



401842

LEGISLATIVE ACTION

Senate

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House

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03/06/2020 02:59 PM

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Senator Harrell moved the following:

Senate Amendment (with title amendment)

Delete lines 472 - 523

and insert:

maintain compliance with the following criteria:

(a) The total number of beds per home within the facility may not exceed eight, with each resident having his or her own bedroom and bathroom. Each eight-bed home must be colocated on the same property with two other eight-bed homes and must serve individuals with severe maladaptive behaviors and co-occurring psychiatric diagnoses.



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12 (b) A minimum of 16 beds within the facility must be
13 designated for individuals with severe maladaptive behaviors who
14 have been assessed using the Agency for Persons with
15 Disabilities' Global Behavioral Service Need Matrix with a score
16 of at least Level 4 and up to Level 6, or assessed using the
17 criteria deemed appropriate by the Agency for Health Care
18 Administration regarding the need for a specialized placement in
19 an intermediate care facility for the developmentally disabled.

20 (c) The applicant has not had a facility license denied,
21 revoked, or suspended within the 36 months preceding the request
22 for exemption.

23 (d) The applicant must have at least 10 years of experience
24 serving individuals with severe maladaptive behaviors in the
25 state.

26 (e) The applicant must implement a state-approved staff
27 training curriculum and monitoring requirements specific to the
28 individuals whose behaviors require higher intensity, frequency,
29 and duration of services.

30 (f) The applicant must make available medical and nursing
31 services 24 hours per day, 7 days per week.

32 (g) The applicant must demonstrate a history of using
33 interventions that are least restrictive and that follow a
34 behavioral hierarchy.

35 (h) The applicant must maintain a policy prohibiting the
36 use of mechanical restraints.

37 Section 7. Paragraph (o) is added to subsection (3) of
38 section 408.036, Florida Statutes, to read:

39 408.036 Projects subject to review; exemptions.-

40 (3) EXEMPTIONS.—Upon request, the following projects are



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41 subject to exemption from subsection (1):

42 (o) For a new intermediate care facility for the
43 developmentally disabled as defined in s. 408.032 which has a
44 total of 24 beds, comprising three eight-bed homes, for use by
45 individuals exhibiting severe maladaptive behaviors and co-
46 occurring psychiatric diagnoses requiring increased levels of
47 behavioral, medical, and therapeutic oversight. The applicant
48 must not have had a license denied, revoked, or suspended within
49 the 36 months preceding the request for exemption and must have
50 at least 10 years of experience serving individuals with severe
51 maladaptive behaviors in this state. The agency may grant no
52 more than three exemptions under this paragraph.

53 1. An exemption under this paragraph does not require a
54 specific legislative appropriation.

55 2. An exemption under this paragraph terminates 18 months
56 after the date of issuance unless the exemption holder has
57 commenced construction. The agency shall monitor the progress of
58 the holder of the certificate of exemption in meeting the
59 timetable for project development specified in the application
60 for exemption. The agency shall extend the timeframe for a
61 project if the exemption holder demonstrates to the satisfaction
62 of the agency that good-faith commencement of the project is
63 being delayed by litigation or by governmental action or
64 inaction with respect to regulations or permitting precluding
65 commencement of the project.

66 3. This paragraph and subsection (6) of s. 400.962 are
67 repealed July 1, 2022, unless reviewed and saved from repeal by
68 the Legislature.

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

71 And the title is amended as follows:

72 Delete lines 63 - 66

73 and insert:

74 certain intermediate care facilities; limiting the
75 number of such exemptions the Agency for Health Care
76 Administration may grant; providing that a specific