

Bill No. CS for SB 2568, 1st Enq.

Amendment No. \_\_\_\_ Barcode 102110

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/30/2003	1/AD/3R	
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11 Senators Lynn and Argenziano moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 33, between lines 5 and 6,

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16 insert:

17 Section 23. Paragraphs (e) and (f) are added to

18 subsection (15) of section 400.141, Florida Statutes, to read:

19 400.141 Administration and management of nursing home

20 facilities.--Every licensed facility shall comply with all

21 applicable standards and rules of the agency and shall:

22 (15) Submit semiannually to the agency, or more

23 frequently if requested by the agency, information regarding

24 facility staff-to-resident ratios, staff turnover, and staff

25 stability, including information regarding certified nursing

26 assistants, licensed nurses, the director of nursing, and the

27 facility administrator. For purposes of this reporting:

28 (e) A nursing facility which does not have a

29 conditional license may be cited for failure to comply with

30 the standards in s. 400.23(3)(a) only if it has failed to meet

31 those standards on 2 consecutive days or if it has failed to

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1 meet at least 97 percent of those standards on any one day.

2 (f) A facility which has a conditional license must be  
3 in compliance with the standards in s. 400.23(3)(a) at all  
4 times.

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6 Nothing in this section shall limit the agency's ability to  
7 impose a deficiency or take other actions if a facility does  
8 not have enough staff to meet the residents' needs.

9  
10 (Redesignate subsequent sections.)

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12  
13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, line 2, through page 5, line 7, delete those  
16 lines,

17  
18 and insert:

19 An act relating to vulnerable persons; amending  
20 s. 744.102, F.S.; redefining the term  
21 "professional guardian"; amending s. 744.1083,  
22 F.S.; revising procedures for registration of  
23 professional and public guardians; providing  
24 for the Department of Elderly Affairs to  
25 contract with a not-for-profit entity;  
26 providing for prerequisites; providing for a  
27 form; providing fees; requiring information to  
28 be provided to the courts; providing for  
29 voluntary registration as a public guardian of  
30 a state college or university or independent  
31 college or university; providing required

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1 registration information; amending s. 744.1085,  
2 F.S.; revising provisions relating to the  
3 regulation of professional and public  
4 guardians; providing for credit checks and  
5 background screenings; providing for an  
6 examination; providing for waiver of  
7 examination; prohibiting the appointment, after  
8 a specified date, of professional and public  
9 guardians who have not met these requirements;  
10 amending s. 744.3135, F.S., relating to credit  
11 and criminal investigations; allowing a court  
12 to require nonprofessional guardians to undergo  
13 credit checks and background screening;  
14 amending s. 744.444, F.S.; allowing plenary or  
15 limited guardians to employ case managers;  
16 permitting reasonable reimbursement of  
17 compensation and fees for persons employed by  
18 the guardian for services provided to the  
19 guardianship estate; allowing plenary or  
20 limited guardians to provide certain  
21 confidential information to ombudsman council  
22 members; requiring that confidentiality be  
23 maintained; amending s. 744.534, F.S.;  
24 providing for the Secretary of Elderly Affairs  
25 to determine the use of certain unclaimed funds  
26 held by a guardian; amending s. 744.7021, F.S.;  
27 revising the organization of the Statewide  
28 Public Guardianship Office within the  
29 Department of Elderly Affairs; providing that  
30 the Secretary of Elderly Affairs shall appoint  
31 or contract with the head of the office to be

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1 executive director; providing for rulemaking by  
2 the department; amending s. 744.704, F.S.;  
3 revising the powers and duties of public  
4 guardians; prescribing who may be served by  
5 public guardians; creating the Guardianship  
6 Task Force within the department; providing  
7 purpose; providing for staff, a chairperson,  
8 and membership of the task force; providing for  
9 organizations that appoint members to pay their  
10 expenses; providing duties of the task force;  
11 requiring a preliminary and a final report to  
12 the Governor and the Legislature; allowing the  
13 appointment of auxiliary members; providing a  
14 term of service; amending s. 744.108, F.S.;  
15 providing that costs and attorney's fees  
16 incurred as part of the guardianship  
17 administration shall be determined by the  
18 court; amending s. 744.3145, F.S.; reducing the  
19 educational requirements for a person serving  
20 as a guardian for the person's minor child;  
21 creating ss. 393.506 and 400.9685, F.S.;  
22 providing for certain unlicensed staff to  
23 assist persons with developmental disabilities  
24 to administer certain prescription medications;  
25 providing the conditions under which staff may  
26 assist with medication; requiring the Agency  
27 for Health Care Administration to provide for  
28 specified aspects of the administration of  
29 medication in rule; amending s. 415.102, F.S.;  
30 redefining the terms "abuse," "neglect," and  
31 "vulnerable adult"; creating s. 415.1046, F.S.;

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1 providing the Department of Children and Family  
2 Services with the authority to contract for  
3 provision of adult protective investigative  
4 services; stipulating the requirements for  
5 sheriffs' offices to be eligible to contract  
6 for provision of adult protective investigative  
7 services; providing for the contracting and  
8 funding for adult protective investigative  
9 services; requiring sheriff's employees to  
10 complete certain training; stipulating minimum  
11 requirements for the sheriffs' offices'  
12 operation of adult protective investigations;  
13 requiring a program performance evaluation;  
14 amending s. 402.310, F.S.; authorizing the  
15 Department of Children and Family Services or a  
16 local licensing agency to deny, suspend, or  
17 revoke the license of a child care facility, a  
18 licensed family day care home, or a large  
19 family child care home and to deny, suspend, or  
20 revoke the registration of a family day care  
21 home following a violation of certain laws or  
22 rules; amending s. 402.313, F.S.; abolishing  
23 the authority of the Department of Children and  
24 Family Services or a local licensing agency to  
25 impose an administrative fine for family day  
26 care homes; requiring the department to  
27 establish minimum safety standards for licensed  
28 family day care homes; amending s. 402.3131,  
29 F.S.; abolishing the authority of the  
30 Department of Children and Family Services or a  
31 local licensing agency to impose an

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1 administrative fine for large family child care  
2 homes; amending s. 402.3055, F.S.; requiring a  
3 signed affidavit attesting to the accuracy of  
4 certain information provided by an applicant  
5 for a child care facility license; amending s.  
6 402.310, F.S.; requiring the Department of  
7 Children and Family Services to establish and  
8 impose uniform penalties relating to child care  
9 facility violations; requiring implementation  
10 not contingent upon an appropriation; creating  
11 s. 402.3105, F.S.; requiring the department to  
12 establish a database of information relating to  
13 violations, citations, and penalties imposed  
14 against child care facilities regulated by the  
15 state; requiring the Department of Children and  
16 Family Services to consult and meet the  
17 requirements of the State Technology Office;  
18 specifying database capabilities and uses of  
19 information contained therein; requiring  
20 implementation not contingent upon an  
21 appropriation; directing the Department of  
22 Children and Family Services to adopt a rule  
23 defining child care; amending 400.141, F.S.;  
24 providing that a nursing facility may be cited  
25 for a failure to comply with standards under  
26 specified conditions; providing an effective  
27 date.  
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