

1 A bill to be entitled
2 An act relating to in-person visitation; creating s.
3 408.823, F.S.; providing applicability; requiring
4 certain providers to establish visitation policies and
5 procedures within a specified timeframe; providing
6 requirements for such policies and procedures;
7 authorizing the resident, client, or patient to
8 designate an essential caregiver; establishing
9 requirements related to essential caregivers;
10 requiring in-person visitation in certain
11 circumstances; providing that the policies and
12 procedures may require visitors to agree in writing to
13 follow such policies and procedures; authorizing
14 providers to suspend in-person visitation of specific
15 visitors under certain circumstances; requiring
16 providers to provide their policies and procedures to
17 the Agency for Health Care Administration at specified
18 times; requiring providers to make their policies and
19 procedures available to the agency for review at any
20 time, upon request; requiring providers to make their
21 policies and procedures easily accessible from the
22 homepage of their websites within a specified
23 timeframe; requiring the agency to dedicate a stand-
24 alone page on its website for specified purposes;
25 providing a directive to the Division of Law Revision;

26 providing an effective date.

27

28 Be It Enacted by the Legislature of the State of Florida:

29

30 Section 1. Section 408.823, Florida Statutes, is created
31 to read:

32 408.823 In-person visitation.-

33 (1) This section applies to developmental disabilities
34 centers as defined in s. 393.063, hospitals licensed under
35 chapter 395, nursing home facilities licensed under part II of
36 chapter 400, hospice facilities licensed under part IV of
37 chapter 400, intermediate care facilities for the
38 developmentally disabled licensed and certified under part VIII
39 of chapter 400, and assisted living facilities licensed under
40 part I of chapter 429.

41 (2)(a) No later than 30 days after the effective date of
42 this act, each provider shall establish visitation policies and
43 procedures. The policies and procedures must, at a minimum,
44 include infection control and education policies for visitors;
45 screening, personal protective equipment, and other infection
46 control protocols for visitors; permissible length of visits and
47 numbers of visitors, which must meet or exceed the standards in
48 ss. 400.022(1)(b) and 429.28(1)(d), as applicable; and
49 designation of a person responsible for ensuring that staff
50 adhere to the policies and procedures. Safety-related policies

51 and procedures may not be more stringent than those established
52 for the provider's staff and may not require visitors to submit
53 proof of any vaccination or immunization. The policies and
54 procedures must allow consensual physical contact between a
55 resident, client, or patient and the visitor.

56 (b) A resident, client, or patient may designate a visitor
57 who is a family member, friend, guardian, or other individual as
58 an essential caregiver. The provider must allow in-person
59 visitation by the essential caregiver for at least 2 hours daily
60 in addition to any other visitation authorized by the provider.
61 This section does not require an essential caregiver to provide
62 necessary care to a resident, client, or patient of a provider
63 and providers may not require an essential caregiver to provide
64 such care.

65 (c) The visitation policies and procedures required by
66 this section must allow in-person visitation in all of the
67 following circumstances, unless the resident, client, or patient
68 objects:

69 1. End-of-life situations.

70 2. A resident, client, or patient who was living with
71 family before being admitted to the provider's care is
72 struggling with the change in environment and lack of in-person
73 family support.

74 3. The resident, client, or patient is making one or more
75 major medical decisions.

76 4. A resident, client, or patient is experiencing
77 emotional distress or grieving the loss of a friend or family
78 member who recently died.

79 5. A resident, client, or patient needs cueing or
80 encouragement to eat or drink which was previously provided by a
81 family member or caregiver.

82 6. A resident, client, or patient who used to talk and
83 interact with others is seldom speaking.

84 7. For hospitals, childbirth, including labor and
85 delivery.

86 8. Pediatric patients.

87 (d) The policies and procedures may require a visitor to
88 agree in writing to follow the provider's policies and
89 procedures. A provider may suspend in-person visitation of a
90 specific visitor if the visitor violates the provider's policies
91 and procedures.

92 (e) The providers shall provide their visitation policies
93 and procedures to the agency when applying for initial
94 licensure, licensure renewal, or change of ownership. The
95 provider must make the visitation policies and procedures
96 available to the agency for review at any time, upon request.

97 (f) Within 24 hours after establishing the policies and
98 procedures required under this section, providers must make such
99 policies and procedures easily accessible from the homepage of
100 their websites.

CS/CS/HB 987

2022

101 (3) The agency shall dedicate a stand-alone page on its
102 website to explain the visitation requirements of this section
103 and provide a link to the agency's webpage to report complaints.

104 Section 2. The Division of Law Revision is directed to
105 replace the phrase "30 days after the effective date of this
106 act" wherever it occurs in this act with the date 30 days after
107 this act becomes a law.

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