

By Senator Gruters

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1                                   A bill to be entitled  
2           An act relating to comprehensive emergency management  
3           planning for assisted living facilities; amending s.  
4           429.41, F.S.; removing provisions related to standards  
5           for the preparation and annual update of comprehensive  
6           emergency management plans for assisted living  
7           facilities for the purpose of revising and relocating  
8           the provisions; creating s. 429.43, F.S.; providing  
9           legislative intent; preempting the regulation of  
10          comprehensive emergency management planning for  
11          assisted living facilities to the state; requiring a  
12          facility to submit a comprehensive emergency  
13          management plan to the county emergency management  
14          agency before the facility may be issued a license;  
15          requiring a new licensee to submit an emergency  
16          management plan within a specified timeframe when  
17          ownership of a licensed facility is transferred;  
18          requiring the county emergency management agency to  
19          annually review the facility plan; requiring the  
20          review to be completed within a specified timeframe;  
21          requiring the county emergency management agency to  
22          approve the plan or advise the facility of required  
23          corrections; requiring documentation of any such  
24          corrections to be submitted within a specified  
25          timeframe; specifying that a county emergency  
26          management agency is the final administrative  
27          authority for comprehensive emergency management plans  
28          prepared by assisted living facilities; requiring a  
29          plan to include specified information and provisions,

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30 including the acquisition by a specified date of an  
 31 alternate power source and a fuel supply sufficient to  
 32 operate the alternate power source; providing for  
 33 evacuation and offsite sheltering or use of an  
 34 alternate power source in a declared state of  
 35 emergency before such date; requiring the facility to  
 36 submit proof of approval of the plan and a certain  
 37 consumer-friendly summary to the Agency for Health  
 38 Care Administration within a specified timeframe;  
 39 requiring the plan to be available for review upon  
 40 request by the agency, the Division of Emergency  
 41 Management, and facility residents and their  
 42 representatives; requiring the facility to cooperate  
 43 with the agency, the division, and the county  
 44 emergency management agency to relocate residents  
 45 displaced by the emergency event under certain  
 46 circumstances; authorizing the agency, in consultation  
 47 with the division, to adopt rules to implement  
 48 provisions relating to comprehensive emergency  
 49 management planning; providing an effective date.

50  
 51 Be It Enacted by the Legislature of the State of Florida:

52  
 53 Section 1. Paragraph (b) of subsection (1) of section  
 54 429.41, Florida Statutes, is amended to read:

55 429.41 Rules establishing standards.—

56 (1) It is the intent of the Legislature that rules  
 57 published and enforced pursuant to this section shall include  
 58 criteria by which a reasonable and consistent quality of

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59 resident care and quality of life may be ensured and the results  
60 of such resident care may be demonstrated. Such rules shall also  
61 ensure a safe and sanitary environment that is residential and  
62 noninstitutional in design or nature. It is further intended  
63 that reasonable efforts be made to accommodate the needs and  
64 preferences of residents to enhance the quality of life in a  
65 facility. Uniform firesafety standards for assisted living  
66 facilities shall be established by the State Fire Marshal  
67 pursuant to s. 633.206. The agency, in consultation with the  
68 department, may adopt rules to administer the requirements of  
69 part II of chapter 408. In order to provide safe and sanitary  
70 facilities and the highest quality of resident care  
71 accommodating the needs and preferences of residents, the  
72 department, in consultation with the agency, the Department of  
73 Children and Families, and the Department of Health, shall adopt  
74 rules, policies, and procedures to administer this part, which  
75 must include reasonable and fair minimum standards in relation  
76 to:

77 ~~(b) The preparation and annual update of a comprehensive~~  
78 ~~emergency management plan. Such standards must be included in~~  
79 ~~the rules adopted by the department after consultation with the~~  
80 ~~Division of Emergency Management. At a minimum, the rules must~~  
81 ~~provide for plan components that address emergency evacuation~~  
82 ~~transportation; adequate sheltering arrangements; postdisaster~~  
83 ~~activities, including provision of emergency power, food, and~~  
84 ~~water; postdisaster transportation; supplies; staffing;~~  
85 ~~emergency equipment; individual identification of residents and~~  
86 ~~transfer of records; communication with families; and responses~~  
87 ~~to family inquiries. The comprehensive emergency management plan~~

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~~is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.~~

Section 2. Section 429.43, Florida Statutes, is created to read:

429.43 Comprehensive emergency management planning.-

(1) LEGISLATIVE INTENT.-It is the intent of the Legislature that assisted living facilities plan and prepare for, respond to, and recover from natural or manmade disasters and other hazards in a manner that allows for the reasonable protection of the health, safety, and welfare of residents.

(2) PREEMPTION.-The regulation of comprehensive emergency management planning for assisted living facilities resides with the state and preempts any local ordinance or code on the subject.

(3) PLAN APPROVAL BY COUNTY EMERGENCY MANAGEMENT AGENCY.-

(a) Before a facility may be issued a license under this part, it must submit a comprehensive emergency management plan to the county emergency management agency. The plan need not be approved by the county emergency management agency before licensure is granted. If ownership of a licensed facility is

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117 transferred, the new licensee must submit a comprehensive  
118 emergency management plan to the county emergency management  
119 agency within 30 days after obtaining the license.

120 (b) A facility's comprehensive emergency management plan is  
121 subject to annual review and approval by the county emergency  
122 management agency. The county emergency management agency shall  
123 complete its review within 60 business days after the submission  
124 of a plan and either approve the plan or notify the facility of  
125 any required corrections. If corrections are required, the  
126 facility must respond and submit documentation of the required  
127 corrections within 30 business days after receiving notification  
128 of the corrections from the emergency management agency.

129 (c) The county emergency management agency is the final  
130 administrative authority for comprehensive emergency management  
131 plans prepared by assisted living facilities. The review and  
132 approval of comprehensive emergency management plans is a  
133 ministerial act, and a plan approved by the county emergency  
134 management agency is considered to have met the requirements of  
135 subsection (4).

136 (4) PLAN COMPONENTS.—A comprehensive emergency management  
137 plan must:

138 (a) Include the following information:

139 1. Facility information, including name, address, telephone  
140 number, licensee, license number, licensed bed capacity, and the  
141 year the facility was constructed.

142 2. The name and contact information of the administrator  
143 and any other individual responsible for the submission of the  
144 plan.

145 3. An analysis of natural and manmade hazards that have the

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146 potential to affect the facility and its residents, which must  
147 include all of the following:

148 a. A resident census.

149 b. Any required care for residents who have a diagnosed  
150 cognitive impairment or who require special equipment or have  
151 special care needs.

152 c. Identification of the facility as being within a  
153 hurricane evacuation zone or a flood zone.

154 d. Identification of the facility's proximity to fixed  
155 hazardous material facilities or nuclear power plants.

156 4. The name and contact information of the individual in  
157 control of decisionmaking for the facility during an emergency  
158 and his or her procedure to activate the emergency plan and  
159 ensure adequate staffing during the emergency.

160 (b) Provide for:

161 1. A 72-hour supply of food, water, and essential supplies.

162 2. The acquisition of an alternate power source to be  
163 maintained at the facility which can produce electricity and a  
164 fuel supply sufficient to operate the alternate power source.  
165 For facilities licensed before June 1, 2020, the alternate power  
166 source must be acquired and maintained at the facility by June  
167 1, 2020.

168 a. From June 1 through November 30, a facility with a  
169 licensed capacity of 17 or more beds shall maintain onsite a  
170 fuel supply sufficient to operate the alternate power source for  
171 at least 72 hours, and a facility with a licensed capacity of 16  
172 beds or fewer shall maintain onsite a fuel supply sufficient to  
173 operate the alternate power source for at least 48 hours.

174 b. From December 1 through May 31, a fuel supply sufficient

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175 to operate the alternate power source for at least 24 hours must  
176 be available onsite, regardless of the licensed bed capacity.

177 c. A facility may use piped natural gas to satisfy the fuel  
178 supply requirements in this subparagraph.

179 d. If a state of emergency is declared before June 1, 2020,  
180 for an event that may affect primary electrical power delivery  
181 for the facility, the facility may implement evacuation and  
182 offsite sheltering procedures or obtain an alternate power  
183 source and a fuel supply onsite in sufficient quantity to  
184 operate the power source for 72 hours. The alternate power  
185 source and fuel must be obtained within 48 hours after the  
186 issuance of the state of emergency. This sub-subparagraph shall  
187 expire on June 1, 2020.

188 3. In the event of the facility's loss of primary  
189 electrical power during a declared state of emergency, a plan to  
190 maintain indoor air temperatures in specific areas of the  
191 facility in accordance with the temperature ranges listed in s.  
192 464 of the Florida Building Code. The plan must describe the  
193 systems and equipment that will be used to maintain the air  
194 temperature. The specific areas of the facility requiring such  
195 temperature control may include common areas that allow  
196 residents to congregate throughout the day. Residents are not  
197 required to be relocated to controlled temperature areas. The  
198 temperature requirements of this subparagraph may not be  
199 construed to prohibit a facility from acting as a receiving  
200 facility for evacuees in a declared state of emergency.

201 4. A plan to provide emergency lighting, power for life-  
202 sustaining medical equipment specific to resident need,  
203 appropriate temperatures for medication requiring refrigeration,

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204 and the production of ice.

205 5. Installation and maintenance of carbon monoxide alarms.

206 6. A plan for a facility that elects to share alternative  
207 power resources, fuel, and resident space if the facility is  
208 located on a single campus with other facilities under common  
209 ownership and the resources are sufficient to support the  
210 requirements of each facility's residents. The plan must include  
211 details on the sharing of resources and a clear description of  
212 how residents will be relocated on the campus if relocation is  
213 necessary.

214 7. In the event of a declared state of emergency,  
215 procedures for communicating with the county emergency  
216 management agency; procedures for how the safety liaison,  
217 decisionmakers, and staff will receive notice of impending  
218 threats and warnings; procedures for staff to report to work;  
219 and a plan for a primary and alternate system for alerting  
220 residents, resident representatives, and families of the  
221 potential emergency and furnishing information about sheltering  
222 or evacuation.

223 8. Identification of mutual aid agreements and a  
224 description of the role of the facility as either the host  
225 facility receiving evacuees or the evacuating facility seeking  
226 shelter in another facility.

227 9. An evacuation and offsite sheltering plan that includes  
228 identifying transportation arrangements; identifying primary and  
229 secondary evacuation routes; time estimates for complete  
230 evacuation; logistical support concerning resident records,  
231 medications, food, water, and other necessities for a minimum  
232 72-hour stay; accompanying staff; communication procedures



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233 during the evacuation and offsite sheltering period; and  
234 identification and tracking of evacuated residents and pets.

235 10. Procedures for reoccupation of the facility, including  
236 communication with the county emergency management agency for  
237 clearance to reoccupy; determination of the ability to resume  
238 operations; transportation arrangements; and identification and  
239 tracking of residents and pets.

240 11. Procedures for acting as a receiving shelter for  
241 evacuees, including receiving procedures for arriving evacuees  
242 and determination of whether life safety needs can be met;  
243 identification and tracking of evacuees; sleeping arrangements;  
244 logistical support concerning evacuee records, medications,  
245 food, water, and other necessities for a minimum 72-hour stay;  
246 staffing; and procedures for complying with s. 408.821(2).

247 12. Annual training for staff on roles before, during, and  
248 after an emergency event, including:

249 a. A training schedule.

250 b. A plan for training new staff.

251 c. Training on operating and maintaining the alternate  
252 power source and fuel supply.

253 d. Training on monitoring for signs of dehydration and  
254 heat-related injury.

255 e. Training on obtaining medical intervention from  
256 emergency services for residents whose life safety is in  
257 jeopardy.

258 (5) CONSUMER-FRIENDLY SUMMARY.—Within 10 business days  
259 after the approval of the comprehensive emergency management  
260 plan, the facility must submit proof to the agency of the  
261 approval and a consumer-friendly summary of the controlled

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262 temperature requirement portion of the plan. The consumer-  
263 friendly summary must identify the alternate power source, the  
264 equipment to be used to maintain the air temperature range,  
265 identification of the area where the air temperature will be  
266 controlled, and other equipment to be powered by the alternate  
267 power source.

268 (6) REVIEW OF RECORDS.—The approved comprehensive emergency  
269 management plan must be maintained in facility records and made  
270 readily available for review upon request by the agency, the  
271 Division of Emergency Management, and residents and resident  
272 representatives.

273 (7) RELOCATION OF RESIDENTS.—If a facility cannot be  
274 occupied or reoccupied safely after an emergency event, the  
275 facility must cooperate with the agency, the Division of  
276 Emergency Management, and the county emergency management agency  
277 in relocating displaced residents.

278 (8) RULEMAKING.—The agency, in consultation with the  
279 Division of Emergency Management, may adopt rules to implement  
280 the requirements of this section.

281 Section 3. This act shall take effect upon becoming a law.