



Bill No. CS for CS for SB 714

Amendment No. \_\_\_\_

1 ~~renewal to operate an adult family care home~~ must be made on a  
2 form provided by the agency, signed under oath, and must be  
3 accompanied by a licensing fee of \$100 per year ~~to offset the~~  
4 ~~cost of training and education programs by the Department of~~  
5 ~~Elderly Affairs for providers.~~

6 (4) Upon receipt of a license application or license  
7 renewal, and the fee, the agency shall initiate level 1  
8 background screening as provided under chapter 435 on must  
9 ~~check with the abuse registry and the Department of Law~~  
10 ~~Enforcement concerning the adult family-care home provider,~~  
11 the designated relief person applicant, all adult household  
12 members, and all staff members. The agency shall also conduct  
13 an onsite visit to the home that is to be licensed.

14 (a) Proof of compliance with level 1 screening  
15 standards which has been submitted within the previous 5 years  
16 to meet any facility or professional licensure requirements of  
17 the agency or the Department of Health satisfies the  
18 requirements of this subsection. Such proof must be  
19 accompanied, under penalty of perjury, by a copy of the  
20 person's current professional license and an affidavit of  
21 current compliance with the background screening requirements.

22 (b) The person required to be screened must have been  
23 continuously employed in the same type of occupation for which  
24 the person is seeking employment without a breach in service  
25 that exceeds 180 days, and proof of compliance with the level  
26 1 screening requirement which is no more than 2 years old must  
27 be provided. Proof of compliance shall be provided directly  
28 from one employer or contractor to another, and not from the  
29 person screened. Upon request, a copy of screening results  
30 shall be provided to the person screened by the employer  
31 retaining documentation of the screening.

Bill No. CS for CS for SB 714

Amendment No. \_\_\_\_

1           (5) The application must be accompanied by a  
2 description and explanation of any exclusions, permanent  
3 suspensions, or terminations of the applicant from  
4 participation in the Medicaid or Medicare programs or any  
5 other governmental health care or health insurance program.

6           (6) Unless the adult family-care home is a community  
7 residential home subject to chapter 419, the applicant must  
8 provide documentation, signed by the appropriate governmental  
9 official, that the home has met local zoning requirements for  
10 the location for which the license is sought.

11           ~~(7)(5)~~ Access to a licensed adult family-care home  
12 must be provided at reasonable times for the appropriate  
13 officials of the department, the Department of Health, the  
14 Department of Children and Family Services ~~and Rehabilitative~~  
15 ~~Services~~, the agency, and the State Fire Marshal, who are  
16 responsible for the development and maintenance of fire,  
17 health, sanitary, and safety standards, to inspect the  
18 facility to assure compliance with these standards. In  
19 addition, access to a licensed adult family-care home must be  
20 provided at reasonable times for the long-term care ombudsman  
21 council.

22           ~~(8)(6)~~ A license is effective for 1 year after the  
23 date of issuance unless revoked sooner. Each license must  
24 state the name of the provider, the address of the home to  
25 which the license applies, and the maximum number of residents  
26 of the home. Failure to timely file a license renewal  
27 application shall result in a late fee equal to 50 percent of  
28 the license fee. ~~A license may be issued with or without~~  
29 ~~restrictions governing the residents or care offered in the~~  
30 ~~adult family-care home.~~

31           ~~(9)(7)~~ A license is not transferable or applicable to

Bill No. CS for CS for SB 714

Amendment No. \_\_\_\_

1 any location or person other than the location and ~~or~~ person  
2 indicated on the license application ~~for licensure~~.

3 ~~(10)(8)~~ The licensed maximum capacity of each adult  
4 family-care home is based on the service needs of the  
5 residents and the capability of the provider to meet the needs  
6 of the residents. Any relative who lives in the adult  
7 family-care home and who is ~~an aged person or~~ a disabled adult  
8 or frail elder must be included in that limitation.

9 ~~(11)(9)~~ Each adult family-care home must designate at  
10 least one licensed space for a resident receiving optional  
11 state supplementation ~~as defined in s. 409.212~~. The  
12 Department of Children and Family Health and Rehabilitative  
13 Services shall specify by rule the procedures to be followed  
14 for referring residents who receive optional state  
15 supplementation to adult family-care homes. Those homes  
16 licensed as adult foster homes or assisted living facilities  
17 prior to January 1, 1994, that convert to adult family-care  
18 homes, are exempt from this ~~the~~ requirement of ~~designating one~~  
19 ~~space for a resident receiving optional state supplementation~~.

20 ~~(12)(10)~~ The agency may issue a conditional license to  
21 a provider for the purpose of bringing the adult family-care  
22 home into compliance with licensure requirements. A  
23 conditional license must be limited to a specific period, not  
24 exceeding 6 months, ~~as determined by the department, in~~  
25 ~~consultation with the agency~~. The department shall, by rule,  
26 establish criteria for issuing conditional licenses.

27 ~~(11)~~ ~~The agency may deny, suspend, or revoke a license~~  
28 ~~for any of the following reasons:~~

29 ~~(a) A confirmed report, obtained under s. 415.1075, of~~  
30 ~~abuse, neglect, or exploitation, or conviction of a crime~~  
31 ~~related to abuse, neglect, or exploitation.~~

Bill No. CS for CS for SB 714

Amendment No. \_\_\_\_

1           ~~(b) A proposed confirmed report that remains unserved~~  
2 ~~and is maintained in the central abuse registry and tracking~~  
3 ~~system pursuant to s. 415.1065(2)(c).~~

4           ~~(c) An intentional or negligent act materially~~  
5 ~~affecting the health, safety, or welfare of the adult~~  
6 ~~family-care home residents.~~

7           ~~(d) A violation of ss. 400.616-400.629 or rules~~  
8 ~~adopted under ss. 400.616-400.629, including the failure to~~  
9 ~~comply with any restrictions specified in the license.~~

10           ~~(e) Submission of fraudulent or inaccurate information~~  
11 ~~to the agency.~~

12           ~~(f) Conviction of a felony involving violence to a~~  
13 ~~person.~~

14           ~~(g) Failure to pay a civil penalty assessed under this~~  
15 ~~part.~~

16           ~~(13)(12)~~ All moneys collected under this section must  
17 be deposited into the Department of Elderly Affairs  
18 Administrative Trust Fund and ~~must be~~ used to offset the  
19 expenses of departmental training and education for adult  
20 family-care home providers.

21           ~~(14)(13)~~ The department shall adopt rules to implement  
22 this section.

23           Section 54. Section 400.6194, Florida Statutes, is  
24 created to read:

25           400.6194 Denial, revocation, or suspension of a  
26 license.--The agency may deny, suspend, or revoke a license  
27 for any of the following reasons:

28           (1) Failure of any of the persons required to undergo  
29 background screening under s. 400.619 to meet the level 1  
30 screening standards of s. 435.03, unless an exemption from  
31 disqualification has been provided by the agency.

Bill No. CS for CS for SB 714

Amendment No. \_\_\_\_

- 1           (2) An intentional or negligent act materially
- 2 affecting the health, safety, or welfare of the adult
- 3 family-care home residents.
- 4           (3) Submission of fraudulent information or omission
- 5 of any material fact on a license application or any other
- 6 document required by the agency.
- 7           (4) Failure to pay an administrative fine assessed
- 8 under this part.
- 9           (5) A violation of this part or adopted rules which
- 10 results in conditions or practices that directly threaten the
- 11 physical or emotional health, safety, or welfare of residents.
- 12           (6) Failure to correct cited fire code violations that
- 13 threaten the health, safety, or welfare of residents.
- 14           (7) Failure to submit a completed initial license
- 15 application or to complete an application for license renewal
- 16 within the specified timeframes.
- 17           (8) Exclusion, permanent suspension, or termination of
- 18 the provider from the Medicare or Medicaid program.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31