

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Richardson offered the following:

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3 **Amendment to Amendment (904709) (with title amendment)**

4 Remove lines 580-682 and insert:

5 (2) Each violation of this part and adopted rules must
6 ~~shall~~ be classified according to the nature of the violation and
7 the gravity of its probable effect on facility residents. The
8 agency shall indicate the classification on the written notice
9 of the violation as follows:

10 (a) Class "I" violations are defined in s. 408.813. The
11 agency shall impose an administrative fine for a cited class I
12 violation in an amount of \$7,500 ~~not less than \$5,000 and not~~
13 ~~exceeding \$10,000~~ for each violation.

14 (b) Class "II" violations are defined in s. 408.813. The

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15 agency shall impose an administrative fine for a cited class II
16 violation in an amount of \$2,500 ~~not less than \$1,000 and not~~
17 ~~exceeding \$5,000~~ for each violation.

18 (c) Class "III" violations are defined in s. 408.813. The
19 agency shall impose an administrative fine for a cited class III
20 violation in an amount of \$750 ~~not less than \$500 and not~~
21 ~~exceeding \$1,000~~ for each violation.

22 (d) Class "IV" violations are defined in s. 408.813. The
23 agency shall impose an administrative fine for a cited class IV
24 violation in an amount of \$150 ~~not less than \$100 and not~~
25 ~~exceeding \$200~~ for each violation.

26 (e) Regardless of the class of violation cited, instead of
27 the fine amounts listed in paragraphs (a)-(d), the agency shall
28 impose an administrative fine of \$500 if a facility is found not
29 to be in compliance with the background screening requirements
30 as provided in s. 408.809.

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

34 (a) The gravity of the violation, including the
35 probability that death or serious physical or emotional harm to
36 a resident will result or has resulted, the severity of the
37 action or potential harm, and the extent to which the provisions
38 of the applicable laws or rules were violated.

39 (b) Actions taken by the owner or administrator to correct
40 violations.

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41 (c) Any previous violations.

42 (d) The financial benefit to the facility of committing or
43 continuing the violation.

44 (e) The licensed capacity of the facility.

45 (4) Each day of continuing violation after the date
46 established by the agency ~~fixed for correction termination~~ of
47 ~~the violation, as ordered by the agency,~~ constitutes an
48 additional, separate, and distinct violation.

49 (5) An ~~Any~~ action taken to correct a violation shall be
50 documented in writing by the owner or administrator of the
51 facility and verified through followup visits by agency
52 personnel. The agency may impose a fine and, in the case of an
53 owner-operated facility, revoke or deny a facility's license
54 when a facility administrator fraudulently misrepresents action
55 taken to correct a violation.

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

60 (7) In addition to any administrative fines imposed, the
61 agency may assess a survey fee, equal to the lesser of one half
62 of the facility's biennial license and bed fee or \$500, to cover
63 the cost of conducting initial complaint investigations that
64 result in the finding of a violation that was the subject of the
65 complaint or monitoring visits conducted under s. 429.28(3)(c)
66 to verify the correction of the violations.

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

70 (9) The agency shall develop and disseminate an annual
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73 **T I T L E A M E N D M E N T**

74 Remove lines 2516-2524 and insert:

75 revising amounts and uses of administrative fines;
76 requiring the agency to levy a fine for violations
77 that are corrected before an inspection if
78 noncompliance occurred within a specified period of
79 time; amending s. 429.256, F.S.;

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