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1 Proposed Committee Substitute by the Committee on Health Policy

2 A bill to be entitled

3 An act relating to assisted living facilities;  
4 amending s. 394.4574, F.S.; providing that Medicaid  
5 managed care plans are responsible for enrolled mental  
6 health residents; providing that managing entities  
7 under contract with the Department of Children and  
8 Families are responsible for mental health residents  
9 who are not enrolled with a Medicaid managed care  
10 plan; deleting a provision to conform to changes made  
11 by the act; requiring that the community living  
12 support plan be completed and provided to the  
13 administrator of a facility upon the mental health  
14 resident's admission; requiring the community living  
15 support plan to be updated when there is a significant  
16 change to the mental health resident's behavioral  
17 health; requiring the case manager assigned to a  
18 mental health resident of an assisted living facility  
19 that holds a limited mental health license to keep a  
20 record of the date and time of face-to-face  
21 interactions with the resident and to make the record  
22 available to the responsible entity for inspection;  
23 requiring that the record be maintained for a  
24 specified time; requiring the responsible entity to  
25 ensure that there is adequate and consistent  
26 monitoring and enforcement of community living support  
27 plans and cooperative agreements and that concerns are  
28 reported to the appropriate regulatory oversight  
29 organization under certain circumstances; amending s.



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30 400.0074, F.S.; requiring that an administrative  
31 assessment conducted by a local council be  
32 comprehensive in nature and focus on factors affecting  
33 the rights, health, safety, and welfare of nursing  
34 home residents; requiring a local council to conduct  
35 an exit consultation with the facility administrator  
36 or administrator designee to discuss issues and  
37 concerns in areas affecting the rights, health,  
38 safety, and welfare of residents and make  
39 recommendations for improvement; amending s. 400.0078,  
40 F.S.; requiring that a resident or a representative of  
41 a resident of a long-term care facility be informed  
42 that retaliatory action cannot be taken against a  
43 resident for presenting grievances or for exercising  
44 any other resident right; amending s. 429.07, F.S.;  
45 requiring that an extended congregate care license be  
46 issued to certain facilities that have been licensed  
47 as assisted living facilities under certain  
48 circumstances and authorizing the issuance of such  
49 license if a specified condition is met; providing the  
50 purpose of an extended congregate care license;  
51 providing that the initial extended congregate care  
52 license of an assisted living facility is provisional  
53 under certain circumstances; requiring a licensee to  
54 notify the Agency for Health Care Administration if it  
55 accepts a resident who qualifies for extended  
56 congregate care services; requiring the agency to  
57 inspect the facility for compliance with the  
58 requirements of an extended congregate care license;



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59 requiring the issuance of an extended congregate care  
60 license under certain circumstances; requiring the  
61 licensee to immediately suspend extended congregate  
62 care services under certain circumstances; requiring a  
63 registered nurse representing the agency to visit the  
64 facility at least twice a year, rather than quarterly,  
65 to monitor residents who are receiving extended  
66 congregate care services; authorizing the agency to  
67 waive one of the required yearly monitoring visits  
68 under certain circumstances; authorizing the agency to  
69 deny or revoke a facility's extended congregate care  
70 license; requiring a registered nurse representing the  
71 agency to visit the facility at least annually, rather  
72 than twice a year, to monitor residents who are  
73 receiving limited nursing services; providing that  
74 such monitoring visits may be conducted in conjunction  
75 with other agency inspections; authorizing the agency  
76 to waive the required yearly monitoring visit for a  
77 facility that is licensed to provide limited nursing  
78 services under certain circumstances; amending s.  
79 429.075, F.S.; requiring an assisted living facility  
80 that serves one or more mental health residents to  
81 obtain a limited mental health license; amending s.  
82 429.14, F.S.; revising the circumstances under which  
83 the agency may deny, revoke, or suspend the license of  
84 an assisted living facility and impose an  
85 administrative fine; requiring the agency to deny or  
86 revoke the license of an assisted living facility  
87 under certain circumstances; requiring the agency to



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88           impose an immediate moratorium on the license of an  
89           assisted living facility under certain circumstances;  
90           deleting a provision requiring the agency to provide a  
91           list of facilities with denied, suspended, or revoked  
92           licenses to the Department of Business and  
93           Professional Regulation; exempting a facility from the  
94           45-day notice requirement if it is required to  
95           relocate some or all of its residents; amending s.  
96           429.178, F.S.; conforming cross-references; amending  
97           s. 429.19, F.S.; revising the amounts and uses of  
98           administrative fines; requiring the agency to levy a  
99           fine for violations that are corrected before an  
100          inspection if noncompliance occurred within a  
101          specified period of time; deleting factors that the  
102          agency is required to consider in determining  
103          penalties and fines; amending s. 429.256, F.S.;  
104          revising the term "assistance with self-administration  
105          of medication" as it relates to the Assisted Living  
106          Facilities Act; amending s. 429.28, F.S.; providing  
107          notice requirements to inform facility residents that  
108          the identity of the resident and complainant in any  
109          complaint made to the State Long-Term Care Ombudsman  
110          Program or a local long-term care ombudsman council is  
111          confidential and that retaliatory action cannot be  
112          taken against a resident for presenting grievances or  
113          for exercising any other resident right; requiring  
114          that a facility that terminates an individual's  
115          residency after the filing of a complaint be fined if  
116          good cause is not shown for the termination; amending



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117 s. 429.34, F.S.; requiring certain persons to report  
118 elder abuse in assisted living facilities; requiring  
119 the agency to regularly inspect every licensed  
120 assisted living facility; requiring the agency to  
121 conduct more frequent inspections under certain  
122 circumstances; requiring the licensee to pay a fee for  
123 the cost of additional inspections; requiring the  
124 agency to annually adjust the fee; amending s. 429.41,  
125 F.S.; providing that certain staffing requirements  
126 apply only to residents in continuing care facilities  
127 who are receiving the relevant service; amending s.  
128 429.52, F.S.; requiring each newly hired employee of  
129 an assisted living facility to attend a preservice  
130 orientation provided by the assisted living facility;  
131 requiring the employee and administrator to sign a  
132 statement that the employee completed the required  
133 pre-service orientation and keep the signed statement  
134 in the employee's personnel record; requiring two  
135 additional hours of training for assistance with  
136 medication; conforming a cross-reference; creating s.  
137 429.55, F.S.; requiring the Office of Program Policy  
138 Analysis and Government Accountability to study the  
139 reliability of facility surveys and submit to the  
140 Governor and the Legislature its findings and  
141 recommendations; requiring the agency to implement a  
142 rating system of assisted living facilities by a  
143 specified date, adopt rules, and create content for  
144 the agency's website that makes available to consumers  
145 information regarding assisted living facilities;



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146 providing criteria for the content; providing an  
147 effective date.

148

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

150

151 Section 1. Section 394.4574, Florida Statutes, is amended  
152 to read:

153 394.4574 ~~Department~~ Responsibilities for coordination of  
154 services for a mental health resident who resides in an assisted  
155 living facility that holds a limited mental health license.—

156 (1) As used in this section, the term "mental health  
157 resident" ~~"mental health resident," for purposes of this~~  
158 ~~section,~~ means an individual who receives social security  
159 disability income due to a mental disorder as determined by the  
160 Social Security Administration or receives supplemental security  
161 income due to a mental disorder as determined by the Social  
162 Security Administration and receives optional state  
163 supplementation.

164 (2) Medicaid managed care plans are responsible for  
165 Medicaid enrolled mental health residents, and managing entities  
166 under contract with the department are responsible for mental  
167 health residents who are not enrolled in a Medicaid health plan.  
168 A Medicaid managed care plan or a managing entity, as  
169 appropriate, shall ~~The department must~~ ensure that:

170 (a) A mental health resident has been assessed by a  
171 psychiatrist, clinical psychologist, clinical social worker, or  
172 psychiatric nurse, or an individual who is supervised by one of  
173 these professionals, and determined to be appropriate to reside  
174 in an assisted living facility. The documentation must be



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175 provided to the administrator of the facility within 30 days  
176 after the mental health resident has been admitted to the  
177 facility. An evaluation completed upon discharge from a state  
178 mental hospital meets the requirements of this subsection  
179 related to appropriateness for placement as a mental health  
180 resident if it was completed within 90 days before ~~prior to~~  
181 admission to the facility.

182 (b) A cooperative agreement, as required in s. 429.075, is  
183 developed by ~~between~~ the mental health care services provider  
184 that serves a mental health resident and the administrator of  
185 the assisted living facility with a limited mental health  
186 license in which the mental health resident is living. ~~Any~~  
187 ~~entity that provides Medicaid prepaid health plan services shall~~  
188 ~~ensure the appropriate coordination of health care services with~~  
189 ~~an assisted living facility in cases where a Medicaid recipient~~  
190 ~~is both a member of the entity's prepaid health plan and a~~  
191 ~~resident of the assisted living facility. If the entity is at~~  
192 ~~risk for Medicaid targeted case management and behavioral health~~  
193 ~~services, the entity shall inform the assisted living facility~~  
194 ~~of the procedures to follow should an emergent condition arise.~~

195 (c) The community living support plan, as defined in s.  
196 429.02, has been prepared by a mental health resident and his or  
197 her ~~a~~ mental health case manager ~~of that resident~~ in  
198 consultation with the administrator of the facility or the  
199 administrator's designee. The plan must be completed and  
200 provided to the administrator of the assisted living facility  
201 with a limited mental health license in which the mental health  
202 resident lives upon the resident's admission. The support plan  
203 and the agreement may be in one document.



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204 (d) The assisted living facility with a limited mental  
205 health license is provided with documentation that the  
206 individual meets the definition of a mental health resident.

207 (e) The mental health services provider assigns a case  
208 manager to each mental health resident for whom the entity is  
209 responsible ~~who lives in an assisted living facility with a~~  
210 ~~limited mental health license~~. The case manager shall coordinate  
211 ~~is responsible for coordinating~~ the development ~~of~~ and  
212 implementation of the community living support plan defined in  
213 s. 429.02. The plan must be updated at least annually, or when  
214 there is a significant change in the resident's behavioral  
215 health status, such as an inpatient admission or a change in  
216 medication, level of service, or residence. Each case manager  
217 shall keep a record of the date and time of any face-to-face  
218 interaction with the resident and make the record available to  
219 the responsible entity for inspection. The record must be  
220 retained for at least 2 years after the date of the most recent  
221 interaction.

222 (f) Adequate and consistent monitoring and enforcement of  
223 community living support plans and cooperative agreements are  
224 conducted by the resident's case manager.

225 (g) Concerns are reported to the appropriate regulatory  
226 oversight organization if a regulated provider fails to deliver  
227 appropriate services or otherwise acts in a manner that has the  
228 potential to result in harm to the resident.

229 (3) The Secretary of Children and Families ~~Family Services~~,  
230 in consultation with the Agency for Health Care Administration,  
231 shall ~~annually~~ require each district administrator to develop,  
232 with community input, a detailed annual plan that demonstrates





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233 ~~detailed plans that demonstrate~~ how the district will ensure the  
234 provision of state-funded mental health and substance abuse  
235 treatment services to residents of assisted living facilities  
236 that hold a limited mental health license. This plan ~~These plans~~  
237 must be consistent with the substance abuse and mental health  
238 district plan developed pursuant to s. 394.75 and must address  
239 case management services; access to consumer-operated drop-in  
240 centers; access to services during evenings, weekends, and  
241 holidays; supervision of the clinical needs of the residents;  
242 and access to emergency psychiatric care.

243 Section 2. Subsection (1) of section 400.0074, Florida  
244 Statutes, is amended, and paragraph (h) is added to subsection  
245 (2) of that section, to read:

246 400.0074 Local ombudsman council onsite administrative  
247 assessments.—

248 (1) In addition to any specific investigation conducted  
249 pursuant to a complaint, the local council shall conduct, at  
250 least annually, an onsite administrative assessment of each  
251 nursing home, assisted living facility, and adult family-care  
252 home within its jurisdiction. This administrative assessment  
253 must be comprehensive in nature and must ~~shall~~ focus on factors  
254 affecting residents' ~~the~~ rights, health, safety, and welfare ~~of~~  
255 ~~the residents~~. Each local council is encouraged to conduct a  
256 similar onsite administrative assessment of each additional  
257 long-term care facility within its jurisdiction.

258 (2) An onsite administrative assessment conducted by a  
259 local council shall be subject to the following conditions:

260 (h) The local council shall conduct an exit consultation  
261 with the facility administrator or administrator designee to



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262 discuss issues and concerns in areas affecting residents'  
263 rights, health, safety, and welfare and, if needed, make  
264 recommendations for improvement.

265 Section 3. Subsection (2) of section 400.0078, Florida  
266 Statutes, is amended to read:

267 400.0078 Citizen access to State Long-Term Care Ombudsman  
268 Program services.—

269 (2) ~~Every resident or representative of a resident shall~~  
270 ~~receive,~~ Upon admission to a long-term care facility, each  
271 resident or representative of a resident must receive  
272 information regarding the purpose of the State Long-Term Care  
273 Ombudsman Program, the statewide toll-free telephone number for  
274 receiving complaints, information that retaliatory action cannot  
275 be taken against a resident for presenting grievances or for  
276 exercising any other resident right, and other relevant  
277 information regarding how to contact the program. Each resident  
278 or his or her representative ~~Residents or their representatives~~  
279 must be furnished additional copies of this information upon  
280 request.

281 Section 4. Paragraphs (b) and (c) of subsection (3) of  
282 section 429.07, Florida Statutes, are amended to read:

283 429.07 License required; fee.—

284 (3) In addition to the requirements of s. 408.806, each  
285 license granted by the agency must state the type of care for  
286 which the license is granted. Licenses shall be issued for one  
287 or more of the following categories of care: standard, extended  
288 congregate care, limited nursing services, or limited mental  
289 health.

290 (b) An extended congregate care license shall be issued to



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291 each facility that has been licensed as an assisted living  
292 facility for 2 or more years and that provides services  
293 ~~facilities providing~~, directly or through contract, ~~services~~  
294 beyond those authorized in paragraph (a), including services  
295 performed by persons licensed under part I of chapter 464 and  
296 supportive services, as defined by rule, to persons who would  
297 otherwise be disqualified from continued residence in a facility  
298 licensed under this part. An extended congregate care license  
299 may be issued to a facility that has a provisional extended  
300 congregate care license and meets the requirements for licensure  
301 under subparagraph 2. The primary purpose of extended congregate  
302 care services is to allow residents the option of remaining in a  
303 familiar setting from which they would otherwise be disqualified  
304 for continued residency as they become more impaired. A facility  
305 licensed to provide extended congregate care services may also  
306 admit an individual who exceeds the admission criteria for a  
307 facility with a standard license, if he or she is determined  
308 appropriate for admission to the extended congregate care  
309 facility.

310 1. In order for extended congregate care services to be  
311 provided, the agency must first determine that all requirements  
312 established in law and rule are met and must specifically  
313 designate, on the facility's license, that such services may be  
314 provided and whether the designation applies to all or part of  
315 the facility. This ~~Such~~ designation may be made at the time of  
316 initial licensure or relicensure, or upon request in writing by  
317 a licensee under this part and part II of chapter 408. The  
318 notification of approval or the denial of the request shall be  
319 made in accordance with part II of chapter 408. Each existing



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320 facility that qualifies facilities~~qualifying~~ to provide  
321 extended congregate care services must have maintained a  
322 standard license and may not have been subject to administrative  
323 sanctions during the previous 2 years, or since initial  
324 licensure if the facility has been licensed for less than 2  
325 years, for any of the following reasons:

326 a. A class I or class II violation;

327 b. Three or more repeat or recurring class III violations  
328 of identical or similar resident care standards from which a  
329 pattern of noncompliance is found by the agency;

330 c. Three or more class III violations that were not  
331 corrected in accordance with the corrective action plan approved  
332 by the agency;

333 d. Violation of resident care standards which results in  
334 requiring the facility to employ the services of a consultant  
335 pharmacist or consultant dietitian;

336 e. Denial, suspension, or revocation of a license for  
337 another facility licensed under this part in which the applicant  
338 for an extended congregate care license has at least 25 percent  
339 ownership interest; or

340 f. Imposition of a moratorium pursuant to this part or part  
341 II of chapter 408 or initiation of injunctive proceedings.

342  
343 The agency may deny or revoke a facility's extended congregate  
344 care license for not meeting the criteria for an extended  
345 congregate care license as provided in this subparagraph.

346 2. If an assisted living facility has been licensed  
347 for less than 2 years, the initial extended congregate care  
348 license must be provisional and may not exceed 6 months. Within



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349 the first 3 months after the provisional license is issued, the  
350 licensee shall notify the agency, in writing, when it has  
351 admitted at least one extended congregate care resident, after  
352 which an unannounced inspection shall be made to determine  
353 compliance with requirements of an extended congregate care  
354 license. Failure to admit an extended congregate care resident  
355 within the first 3 months shall render the extended congregate  
356 care license void. A licensee with a provisional extended  
357 congregate care license that demonstrates compliance with all of  
358 the requirements of an extended congregate care license during  
359 the inspection, shall be issued an extended congregate care  
360 license. In addition to sanctions authorized under this part, if  
361 violations are found during the inspection and the licensee  
362 fails to demonstrate compliance with all assisted living  
363 requirements during a follow-up inspection, the licensee shall  
364 immediately suspend extended congregate care services, and the  
365 provisional extended congregate care license expires. The agency  
366 may extend the provisional license for not more than one month  
367 in order to complete a follow-up visit.

368 3.2. A facility that is licensed to provide extended  
369 congregate care services shall maintain a written progress  
370 report on each person who receives services which describes the  
371 type, amount, duration, scope, and outcome of services that are  
372 rendered and the general status of the resident's health. A  
373 registered nurse, or appropriate designee, representing the  
374 agency shall visit the facility at least twice a year ~~quarterly~~  
375 to monitor residents who are receiving extended congregate care  
376 services and to determine if the facility is in compliance with  
377 this part, part II of chapter 408, and relevant rules. One of



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378 the visits may be in conjunction with the regular survey. The  
379 monitoring visits may be provided through contractual  
380 arrangements with appropriate community agencies. A registered  
381 nurse shall serve as part of the team that inspects the  
382 facility. The agency may waive one of the required yearly  
383 monitoring visits for a facility that has:

384 a. Held an extended congregate care license for at least 24  
385 months; been licensed for at least 24 months to provide extended  
386 congregate care services, if, during the inspection, the  
387 registered nurse determines that extended congregate care  
388 services are being provided appropriately, and if the facility  
389 has

390 b. No class I or class II violations and no uncorrected  
391 class III violations; and-

392 c. No ombudsman council complaints that resulted in a  
393 citation for licensure ~~The agency must first consult with the~~  
394 ~~long-term care ombudsman council for the area in which the~~  
395 ~~facility is located to determine if any complaints have been~~  
396 ~~made and substantiated about the quality of services or care.~~  
397 ~~The agency may not waive one of the required yearly monitoring~~  
398 ~~visits if complaints have been made and substantiated.~~

399 4.3- A facility that is licensed to provide extended  
400 congregate care services must:

401 a. Demonstrate the capability to meet unanticipated  
402 resident service needs.

403 b. Offer a physical environment that promotes a homelike  
404 setting, provides for resident privacy, promotes resident  
405 independence, and allows sufficient congregate space as defined  
406 by rule.



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407 c. Have sufficient staff available, taking into account the  
408 physical plant and firesafety features of the building, to  
409 assist with the evacuation of residents in an emergency.

410 d. Adopt and follow policies and procedures that maximize  
411 resident independence, dignity, choice, and decisionmaking to  
412 permit residents to age in place, so that moves due to changes  
413 in functional status are minimized or avoided.

414 e. Allow residents or, if applicable, a resident's  
415 representative, designee, surrogate, guardian, or attorney in  
416 fact to make a variety of personal choices, participate in  
417 developing service plans, and share responsibility in  
418 decisionmaking.

419 f. Implement the concept of managed risk.

420 g. Provide, directly or through contract, the services of a  
421 person licensed under part I of chapter 464.

422 h. In addition to the training mandated in s. 429.52,  
423 provide specialized training as defined by rule for facility  
424 staff.

425 ~~5.4.~~ A facility that is licensed to provide extended  
426 congregate care services is exempt from the criteria for  
427 continued residency set forth in rules adopted under s. 429.41.  
428 A licensed facility must adopt its own requirements within  
429 guidelines for continued residency set forth by rule. However,  
430 the facility may not serve residents who require 24-hour nursing  
431 supervision. A licensed facility that provides extended  
432 congregate care services must also provide each resident with a  
433 written copy of facility policies governing admission and  
434 retention.

435 ~~5. The primary purpose of extended congregate care services~~



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436 ~~is to allow residents, as they become more impaired, the option~~  
437 ~~of remaining in a familiar setting from which they would~~  
438 ~~otherwise be disqualified for continued residency. A facility~~  
439 ~~licensed to provide extended congregate care services may also~~  
440 ~~admit an individual who exceeds the admission criteria for a~~  
441 ~~facility with a standard license, if the individual is~~  
442 ~~determined appropriate for admission to the extended congregate~~  
443 ~~care facility.~~

444 6. Before the admission of an individual to a facility  
445 licensed to provide extended congregate care services, the  
446 individual must undergo a medical examination as provided in s.  
447 429.26(4) and the facility must develop a preliminary service  
448 plan for the individual.

449 7. ~~If~~ When a facility can no longer provide or arrange for  
450 services in accordance with the resident's service plan and  
451 needs and the facility's policy, the facility must ~~shall~~ make  
452 arrangements for relocating the person in accordance with s.  
453 429.28(1)(k).

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

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

459 1. In order for limited nursing services to be provided in  
460 a facility licensed under this part, the agency must first  
461 determine that all requirements established in law and rule are  
462 met and must specifically designate, on the facility's license,  
463 that such services may be provided. This ~~Such~~ designation may be  
464 made at the time of initial licensure or licensure renewal





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465 ~~relicensure~~, or upon request in writing by a licensee under this  
466 part and part II of chapter 408. Notification of approval or  
467 denial of such request shall be made in accordance with part II  
468 of chapter 408. An existing facility that qualifies facilities  
469 ~~qualifying~~ to provide limited nursing services must ~~shall~~ have  
470 maintained a standard license and may not have been subject to  
471 administrative sanctions that affect the health, safety, and  
472 welfare of residents for the previous 2 years or since initial  
473 licensure if the facility has been licensed for less than 2  
474 years.

475 2. A facility ~~Facilities~~ that is ~~are~~ licensed to provide  
476 limited nursing services shall maintain a written progress  
477 report on each person who receives such nursing services. The  
478 ~~which~~ report must describe ~~describes~~ the type, amount, duration,  
479 scope, and outcome of services that are rendered and the general  
480 status of the resident's health. A registered nurse representing  
481 the agency shall visit the facility ~~such facilities~~ at least  
482 annually ~~twice a year~~ to monitor residents who are receiving  
483 limited nursing services and to determine if the facility is in  
484 compliance with applicable provisions of this part, part II of  
485 chapter 408, and related rules. The monitoring visits may be  
486 provided through contractual arrangements with appropriate  
487 community agencies. A registered nurse shall also serve as part  
488 of the team that inspects such facility. Visits may be in  
489 conjunction with other agency inspections. The agency may waive  
490 the required yearly monitoring visit for a facility that has:

- 491 a. Had a limited nursing services license for at least 24  
492 months;  
493 b. No class I or class II violations and no uncorrected



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494 class III violations; and

495 c. No ombudsman council complaints that resulted in a  
496 citation for licensure.

497 3. A person who receives limited nursing services under  
498 this part must meet the admission criteria established by the  
499 agency for assisted living facilities. When a resident no longer  
500 meets the admission criteria for a facility licensed under this  
501 part, arrangements for relocating the person shall be made in  
502 accordance with s. 429.28(1)(k), unless the facility is licensed  
503 to provide extended congregate care services.

504 Section 5. Section 429.075, Florida Statutes, is amended to  
505 read:

506 429.075 Limited mental health license.—An assisted living  
507 facility that serves one ~~three~~ or more mental health residents  
508 must obtain a limited mental health license.

509 (1) To obtain a limited mental health license, a facility  
510 must hold a standard license as an assisted living facility,  
511 must not have any current uncorrected ~~deficiencies or~~  
512 violations, and must ensure that, within 6 months after  
513 receiving a limited mental health license, the facility  
514 administrator and the staff of the facility who are in direct  
515 contact with mental health residents must complete training of  
516 no less than 6 hours related to their duties. This ~~Such~~  
517 designation may be made at the time of initial licensure or  
518 relicensure or upon request in writing by a licensee under this  
519 part and part II of chapter 408. Notification of approval or  
520 denial of such request shall be made in accordance with this  
521 part, part II of chapter 408, and applicable rules. This  
522 training must ~~will~~ be provided by or approved by the Department



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523 of Children and Families ~~Family Services~~.

524 (2) A facility that is ~~Facilities~~ licensed to provide  
525 services to mental health residents must ~~shall~~ provide  
526 appropriate supervision and staffing to provide for the health,  
527 safety, and welfare of such residents.

528 (3) A facility that has a limited mental health license  
529 must:

530 (a) Have a copy of each mental health resident's community  
531 living support plan and the cooperative agreement with the  
532 mental health care services provider. The support plan and the  
533 agreement may be combined.

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

539 (c) Make the community living support plan available for  
540 inspection by the resident, the resident's legal guardian or,  
541 ~~the resident's~~ health care surrogate, and other individuals who  
542 have a lawful basis for reviewing this document.

543 (d) Assist the mental health resident in carrying out the  
544 activities identified in the individual's community living  
545 support plan.

546 (4) A facility that has ~~with~~ a limited mental health  
547 license may enter into a cooperative agreement with a private  
548 mental health provider. For purposes of the limited mental  
549 health license, the private mental health provider may act as  
550 the case manager.

551 Section 6. Section 429.14, Florida Statutes, is amended to



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552 read:

553 429.14 Administrative penalties.—

554 (1) In addition to the requirements of part II of chapter  
555 408, the agency may deny, revoke, and suspend any license issued  
556 under this part and impose an administrative fine in the manner  
557 provided in chapter 120 against a licensee for a violation of  
558 any provision of this part, part II of chapter 408, or  
559 applicable rules, or for any of the following actions by a  
560 licensee, ~~for the actions of~~ any person subject to level 2  
561 background screening under s. 408.809, or ~~for the actions of~~ any  
562 facility staff ~~employee~~:

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

565 (b) A ~~The~~ determination by the agency that the owner lacks  
566 the financial ability to provide continuing adequate care to  
567 residents.

568 (c) Misappropriation or conversion of the property of a  
569 resident of the facility.

570 (d) Failure to follow the criteria and procedures provided  
571 under part I of chapter 394 relating to the transportation,  
572 voluntary admission, and involuntary examination of a facility  
573 resident.

574 (e) A citation for ~~of~~ any of the following violations  
575 ~~deficiencies~~ as specified in s. 429.19:

- 576 1. One or more cited class I violations ~~deficiencies~~.
- 577 2. Three or more cited class II violations ~~deficiencies~~.
- 578 3. Five or more cited class III violations ~~deficiencies~~  
579 that have been cited on a single survey and have not been  
580 corrected within the times specified.



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

583 (g) Violation of a moratorium.

584 (h) Failure of the license applicant, the licensee during  
585 relicensure, or a licensee that holds a provisional license to  
586 meet the minimum license requirements of this part, or related  
587 rules, at the time of license application or renewal.

588 (i) An intentional or negligent life-threatening act in  
589 violation of the uniform firesafety standards for assisted  
590 living facilities or other firesafety standards which ~~that~~  
591 threatens the health, safety, or welfare of a resident of a  
592 facility, as communicated to the agency by the local authority  
593 having jurisdiction or the State Fire Marshal.

594 (j) Knowingly operating any unlicensed facility or  
595 providing without a license any service that must be licensed  
596 under this chapter or chapter 400.

597 (k) Any act constituting a ground upon which application  
598 for a license may be denied.

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

604 (3) The agency may deny or revoke a license of an ~~to any~~  
605 applicant or controlling interest as defined in part II of  
606 chapter 408 which has or had a 25 percent ~~25-percent~~ or greater  
607 financial or ownership interest in any other facility that is  
608 licensed under this part, or in any entity licensed by this  
609 state or another state to provide health or residential care, if



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610 ~~that~~ ~~which~~ facility or entity during the 5 years prior to the  
611 application for a license closed due to financial inability to  
612 operate; had a receiver appointed or a license denied,  
613 suspended, or revoked; was subject to a moratorium; or had an  
614 injunctive proceeding initiated against it.

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

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

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

623 (c) The facility is cited for two or more class I  
624 violations arising from separate surveys or investigations  
625 within a 2-year period ~~that has two or more class I violations~~  
626 ~~that are similar or identical to violations identified by the~~  
627 ~~agency during a survey, inspection, monitoring visit, or~~  
628 ~~complaint investigation occurring within the previous 2 years.~~

629 (5) An action taken by the agency to suspend, deny, or  
630 revoke a facility's license under this part or part II of  
631 chapter 408, in which the agency claims that the facility owner  
632 or an employee of the facility has threatened the health,  
633 safety, or welfare of a resident of the facility, must be heard  
634 by the Division of Administrative Hearings of the Department of  
635 Management Services within 120 days after receipt of the  
636 facility's request for a hearing, unless that time limitation is  
637 waived by both parties. The administrative law judge shall ~~must~~  
638 render a decision within 30 days after receipt of a proposed



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639 recommended order.

640 (6) As provided under s. 408.814, the agency shall impose  
641 an immediate moratorium on an assisted living facility that  
642 fails to provide the agency access to the facility or prohibits  
643 the agency from conducting a regulatory inspection. The licensee  
644 may not restrict agency staff in accessing and copying records  
645 or in conducting confidential interviews with facility staff or  
646 any individual who receives services from the facility provide  
647 ~~to the Division of Hotels and Restaurants of the Department of~~  
648 ~~Business and Professional Regulation, on a monthly basis, a list~~  
649 ~~of those assisted living facilities that have had their licenses~~  
650 ~~denied, suspended, or revoked or that are involved in an~~  
651 ~~appellate proceeding pursuant to s. 120.60 related to the~~  
652 ~~denial, suspension, or revocation of a license.~~

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

656 (8) If a facility is required to relocate some or all of  
657 its residents due to agency action, that facility is exempt from  
658 the 45-days' notice requirement imposed under s. 429.28(1)(k).  
659 This subsection does not exempt the facility from any deadlines  
660 for corrective action set by the agency.

661 Section 7. Paragraphs (a) and (b) of subsection (2) of  
662 section 429.178, Florida Statutes, are amended to read:

663 429.178 Special care for persons with Alzheimer's disease  
664 or other related disorders.—

665 (2)(a) An individual who is employed by a facility that  
666 provides special care for residents who have ~~with~~ Alzheimer's  
667 disease or other related disorders, and who has regular contact



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668 with such residents, must complete up to 4 hours of initial  
669 dementia-specific training developed or approved by the  
670 department. The training must ~~shall~~ be completed within 3 months  
671 after beginning employment and satisfy ~~shall satisfy~~ the core  
672 training requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

673 (b) A direct caregiver who is employed by a facility that  
674 provides special care for residents who have ~~with~~ Alzheimer's  
675 disease or other related disorders, ~~and who~~ provides direct care  
676 to such residents, ~~must~~ complete the required initial training  
677 and 4 additional hours of training developed or approved by the  
678 department. The training must ~~shall~~ be completed within 9 months  
679 after beginning employment and satisfy ~~shall satisfy~~ the core  
680 training requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

681 Section 8. Section 429.19, Florida Statutes, is amended to  
682 read:

683 429.19 Violations; imposition of administrative fines;  
684 grounds.—

685 (1) In addition to the requirements of part II of chapter  
686 408, the agency shall impose an administrative fine in the  
687 manner provided in chapter 120 for the violation of any  
688 provision of this part, part II of chapter 408, and applicable  
689 rules by an assisted living facility, for the actions of any  
690 person subject to level 2 background screening under s. 408.809,  
691 for the actions of any facility employee, or for an intentional  
692 or negligent act seriously affecting the health, safety, or  
693 welfare of a resident of the facility.

694 (2) Each violation of this part and adopted rules must  
695 ~~shall~~ be classified according to the nature of the violation and  
696 the gravity of its probable effect on facility residents. The





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697 agency shall indicate the classification on the written notice  
698 of the violation as follows:

699 (a) Class "I" violations are defined in s. 408.813. The  
700 agency shall impose an administrative fine of \$7,500 for each a  
701 cited class I violation in a facility that is licensed for fewer  
702 than 100 beds at the time of the violation in an amount not less  
703 than \$5,000 and not exceeding \$10,000 for each violation. The  
704 agency shall impose an administrative fine of \$11,250 for each  
705 cited class I violation in a facility that is licensed for 100  
706 or more beds at the time of the violation. If the agency has  
707 knowledge of a class I violation which occurred within 12 months  
708 prior to an inspection, a fine must be levied for that violation  
709 whether or not the noncompliance was corrected before the  
710 inspection.

711 (b) Class "II" violations are defined in s. 408.813. The  
712 agency shall impose an administrative fine of \$3,000 for each a  
713 cited class II violation in a facility that is licensed for  
714 fewer than 100 beds at the time of the violation in an amount  
715 not less than \$1,000 and not exceeding \$5,000 for each  
716 violation. The agency shall impose an administrative fine of  
717 \$4,500 for each cited class II violation in a facility that is  
718 licensed for 100 or more beds at the time of the violation.

719 (c) Class "III" violations are defined in s. 408.813. The  
720 agency shall impose an administrative fine of \$750 for each a  
721 cited class III violation in a facility that is licensed for  
722 fewer than 100 beds at the time of the violation in an amount  
723 not less than \$500 and not exceeding \$1,000 for each violation.  
724 The agency shall impose an administrative fine of \$1,125 for  
725 each cited class III violation in a facility that is licensed



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726 for 100 or more beds at the time of the violation.

727 (d) Class "IV" violations are defined in s. 408.813. The  
728 agency shall impose an administrative fine of \$150 for each a  
729 cited class IV violation in a facility that is licensed for  
730 fewer than 100 beds at the time of the violation in an amount  
731 not less than \$100 and not exceeding \$200 for each violation.  
732 The agency shall impose an administrative fine of \$225 for each  
733 cited class IV violation in a facility that is licensed for 100  
734 or more beds at the time of the violation.

735 (e) Any fine imposed for a class I violation or a class II  
736 violation must be doubled if a facility was previously cited for  
737 one or more class I or class II violations during the agency's  
738 last licensure inspection or any inspection or complaint  
739 investigation since the last licensure inspection.

740 (f) Notwithstanding s. 408.813(2)(c) and (d) and s.  
741 408.832, a fine must be imposed for each class III or class IV  
742 violation, regardless of correction, if a facility was  
743 previously cited for one or more class III or class IV  
744 violations during the agency's last licensure inspection or any  
745 inspection or complaint investigation since the last licensure  
746 inspection for the same regulatory violation. A fine imposed for  
747 class III or class IV violations must be doubled if a facility  
748 was previously cited for one or more class III or class IV  
749 violations during the agency's last two licensure inspections  
750 for the same regulatory violation.

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

754 (a) ~~The gravity of the violation, including the probability~~



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755 ~~that death or serious physical or emotional harm to a resident~~  
756 ~~will result or has resulted, the severity of the action or~~  
757 ~~potential harm, and the extent to which the provisions of the~~  
758 ~~applicable laws or rules were violated.~~

759 ~~(b) Actions taken by the owner or administrator to correct~~  
760 ~~violations.~~

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

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

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

765 ~~(3)(4)~~ Each day of continuing violation after the date  
766 ~~established by the agency~~ fixed for correction ~~termination~~ of  
767 the violation, ~~as ordered by the agency,~~ constitutes an  
768 additional, separate, and distinct violation.

769 ~~(4)(5)~~ An Any action taken to correct a violation shall be  
770 documented in writing by the owner or administrator of the  
771 facility and verified through followup visits by agency  
772 personnel. The agency may impose a fine and, in the case of an  
773 owner-operated facility, revoke or deny a facility's license  
774 when a facility administrator fraudulently misrepresents action  
775 taken to correct a violation.

776 ~~(5)(6)~~ A Any facility whose owner fails to apply for a  
777 change-of-ownership license in accordance with part II of  
778 chapter 408 and operates the facility under the new ownership is  
779 subject to a fine of \$5,000.

780 ~~(6)(7)~~ In addition to any administrative fines imposed, the  
781 agency may assess a survey fee, equal to the lesser of one half  
782 of the facility's biennial license and bed fee or \$500, to cover  
783 the cost of conducting initial complaint investigations that



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784 result in the finding of a violation that was the subject of the  
785 complaint or monitoring visits conducted under s. 429.28(3)(c)  
786 to verify the correction of the violations.

787 ~~(7)(8)~~ During an inspection, the agency shall make a  
788 reasonable attempt to discuss each violation with the owner or  
789 administrator of the facility, prior to written notification.

790 ~~(8)(9)~~ The agency shall develop and disseminate an annual  
791 list of all facilities sanctioned or fined for violations of  
792 state standards, the number and class of violations involved,  
793 the penalties imposed, and the current status of cases. The list  
794 shall be disseminated, at no charge, to the Department of  
795 Elderly Affairs, the Department of Health, the Department of  
796 Children and Families ~~Family Services~~, the Agency for Persons  
797 with Disabilities, the area agencies on aging, the Florida  
798 Statewide Advocacy Council, and the state and local ombudsman  
799 councils. The Department of Children and Families ~~Family~~  
800 ~~Services~~ shall disseminate the list to service providers under  
801 contract to the department who are responsible for referring  
802 persons to a facility for residency. The agency may charge a fee  
803 commensurate with the cost of printing and postage to other  
804 interested parties requesting a copy of this list. This  
805 information may be provided electronically or through the  
806 agency's website ~~Internet site~~.

807 Section 9. Subsection (3) and paragraph (c) of subsection  
808 (4) of section 429.256, Florida Statutes, are amended to read:

809 429.256 Assistance with self-administration of medication.—

810 (3) Assistance with self-administration of medication  
811 includes:

812 (a) Taking the medication, in its previously dispensed,



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813 properly labeled container, including an insulin syringe that is  
814 prefilled with the proper dosage by a pharmacist and an insulin  
815 pen that is prefilled by the manufacturer, from where it is  
816 stored, and bringing it to the resident.

817 (b) In the presence of the resident, reading the label,  
818 opening the container, removing a prescribed amount of  
819 medication from the container, and closing the container.

820 (c) Placing an oral dosage in the resident's hand or  
821 placing the dosage in another container and helping the resident  
822 by lifting the container to his or her mouth.

823 (d) Applying topical medications.

824 (e) Returning the medication container to proper storage.

825 (f) Keeping a record of when a resident receives assistance  
826 with self-administration under this section.

827 (g) Assisting with the use of a nebulizer, including  
828 removing the cap of a nebulizer, opening the unit dose of  
829 nebulizer solution, and pouring the prescribed premeasured dose  
830 of medication into the dispensing cup of the nebulizer.

831 (h) Using a glucometer to perform blood-glucose level  
832 checks.

833 (i) Assisting with putting on and taking off antiembolism  
834 stockings.

835 (j) Assisting with applying and removing an oxygen cannula,  
836 but not with titrating the prescribed oxygen settings.

837 (k) Assisting with the use of a continuous positive airway  
838 pressure (CPAP) device, but not with titrating the prescribed  
839 setting of the device.

840 (l) Assisting with measuring vital signs.

841 (m) Assisting with colostomy bags.



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842 (4) Assistance with self-administration does not include:  
843 ~~(c) Administration of medications through intermittent~~  
844 ~~positive pressure breathing machines or a nebulizer.~~

845 Section 10. Subsections (2), (5), and (6) of section  
846 429.28, Florida Statutes, are amended to read:

847 429.28 Resident bill of rights.—

848 (2) The administrator of a facility shall ensure that a  
849 written notice of the rights, obligations, and prohibitions set  
850 forth in this part is posted in a prominent place in each  
851 facility and read or explained to residents who cannot read. The  
852 ~~This~~ notice must ~~shall~~ include the name, address, and telephone  
853 numbers of the local ombudsman council, the ~~and~~ central abuse  
854 hotline, and, if when applicable, Disability Rights Florida ~~the~~  
855 ~~Advocacy Center for Persons with Disabilities, Inc., and the~~  
856 ~~Florida local advocacy council~~, where complaints may be lodged.  
857 The notice must state that a complaint made to the Office of  
858 State Long-Term Care Ombudsman or a local long-term care  
859 ombudsman council, the names and identities of the residents  
860 involved in the complaint, and the identity of complainants are  
861 kept confidential pursuant to s. 400.0077 and that retaliatory  
862 action cannot be taken against a resident for presenting  
863 grievances or for exercising any other resident right. The  
864 facility must ensure a resident's access to a telephone to call  
865 the local ombudsman council, central abuse hotline, and  
866 Disability Rights Florida ~~Advocacy Center for Persons with~~  
867 ~~Disabilities, Inc., and the Florida local advocacy council.~~  
868 (5) A ~~No~~ facility or employee of a facility may not serve  
869 notice upon a resident to leave the premises or take any other  
870 retaliatory action against any person who:



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871 (a) Exercises any right set forth in this section.  
872 (b) Appears as a witness in any hearing, inside or outside  
873 the facility.

874 (c) Files a civil action alleging a violation of the  
875 provisions of this part or notifies a state attorney or the  
876 Attorney General of a possible violation of such provisions.

877 (6) A Any facility that ~~which~~ terminates the residency of  
878 an individual who participated in activities specified in  
879 subsection (5) must ~~shall~~ show good cause in a court of  
880 competent jurisdiction. If good cause is not shown, the agency  
881 shall impose a fine of \$2,500 in addition to any other penalty  
882 assessed against the facility.

883 Section 11. Section 429.34, Florida Statutes, is amended to  
884 read:

885 429.34 Right of entry and inspection.—

886 (1) In addition to the requirements of s. 408.811, any duly  
887 designated officer or employee of the department, the Department  
888 of Children and Families ~~Family Services~~, the Medicaid Fraud  
889 Control Unit of the Office of the Attorney General, the state or  
890 local fire marshal, or a member of the state or local long-term  
891 care ombudsman council has ~~shall have~~ the right to enter  
892 unannounced upon and into the premises of any facility licensed  
893 pursuant to this part in order to determine the state of  
894 compliance with ~~the provisions of~~ this part, part II of chapter  
895 408, and applicable rules. Data collected by the state or local  
896 long-term care ombudsman councils or the state or local advocacy  
897 councils may be used by the agency in investigations involving  
898 violations of regulatory standards. A person specified in this  
899 section who knows or has reasonable cause to suspect that a



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900 vulnerable adult has been or is being abused, neglected, or  
901 exploited shall immediately report such knowledge or suspicion  
902 to the central abuse hotline pursuant to chapter 415.

903 (2) The agency shall inspect each licensed assisted living  
904 facility at least once every 24 months to determine compliance  
905 with this chapter and related rules. If an assisted living  
906 facility is cited for one or more class I violations or two or  
907 more class II violations arising from separate surveys within a  
908 60-day period or due to unrelated circumstances during the same  
909 survey, the agency must conduct an additional licensure  
910 inspection within 6 months. In addition to any fines imposed on  
911 the facility under s. 429.19, the licensee shall pay a fee for  
912 the cost of the additional inspection equivalent to the standard  
913 assisted living facility license and per-bed fees, without  
914 exception for beds designated for recipients of optional state  
915 supplementation. The agency shall adjust the fee in accordance  
916 with s. 408.805.

917 Section 12. Subsection (2) of section 429.41, Florida  
918 Statutes, is amended to read:

919 429.41 Rules establishing standards.—

920 (2) In adopting any rules pursuant to this part, the  
921 department, in conjunction with the agency, shall make distinct  
922 standards for facilities based upon facility size; the types of  
923 care provided; the physical and mental capabilities and needs of  
924 residents; the type, frequency, and amount of services and care  
925 offered; and the staffing characteristics of the facility. Rules  
926 developed pursuant to this section may ~~shall~~ not restrict the  
927 use of shared staffing and shared programming in facilities that  
928 are part of retirement communities that provide multiple levels





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929 of care and otherwise meet the requirements of law and rule. If  
930 a continuing care facility licensed under chapter 651 or a  
931 retirement community offering multiple levels of care licenses a  
932 building or part of a building designated for independent living  
933 for assisted living, staffing requirements established in rule  
934 apply only to residents who receive personal, limited nursing,  
935 or extended congregate care services under this part. Such  
936 facilities shall retain a log listing the names and unit number  
937 for residents receiving these services. The log must be  
938 available to surveyors upon request. Except for uniform  
939 firesafety standards, the department shall adopt by rule  
940 separate and distinct standards for facilities with 16 or fewer  
941 beds and for facilities with 17 or more beds. The standards for  
942 facilities with 16 or fewer beds must ~~shall~~ be appropriate for a  
943 noninstitutional residential environment; 7 however, provided  
944 ~~that~~ the structure may not be ~~is no~~ more than two stories in  
945 height and all persons who cannot exit the facility unassisted  
946 in an emergency must reside on the first floor. The department,  
947 in conjunction with the agency, may make other distinctions  
948 among types of facilities as necessary to enforce the provisions  
949 of this part. Where appropriate, the agency shall offer  
950 alternate solutions for complying with established standards,  
951 based on distinctions made by the department and the agency  
952 relative to the physical characteristics of facilities and the  
953 types of care offered ~~therein~~.

954 Section 13. Present subsections (1) through (11) of section  
955 429.52, Florida Statutes, are renumbered as subsections (2)  
956 through (12), respectively, a new subsection (1) is added to  
957 that section, and present subsections (5) and (9) of that



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958 section are amended, to read:

959 429.52 Staff training and educational programs; core  
960 educational requirement.—

961 (1) Effective October 1, 2014, each new assisted living  
962 facility employee who has not previously completed core training  
963 must attend a preservice orientation provided by the facility  
964 before interacting with residents. The preservice orientation  
965 must be at least 2 hours in duration and cover topics that help  
966 the employee provide responsible care and respond to the needs  
967 of facility residents. Upon completion, the employee and the  
968 administrator of the facility must sign a statement that the  
969 employee completed the required pre-service orientation. The  
970 facility must keep the signed statement in the employee's  
971 personnel record.

972 (6)~~(5)~~ Staff involved with the management of medications  
973 and assisting with the self-administration of medications under  
974 s. 429.256 must complete a minimum of 6 4 additional hours of  
975 training provided by a registered nurse, licensed pharmacist, or  
976 department staff. The department shall establish by rule the  
977 minimum requirements of this additional training.

978 (10)~~(9)~~ The training required by this section other than  
979 the preservice orientation must ~~shall~~ be conducted by persons  
980 registered with the department as having the requisite  
981 experience and credentials to conduct the training. A person  
982 seeking to register as a trainer must provide the department  
983 with proof of completion of the minimum core training education  
984 requirements, successful passage of the competency test  
985 established under this section, and proof of compliance with the  
986 continuing education requirement in subsection (5)~~(4)~~.



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987           Section 14. The Legislature finds that consistent  
988 regulation of assisted living facilities benefits residents and  
989 operators of such facilities. To determine whether surveys are  
990 consistent between surveys and surveyors, the Office of Program  
991 Policy Analysis and Government Accountability (OPPAGA) shall  
992 conduct a study of intersurveyor reliability for assisted living  
993 facilities. By November 1, 2014, OPPAGA shall report its  
994 findings to the Governor, the President of the Senate, and the  
995 Speaker of the House of Representatives and make any  
996 recommendations for improving intersurveyor reliability.

997           Section 15. The Legislature finds that consumers need  
998 additional information on the quality of care and service in  
999 assisted living facilities in order to select the best facility  
1000 for themselves or their loved ones. Therefore, the Agency for  
1001 Health Care Administration shall:

1002           (1) Implement a rating system for assisted living  
1003 facilities by March 1, 2015 . The agency shall adopt rules to  
1004 administer this subsection.

1005           (2) By November 1, 2014 create content that is easily  
1006 accessible through the front page of the agency's website. At a  
1007 minimum, the content must include:

1008           (a) Information on each licensed assisted living facility,  
1009 including, but not limited to:

- 1010           1. The name and address of the facility.
- 1011           2. The number and type of licensed beds in the facility.
- 1012           3. The types of licenses held by the facility.
- 1013           4. The facility's license expiration date and status.
- 1014           5. Other relevant information that the agency currently  
1015 collects.



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1016 (b) A list of the facility's violations, including, for  
1017 each violation:

1018 1. A summary of the violation which is presented in a  
1019 manner understandable by the general public;

1020 2. Any sanctions imposed by final order; and

1021 3. The date the corrective action was confirmed by the  
1022 agency.

1023 (c) Links to inspection reports that the agency has on  
1024 file.

1025 (d) A monitored comment page, maintained by the agency,  
1026 which allows members of the public to anonymously comment on  
1027 assisted living facilities that are licensed to operate in this  
1028 state. This comment page must, at a minimum, allow members of  
1029 the public to post comments on their experiences with, or  
1030 observations of, an assisted living facility and to review other  
1031 people's comments. Comments posted to the agency's comment page  
1032 may not contain profanity and are intended to provide meaningful  
1033 feedback about the assisted living facility. The agency shall  
1034 review comments for profane content before the comments are  
1035 posted to the page. A controlling interest, as defined in s.  
1036 408.803, Florida Statutes, in an assisted living facility, or an  
1037 employee or owner of an assisted living facility, is prohibited  
1038 from posting comments on the page, except that a controlling  
1039 interest, employee, or owner may respond to comments on the  
1040 page, and the agency shall ensure that the responses are  
1041 identified as being from a representative of the facility.

1042 Section 16. This act shall take effect July 1, 2014.