

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 by a specified date; requiring specified
12 agencies and authorizing specified health care
13 providers to provide registration information to
14 special needs clients or their caregivers and to
15 assist emergency management agencies in registering
16 persons for special needs shelters; amending s.
17 381.0303, F.S.; providing additional staffing
18 requirements for special needs shelters; requiring
19 special needs shelters to establish designated shelter
20 areas for persons with Alzheimer's disease or related
21 forms of dementia; authorizing the Department of
22 Health, in coordination with the division, to adopt
23 rules relating to standards for the special needs
24 registration program; creating s. 381.82, F.S.;
25 establishing the Ed and Ethel Moore Alzheimer's
26 Disease Research Program within the department;

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

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

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

51 120.80 Exceptions and special requirements; agencies.—

52 (15) DEPARTMENT OF HEALTH.—

53 (a) Notwithstanding s. 120.57(1)(a), formal hearings may
 54 not be conducted by the State Surgeon General, the Secretary of
 55 Health Care Administration, or a board or member of a board
 56 within the Department of Health or the Agency for Health Care
 57 Administration for matters relating to the regulation of
 58 professions, as defined by chapter 456. Notwithstanding s.
 59 120.57(1)(a), hearings conducted within the Department of Health
 60 in execution of the Special Supplemental Nutrition Program for
 61 Women, Infants, and Children; Child Care Food Program;
 62 Children's Medical Services Program; the Brain and Spinal Cord
 63 Injury Program; and the exemption from disqualification reviews
 64 for certified nurse assistants program need not be conducted by
 65 an administrative law judge assigned by the division. The
 66 Department of Health may contract with the Department of
 67 Children and Family Services for a hearing officer in these
 68 matters.

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

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

74 252.355 Registry of persons with special needs; notice;
 75 registration program.—

76 (1) In order to meet the special needs of persons who
 77 would need assistance during evacuations and sheltering because
 78 of physical, mental, cognitive impairment, or sensory

79 disabilities, the division, in coordination with each local
 80 emergency management agency in the state, shall maintain a
 81 registry of persons with special needs located within the
 82 jurisdiction of the local agency. The registration shall
 83 identify those persons in need of assistance and plan for
 84 resource allocation to meet those identified needs.

85 (2) In order to ensure that all persons with special needs
 86 may register, the division shall develop and maintain a special
 87 needs shelter registration program. The registration program
 88 must be developed by January 1, 2015, and fully implemented by
 89 March 1, 2015.

90 (a) The registration program shall include, at a minimum,
 91 a uniform electronic registration form and a database for
 92 uploading and storing submitted registration forms that may be
 93 accessed by the appropriate local emergency management agency.
 94 The link to the registration form shall be easily accessible on
 95 each local emergency management agency's website. Upon receipt
 96 of a paper registration form, the local emergency management
 97 agency shall enter the person's registration information into
 98 the database.

99 (b) To assist ~~the local emergency management agency~~ in
 100 identifying ~~such~~ persons with special needs, home health
 101 agencies, hospices, nurse registries, home medical equipment
 102 providers, the Department of Children and ~~Families~~ Family
 103 Services, ~~the~~ Department of Health, ~~the~~ Agency for Health Care
 104 Administration, ~~the~~ Department of Education, ~~the~~ Agency for

105 Persons with Disabilities, the ~~and~~ Department of Elderly
106 Affairs, and memory disorder clinics shall, and any physician
107 licensed under chapter 458 or chapter 459 and any pharmacy
108 licensed under chapter 465 may, annually ~~shall~~ provide
109 registration information to all of their special needs clients
110 or their caregivers ~~and to all persons with special needs who~~
111 ~~receive services.~~ The division shall develop a brochure that
112 provides information regarding special needs shelter
113 registration procedures. The brochure must be easily accessible
114 on the division's website. All appropriate agencies and
115 community-based service providers, including aging and
116 disability resource centers, memory disorder clinics, home
117 health care providers, hospices, nurse registries, and home
118 medical equipment providers, shall, and any physician licensed
119 under chapter 458 or chapter 459 may, assist emergency
120 management agencies by annually registering persons with special
121 needs for special needs shelters, collecting registration
122 information for persons with special needs as part of the
123 program intake process, and establishing programs to educate
124 clients about the registration process and disaster preparedness
125 safety procedures. A client of a state-funded or federally
126 funded service program who has a physical, mental, or cognitive
127 impairment or sensory disability and who needs assistance in
128 evacuating, or when in a shelter, must register as a person with
129 special needs. ~~The registry shall be updated annually.~~ The
130 registration program shall give persons with special needs the

131 option of preauthorizing emergency response personnel to enter
 132 their homes during search and rescue operations if necessary to
 133 ensure ~~assure~~ their safety and welfare following disasters.

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

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

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

147 2. Two separate annual notifications between January 1 and
 148 May 31.

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

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

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

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

177 Section 3. Subsections (3) through (7) of section
178 381.0303, Florida Statutes, are renumbered as subsections (4)
179 through (8), respectively, paragraph (b) of subsection (2) and
180 present subsection (6) are amended, and a new subsection (3) is
181 added to that section, to read:

182 381.0303 Special needs shelters.—

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

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

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

205 (7) ~~(6)~~ RULES.—The department, in coordination with the
 206 Division of Emergency Management, has the authority to adopt
 207 rules necessary to implement this section. Rules shall include:

208 (a) The definition of a "person with special needs,"

209 including eligibility criteria for individuals with physical,
210 mental, cognitive impairment, or sensory disabilities and the
211 services a person with special needs can expect to receive in a
212 special needs shelter.

213 (b) The process for special needs shelter health care
214 practitioners and facility reimbursement for services provided
215 in a disaster.

216 (c) Guidelines for special needs shelter staffing levels
217 to provide services.

218 (d) The definition of and standards for special needs
219 shelter supplies and equipment, including durable medical
220 equipment.

221 (e) Standards for the special needs shelter registration
222 program process, including all necessary forms and guidelines
223 for addressing the needs of unregistered persons in need of a
224 special needs shelter.

225 (f) Standards for addressing the needs of families where
226 only one dependent is eligible for admission to a special needs
227 shelter and the needs of adults with special needs who are
228 caregivers for individuals without special needs.

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

235 Section 4. Section 381.82, Florida Statutes, is created to
236 read:

237 381.82 Ed and Ethel Moore Alzheimer's Disease Research
238 Program.—

239 (1) The Ed and Ethel Moore Alzheimer's Disease Research
240 Program is created within the Department of Health. The purpose
241 of the program is to fund research leading to prevention of or a
242 cure for Alzheimer's disease. The long-term goals of the program
243 are to:

244 (a) Improve the health of Floridians by researching better
245 prevention and diagnoses of and treatments and cures for
246 Alzheimer's disease.

247 (b) Expand the foundation of knowledge relating to the
248 prevention, diagnosis, treatment, and cure of Alzheimer's
249 disease.

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

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

258 Priority shall be granted to research designed to prevent or
259 cure Alzheimer's disease.

260 (b) Applications for Alzheimer's disease research funding

261 under the program may be submitted from any university or
262 established research institute in the state. All qualified
263 investigators in the state, regardless of institution
264 affiliation, shall have equal access and opportunity to compete
265 for research funding. The following types of applications may be
266 considered for funding:

- 267 1. Investigator-initiated research grants.
- 268 2. Institutional research grants.
- 269 3. Predoctoral and postdoctoral research fellowships.
- 270 4. Collaborative research grants, including those that
271 advance the finding of cures through basic or applied research.

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

274 (a) The board shall consist of 11 members appointed by the
275 State Surgeon General. The board shall be composed of two
276 gerontologists, two geriatric psychiatrists, two geriatricians,
277 two neuroscientists, and three neurologists. Initial
278 appointments to the board shall be made by October 1, 2014. The
279 board members shall serve 4-year terms, except that, to provide
280 for staggered terms, five of the initial appointees shall serve
281 2-year terms and six shall serve 4-year terms. All subsequent
282 appointments shall be for 4-year terms. The chair of the board
283 shall be elected from the membership of the board and shall
284 serve as chair for 2 years. An appointed member may not serve
285 more than two consecutive terms. Appointed members must have
286 experience in Alzheimer's disease or related biomedical

287 research. The board shall adopt internal organizational
288 procedures as necessary for its efficient organization. The
289 board shall establish and follow rigorous guidelines for ethical
290 conduct and adhere to a strict policy with regard to conflicts
291 of interest. A member of the board may not participate in any
292 discussion or decision of the board or a panel with respect to a
293 research proposal by any firm, entity, or agency with which the
294 member is associated as a member of the governing body or as an
295 employee or with which the member has entered into a contractual
296 arrangement.

297 (b) The department shall provide such staff, information,
298 and other assistance as is reasonably necessary to assist the
299 board in carrying out its responsibilities. Members of the board
300 shall serve without compensation and may not receive
301 reimbursement for per diem or travel expenses.

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

313 public officials; and developing and providing oversight
314 regarding mechanisms for the dissemination of research results.

315 (4) The board shall submit a fiscal-year progress report
316 on the programs under its purview annually to the Governor, the
317 President of the Senate, the Speaker of the House of
318 Representatives, and the State Surgeon General by February 15.

319 The report must include:

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

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

323 (c) A list of publications in peer-reviewed journals
324 involving research supported by grants or fellowships awarded
325 under the program.

326 (d) The state ranking and total amount of Alzheimer's
327 disease research funding currently flowing into the state from
328 the National Institutes of Health.

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

332 (f) Progress toward programmatic goals, particularly in
333 the prevention, diagnosis, treatment, and cure of Alzheimer's
334 disease.

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

336 (5) Implementation of the Ed and Ethel Moore Alzheimer's
337 Disease Research Program is subject to legislative
338 appropriation.

339 Section 5. Subsections (3) through (9) of section 430.502,
340 Florida Statutes, are renumbered as subsections (6) through
341 (12), respectively, new subsections (3), (4), and (5) are added
342 to that section, and present subsections (4), (5), (8), and (9)
343 of that section are amended, to read:

344 430.502 Alzheimer's disease; memory disorder clinics and
345 day care and respite care programs.—

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

352 (4) The department shall develop performance goals that
353 exceed the minimum performance standards developed under
354 subsection (3), which goals must be achieved in order for a
355 memory disorder clinic to be eligible for incentive funding
356 above the base level, subject to legislative appropriation.
357 Incentive funding shall be based on criteria including, but not
358 limited to:

359 (a) Significant increase in the volume of clinical
360 services.

361 (b) Significant increase in public outreach to low-income
362 and minority populations.

363 (c) Significant increase in acceptance of Medicaid and
364 commercial insurance policies.

365 (d) Significant institutional financial commitments.

366 (5) The department shall measure and score each memory
367 disorder clinic based on minimum performance standards and
368 incentive performance goals.

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

378 (8)~~(5)~~ Pursuant to s. 287.057, the department ~~of Elderly~~
379 ~~Affairs~~ shall contract for the provision of respite care. All
380 funds appropriated for the provision of respite care shall be
381 distributed annually by the department to each funded county
382 according to an allocation formula. In developing the formula,
383 the department shall consider the number and proportion of the
384 county population of individuals who are 75 years of age and
385 older. Each respite care program shall be used as a resource for
386 research and statistical data by the memory disorder clinics
387 established in this part. In consultation with the memory
388 disorder clinics, the department shall specify the information
389 to be provided by the respite care programs for research
390 purposes.

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

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

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