



## II. Present Situation:

### *Assisted Living Facilities*

Assisted living facilities (ALFs) are those entities providing residential care and personal services to recipients, typically the aged, under part III, chapter 400, F.S.<sup>1</sup> The purpose of ALFs is to: promote the availability of appropriate services for elderly persons and adults with disabilities in the least restrictive and most homelike environment; promote the dignity, individuality, privacy and decisionmaking ability of residents; provide for the health, safety and welfare of residents; develop innovative and affordable facilities for persons with low to moderate incomes; and ensure that needed economic, social, mental health, health, and leisure services are made available to the residents.<sup>2</sup>

To the maximum extent possible, appropriate community-based programs must be made available to state-supported residents to augment the services provided in ALFs.<sup>3</sup> The Legislature recognizes that ALFs are an important part of the continuum of long-term care and that ALFs should be operated and regulated as residential environments with supportive services and not as medical or nursing facilities.<sup>4</sup> The services provided by ALFs are intended to help residents remain as independent as possible.<sup>5</sup> Regulations governing ALFs must be sufficiently flexible to allow the facilities to meet resident needs and accommodate resident preferences.<sup>6</sup>

The Agency for Health Care Administration (AHCA) licenses ALFs in Florida, and such licensure is a public trust and a privilege, not an entitlement.<sup>7</sup> It is illegal to operate an ALF without a license and any person who owns or operates an ALF without a license commits a felony of the second degree.<sup>8</sup> ALFs may by means of additional licenses provide services to residents with special needs, such as extended congregate care,<sup>9</sup> limited nursing services,<sup>10</sup> and limited mental health care.<sup>11</sup>

Regulation of ALFs is a multi-agency endeavor, involving AHCA, the Department of Elderly Affairs, the Department of Children and Family Services, and the Department of Health. AHCA is responsible for licensing and conducting site surveys of ALFs, to include the issuance of fines and licensure restrictions in response to deficient practices.<sup>12</sup> The Department of Elderly Affairs is responsible for promulgation of administrative rules regarding ALFs.<sup>13</sup> The Department of Children and Family Services is responsible for regulating resident placement, in conjunction with AHCA, the investigation of allegations of elder abuse, and training for limited mental health

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<sup>1</sup> s. 400.402(6), F.S.

<sup>2</sup> s. 400.401(2), F.S.

<sup>3</sup> s. 400.401(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> ss. 400.404(1) and 400.401(3), F.S.

<sup>8</sup> s. 400.408(1), F.S.

<sup>9</sup> ss. 400.402(12) and 400.407(3)(b), F.S.

<sup>10</sup> ss. 400.402(14) and 400.407(3)(c), F.S.

<sup>11</sup> s. 400.4075, F.S.

<sup>12</sup> ss. 400.407, 400.414 and 400.419, F.S.

<sup>13</sup> s. 400.441, F.S.

licenses.<sup>14</sup> The Department of Health consults with the other agencies in the establishment of evaluative and regulatory standards and criteria.<sup>15</sup>

ALFs are required as a matter of licensure to: maintain liability insurance;<sup>16</sup> conduct background screenings on owners, operators and employees;<sup>17</sup> maintain satisfactory firesafety standards as determined by a local firesafety authority;<sup>18</sup> furnish proof of financial ability to operate the facility;<sup>19</sup> furnish documentation of a satisfactory sanitation inspection by a county health department;<sup>20</sup> comply with local zoning requirements and building construction codes;<sup>21</sup> maintain specified records as required by AHCA;<sup>22</sup> determine the appropriateness of admission of all residents;<sup>23</sup> safeguard the property and personal affairs of residents;<sup>24</sup> enter into a services and accommodations contract with each resident upon admission or prior thereto;<sup>25</sup> and assist residents with self-administration of medication.<sup>26</sup>

### *Urban Distressed Communities*

Workforce Florida, Inc.<sup>27</sup> in the Agency for Workforce Innovation, Enterprise Florida, Inc.<sup>28</sup> in the Department of Management Services, and the Office of Tourism, Trade, and Economic Development<sup>29</sup> in the Executive Office of the Governor, work in conjunction with one another to link economic development and workforce development goals and strategies of the state.<sup>30</sup> The three entities monitor the activities of public-private partnerships and state agencies in order to promote coordinated and consistent implementation of programs relating to: business recruitment, creation, retention and expansion; workforce development; and minority and small business development.<sup>31</sup>

Inherent in the program missions of these entities is the creation, promotion and expansion of urban economic initiatives. Such initiatives typically seek to employ under-utilized urban workforces and distressed community infrastructure in a symbiotic way to enhance employment and improve inner-city physical plant. Such urban re-development initiatives have been successfully utilized by local, state, and federal agencies across the county for the past 40 years.

<sup>14</sup> ss. 400.4075, 400.408(2), 400.426, 400.431, 400.434 and 400.441, F.S.

<sup>15</sup> s. 400.441(1), F.S.

<sup>16</sup> s. 400.411(6), F.S.

<sup>17</sup> ss. 400.411(11) and 400.4174, F.S.

<sup>18</sup> ss. 400.411(9), 400.414(1)(k) and 400.441(1)(a), F.S.

<sup>19</sup> s. 400.411(4), F.S.

<sup>20</sup> s. 400.411(10), F.S.

<sup>21</sup> ss. 400.4445 and 400.444, F.S.

<sup>22</sup> ss. 400.4275 and 400.435, F.S.

<sup>23</sup> s. 400.426, F.S.

<sup>24</sup> s. 400.427, F.S.

<sup>25</sup> s. 400.424, F.S.

<sup>26</sup> s. 400.4256, F.S.

<sup>27</sup> s. 445.004, F.S.

<sup>28</sup> s. 288.901, F.S.

<sup>29</sup> s. 14.2015, F.S.

<sup>30</sup> s. 14.2015(1)(b), F.S.

<sup>31</sup> *Id.*

This bill has as its purpose the creation of jobs and assisted living facilities in economically and physically distressed urban areas. By utilizing neighborhood organizations and residents, the bill will enhance employment for workers, and provide assisted living for elders, in the most disadvantaged communities in the state.

### III. Effect of Proposed Changes:

**Section 1.** Specifies that the bill may be cited as the Moses General Miles Act.

**Section 2.** Requires the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to develop a grant program to fund five pilot ALF projects in five of the ten urban distressed communities of Pensacola, Tallahassee, Jacksonville, Daytona Beach, Orlando, Tampa, St. Petersburg, West Palm Beach, Ft. Lauderdale and Miami-Dade. The funding must be for not-for-profit community and faith-based organizations, exempt from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code. The institute must develop weighted criteria for review of proposals and give priority to proposals submitted by neighborhood-based organizations that have as a principal part of their missions the improvement of conditions for residents of such neighborhoods.

Each organization seeking funding must submit to a review panel a strategic plan that outlines the need for and location of ALFs for low-income elderly in urban distressed communities. The plan should incorporate public-private partnerships that will be used in developing and constructing the ALFs.

A review panel is created within the institute to evaluate submitted proposals consisting of seven members appointed by the president of the university, as follows: one member affiliated with AHCA; the Secretary of the Department of Health, or a designee; the President of Enterprise Florida, Inc., or a designee; one member from a private-sector investment organization; one member affiliated with the Office of Tourism, Trade, and Economic Development; one member from a professional trade organization representing ALFs; and one member affiliated with Workforce Florida, Inc. The director of the institute, or a designee, will serve as secretary to the panel without voting rights.

The institute will develop and provide program technical assistance support to the organizations submitting development proposals. The institute has the authority to adopt rules to implement the provisions of the act.

**Section 3.** Appropriates from the General Revenue Fund to the institute the sum of \$1.5 million to develop and provide technical support to community and faith-based organizations and for contracts for five pilot projects. The institute is authorized to allocate up to \$225,000 to each of the five pilot projects.

**Section 4.** Provides that should this bill become law, it will take effect July 1, 2001.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Up to \$225,000 may be allocated to each of five pilot projects that use public-private partnerships for the construction of ALFs.

**C. Government Sector Impact:**

There is a \$1.5 million expenditure from the General Revenue Fund for the development and implementation of a grant program at the Florida Agricultural and Mechanical University.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Because of the Department of Elderly Affairs' role in promulgating rules for ALFs, it may be appropriate for the department to be represented on the review panel.

**VIII. Amendments:**

#1 by Health, Aging and Long-Term Care:

Provides that the Secretary of the Department of Elderly Affairs, or a designee, shall be included on the proposal review panel.