Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Health Care Appropriations
2 Subcommittee
3 Representative Richardson offered the following:
4
5   **Amendment (with title amendment)**
6   Remove lines 701-803 and insert:
7   (a) Class "I" violations are defined in s. 408.813. The
8 agency shall impose an administrative fine for a cited class I
9 violation in an amount of ~~not less than~~ $5,000 ~~and not exceeding~~
10 ~~$10,000~~ for each violation.
11   (b) Class "II" violations are defined in s. 408.813. The
12 agency shall impose an administrative fine for a cited class II
13 violation in an amount of ~~not less than~~ $1,000 ~~and not exceeding~~
14 ~~$5,000~~ for each violation.
15   (c) Class "III" violations are defined in s. 408.813. The
16 agency shall impose an administrative fine for a cited class III
17 violation in an amount of ~~not less than~~ $500 ~~and not exceeding~~

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18 ~~$1,000~~ for each violation.

19   (d) Class "IV" violations are defined in s. 408.813. The

20 agency shall impose an administrative fine for a cited class IV

21 violation in an amount of ~~not less than~~ $100 ~~and not exceeding~~

22 ~~$200~~ for each violation.

23   (e) Regardless of the class of violation cited, instead of

24 the fine amounts listed in paragraphs (a)-(d), the agency shall

25 impose an administrative fine of $500 if a facility is found not

26 to be in compliance with the background screening requirements

27 as provided in s. 408.809.

28   (3) For purposes of this section, in determining if a

29 penalty is to be imposed and in fixing the amount of the fine,

30 the agency shall consider the following factors:

31   (a) The gravity of the violation, including the

32 probability that death or serious physical or emotional harm to

33 a resident will result or has resulted, the severity of the

34 action or potential harm, and the extent to which the provisions

35 of the applicable laws or rules were violated.

36   (b) Actions taken by the owner or administrator to correct

37 violations.

38   (c) Any previous violations.

39   (d) The financial benefit to the facility of committing or

40 continuing the violation.

41   (e) The licensed capacity of the facility.

42   (4) Each day of continuing violation after the date

43 established by the agency ~~fixed~~ for correction ~~termination~~ of

44 the violation~~, as ordered by the agency,~~ constitutes an

45 additional, separate, and distinct violation.

46   (5) An ~~Any~~ action taken to correct a violation shall be

47 documented in writing by the owner or administrator of the

48 facility and verified through followup visits by agency

49 personnel. The agency may impose a fine and, in the case of an

50 owner-operated facility, revoke or deny a facility's license

51 when a facility administrator fraudulently misrepresents action

52 taken to correct a violation.

53   (6) A ~~Any~~ facility whose owner fails to apply for a

54 change-of-ownership license in accordance with part II of

55 chapter 408 and operates the facility under the new ownership is

56 subject to a fine of $5,000.

57   (7) In addition to any administrative fines imposed, the

58 agency may assess a survey fee, equal to the lesser of one half

59 of the facility's biennial license and bed fee or $500, to cover

60 the cost of conducting initial complaint investigations that

61 result in the finding of a violation that was the subject of the

62 complaint or monitoring visits conducted under s. 429.28(3)(c)

63 to verify the correction of the violations.

64   (8) During an inspection, the agency shall make a

65 reasonable attempt to discuss each violation with the owner or

66 administrator of the facility, prior to written notification.

67   (9) The agency shall develop and disseminate an annual

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70 **T I T L E   A M E N D M E N T**

71   Remove line 96 and insert:

72 s. 429.19, F.S.; revising the amounts of