

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Harrison offered the following:

2
3 **Substitute Amendment for Amendment (826367) (with title**
4 **amendment)**

5 Between lines 1408 and 1409, insert:

6 Section 45. Paragraph (d) of subsection (2) of section
7 400.23, Florida Statutes, is amended to read:

8 400.23 Rules; evaluation and deficiencies; licensure
9 status.—

10 (2) Pursuant to the intention of the Legislature, the
11 agency, in consultation with the Department of Health and the
12 Department of Elderly Affairs, shall adopt and enforce rules to

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13 implement this part and part II of chapter 408, which shall
14 include reasonable and fair criteria in relation to:

15 (d) The equipment essential to the health and welfare of
16 the residents. The state has exclusive authority to address
17 emergency environmental control and associated alternate power
18 sources and equipment in the event of the loss of primary
19 electrical power in nursing homes licensed under this chapter.
20 This paragraph expressly preempts the regulation of emergency
21 environmental control to the state and supersedes any municipal
22 or county ordinance on the subject.

23 Section 46. Paragraph (a) of subsection (1) of section
24 429.41, Florida Statutes, is amended to read:

25 429.41 Rules establishing standards.—

26 (1) It is the intent of the Legislature that rules
27 published and enforced pursuant to this section shall include
28 criteria by which a reasonable and consistent quality of
29 resident care and quality of life may be ensured and the results
30 of such resident care may be demonstrated. Such rules shall also
31 ensure a safe and sanitary environment that is residential and
32 noninstitutional in design or nature. It is further intended
33 that reasonable efforts be made to accommodate the needs and
34 preferences of residents to enhance the quality of life in a
35 facility. Uniform firesafety standards for assisted living
36 facilities shall be established by the State Fire Marshal
37 pursuant to s. 633.206. The agency, in consultation with the

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38 department, may adopt rules to administer the requirements of
39 part II of chapter 408. In order to provide safe and sanitary
40 facilities and the highest quality of resident care
41 accommodating the needs and preferences of residents, the
42 department, in consultation with the agency, the Department of
43 Children and Families, and the Department of Health, shall adopt
44 rules, policies, and procedures to administer this part, which
45 must include reasonable and fair minimum standards in relation
46 to:

47 (a) The requirements for and maintenance of facilities,
48 not in conflict with chapter 553, relating to plumbing, heating,
49 cooling, lighting, ventilation, living space, and other housing
50 conditions, which will ensure the health, safety, and comfort of
51 residents suitable to the size of the structure.

52 1. Firesafety evacuation capability determination.—An
53 evacuation capability evaluation for initial licensure shall be
54 conducted within 6 months after the date of licensure.

55 2. Firesafety requirements.—

56 a. The National Fire Protection Association, Life Safety
57 Code, NFPA 101 and 101A, current editions, shall be used in
58 determining the uniform firesafety code adopted by the State
59 Fire Marshal for assisted living facilities, pursuant to s.
60 633.206.

61 b. A local government or a utility may charge fees only in
62 an amount not to exceed the actual expenses incurred by the

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63 local government or the utility relating to the installation and
64 maintenance of an automatic fire sprinkler system in a licensed
65 assisted living facility structure.

66 c. All licensed facilities must have an annual fire
67 inspection conducted by the local fire marshal or authority
68 having jurisdiction.

69 d. An assisted living facility that is issued a building
70 permit or certificate of occupancy before July 1, 2016, may at
71 its option and after notifying the authority having
72 jurisdiction, remain under the provisions of the 1994 and 1995
73 editions of the National Fire Protection Association, Life
74 Safety Code, NFPA 101, and NFPA 101A. The facility opting to
75 remain under such provisions may make repairs, modernizations,
76 renovations, or additions to, or rehabilitate, the facility in
77 compliance with NFPA 101, 1994 edition, and may utilize the
78 alternative approaches to life safety in compliance with NFPA
79 101A, 1995 edition. However, a facility for which a building
80 permit or certificate of occupancy is issued before July 1,
81 2016, that undergoes Level III building alteration or
82 rehabilitation, as defined in the Florida Building Code, or
83 seeks to utilize features not authorized under the 1994 or 1995
84 editions of the Life Safety Code must thereafter comply with all
85 aspects of the uniform firesafety standards established under s.
86 633.206, and the Florida Fire Prevention Code, in effect for
87 assisted living facilities as adopted by the State Fire Marshal.

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88 3. Resident elopement requirements.—Facilities are
 89 required to conduct a minimum of two resident elopement
 90 prevention and response drills per year. All administrators and
 91 direct care staff must participate in the drills which shall
 92 include a review of procedures to address resident elopement.
 93 Facilities must document the implementation of the drills and
 94 ensure that the drills are conducted in a manner consistent with
 95 the facility's resident elopement policies and procedures.

96 4. The state has exclusive authority to address emergency
 97 environmental control and associated alternate power sources and
 98 equipment in the event of the loss of primary electrical power
 99 in assisted living facilities licensed under this chapter. This
 100 paragraph expressly preempts the regulation of emergency
 101 environmental control to the state and supersedes any municipal
 102 or county ordinance on the subject.

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

107 Between lines 80 and 81, insert:
 108 amending ss. 400.23 and 429.41, F.S.; providing that
 109 the state has exclusive authority to address emergency
 110 environmental control and associated alternate power
 111 sources in the event of loss of primary electrical
 112 power in a nursing home and an assisted living

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113 | facility, respectively; preempting regulation to the
114 | state;

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