

By Senator Richter

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1                                   A bill to be entitled  
2       An act relating to Alzheimer's disease; amending s.  
3       120.80, F.S.; exempting grant programs administered by  
4       the Alzheimer's Disease Research Grant Advisory Board  
5       from the Administrative Procedure Act; amending s.  
6       252.355, F.S.; requiring the Division of Emergency  
7       Management, in coordination with local emergency  
8       management agencies, to maintain a registry of persons  
9       with special needs; requiring the division to develop  
10      and maintain a special needs shelter registration  
11      program; requiring specified agencies and authorizing  
12      specified health care providers to provide  
13      registration information to special needs clients or  
14      their caregivers and to assist emergency management  
15      agencies in registering persons for special needs  
16      shelters; amending s. 381.0303, F.S.; providing  
17      additional staffing requirements for special needs  
18      shelters; requiring special needs shelters to  
19      establish designated shelter areas for persons with  
20      Alzheimer's disease or related forms of dementia;  
21      authorizing the Department of Health, in coordination  
22      with the division, to adopt rules relating to  
23      standards for the special needs registration program;  
24      creating s. 381.82, F.S.; establishing the Ed and  
25      Ethel Moore Alzheimer's Disease Research Program  
26      within the department; requiring the program to  
27      provide grants and fellowships for research relating  
28      to Alzheimer's disease; creating the Alzheimer's  
29      Disease Research Grant Advisory Board; providing for

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30 appointment and terms of members; providing for  
31 organization, duties, and operating procedures of the  
32 board; requiring the department to provide staff to  
33 assist the board in carrying out its duties; requiring  
34 the board to annually submit recommendations for  
35 proposals to be funded; requiring a report to the  
36 Governor, Legislature, and State Surgeon General;  
37 providing that implementation of the program is  
38 subject to appropriation; amending s. 430.502, F.S.;  
39 requiring the Department of Elderly Affairs to develop  
40 minimum performance standards for memory disorder  
41 clinics to receive base-level annual funding;  
42 requiring the department to provide incentive-based  
43 funding, subject to appropriation, for certain memory  
44 disorder clinics; providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Subsection (15) of section 120.80, Florida  
49 Statutes, is amended to read:

50 120.80 Exceptions and special requirements; agencies.—

51 (15) DEPARTMENT OF HEALTH.—

52 (a) Notwithstanding s. 120.57(1)(a), formal hearings may  
53 not be conducted by the State Surgeon General, the Secretary of  
54 Health Care Administration, or a board or member of a board  
55 within the Department of Health or the Agency for Health Care  
56 Administration for matters relating to the regulation of  
57 professions, as defined by chapter 456. Notwithstanding s.  
58 120.57(1)(a), hearings conducted within the Department of Health

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59 in execution of the Special Supplemental Nutrition Program for  
60 Women, Infants, and Children; Child Care Food Program;  
61 Children's Medical Services Program; the Brain and Spinal Cord  
62 Injury Program; and the exemption from disqualification reviews  
63 for certified nurse assistants program need not be conducted by  
64 an administrative law judge assigned by the division. The  
65 Department of Health may contract with the Department of  
66 Children and Families ~~Family Services~~ for a hearing officer in  
67 these matters.

68 (b) This chapter does not apply to grant programs  
69 administered by the Alzheimer's Disease Research Grant Advisory  
70 Board pursuant to s. 381.82.

71 Section 2. Section 252.355, Florida Statutes, is amended to  
72 read:

73 252.355 Registry of persons with special needs; notice;  
74 registration program.-

75 (1) In order to meet the special needs of persons who would  
76 need assistance during evacuations and sheltering because of  
77 physical, mental, cognitive impairment, or sensory disabilities,  
78 the division, in coordination with each local emergency  
79 management agency in the state, shall maintain a registry of  
80 persons with special needs located within the jurisdiction of  
81 the local agency. The registration shall identify those persons  
82 in need of assistance and plan for resource allocation to meet  
83 those identified needs.

84 (2) In order to ensure that all persons with special needs  
85 may register, the division shall develop and maintain a special  
86 needs shelter registration program.

87 (a) The registration program shall include, at a minimum, a

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88 uniform electronic registration form and a database for  
89 uploading and storing submitted registration forms which may be  
90 accessed by the appropriate local emergency management agency.  
91 The link to the registration form shall be easily accessible on  
92 each local emergency management agency's website. Upon receipt  
93 of a paper registration form, the local emergency management  
94 agency shall enter the person's registration information into  
95 the database.

96 (b) To assist ~~the local emergency management agency~~ in  
97 identifying ~~such~~ persons with special needs, home health  
98 agencies, hospices, nurse registries, home medical equipment  
99 providers, the Department of Children and ~~Families~~ Family  
100 Services, ~~the~~ Department of Health, ~~the~~ Agency for Health Care  
101 Administration, ~~the~~ Department of Education, ~~the~~ Agency for  
102 Persons with Disabilities, ~~the~~ ~~and~~ Department of Elderly  
103 Affairs, ~~and memory disorder clinics~~ shall, and any physician  
104 licensed under chapter 458 or chapter 459 and any pharmacy  
105 licensed under chapter 465 may, annually ~~shall~~ provide  
106 registration information to all of their special needs clients  
107 or their caregivers ~~and to all persons with special needs who~~  
108 ~~receive services~~. The division shall develop a brochure that  
109 provides information regarding special needs shelter  
110 registration procedures. The brochure shall be published on the  
111 division's website. All appropriate agencies and community-based  
112 service providers, including memory disorder clinics, home  
113 health care providers, hospices, nurse registries, and home  
114 medical equipment providers shall, and any physician licensed  
115 under chapter 458 or chapter 459 may, assist emergency  
116 management agencies by annually registering persons with special

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117 needs for special needs shelters, collecting registration  
118 information for persons with special needs as part of the  
119 program intake process, and establishing programs to educate  
120 clients about the registration process and disaster preparedness  
121 safety procedures. A client of a state-funded or federally  
122 funded service program who has a physical, mental, or cognitive  
123 impairment or sensory disability and who needs assistance in  
124 evacuating or while in a shelter must register as a person with  
125 special needs. The registry shall be updated annually. The  
126 registration program shall give persons with special needs the  
127 option of preauthorizing emergency response personnel to enter  
128 their homes during search and rescue operations if necessary to  
129 ensure ~~assure~~ their safety and welfare following disasters.

130 (c) ~~(2)~~ The division shall be the designated lead agency  
131 responsible for community education and outreach to the public,  
132 including special needs clients, regarding registration and  
133 special needs shelters and general information regarding shelter  
134 stays.

135 (d) ~~(4)~~ ~~(a)~~ On or before May 31 of each year, each electric  
136 utility in the state shall annually notify residential customers  
137 in its service area of the availability of the registration  
138 program available through their local emergency management  
139 agency by:

140 1. An initial notification upon the activation of new  
141 residential service with the electric utility, followed by one  
142 annual notification between January 1 and May 31; or

143 2. Two separate annual notifications between January 1 and  
144 May 31.

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146 ~~(b)~~ The notification may be made by any available means,  
147 including, but not limited to, written, electronic, or verbal  
148 notification, and may be made concurrently with any other  
149 notification to residential customers required by law or rule.

150 (3) A person with special needs must be allowed to bring  
151 his or her service animal into a special needs shelter in  
152 accordance with s. 413.08.

153 (4)~~(5)~~ All records, data, information, correspondence, and  
154 communications relating to the registration of persons with  
155 special needs as provided in subsection (1) are confidential and  
156 exempt from ~~the provisions of~~ s. 119.07(1), except that such  
157 information shall be available to other emergency response  
158 agencies, as determined by the local emergency management  
159 director. Local law enforcement agencies shall be given complete  
160 shelter roster information upon request.

161 ~~(6) All appropriate agencies and community-based service~~  
162 ~~providers, including home health care providers, hospices, nurse~~  
163 ~~registries, and home medical equipment providers, shall assist~~  
164 ~~emergency management agencies by collecting registration~~  
165 ~~information for persons with special needs as part of program~~  
166 ~~intake processes, establishing programs to increase the~~  
167 ~~awareness of the registration process, and educating clients~~  
168 ~~about the procedures that may be necessary for their safety~~  
169 ~~during disasters. Clients of state or federally funded service~~  
170 ~~programs with physical, mental, cognitive impairment, or sensory~~  
171 ~~disabilities who need assistance in evacuating, or when in~~  
172 ~~shelters, must register as persons with special needs.~~

173 Section 3. Present subsections (3) through (7) of section  
174 381.0303, Florida Statutes, are redesignated as subsections (4)

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175 through (8), respectively, paragraph (b) of subsection (2) and  
176 present subsection (6) are amended, and a new subsection (3) is  
177 added to that section, to read:

178 381.0303 Special needs shelters.—

179 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
180 ASSISTANCE.—If funds have been appropriated to support disaster  
181 coordinator positions in county health departments:

182 (b) County health departments ~~shall~~, in conjunction with  
183 the local emergency management agencies, have the lead  
184 responsibility for coordination of the recruitment of health  
185 care practitioners to staff local special needs shelters. County  
186 health departments shall assign their employees to work in  
187 special needs shelters when those employees are needed to  
188 protect the health and safety of persons with special needs.  
189 County governments shall assist the department with nonmedical  
190 staffing and the operation of special needs shelters. The local  
191 health department and emergency management agency shall  
192 coordinate these efforts to ensure appropriate staffing in  
193 special needs shelters, including a staff member who is familiar  
194 with the needs of persons with Alzheimer's disease.

195 (3) SPECIAL CARE FOR PERSONS WITH ALZHEIMER'S DISEASE OR  
196 RELATED FORMS OF DEMENTIA.—All special needs shelters must  
197 establish designated shelter areas for persons with Alzheimer's  
198 disease or related forms of dementia to enable those persons to  
199 maintain their normal habits and routines to the greatest extent  
200 possible.

201 (7) ~~(6)~~ RULES.—The department, in coordination with the  
202 Division of Emergency Management, may ~~has the authority to~~ adopt  
203 rules ~~necessary~~ to implement this section. Rules shall include:

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204 (a) The definition of a "person with special needs,"  
205 including eligibility criteria for individuals with physical,  
206 mental, cognitive impairment, or sensory disabilities and the  
207 services a person with special needs can expect to receive in a  
208 special needs shelter.

209 (b) The process for special needs shelter health care  
210 practitioners and facility reimbursement for services provided  
211 in a disaster.

212 (c) Guidelines for special needs shelter staffing levels to  
213 provide services.

214 (d) The definition of and standards for special needs  
215 shelter supplies and equipment, including durable medical  
216 equipment.

217 (e) Standards for the special needs shelter registration  
218 program process, including all necessary forms and guidelines  
219 for addressing the needs of unregistered persons in need of a  
220 special needs shelter.

221 (f) Standards for addressing the needs of families where  
222 only one dependent is eligible for admission to a special needs  
223 shelter and the needs of adults with special needs who are  
224 caregivers for individuals without special needs.

225 (g) The requirement of the county health departments to  
226 seek the participation of hospitals, nursing homes, assisted  
227 living facilities, home health agencies, hospice providers,  
228 nurse registries, home medical equipment providers, dialysis  
229 centers, and other health and medical emergency preparedness  
230 stakeholders in pre-event planning activities.

231 Section 4. Section 381.82, Florida Statutes, is created to  
232 read:



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233       381.82 Ed and Ethel Moore Alzheimer's Disease Research  
234 Program.-

235       (1) There is established the Ed and Ethel Moore Alzheimer's  
236 Disease Research Program within the Department of Health. The  
237 purpose of the program is to fund research leading to prevention  
238 of or a cure for Alzheimer's disease. The long-term goals of the  
239 program are to:

240       (a) Enhance the health of Floridians by researching  
241 improved prevention, diagnosis, treatment, and cure of  
242 Alzheimer's disease.

243       (b) Expand the foundation of knowledge relating to the  
244 prevention, diagnosis, treatment, and cure of Alzheimer's  
245 disease.

246       (c) Stimulate economic activity in the state in areas  
247 related to Alzheimer's disease research.

248       (2) (a) Funds appropriated for the Ed and Ethel Moore  
249 Alzheimer's Disease Research Program shall be used exclusively  
250 for the award of grants and fellowships through a competitive,  
251 peer-reviewed process for research relating to the prevention,  
252 diagnosis, treatment, and cure of Alzheimer's disease and for  
253 expenses incurred in the administration of this section.  
254 Priority shall be granted to research designed to prevent or  
255 cure Alzheimer's disease.

256       (b) Applications for Alzheimer's disease research funding  
257 under the program may be submitted from any university or  
258 established research institute in the state. All qualified  
259 investigators in the state, regardless of institution  
260 affiliation, shall have equal access and opportunity to compete  
261 for research funding. The following types of applications may be

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262 considered for funding:

263 1. Investigator-initiated research grants.

264 2. Institutional research grants.

265 3. Predoctoral and postdoctoral research fellowships.

266 4. Collaborative research grants, including those that  
267 advance the finding of cures through basic or applied research.

268 (3) There is created the Alzheimer's Disease Research Grant  
269 Advisory Board within the Department of Health.

270 (a) The board shall consist of 12 members appointed by the  
271 State Surgeon General. The board shall be composed of three  
272 gerontologists, three geriatric psychiatrists, three  
273 geriatricians, and three neurologists. Initial appointments to  
274 the board shall be made by October 1, 2014. The board members  
275 shall serve 4-year terms, except that, to provide for staggered  
276 terms, six of the initial appointees shall serve 2-year terms  
277 and six shall serve 4-year terms. All subsequent appointments  
278 shall be for 4-year terms. The chair of the board shall be  
279 elected from the membership of the board and shall serve as  
280 chair for 2 years. An appointed member may not serve more than  
281 two consecutive terms. Appointed members must have experience in  
282 Alzheimer's disease or related biomedical research. The board  
283 shall adopt internal organizational procedures as necessary for  
284 its organization. The board shall establish and follow  
285 guidelines for ethical conduct and adhere to a policy  
286 established to avoid conflicts of interest. A member of the  
287 board may not participate in any discussion or decision of the  
288 board or a panel with respect to a research proposal by any  
289 firm, entity, or agency with which the member is associated as a  
290 member of the governing body or as an employee or with which the

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291 member has entered into a contractual arrangement.

292 (b) The department shall provide such staff, information,  
293 and other assistance as necessary to assist the board in  
294 carrying out its responsibilities. Members of the board shall  
295 serve without compensation and may not receive reimbursement for  
296 per diem or travel expenses.

297 (c) The board shall advise the State Surgeon General as to  
298 the scope of the research program and shall submit its  
299 recommendations for proposals to be funded to the State Surgeon  
300 General by December 15 of each year. Grants and fellowships  
301 shall be awarded by the State Surgeon General, after  
302 consultation with the board, on the basis of scientific merit.  
303 Other responsibilities of the board may include, but are not  
304 limited to, providing advice on program priorities and emphases;  
305 assisting in the development of appropriate linkages to  
306 nonacademic entities, such as voluntary organizations, health  
307 care delivery institutions, industry, government agencies, and  
308 public officials; and developing and providing oversight  
309 regarding mechanisms for the dissemination of research results.

310 (4) The board shall submit a fiscal-year progress report on  
311 the programs under its purview to the Governor, the President of  
312 the Senate, the Speaker of the House of Representatives, and the  
313 State Surgeon General by February 15 of each year. The report  
314 must include:

315 (a) A list of research projects supported by grants or  
316 fellowships awarded under the program.

317 (b) A list of recipients of program grants or fellowships.

318 (c) A list of publications in peer-reviewed journals  
319 involving research supported by grants or fellowships awarded

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320 under the program.

321 (d) The state ranking and total amount of Alzheimer's  
322 disease research funding allocated to the state from the  
323 National Institutes of Health.

324 (e) New grants for Alzheimer's disease research which were  
325 funded based on research supported by grants or fellowships  
326 awarded under the program.

327 (f) Progress toward programmatic goals, particularly in the  
328 prevention, diagnosis, treatment, and cure of Alzheimer's  
329 disease.

330 (g) Recommendations to further the mission of the program.

331 (5) Implementation of the Ed and Ethel Moore Alzheimer's  
332 Disease Research Program is subject to legislative  
333 appropriation.

334 Section 5. Present subsections (3) through (9) of section  
335 430.502, Florida Statutes, are redesignated as subsections (6)  
336 through (12), respectively, new subsections (3), (4), and (5)  
337 are added to that section, and present subsections (4), (5),  
338 (8), and (9) of that section are amended, to read:

339 430.502 Alzheimer's disease; memory disorder clinics and  
340 day care and respite care programs.—

341 (3) The department shall develop minimum performance  
342 standards for memory disorder clinics and include those  
343 standards in each memory disorder clinic contract as a condition  
344 for receiving base-level funding. The performance standards must  
345 address, at a minimum, quality of care, comprehensiveness of  
346 services, and access to services.

347 (4) The department shall develop performance goals that  
348 exceed the minimum performance standards developed under

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349 subsection (3) which must be achieved in order for a memory  
350 disorder clinic to be eligible for incentive funding above the  
351 base level, subject to legislative appropriation. Incentive  
352 funding shall be based on criteria including, but not limited  
353 to:

354 (a) A significant increase in the volume of clinical  
355 services.

356 (b) A significant increase in public outreach to low-income  
357 and minority populations.

358 (c) A significant increase in the acceptance of Medicaid  
359 and commercial insurance policies.

360 (d) Significant institutional financial commitments.

361 (5) The department shall measure and score each memory  
362 disorder clinic based on minimum performance standards and  
363 incentive performance goals.

364 (7)~~(4)~~ Pursuant to ~~the provisions of~~ s. 287.057, the  
365 department ~~of Elderly Affairs~~ may contract for the provision of  
366 specialized model day care programs in conjunction with the  
367 memory disorder clinics. The purpose of each model day care  
368 program must be to provide service delivery to persons suffering  
369 from Alzheimer's disease or a related memory disorder and  
370 training for health care and social service personnel in the  
371 care of persons having Alzheimer's disease or a related memory  
372 disorder disorders.

373 (8)~~(5)~~ Pursuant to s. 287.057, the department ~~of Elderly~~  
374 ~~Affairs~~ shall contract for the provision of respite care. All  
375 funds appropriated for the provision of respite care shall be  
376 distributed annually by the department to each funded county  
377 according to an allocation formula. In developing the formula,

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378 the department shall consider the number and proportion of the  
379 county population of individuals who are 75 years of age and  
380 older. Each respite care program shall be used as a resource for  
381 research and statistical data by the memory disorder clinics  
382 established in this part. In consultation with the memory  
383 disorder clinics, the department shall specify the information  
384 to be provided by the respite care programs for research  
385 purposes.

386 (11)~~(8)~~ The department shall implement the waiver program  
387 specified in subsection (10) ~~(7)~~. The agency and the department  
388 shall ensure the selection of ~~that~~ providers who have a history  
389 of successfully serving persons with Alzheimer's disease ~~are~~  
390 ~~selected~~. The department and the agency shall develop  
391 specialized standards for providers and services tailored to  
392 persons in the early, middle, and late stages of Alzheimer's  
393 disease and designate a level of care determination process and  
394 standard that is most appropriate to this population. The  
395 department and the agency shall include in the waiver services  
396 designed to assist the caregiver in continuing to provide in-  
397 home care. The department shall implement this waiver program  
398 subject to a specific appropriation or as provided in the  
399 General Appropriations Act.

400 (12)~~(9)~~ Authority to continue the waiver program specified  
401 in subsection (10) ~~(7)~~ shall be automatically eliminated at the  
402 close of the 2010 Regular Session of the Legislature unless  
403 further legislative action is taken to continue it before ~~prior~~  
404 ~~to~~ such time.

405 Section 6. This act shall take effect July 1, 2014.