

1 A bill to be entitled
2 An act relating to intermediate care facilities;
3 amending s. 400.962, F.S.; requiring certain
4 facilities that have been granted a certificate-of-
5 need exemption to demonstrate and maintain compliance
6 with specified criteria; providing for future
7 legislative review and repeal; amending s. 408.036,
8 F.S.; providing an exemption from a certificate-of-
9 need requirement for certain intermediate care
10 facilities; limiting the number of exemptions that the
11 Agency for Health Care Administration may grant;
12 providing that a specific legislative appropriation is
13 not required for such exemptions; providing for
14 termination of such exemptions after a specified
15 period; requiring the agency to monitor the progress
16 of a holder of the certificate of exemption; requiring
17 the agency to extend the time period for development
18 of a project under certain circumstances; providing
19 for future legislative review and repeal; providing an
20 effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Subsection (6) is added to section 400.962,
25 Florida Statutes, to read:

26 | 400.962 License required; license application.-

27 | (6) An applicant that has been granted a certificate-of-
28 | need exemption under s. 408.036(3)(o) must also demonstrate and
29 | maintain compliance with the following criteria:

30 | (a) The total number of beds per home within the facility
31 | may not exceed eight, with each resident having his or her own
32 | bedroom and bathroom. Each eight-bed home must be colocated on
33 | the same property with two other eight-bed homes and must serve
34 | individuals with severe maladaptive behaviors and co-occurring
35 | psychiatric diagnoses.

36 | (b) A minimum of 16 beds within the facility must be
37 | designated for individuals with severe maladaptive behaviors who
38 | have been assessed using the Agency for Persons with
39 | Disabilities' Global Behavioral Service Need Matrix with a score
40 | of Level 4 through Level 6, or assessed using the criteria
41 | deemed appropriate by the Agency for Health Care Administration
42 | regarding the need for a specialized placement in an
43 | intermediate care facility for the developmentally disabled.

44 | (c) The applicant has not had a facility license denied,
45 | revoked, or suspended within the 36 months preceding the request
46 | for exemption.

47 | (d) The applicant must have at least 10 years of
48 | experience serving individuals with severe maladaptive behaviors
49 | in the state.

50 | (e) The applicant must implement a state-approved staff

51 training curriculum and monitoring requirements specific to the
52 individuals whose behaviors require higher intensity, frequency,
53 and duration of services.

54 (f) The applicant must make available medical and nursing
55 services 24 hours per day, 7 days per week.

56 (g) The applicant must demonstrate a history of using
57 interventions that are least restrictive following a behavioral
58 hierarchy.

59 (h) The applicant must maintain a policy prohibiting the
60 use of mechanical restraints.

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62 This subsection is repealed July 1, 2022, unless reviewed and
63 saved from repeal by the Legislature.

64 Section 2. Paragraph (o) is added to subsection (3) of
65 section 408.036, Florida Statutes, to read:

66 408.036 Projects subject to review; exemptions.—

67 (3) EXEMPTIONS.—Upon request, the following projects are
68 subject to exemption from subsection (1):

69 (o) For a new intermediate care facility for the
70 developmentally disabled that has a total of 24 beds, comprised
71 of three eight-bed homes, for use by individuals exhibiting
72 severe maladaptive behaviors and co-occurring psychiatric
73 diagnoses requiring increased levels of behavioral, medical, and
74 therapeutic oversight. The applicant must not have had a license
75 denied, revoked, or suspended within the 36 months preceding the

76 request for exemption and must have at least 10 years of
77 experience serving individuals with severe maladaptive behaviors
78 in this state. The agency may grant no more than three
79 exemptions under this paragraph.

80 1. An exemption granted under this paragraph does not
81 require a specific legislative appropriation.

82 2. An exemption granted under this paragraph shall
83 terminate 18 months after the date of issuance unless the holder
84 of the certificate of exemption has commenced construction of
85 the project. The agency shall monitor the progress of the
86 exemption holder in meeting the timetable for project
87 development as specified in the application for exemption. The
88 agency shall extend the time period for a project, if the
89 exemption holder demonstrates to the satisfaction of the agency
90 that it has made a good faith effort in commencing construction
91 of the project, which is being delayed or precluded by
92 litigation or by governmental action or inaction with respect to
93 regulations or permitting.

94 3. This paragraph is repealed July 1, 2022, unless
95 reviewed and saved from repeal by the Legislature.

96 Section 3. This act shall take effect July 1, 2020.