

Committee on Rules

SB 7028 — Ratification of Department of Elderly Affairs Rules

by Rules Committee

SB 7028 ratifies a Department of Elderly Affairs rule to ensure that assisted living facilities have an alternative power source. The rule was developed in response to the death of 12 nursing home residents in Hollywood, Florida, from heat exposure due to power outages resulting from Hurricane Irma in September, 2017. Assisted living facilities are licensed by the state to provide custodial care for residents who cannot live independently but do not need skilled nursing care.

The Department of Elderly Affairs wrote Rule 58A-5.036, Florida Administrative Code, entitled “Emergency Environmental Control for Assisted Living Facilities” to require all such facilities to have an alternative power source by June 1, 2018. The power source must ensure that the temperature in a portion of the facility large enough to accommodate all of the facility’s residents is maintained at 81 degrees Fahrenheit or cooler. Assisted living facilities must have access to sufficient fuel to run the alternative power source for a minimum of 96 hours in the event of the loss of primary electrical power. The rule was published February 13, 2018.

Section 120.541, Florida Statutes, requires any rule that increases regulatory costs on the private sector by more than \$1 million over 5 years be ratified by the Legislature before it may take effect. The Department of Elderly Affairs determined that the proposed rule will likely increase regulatory costs by more than this amount with the implementation of the rule.

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

Vote: Senate 37-0; House 108-1