



**RON DESANTIS**  
**GOVERNOR**

**JASON WEIDA**  
**SECRETARY**

November 13, 2023

Mr. Scott Logan  
Social Security Administration  
Office of Income Security Programs  
Keys Section  
2518 Robert M. Ball Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

Dear Mr. Logan:

As required, Florida hereby certifies that it is in compliance with the provisions of the Keys Amendment, Section 1616(e) of the Social Security Act. This certification is being submitted for fiscal year 2023 - 2024.

The Agency for Health Care Administration (Agency) is the designated state agency responsible for the enforcement of standards for residential facilities where significant numbers of Supplemental Security Income (SSI) recipients reside. These residential facilities are assisted living facilities (ALFs), adult family care homes (AFCHs), intermediate care facilities for individuals with intellectual disabilities (ICFs) and residential treatment facilities for individuals with mental illnesses (RTFs). The Agency is also the designated state survey agency under contract with the Centers for Medicare & Medicaid Services (CMS) for the certification of Medicare and Medicaid-certified facilities. The Agency for Health Care Administration (Agency) and the Department of Children and Families (DCF) develop the standards for ALFs, AFCHs, and RTFs. The Agency for Health Care Administration develops the standards for ICFs.

Standards and enforcement of procedures for ALFs, AFCHs, ICFs and RTFs remain unchanged. Florida continues to issue written statements of deficiency to the facilities. Corrective action is required from the facility within approved time frames. The Agency then verifies that action has been taken. Where corrective action is not taken by the facility, the Agency utilizes various administrative enforcement actions to secure corrective action. These enforcement actions include administrative fines, admission moratoriums, closure of the facility and revocation of the license.

The Agency posts information on its Florida Health Finder website which identifies the license status, sanctions, and fines for each ALF, AFCH, ICF, and RTF. The information is updated nightly and may be found at: <https://quality.healthfinder.fl.gov/index.html>.

In addition, the standards which govern ALFs, AFCHs and RTFs are mandated in Florida Statutes (statutes) and Florida Administrative Code (rules). Consumers may link to governing



RTF statutes and rules from our website at: <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/hospital-outpatient-services-unit/residential-treatment-facilities>.

ICF standards are located at: <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/long-term-care-services-unit/intermediate-care-facilities>.

The ALF and AFCH statutes and rules are located at: <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/assisted-living-unit/assisted-living-facility>.

The Agency for Persons with Disabilities (APD) regulates other residential facilities that serve individuals with developmental and intellectual disabilities. Many SSI recipients choose to live in their own homes or apartments where various services and supports are provided to them in order to allow them to live as independently as possible. There are more than 2,000 residential facilities in Florida that are licensed by the APD to serve individuals who choose to live in licensed homes. These facilities include foster care facilities, group homes, and residential habilitation centers. Below are the statutory descriptions of the types of APD-licensed homes:

*“Foster care facility” means a residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of its residents. The capacity of such a facility may not be more than three residents.*

*“Group home facility” means a residential facility which provides a family living environment, including supervision and care necessary to meet the physical, emotional and social needs of its residents. The capacity of such a facility shall be at least 4 but not more than 15 residents.*

*“Residential habilitation center” means a community residential facility which provides habilitation services. The capacity of such a facility may not be fewer than nine residents. After October 1, 1989, new residential habilitation centers may not be licensed and the licensed capacity for any existing residential habilitation center may not be increased.*

Additional information regarding the licensure standards established by the APD for the facility types described above may be found in section 393.067, Florida Statutes and Chapter 65G-2, Florida Administrative Code (which are available to the public and may be accessed on the Internet via the following links:

<http://www.leg.state.fl.us/Statutes/>  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=65G-2>

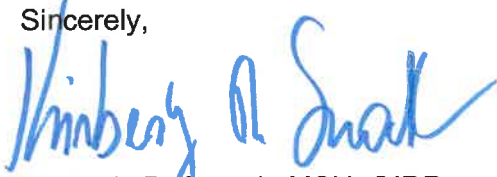
APD staff conducts on-site reviews of all APD-licensed homes on at least a monthly basis to ensure compliance with the licensure requirements and standards. This monitoring function is one of the ways we assess the health, safety, and welfare of the residents of those homes. Documentation by APD staff of licensure deficiencies results in the initiation of progressive disciplinary actions. They can include the provision of technical assistance to the licensee, development of corrective action plans with timeframes for the correction of identified deficiencies, levying of administrative fines, imposition of admissions moratoria, and/or formal revocation of licenses.

Copies of residential facility inspection reports as well as detailed information regarding administrative actions taken against specific providers who are not in full compliance with established licensing standards are made available to the public upon request.

Pursuant to Section 429.075 and Section 394.4574, F.S., DCF has two primary responsibilities relating to training and compliance for assisted living facilities with a limited mental health specialty license. The training addresses the care of residents living with mental illnesses, behavioral issues and medication management. The Department contracts with behavioral health managing entities who are responsible for ensuring any subcontracted ALF providers with limited mental health licenses comply with statutory requirements related to assessment, emergency access, community living support plans and eligibility. Providers are required to submit annual plans that record compliance with each of these standards. Action plans are required for each area of noncompliance. DCF is in compliance with both statutes.

If you have any questions regarding Florida's regulation of AHCA-licensed residential programs, please contact Bernard Hudson, Bureau Chief of Health Facility Regulation, by phone at (850) 412-4456 or email at [Bernard.Hudson@ahca.myflorida.com](mailto:Bernard.Hudson@ahca.myflorida.com). For questions or additional information regarding Florida's regulation of APD-licensed residential facilities, please contact Lorena Fulcher by telephone at (850) 488-5998 or e-mail at [Lorena.Fulcher@apdcares.org](mailto:Lorena.Fulcher@apdcares.org). If you have questions regarding DCF involvement with these facilities, please contact Heather Allman, by phone at (850) 717-4288 or email at [Heather.Allman@myflfamilies.com](mailto:Heather.Allman@myflfamilies.com).

Sincerely,



Kimberly R. Smoak, MSH, QIDP  
Deputy Secretary  
State Survey Agency Director  
Division of Health Care Policy and Oversight

KRS/cb

cc: Lorena Fulcher  
Heather Allman