reviewing this document.

162 (d) Assist the mental health resident in carrying out the
163 activities identified in the individual's community living
164 support plan.

165 (4) A facility that has ~~with~~ a limited mental health
166 license may enter into a cooperative agreement with a private
167 mental health provider. For purposes of the limited mental
168 health license, the private mental health provider may act as
169 the case manager.

170 Section 60. Section 429.14, Florida Statutes, is amended to
171 read:

172 429.14 Administrative penalties.—

173 (1) In addition to the requirements of part II of chapter
174 408, the agency may deny, revoke, and suspend any license issued
175 under this part and impose an administrative fine in the manner
176 provided in chapter 120 against a licensee for a violation of
177 any provision of this part, part II of chapter 408, or
178 applicable rules, or for any of the following actions by a
179 licensee, for the actions of any person subject to level 2
180 background screening under s. 408.809, or for the actions of any
181 facility staff ~~employee~~:

182 (a) An intentional or negligent act seriously affecting the
183 health, safety, or welfare of a resident of the facility.

184 (b) A ~~The~~ determination by the agency that the owner lacks
185 the financial ability to provide continuing adequate care to
186 residents.

187 (c) Misappropriation or conversion of the property of a



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188 resident of the facility.

189 (d) Failure to follow the criteria and procedures provided
190 under part I of chapter 394 relating to the transportation,
191 voluntary admission, and involuntary examination of a facility
192 resident.

193 (e) A citation of any of the following violations
194 ~~deficiencies~~ as specified in s. 429.19:

- 195 1. One or more cited class I violations ~~deficiencies~~.
196 2. Three or more cited class II violations ~~deficiencies~~.
197 3. Five or more cited class III violations ~~deficiencies~~
198 that have been cited on a single survey and have not been
199 corrected within the times specified.

200 (f) Failure to comply with the background screening
201 standards of this part, s. 408.809(1), or chapter 435.

202 (g) Violation of a moratorium.

203 (h) Failure of the license applicant, the licensee during
204 relicensure, or a licensee that holds a provisional license to
205 meet the minimum license requirements of this part, or related
206 rules, at the time of license application or renewal.

207 (i) An intentional or negligent life-threatening act in
208 violation of the uniform firesafety standards for assisted
209 living facilities or other firesafety standards which ~~that~~
210 threatens the health, safety, or welfare of a resident of a
211 facility, as communicated to the agency by the local authority
212 having jurisdiction or the State Fire Marshal.

213 (j) Knowingly operating any unlicensed facility or
214 providing without a license any service that must be licensed
215 under this chapter or chapter 400.

216 (k) Any act constituting a ground upon which application



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217 for a license may be denied.

218 (2) Upon notification by the local authority having
219 jurisdiction or by the State Fire Marshal, the agency may deny
220 or revoke the license of an assisted living facility that fails
221 to correct cited fire code violations that affect or threaten
222 the health, safety, or welfare of a resident of a facility.

223 (3) The agency may deny or revoke a license of an ~~to any~~
224 applicant or controlling interest as defined in part II of
225 chapter 408 which has or had a 25-percent or greater financial
226 or ownership interest in any other facility that is licensed
227 under this part, or in any entity licensed by this state or
228 another state to provide health or residential care, if that
229 ~~which~~ facility or entity during the 5 years prior to the
230 application for a license closed due to financial inability to
231 operate; had a receiver appointed or a license denied,
232 suspended, or revoked; was subject to a moratorium; or had an
233 injunctive proceeding initiated against it.

234 (4) The agency shall deny or revoke the license of an
235 assisted living facility if:

236 (a) There are two moratoria, issued pursuant to this part
237 or part II of chapter 408, within a 2-year period which are
238 imposed by final order;

239 (b) The facility is cited for two or more class I
240 violations arising from unrelated circumstances during the same
241 survey or investigation; or

242 (c) The facility is cited for two or more class I
243 violations arising from separate surveys or investigations
244 within a 2-year period ~~that has two or more class I violations~~
245 ~~that are similar or identical to violations identified by the~~



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246 ~~agency during a survey, inspection, monitoring visit, or~~
247 ~~complaint investigation occurring within the previous 2 years.~~

248 (5) An action taken by the agency to suspend, deny, or
249 revoke a facility's license under this part or part II of
250 chapter 408, in which the agency claims that the facility owner
251 or an employee of the facility has threatened the health,
252 safety, or welfare of a resident of the facility must be heard
253 by the Division of Administrative Hearings of the Department of
254 Management Services within 120 days after receipt of the
255 facility's request for a hearing, unless that time limitation is
256 waived by both parties. The administrative law judge shall ~~must~~
257 render a decision within 30 days after receipt of a proposed
258 recommended order.

259 (6) The agency shall impose an immediate moratorium, as
260 provided under s. 408.814, on an assisted living facility that
261 fails to provide the agency access to the facility or prohibits
262 the agency from conducting a regulatory inspection. The licensee
263 may not restrict agency staff in accessing and copying records
264 or in conducting confidential interviews with facility staff or
265 any individual who receives services from the facility ~~provide~~
266 ~~to the Division of Hotels and Restaurants of the Department of~~
267 ~~Business and Professional Regulation, on a monthly basis, a list~~
268 ~~of those assisted living facilities that have had their licenses~~
269 ~~denied, suspended, or revoked or that are involved in an~~
270 ~~appellate proceeding pursuant to s. 120.60 related to the~~
271 ~~denial, suspension, or revocation of a license.~~

272 (7) Agency notification of a license suspension or
273 revocation, or denial of a license renewal, shall be posted and
274 visible to the public at the facility.



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275 (8) If a facility is required to relocate some or all of
276 its residents due to agency action, that facility is exempt from
277 the 45 days' notice requirement in s. 429.28(1)(k). This
278 provision does not exempt the facility from any deadlines for
279 corrective action set by the agency.

280 Section 61. Paragraphs (a) and (b) of subsection (2) of
281 section 429.178, Florida Statutes, are amended to read:

282 429.178 Special care for persons with Alzheimer's disease
283 or other related disorders.—

284 (2)(a) An individual who is employed by a facility that
285 provides special care for residents with Alzheimer's disease or
286 other related disorders, and who has regular contact with such
287 residents, must complete up to 4 hours of initial dementia-
288 specific training developed or approved by the department. The
289 training must ~~shall~~ be completed within 3 months after beginning
290 employment and satisfy ~~shall satisfy~~ the core training
291 requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

292 (b) A direct caregiver who is employed by a facility that
293 provides special care for residents with Alzheimer's disease or
294 other related disorders, and who provides direct care to such
295 residents, must complete the required initial training and 4
296 additional hours of training developed or approved by the
297 department. The training must ~~shall~~ be completed within 9 months
298 after beginning employment and satisfy ~~shall satisfy~~ the core
299 training requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

300 Section 62. Section 429.19, Florida Statutes, is amended to
301 read:

302 429.19 Violations; imposition of administrative fines;
303 grounds.—



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304 (1) In addition to the requirements of part II of chapter
305 408, the agency shall impose an administrative fine in the
306 manner provided in chapter 120 for the violation of any
307 provision of this part, part II of chapter 408, and applicable
308 rules by an assisted living facility, for the actions of any
309 person subject to level 2 background screening under s. 408.809,
310 for the actions of any facility employee, or for an intentional
311 or negligent act seriously affecting the health, safety, or
312 welfare of a resident of the facility.

313 (2) Each violation of this part and adopted rules must
314 ~~shall~~ be classified according to the nature of the violation and
315 the gravity of its probable effect on facility residents. The
316 agency shall indicate the classification on the written notice
317 of the violation as follows:

318 (a) Class "I" violations are defined in s. 408.813. The
319 agency shall impose an administrative fine of \$7,500 for each a
320 cited class I violation in a facility that is licensed for fewer
321 than 100 beds at the time of the violation in an amount not less
322 than \$5,000 and not exceeding \$10,000 for each violation. The
323 agency shall impose an administrative fine of \$11,250 for each
324 cited class I violation in a facility that is licensed for 100
325 or more beds at the time of the violation. If the noncompliance
326 occurs within the prior 12 months, the fine must be levied for
327 violations that are corrected before an inspection.

328 (b) Class "II" violations are defined in s. 408.813. The
329 agency shall impose an administrative fine of \$3,000 for each a
330 cited class II violation in a facility that is licensed for
331 fewer than 100 beds at the time of the violation in an amount
332 not less than \$1,000 and not exceeding \$5,000 for each



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333 violation. The agency shall impose an administrative fine of
334 \$4,500 for each cited class II violation in a facility that is
335 licensed for 100 or more beds at the time of the violation.

336 (c) Class "III" violations are defined in s. 408.813. The
337 agency shall impose an administrative fine of \$750 for each a
338 cited class III violation in a facility that is licensed for
339 fewer than 100 beds at the time of the violation in an amount
340 not less than \$500 and not exceeding \$1,000 for each violation.
341 The agency shall impose an administrative fine of \$1,125 for
342 each cited class III violation in a facility that is licensed
343 for 100 or more beds at the time of the violation.

344 (d) Class "IV" violations are defined in s. 408.813. The
345 agency shall impose an administrative fine of \$150 for each a
346 cited class IV violation in a facility that is licensed for
347 fewer than 100 beds at the time of the violation in an amount
348 not less than \$100 and not exceeding \$200 for each violation.
349 The agency shall impose an administrative fine of \$225 for each
350 cited class IV violation in a facility that is licensed for 100
351 or more beds at the time of the violation.

352 (e) Any fine imposed for class I and class II violations
353 must be doubled if a facility was previously cited for one or
354 more class I or class II violations during the agency's last
355 licensure inspection or any inspection or complaint
356 investigation since the last licensure inspection.

357 (f) Notwithstanding s. 408.813(2)(c) and (d) and s.
358 408.832, a fine must be imposed for each class III and class IV
359 violation, regardless of correction, if a facility was
360 previously cited for one or more class III or class IV
361 violations during the agency's last licensure inspection or any



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362 inspection or complaint investigation since the last licensure
363 inspection, for the same regulatory violation. A fine imposed
364 for class III or class IV violations must be doubled if a
365 facility was previously cited for one or more class III or class
366 IV violations during the agency's last two licensure inspections
367 for the same regulatory violation.

368 (g) Regardless of the class of violation cited, instead of
369 the fine amounts listed in paragraphs (a)-(d), the agency shall
370 impose an administrative fine of \$500 if a facility is found not
371 to be in compliance with the background screening requirements
372 as provided in s. 408.809.

373 ~~(3) For purposes of this section, in determining if a~~
374 ~~penalty is to be imposed and in fixing the amount of the fine,~~
375 ~~the agency shall consider the following factors:~~

376 ~~(a) The gravity of the violation, including the probability~~
377 ~~that death or serious physical or emotional harm to a resident~~
378 ~~will result or has resulted, the severity of the action or~~
379 ~~potential harm, and the extent to which the provisions of the~~
380 ~~applicable laws or rules were violated.~~

381 ~~(b) Actions taken by the owner or administrator to correct~~
382 ~~violations.~~

383 ~~(c) Any previous violations.~~

384 ~~(d) The financial benefit to the facility of committing or~~
385 ~~continuing the violation.~~

386 ~~(e) The licensed capacity of the facility.~~

387 (3)-(4) Each day of continuing violation after the date
388 established by the agency fixed for correction termination of
389 the violation, as ordered by the agency, constitutes an
390 additional, separate, and distinct violation.



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391 ~~(4)-(5)~~ An ~~Any~~ action taken to correct a violation shall be
392 documented in writing by the owner or administrator of the
393 facility and verified through followup visits by agency
394 personnel. The agency may impose a fine and, in the case of an
395 owner-operated facility, revoke or deny a facility's license
396 when a facility administrator fraudulently misrepresents action
397 taken to correct a violation.

398 ~~(5)-(6)~~ A ~~Any~~ facility whose owner fails to apply for a
399 change-of-ownership license in accordance with part II of
400 chapter 408 and operates the facility under the new ownership is
401 subject to a fine of \$5,000.

402 ~~(6)-(7)~~ In addition to any administrative fines imposed, the
403 agency may assess a survey fee, equal to the lesser of one half
404 of the facility's biennial license and bed fee or \$500, to cover
405 the cost of conducting initial complaint investigations that
406 result in the finding of a violation that was the subject of the
407 complaint or monitoring visits conducted under s. 429.28(3)(c)
408 to verify the correction of the violations.

409 ~~(7)-(8)~~ During an inspection, the agency shall make a
410 reasonable attempt to discuss each violation with the owner or
411 administrator of the facility, prior to written notification.

412 ~~(8)-(9)~~ The agency shall develop and disseminate an annual
413 list of all facilities sanctioned or fined for violations of
414 state standards, the number and class of violations involved,
415 the penalties imposed, and the current status of cases. The list
416 shall be disseminated, at no charge, to the Department of
417 Elderly Affairs, the Department of Health, the Department of
418 Children and Families ~~Family Services~~, the Agency for Persons
419 with Disabilities, the area agencies on aging, the Florida



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420 Statewide Advocacy Council, and the state ~~and local~~ ombudsman
421 program councils. The Department of Children and Families Family
422 Services shall disseminate the list to service providers under
423 contract to the department who are responsible for referring
424 persons to a facility for residency. The agency may charge a fee
425 commensurate with the cost of printing and postage to other
426 interested parties requesting a copy of this list. This
427 information may be provided electronically or through the
428 agency's Internet site.

429 Section 63. Subsections (1) and (8) of section 429.26,
430 Florida Statutes, are amended to read:

431 429.26 Appropriateness of placements; examinations of
432 residents.—

433 (1) The owner or administrator of a facility is responsible
434 for determining the appropriateness of admission of an
435 individual to the facility and for determining the continued
436 appropriateness of residence of an individual in the facility. A
437 determination shall be based upon an assessment of the
438 strengths, needs, and preferences of the resident, the care and
439 services offered or arranged for by the facility in accordance
440 with facility policy, and any limitations in law or rule related
441 to admission criteria or continued residency for the type of
442 license held by the facility under this part. A resident who
443 requires assistance with portable oxygen, colostomy care, and
444 anti-embolism stockings or hosiery, and who otherwise meets the
445 admission criteria, may be admitted to a standard licensed
446 assisted living facility if the facility has a licensed nurse on
447 staff or under contract to perform the services. A resident may
448 not be moved from one facility to another without consultation



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449 with and agreement from the resident or, if applicable, the
450 resident's representative or designee or the resident's family,
451 guardian, surrogate, or attorney in fact. In the case of a
452 resident who has been placed by the department or the Department
453 of Children and Families ~~Family Services~~, the administrator must
454 notify the appropriate contact person in the applicable
455 department.

456 (8) The Department of Children and Families ~~Family Services~~
457 may require an examination for supplemental security income and
458 optional state supplementation recipients residing in facilities
459 at any time and shall provide the examination whenever a
460 resident's condition requires it. Any facility administrator;
461 personnel of the agency, the department, or the Department of
462 Children and Families ~~Family Services~~; or representative of the
463 state long-term care ombudsman program council member who
464 believes a resident needs to be evaluated shall notify the
465 resident's case manager, who shall take appropriate action. A
466 report of the examination findings shall be provided to the
467 resident's case manager and the facility administrator to help
468 the administrator meet his or her responsibilities under
469 subsection (1).

470 Section 64. Subsection (2), paragraph (b) of subsection
471 (3), and subsection(6) of section 429.28, Florida Statutes, are
472 amended to read:

473 429.28 Resident bill of rights.-

474 (2) The administrator of a facility shall ensure that a
475 written notice of the rights, obligations, and prohibitions set
476 forth in this part is posted in a prominent place in each
477 facility and read or explained to residents who cannot read. The



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478 ~~This~~ notice must ~~shall~~ include the statewide toll-free telephone
479 number and the e-mail address ~~name, address, and telephone~~
480 ~~numbers~~ of the state local ombudsman program council and central
481 abuse hotline and, if ~~when~~ applicable, Disability Rights Florida
482 ~~the Advocacy Center for Persons with Disabilities, Inc., and the~~
483 ~~Florida local advocacy council~~, where complaints may be lodged.
484 The notice must state that a complaint made to the state
485 ombudsman program, the names and identities of the residents
486 involved in the complaint, and the identity of complainants are
487 kept confidential pursuant to s. 400.0077 and that retaliatory
488 action cannot be taken against a resident for presenting
489 grievances or for exercising any other resident right. The
490 facility must ensure a resident's access to a telephone to call
491 the state local ombudsman program council, central abuse
492 hotline, and Disability Rights Florida Advocacy Center for
493 ~~Persons with Disabilities, Inc., and the Florida local advocacy~~
494 ~~council.~~

495 (3)

496 (b) In order to determine whether the facility is
497 adequately protecting residents' rights, the biennial survey
498 shall include private informal conversations with a sample of
499 residents and consultation with the state ombudsman program
500 ~~council~~ in the planning and service area in which the facility
501 is located to discuss residents' experiences within the
502 facility.

503 (6) A ~~Any~~ facility that ~~which~~ terminates the residency of
504 an individual who participated in activities specified in
505 subsection (5) must ~~shall~~ show good cause in a court of
506 competent jurisdiction. If good cause is not shown, the agency



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507 shall impose a fine of \$2,500 in addition to any other penalty
508 assessed against the facility.

509 Section 65. Section 429.34, Florida Statutes, is amended to
510 read:

511 429.34 Right of entry and inspection.-

512 (1) In addition to the requirements of s. 408.811, any duly
513 designated officer or employee of the department, the Department
514 of Children and ~~Families~~ Family Services, the Medicaid Fraud
515 Control Unit of the Office of the Attorney General, the state or
516 local fire marshal, or a representative member of the state ~~or~~
517 ~~local long-term care~~ ombudsman program ~~council~~ shall have
518 the right to enter unannounced upon and into the premises of any
519 facility licensed pursuant to this part in order to determine
520 the state of compliance with ~~the provisions of~~ this part, part
521 II of chapter 408, and applicable rules. Data collected by the
522 state ~~or local long-term care~~ ombudsman program ~~councils~~ or the
523 state or local advocacy councils may be used by the agency in
524 investigations involving violations of regulatory standards. A
525 person specified in this section who knows or has reasonable
526 cause to suspect that a vulnerable adult has been or is being
527 abused, neglected, or exploited shall immediately report such
528 knowledge or suspicion to the central abuse hotline pursuant to
529 chapter 415.

530 (2) Each licensed assisted living facility must be
531 inspected by the agency at least once every 24 months to
532 determine compliance with this chapter and related rules. If an
533 assisted living facility is cited for one or more class I
534 violations or two or more class II violations arising from
535 separate surveys within a 60-day period or due to unrelated



536 circumstances during the same survey, the agency must conduct an
537 additional licensure inspection within 6 months. In addition to
538 any fines imposed on the facility under s. 429.19, the licensee
539 must pay a fee for the cost of the additional inspection
540 equivalent to the standard assisted living facility license and
541 per-bed fees, without exception for beds designated for
542 recipients of optional state supplementation. The agency shall
543 adjust the fee in accordance with s. 408.805.

544
545 ===== T I T L E A M E N D M E N T =====

546 And the title is amended as follows:

547 Delete lines 217 - 285

548 and insert:

549 by the act; amending s. 429.07, F.S.; providing that
550 an extended congregate care license is issued to
551 certain facilities that have been licensed as assisted
552 living facilities under certain circumstances;
553 providing the purpose of an extended congregate care
554 license; providing that the initial extended
555 congregate care license of an assisted living facility
556 is provisional under certain circumstances; requiring
557 the licensee to notify the Agency for Health Care
558 Administration whenever it accepts a resident who
559 qualifies for extended congregate care services;
560 requiring the agency to inspect the facility for
561 compliance with the requirements of an extended
562 congregate care license; authorizing the agency to
563 waive one of the required yearly monitoring visits
564 under certain circumstances; authorizing the agency to



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565 deny or revoke a facility's extended congregate care
566 license for certain reasons or on certain grounds;
567 requiring a registered nurse representing the agency
568 to visit the facility at least annually, rather than
569 twice a year, to monitor residents who are receiving
570 limited nursing services; providing that the agency's
571 monitoring visits may be in conjunction with other
572 agency inspections; authorizing the agency to waive
573 one of the required yearly monitoring visits for
574 certain facilities; conforming provisions to changes
575 made by the act; amending s. 429.075, F.S.; requiring
576 an assisted living facility that serves one or more
577 mental health residents to obtain a limited mental
578 health license; amending s. 429.14, F.S.; revising the
579 actions in which the agency may deny, revoke, or
580 suspend the license of an assisted living facility and
581 impose an administrative fine; revising the criteria
582 upon which the agency must deny or revoke the license
583 of an assisted living facility; requiring the agency
584 to impose an immediate moratorium on the license of an
585 assisted living facility under certain circumstances;
586 deleting a provision requiring the agency to provide a
587 list of facilities with denied, suspended, or revoked
588 licenses to the Department of Business and
589 Professional Regulation; exempting a facility from the
590 45-day notice requirement if it is required to
591 relocate some or all of its residents; amending s.
592 429.178, F.S.; conforming cross-references; amending
593 s. 429.19, F.S.; revising the amounts and uses of



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594 administrative fines; requiring the agency to levy a
595 fine for violations that are corrected before an
596 inspection if noncompliance occurred within a
597 specified period of time; deleting factors that the
598 agency is required to consider to determine penalties
599 and fines; conforming provisions to changes made by
600 the act; amending s. 429.26, F.S.; providing that
601 certain residents may be admitted to a standard
602 licensed assisted living facility under certain
603 circumstances; conforming provisions to changes made
604 by the act; amending s. 429.28, F.S.; requiring that
605 residents of facilities be informed that the identity
606 of the resident and complainant in a complaint made to
607 the State Long-Term Care Ombudsman Program is
608 confidential and that retaliatory action cannot be
609 taken against a resident for presenting grievances or
610 for exercising any other resident right; providing
611 that a facility that terminates an individual's
612 residency is fined if good cause is not shown in
613 court; conforming provisions to changes made by the
614 act; amending s. 429.34, F.S.; requiring certain
615 persons to report elder abuse in assisted living
616 facilities; requiring the agency to regularly inspect
617 every licensed assisted living facility; requiring the
618 agency to conduct more frequent inspections under
619 certain circumstances; requiring the licensee to pay a
620 fee for the cost of additional inspections; requiring
621 the agency to adjust the fee; conforming provisions to
622 changes made by the act;