

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Sobel, Chair
Senator Hays, Vice Chair

MEETING DATE: Tuesday, February 5, 2013
TIME: 3:00 —5:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Sobel, Chair; Senator Hays, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Detert, Diaz de la Portilla, Grimsley, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed committee bill:			
1	SPB 7010	Assisted Living Facilities; Providing that Medicaid prepaid behavioral health plans are responsible for enrolled mental health residents; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; requiring certain persons to report elder abuse in assisted living facilities; requiring the Agency for Health Care Administration to propose a rating system of assisted living facilities for consumers and create content for the agency's website that makes available to consumers information regarding assisted living facilities, etc.	Submitted as Committee Bill
2	SB 164 Detert (Similar H 215)	Children in Foster Care; Creating the "Quality-Parenting for Children in Foster Care Act"; establishing and providing for the application of a "reasonable and prudent parent" standard; providing for the application of the reasonable and prudent parent standard to independent living transition services; specifying that Department of Children and Families rules must reflect the considerations of the reasonable and prudent parent standard, etc. CF 02/05/2013 Fav/CS JU AHS AP	Fav/CS Yeas 10 Nays 0
3	Mental Health and Substance Abuse - Mark Fontaine, Executive Director, Florida Alcohol and Drug Abuse Association Public Testimony		Discussed

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Tuesday, February 5, 2013, 3:00 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	Efforts to Combat Sex Trafficking	- Jim Madden, Assistant Commissioner, Florida Department of Law Enforcement - Florida Sheriffs Association - Florida Police Chiefs Association Public Testimony	Discussed
5	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SPB 7010

INTRODUCER: For consideration by the Committee on Children, Families, and Elder Affairs

SUBJECT: Assisted Living Facilities

DATE: February 1, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Submitted as Committee Bill
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill strengthens the enforcement of current regulations for Assisted Living Facilities (ALF or facility) by revising fines imposed for licensure violations, clarifying existing enforcement tools, and requiring an additional inspection for facilities with significant violations. Specifically, the bill would:

- Clarify who is responsible for assuring that mental health residents in an ALF receive necessary services.
- Clarify the duties of the state Long-Term Care Ombudsman Program.
- Create a provisional Extended Congregate Care (ECC) license for new ALFs and specify when the Agency for Health Care Administration’s (AHCA) may deny or revoke a facility’s ECC license.
- Reduce by half the number of monitoring visits AHCA must conduct for ALFs with Limited Nursing Services (LNS) licenses and ECC licenses.
- Require that facilities with one or more, rather than three or more, state supported mental health residents obtain a limited mental health (LMH) license.
- Allow AHCA to revoke the license of a facility with a controlling interest that has or had a 25% or greater financial or ownership interest in a second facility which closed due to financial inability to operate or was the subject of other specified administrative sanctions.
- Requires AHCA to revoke or deny the license of a facility where facility staff intentionally and seriously affects a resident’s health, safety, or welfare.
- Clarify the criteria under which AHCA must revoke or deny a facility’s license.

- Specify circumstances under which AHCA must impose an immediate moratorium¹ on a facility.
- Set fines for all classes of violations² to a fixed amount at the midpoint of the current range and multiply these new fine amounts for facilities licensed for 100 or more beds by 1.5 times.
- Allow AHCA to impose a fine for a class I violation even if it is corrected before AHCA inspects a facility.
- Double fines for repeated serious violations.
- Requires that fines be imposed for repeat minor violations³ regardless of correction.
- Double the fines for minor violations if a facility is cited for the same minor violation three or more times over the course of three licensure inspections.
- Specify a fine amount of \$500 for ALFs that are not in compliance with background screening requirements.⁴
- Add certain responsible parties and agency personnel to the list of people who must report abuse or neglect the Department of Children and Families' (DCF) central abuse hotline.
- Require an additional inspection, within 6 months, of a facility cited for specified serious violations.
- Require new facility staff who have not previously completed core training to attend a 2 hour preservice orientation before interacting with residents.
- Require that AHCA conduct a study of inter-surveyor reliability in order to determine the consistency with which regulations are applied to facilities and report its findings and recommendations by November 1, 2013.
- Require that AHCA propose a plan for an ALF rating system by November 1, 2013.
- Require that, by January 1, 2014, AHCA revise its website used by consumers to select ALFs.

The bill has an insignificant fiscal impact on the Agency for Health Care Administration. The bill has an effective date of July 1, 2013.

The bill substantially amends sections 394.4574, 400.0074, 400.0078, 429.07, 429.075, 429.14, 429.178, 429.19, 429.28, 429.34, and 429.52 of the Florida Statutes and creates two new unnumbered sections of the Florida Statutes.

II. Present Situation:

An ALF is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.^{5,6} A personal service is direct physical assistance with, or supervision of, the activities of daily living and the self-

¹ "Moratorium" means a prohibition on the acceptance of new clients. Section 408.803(10), F.S.

² The classes of violations can be found in s. 408.813, F.S.

³ Class III and class IV violations.

⁴ Background screening requirements are found in s. 408.809, F.S.

⁵ Section 429.02(5), F.S.

⁶ An ALF does not include an adult family-care home or a non-transient public lodging establishment.

administration of medication.⁷ Activities of daily living include: ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks.⁸

An ALF is required to provide care and services appropriate to the needs of the residents accepted for admission to the facility.⁹ The owner or facility administrator determines whether an individual is appropriate for admission to the facility based on a number of criteria.¹⁰ If a resident no longer meets the criteria for continued residency, or the facility is unable to meet the resident's needs, as determined by the facility administrator or health care provider, the resident must be discharged in accordance with the Resident Bill of Rights.¹¹

There are currently 3,036 licensed ALFs in Florida with 85,413 beds.¹² An ALF must have a standard license issued by AHCA, pursuant to part I of ch. 429, F.S., and part II of ch. 408, F.S. In addition to a standard license, an ALF may have one or more specialty licenses that allow the ALF to provide additional care. These specialty licenses include limited nursing services,¹³ limited mental health services,¹⁴ and extended congregate care services.¹⁵ There are 1,073 facilities with LNS licenses, 279 with ECC licenses, and 1,084 with LMH licenses.¹⁶

Limited Nursing Services Specialty License

An LNS specialty license enables an ALF to provide, directly or through contract, a select number of nursing services in addition to the personal services that are authorized under the standard license. The nursing services are limited to acts specified in administrative rules, may only be provided as authorized by a health care provider's order, and must be conducted and supervised in accordance with ch. 464, F.S., relating to nursing, and the prevailing standard of practice in the nursing community.

Extended Congregate Care Specialty License

The primary purpose of ECC services is to allow residents to remain in a familiar setting, as they become more impaired with physical or mental limitations. An ECC specialty license enables a facility to provide, directly or through contract, services performed by licensed nurses and supportive services¹⁷ to persons who otherwise would be disqualified from continued residence in an ALF.¹⁸ A facility licensed to provide ECC services may also admit an individual who

⁷ Section 429.02(16), F.S.

⁸ Section 429.02(1), F.S.

⁹ For specific minimum standards see Rule 58A-5.0182, F.A.C.

¹⁰ Section 429.26, F.S., and Rule 58A-5.0181, F.A.C.

¹¹ Section 429.28, F.S.

¹² Agency for Health Care Administration, information provided to Senate Children, Families, and Elder Affairs Committee February 4, 2013.

¹³ Section 429.07(3)(c), F.S.

¹⁴ Section 429.075, F.S.

¹⁵ Section 429.07(3)(b), F.S.

¹⁶ Agency for Health Care Administration, information provided to Senate Children, Families, and Elder Affairs Committee February 4, 2013.

¹⁷ Supportive services include social service needs, counseling, emotional support, networking, assistance with securing social and leisure services, shopping service, escort service, companionship, family support, information and referral, assistance in developing and implementing self-directed activities, and volunteer services. See Rule 58A-5.030(8)(a), F.A.C.

¹⁸ An ECC program may provide additional services, such as: total help with bathing, dressing, grooming, and toileting;

exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the ECC facility. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, a facility with an ECC license still may not serve residents who require 24-hour nursing supervision.¹⁹

Limited Mental Health Specialty License

An ALF that serves three or more mental health residents must obtain an LMH specialty license.²⁰ A mental health resident is an individual who receives social security disability income (SSDI) due to a mental disorder or supplemental security income (SSI) due to a mental disorder, and receives optional state supplementation (OSS).^{21,22} The DCF must ensure that a mental health resident is assessed and determined able to live in an ALF with an LMH license.²³

The administrator in a LMH facility must consult with a mental health resident and the resident's case manager to develop and help execute a community living support plan for the resident detailing the specific needs and services the resident requires.²⁴ The LMH licensee must also execute a cooperative agreement with the mental health care services provider. The cooperative agreement specifies, among other things, directions for the ALF accessing emergency and after-hours care for the mental health resident.

Department of Elder Affairs Rules

In addition to ch. 429, F.S., ALFs are also subject to regulation under Chapter 58A-5, Florida Administrative Code (F.A.C.). These rules are adopted by the Department of Elder Affairs (DOEA) in consultation with AHCA, DCF, and the Department of Health (DOH).²⁵ In June 2012, DOEA initiated a process of negotiated rulemaking to revise many of their rules regarding ALFs. After multiple meetings, a committee that consisted of agency staff, consumer advocates, and industry representatives voted on numerous changes to rule 58A-5. On November 28, 2012 DOEA issued a proposed rule and held three public hearings on the proposed rule. The public comment period for the proposed rule ended on December 21, 2012 and DOEA has not yet issued a final rule.²⁶

nursing assessments conducted more frequently than monthly; measuring and recoding basic vital functions and weight; dietary management; assisting with self-administered medications or administering medications and treatments pursuant to a health care provider's order; supervising residents with dementia and cognitive impairments; health education, counseling, and implementing health-promoting programs; rehabilitative services; and escort services related to health-related appointments. Section 429.07(3)(b), F.S., and Rule 58A-5.030, F.A.C.

¹⁹ Section 429.07(3)(b), F.S.

²⁰ Section 429.075, F.S.

²¹ Section 429.02(15), F.S.

²² Optional State Supplementation is a cash assistance program. Its purpose is to supplement a person's income to help pay for costs in an assisted living facility, mental health residential treatment facility, or adult family care home, but it is not a Medicaid program. Department of Elder Affairs, *Florida Affordable Assisted Living: Optional State Supplementation (OSS)*, available at: <http://elderaffairs.state.fl.us/faal/operator/statesupp.html> (Last visited on January 30, 2013).

²³ Section 394.4574, F.S., requires a mental health resident to be assessed by a psychiatrist, clinical psychologist, clinical social worker, psychiatric nurse, or an individual who is supervised by one of these professionals to determine whether it is appropriate for the person to reside in an ALF.

²⁴ Rule 58A-5.029(2)(c)3., F.A.C.

²⁵ Section 429.41(1), F.S.

²⁶ The DOEA rule, documents, and dates for the negotiated rulemaking can be found at:

ALF Staff Training

Administrators and Managers

Administrators and other ALF staff must meet minimum training and education requirements established by DOEA by rule.^{27,28} This training and education is intended to assist facilities to appropriately respond to the needs of residents, maintain resident care and facility standards, and meet licensure requirements.²⁹

The current ALF core training requirements established by DOEA consist of a minimum of 26 hours of training and the passing of a competency test. Administrators and managers must successfully complete the core training requirements within 3 months from the date of becoming a facility administrator or manager. The minimum passing score for the competency test is 75 percent.³⁰

Administrators and managers must participate in 12 hours of continuing education in topics related to assisted living every 2 years. A newly hired administrator or manager, who has successfully completed the ALF core training and continuing education requirements, is not required to retake the core training. An administrator or manager, who has successfully completed the core training but has not maintained the continuing education requirements, must retake the ALF core training and retake the competency test.³¹

Staff with Direct Care Responsibilities

Facility administrators or managers are required to provide or arrange for 6 hours of in-service training for facility staff who provide direct care to residents which covers various topics as mandated in rule.³² Staff training requirements must generally be met within 30 days of the staff beginning employment at the facility, however, staff must have at least 1 hour of infection control training before providing direct care to residents. Also, nurses, certified nursing assistants and home health aides who are on staff with an ALF are exempt from many of the training requirements. In addition to the standard 6 hours of in-service training, staff must also complete 1 hour of elopement training and 1 hour of training on do not resuscitate orders, and may have to complete training on special topics such as self administration of medication and persons with Alzheimer's disease, if applicable.

ECC Specific Training

The administrator and ECC supervisor, if different from the administrator, must complete 4 hours of initial training in extended congregate care prior to the facility's receiving its ECC license or within 3 months of beginning employment in the facility as an administrator or ECC supervisor. They must also complete a minimum of 4 hours of continuing education every 2

http://elderaffairs.state.fl.us/doea/alf_rulemaking.php (Last visited on Jan. 29, 2013).

²⁷ Rule 58A-5.0191, F.A.C.

²⁸ Many of the training requirements in rule may be subject to change due to the recent DOEA negotiated rulemaking process.

²⁹ Section 429.52(1), F.S.

³⁰ Administrators who have attended core training prior to July 1, 1997, and managers who attended the core training program prior to April 20, 1998, are not required to take the competency test. Administrators licensed as nursing home administrators in accordance with Part II of Chapter 468, F.S., are exempt from this requirement.

³¹ Rule 58A-5.0191, F.A.C.

³² See note 26.

years in topics relating to the physical, psychological, or social needs of frail elderly and disabled persons, or persons with Alzheimer's disease or related disorders.³³

All direct care staff providing care to residents in an ECC program must complete at least 2 hours of in-service training, provided by the facility administrator or ECC supervisor, within 6 months of beginning employment in the facility. The training must address ECC concepts and requirements, including statutory and rule requirements, and delivery of personal care and supportive services in an ECC facility.³⁴

LMH Specific Training

Administrators, managers, and staff, who have direct contact with mental health residents in a licensed LMH facility must receive a minimum of 6 hours of specialized training in working with individuals with mental health diagnoses and a minimum of 3 hours of continuing education dealing with mental health diagnoses or mental health treatment every 2 years.³⁵

Inspections and Surveys

AHCA is required to conduct a survey, investigation, or monitoring visit of an ALF:

- Prior to the issuance of a license.
- Prior to biennial renewal of a license.
- When there is a change of ownership.
- To monitor facilities licensed to provide LNS or ECC services, or facilities cited in the previous year for a class I or class II, or four or more uncorrected class III, violations.³⁶
- Upon receipt of an oral or written complaint of practices that threaten the health, safety, or welfare of residents.
- If AHCA has reason to believe a facility is violating a provision of part III of ch. 429, F.S., relating to adult day care centers, or an administrative rule.
- To determine if cited deficiencies have been corrected.
- To determine if a facility is operating without a license.³⁷

Abbreviated Surveys

An applicant for licensure renewal is eligible for an abbreviated biennial survey by AHCA if the applicant does not have any:

- Class I or class II violations or uncorrected class III violations.
- Confirmed long-term care ombudsman council complaints reported to AHCA by the council.
- Confirmed licensing complaints within the two licensing periods immediately preceding the current renewal date.³⁸

³³ Rule 58A-5.0191(7)(b), F.A.C.

³⁴ Rule 58A-5.0191(7)(c), F.A.C.

³⁵ Section 429.075, F.S. and Rule 58A-5.0191(8), F.A.C.

³⁶ See below information under subheading "Violations and Penalties" for a description of each class of violation.

³⁷ See s. 429.34, F.S., and Rule 58A-5.033, F.A.C.

³⁸ Rule 58A-5.033(2), F.A.C.

An abbreviated survey allows for a quicker and less intrusive survey by narrowing the range of items the agency must inspect.³⁹ AHCA must expand an abbreviated survey or conduct a full survey if violations which threaten or potentially threaten the health, safety, or security of residents are identified during an abbreviated survey.⁴⁰

Monitoring Visits

Facilities with LNS or ECC licenses are subject to monitoring visits by AHCA in which the agency inspects the facility for compliance with the requirements of the specialty license type. An LNS licensee is subject to monitoring inspections at least twice a year. At least one registered nurse must be included in the inspection team to monitor residents receiving LNS and to determine if the facility is complying with applicable regulatory requirements.⁴¹ An ECC licensee is subject to quarterly monitoring inspections. At least one registered nurse must be included in the inspection team. AHCA may waive one of the required yearly monitoring visits for an ECC facility that has been licensed for at least 24 months, if the registered nurse who participated in the monitoring inspections determines that the ECC services are being provided appropriately, and there are no serious violations or substantiated complaints about the quality of service or care.⁴²

Violations and Penalties

Part II of ch. 408, F.S., provides general licensure standards for all facilities regulated by AHCA. Under s. 408.813, F.S., ALFs may be subject to administrative fines imposed by AHCA for certain types of violations. Violations are categorized into four classes according to the nature of the violation and the gravity of its probable effect on residents.

- Class I violations are those conditions that AHCA determines present an imminent danger to residents or a substantial probability of death or serious physical or emotional harm. Examples include resident death due to medical neglect, risk of resident death due to inability to exit in an emergency, and the suicide of a mental health resident in an ALF licensed for Limited Mental Health. AHCA must fine a facility between \$5,000 and \$10,000 for each violation.
- Class II violations are those conditions that AHCA determines directly threaten the physical or emotional health, safety, or security of the clients. Examples include no qualified staff in the facility, the failure to call 911 in a timely manner for resident in a semi-comatose state, and rodents in food storage area. AHCA must fine a facility between \$1,000 and \$5,000 for each violation.
- Class III violations are those conditions that AHCA determines indirectly or potentially threaten the physical or emotional health, safety, or security of clients. Examples include missing or incomplete resident assessments, erroneous documentation of medication administration, and failure to correct unsatisfactory Department of Health Food Service inspection findings in a timely manner. AHCA must fine a facility between \$500 and \$1,000 for each violation, but no fine may be imposed if the facility corrects the violation.

³⁹ Rule 58A-5.033(2)(b)

⁴⁰ *Id.*

⁴¹ Section 429.07(3)(c), F.S.

⁴² Section 429.07(3)(b), F.S.

- Class IV violations are those conditions that do not have the potential of negatively affecting clients. Examples include failure to file an adverse incident report, incorrect phone numbers posted for advocacy resources, and failure to post current menus. AHCA can only fine a facility (between \$100 and \$200 for each violation) if the problem is not corrected.^{43,44}

In addition to financial penalties, AHCA can take other actions against a facility. AHCA may deny, revoke, and suspend any license for any of the actions listed in s. 429.14(1)(a)-(k), F.S. AHCA is required to deny or revoke the license of an ALF that has two or more class I violations that are similar to violations identified during a survey, inspection, monitoring visit, or complaint investigation occurring within the previous 2 years.⁴⁵ AHCA may also impose an immediate moratorium or emergency suspension on any provider if it determines that any condition that presents a threat to the health, safety, or welfare of a client.⁴⁶ AHCA is required to publicly post notification of a license suspension or revocation, or denial of a license renewal, at the facility.⁴⁷ Finally, Florida's Criminal Code, under ch. 825, F.S., provides criminal penalties for the abuse, neglect, and exploitation of elderly persons⁴⁸ and disabled adults.⁴⁹

Central Abuse Hotline

The DCF is required under s. 415.103, F.S., to establish and maintain a central abuse hotline to receive reports, in writing or through a single statewide toll-free telephone number, of known or suspected abuse, neglect, or exploitation of a vulnerable adult⁵⁰ at any hour of the day or night, any day of the week.⁵¹ Persons listed in s. 415.1034, F.S., who know, or have reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited are required to immediately report such knowledge or suspicion to the central abuse hotline.⁵²

⁴³ When fixing the amount of the fine, AHCA must consider the following factors: the gravity of the violation and the extent to which any laws or rules were violated, actions taken to correct the violations, any previous violations, the financial benefit of committing or continuing the violation, and the licensed capacity of the facility. Section 429.19(3), F.S.

⁴⁴ Section 429.19(2), F.S.

⁴⁵ Section 429.14(4), F.S.

⁴⁶ Section 408.814, F.S.

⁴⁷ Section 429.14(7), F.S.

⁴⁸ "Elderly person" means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunction, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired. Section 825.101(5), F.S. It does not constitute a defense to a prosecution for any violation of this chapter that the accused did not know the age of the victim. Section 825.104, F.S.

⁴⁹ "Disabled adult" means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living. Section 825.101(4), F.S.

⁵⁰ "Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging. Section 415.102(27), F.S.

⁵¹ The central abuse hotline is operated by DCF to: accept reports for investigation when there is a reasonable cause to suspect that a vulnerable adult has been or is being abused, neglected, or exploited; determine whether the allegations require an immediate, 24-hour, or next-working-day response priority; when appropriate, refer calls that do not allege the abuse, neglect, or exploitation of a vulnerable adult to other organizations that might better resolve the reporter's concerns; immediately identify and locate prior reports of abuse, neglect, or exploitation through the central abuse hotline; Section 415.103(1), F.S.

⁵² Section 415.1034, F.S.

Florida's Long-Term Care Ombudsman Program

The federal Older Americans Act (OAA) requires each state to create a Long-Term Care Ombudsman Program to be eligible to receive funding associated with programs under the OAA.⁵³ In Florida, the program is a statewide, volunteer-based system of district councils that protect, defend, and advocate on behalf of long-term care facility residents, including residents of nursing homes, ALFs, and adult family-care homes. The ombudsman program is administratively housed in the DOEA and is headed by the State Long-Term Care Ombudsman, who is appointed by the Secretary of Elderly Affairs.⁵⁴ The ombudsman program is required to establish a statewide toll-free telephone number for receiving complaints concerning matters adversely affecting the health, safety, welfare, or rights of residents of ALFs, nursing homes, and adult family care homes. Every resident or representative of a resident must receive, upon admission to a long-term care facility, information regarding the program and the statewide toll-free telephone number for receiving complaints.⁵⁵ The names or identities of the complainants or residents involved in a complaint, including any problem identified by an ombudsman council as a result of an investigation, are confidential and exempt from Florida's public records laws, unless the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure, or the disclosure is required by court order.⁵⁶ In addition to investigating and resolving complaints, ombudsmen conduct unannounced visits to assess the quality of care in facilities, referred to as administrative assessments.

The Miami Herald Articles and the Governor's Assisted Living Workgroup

Beginning on April 30, 2011, the Miami Herald published a four-part series, titled "Neglected to Death," which detailed abuses occurring in ALFs and the state regulatory responses to such cases. The paper spent a year examining thousands of state inspections, police reports, court cases, autopsy files, e-mails, and death certificates and conducting dozens of interviews with operators and residents throughout Florida. The series detailed examples of abuses, neglect, and even death that took place in facilities.⁵⁷ The series also criticized the state's regulatory and law enforcement agencies' responses to the problems. The paper concluded that the state's agencies, and in particular AHCA, failed enforce existing laws designed to protect Florida's citizens who reside in ALFs.⁵⁸

Soon after the Miami Herald series, Governor Rick Scott vetoed HB 4045,⁵⁹ which reduced requirements relating to ALFs. The Governor then directed AHCA to form a task force for the

⁵³ 42 U.S.C. 3058. *See also* s. 400.0061(1), F.S.

⁵⁴ Section 400.0063, F.S.

⁵⁵ Section 400.0078, F.S.

⁵⁶ Section 400.0077(1)(b), F.S.

⁵⁷ The Miami Herald, *Neglected to Death, Parts 1-3*, available at: <http://www.miamiherald.com/2011/04/30/2194842/once-pride-of-florida-now-scenes.html> and <http://www.miamiherald.com/2011/05/03/2199747/key-medical-logs-doctored-missing.html> (Last visited on January 31, 2013) (see left side of article to access weblinks to the three-part series).

⁵⁸ *Id.*

⁵⁹ HB 4045 (2011) repealed a requirement for the annual dissemination of a list of ALFs that had been sanctioned or fined, a requirement for an ALF to report monthly any liability claims filed against it, a requirement to disseminate the results of the inspection of each ALF, provisions concerning rule promulgation for ALFs by the DOEA, provisions concerning the collection of information regarding the cost of care in ALFs, and the authority for local governments or organizations to contribute to the cost of care of local facility residents.

purpose of examining current assisted living regulations and oversight.⁶⁰ The task force, referred to as the Assisted Living Workgroup, held meetings and produced two reports, one in August of 2011 and one in October of 2012. In addition to public testimony and presentations, the Assisted Living Workgroup focused on assisted living regulation, consumer information and choice, and long term care services and access.⁶¹ The workgroup made numerous recommendations in its two reports.⁶²

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 394.4574, F.S., to clarify that Medicaid prepaid behavioral health plans are responsible for enrolled state supported mental health residents and that managing entities under contract with DCF are responsible for such residents who are not enrolled with a Medicaid prepaid behavioral health plan. This section requires a mental health resident's community living support plan to be updated when there is a significant change to the resident's behavioral health status. The resident's case manager must keep a 2-year record of any face-to-face interaction with the resident. Finally, this section charges the entity responsible for a mental health resident to ensure that there is adequate and consistent monitoring of the community living support plan and to report any concerns about a regulated provider failing to provide services or otherwise acting in a manner with the potential to cause harm to the resident.

Section 2 of the bill amends s. 400.0074, F.S., to require the Long-Term Care Ombudsman Program's administrative assessments of ALFs be comprehensive in nature. This section also requires ombudsmen to conduct an exit interview with the facility to discuss issues and concerns from the visit.

Section 3 of the bill amends s. 400.0078, F.S., to require that ALFs provide information to new residents upon admission to the facility about the confidentiality of the subject matter of a complaint to the Long-Term Care Ombudsman and the confidentiality of the complainant's name and identity.

Section 4 of the bill amends s. 429.07, F.S., to make changes to improve the regulation of facilities with ECC and LNS specialty licenses. These changes include:

- Requiring that an ALF be licensed for 2 or more years before being issued a full ECC license.
- Creating a provisional ECC license for ALFs that have been licensed for less than 2 years. The provisional license lasts for a period of 6 months. The facility must inform AHCA when it has admitted one or more residents requiring ECC services. After the facility admits one or more ECC residents, AHCA must inspect the facility for compliance with the requirements of the ECC license. If the licensee demonstrates compliance with the requirements of an ECC license, AHCA must grant the facility a full ECC license. If the licensee fails to demonstrate compliance with the requirements of an ECC license, the licensee must immediately suspend ECC services.

⁶⁰ The task force is now referred to as the "Assisted Living Workgroup." Membership details of the task force are available at <http://ahca.myflorida.com/SCHS/CommitteesCouncils/ALWG/wgmembers.shtml> (Last visited on January 31, 2013)

⁶¹ Agency For Health Care Administration, Assisted Living Workgroup, *Final Report And Recommendations*, available at: <http://ahca.myflorida.com/SCHS/ALWG2011/alwg2011.shtml> (Last visited on January 31, 2013).

⁶² *Id.*

- Reducing monitoring visits for facilities with ECC licenses from quarterly to twice a year, and for facilities with LNS licenses from twice a year to once a year.
- Clarifying under what circumstances AHCA may waive one of the required monitoring visits for facilities with ECC licenses and also allowing AHCA to waive the required monitoring visit for facilities with an LNS license under the same conditions.
- Clarifying under what circumstances AHCA may deny or revoke a facility's ECC license.

Section 5 of the bill amends s. 429.075, F.S., to require facilities with one or more state supported mentally ill residents to obtain a LMH license. This will expand the protections and services to all state supported mentally ill residents in ALFs.

Section 6 of the bill amends s. 429.14, F.S., to clarify the use of administrative penalties, to:

- Requires AHCA to revoke or deny a facility's license when a staff member of the facility commits an intentional act that seriously affects the health, safety, or welfare of a resident.
- Allow AHCA to revoke, rather than just deny, a license for a facility with a controlling interest that has, or had, a 25% or greater financial or ownership interest in a second facility that closed due to financial inability to operate or was the subject of other specified administrative sanctions.
- Add additional criteria under which AHCA must deny or revoke a facility's license.
- Cause AHCA to impose an immediate moratorium on a facility that fails to provide AHCA with access to the facility, prohibits a regulatory inspection, denies access to records, or prohibits the confidential interview of facility staff or residents.

Section 7 of the bill amends s. 429.178, F.S., to make technical changes and to conform with changes this section to other parts of the bill.

Section 8 of the bill amends s. 429.19, F.S., relating to the impositions of fines in order to reduce the discretion of AHCA and to make such penalties more predictable. Specifically, the bill would:

- Fix the dollar amount for fines at \$7,500 for class I violations, \$3,000 for class II violations, \$750 for class III violations, and \$225 for class IV violations. This is the midpoint of the current ranges for fines in current law.
- Multiply fines amounts by 1.5 times for facilities licensed for 100 or more beds.
- Allow AHCA to impose a fine on a facility for a class I violation, even if the facility corrects the violation before AHCA conducts an investigation. Facilities can still challenge such fines through an administrative hearing pursuant to Chapter 120, F.S.
- Double the fines for facilities with repeat class I and class II violations.
- Impose a fine on facilities with repeat class III and class IV violations, regardless of correction. Current law, that prohibits AHCA from assessing fines for corrected class III and IV violations continues for the first survey finding such violations.
- Double the fines for class III or class IV violations if a facility is cited for three or more such violations, stemming from the same regulation, over the course of three licensure inspections.
- Create a fine of \$500 for failure to comply with background screening requirements. This fine will take the place of fines assessed based on the class of the violation.

Section 9 of the bill amends s. 429.28, F.S., to require the posted notice of a resident's rights, obligations, prohibitions, to specify that complaints ombudsman program, as well as the names and identities of the complainant and any residents involved, are confidential. This section also creates a fine of \$2,500 which is imposed if a facility cannot show good cause in state court for terminating the residency of an individual.

Section 10 amends s. 429.34, F.S., to require certain state officials, such as Medicaid Fraud investigators, staff from the Attorney General's Office, and state or local fire marshals to report to the DCF central abuse hotline any knowledge or reasonable suspicion that a vulnerable adult has been or is being abused, neglected, or exploited. The bill provides that a facility with one or more class I violations, two or more class II violations cited within 60 days, or two or more unrelated class II violations cited during one survey be subject to an additional inspection within 6 months. The licensee must pay a fee to AHCA to cover the cost of the additional inspection.

Section 11 of the bill amends s. 429.52, F.S., to require that a facility provide a 2 hour preservice orientation for new facility employees who have not previously completed core training. The preservice orientation must cover topics that help the employee provide responsible care and respond to the needs of the residents. The employee and the facility's administrator must sign an affidavit that the employee completed the orientation and the facility must keep the affidavit in the employee's work file.

Section 12 of the bill creates a new, unnumbered section of the Florida Statutes which requires AHCA to conduct a study of inter-surveyor reliability to determine if different surveyors consistently apply licensure standards. AHCA must report its findings and make recommendations to the Governor, the President of the Senate, and the Speaker of the House by November 1, 2013.

Section 13 of the bill creates a new, unnumbered section of the Florida Statutes which finds that consumers need additional information in order to select an ALF. To facilitate this, the bill requires AHCA to propose a rating system for ALFs. AHCA must submit the proposal to the Governor, the President of the Senate, and the Speaker of the House by November 1, 2013. This section also requires AHCA to create a consumer guide website with information on ALFs and a monitored comment section to be available by January 1, 2014. The purpose of the comments are to better inform consumers of the quality and care of services in ALFs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The bill requires AHCA to conduct a new survey of facilities within 6 months of finding a Class I or two or more Class II violations. AHCA must assess a fee on the facility for the cost of the survey as is the case in other surveys. Facilities with serious violations that require this additional survey will pay this additional fee. It should be noted that according to AHCA, current fees and fines from assisted living facilities do not cover the cost of regulating such facilities statewide.

B. Private Sector Impact:

Facilities would see more consistent regulation and more predictable penalties under the bill. The bill revises fines used to sanction facilities with violations, but such fines can still be challenged and settled through Chapter 120, F.S. Facilities with fewer than 100 beds with Class I violations will now be assessed a fine of \$7,500 (current law allows the fine to be between \$5,000 and \$10,000). Some facilities will see a reduction in their fine, while other will see an increase. The range for fines for Class II, III, and IV violations are replaced with an amount equal to the midpoint of the range. Fines for facilities with 100 beds or more will see higher fines. This will help resolve an inequity in penalties whereby small facilities can pay the same fine amount as larger facilities.

Facilities that remove residents without cause, as determined by a state court, would be assessed a fine of \$2,500. Facilities would also be assessed a fine for Class I violations even if they are corrected when AHCA visits the facility. Facilities violating the background screening requirements would be levied a fine of \$500. Currently, facilities are cited for a Class II or III violation for not screening the background of facility staff so the fine amount can vary. All fines are subject to challenge through an administrative hearing under Chapter 120, F.S. This due process is retained under the bill.

Facilities would be required to provide new employees that have not already gone through the ALF core training program with a two hour pre-service training session before they work with residents. The cost of this training is not expected to be significant and in many cases is already provided.

Facilities with specialty licenses that meet licensure standards would see fewer monitoring visits from the AHCA. This will positively impact the facilities as they will have less interruption of staff time due to such visits.

Facilities with any state supported mentally ill residents would have to meet limited mental health licensure requirements with one or more residents. Facilities with one or two state supported mentally ill residents that do not meet these requirements may see increased costs to comply. Some facilities with one or two such residents however, may already meet the requirements for a limited mental health license.

Facilities with significant uncorrected violations would be more likely to see their licenses suspended or revoked under the bill. Closing facilities with significant problems would improve the public's assessment of ALFs and could improve the financial success of those facilities that meet licensure standards.

C. Government Sector Impact:

The bill would have an insignificant fiscal impact on AHCA. Specifically, the bill rearranges the regulatory efforts of the agency. The additional six month survey for problem facilities will increase the work of AHCA surveyors, while the reduction in monitoring visits for facilities with specialty licenses will reduce the workload. The bill requires the agency to redesign its existing website for health care facilities. The redesigned website must provide regulatory information in an understandable way and allow for the posting of comments from the public on assisted living facilities. The agency will have to monitor comments for profanity prior to posting to the redesigned website. The costs of these requirements would be insignificant.

AHCA and DOEA may have to revise their rules regulating assisted living facilities. The bill requires AHCA to study the extent to which surveyors are consistent. The bill requires AHCA to propose a rating system for assisted living facilities that would help consumers in selecting a facility. The cost of these requirements would be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



760130

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2013	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Hays) recommended the following:

Senate Amendment

Delete lines 264 - 268
and insert:
residence in a facility licensed under this part. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined



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13 appropriate for admission to the extended congregate care
14 facility.
15

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
 2 An act relating to assisted living facilities;
 3 amending s. 394.4574, F.S.; providing that Medicaid
 4 prepaid behavioral health plans are responsible for
 5 enrolled mental health residents; providing that
 6 managing entities under contract with the Department
 7 of Children and Families are responsible for mental
 8 health residents who are not enrolled with a Medicaid
 9 prepaid behavioral health plan; deleting a provision
 10 to conform to changes made by the act; requiring the
 11 community living support plan to be updated when there
 12 is a significant change to the mental health
 13 resident's behavioral health; requiring the case
 14 manager assigned to a mental health resident of an
 15 assisted living facility that holds a limited mental
 16 health license to keep a record of the date and time
 17 of face-to-face interactions with the resident and to
 18 make the record available to the responsible entity
 19 for inspection; requiring that the record be
 20 maintained for a specified time; requiring the
 21 responsible entity to ensure that there is adequate
 22 and consistent monitoring and enforcement of community
 23 living support plans and cooperative agreements and
 24 that concerns are reported to the appropriate
 25 regulatory oversight organization under certain
 26 circumstances; amending s. 400.0074, F.S.; providing
 27 that an administrative assessment conducted by a local
 28 council be comprehensive in nature and focus on
 29 factors affecting the rights, health, safety, and

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30 welfare of the residents of a nursing home; requiring
 31 a local council to conduct an exit consultation with
 32 the facility administrator or administrator designee
 33 to discuss issues and concerns and make
 34 recommendations for improvement; amending s. 400.0078,
 35 F.S.; requiring that residents of long-term care
 36 facilities be informed about the confidentiality of
 37 the subject matter and identity of the complainant of
 38 a complaint received by the State Long-Term Care
 39 Ombudsman Program; amending s. 429.07, F.S.; providing
 40 that an extended congregate care license is issued to
 41 certain facilities that have been licensed as assisted
 42 living facilities under certain circumstances;
 43 providing the purpose of an extended congregate care
 44 license; providing that the initial extended
 45 congregate care license of an assisted living facility
 46 is provisional under certain circumstances; requiring
 47 the licensee to notify the Agency for Health Care
 48 Administration whenever it accepts a resident who
 49 qualifies for extended congregate care services;
 50 requiring the agency to inspect the facility for
 51 compliance with the requirements of an extended
 52 congregate care license; authorizing the agency to
 53 waive one of the required yearly monitoring visits
 54 under certain circumstances; authorizing the agency to
 55 deny or revoke a facility's extended congregate care
 56 license for certain reasons or on certain grounds;
 57 requiring a registered nurse representing the agency
 58 to visit the facility at least annually, rather than

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59 twice a year, to monitor residents who are receiving
 60 limited nursing services; providing that the agency's
 61 monitoring visits may be in conjunction with other
 62 agency inspections; authorizing the agency to waive
 63 one of the required yearly monitoring visits for
 64 certain facilities; amending s. 429.075, F.S.;
 65 requiring an assisted living facility that serves one
 66 or more mental health residents to obtain a limited
 67 mental health license; amending s. 429.14, F.S.;
 68 authorizing the agency to deny, revoke, or suspend a
 69 license of an assisted living facility for a negligent
 70 act of any facility staff which seriously affects the
 71 health, safety, or welfare of a resident; requiring
 72 the agency to deny or revoke the license of an
 73 assisted living facility under certain circumstances;
 74 requiring the agency to impose an immediate moratorium
 75 on the license of an assisted living facility under
 76 certain circumstances; deleting a provision requiring
 77 the agency to provide a list of facilities with
 78 denied, suspended, or revoked licenses to the
 79 Department of Business and Professional Regulation;
 80 amending s. 429.178, F.S.; conforming cross-
 81 references; amending s. 429.19, F.S.; revising the
 82 amounts and uses of administrative fines; requiring
 83 the agency to levy a fine for violations that are
 84 corrected before an inspection if noncompliance
 85 occurred within a specified period of time; deleting
 86 factors that the agency is required to consider to
 87 determine penalties and fines; amending s. 429.28,

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88 F.S.; requiring residents of facilities to be informed
 89 about the confidentiality of the subject matter and
 90 identity of the resident and complainant of a
 91 complaint made to the State Long-Term Care Ombudsman
 92 Program; providing that a facility that terminates an
 93 individual's residency is fined if good cause is not
 94 shown in court; amending s. 429.34, F.S.; requiring
 95 certain persons to report elder abuse in assisted
 96 living facilities; requiring the agency to regularly
 97 inspect every licensed assisted living facility;
 98 requiring the agency to conduct more frequent
 99 inspections under certain circumstances; requiring the
 100 licensee to pay a fee for the cost of additional
 101 inspections; requiring the agency to adjust the fee;
 102 amending s. 429.52, F.S.; requiring each newly hired
 103 employee of an assisted living facility to attend a
 104 preservice orientation provided by the assisted living
 105 facility; requiring the employee and administrator to
 106 sign an affidavit upon completion of the preservice
 107 orientation; requiring the assisted living facility to
 108 maintain the signed affidavit in each employee's work
 109 file; conforming a cross-reference; requiring the
 110 Agency for Health Care Administration to study the
 111 reliability of facility surveys and submit to the
 112 Governor and the Legislature its findings and
 113 recommendations; requiring the agency to propose a
 114 rating system of assisted living facilities for
 115 consumers and create content for the agency's website
 116 that makes available to consumers information

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117 regarding assisted living facilities; providing
118 criteria for the content; providing an effective date.

119
120 Be It Enacted by the Legislature of the State of Florida:

121
122 Section 1. Section 394.4574, Florida Statutes, is amended
123 to read:

124 394.4574 ~~Department~~ Responsibilities for coordination of
125 services for a mental health resident who resides in an assisted
126 living facility that holds a limited mental health license.-

127 (1) As used in this section, the term "mental health
128 resident" "mental health resident," for purposes of this
129 ~~section,~~ means an individual who receives social security
130 disability income due to a mental disorder as determined by the
131 Social Security Administration or receives supplemental security
132 income due to a mental disorder as determined by the Social
133 Security Administration and receives optional state
134 supplementation.

135 (2) Medicaid prepaid behavioral health plans are
136 responsible for enrolled mental health residents, and managing
137 entities under contract with the department are responsible for
138 mental health residents who are not enrolled with a Medicaid
139 prepaid behavioral health plan. Each responsible entity shall
140 ~~The department must~~ ensure that:

141 (a) A mental health resident has been assessed by a
142 psychiatrist, clinical psychologist, clinical social worker, or
143 psychiatric nurse, or an individual who is supervised by one of
144 these professionals, and determined to be appropriate to reside
145 in an assisted living facility. The documentation must be

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146 provided to the administrator of the facility within 30 days
147 after the mental health resident has been admitted to the
148 facility. An evaluation completed upon discharge from a state
149 mental hospital meets the requirements of this subsection
150 related to appropriateness for placement as a mental health
151 resident if it was completed within 90 days before ~~prior to~~
152 admission to the facility.

153 (b) A cooperative agreement, as required in s. 429.075, is
154 developed between the mental health care services provider that
155 serves a mental health resident and the administrator of the
156 assisted living facility with a limited mental health license in
157 which the mental health resident is living. ~~Any entity that~~
158 ~~provides Medicaid prepaid health plan services shall ensure the~~
159 ~~appropriate coordination of health care services with an~~
160 ~~assisted living facility in cases where a Medicaid recipient is~~
161 ~~both a member of the entity's prepaid health plan and a resident~~
162 ~~of the assisted living facility. If the entity is at risk for~~
163 ~~Medicaid targeted case management and behavioral health~~
164 ~~services, the entity shall inform the assisted living facility~~
165 ~~of the procedures to follow should an emergent condition arise.~~

166 (c) The community living support plan, as defined in s.
167 429.02, has been prepared by a mental health resident and a
168 mental health case manager of that resident in consultation with
169 the administrator of the facility or the administrator's
170 designee. The plan must be provided to the administrator of the
171 assisted living facility with a limited mental health license in
172 which the mental health resident lives. The support plan and the
173 agreement may be in one document.

174 (d) The assisted living facility with a limited mental

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175 health license is provided with documentation that the
176 individual meets the definition of a mental health resident.

177 (e) The mental health services provider assigns a case
178 manager to each mental health resident for whom the entity is
179 responsible who lives in an assisted living facility with a
180 limited mental health license. The case manager is responsible
181 for coordinating the development of and implementation of the
182 community living support plan defined in s. 429.02. The plan
183 must be updated at least annually, or when there is a
184 significant change to the resident's behavioral health status,
185 such as an inpatient admission or a change in behavioral status,
186 medications, level of service, or residence. Each case manager
187 shall keep a record of the date and time of any face-to-face
188 interaction with the resident and make the record available to
189 the responsible entity for inspection. The record must be
190 retained for at least 2 years after the date of the most recent
191 interaction.

192 (f) Adequate and consistent monitoring and enforcement of
193 community living support plans and cooperative agreements are
194 conducted by the resident's case manager.

195 (g) Concerns are reported to the appropriate regulatory
196 oversight organization if a regulated provider fails to deliver
197 appropriate services or otherwise acts in a manner that has the
198 potential to result in harm to the resident.

199 (3) The Secretary of Children and Family Services, in
200 consultation with the Agency for Health Care Administration,
201 shall ~~annually~~ require each district administrator to develop,
202 with community input, a detailed annual plan that demonstrates
203 detailed plans that demonstrate how the district will ensure the

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204 provision of state-funded mental health and substance abuse
205 treatment services to residents of assisted living facilities
206 that hold a limited mental health license. These plans must be
207 consistent with the substance abuse and mental health district
208 plan developed pursuant to s. 394.75 and must address case
209 management services; access to consumer-operated drop-in
210 centers; access to services during evenings, weekends, and
211 holidays; supervision of the clinical needs of the residents;
212 and access to emergency psychiatric care.

213 Section 2. Subsection (1) of section 400.0074, Florida
214 Statutes, is amended, and paragraph (h) is added to subsection
215 (2) of that section, to read:

216 400.0074 Local ombudsman council onsite administrative
217 assessments.—

218 (1) In addition to any specific investigation conducted
219 pursuant to a complaint, the local council shall conduct, at
220 least annually, an onsite administrative assessment of each
221 nursing home, assisted living facility, and adult family-care
222 home within its jurisdiction. This administrative assessment
223 must be comprehensive in nature and must ~~shall~~ focus on factors
224 affecting the rights, health, safety, and welfare of the
225 residents. Each local council is encouraged to conduct a similar
226 onsite administrative assessment of each additional long-term
227 care facility within its jurisdiction.

228 (2) An onsite administrative assessment conducted by a
229 local council shall be subject to the following conditions:

230 (h) The local council shall conduct an exit consultation
231 with the facility administrator or administrator designee to
232 discuss issues and concerns and make recommendations for

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233 improvement, if any.

234 Section 3. Subsection (2) of section 400.0078, Florida
 235 Statutes, is amended to read:
 236 400.0078 Citizen access to State Long-Term Care Ombudsman
 237 Program services.—

238 ~~(2) Every resident or representative of a resident shall~~
 239 ~~receive,~~ Upon admission to a long-term care facility, each
 240 resident or representative of a resident must receive
 241 information regarding the purpose of the State Long-Term Care
 242 Ombudsman Program, the statewide toll-free telephone number for
 243 receiving complaints, the confidentiality of the subject matter
 244 of a complaint and the complainant's name and identity, and
 245 other relevant information regarding how to contact the program.
 246 Residents or their representatives must be furnished additional
 247 copies of this information upon request.

248 Section 4. Paragraphs (b) and (c) of subsection (3) of
 249 section 429.07, Florida Statutes, are amended to read:

250 429.07 License required; fee.—

251 (3) In addition to the requirements of s. 408.806, each
 252 license granted by the agency must state the type of care for
 253 which the license is granted. Licenses shall be issued for one
 254 or more of the following categories of care: standard, extended
 255 congregate care, limited nursing services, or limited mental
 256 health.

257 (b) An extended congregate care license shall be issued to
 258 facilities that have been licensed as assisted living facilities
 259 for 2 or more years and that provide ~~providing~~, directly or
 260 through contract, services beyond those authorized in paragraph
 261 (a), including services performed by persons licensed under part

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262 I of chapter 464 and supportive services, as defined by rule, to
 263 persons who would otherwise be disqualified from continued
 264 residence in a facility licensed under this part. The purpose of
 265 an extended congregate care license is to enable residents to
 266 age in place in a residential environment despite mental or
 267 physical limitations that might otherwise disqualify them from
 268 residency in a facility licensed under this part.

269 1. In order for extended congregate care services to be
 270 provided, the agency must first determine that all requirements
 271 established in law and rule are met and must specifically
 272 designate, on the facility's license, that such services may be
 273 provided and whether the designation applies to all or part of
 274 the facility. Such designation may be made at the time of
 275 initial licensure or relicensure, or upon request in writing by
 276 a licensee under this part and part II of chapter 408. The
 277 notification of approval or the denial of the request shall be
 278 made in accordance with part II of chapter 408. Existing
 279 facilities qualifying to provide extended congregate care
 280 services must have maintained a standard license and may not
 281 have been subject to administrative sanctions during the
 282 previous 2 years, or since initial licensure if the facility has
 283 been licensed for less than 2 years, for any of the following
 284 reasons:

- 285 a. A class I or class II violation;
- 286 b. Three or more repeat or recurring class III violations
 287 of identical or similar resident care standards from which a
 288 pattern of noncompliance is found by the agency;
- 289 c. Three or more class III violations that were not
 290 corrected in accordance with the corrective action plan approved

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291 by the agency;

292 d. Violation of resident care standards which results in
293 requiring the facility to employ the services of a consultant
294 pharmacist or consultant dietitian;

295 e. Denial, suspension, or revocation of a license for
296 another facility licensed under this part in which the applicant
297 for an extended congregate care license has at least 25 percent
298 ownership interest; or

299 f. Imposition of a moratorium pursuant to this part or part
300 II of chapter 408 or initiation of injunctive proceedings.

301 2. If an assisted living facility has been licensed for
302 less than 2 years, the initial extended congregate care license
303 must be provisional and may not exceed 6 months. Within the
304 first 3 months after the provisional license is issued, the
305 licensee shall notify the agency when it has admitted an
306 extended congregate care resident, after which an unannounced
307 inspection shall be made to determine compliance with
308 requirements of an extended congregate care license. If the
309 licensee demonstrates compliance with all of the requirements of
310 an extended congregate care license during the inspection, the
311 licensee shall be issued an extended congregate care license. In
312 addition to sanctions authorized under this part, if violations
313 are found during the inspection and the licensee fails to
314 demonstrate compliance with all assisted living requirements
315 during a followup inspection, the licensee shall immediately
316 suspend extended congregate care services, and the provisional
317 extended congregate care license expires.

318 ~~3.2-~~ A facility that is licensed to provide extended
319 congregate care services shall maintain a written progress

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320 report on each person who receives services which describes the
321 type, amount, duration, scope, and outcome of services that are
322 rendered and the general status of the resident's health. A
323 registered nurse, or appropriate designee, representing the
324 agency shall visit the facility at least twice a year quarterly
325 to monitor residents who are receiving extended congregate care
326 services and to determine if the facility is in compliance with
327 this part, part II of chapter 408, and relevant rules. One of
328 the visits may be in conjunction with the regular survey. The
329 monitoring visits may be provided through contractual
330 arrangements with appropriate community agencies. A registered
331 nurse shall serve as part of the team that inspects the
332 facility. The agency may waive one of the required yearly
333 monitoring visits for a facility ~~that has been licensed for at~~
334 ~~least 24 months to provide extended congregate care services,~~
335 ~~if, during the inspection, the registered nurse determines that~~
336 ~~extended congregate care services are being provided~~
337 ~~appropriately, and if the facility has held an extended~~
338 ~~congregate care license during the last 24 months, has had no~~
339 ~~class I or class II violations, has had and no uncorrected class~~
340 ~~III violations, and has had no confirmed ombudsman council~~
341 ~~complaints that resulted in a citation for licensure. The agency~~
342 ~~must first consult with the long-term care ombudsman council for~~
343 ~~the area in which the facility is located to determine if any~~
344 ~~complaints have been made and substantiated about the quality of~~
345 ~~services or care. The agency may not waive one of the required~~
346 ~~yearly monitoring visits if complaints have been made and~~
347 ~~substantiated.~~

348 ~~4.3-~~ A facility that is licensed to provide extended

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349 congregate care services must:

- 350 a. Demonstrate the capability to meet unanticipated
351 resident service needs.
- 352 b. Offer a physical environment that promotes a homelike
353 setting, provides for resident privacy, promotes resident
354 independence, and allows sufficient congregate space as defined
355 by rule.
- 356 c. Have sufficient staff available, taking into account the
357 physical plant and firesafety features of the building, to
358 assist with the evacuation of residents in an emergency.
- 359 d. Adopt and follow policies and procedures that maximize
360 resident independence, dignity, choice, and decisionmaking to
361 permit residents to age in place, so that moves due to changes
362 in functional status are minimized or avoided.
- 363 e. Allow residents or, if applicable, a resident's
364 representative, designee, surrogate, guardian, or attorney in
365 fact to make a variety of personal choices, participate in
366 developing service plans, and share responsibility in
367 decisionmaking.
- 368 f. Implement the concept of managed risk.
- 369 g. Provide, directly or through contract, the services of a
370 person licensed under part I of chapter 464.
- 371 h. In addition to the training mandated in s. 429.52,
372 provide specialized training as defined by rule for facility
373 staff.
- 374 ~~5.4-~~ A facility that is licensed to provide extended
375 congregate care services is exempt from the criteria for
376 continued residency set forth in rules adopted under s. 429.41.
377 A licensed facility must adopt its own requirements within

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378 guidelines for continued residency set forth by rule. However,
379 the facility may not serve residents who require 24-hour nursing
380 supervision. A licensed facility that provides extended
381 congregate care services must also provide each resident with a
382 written copy of facility policies governing admission and
383 retention.

384 ~~5. The primary purpose of extended congregate care services~~
385 ~~is to allow residents, as they become more impaired, the option~~
386 ~~of remaining in a familiar setting from which they would~~
387 ~~otherwise be disqualified for continued residency. A facility~~
388 ~~licensed to provide extended congregate care services may also~~
389 ~~admit an individual who exceeds the admission criteria for a~~
390 ~~facility with a standard license, if the individual is~~
391 ~~determined appropriate for admission to the extended congregate~~
392 ~~care facility.~~

393 6. Before the admission of an individual to a facility
394 licensed to provide extended congregate care services, the
395 individual must undergo a medical examination as provided in s.
396 429.26(4) and the facility must develop a preliminary service
397 plan for the individual.

398 7. If ~~When~~ a facility can no longer provide or arrange for
399 services in accordance with the resident's service plan and
400 needs and the facility's policy, the facility must ~~shall~~ make
401 arrangements for relocating the person in accordance with s.
402 429.28(1)(k).

403 ~~8. Failure to provide extended congregate care services may~~
404 ~~result in denial of extended congregate care license renewal.~~

405 The agency may deny or revoke a facility's extended congregate
406

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407 care license for not meeting the standards of an extended
 408 congregate care license or for any of the grounds listed in this
 409 subsection.

410 (c) A limited nursing services license shall be issued to a
 411 facility that provides services beyond those authorized in
 412 paragraph (a) and as specified in this paragraph.

413 1. In order for limited nursing services to be provided in
 414 a facility licensed under this part, the agency must first
 415 determine that all requirements established in law and rule are
 416 met and must specifically designate, on the facility's license,
 417 that such services may be provided. Such designation may be made
 418 at the time of initial licensure or licensure renewal
 419 ~~relicensure~~, or upon request in writing by a licensee under this
 420 part and part II of chapter 408. Notification of approval or
 421 denial of such request shall be made in accordance with part II
 422 of chapter 408. An existing facility that qualifies facilities
 423 ~~qualifying~~ to provide limited nursing services must ~~shall~~ have
 424 maintained a standard license and may not have been subject to
 425 administrative sanctions that affect the health, safety, and
 426 welfare of residents for the previous 2 years or since initial
 427 licensure if the facility has been licensed for less than 2
 428 years.

429 2. A facility ~~Facilities~~ that is ~~are~~ licensed to provide
 430 limited nursing services shall maintain a written progress
 431 report on each person who receives such nursing services. The
 432 ~~which~~ report must describe ~~describes~~ the type, amount, duration,
 433 scope, and outcome of services that are rendered and the general
 434 status of the resident's health. A registered nurse representing
 435 the agency shall visit the facility ~~such facilities~~ at least

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436 annually ~~twice a year~~ to monitor residents who are receiving
 437 limited nursing services and to determine if the facility is in
 438 compliance with applicable provisions of this part, part II of
 439 chapter 408, and related rules. The monitoring visits may be
 440 provided through contractual arrangements with appropriate
 441 community agencies. A registered nurse shall also serve as part
 442 of the team that inspects such facility. Visits may be in
 443 conjunction with other agency inspections. The agency may waive
 444 one of the required yearly monitoring visits for a facility that
 445 has:

446 a. A limited nursing services license for at least 24
 447 months;

448 b. No class I or class II violations and no uncorrected
 449 class III violations; and

450 c. No confirmed ombudsman council complaints that resulted
 451 in a citation for licensure.

452 3. A person who receives limited nursing services under
 453 this part must meet the admission criteria established by the
 454 agency for assisted living facilities. When a resident no longer
 455 meets the admission criteria for a facility licensed under this
 456 part, arrangements for relocating the person shall be made in
 457 accordance with s. 429.28(1)(k), unless the facility is licensed
 458 to provide extended congregate care services.

459 Section 5. Section 429.075, Florida Statutes, is amended to
 460 read:

461 429.075 Limited mental health license.—An assisted living
 462 facility that serves one ~~three~~ or more mental health residents
 463 must obtain a limited mental health license.

464 (1) To obtain a limited mental health license, a facility

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465 must hold a standard license as an assisted living facility,
 466 must not have any current uncorrected deficiencies or
 467 violations, and must ensure that, within 6 months after
 468 receiving a limited mental health license, the facility
 469 administrator and the staff of the facility who are in direct
 470 contact with mental health residents must complete training of
 471 no less than 6 hours related to their duties. Such designation
 472 may be made at the time of initial licensure or relicensure or
 473 upon request in writing by a licensee under this part and part
 474 II of chapter 408. Notification of approval or denial of such
 475 request shall be made in accordance with this part, part II of
 476 chapter 408, and applicable rules. This training must ~~will~~ be
 477 provided by or approved by the Department of Children and Family
 478 Services.

479 (2) A facility that is ~~Facilities~~ licensed to provide
 480 services to mental health residents must ~~shall~~ provide
 481 appropriate supervision and staffing to provide for the health,
 482 safety, and welfare of such residents.

483 (3) A facility that has a limited mental health license
 484 must:

485 (a) Have a copy of each mental health resident's community
 486 living support plan and the cooperative agreement with the
 487 mental health care services provider. The support plan and the
 488 agreement may be combined.

489 (b) Have documentation that is provided by the Department
 490 of Children and Family Services that each mental health resident
 491 has been assessed and determined to be able to live in the
 492 community in an assisted living facility that has ~~with~~ a limited
 493 mental health license.

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494 (c) Make the community living support plan available for
 495 inspection by the resident, the resident's legal guardian, the
 496 resident's health care surrogate, and other individuals who have
 497 a lawful basis for reviewing this document.

498 (d) Assist the mental health resident in carrying out the
 499 activities identified in the individual's community living
 500 support plan.

501 (4) A facility that has ~~with~~ a limited mental health
 502 license may enter into a cooperative agreement with a private
 503 mental health provider. For purposes of the limited mental
 504 health license, the private mental health provider may act as
 505 the case manager.

506 Section 6. Section 429.14, Florida Statutes, is amended to
 507 read:

508 429.14 Administrative penalties.—

509 (1) In addition to the requirements of part II of chapter
 510 408, the agency may deny, revoke, and suspend any license issued
 511 under this part and impose an administrative fine in the manner
 512 provided in chapter 120 against a licensee for a violation of
 513 any provision of this part, part II of chapter 408, or
 514 applicable rules, or for any of the following actions by a
 515 licensee, for the actions of any person subject to level 2
 516 background screening under s. 408.809, or for the actions of any
 517 facility staff ~~employee~~:

518 (a) A ~~An intentional~~ or negligent act seriously affecting
 519 the health, safety, or welfare of a resident of the facility.

520 (b) A ~~The~~ determination by the agency that the owner lacks
 521 the financial ability to provide continuing adequate care to
 522 residents.

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523 (c) Misappropriation or conversion of the property of a
524 resident of the facility.

525 (d) Failure to follow the criteria and procedures provided
526 under part I of chapter 394 relating to the transportation,
527 voluntary admission, and involuntary examination of a facility
528 resident.

529 (e) A citation of any of the following deficiencies as
530 specified in s. 429.19:

- 531 1. One or more cited class I deficiencies.
- 532 2. Three or more cited class II deficiencies.
- 533 3. Five or more cited class III deficiencies that have been
534 cited on a single survey and have not been corrected within the
535 times specified.

536 (f) Failure to comply with the background screening
537 standards of this part, s. 408.809(1), or chapter 435.

538 (g) Violation of a moratorium.

539 (h) Failure of the license applicant, the licensee during
540 relicensure, or a licensee that holds a provisional license to
541 meet the minimum license requirements of this part, or related
542 rules, at the time of license application or renewal.

543 (i) An intentional or negligent life-threatening act in
544 violation of the uniform firesafety standards for assisted
545 living facilities or other firesafety standards ~~which that~~
546 threatens the health, safety, or welfare of a resident of a
547 facility, as communicated to the agency by the local authority
548 having jurisdiction or the State Fire Marshal.

549 (j) Knowingly operating any unlicensed facility or
550 providing without a license any service that must be licensed
551 under this chapter or chapter 400.

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552 (k) Any act constituting a ground upon which application
553 for a license may be denied.

554 (2) Upon notification by the local authority having
555 jurisdiction or by the State Fire Marshal, the agency may deny
556 or revoke the license of an assisted living facility that fails
557 to correct cited fire code violations that affect or threaten
558 the health, safety, or welfare of a resident of a facility.

559 (3) The agency may deny or revoke a license of an ~~to any~~
560 applicant or controlling interest as defined in part II of
561 chapter 408 which has or had a 25-percent or greater financial
562 or ownership interest in any other facility that is licensed
563 under this part, or in any entity licensed by this state or
564 another state to provide health or residential care, if that
565 ~~which~~ facility or entity during the 5 years prior to the
566 application for a license closed due to financial inability to
567 operate; had a receiver appointed or a license denied,
568 suspended, or revoked; was subject to a moratorium; or had an
569 injunctive proceeding initiated against it.

570 (4) The agency shall deny or revoke the license of an
571 assisted living facility if:

572 (a) A resident's health, safety, or welfare has been
573 seriously affected by an intentional act of facility staff;

574 (b) There are two moratoria issued pursuant to this part,
575 or part II of chapter 408, which are imposed by final order
576 within a 2-year period;

577 (c) The facility is conditionally licensed for 180 or more
578 consecutive days;

579 (d) The facility is cited for two or more class I
580 violations arising from unrelated circumstances during the same

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581 survey or investigation; or

582 (e) The facility is cited for two or more class I
 583 violations arising from separate surveys or investigations
 584 within a 2-year period that has two or more class I violations
 585 that are similar or identical to violations identified by the
 586 agency during a survey, inspection, monitoring visit, or
 587 complaint investigation occurring within the previous 2 years.

588 (5) An action taken by the agency to suspend, deny, or
 589 revoke a facility's license under this part or part II of
 590 chapter 408, in which the agency claims that the facility owner
 591 or an employee of the facility has threatened the health,
 592 safety, or welfare of a resident of the facility must be heard
 593 by the Division of Administrative Hearings of the Department of
 594 Management Services within 120 days after receipt of the
 595 facility's request for a hearing, unless that time limitation is
 596 waived by both parties. The administrative law judge shall must
 597 render a decision within 30 days after receipt of a proposed
 598 recommended order.

599 (6) The agency shall impose an immediate moratorium, as
 600 provided under s. 408.814, on an assisted living facility that
 601 fails to provide the agency access to the facility or prohibits
 602 the agency from conducting a regulatory inspection. The licensee
 603 may not restrict agency staff in accessing and copying records
 604 or in conducting confidential interviews with facility staff or
 605 any individual who receives services from the facility provide
 606 to the Division of Hotels and Restaurants of the Department of
 607 Business and Professional Regulation, on a monthly basis, a list
 608 of those assisted living facilities that have had their licenses
 609 denied, suspended, or revoked or that are involved in an

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610 ~~appellate proceeding pursuant to s. 120.60 related to the~~
 611 ~~denial, suspension, or revocation of a license.~~

612 (7) Agency notification of a license suspension or
 613 revocation, or denial of a license renewal, shall be posted and
 614 visible to the public at the facility.

615 Section 7. Paragraphs (a) and (b) of subsection (2) of
 616 section 429.178, Florida Statutes, are amended to read:

617 429.178 Special care for persons with Alzheimer's disease
 618 or other related disorders.—

619 (2) (a) An individual who is employed by a facility that
 620 provides special care for residents with Alzheimer's disease or
 621 other related disorders, and who has regular contact with such
 622 residents, must complete up to 4 hours of initial dementia-
 623 specific training developed or approved by the department. The
 624 training must shall be completed within 3 months after beginning
 625 employment and satisfy shall satisfy the core training
 626 requirements of s. 429.52(3)(g) s. 429.52(2)(g).

627 (b) A direct caregiver who is employed by a facility that
 628 provides special care for residents with Alzheimer's disease or
 629 other related disorders, and who provides direct care to such
 630 residents, must complete the required initial training and 4
 631 additional hours of training developed or approved by the
 632 department. The training must shall be completed within 9 months
 633 after beginning employment and satisfy shall satisfy the core
 634 training requirements of s. 429.52(3)(g) s. 429.52(2)(g).

635 Section 8. Section 429.19, Florida Statutes, is amended to
 636 read:

637 429.19 Violations; imposition of administrative fines;
 638 grounds.—

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639 (1) In addition to the requirements of part II of chapter
640 408, the agency shall impose an administrative fine in the
641 manner provided in chapter 120 for the violation of any
642 provision of this part, part II of chapter 408, and applicable
643 rules by an assisted living facility, for the actions of any
644 person subject to level 2 background screening under s. 408.809,
645 for the actions of any facility employee, or for an intentional
646 or negligent act seriously affecting the health, safety, or
647 welfare of a resident of the facility.

648 (2) Each violation of this part and adopted rules must
649 ~~shall~~ be classified according to the nature of the violation and
650 the gravity of its probable effect on facility residents. The
651 agency shall indicate the classification on the written notice
652 of the violation as follows:

653 (a) Class "I" violations are defined in s. 408.813. The
654 agency shall impose an administrative fine of \$7,500 for each a
655 cited class I violation in a facility that is licensed for fewer
656 than 100 beds at the time of the violation in an amount not less
657 than \$5,000 and not exceeding \$10,000 for each violation. The
658 agency shall impose an administrative fine of \$11,250 for each
659 cited class I violation in a facility that is licensed for 100
660 or more beds at the time of the violation. If the noncompliance
661 occurs within the prior 12 months, the fine must be levied for
662 violations that are corrected before an inspection.

663 (b) Class "II" violations are defined in s. 408.813. The
664 agency shall impose an administrative fine of \$3,000 for each a
665 cited class II violation in a facility that is licensed for
666 fewer than 100 beds at the time of the violation in an amount
667 not less than \$1,000 and not exceeding \$5,000 for each

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668 ~~violation. The agency shall impose an administrative fine of~~
669 \$4,500 for each cited class II violation in a facility that is
670 licensed for 100 or more beds at the time of the violation.

671 (c) Class "III" violations are defined in s. 408.813. The
672 agency shall impose an administrative fine of \$750 for each a
673 cited class III violation in a facility that is licensed for
674 fewer than 100 beds at the time of the violation in an amount
675 ~~not less than \$500 and not exceeding \$1,000 for each violation.~~
676 The agency shall impose an administrative fine of \$1,125 for
677 each cited class III violation in a facility that is licensed
678 for 100 or more beds at the time of the violation.

679 (d) Class "IV" violations are defined in s. 408.813. The
680 agency shall impose an administrative fine of \$150 for each a
681 cited class IV violation in a facility that is licensed for
682 fewer than 100 beds at the time of the violation in an amount
683 ~~not less than \$100 and not exceeding \$200 for each violation.~~
684 The agency shall impose an administrative fine of \$225 for each
685 cited class IV violation in a facility that is licensed for 100
686 or more beds at the time of the violation.

687 (e) Any fine imposed for class I and class II violations
688 must be doubled if a facility was previously cited for one or
689 more class I or class II violations during the agency's last
690 licensure inspection or any inspection or complaint
691 investigation since the last licensure inspection.

692 (f) Notwithstanding any other provision of law, a fine must
693 be imposed for each class III and class IV violation, regardless
694 of correction, if a facility was previously cited for one or
695 more class III or class IV violations during the agency's last
696 licensure inspection or any inspection or complaint

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697 investigation since the last licensure inspection, for the same
 698 regulatory violation. A fine imposed for class III or class IV
 699 violations must be doubled if a facility was previously cited
 700 for one or more class III or class IV violations during the
 701 agency's last two licensure inspections for the same regulatory
 702 violation.

703 (g) In addition to the fines listed in paragraphs (a)-(d),
 704 the agency shall impose an administrative fine of \$500 if a
 705 facility is found not to be in compliance with the background
 706 screening requirements as provided in s. 408.809.

707 ~~(3) For purposes of this section, in determining if a~~
 708 ~~penalty is to be imposed and in fixing the amount of the fine,~~
 709 ~~the agency shall consider the following factors:~~

710 ~~(a) The gravity of the violation, including the probability~~
 711 ~~that death or serious physical or emotional harm to a resident~~
 712 ~~will result or has resulted, the severity of the action or~~
 713 ~~potential harm, and the extent to which the provisions of the~~
 714 ~~applicable laws or rules were violated.~~

715 ~~(b) Actions taken by the owner or administrator to correct~~
 716 ~~violations.~~

717 ~~(c) Any previous violations.~~

718 ~~(d) The financial benefit to the facility of committing or~~
 719 ~~continuing the violation.~~

720 ~~(e) The licensed capacity of the facility.~~

721 (3)(4) Each day of continuing violation after the date
 722 established by the agency fixed for correction termination of
 723 the violation, as ordered by the agency, constitutes an
 724 additional, separate, and distinct violation.

725 (4)(5) An Any action taken to correct a violation shall be

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726 documented in writing by the owner or administrator of the
 727 facility and verified through followup visits by agency
 728 personnel. The agency may impose a fine and, in the case of an
 729 owner-operated facility, revoke or deny a facility's license
 730 when a facility administrator fraudulently misrepresents action
 731 taken to correct a violation.

732 (5)(6) A Any facility whose owner fails to apply for a
 733 change-of-ownership license in accordance with part II of
 734 chapter 408 and operates the facility under the new ownership is
 735 subject to a fine of \$5,000.

736 (6)(7) In addition to any administrative fines imposed, the
 737 agency may assess a survey fee, equal to the lesser of one half
 738 of the facility's biennial license and bed fee or \$500, to cover
 739 the cost of conducting initial complaint investigations that
 740 result in the finding of a violation that was the subject of the
 741 complaint or monitoring visits conducted under s. 429.28(3)(c)
 742 to verify the correction of the violations.

743 (7)(8) During an inspection, the agency shall make a
 744 reasonable attempt to discuss each violation with the owner or
 745 administrator of the facility, prior to written notification.

746 (8)(9) The agency shall develop and disseminate an annual
 747 list of all facilities sanctioned or fined for violations of
 748 state standards, the number and class of violations involved,
 749 the penalties imposed, and the current status of cases. The list
 750 shall be disseminated, at no charge, to the Department of
 751 Elderly Affairs, the Department of Health, the Department of
 752 Children and Family Services, the Agency for Persons with
 753 Disabilities, the area agencies on aging, the Florida Statewide
 754 Advocacy Council, and the state and local ombudsman councils.

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755 The Department of Children and Family Services shall disseminate
756 the list to service providers under contract to the department
757 who are responsible for referring persons to a facility for
758 residency. The agency may charge a fee commensurate with the
759 cost of printing and postage to other interested parties
760 requesting a copy of this list. This information may be provided
761 electronically or through the agency's Internet site.

762 Section 9. Subsections (2) and (6) of section 429.28,
763 Florida Statutes, are amended to read:

764 429.28 Resident bill of rights.—

765 (2) The administrator of a facility shall ensure that a
766 written notice of the rights, obligations, and prohibitions set
767 forth in this part is posted in a prominent place in each
768 facility and read or explained to residents who cannot read. The
769 This notice must ~~shall~~ include the name, address, and telephone
770 numbers of the local ombudsman council and central abuse hotline
771 and, if ~~when~~ applicable, the Advocacy Center for Persons with
772 Disabilities, Inc., and the Florida local advocacy council,
773 where complaints may be lodged. The notice must state that the
774 subject matter of a complaint made to the Office of State Long-
775 Term Care Ombudsman or a local long-term care ombudsman council
776 and the names and identities of the residents involved in the
777 complaint and the complainants are kept confidential pursuant to
778 s. 400.0077. The facility must ensure a resident's access to a
779 telephone to call the local ombudsman council, central abuse
780 hotline, Advocacy Center for Persons with Disabilities, Inc.,
781 and the Florida local advocacy council.

782 (6) A ~~Any~~ facility ~~that~~ ~~which~~ terminates the residency of
783 an individual who participated in activities specified in

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784 subsection (5) must ~~shall~~ show good cause in a court of
785 competent jurisdiction. If good cause is not shown, the agency
786 shall impose a fine of \$2,500 in addition to any other penalty
787 assessed against the facility.

788 Section 10. Section 429.34, Florida Statutes, is amended to
789 read:

790 429.34 Right of entry and inspection.—

791 (1) In addition to the requirements of s. 408.811, any duly
792 designated officer or employee of the department, the Department
793 of Children and Family Services, the Medicaid Fraud Control Unit
794 of the Office of the Attorney General, the state or local fire
795 marshal, or a member of the state or local long-term care
796 ombudsman council ~~has~~ ~~shall have~~ the right to enter unannounced
797 upon and into the premises of any facility licensed pursuant to
798 this part in order to determine the state of compliance with the
799 provisions of this part, part II of chapter 408, and applicable
800 rules. Data collected by the state or local long-term care
801 ombudsman councils or the state or local advocacy councils may
802 be used by the agency in investigations involving violations of
803 regulatory standards. A person specified in this section who
804 knows or has reasonable cause to suspect that a vulnerable adult
805 has been or is being abused, neglected, or exploited shall
806 immediately report such knowledge or suspicion to the central
807 abuse hotline pursuant to chapter 415.

808 (2) Each licensed assisted living facility must be
809 inspected by the agency at least once every 24 months to
810 determine compliance with this chapter and related rules. If an
811 assisted living facility is cited for one or more class I
812 violations or two or more class II violations arising from

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 813 separate surveys within a 60-day period or due to unrelated
 814 circumstances during the same survey, the agency must conduct an
 815 additional licensure inspection within 6 months. In addition to
 816 any fines imposed on the facility under s. 429.19, the licensee
 817 must pay a fee for the cost of the additional inspection
 818 equivalent to the standard assisted living facility license and
 819 per-bed fees, without exception for beds designated for
 820 recipients of optional state supplementation. The agency shall
 821 adjust the fee in accordance with s. 408.805.

822 Section 11. Present subsections (1) through (11) of section
 823 429.52, Florida Statutes, are redesignated as subsections (2)
 824 through (12), respectively, a new subsection (1) is added to
 825 that section, and present subsection (9) of that section is
 826 amended, to read:

827 429.52 Staff training and educational programs; core
 828 educational requirement.—

829 (1) Effective October 1, 2013, each new assisted living
 830 facility employee who has not previously completed core training
 831 must attend a preservice orientation provided by the facility
 832 before interacting with residents. The preservice orientation
 833 must be at least 2 hours in duration and cover topics that help
 834 the employee provide responsible care and respond to the needs
 835 of residents of the facility. Upon completion, the employee and
 836 the administrator of the facility must sign an affidavit stating
 837 that the employee completed the required preservice orientation.
 838 The facility must keep the affidavit in the employee's work
 839 file.

840 (10)(9) The training required by this section ~~must~~ shall be
 841 conducted by persons registered with the department as having

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 842 the requisite experience and credentials to conduct the
 843 training. A person seeking to register as a trainer must provide
 844 the department with proof of completion of the minimum core
 845 training education requirements, successful passage of the
 846 competency test established under this section, and proof of
 847 compliance with the continuing education requirement in
 848 subsection ~~(5)(4)~~.

849 Section 12. The Legislature finds that consistent
 850 regulation of assisted living facilities benefits residents and
 851 operators of such facilities. To determine whether surveys are
 852 consistent between surveys and surveyors, the Agency for Health
 853 Care Administration shall conduct a study of intersurveyor
 854 reliability for assisted living facilities. By November 1, 2013,
 855 the agency shall report to the Governor, the President of the
 856 Senate, and the Speaker of the House of Representatives its
 857 findings and make any recommendations to improve intersurveyor
 858 reliability.

859 Section 13. The Legislature finds that consumers need
 860 additional information on the quality of care and service in
 861 assisted living facilities in order to select the best facility
 862 for themselves or their loved ones. Therefore, the Agency for
 863 Health Care Administration shall:

864 (1) Propose a rating system for assisted living facilities
 865 similar to that used for nursing homes. The proposal must
 866 include, but is not limited to, the data elements to be used,
 867 the method of collecting the data, the method of determining the
 868 rating, an estimate of the initial and ongoing costs of a rating
 869 system to both the agency and assisted living facilities, and a
 870 timetable for the implementation of the rating system for

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871 assisted living facilities. The agency shall submit its proposal
 872 to the Governor, the President of the Senate, and the Speaker of
 873 the House of Representatives by November 1, 2013.

874 (2) By January 1, 2014, create a content that is easily
 875 accessible through the front page of the agency's website. At a
 876 minimum, the content must include:

877 (a) Information on each licensed assisted living facility,
 878 including, but not limited to:

- 879 1. The name and address of the facility.
- 880 2. The number and type of licensed beds in the facility.
- 881 3. The types of licenses held by the facility.
- 882 4. The facility's license expiration date and status.
- 883 5. Other relevant information that the agency currently
 884 collects.

885 (b) A list of the facility's cited violations and a summary
 886 of each violation which is presented in an understandable manner
 887 to the general public.

888 (c) Links to inspection reports that the agency has on
 889 file.

890 (d) A monitored comment page, maintained by the agency,
 891 which allows citizens to anonymously comment on assisted living
 892 facilities that are licensed to operate in the state. This
 893 comment page must, at a minimum, allow members of the public to
 894 post comments on their experiences with, or observations of, an
 895 assisted living facility and to review other people's comments.
 896 Comments posted to the agency's comment page may not contain
 897 profanity and are intended to provide meaningful feedback about
 898 the assisted living facility. The agency shall provide for a
 899 webpage moderator to review comments for profane content before

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900 the comments are posted to the page. An employee, owner, or
 901 controlling interest in an assisted living facility is
 902 prohibited from posting comments on the page.

903 Section 14. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5-13
Meeting Date

Topic Assisted Living

Bill Number PCB 7010
(if applicable)

Name Pat Lange

Amendment Barcode _____
(if applicable)

Job Title Exec. Dir.

Address 2447 Millcreek Ct Ste 3

Phone 850-383-1159

Tallahassee FL 32308
City State Zip

E-mail patl@falacmail.org

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

2/5/2013
Date

7010
Bill Number

Name Brian Pitts

Barcode _____

Address 1119 Newton Avenue S

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

E-mail justree2jesus@pbco.com

Job Title Trustee

Speaking: For Against Information

Appearing at request of Chair

Subject ALF's

Representing Justice-2-Jesus

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 164

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Detert

SUBJECT: Children in Foster Care

DATE: February 6, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Fav/CS
2.			JU	
3.			AHS	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

SB 164 makes numerous changes to the law relating to normalcy for children in foster care including:

- Providing legislative findings and intent that recognize the importance of normalizing the lives of children in foster care;
- Establishing a reasonable and prudent parent standard of care and providing for application of the standard;
- Protecting caregivers who apply the reasonable and prudent parent standard from liability; and
- Eliminating the current requirement for the development of a normalcy plan and quarterly updates and replacing it with an assessment of normalcy goals and objectives at each judicial review.

The bill also changes the standard for the return of children to an abusive or neglectful parent after that parent has completed his or her case plan and the child has been living with the other parent.

The bill is not expected to have a fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 39.522 and 409.1451. This bill creates section 39.409 of the Florida Statutes.

II. Present Situation:

Normalcy for Children

Background

Each year, approximately 30,000 children in foster care age out of the foster care system nationwide, typically at 18 years of age, and this number has risen steadily over the past decade.¹ In Florida, 1,181 children aged out of care in 2011-2012 and those numbers have declined over the past three years.² These are young adults who experienced significant psychological trauma during their formative years, including being neglected and/or abused, being separated from their homes, friends, families and most things familiar to them, and often experiencing multiple placements in homes and group home settings.

The foster care system, which has historically been focused on safety and concerned about liability, often creates huge barriers to the normalcy of a child's experiences growing-up, causing children in care to miss out on many rites of passage common to their peers. While their friends are getting their driver's licenses, most children in care are not since they generally have no one to teach them to drive or the money for insurance or driver's education, let alone access to a car.³ Other rites of passage are anything but typical for children in care, as each one requires some additional layers of bureaucracy. Getting a first job, participating in sports, going camping with friends, and even going to the prom are all examples of activities that, while may be a normal part of growing up for most children and teenagers, are not always readily available to many foster youth.⁴

These problems are compounded for children in care who live their teen years in group homes. They often do not benefit from normal growing-up experiences that most children take for granted, but which prepare them for adult life, such as seeing an adult pay bills each month, do the laundry, buy groceries, pay taxes, arrange for car insurance, or undertake the dozens of other mundane tasks required to run a household.⁵ In Florida, 60 percent of children 13-17 years of age live in group homes.⁶

¹ Congressional Coalition on Adoption Institute. Fact Sheet. (2011). Retrieved January 28, 2013 from <http://www.ccaainstitute.org/why-we-do-it-/facts-and-statistics.html>.

² Provided as part of a data request from Senate Children, Families and Elder Affairs staff to the Department of Children and Families. Response received on December 21, 2012.

³ Martha Shirk and Gary Stangler, *On Their Own*, Basic Books (2004).

⁴ *Id.*

⁵ First Star and Children's Advocacy Institute of the University of San Diego School of Law. *The Fleecing of Foster Children: How We Confiscate Their Assets and Undermine Their Financial Security*. (2011). Retrieved January 28, 2013, from http://www.caichildlaw.org/Misc/Fleecing_Report_Final_HR.pdf.

⁶ Provided as part of a data request from Senate Children, Families and Elder Affairs staff to the Department of Children and Families. Response received on December 21, 2012.

Florida

The Department of Children and Families (DCF or department) and community-based care lead agencies (CBCs) are responsible for dependency proceedings and managing and providing child protection, foster care, and adoption services. Foster care services include a range of independent living services. Section 409.1451, F.S., requires the department to adopt by rule procedures to administer the independent living transition services program, including balancing the goals of normalcy and safety for children and providing caregivers with as much flexibility as possible to enable a child to participate in normal life experiences. Current rule, relating to licensed out of home caregiver roles provides that:

- Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out of home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker ... must be notified of the activity.
- The licensed out of home caregiver may allow foster children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions ... the licensed out of home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.
- Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules.
- Background checks for dating and outings, such as school field trips, Cub Scout campouts, and activities with friends, families, school and church groups, are not necessary for participation in normal school or community activities.⁷

The department has proposed changes to the rule relating to licensed out of home caregiver roles, however these changes do not appear to substantively change provisions relating to normalcy. In addition, former secretaries and the current secretary of the department have issued memoranda requiring community-based care lead agencies and their providers to implement policies related to normalcy.⁸ In general foster teens continue to report that the effort to establish a more normal living environment within the foster care system is still lagging.⁹

Standard for Reunification

Currently, the provisions in Chapter 39 relating to a change of custody after disposition have resulted in varying interpretations and inconsistent trial court rulings. In addition, appellate courts have ruled that an endangerment standard must be applied, which requires that the parent causing the dependency be granted reunification unless doing so would endanger the child. Trial courts are not to determine which parent is best suited to provide permanency. The child's best

⁷ Rule 65C-13.029, F.A.C.

⁸ See Memorandum from Lucy Hadi dated August 31, 2005, Memorandum from George Sheldon dated September 3, 2010, and Memorandum from David Wilkins dated January 20, 2012. On file with the Senate Children, Families, and Elder Affairs Committee.

⁹ Independent Living Services Advisory Council. Annual Report. 2012.

interest is not the controlling standard. This creates a conflict with the overriding principle of Chapter 39 which is the best interest of the child.

When the issue is placement with which parent, Chapter 39 is not clear what standard, endangerment or best interest, should be used to determine a child's permanency. Section 39.521, F.S., says at every review hearing the judge shall decide which parent, if either, shall have custody. It further says that when changing custody from one parent to another the standard shall be the best interest of the child.¹⁰ In contrast, section 39.522, F.S., provides that when deciding whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.¹¹

Although the situation is the same whether there is one offending parent¹² or two, the most frequent situation occurs when a child is placed with a non-offending parent at disposition and services are provided to the offending parent. Several Florida District Courts of Appeal (DCA) have repeatedly pointed to section 39.522(2), F.S., as the controlling statute and have held that the plain language requires the offending parent be granted reunification if they substantially comply with the terms of the case plan and the court finds no endangerment to the child as a result of reunification. Many of these opinions specifically prohibit an independent review of the child's best interest. For example, in the following case:

The mother appealed the trial court's order denying her motion for reunification with her child following her substantial compliance with the tasks in her case plan. She also appealed "orders approving a general magistrate's report finding that custody of [child] should remain with her father (with visitation by her mother)." *Id.* at 688. After the child was adjudicated dependent, the trial court placed the child with the non-offending father. The case plan goal was reunification with a concurrent plan of remaining with the father. After the mother's substantial compliance with the case plan, the trial court placed the child with the father using a "best interest" standard. *Id.* at 689. The Third DCA wrote, "[t]his case requires us to consider the applicability of different and apparently inconsistent statutory provisions relating to reunification, sections 39.522(2) and 39.621(10), Florida Statutes (2010)." *Id.* at 688. It held "the general magistrate's charge . . . was not to select the "better" permanency option. *Id.* at 690. Instead, having determined that the mother substantially complied with her case plan, the general magistrate was obligated to allow reunification with the mother unless that would "endanger" [the child] as described in § 39.522(2)." *Id.* Further, the Third DCA held "the "best interests" and "endangerment" standards are markedly different. The latter standard applies to a reunification or permanency hearing in which reunification is the primary goal and, as here, the offending parent has substantially complied with her or his case plan." The Third DCA reversed and

¹⁰ Section 39.521(3)(b)2., Florida Statutes.

¹¹ Section 39.522(2), Florida Statutes.

¹² An offending parent is a parent who is the perpetrator of the abuse or neglect that resulted in the child being removed from the home.

remanded the case.^{13,14}

III. Effect of Proposed Changes:

The bill makes numerous changes to the law relating to normalcy for children in foster care.

Section 2. of the bill:

- Provides legislative findings and intent that recognize the importance of normalizing the lives of children in foster care;
- Provides definitions for the terms “age-appropriate,” “caregiver,” and “reasonable and prudent parent standard;”
- Requires verification by the department and the community-based care lead agencies that private providers have policies in place promoting and protecting the concept of normalcy;
- Establishes a reasonable and prudent parent standard of care and provides for application of the standard; and
- Protects caregivers who apply reasonable and prudent parent standard from liability.

Section 3. of the bill:

- Amends s. 39.522, F.S., which requires the trial court to consider a child’s best interest in a decision to reunify a child from placement with one parent back to the parent who abused or neglected them. This clarifies the statutory provisions on custody between parents post a dependency adjudication by making clear that the standard is not to simply place a child back with the parent who harmed the child once the risk of present or future harm is removed, but requires that such a move also be in the child’s best interest when the child is living in the home of the stable, non-abusive parent.

Section 4. of the bill:

- Eliminates the current requirement for the development of a normalcy plan and quarterly updates for children in foster care and replaces it with an assessment of normalcy goals and objectives at each judicial review.

Administrative rule and memoranda from the office of the department secretary have been insufficient to ensure that the CBCs and their providers set policies allowing children to engage in normal, age-appropriate activities. Children in care are still being denied opportunities to participate like their peers. Empowering the caregiver in statute to approve or disapprove participation in activities by using the reasonable and prudent parent standard and providing them with protection from liability when doing so may improve the chances that all children in foster care have a better chance at normalcy.

¹³ *S.V.-R. v. Department of Children and Family Services*, 77 So. 3d 687 (Fla. 3d DCA 2011).

¹⁴ Also see *D.S. v. Department and Children and Families*, 900 So. 2d 628 (Fla. 5th DCA 2005); *R.H. v. Department of Children and Families*, 948 So. 2d 898 (Fla. 5th DCA 2007); *K.E. v. Department of Children and Families*, 958 So. 2d 968 (Fla. 5th DCA 2007); *M.M. v. Department of Children and Families*, 29 So. 3d 1200 (Fla. 5th DCA 2010); *A.L. v. Department of Children and Families*, 53 So. 3d 324 (Fla. 5th DCA 2010), and *In re G.M.*, 73 So. 3d 320 (Fla. 2d DCA 2011).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Children, Families, and Elder Affairs on February 5, 2013:**

- Replaces a reference to an administrative rule with a statutory reference.
- Clarifies the difference in standard for returning a child to a parent who has been abusive or neglectful in the past and who has completed a case plan when the child has been placed with the other parent and when the child has been placed with someone other than a parent.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



725196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2013	.	
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	.	
	.	

The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment

Delete lines 54 - 57
and insert:
(b) "Caregiver" means a person with whom the child is placed in out-of-home care, or a designated official for a group care facility licensed by the department under s.409.175.



270482

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2013	.	
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	.	
	.	

The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment

Delete lines 130 - 141
and insert:

(2) In cases where the issue before the court is whether a child should be reunited with a parent, and the child is currently placed with someone other than a parent, the court must ~~shall~~ determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.



270482

13 (3) In cases in which the issue before the court is whether
14 a child who has been placed in the custody of a parent from whom
15 the child was not removed should be reunited with the other
16 parent upon a finding of substantial compliance with the terms
17 of the case plan, the applicable standard is not endangerment,
18 but the best interest of the child.

By Senator Detert

28-00364-13

2013164

1 A bill to be entitled
 2 An act relating to children in foster care; creating
 3 the "Quality-Parenting for Children in Foster Care
 4 Act"; creating s. 39.409, F.S.; providing legislative
 5 findings and intent; providing definitions;
 6 establishing and providing for the application of a
 7 "reasonable and prudent parent" standard; directing
 8 the Department of Children and Families to adopt
 9 rules; amending s. 39.522, F.S.; specifying that the
 10 standard for reunification from "endangerment" to "the
 11 best interest of the child" in certain circumstances;
 12 amending s. 409.1451, F.S.; providing for the
 13 application of the reasonable and prudent parent
 14 standard to independent living transition services;
 15 specifying that department rules must reflect the
 16 considerations of the reasonable and prudent parent
 17 standard; directing the department to adopt rules;
 18 providing an effective date.

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

20 Section 1. This act may be cited as the "Quality Parenting
 21 for Children in Foster Care Act."

22 Section 2. Section 39.409, Florida Statutes, is created to
 23 read:

24 39.409 Participation in childhood activities.-

25 (1) FINDINGS AND INTENT.-

26 (a) The Legislature finds that parents make important
 27 decisions every day regarding their child's participation in
 28

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2013164

30 activities and that caregivers of children in out-of-home care
 31 are faced with making the same decisions for a child in their
 32 care.

33 (b) The Legislature also finds that when a caregiver makes
 34 decisions, he or she must consider applicable laws and rules to
 35 safeguard the health and safety of a child in his or her care
 36 and that those laws and rules have been interpreted to prohibit
 37 children in care from participating in extracurricular
 38 activities.

39 (c) The Legislature further finds that participation in
 40 extracurricular activities is important to the child's well-
 41 being, both emotionally and in terms of developing valuable
 42 life-coping skills.

43 (d) It is the intent of the Legislature to recognize the
 44 importance of normalizing the lives of children in out-of-home
 45 care and to empower caregivers to approve or disapprove a
 46 child's participation in activities without prior approval of
 47 the department, the caseworker, or the court.

48 (2) DEFINITIONS.-As used in this section, the term:

49 (a) "Age-appropriate" means an activity or item that is
 50 generally accepted as suitable for a child of the same
 51 chronological age or level of maturity. Age appropriateness is
 52 based on the development of cognitive, emotional, physical, and
 53 behavioral capacity which is typical for an age or age group.

54 (b) "Caregiver" means a person with whom the child is
 55 placed in out-of-home care, or a designated official for a group
 56 care facility licensed by the Department of Children and
 57 Families pursuant to Rule 65C-14, Florida Administrative Code.

58 (c) "Reasonable and prudent parent standard" means the

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59 standard of care used by a caregiver in determining whether to
 60 allow a child in his or her care to participate in
 61 extracurricular, enrichment, and social activities. This
 62 standard is characterized by careful and thoughtful parental
 63 decisionmaking that is intended to maintain a child's health,
 64 safety, and best interest while encouraging the child's
 65 emotional and developmental growth.

66 (3) APPLICATION OF STANDARD OF CARE.—

67 (a) Every child who comes into out-of-home care pursuant to
 68 this chapter is entitled to participate in age-appropriate
 69 extracurricular, enrichment, and social activities.

70 (b) Each caregiver shall use the reasonable and prudent
 71 parent standard in determining whether to give permission for a
 72 child living in out-of-home care to participate in
 73 extracurricular, enrichment, or social activities. When using
 74 the reasonable and prudent parent standard, the caregiver must
 75 consider:

76 1. The child's age, maturity, and developmental level to
 77 maintain the overall health and safety of the child.

78 2. The potential risk factors and the appropriateness of
 79 the extracurricular, enrichment, or social activity.

80 3. The best interest of the child, based on information
 81 known by the caregiver.

82 4. The importance of encouraging the child's emotional and
 83 developmental growth.

84 5. The importance of providing the child with the most
 85 family-like living experience possible.

86 6. The behavioral history of the child and the child's
 87 ability to safely participate in the proposed activity.

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88 (c) The department and each community-based care lead
 89 agency is required to verify that private agencies providing
 90 out-of-home care services to dependent children have policies in
 91 place that are consistent with this section and that these
 92 agencies promote and protect the ability of dependent children
 93 to participate in age-appropriate extracurricular, enrichment,
 94 and social activities.

95 (d) A caregiver is not liable for harm caused to a child
 96 who participates in an activity approved by the caregiver,
 97 provided that the caregiver has acted in accordance with the
 98 reasonable and prudent parent standard. This paragraph may not
 99 be interpreted as removing or limiting any existing liability
 100 protection afforded by law.

101 (4) RULEMAKING.—The department shall adopt rules to
 102 administer this section.

103 Section 3. Section 39.522, Florida Statutes, is amended to
 104 read:

105 39.522 Postdisposition relief; postdisposition change of
 106 custody.—The court may change the temporary legal custody or the
 107 conditions of protective supervision at a postdisposition
 108 hearing, without the necessity of another adjudicatory hearing.

109 (1) A child who has been placed in the child's own home
 110 under the protective supervision of an authorized agent of the
 111 department, in the home of a relative, in the home of a legal
 112 custodian, or in some other place may be brought before the
 113 court by the department or by any other interested person, upon
 114 the filing of a petition alleging a need for a change in the
 115 conditions of protective supervision or the placement. If the
 116 parents or other legal custodians deny the need for a change,

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117 the court ~~must shall~~ hear all parties in person or by counsel,
 118 or both. Upon the admission of a need for a change or after such
 119 hearing, the court ~~must shall~~ enter an order changing the
 120 placement, modifying the conditions of protective supervision,
 121 or continuing the conditions of protective supervision as
 122 ordered. The standard for changing custody of the child ~~is shall~~
 123 ~~be~~ the best interest of the child. When applying this standard,
 124 the court ~~must shall~~ consider the continuity of the child's
 125 placement in the same out-of-home residence as a factor when
 126 determining the best interests of the child. If the child is not
 127 placed in foster care, then the new placement for the child must
 128 meet the home study criteria and court approval pursuant to this
 129 chapter.

130 (2) In cases where the issue before the court is whether a
 131 child should be reunited with a parent, the court ~~must shall~~
 132 determine whether the parent has substantially complied with the
 133 terms of the case plan to the extent that the safety, well-
 134 being, and physical, mental, and emotional health of the child
 135 is not endangered by the return of the child to the home.

136 (3) In cases in which the issue before the court is whether
 137 a child who has been placed in the custody of a parent should be
 138 reunited with the other parent upon a finding of substantial
 139 compliance with the terms of the case plan, the applicable
 140 standard is not endangerment, but the best interest of the
 141 child.

142 Section 4. Paragraph (a) of subsection (3) and subsection
 143 (10) of section 409.1451, Florida Statutes, are amended to read:
 144 409.1451 Independent living transition services.-

145 (3) PREPARATION FOR INDEPENDENT LIVING.-

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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146 (a) It is the intent of the Legislature ~~that for~~ the
 147 Department of Children and ~~Families Family Services~~ to assist
 148 older children in foster care and young adults who exit foster
 149 care at age 18 in making the transition to independent living
 150 and self-sufficiency as adults. The department shall provide
 151 such children and young adults with opportunities to participate
 152 in life skills activities in their foster families and
 153 communities which are reasonable and appropriate for their
 154 respective ages or for any special needs they may have and shall
 155 provide them with services to build life skills and increase
 156 their ability to live independently and become self-sufficient.
 157 To support the provision of opportunities for participation in
 158 age-appropriate life skills activities, the department shall:

159 1. Develop a list of age-appropriate activities and
 160 responsibilities to be offered to all children involved in
 161 independent living transition services and their foster parents.

162 2. Provide training for staff and foster parents to address
 163 the issues of older children in foster care in transitioning to
 164 adulthood, which includes ~~shall include~~ information on high
 165 school completion, grant applications, vocational school
 166 opportunities, supporting education and employment
 167 opportunities, and opportunities to participate in appropriate
 168 daily activities.

169 3. Establish ~~Develop procedures to maximize~~ the authority
 170 of foster parents, family foster homes, residential child-caring
 171 agencies, or other authorized caregivers to approve
 172 participation in age-appropriate activities of children in their
 173 care in accordance with the reasonable and prudent parent
 174 standard established in s. 39.409. ~~The age-appropriate~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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175 ~~activities and the authority of the foster parent, family foster~~
 176 ~~home, residential child-caring agency, or caregiver shall be~~
 177 ~~developed into a written plan that the foster parent, family~~
 178 ~~foster home, residential child-caring agency, or caregiver, the~~
 179 ~~child, and the case manager all develop together, sign, and~~
 180 ~~follow. This plan must include specific goals and objectives and~~
 181 ~~be reviewed and updated no less than quarterly.~~ Foster parents,
 182 family foster homes, residential child-caring agencies, or other
 183 authorized caregivers who use the reasonable and prudent parent
 184 standard in their decisionmaking are who have developed a
 185 written plan as described in this subparagraph shall not be held
 186 responsible under administrative rules or laws pertaining to
 187 state licensure and ~~or~~ have their licensure status may not be in
 188 any manner jeopardized as a result of the actions of a child
 189 engaged in the approved age-appropriate activities ~~specified in~~
 190 the written plan. Goals and objectives for participation in
 191 extracurricular, enrichment, and social activities, as well as
 192 specific information on the child's progress toward meeting
 193 those objectives, must be incorporated into the agency's written
 194 judicial social study report and must be reviewed by the court
 195 at each hearing conducted pursuant to s. 39.701.

196 4. Provide opportunities for older children in foster care
 197 to interact with mentors.

198 5. Develop and implement procedures for older children to
 199 directly access and manage the personal allowance they receive
 200 from the department in order to learn responsibility and
 201 participate in age-appropriate life skills activities to the
 202 extent feasible.

203 6. Make a good faith effort to fully explain, before ~~prior~~

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204 ~~to~~ execution of any signature, if required, any document,
 205 report, form, or other record, whether written or electronic,
 206 presented to a child or young adult pursuant to this chapter and
 207 allow for the recipient to ask any appropriate questions
 208 necessary to fully understand the document. It ~~is shall be~~ the
 209 responsibility of the person presenting the document to the
 210 child or young adult to comply with this subparagraph.

211 (10) RULEMAKING.—The department shall adopt rules to ~~by~~
 212 rule procedures to administer this section. The rules must
 213 provide, including balancing the goals of normalcy and safety
 214 for the youth and providing the caregivers with as much
 215 flexibility as possible to enable children in their care the
 216 youth to participate in normal life experiences and must reflect
 217 the considerations cited in s. 39.409(3)(b) in connection with
 218 the reasonable and prudent parent standard established in that
 219 section. The department shall engage in appropriate planning to
 220 prevent, to the extent possible, a reduction in awards after
 221 issuance. The department shall adopt rules to govern the
 222 payments and conditions related to payments for services to
 223 youth or young adults provided under this section.

224 Section 5. This act shall take effect July 1, 2013.



The Florida Senate
Committee Agenda Request

RECEIVED

JAN 22 2013

Senate Committee
Children and Families

To: Senator Eleanor Sobel, Chair
Committee on Children, Families, and Elder Affairs

Subject: Committee Agenda Request

Date: January 22, 2013

I respectfully request that **Senate Bill #164**, relating to Children in Foster Care, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, reading "Nancy C. Detert".

Senator Nancy C. Detert
Florida Senate, District 28

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/2013
Meeting Date

Topic Children in Foster Care
Name Candice Ericks
Job Title Board member of Child Net
Address 205 S. Adams St
Tallahassee FL 32301
City State Zip

Bill Number 164 (if applicable)
Amendment Barcode _____ (if applicable)
Phone 954-648-1204
E-mail Candice@ericksconsultants.com

Speaking: For Against Information

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5
Meeting Date

Topic Normalcy for Foster Kids
Name Theresa D Kemp
Job Title GAL volunteer and President Northwest Florida GAL Foundat
Address 451 Andrew Drive
Valparaiso FL 32580
City State Zip

Bill Number SB 164 (if applicable)
Amendment Barcode _____ (if applicable)
Phone 850-678-5055
E-mail kempjt@valp.net

Speaking: For Against Information

Representing GAL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5

Meeting Date

Topic Normalcy for Foster Kids Bill Number SB 164
Name Mary Castronuovo Amendment Barcode _____
Job Title Guardian ad Litem (if applicable)
Address 130 Hidden Hollow Dr Phone 561-373-1646
Street Palatka Bch Gdn FL 33412 E-mail Marychc@comcast.net
City State Zip
Speaking: For Against Information
Representing Guardian ad Litem Program - 15th Circuit
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5

Meeting Date

Topic Normalcy for Foster Kids Bill Number SB 164
Name Miriam Hemphill Amendment Barcode _____
Job Title GAL Volunteer (if applicable)
Address 6724 NW 34th Drive Phone (352) 374-9692
Street Gainesville, FL 32653 E-mail mimikempobellsouth
City State Zip .net
Speaking: For Against Information
Representing _____
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5

Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164
(if applicable)

Name NATE HANDLEY

Amendment Barcode _____
(if applicable)

Job Title GUARDIAN AD LITEM

Address 240 NW 7TH AVE

Phone (954) 655-5052

Street
DANIA City FL State 33004 Zip

E-mail paralegalnate@
hotmail.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5

Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164
(if applicable)

Name Marianne Christy

Amendment Barcode _____
(if applicable)

Job Title Volunteer GUARDIAN ad Litem

Address 9804 SW 55th Rd.

Phone 352-336-0276

Street
Gainesville, FL City 32608 State Zip

E-mail MCNRC@cox.net

Speaking: For Against Information

Representing GUARDIAN ad Litem

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

NO NEED TO SPEAK YIELD

2/5/13
Meeting Date

Topic Foster Care Reform Bill Number 164
Name JACK LEVINE Amendment Barcode _____
Job Title 4 Generations Institute (if applicable)
Address Box 1227 Phone 850 567 5252
Street _____
City Tallah State Fl. Zip 32302 E-mail _____

Speaking: For Against Information W/ ENTHUSIASM
Representing _____
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

2/5/2013
Date

164
Bill Number

Name Brian Pitts Phone 727/897-9291
Address 1119 Newton Ave S. E-mail justice2jesus@yahoo.com
Street _____
City St. Petersburg State FL Zip 33705
City _____ State _____ Zip _____

Speaking: For Against Information
Subject Foster Care Appearing at request of Chair
Representing Justice-2-Jesus
Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

February 5, 2013

Meeting Date

Topic Quality-Parenting for Children in Foster Care

Bill Number SB 164 (if applicable)

Name Jeff Bates

Amendment Barcode (if applicable)

Job Title

Address 2125 Upper Cody Road

Phone 850-212-9928

Street

Monticello FL 32344

E-mail rm3bates@embarqmail.com

City

State

Zip

Speaking: [X] For [] Against [X] Information

Representing Myself, Adult Alumni of foster care

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5

Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164 (if applicable)

Name Bill Stasiwicz

Amendment Barcode (if applicable)

Job Title Volunteer

Address 511 Turkey Creek

Phone 1-352-214-6423

Street

Alachua FL 32615

E-mail Kenjisara@aol.com

City

State

Zip

Speaking: [X] For [] Against [] Information

Representing Guardian ad Litem

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5-12
Meeting Date

Topic SB 164 Normalcy

Bill Number 164
(if applicable)

Name Ann Armentrout

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address Tallahassee
Street

Phone 850-241-3232

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing GAL

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE *Wade is support*
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5
Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164
(if applicable)

Name CHRISTINA SPURDEAS

Amendment Barcode _____
(if applicable)

Job Title Ex. Dir.

Address 1801 N. University Ave, Ste. 308
Street

Phone 954-796-0860

Orlando FL 32801
City State Zip

E-mail christina.spurdeas@floridachildrenfirst.org

Speaking: For Against Information

Representing FLORIDA'S CHILDREN FIRST

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5/ Feb / 13
Meeting Date

Topic (SB) Normalcy For Foster Kids

Bill Number SB 164
(if applicable)

Name ~~Senat Bill~~ 164 Martin Gordon

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2424 West Thurst Apt 56
Street

Phone (850) 459-4251

Jalleshore FL 32308
City State Zip

E-mail Martjescus of @ephero.com

Speaking: For Against Information

Representing Florida Youth Shine (FYS)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/04/13
Meeting Date

Topic Senate Bill 164 / Normalcy For Foster Kids

Bill Number SB 164
(if applicable)

Name Isobel Appolite

Amendment Barcode _____
(if applicable)

Job Title Member QH

Address _____
Street

Phone _____

City State Zip

E-mail _____

Speaking: For Against Information

Representing Florida Youth Shine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5

Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164
(if applicable)

Name Casey Minor

Amendment Barcode _____
(if applicable)

Job Title Florida Youth Shine member

Address _____
Street

Phone 850 321 3864

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth Shine

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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2-5

Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164
(if applicable)

Name Tryton Swigart-Johnson

Amendment Barcode _____
(if applicable)

Job Title Student

Address 11006 ~~Myrick Rd~~ Myrick Rd.
Street

Phone 850 570 8943

Tallahassee FL 32303
City State Zip

E-mail tryton-johnson@yahoo.com

Speaking: For Against Information

Representing Foster Youth

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Normalcy for foster youth

Bill Number SB 164
(if applicable)

Name Thomas D. Fenir

Amendment Barcode _____
(if applicable)

Job Title Florida Youth Shine

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Youth Shine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/05/13
Meeting Date

Topic SB 164

Bill Number 164
(if applicable)

Name Kierra Perkins

Amendment Barcode _____
(if applicable)

Job Title _____

Address 800 Broward Rd. Apt. C201
Street

Phone 786-260-4085

City Jacksonville State FL Zip 32218

E-mail Kierraperkins22@gmail.com

Speaking: For Against Information

Representing Florida Youth Shine - Jacksonville Chapter

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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2-5

Meeting Date

Topic Normalcy for Foster Kids

Bill Number SB 164
(if applicable)

Name Ebonie Throver

Amendment Barcode _____
(if applicable)

Job Title Student / former foster child

Address 32511 Quiet Harbor Ave

Phone 352-702-2509

Street
Leesburg FL 3748
City State Zip

E-mail ebonie.throver@xchoco.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/5/12
Meeting Date

Topic SEX TRAFFICKING

Bill Number _____
(if applicable)

Name PATRICK GUCKIAN

Amendment Barcode _____
(if applicable)

Job Title SGT.

Address ORLANDO

Phone 321-689-7175

Street ORLANDO PD.
City State Zip

E-mail _____

Speaking: For Against Information

Representing FL. POLICE CHIEFS ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37
Caption: Children, Families, and Elder Affairs Committee

Case:

Type:
Judge:

Started: 2/5/2013 3:02:36 PM
Ends: 2/5/2013 4:58:41 PM **Length:** 01:56:06

3:02:46 PM Chair Sobel calls the meeting to order
3:02:53 PM Roll call
3:03:11 PM Chair Sobel's opening remarks
3:03:37 PM (Tab 1) SPB 7010, Assisted Living Facilities
3:05:24 PM Claude Hendon, Staff Director, explanation of SPB 7010
3:18:44 PM Chair Sobel's remarks
3:19:09 PM Senator Altman's question
3:19:53 PM Claude Hendon, Staff Director, response
3:20:21 PM Senator Altman's question
3:20:57 PM Claude Hendon, Staff Director, response
3:21:47 PM Chair Sobel's remarks
3:21:57 PM Senator Altman's question
3:22:42 PM Claude Hendon, Staff Director, response
3:23:14 PM Senator Hays' question
3:24:02 PM Claude Hendon, Staff Director, response
3:24:23 PM Chair Sobel's remarks
3:25:25 PM Senator Hays' question
3:25:48 PM Claude Hendon, Staff Director, response
3:26:36 PM Senator Grimsley's question
3:26:53 PM Chair Sobel's response
3:27:01 PM Senator Grimsley's remarks
3:27:15 PM Chair Sobel's response
3:27:44 PM Senator Hays' amendment - barcode 760130
3:28:11 PM Claude Hendon, Staff Director, response
3:28:25 PM Senator Altman question
3:29:16 PM Claude Hendon, Staff Director, response
3:29:54 PM Senator Altman's question
3:30:14 PM Chair Sobel's response
3:30:47 PM Public Testimony - SPB 7010
3:30:51 PM Pat Lange, Executive Director, Florida Assisted Living Association, remarks
3:31:55 PM Senator Hays' question
3:31:58 PM Pat Lange, Executive Director, Florida Assisted Living Association, response
3:32:35 PM Senator Hays's question
3:32:38 PM Pat Lange, Executive Director, Florida Assisted Living Association, response
3:33:13 PM Brian Pitts, Justice-2-Jesus, remarks
3:36:25 PM Chair Sobel's remarks
3:37:34 PM SPB 7010, Assisted Living Facilities, vote
3:38:33 PM (Tab 2) SB 164, Children in Foster Care, by Senator Detert
3:38:40 PM Senator Detert's remarks
3:41:56 PM Chair Sobel's remarks
3:42:23 PM Senator Detert's amendment - barcode 725196
3:43:05 PM Senator Detert's amendment - barcode 270482
3:44:35 PM Senator Detert's remarks
3:45:40 PM Chair Sobel's remarks
3:45:52 PM Public Testimony - SB 164
4:12:08 PM Chair Sobel's remarks
4:12:43 PM Senator Clemens' remarks
4:13:30 PM Senator Hays' remarks
4:14:01 PM Senator Thompson's remarks
4:14:51 PM Senator Detert closing remarks
4:18:07 PM SB 164, Children in Foster Care, vote
4:18:55 PM Senator Braynon's motion - SPB 7010

4:19:12 PM (Tab 3) Mental Health and Substance Abuse
4:19:29 PM Mark Fontaine, Executive Director, Florida Alcohol and Drug Abuse Association, remarks
4:39:18 PM Chair Sobel's remarks
4:40:19 PM Senator Hays' remarks and questions
4:41:31 PM Senator Detert's remarks
4:42:41 PM Senator Grimsley's question
4:43:00 PM Mark Fontaine, Executive Director, Florida Alcohol and Drug Abuse Association, response
4:43:47 PM Chair Sobel's and Senator Grimsley's remarks
4:44:06 PM Chair Sobel's continued remarks
4:44:49 PM Mark Fontaine, Executive Director, Florida Alcohol and Drug Abuse Association, remarks
4:45:08 PM (Tab 4) Efforts to Combat Sex Trafficking
4:45:24 PM Jim Madden, Assistant Commissioner, Florida Department of Law Enforcement, remarks
4:49:11 PM Senator Altman question
4:49:29 PM Jim Madden, Assistant Commissioner, Florida Department of Law Enforcement, response
4:50:17 PM Patrick Guckian, Florida Police Chiefs Association, remarks
4:51:16 PM Chair Sobel's question
4:51:20 PM Patrick Guckian, Florida Police Chiefs Association, response
4:53:02 PM Chair Sobel's question
4:53:08 PM Patrick Guckian, Florida Police Chiefs Association, response
4:53:54 PM Chair Sobel's question
4:53:58 PM Jim Madden, Assistant Commissioner, Florida Department of Law Enforcement, response
4:56:10 PM Chair Sobel's remarks and question
4:56:33 PM Jim Madden, Assistant Commissioner, Florida Department of Law Enforcement, response
4:57:07 PM Chair Sobel's remarks
4:57:17 PM Senator Detert's and Chair Sobel's remarks
4:57:39 PM Jim Madden, Assistant Commissioner, Florida Department of Law Enforcement, response
4:58:04 PM Chair Sobel's remarks
4:58:36 PM Meeting Adjourned