

Committee on Rules

HB 7099 — Ratification of Agency for Health Care Administration Rules

by Health and Human Services Committee and Rep. Magar (SB 7030 by Rules Committee)

HB 7099 ratifies Agency for Health Care Administration (AHCA) Rule 59A-4.1265, F.A.C., entitled “Emergency Environmental Control for Nursing Homes.” This rule requires, by June 1, 2018, each nursing home to acquire an alternative power source to ensure that temperatures are maintained at 81 degrees Fahrenheit or cooler in a sufficient portion of the facility to accommodate all of the facility’s residents. The rule also requires each facility to implement certain policies and procedures to ensure that residents do not suffer complications from heat exposure.

The Statement of Estimated Regulatory Costs developed by the AHCA determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within five years after implementation of the rule. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

The bill also:

- Directs that the act shall not be codified in the Florida Statutes;
- Requires that after the act becomes law, its enactment and effective date shall be noted in the Florida Administrative Code, the F.A.R., or both, as appropriate;
- Provides that the act does not alter rulemaking authority or constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule and is intended to preserve the status of the rule; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of requirements governing adoption of the rule.

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If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 113-0