

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Children and Families Committee

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BILL: PCS/SB 1836

SPONSOR: Senator Argenziano

SUBJECT: Assisted Living Facilities

DATE: April 5, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collins</u>	<u>Whiddon</u>	<u>CF</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>HE</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The proposed committee substitute for Senate Bill 1836 creates ch. 429, F.S., and transfers parts III, VII, and V of ch. 400, F.S., to the new chapter. This bill entitles the chapter "Assisted Care Communities" consisting of Parts I, II, and III. Additionally, this bill makes multiple statutory revisions that are needed to accurately reflect the move of Part III of ch. 400, F.S., and specifies each of these conforming changes. Finally, the Division of Statutory Revision is directed to prepare a reviser's bill to make conforming changes to the Florida Statutes.

If approved, this act shall take effect on July 1, 2005.

This bill transfers sections 400.401, 400.402, 400.404, 400.407, 400.4075, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.4298, 400.431, 400.434, 400.435, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.449, 400.451, 400.452, 400.453, 400.454, 400.616, 400.617, 400.618, 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, 400.629, 400.55, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5572, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.563, and 400.564 of the Florida Statutes, amends sections 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295,

400.4296, 400.4298, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.449, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.55, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5572, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.563, 400.564, 400.601, 400.616, 400.617, 400.618, 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.907, 410.031, 410.034, 415.1111, 430.601, 430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585 of the Florida Statutes, creates sections 429.01, 429.02, 429.04, 429.07, 429.075, 429.08, 429.11, 429.12, 429.14, 429.15, 429.17, 429.174, 429.176, 429.177, 429.178, 429.18, 429.19, 429.195, 429.20, 429.21, 429.22, 429.23, 429.24, 429.255, 429.256, 429.26, 429.27, 429.275, 429.28, 429.29, 429.293, 429.294, 429.295, 429.296, 429.297, 429.298, 429.31, 429.34, 429.35, 429.41, 429.42, 429.44, 429.445, 429.47, 429.49, 429.51, 429.52, 429.53, 429.54, 429.60, 429.63, 429.65, 429.67, 429.69, 429.71, 429.73, 429.75, 429.77, 429.81, 429.83, 429.85, 429.90, 429.901, 429.903, 429.905, 429.907, 429.909, 429.911, 429.913, 429.915, 429.917, 429.919, 429.921, 429.923, 429.925, 429.927, 429.929, 429.931, and 429.933, of the Florida Statutes.

**II. Present Situation:**

Chapter 400, F.S., is entitled “Nursing Homes and Related Health Care Facilities” and consists of 13 parts.

<b>Part</b>	<b>Title</b>
I	Long-Term Care Facilities: Ombudsman Program
II	Nursing Homes
III	Assisted Living Facilities
IV	Home Health Agencies
V	Adult Day Care Centers
VI	Hospices
VII	Adult Family-Care Home Act
VIII	Intermediate, Special Services, and Transitional Living Facilities
IX	Prescribed Pediatric Extended Care Centers
X	Home Medical Equipment Providers
XI	Intermediate Care Facilities for Developmentally Disabled Persons
XII	Health Care Services Pools
XIII	Health Care Clinic Act

**Assisted Living Facilities**

Assisted living facilities (ALFs) are residential care facilities that provide housing, meals, personal care, and supportive services to older persons and disabled adults who are unable to live independently. These facilities are licensed under ch. 400, part III, F.S. Assisted Living Facilities

are intended to be a less costly alternative to more restrictive, institutional settings for individuals who do not require 24-hour nursing supervision. Assisted Living Facilities are regulated in a manner so as to encourage dignity, individuality, and choice for residents, while providing reasonable assurance for their safety and welfare.

**Adult Family Care Homes**

An adult family care home (AFCH) is a family-type living arrangement in a private home. Adult family care homes are licensed in accordance with ch. 400, part VII, F.S., to provide room, board, and personal care on a 24-hour basis for up to five individuals. Adult family care homes are intended to be an alternative to more restrictive, institutional settings for individuals who need housing and supportive services but who do not need 24-hour nursing supervision. The provider must own or rent and live in the home.

**Adult Day Care Centers**

Adult Day Care Centers (ADCC) are licensed under ch. 400, part V, F.S., to provide therapeutic programs of social and health services as well as activities for adults in a non-institutional setting. Participants may utilize a variety of services offered during any part of a day but less than a 24-hour period.

**Division of Statutory Revision**

The Division of Statutory Revision (Division) is a unit within the Office of Legislative Services (OLS) which is responsible for editing, compiling, indexing, and publishing the Florida Statutes under the continuous permanent statutory revision plan established under ss. 11.241-11.243., F.S. The powers, duties, and functions of OLS as they pertain to the statutory revision program are specified by these sections of statute.

The provisions of s. 11.242(1), F.S., charge the Division with conducting a systematic and continuing study of the statutes and laws of this state for the purpose of reducing their number and bulk, removing inconsistencies, redundancies, and unnecessary repetitions and otherwise improving their clarity and facilitating their correct and proper interpretation; and for the same purpose, to prepare and submit to the Legislature reviser’s bills and bills for the amendment, consolidation, revision, repeal, or other alterations or changes in any general statute or laws or parts thereof of a general nature required as a result of legislation approved during the preceding session or sessions.

**III. Effect of Proposed Changes:**

The proposed committee substitute for Senate Bill 1836 creates ch. 429, F.S., and transfers parts III, VII, and V of ch. 400, F.S., to ch. 429, F.S. This bill entitles the chapter “Assisted Care Communities” and makes multiple statutory revisions that are needed to accurately reflect the move of Part III of ch. 400, F.S., and specifies each of these conforming changes.

Part	Title	Transferred to
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		ch. 429, F.S. Part
III	Assisted Living Facilities	I
VII	Adult Family-Care Home Act	II
V	Adult Day Care Centers	III

**Section 1:** Renumbers ss. 400.401 – 400.504, F.S., as ss. 429.01-429.49, F.S. creating part I of ch. 429,F.S.

**Section 2:** Renumbers ss.400.616 – 400.629, F.S., as ss. 429.60 – 429.85, F.S., to create part II of ch. 429, F.S.

**Section 3:** Renumbers ss. 400.55 – 400.564, F.S., as ss. 429.90-429.333, F.S., to create part III of ch. 429, F.S.

**Sections 4 – 115:** Specifies the conforming changes needed to reflect the move of part III, ch. 400, F.S., to newly created ch. 429, F.S.

**Section 116:** Directs the Division of Statutory Revision to prepare a reviser’s bill to introduce at the subsequent legislative session to make conforming changes to the Florida Statutes.

The requirements specified in the sections of Part III of ch. 400, F.S., are interconnected with other sections contained in that chapter. The provisions of this PCS make the conforming changes that are needed to accurately reflect the move of Part III to ch. 429, Part I, F.S.

It is believed that transferring the provisions that regulate assisted living facilities, adult family care homes, and adult day care centers into an independent chapter of statute will help to more closely identify these programs as providing similar services. Additionally, the title proposed for the newly created chapter is descriptive of the broad range of services provided under the provisions of this law.

Upon approval, this act shall take effect July 1, 2005.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Agency for Health Care Administration reports that there should be no negative fiscal impact to implementing the provisions of this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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