



914694

LEGISLATIVE ACTION

Senate

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House

Senator Stargel moved the following:

Senate Amendment (with title amendment)

Between lines 3073 and 3074

insert:

Section 66. Subsection (2) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(2) In adopting any rules pursuant to this part, the department, in conjunction with the agency, shall make distinct standards for facilities based upon facility size; the types of care provided; the physical and mental capabilities and needs of residents; the type, frequency, and amount of services and care offered; and the staffing characteristics of the facility. Rules



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14 developed pursuant to this section shall not restrict the use of
15 shared staffing and shared programming in facilities that are
16 part of retirement communities that provide multiple levels of
17 care and otherwise meet the requirements of law and rule. If a
18 continuing care facility licensed under chapter 651 or a
19 retirement community offering multiple levels of care authorizes
20 assisted living services in a building or part of a building
21 designated for independent living, staffing requirements
22 established in rule apply only to residents who have contracted
23 for, and are receiving, assisted living services. If a facility
24 uses flexible beds, staffing requirements established in rule
25 apply only to residents receiving services through the flexible
26 bed license provided for by department rule. Except for uniform
27 firesafety standards, the department shall adopt by rule
28 separate and distinct standards for facilities with 16 or fewer
29 beds and for facilities with 17 or more beds. The standards for
30 facilities with 16 or fewer beds shall be appropriate for a
31 noninstitutional residential environment, provided that the
32 structure is no more than two stories in height and all persons
33 who cannot exit the facility unassisted in an emergency reside
34 on the first floor. The department, in conjunction with the
35 agency, may make other distinctions among types of facilities as
36 necessary to enforce the provisions of this part. Where
37 appropriate, the agency shall offer alternate solutions for
38 complying with established standards, based on distinctions made
39 by the department and the agency relative to the physical
40 characteristics of facilities and the types of care offered
41 therein.
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43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Between lines 285 and 286

46 insert:

47 amending s. 429.41, F.S.; providing that certain
48 staffing requirements apply only to residents in
49 continuing care facilities who are receiving the
50 relevant service;