



Health & Human Services Committee

Thursday, February 16, 2012
9:00 AM – 11:00 AM
404 HOB

Action Packet

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/16/2012 9:00:00AM

Location: 404 HOB

Summary:

Health & Human Services Committee

Thursday February 16, 2012 09:00 am

CS/HB 99	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 502913	Adopted Without Objection	
CS/HB 529	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 795891	Adopted Without Objection	
HB 621	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 723941	Adopted Without Objection	
	Amendment 159853	Adopted Without Objection	
	Amendment 188175	Adopted Without Objection	
	Amendment 348791	Adopted Without Objection	
	SA for 885893		
	Amendment 256913	Adopted Without Objection	
	Amendment 177847	Adopted Without Objection	
HB 655	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 937079	Adopted as Amended	
	Amendment 781969	Adopted Without Objection	
CS/HB 657	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 916333	Adopted Without Objection	
CS/HB 787	Favorable With Committee Substitute	Yeas: 15	Nays: 3
	Amendment 180325	Adopted	
CS/CS/HB 943	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 491213	Adopted Without Objection	
	Amendment 942789	Adopted Without Objection	
	Amendment 327373	Adopted Without Objection	
	Amendment 111011	Adopted Without Objection	
	Amendment 878599	Adopted Without Objection	
CS/HB 1229	Favorable With Committee Substitute	Yeas: 16	Nays: 2
	Amendment 225973	Adopted Without Objection	
	Amendment 694381	Adopted Without Objection	

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/16/2012 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Robert Schenck (Chair)	X		
Dennis Baxley	X		
Mack Bernard	X		
Jason Brodeur	X		
Richard Corcoran	X		
Janet Cruz	X		
Eduardo Gonzalez	X		
Gayle Harrell	X		
Doug Holder	X		
Matt Hudson	X		
Mia Jones	X		
Ana Logan	X		
Mark Pafford	X		
Ronald Renuart	X		
Elaine Schwartz	X		
Carlos Trujillo	X		
Barbara Watson	X		
John Wood	X		
Totals:	18	0	0

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COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 99 : Sexual Exploitation

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/HB 99 Amendments

Amendment 502913

Adopted Without Objection

Appearances:

Diaz, Nelson (Lobbyist) - Proponent
 Kristi House
 121 Alhambra Plaza
 Coral Gables FL 33134
 Phone: (305) 490-3414

Pitts, Brian - Opponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 99 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Fresen offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. This act may be cited as the "Florida Safe Harbor
8 Act."

9 Section 2. Subsections (4) through (12) of section 39.001,
10 Florida Statutes, are renumbered as subsections (5) through
11 (13), respectively, paragraph (c) of present subsection (7) and
12 paragraph (b) of present subsection (9) are amended, and a new
13 subsection (4) is added to that section, to read:

14 39.001 Purposes and intent; personnel standards and
15 screening.—

16 (4) SEXUAL EXPLOITATION SERVICES.—

17 (a) The Legislature recognizes that child sexual
18 exploitation is a serious problem nationwide and in this state.

19 The children at greatest risk of being sexually exploited are

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Amendment No. 1

20 runaways and throwaways. Many of these children have a history
21 of abuse and neglect. The vulnerability of these children starts
22 with isolation from family and friends. Traffickers maintain
23 control of child victims through psychological manipulation,
24 force, drug addiction, or the exploitation of economic,
25 physical, or emotional vulnerability. Children exploited through
26 the sex trade often find it difficult to trust adults because of
27 their abusive experiences. These children make up a population
28 that is difficult to serve and even more difficult to
29 rehabilitate.

30 (b) The Legislature establishes the following goals for
31 the state related to the status and treatment of sexually
32 exploited children in the dependency process:

33 1. To ensure the safety of children.

34 2. To provide for the treatment of such children as
35 dependent children rather than as delinquents.

36 3. To sever the bond between exploited children and
37 traffickers and to reunite these children with their families or
38 provide them with appropriate guardians.

39 4. To enable such children to be willing and reliable
40 witnesses in the prosecution of traffickers.

41 (c) The Legislature finds that sexually exploited children
42 need special care and services in the dependency process,
43 including counseling, health care, substance abuse treatment,
44 educational opportunities, and a safe environment secure from
45 traffickers.

46 (d) The Legislature further finds that sexually exploited
47 children need the special care and services described in

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Amendment No. 1

48 paragraph (c) independent of their citizenship, residency,
49 alien, or immigrant status. It is the intent of the Legislature
50 that this state provide such care and services to all sexually
51 exploited children in this state who are not otherwise receiving
52 comparable services, such as those under the federal Trafficking
53 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

54 ~~(8)-(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.-

55 (c) The office is authorized and directed to:

56 1. Oversee the preparation and implementation of the state
57 plan established under subsection (9) ~~(8)~~ and revise and update
58 the state plan as necessary.

59 2. Provide for or make available continuing professional
60 education and training in the prevention of child abuse and
61 neglect.

62 3. Work to secure funding in the form of appropriations,
63 gifts, and grants from the state, the Federal Government, and
64 other public and private sources in order to ensure that
65 sufficient funds are available for the promotion of adoption,
66 support of adoptive families, and child abuse prevention
67 efforts.

68 4. Make recommendations pertaining to agreements or
69 contracts for the establishment and development of:

70 a. Programs and services for the promotion of adoption,
71 support of adoptive families, and prevention of child abuse and
72 neglect.

73 b. Training programs for the prevention of child abuse and
74 neglect.

Amendment No. 1

75 c. Multidisciplinary and discipline-specific training
76 programs for professionals with responsibilities affecting
77 children, young adults, and families.

78 d. Efforts to promote adoption.

79 e. Postadoptive services to support adoptive families.

80 5. Monitor, evaluate, and review the development and
81 quality of local and statewide services and programs for the
82 promotion of adoption, support of adoptive families, and
83 prevention of child abuse and neglect and shall publish and
84 distribute an annual report of its findings on or before January
85 1 of each year to the Governor, the Speaker of the House of
86 Representatives, the President of the Senate, the head of each
87 state agency affected by the report, and the appropriate
88 substantive committees of the Legislature. The report shall
89 include:

90 a. A summary of the activities of the office.

91 b. A summary of the adoption data collected and reported
92 to the federal Adoption and Foster Care Analysis and Reporting
93 System (AFCARS) and the federal Administration for Children and
94 Families.

95 c. A summary of the child abuse prevention data collected
96 and reported to the National Child Abuse and Neglect Data System
97 (NCANDS) and the federal Administration for Children and
98 Families.

99 d. A summary detailing the timeliness of the adoption
100 process for children adopted from within the child welfare
101 system.

Amendment No. 1

102 e. Recommendations, by state agency, for the further
103 development and improvement of services and programs for the
104 promotion of adoption, support of adoptive families, and
105 prevention of child abuse and neglect.

106 f. Budget requests, adoption promotion and support needs,
107 and child abuse prevention program needs by state agency.

108 6. Work with the direct-support organization established
109 under s. 39.0011 to receive financial assistance.

110 ~~(10)(9)~~ FUNDING AND SUBSEQUENT PLANS.-

111 (b) The office and the other agencies and organizations
112 listed in paragraph (9)(a) ~~(8)(a)~~ shall readdress the state plan
113 and make necessary revisions every 5 years, at a minimum. Such
114 revisions shall be submitted to the Speaker of the House of
115 Representatives and the President of the Senate no later than
116 June 30 of each year divisible by 5. At least biennially, the
117 office shall review the state plan and make any necessary
118 revisions based on changing needs and program evaluation
119 results. An annual progress report shall be submitted to update
120 the state plan in the years between the 5-year intervals. In
121 order to avoid duplication of effort, these required plans may
122 be made a part of or merged with other plans required by either
123 the state or Federal Government, so long as the portions of the
124 other state or Federal Government plan that constitute the state
125 plan for the promotion of adoption, support of adoptive
126 families, and prevention of child abuse, abandonment, and
127 neglect are clearly identified as such and are provided to the
128 Speaker of the House of Representatives and the President of the
129 Senate as required above.

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Published On: 2/15/2012 6:13:00 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 99 (2012)

Amendment No. 1

130 Section 3. Subsections (2), (15), and (67) of section
131 39.01, Florida Statutes, are amended to read:

132 39.01 Definitions.—When used in this chapter, unless the
133 context otherwise requires:

134 (2) "Abuse" means any willful act or threatened act that
135 results in any physical, mental, or sexual abuse, injury, or
136 harm that causes or is likely to cause the child's physical,
137 mental, or emotional health to be significantly impaired. Abuse
138 of a child includes acts or omissions. Corporal discipline of a
139 child by a parent or legal custodian for disciplinary purposes
140 does not in itself constitute abuse when it does not result in
141 harm to the child.

142 (15) "Child who is found to be dependent" means a child
143 who, pursuant to this chapter, is found by the court:

144 (a) To have been abandoned, abused, or neglected by the
145 child's parent or parents or legal custodians;

146 (b) To have been surrendered to the department, the former
147 Department of Health and Rehabilitative Services, or a licensed
148 child-placing agency for purpose of adoption;

149 (c) To have been voluntarily placed with a licensed child-
150 caring agency, a licensed child-placing agency, an adult
151 relative, the department, or the former Department of Health and
152 Rehabilitative Services, after which placement, under the
153 requirements of this chapter, a case plan has expired and the
154 parent or parents or legal custodians have failed to
155 substantially comply with the requirements of the plan;

156 (d) To have been voluntarily placed with a licensed child-
157 placing agency for the purposes of subsequent adoption, and a

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Amendment No. 1

158 parent or parents have signed a consent pursuant to the Florida
159 Rules of Juvenile Procedure;

160 (e) To have no parent or legal custodians capable of
161 providing supervision and care; ~~or~~

162 (f) To be at substantial risk of imminent abuse,
163 abandonment, or neglect by the parent or parents or legal
164 custodians; or

165 (g) To have been sexually exploited and to have no parent,
166 legal custodian, or responsible adult relative currently known
167 and capable of providing the necessary and appropriate
168 supervision and care.

169 (67) "Sexual abuse of a child" for purposes of finding a
170 child to be dependent means one or more of the following acts:

171 (a) Any penetration, however slight, of the vagina or anal
172 opening of one person by the penis of another person, whether or
173 not there is the emission of semen.

174 (b) Any sexual contact between the genitals or anal
175 opening of one person and the mouth or tongue of another person.

176 (c) Any intrusion by one person into the genitals or anal
177 opening of another person, including the use of any object for
178 this purpose, except that this does not include any act intended
179 for a valid medical purpose.

180 (d) The intentional touching of the genitals or intimate
181 parts, including the breasts, genital area, groin, inner thighs,
182 and buttocks, or the clothing covering them, of either the child
183 or the perpetrator, except that this does not include:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 99 (2012)

Amendment No. 1

184 1. Any act which may reasonably be construed to be a
185 normal caregiver responsibility, any interaction with, or
186 affection for a child; or

187 2. Any act intended for a valid medical purpose.

188 (e) The intentional masturbation of the perpetrator's
189 genitals in the presence of a child.

190 (f) The intentional exposure of the perpetrator's genitals
191 in the presence of a child, or any other sexual act
192 intentionally perpetrated in the presence of a child, if such
193 exposure or sexual act is for the purpose of sexual arousal or
194 gratification, aggression, degradation, or other similar
195 purpose.

196 (g) The sexual exploitation of a child, which includes the
197 act of a child offering to engage in or engaging in
198 prostitution, provided that the child is not under arrest or is
199 not being prosecuted in a delinquency or criminal proceeding for
200 a violation of any offense in chapter 796 based on such
201 behavior; or allowing, encouraging, or forcing a child to:

202 1. Solicit for or engage in prostitution; ~~or~~

203 2. Engage in a sexual performance, as defined by chapter
204 827; or

205 3. Participate in the trade of sex trafficking as provided
206 in s. 796.035.

207 Section 4. Paragraph (b) of subsection (2) and paragraph
208 (b) of subsection (3) of section 39.401, Florida Statutes, are
209 amended to read:

Amendment No. 1

210 39.401 Taking a child alleged to be dependent into
211 custody; law enforcement officers and authorized agents of the
212 department.--

213 (2) If the law enforcement officer takes the child into
214 custody, that officer shall:

215 (b) Deliver the child to an authorized agent of the
216 department, stating the facts by reason of which the child was
217 taken into custody and sufficient information to establish
218 probable cause that the child is abandoned, abused, or
219 neglected, or otherwise dependent. For such a child whom there
220 is also probable cause to believe he or she has been sexually
221 exploited, the law enforcement officer shall deliver the child
222 to the department. The department may place the child in an
223 appropriate short-term safe house as provided for in s. 409.1678
224 if a short-term safe house is available.

225
226 For cases involving allegations of abandonment, abuse, or
227 neglect, or other dependency cases, within 3 days after such
228 release or within 3 days after delivering the child to an
229 authorized agent of the department, the law enforcement officer
230 who took the child into custody shall make a full written report
231 to the department.

232 (3) If the child is taken into custody by, or is delivered
233 to, an authorized agent of the department, the agent shall
234 review the facts supporting the removal with an attorney
235 representing the department. The purpose of the review is to
236 determine whether there is probable cause for the filing of a
237 shelter petition.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 99 (2012)

Amendment No. 1

238 (b) If the facts are sufficient and the child has not been
239 returned to the custody of the parent or legal custodian, the
240 department shall file the petition and schedule a hearing, and
241 the attorney representing the department shall request that a
242 shelter hearing be held within 24 hours after the removal of the
243 child. While awaiting the shelter hearing, the authorized agent
244 of the department may place the child in licensed shelter care,
245 or in a short-term safe house if the child is a sexually
246 exploited child, or may release the child to a parent or legal
247 custodian or responsible adult relative or the adoptive parent
248 of the child's sibling who shall be given priority consideration
249 over a licensed placement, or a responsible adult approved by
250 the department if this is in the best interests of the child.
251 Placement of a child which is not in a licensed shelter must be
252 preceded by a criminal history records check as required under
253 s. 39.0138. In addition, the department may authorize placement
254 of a housekeeper/homemaker in the home of a child alleged to be
255 dependent until the parent or legal custodian assumes care of
256 the child.

257 Section 5. Section 39.524, Florida Statutes, is created to
258 read:

259 39.524 Safe-harbor placement.—

260 (1) Except as provided in s. 39.407 or s. 985.801, a
261 dependent child 6 years of age or older who has been found to be
262 a victim of sexual exploitation as defined in s. 39.01(67)(g)
263 must be assessed for placement in a safe house as provided in s.
264 409.1678. The assessment shall be conducted by the department or
265 its agent and shall incorporate and address current and

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Published On: 2/15/2012 6:13:00 PM

Amendment No. 1

266 historical information from any law enforcement reports;
267 psychological testing or evaluation that has occurred; current
268 and historical information from the guardian ad litem, if one
269 has been assigned; current and historical information from any
270 current therapist, teacher, or other professional who has
271 knowledge of the child and has worked with the child; and any
272 other information concerning the availability and suitability of
273 safe-house placement. If such placement is determined to be
274 appropriate as a result of this procedure, the child may be
275 placed in a safe house, if one is available. As used in this
276 section, the term "available" as it relates to a placement means
277 a placement that is located within the circuit or that is
278 otherwise reasonably accessible.

279 (2) The results of the assessment described in subsection
280 (1) and the actions taken as a result of the assessment must be
281 included in the next judicial review of the child. At each
282 subsequent judicial review, the court must be advised in writing
283 of the status of the child's placement, with special reference
284 regarding the stability of the placement and the permanency
285 planning for the child.

286 (3) (a) By December 1 of each year, the department shall
287 report to the Legislature on the placement of children in safe
288 houses during the year, including the criteria used to determine
289 the placement of children, the number of children who were
290 evaluated for placement, the number of children who were placed
291 based upon the evaluation, and the number of children who were
292 not placed.

Amendment No. 1

293 (b) The department shall maintain data specifying the
294 number of children who were referred to a safe house for whom
295 placement was unavailable and the counties in which such
296 placement was unavailable. The department shall include this
297 data in its report under this subsection so that the Legislature
298 may consider this information in developing the General
299 Appropriations Act.

300 Section 6. Section 409.1678, Florida Statutes, is created
301 to read:

302 409.1678 Safe harbor for children who are victims of
303 sexual exploitation.-

304 (1) As used in this section, the term:

305 (a) "Child advocate" means an employee of a short-term
306 safe house who has been trained to work with and advocate for
307 the needs of sexually exploited children. The advocate shall
308 accompany the child to all court appearances, meetings with law
309 enforcement officials, and the state attorney's office and shall
310 serve as a liaison between the short-term safe house and the
311 court.

312 (b) "Safe house" means a living environment that has set
313 aside gender-specific, separate, and distinct living quarters
314 for sexually exploited children who have been adjudicated
315 dependent or delinquent and need to reside in a secure
316 residential facility with staff members awake 24 hours a day. A
317 safe house shall be operated by a licensed family foster home or
318 residential child-caring agency as defined in s. 409.175,
319 including a runaway youth center as defined in s. 409.441. Each
320 facility must be appropriately licensed in this state as a

Amendment No. 1

321 residential child-caring agency as defined in s. 409.175 and
322 must be accredited by July 1, 2013. A safe house serving
323 children who have been sexually exploited must have available
324 staff or contract personnel who have the clinical expertise,
325 credentials, and training to provide services identified in
326 paragraph (2)(b).

327 (c) "Secure" means that a facility providing services is
328 supervised 24 hours a day by staff members who are awake while
329 on duty.

330 (d) "Sexually exploited child" means a dependent child who
331 has suffered sexual exploitation as defined in s. 39.01(67)(g)
332 and is ineligible for relief and benefits under the federal
333 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

334 (e) "Short-term safe house" means a shelter operated by a
335 licensed residential child-caring agency as defined in s.
336 409.175, including a runaway youth center as defined in s.
337 409.441, which has set aside gender-specific, separate, and
338 distinct living quarters for sexually exploited children. In
339 addition to shelter, the house shall provide services and care
340 to sexually exploited children, including food, clothing,
341 medical care, counseling, and appropriate crisis-intervention
342 services at the time they are taken into custody by law
343 enforcement officials or department personnel.

344 (2)(a) Notwithstanding any other provision of law,
345 pursuant to rules of the department, each circuit of the
346 department shall address the child welfare service needs of
347 sexually exploited children as a component of the circuit's
348 master plan. This determination shall be made in consultation

Amendment No. 1

349 with local law enforcement officials, runaway and homeless youth
350 program providers, local probation departments, local community-
351 based care and social services, local guardians ad litem, public
352 defenders, state attorney's offices, and child advocates and
353 services providers who work directly with sexually exploited
354 youth.

355 (b) The lead agency, not-for-profit agency, or local
356 governmental entity providing safe-house services is responsible
357 for security, crisis-intervention services, general counseling
358 and victim-witness counseling, a comprehensive assessment,
359 residential care, transportation, access to behavioral health
360 services, recreational activities, food, clothing, supplies,
361 infant care, and miscellaneous expenses associated with caring
362 for these children; for necessary arrangement for or provision
363 of educational services, including life skills services and
364 planning services for the success transition of residents back
365 to the community; and for ensuring necessary and appropriate
366 health and dental care.

367 (c) This section does not prohibit any provider of these
368 services from appropriately billing Medicaid for services
369 rendered, from contracting with a local school district for
370 educational services, or from obtaining federal or local funding
371 for services provided, as long as two or more funding sources do
372 not pay for the same specific service that has been provided to
373 a child.

374 (d) The lead agency, not-for-profit agency, or local
375 governmental entity providing safe-house services has the legal
376 authority for children served in a safe-house program, as

502913 - h99-strike.docx

Published On: 2/15/2012 6:13:00 PM

Amendment No. 1

377 provided in chapter 39 or this chapter, as appropriate, to
378 enroll the child in school, to sign for a driver license for the
379 child, to cosign loans and insurance for the child, to sign for
380 medical treatment of the child, and to authorize other such
381 activities.

382 (e) All of the services specified in this section may, to
383 the extent possible provided by law and with funding authorized,
384 be available to all sexually exploited children whether they are
385 accessed voluntarily, as a condition of probation, through a
386 diversion program, through a proceeding under chapter 39, or
387 through a referral from a local community-based care or social
388 service agency.

389 (3) The local circuit administrator may, to the extent
390 that funds are available, in conjunction with local law
391 enforcement officials, contract with an appropriate not-for-
392 profit agency having experience working with sexually exploited
393 children to train law enforcement officials who are likely to
394 encounter sexually exploited children in the course of their law
395 enforcement duties on the provisions of this section and how to
396 identify and obtain appropriate services for sexually exploited
397 children. Circuits may work cooperatively to provide such
398 training, and such training may be provided on a regional basis.
399 The department shall assist circuits in obtaining any available
400 funds for the purposes of conducting law enforcement training
401 from the Office of Juvenile Justice and Delinquency Prevention
402 of the United States Department of Justice.

403 (4) The department may adopt rules necessary to administer
404 this section.

Amendment No. 1

405 Section 7. Section 796.07, Florida Statutes, is amended to
406 read:

407 796.07 Prohibiting prostitution and related acts, ~~etc.,~~
408 ~~evidence, penalties, definitions.~~

409 (1) As used in this section:

410 (a) "Prostitution" means the giving or receiving of the
411 body for sexual activity for hire but excludes sexual activity
412 between spouses.

413 (b) "Lewdness" means any indecent or obscene act.

414 (c) "Assignment" means the making of any appointment or
415 engagement for prostitution or lewdness, or any act in
416 furtherance of such appointment or engagement.

417 (d) "Sexual activity" means oral, anal, or vaginal
418 penetration by, or union with, the sexual organ of another; anal
419 or vaginal penetration of another by any other object; or the
420 handling or fondling of the sexual organ of another for the
421 purpose of masturbation; however, the term does not include acts
422 done for bona fide medical purposes.

423 (2) It is unlawful:

424 (a) To own, establish, maintain, or operate any place,
425 structure, building, or conveyance for the purpose of lewdness,
426 assignation, or prostitution.

427 (b) To offer, or to offer or agree to secure, another for
428 the purpose of prostitution or for any other lewd or indecent
429 act.

430 (c) To receive, or to offer or agree to receive, any
431 person into any place, structure, building, or conveyance for

Amendment No. 1

432 the purpose of prostitution, lewdness, or assignation, or to
433 permit any person to remain there for such purpose.

434 (d) To direct, take, or transport, or to offer or agree to
435 direct, take, or transport, any person to any place, structure,
436 or building, or to any other person, with knowledge or
437 reasonable cause to believe that the purpose of such directing,
438 taking, or transporting is prostitution, lewdness, or
439 assignation.

440 (e) To offer to commit, or to commit, or to engage in,
441 prostitution, lewdness, or assignation.

442 (f) To solicit, induce, entice, or procure another to
443 commit prostitution, lewdness, or assignation.

444 (g) To reside in, enter, or remain in, any place,
445 structure, or building, or to enter or remain in any conveyance,
446 for the purpose of prostitution, lewdness, or assignation.

447 (h) To aid, abet, or participate in any of the acts or
448 things enumerated in this subsection.

449 (i) To purchase the services of any person engaged in
450 prostitution.

451 (3)(a) In the trial of a person charged with a violation
452 of this section, testimony concerning the reputation of any
453 place, structure, building, or conveyance involved in the
454 charge, testimony concerning the reputation of any person
455 residing in, operating, or frequenting such place, structure,
456 building, or conveyance, and testimony concerning the reputation
457 of the defendant is admissible in evidence in support of the
458 charge.

Amendment No. 1

459 (b) Notwithstanding any other provision of law, a police
460 officer may testify as an offended party in an action regarding
461 charges filed pursuant to this section.

462 (4) A person who violates any provision of this section
463 commits:

464 (a) A misdemeanor of the second degree for a first
465 violation, punishable as provided in s. 775.082 or s. 775.083.

466 (b) A misdemeanor of the first degree for a second
467 violation, punishable as provided in s. 775.082 or s. 775.083.

468 (c) A felony of the third degree for a third or subsequent
469 violation, punishable as provided in s. 775.082, s. 775.083, or
470 s. 775.084.

471 (5) A person who is charged with a third or subsequent
472 violation of this section shall be offered admission to a
473 pretrial intervention program or a substance-abuse treatment
474 program as provided in s. 948.08.

475 (6) A person who violates paragraph (2)(f) shall be
476 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
477 in any judicial disposition other than acquittal or dismissal.
478 Of the proceeds from each penalty penalties assessed under this
479 subsection, the first \$500 shall be paid to the circuit court
480 administrator for the sole purpose of paying the administrative
481 costs of treatment-based drug court programs provided under s.
482 397.334. The remainder of the fine collected shall be deposited
483 to the Operations and Maintenance Trust Fund at the Department
484 of Children and Family Services for the sole purpose of funding
485 safe houses and short-term safe houses as provided in s.
486 409.1678.

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Published On: 2/15/2012 6:13:00 PM

Amendment No. 1

487 Section 8. Section 960.065, Florida Statutes, is amended
488 to read:

489 960.065 Eligibility for awards.-

490 (1) Except as provided in subsection (2), the following
491 persons shall be eligible for awards pursuant to this chapter:

492 (a) A victim.

493 (b) An intervenor.

494 (c) A surviving spouse, parent or guardian, sibling, or
495 child of a deceased victim or intervenor.

496 (d) Any other person who is dependent for his or her
497 principal support upon a deceased victim or intervenor.

498 (2) Any claim filed by or on behalf of a person who:

499 (a) Committed or aided in the commission of the crime upon
500 which the claim for compensation was based;

501 (b) Was engaged in an unlawful activity at the time of the
502 crime upon which the claim for compensation is based;

503 (c) Was in custody or confined, regardless of conviction,
504 in a county or municipal detention facility, a state or federal
505 correctional facility, or a juvenile detention or commitment
506 facility at the time of the crime upon which the claim for
507 compensation is based;

508 (d) Has been adjudicated as a habitual felony offender,
509 habitual violent offender, or violent career criminal under s.
510 775.084; or

511 (e) Has been adjudicated guilty of a forcible felony
512 offense as described in s. 776.08,

513

514 is ineligible shall not be eligible for an award.

Amendment No. 1

515 (3) Any claim filed by or on behalf of a person who was in
516 custody or confined, regardless of adjudication, in a county or
517 municipal facility, a state or federal correctional facility, or
518 a juvenile detention, commitment, or assessment facility at the
519 time of the crime upon which the claim is based, who has been
520 adjudicated as a habitual felony offender under s. 775.084, or
521 who has been adjudicated guilty of a forcible felony offense as
522 described in s. 776.08, renders the person ineligible ~~shall not~~
523 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
524 finding by the Crime Victims' Services Office of the existence
525 of mitigating or special circumstances that would render such a
526 disqualification unjust, an award may be approved. A decision
527 that mitigating or special circumstances do not exist in a case
528 subject to this section does ~~shall~~ not constitute final agency
529 action subject to review pursuant to ss. 120.569 and 120.57.

530 (4) Payment may not be made under this chapter if the
531 person who committed the crime upon which the claim is based
532 will receive any direct or indirect financial benefit from such
533 payment, unless such benefit is minimal or inconsequential.
534 Payment may not be denied based on the victim's familial
535 relationship to the offender or based upon the sharing of a
536 residence by the victim and offender, except to prevent unjust
537 enrichment of the offender.

538 (5) A person is not ineligible for an award pursuant to
539 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
540 person is a victim of sexual exploitation of a child as defined
541 in s. 39.01(67)(g).

Amendment No. 1

542 Section 9. Paragraph (b) of subsection (2) of section
543 985.115, Florida Statutes, is amended to read:

544 985.115 Release or delivery from custody.--

545 (2) Unless otherwise ordered by the court under s. 985.255
546 or s. 985.26, and unless there is a need to hold the child, a
547 person taking a child into custody shall attempt to release the
548 child as follows:

549 (b) Contingent upon specific appropriation, to a shelter
550 approved by the department or to an authorized agent or short-
551 term safe house under s. 39.401(2)(b).

552 Section 10. This act shall take effect January 1, 2013.

553

554

55

T I T L E A M E N D M E N T

556

Remove the entire title and insert:

557

A bill to be entitled

558

An act relating to sexual exploitation; providing a short title;

559

amending s. 39.001, F.S.; providing legislative intent and

560

goals; conforming cross-references; amending s. 39.01, F.S.;

561

revising the definitions of the terms "abuse," "child who is

562

found to be dependent," and "sexual abuse of a child"; amending

563

s. 39.401, F.S.; authorizing delivery of children alleged to be

564

dependent and sexually exploited to short-term safe houses;

565

creating s. 39.524, F.S.; requiring assessment of certain

566

children for placement in a safe house; providing for use of

567

such assessments; providing requirements for safe houses

568

receiving such children; requiring an annual report concerning

569

safe-house placements; creating s. 409.1678, F.S.; providing

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 99 (2012)

Amendment No. 1

570 definitions; requiring circuits of the Department of Children
571 and Family Services to address child welfare service needs of
572 sexually exploited children as a component of their master
573 plans; providing duties, responsibilities, and requirements for
574 safe houses and their operators; providing for training for law
575 enforcement officials who are likely to encounter sexually
576 exploited children; authorizing the Department of Children and
577 Family Services to adopt rules; amending s. 796.07, F.S.;
578 providing for an increased civil penalty for soliciting another
579 to commit prostitution or related acts; providing for the
580 disposition of proceeds; amending s. 960.065, F.S.; allowing
581 victim compensation for sexually exploited children; amending s.
582 985.115, F.S.; conforming a provision to changes made by the
583 act; providing an effective date.

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 529 : Adult Day Care Centers

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 18		Total Nays: 0			

CS/HB 529 Amendments

Amendment 795891

Adopted Without Objection

Appearances:

Hoza, Meghan (Lobbyist) - Waive In Support
 Alzheimer's Community Care
 10521 SW Village Center Dr., #101
 Port St. Lucie FL 34987
 Phone: (850) 591-9090

Pruitt, Ken (Lobbyist) - Waive In Support
 Alzheimer's Community Care
 3032 SW Collings Dr.
 Port St. Lucie FL 34953
 Phone: (850) 591-9090

Cantwell, Laura (Lobbyist) - Waive In Support
 AARP
 200 West College Avenue Suite 304
 Tallahassee FL 32301
 Phone: (850) 577-5163

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 529 : Adult Day Care Centers (continued)

Appearances: (continued)

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Corcoran offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (2) of section 429.917, Florida
 8 Statutes, is amended to read:

9 429.917 Patients with Alzheimer's disease or other related
 10 disorders; staff training requirements; certain disclosures.-

11 (2) A center licensed under this part which claims that it
 12 provides special care for persons who have Alzheimer's disease
 13 or other related disorders must disclose in its advertisements
 14 or in a separate document those services that distinguish the
 15 care as being especially applicable to, or suitable for, such
 16 persons. The center must give a copy of all such advertisements
 17 or a copy of the document to each person who requests
 18 information about the center and must maintain a copy of all
 19 such advertisements and documents in its records. The agency

Amendment No. 1

20 shall examine all such advertisements and documents in the
21 center's records as part of the license renewal procedure. An
22 adult day care center may not claim to be licensed or designated
23 to provide specialized Alzheimer's services unless the adult day
24 care center's license has been designated as such pursuant to s.
25 429.918.

26 Section 2. Section 429.918, Florida Statutes, is created
27 to read:

28 429.918 Licensure designation as a specialized Alzheimer's
29 services adult day care center.--

30 (1) This act may be cited as the "Specialized Alzheimer's
31 Services Adult Day Care Act."

32 (2) As used in this section, the term:

33 (a) "ADRD participant" means a participant who has a
34 documented diagnosis of Alzheimer's disease or a dementia-
35 related disorder (ADRD) from a licensed physician, licensed
36 physician assistant, or a licensed advanced registered nurse
37 practitioner.

38 (b) "Dementia" means the loss of at least two intellectual
39 functions, such as thinking, remembering, and reasoning, which
40 is severe enough to interfere with a person's daily function.
41 The term does not describe a disease, but describes a group of
42 symptoms that may accompany certain diseases or physical
43 conditions.

44 (c) "Specialized Alzheimer's services" means therapeutic,
45 behavioral, health, safety, and security interventions; clinical
46 care; support services; and educational services that are
47 customized for the specialized needs of a participant's

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Amendment No. 1

48 caregiver and the participant who is affected by Alzheimer's
49 disease or an irreversible, degenerative condition resulting in
50 dementia.

51 (d) "Therapeutic activity" means an individual or group
52 activity that is intended to promote, maintain, or enhance the
53 ADRD participant's physical, cognitive, social, spiritual, or
54 emotional health.

55 (3) An adult day care center may apply to the agency to
56 have its license issued under s. 429.907, designated as a
57 "specialized Alzheimer's services adult day care center," if the
58 requirements under this section have been met.

59 (a) The adult day care center must notify the agency at
60 least 30 days prior to initial licensure under s. 429.907 or, if
61 already licensed, at least 6 months prior to the expiration of a
62 license issued under s. 429.907, that the adult day care center
63 is seeking a designation as a specialized Alzheimer's services
64 adult day care center.

65 (b) The agency, after receiving the notification pursuant
66 to paragraph (a), may make a determination at an initial
67 licensure inspection or at a licensure renewal inspection as to
68 whether the adult day care center meets the requirements of this
69 section to be designated as a specialized Alzheimer's services
70 adult day care center. If the agency determines that the adult
71 day care center meets the requirements of this section it must
72 designate the adult day care center as a specialized Alzheimer's
73 services adult day care center at the time of initial licensure
74 or at licensure renewal.

Amendment No. 1

75 (c) If the agency, during the initial or renewal
76 inspection, determines that the adult day care center has
77 committed an act under s. 429.911(2), the agency may deny the
78 request for the designation or revoke such designation.

79 (d) The agency may at any time revoke the designation if
80 the adult day care center fails to maintain the requirements
81 under this section.

82 (4) To obtain or maintain the designation under this
83 section, an adult day care center must:

84 (a) Have a mission statement that includes a commitment to
85 providing dementia-specific services and disclose in the
86 center's advertisements or in a separate document, which must be
87 made available to the public upon request, the services that
88 distinguish the care as being suitable for a person who has
89 Alzheimer's disease or a dementia-related disorder.

90 (b) Provide ADRD participants with a program for dementia-
91 specific, therapeutic activities, including, but not limited to,
92 physical, cognitive, and social activities appropriate for the
93 ADRD participant's age, culture, and level of function.

94 (c) Maintain at all times a minimum staff-to-participant
95 ratio of one staff member who provides direct services for every
96 five ADRD participants.

97 (d) Provide ADRD participants with a program for
98 therapeutic activity at least 70 percent of the time that the
99 center is open.

100 (e) Provide ADRD participants with hands-on assistance
101 with activities of daily living, inclusive of the provision of
102 urinary and bowel incontinence care.

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Page 4 of 13

Amendment No. 1

103 (f) Use assessment tools that identify the ADRD
104 participant's cognitive deficits and identify the specialized
105 and individualized needs of the ADRD participant and the
106 caregiver. This assessment shall be conducted when the ADRD
107 participant is initially admitted into the center and shall be
108 updated when the ADRD participant experiences a significant
109 change, but no less frequently than annually.

110 (g) Create an individualized plan of care for each ADRD
111 participant which addresses the identified, dementia-specific
112 needs of the ADRD participant and the caregiver. The plan of
113 care shall be established when the ADRD participant is initially
114 admitted into the center and reviewed at least quarterly.

115 (h) Conduct a monthly health assessment of each ADRD
116 participant which includes, but is not limited to, the ADRD
117 participant's weight, vital signs, and level of assistance
118 needed with activities of daily living.

119 (i) Complete a monthly update in each ADRD participant's
120 file regarding the ADRD participant's status or progress toward
121 meeting the goals indicated on the individualized plan of care.

122 (j) Assist in the referral or coordination of other
123 dementia-specific services and resources needed by the ADRD
124 participant or the caregiver, such as medical services,
125 counseling, medical planning, legal planning, financial
126 planning, safety and security planning, disaster planning,
127 driving assessment, transportation coordination, or wandering
128 prevention.

129 (k) Offer, facilitate, or provide referrals to a support
130 group for persons who are caregivers to ADRD participants.

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Published On: 2/15/2012 6:14:59 PM

Page 5 of 13

Amendment No. 1

131 (l) Provide dementia-specific educational materials
132 regularly to ADRD participants, as appropriate, and their
133 caregivers.

134 (m) Routinely conduct and document a count of all ADRD
135 participants present in the center throughout each day. This
136 count must be compared to each ADRD participant's attendance
137 record in order to ensure that an ADRD participant is not
138 missing from the center.

139 (n) Be a secured unit or have working alarm or security
140 devices installed on every door that is accessible to the ADRD
141 participant and provides egress from the center or areas of the
142 center designated for the provision of adult day care -
143 specialized Alzheimer's services.

144 (o) Not allow an ADRD participant to administer his or her
145 own medication.

146 (p) Condition the ADRD participant's eligibility for
147 admission on whether the ADRD participant has a coordinated mode
148 of transportation to and from the adult day care center, to
149 ensure that the participant does not drive to or from the
150 center.

151 (5) (a) The operator of an adult day care center having a
152 license designated under this section, and the operator's
153 designee, as applicable, hired on or after July 1, 2012, shall:

154 1. Have at least a bachelor's degree in health care
155 services, social services, or a related field, 1 year of staff
156 supervisory experience in a social services or health care
157 services setting, and a minimum of 1 year of experience in
158 providing services to persons who have dementia;

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Published On: 2/15/2012 6:14:59 PM

Amendment No. 1

159 2. Be a registered or practical nurse licensed in this
160 state, have 1 year of staff supervisory experience in a social
161 services or health care services setting, and have a minimum of
162 1 year of experience in providing services to persons who have
163 dementia; or

164 3. Have 5 years of staff supervisory experience in a
165 social services or health care services setting and a minimum of
166 3 years of experience in providing services to persons who have
167 dementia.

168 (b) The owner must sign an affidavit under penalty of
169 perjury stating that he or she has verified that the operator,
170 and the operator's designee, if any, has completed the education
171 and experience requirements of this subsection.

172 (6) (a) An adult day care center having a license
173 designated under this section must provide the following staff
174 training and supervision:

175 1. A registered nurse or licensed practical nurse must be
176 on site daily for at least 75 percent of the time that the
177 center is open to ADRD participants. Each licensed practical
178 nurse who works at the center must be supervised in accordance
179 with chapter 464.

180 2. Upon beginning employment with the center, each
181 employee must receive and review basic written information about
182 interacting with ADRD participants.

183 3. In addition to the information provided in subparagraph
184 2., every employee hired on or after July 1, 2012, who has
185 direct contact with ADRD participants shall complete 4 hours of
186 dementia-specific training within 3 months after employment.

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Amendment No. 1

187 4. In addition to the requirements of subparagraphs 2. and
188 3., each employee hired on or after July 1, 2012, who provides
189 direct care to ADRD participants shall complete an additional 4
190 hours of dementia-specific training within 6 months after
191 employment.

192 (b) The Department of Elderly Affairs or its designee
193 shall approve the training required under this section. The
194 department shall adopt rules to establish standards for
195 employees who are subject to this training, for trainers, and
196 for the training required in this section.

197 (c) Upon completing any training described in this
198 section, the employee shall be issued a certificate that
199 includes the name of the training provider, the topics covered,
200 and the date and signature of the training provider. The
201 certificate is evidence of completion of training in the
202 identified topics, and the employee is not required to repeat
203 training in those topics if the employee changes employment to a
204 different adult day care center.

205 (d) Each employee hired on or after July 1, 2012, who
206 provides direct care to ADRD participants, must receive and
207 review an orientation plan that includes, at a minimum:

208 1. Procedures to locate an ADRD participant who has
209 wandered from the center. These procedures shall be reviewed
210 regularly with all direct care staff.

211 2. Information on the Silver Alert program in this state.

212 3. Information regarding available products or programs

213 used to identify ADRD participants or prevent them from
214 wandering away from the center, their home, or other locations.

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Published On: 2/15/2012 6:14:59 PM

Amendment No. 1

215 (7) (a) An ADRD participant admitted to an adult day care
216 center having a license designated under this section, or the
217 caregiver when applicable, must:

218 1. Require ongoing supervision to maintain the highest
219 level of medical or custodial functioning and have a
220 demonstrated need for a responsible party to oversee his or her
221 care.

222 2. Not actively demonstrate aggressive behavior that
223 places himself, herself, or others at risk of harm.

224 3. Provide the following medical documentation signed by a
225 licensed physician, licensed physician assistant, or a licensed
226 advanced registered nurse practitioner:

227 a. Any physical, health, or emotional conditions that
228 require medical care.

229 b. A listing of the ADRD participant's current prescribed
230 and over-the-counter medications and dosages, diet restrictions,
231 mobility restrictions, and other physical limitations.

232 4. Provide documentation signed by a health care provider
233 licensed in this state which indicates that the ADRD participant
234 is free of the communicable form of tuberculosis and free of
235 signs and symptoms of other communicable diseases.

236 (b) Before admitting an ADRD participant to an adult day
237 care center that has a license designated under this section,
238 the center shall determine whether:

239 1. The medical, psychological, safety, and behavioral
240 support and intervention required by the ADRD participant can be
241 provided by the center.

Amendment No. 1

242 2. The resources required to assist with the ADRD
243 participant's acuity level of care and support needed can be
244 provided or coordinated by the center.

245 (8) (a) An ADRD participant's file must include a data
246 sheet, which must be completed within 45 days before or within
247 24 hours after admission to an adult day care center having a
248 license designated under this section. The data sheet must
249 contain:

250 1. Information regarding the status of the ADRD
251 participant's enrollment in an identification or wandering-
252 prevention program, including the name of the program; and

253 2. A current photograph of the ADRD participant.

254 (b) Dementia-specific services shall be documented in the
255 ADRD participant's file.

256 (c) Notes regarding services provided to the ADRD
257 participant must be entered at least monthly in the ADRD
258 participant's file, and must indicate the ADRD participant's
259 status or progress toward achieving identified goals. Additional
260 notes must be entered more frequently if indicated by the ADRD
261 participant's condition.

262 (d) An ADRD participant, or the participant's caregiver,
263 shall annually provide the center with updated medical
264 documentation required under subparagraphs (7) (a) 3. and 4., and
265 the center must place that documentation in the ADRD
266 participant's file.

267 (9) An adult day care center having a license designated
268 under this section must give to each person who enrolls as an
269 ADRD participant in the center, or the caregiver, a copy of the

795891 - h529-strike.docx

Published On: 2/15/2012 6:14:59 PM

Page 10 of 13

Amendment No. 1

270 ADRD participant's plan of care, as well as information
271 regarding resources to assist in ensuring the safety and
272 security of the ADRD participant, which must include, but need
273 not be limited to, information pertaining to driving for those
274 persons affected by dementia, available technology on wandering-
275 prevention devices and identification devices, the Silver Alert
276 program in this state, and dementia-specific safety
277 interventions and strategies that can be used in the home
278 setting.

279 (10) If an ADRD participant's enrollment in the center is
280 involuntarily terminated due to medical or behavioral reasons,
281 the center shall coordinate and execute appropriate discharge
282 procedures, to be determined by rule, with the ADRD participant
283 and the caregiver.

284 (11) This section does not prohibit an adult day care
285 center that is licensed pursuant to s. 429.907, and without a
286 designation under this section, from providing adult day care
287 services to persons who have Alzheimer's disease or other
288 dementia-related disorders.

289 (12) The Department of Elderly Affairs may adopt rules to
290 administer this section.

291 Section 3. This act shall take effect July 1, 2012.

292

293

294 **T I T L E A M E N D M E N T**

295 Remove the entire title and insert:

296 A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 529 (2012)

Amendment No. 1

297 An act relating to adult day care centers; amending s.
298 429.917, F.S.; prohibiting an adult day care center
299 from claiming to be licensed or designated as a
300 specialized Alzheimer's services adult day care center
301 under certain circumstances; creating s. 429.918,
302 F.S.; providing a short title; providing definitions;
303 providing for the licensure designation of adult day
304 care centers that provide specialized Alzheimer's
305 services by the Agency for Health Care Administration;
306 providing for the denial or revocation of such
307 designation under certain circumstances; requiring an
308 adult day care center seeking such designation to meet
309 specified criteria; providing educational and
310 experience requirements for the operator of an adult
311 day care center seeking licensure designation as a
312 specialized Alzheimer's services adult day care
313 center; providing criteria for staff training and
314 supervision; requiring the Department of Elderly
315 Affairs to approve the staff training; requiring the
316 department to adopt rules; requiring that the employee
317 be issued a certificate upon completion of the staff
318 training; providing requirements for staff
319 orientation; providing requirements for admission into
320 such an adult day care center; requiring that a
321 participant's file include a data sheet, which shall
322 be completed within a certain timeframe; requiring
323 that certain information be included in the data
324 sheet; requiring that dementia-specific services be

795891 - h529-strike.docx

Published On: 2/15/2012 6:14:59 PM

Page 12 of 13

Amendment No. 1

325 documented in a participant's file; requiring that a
326 participant's plan of care be reviewed quarterly;
327 requiring that certain notes be entered into a
328 participant's file; requiring the participant, or
329 caregiver, to provide the adult day care center with
330 updated medical documentation; requiring the center to
331 give each person who enrolls as a participant, or the
332 caregiver, a copy of the participant's plan of care
333 and safety information; requiring that the center
334 coordinate and execute discharge procedures with a
335 participant who has a documented diagnosis of
336 Alzheimer's disease or a dementia-related disorder and
337 the caregiver if the participant's enrollment in the
38 center is involuntarily terminated; providing that the
339 act does not prohibit a licensed adult day care center
340 that does not receive such a designation from
341 providing adult day care services to persons who have
342 Alzheimer's disease or other dementia-related
343 disorders; authorizing the Department of Elderly
344 Affairs to adopt rules; providing an effective date.

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

HB 621 : Nursing Homes and Related Health Care Facilities

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 18		Total Nays: 0			

HB 621 Amendments

Amendment 723941

Adopted Without Objection

Amendment 159853

Adopted Without Objection

Amendment 188175

Adopted Without Objection

Amendment 348791

Adopted Without Objection

Amendment 256913

Adopted Without Objection

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/16/2012 9:00:00AM

Location: 404 HOB

HB 621 : Nursing Homes and Related Health Care Facilities (continued)

Amendment 177847

Adopted Without Objection

Appearances:

Mannheimer, Douglas (Lobbyist) - Waive In Support
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McRay, Jack (Lobbyist) - Waive In Support
AARP
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Phone: (850) 577-5163

Berkowitz, Carol (Lobbyist) - Waive In Support
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Phone: (850) 671-3700

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee
 3 Representative Frishe offered the following:

Amendment (with title amendment)

Remove lines 86-98

T I T L E A M E N D M E N T

Remove lines 7-9 and insert:
 be signed by certain persons; amending s. 400.0239, F.S.;
 conforming a provision to changes made by the; amending s.
 400.0255, F.S.; revising

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Frishe offered the following:

4
5 **Amendment**

6 Remove line 587 and insert:

7 pneumococcal ~~polysaccharide~~ vaccination ~~(PPV)~~ or revaccination
8 ~~and vaccinate~~

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION ✓ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Frishe offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 640-654 and insert:

7 Section 14. Subsections (7) through (10) of section
 8 400.147, Florida Statutes, are amended, and present subsections
 9 (11) through (15) of that section are redesignated as
 10 subsections (9) through (13), respectively, to read:

11 400.147 Internal risk management and quality assurance
 12 program.—

13 (7) The nursing home facility shall initiate an
 14 investigation ~~and shall notify the agency~~ within 1 business day
 15 after the risk manager or his or her designee has received a
 16 report pursuant to paragraph (1)(d). The facility must complete
 17 the investigation and submit a report to the agency within 15
 18 calendar days after the adverse incident occurred. The
 19 ~~notification must be made in writing and be~~

Amendment No. 3

20
21
22
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25
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27

T I T L E A M E N D M E N T

Remove lines 33-34 and insert:
amending s. 400.147, F.S.; revising

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

See Substitute Amendment

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Frishe offered the following:

4
5 **Amendment**

6 Remove lines 773-785 and insert:

7 (b) Minimum staffing requirements for persons under 21
8 years of age who reside in nursing home facilities, which apply
9 in lieu of the requirements contained in subsection (3).

10 1. For persons under 21 who require skilled care:

11 a. A minimum combined average of 3.9 hours of direct care
12 per resident per day provided by licensed nurses, respiratory
13 therapists, respiratory care practitioners, and certified
14 nursing assistants.

15 b. A minimum licensed nursing staffing of 1.0 hour of
16 direct care per resident per day.

17 c. No more than 1.5 hours of certified nursing assistant
18 care per resident per day may be counted in determining the
19 minimum direct care hours required.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2012)

Amendment No. 4

- 20 2. For persons under 21 who are medically fragile:
21 a. A minimum combined average of 5.0 hours of direct care
22 per resident per day provided by licensed nurses, respiratory
23 therapists, respiratory care practitioners, and certified
24 nursing assistants.
25 b. A minimum licensed nursing staffing of 1.7 hours of
26 direct care per resident per day.
27 c. No more than 1.5 hours of certified nursing assistant
28 care per resident per day may be counted in determining the
29 minimum direct care hours required.
30 d. There shall be one registered nurse on duty, on the
31 site 24 hours per day on the unit where children reside.
32

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2012)

Amendment No. sa4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Wood offered the following:

4
5 **Substitute Amendment for Amendment (885893) by**
6 **Representative Frishe**

7 Remove lines 773-785 and insert:

8 (b) Minimum staffing requirements for persons under 21
9 years of age who reside in nursing home facilities, which apply
10 in lieu of the requirements contained in subsection (3).

11 1. For persons under 21 who require skilled care:

12 a. A minimum combined average of 3.9 hours of direct care
13 per resident per day provided by licensed nurses, respiratory
14 therapists, respiratory care practitioners, and certified
15 nursing assistants.

16 b. A minimum licensed nursing staffing of 1.0 hour of
17 direct care per resident per day.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2012)

Amendment No. sa4

18 c. No more than 1.5 hours of certified nursing assistant
19 care per resident per day may be counted in determining the
20 minimum direct care hours required.

21 d. There shall be one registered nurse on duty, on the
22 site 24 hours per day on the unit where children reside.

23 2. For persons under 21 who are medically fragile:

24 a. A minimum combined average of 5.0 hours of direct care
25 per resident per day provided by licensed nurses, respiratory
26 therapists, respiratory care practitioners, and certified
27 nursing assistants.

28 b. A minimum licensed nursing staffing of 1.7 hours of
29 direct care per resident per day.

30 c. No more than 1.5 hours of certified nursing assistant
31 care per resident per day may be counted in determining the
32 minimum direct care hours required.

33 d. There shall be one registered nurse on duty, on the
34 site 24 hours per day on the unit where children reside.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2012)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Frishe offered the following:

Amendment (with title amendment)

Remove lines 798-809

T I T L E A M E N D M E N T

Remove line 47 and insert:
ss. 430.80, 430.81, and 651.118, F.S.;

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee
 3 Representative Frishe offered the following:

Amendment (with title amendment)

6 Between lines 858 and 859, insert:

7 Section 23. Paragraph (a) of subsection (2) of section
 8 468.1695, Florida Statutes, is amended to read:

9 468.1695 Licensure by examination.—

10 (2) The department shall examine each applicant who the
 11 board certifies has completed the application form and remitted
 12 an examination fee set by the board not to exceed \$250 and who:

13 (a)1. Holds a baccalaureate degree from an accredited
 14 college or university and majored in health care administration,
 15 health services administration or equivalent major, or has
 16 credit for at least 60 semester hours in subjects, as prescribed
 17 by rule of the board, which prepare the applicant for total
 18 management of a nursing home; and

Amendment No. 6

19 2. Has fulfilled the requirements of a college-affiliated
20 or university-affiliated internship in nursing home
21 administration or of a 1,000-hour nursing home administrator-in-
22 training program prescribed by the board; or
23
24
25

26 -----
27 **T I T L E A M E N D M E N T**

28 Remove line 48 and insert:
29 conforming cross-references; amending s. 468.1695, F.S.;
30 providing that a health services administration or equivalent
31 major shall satisfy the education requirements for nursing home
32 administrator applicants; providing an effective
33

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

HB 655 : Biomedical Research

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

HB 655 Amendments

Amendment 937079

Adopted as Amended

Amendment 781969

Adopted Without Objection

Appearances:

Hull, Paul (Lobbyist) - Waive In Support
 American Cancer Society, Florida Division, Inc
 3709 W Jetton Ave
 Tampa FL 33629
 Phone: (813) 382-9235

Pitts, Brian - Opponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Coley offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7
8 Section 1. Paragraph (c) of subsection (8) of section
9 20.435, Florida Statutes, is amended to read:

10 20.435 Department of Health; trust funds.—The following
11 trust funds shall be administered by the Department of Health:

12 (8) Biomedical Research Trust Fund.

13 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
14 any balance of any appropriation from the Biomedical Research
15 Trust Fund which is not disbursed but which is obligated
16 pursuant to contract or committed to be expended may be carried
17 forward for up to 5 3 years following the effective date of the
18 original appropriation.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

Amendment No.1

19 Section 2. Paragraph (a) of subsection (3), paragraph (b)
20 of subsection (5), and subsections (4), (6), (7), (9), and (10)
21 of section 215.5602, Florida Statutes, are amended to read:

22 215.5602 James and Esther King Biomedical Research
23 Program.—

24 (3) There is created within the Department of Health the
25 Biomedical Research Advisory Council.

26 (a) The council shall consist of 11 members, including:
27 the chief executive officer of the Florida Division of the
28 American Cancer Society, or a designee; the chief executive
29 officer of the Greater Southeast Florida/Puerto Rico Affiliate
30 of the American Heart Association, or a designee; and the chief
31 executive officer of the American Lung Association of Florida,
32 or a designee. The remaining 8 members of the council shall be
33 appointed as follows:

34 1. The Governor shall appoint four members, two members
35 with expertise in the field of biomedical research, one member
36 from a research university in the state, and one member
37 representing the general population of the state.

38 2. The President of the Senate shall appoint two members,
39 one member with expertise in the field of behavioral or social
40 research and one representative from a cancer program approved
41 by the American College of Surgeons.

42 3. The Speaker of the House of Representatives shall
43 appoint two members, one member from a professional medical
44 organization and one representative from a cancer program
45 approved by the American College of Surgeons.

46

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Amendment No.1

47 In making these appointments, the Governor, the President of the
48 Senate, and the Speaker of the House of Representatives shall
49 select primarily, but not exclusively, Floridians with
50 biomedical and lay expertise in the general areas of cancer,
51 cardiovascular disease, stroke, and pulmonary disease. The
52 appointments shall be for a 3-year term and shall reflect the
53 diversity of the state's population. An appointed member may not
54 serve more than two consecutive terms. The first two
55 appointments by the Governor and the first appointment by the
56 President of the Senate and the Speaker of the House of
57 Representatives on or after July 1, 2012, shall be for a term of
58 2 years.

59 (4) The council shall advise the State Surgeon General as
60 to the direction and scope of the biomedical research program.
61 The responsibilities of the council may include, but are not
62 limited to:

63 (a) Providing advice on program priorities and emphases.

64 (b) Providing advice on the overall program budget.

65 (c) Participating in periodic program evaluation.

66 (d) Assisting in the development of guidelines to ensure
67 fairness, neutrality, and adherence to the principles of merit
68 and quality in the conduct of the program.

69 (e) Assisting in the development of appropriate linkages
70 to nonacademic entities, such as voluntary organizations, health
71 care delivery institutions, industry, government agencies, and
72 public officials.

73 (f) Developing criteria and standards for the award of
74 research grants.

Amendment No.1

75 (g) Developing guidelines ~~administrative procedures~~
76 relating to solicitation, review, and award of research grants
77 and fellowships, to ensure an impartial, high-quality peer
78 review system.

79 ~~(h) Developing and supervising research peer review~~
80 ~~panels.~~

81 ~~(h)(i)~~ Reviewing reports of peer review panels and making
82 recommendations for research grants and fellowships.

83 ~~(i)(j)~~ Developing and providing oversight regarding
84 mechanisms for the dissemination of research results.

85 (5)

86 (b) Grants and fellowships shall be awarded by the State
87 Surgeon General, after consultation with the council, on the
88 basis of scientific merit, as determined by the competitively
89 open peer-reviewed process to ensure an open competitive peer
90 ~~review process that ensures~~ objectivity, consistency, and high
91 quality. The following types of applications may ~~shall~~ be
92 considered for funding:

- 93 1. Investigator-initiated research grants.
- 94 2. Institutional research grants.
- 95 3. Predoctoral and postdoctoral research fellowships.

96 (6) To ensure that all proposals for research funding are
97 appropriate and are evaluated fairly on the basis of scientific
98 merit, the Department of Health State Surgeon General, in
99 ~~consultation with the council,~~ shall appoint a peer review
100 panels ~~panel~~ of independent, scientifically qualified
101 individuals to review the scientific merit ~~content~~ of each
102 proposal and establish its scientific priority score. The

Amendment No.1

103 priority scores shall be forwarded to the council and must be
104 considered in determining which proposals shall be recommended
105 for funding.

106 (7) The council and the peer review panels ~~panel~~ shall
107 establish and follow rigorous guidelines for ethical conduct and
108 adhere to a strict policy with regard to conflict of interest. A
109 member of the council or a panel may not participate in any
110 discussion or decision of the council or a panel with respect to
111 a research proposal by any firm, entity, or agency with which
112 the member is associated as a member of the governing body or as
113 an employee, or with which the member has entered into a
114 contractual arrangement. ~~Meetings of the council and the peer
115 review panels shall be subject to the provisions of chapter 119,
116 s. 286.011, and s. 24, Art. I of the State Constitution.~~

117 (9) The grant programs under the purview of the council
118 are exempt from chapter 120 department, after consultation with
119 the council, may adopt rules as necessary to implement this
120 section.

121 (10) The council shall submit a fiscal-year ~~an annual~~
122 progress report on the programs under its purview ~~state of~~
123 ~~biomedical research in this state~~ to the Florida Center for
124 Universal Research to Eradicate Disease and to the Governor, the
125 State Surgeon General, the President of the Senate, and the
126 Speaker of the House of Representatives by December 15 ~~February~~
127 ~~1~~. The report must include:

128 (a) A list of research projects supported by grants or
129 fellowships awarded under the program.

130 (b) A list of recipients of program grants or fellowships.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

Amendment No.1

131 (c) A list of publications in peer reviewed journals
132 involving research supported by grants or fellowships awarded
133 under the program.

134 (d) The state ranking and total amount of biomedical
135 research funding currently flowing into the state from the
136 National Institutes of Health.

137 (e) New grants for biomedical research which were funded
138 based on research supported by grants or fellowships awarded
139 under the program.

140 (f) Progress towards programmatic goals, particularly in
141 the prevention, diagnosis, treatment, and cure of diseases
142 related to tobacco use, including cancer, cardiovascular
143 disease, stroke, and pulmonary disease.

144 (g) Recommendations to further the missions of the
145 programs.

146 Section 3. Subsection (3) and present subsection (4) of
147 section 381.922, Florida Statutes, are amended, and subsection
148 (5) is renumbered as subsection (4) of that section, to read:

149 381.922 William G. "Bill" Bankhead, Jr., and David Coley
150 Cancer Research Program.—

151 (3)(a) Applications for funding for cancer research may be
152 submitted by any university or established research institute in
153 the state. All qualified investigators in the state, regardless
154 of institutional affiliation, shall have equal access and
155 opportunity to compete for the research funding. Collaborative
156 proposals, including those that advance the program's goals
157 enumerated in subsection (2), may be given preference. Grants
158 shall be awarded by the department ~~State Surgeon General~~, after

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Amendment No.1

159 consultation with the Biomedical Research Advisory Council, on
160 the basis of scientific merit, as determined by the
161 competitively open peer-reviewed process to ensure an open,
162 ~~competitive peer review process that ensures~~ objectivity,
163 consistency, and high quality. The following types of
164 applications may ~~shall~~ be considered for funding:

- 165 1. Investigator-initiated research grants.
- 166 2. Institutional research grants.
- 167 3. Collaborative research grants, including those that
168 advance the finding of cures through basic or applied research.

169 (b) ~~In order~~ To ensure that all proposals for research
170 funding are appropriate and are evaluated fairly on the basis of
171 scientific merit, the department State Surgeon General, in
172 ~~consultation with the council,~~ shall appoint a peer review
173 panels ~~panel~~ of independent, scientifically qualified
174 individuals to review the scientific merit ~~content~~ of each
175 proposal and establish its priority score. The priority scores
176 shall be forwarded to the council and must be considered in
177 determining which proposals shall be recommended for funding.

178 (c) The council and the peer review panels ~~panel~~ shall
179 establish and follow rigorous guidelines for ethical conduct and
180 adhere to a strict policy with regard to conflicts of interest.
181 A member of the council or a panel may not participate in any
182 discussion or decision of the council or a panel with respect to
183 a research proposal by any firm, entity, or agency with which
184 the member is associated as a member of the governing body or as
185 an employee or with which the member has entered into a
186 contractual arrangement. ~~Meetings of the council and the peer~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

Amendment No.1

187 ~~review panels are subject to chapter 119, s. 286.011, and s. 24,~~
188 ~~Art. I of the State Constitution.~~

189 ~~(4) By December 15 of each year, the Department of Health~~
190 ~~shall submit to the Governor, the President of the Senate, and~~
191 ~~the Speaker of the House of Representatives a report indicating~~
192 ~~progress towards the program's mission and making~~
193 ~~recommendations that further its purpose.~~

194 Section 4. Paragraph (a) of subsection (5) of section
195 381.855, Florida Statutes, is amended to read:

196 381.855 Florida Center for Universal Research to Eradicate
197 Disease.—

198 (5) There is established within the center an advisory
199 council that shall meet at least annually.

200 (a) The council shall consist of one representative from a
201 Florida not-for-profit institution engaged in basic and clinical
202 biomedical research and education which receives more than \$10
203 million in annual grant funding from the National Institutes of
204 Health, to be appointed by the State Surgeon General from a
205 different institution each term, and one representative from and
206 appointed by each of the following entities:

- 207 1. Enterprise Florida, Inc.
- 208 2. BioFlorida.
- 209 3. The Biomedical Research Advisory Council.
- 210 4. The Florida Medical Foundation.
- 211 5. Pharmaceutical Research and Manufacturers of America.
- 212 6. The American Cancer Society, Florida Division, Inc.
- 213 7. The American Heart Association, Greater Southeast

214 Affiliate.

937079 - h655-strike.docx

Published On: 2/15/2012 6:01:32 PM

Amendment No.1

- 215 8. The American Lung Association of Florida.
216 9. The American Diabetes Association, South Coastal
217 Region.
218 10. The Alzheimer's Association.
219 11. The Epilepsy Foundation.
220 12. The National Parkinson Foundation.
221 13. The Florida Public Health Institute, Inc.
222 14. The Florida Research Consortium.

223 Section 5. This act shall take effect July 1, 2012.
224
225

226 -----

227 **T I T L E A M E N D M E N T**

28 Remove the entire title and insert:

229 A bill to be entitled
230 An act relating to biomedical research; amending s.
231 20.435, F.S.; extending the period during which
232 certain expenditures may be made from the Biomedical
233 Research Trust Fund; amending s. 215.5602, F.S.,
234 relating to James and Esther King Biomedical Research
235 Program; revising the composition, terms, and duties
236 of the Biomedical Research Advisory Council; providing
237 that certain types of applications may, rather than
238 shall, be considered for funding under the program;
239 exempting grant programs under the purview of the
240 council from ch. 120, F.S.; requiring the council to
241 submit a progress report and specifying contents
242 thereof; amending s. 381.922, F.S., relating to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

Amendment No.1

243 William G. "Bill" Bankhead, Jr., and David Coley
244 Cancer Research Program; providing that certain types
245 of applications may, rather than shall, be considered
246 for funding under the program; removing a requirement
247 for a report to the Governor and the Legislature;
248 amending s. 381.855, F.S., relating to Florida Center
249 for Universal Research to Eradicate Disease; revising
250 composition of an advisory council; providing an
251 effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Gonzalez offered the following:

4
5 **Amendment to Amendment (937079) by Representative Coley**

6 Remove line 44 of the amendment and insert:
7 organization or from a comprehensive cardiovascular program with
8 experience in biomedical research approved by the College of
9 Cardiology and one representative from a cancer program

10

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 657 : Pub. Rec./Biomedical Research

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/HB 657 Amendments

Amendment 916333

Adopted Without Objection

Appearances:

Hull, Paul (Lobbyist) - Waive In Support
 American Cancer Society, Florida Division, Inc
 3709 W Jetton Ave
 Tampa FL 33629
 Phone: (813) 382-9235

Pitts, Brian - Opponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Coley offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Exemptions from public records and public
8 meetings requirements; peer review panels.-

9 (1) That portion of a meeting of the peer review panel in
10 which applications for biomedical research grants under s.
11 215.5602, Florida Statutes, or s. 381.922, Florida Statutes, are
12 discussed are exempt from s. 286.011, Florida Statutes, and s.
13 24(b), Art. I of the State Constitution.

14 (2) Any records generated by the peer review panel
15 relating to review of applications for biomedical research
16 grants, except final recommendations, are confidential and
17 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I
18 of the State Constitution.

Amendment No. 1

19 (3) Research applications held by the peer review panel
20 are confidential and exempt from s. 119.07(1), Florida Statutes,
21 and s. 24(a), Art. I of the State Constitution.

22 (4) Information that is held confidential and exempt under
23 this section may be disclosed with the express written consent
24 of the individual to whom the information pertains or the
25 individual's legally authorized representative, or by court
26 order upon showing good cause.

27 (5) Subsections (1), (2), (3), and (4) are subject to the
28 Open Government Sunset Review Act in accordance with s. 119.15,
29 Florida Statutes, and shall stand repealed on October 2, 2017,
30 unless reviewed and saved from repeal through reenactment by the
31 Legislature.

32 Section 2. The Legislature finds that it is a public
33 necessity that meetings of peer review panels under the James
34 and Esther King Biomedical Research Program and the William G.
35 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,
36 any records generated thereby, and any research grant
37 applications held by such peer review panels be held
38 confidential and exempt from disclosure. The research grant
39 applications contain information of a confidential nature,
40 including ideas and processes the disclosure of which could
41 injure the affected researcher. Maintaining confidentiality is a
42 hallmark of scientific peer review when awarding grants, is
43 practiced by the National Science Foundation and the National
44 Institutes of Health, and allows for candid exchanges between
45 reviewers critiquing proposals. The Legislature further finds
46 that closing access to meetings of scientific peer review panels

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Amendment No. 1

47 serves a public good by ensuring that decisions are based upon
48 merit without bias or undue influence. Further, the Legislature
49 finds that records generated during meetings of the peer review
50 panels which are closed to the public must be protected for the
51 same reasons that justify the closing of such meetings.

52 Section 3. This act shall take effect on the same date
53 that HB 655 or similar legislation takes effect, if such
54 legislation is adopted in the same legislative session or an
55 extension thereof and becomes law.

56
57
58 -----
59 **T I T L E A M E N D M E N T**

60 Remove the entire title and insert:

61 A bill to be entitled
62 An act relating to public meetings and public records;
63 providing an exemption from public meeting
64 requirements for meetings of a peer review panel under
65 the James and Esther King Biomedical Research Program
66 and the William G. "Bill" Bankhead, Jr., and David
67 Coley Cancer Research Program; providing an exemption
68 from public records requirements for records generated
69 during such meeting; providing an exemption from
70 public records requirements for research grant
71 applications provided to, and reviewed by, the peer
72 review panel; providing for legislative review and
73 repeal of the exemptions; providing a statement of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 657 (2012)

Amendment No. 1

74 public necessity; providing a contingent effective
75 date.

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 787 : Nursing Home Facilities

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford		X			
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 15		Total Nays: 3			

CS/HB 787 Amendments

Amendment 180325

Adopted

Appearances:

Opponent of bill as amended
 Berkowitz, Carol (Lobbyist) - Opponent
 Leading Age Fla (Formerly FAHSA)
 1812 Riggins Rd
 Tallahassee FL 32309
 Phone: (850) 671-3700

Opponent of bill as amended
 Goetz, Martin - Opponent
 River Garden
 11401 Old St. Augustine Rd.
 Jacksonville Fl
 Phone: (904) 260-1818

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 787 : Nursing Home Facilities (continued)

Appearances: (continued)

Opponent of bill as amended

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 787 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Trujillo offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 209 and 210, insert:

7 Section 4. Paragraph (t) is added to subsection (3) of
8 section 408.036, Florida Statutes, to read:

9 408.036 Projects subject to review; exemptions.—

10 (3) EXEMPTIONS.—Upon request, the following projects are
11 subject to exemption from the provisions of subsection (1):

12 (t) For the creation of a pilot project in planning
13 subdistrict 4-1, subdistrict 4-2, or subdistrict 4-3 for the
14 construction of a nursing home with up to and including 150
15 beds, where the nursing home is affiliated with an accredited
16 nursing school offering Bachelor of Science, Master of Science,
17 and Doctor of Science degree programs within a private
18 accredited university, where the nursing home will be
19 constructed on or abutting the private accredited university.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 787 (2012)

Amendment No.

20 The nursing home, once licensed, must at all times have an
21 affiliation with the private accredited university and must
22 employ or otherwise make positions available for the education
23 and training of nursing students in the field of long-term care
24 or geriatric nursing. Notwithstanding any moratorium, existing
25 or planned, on new construction of nursing home beds, the pilot
26 project may proceed with construction, licensure, and operation.
27 Construction must begin within 11 months after this paragraph
28 becomes law. This paragraph expires June 30, 2014.

T I T L E A M E N D M E N T

33 Remove line 19 and insert:
34 to the nursing home facility; amending s. 408.036,
35 F.S.; providing an exemption from certain certificate
36 of need requirements to provide for the creation of a
37 pilot project in any of specified Agency for Health
38 Care Administration subdistricts; requiring the
39 nursing home to be affiliated with an accredited
40 nursing school that offers certain degree programs;
41 providing requirements for affiliation with a private
42 accredited university and for location and staffing of
43 the nursing home; providing for the pilot project to
44 proceed notwithstanding any moratorium under certain
45 conditions; providing for expiration of the exemption;
46 amending s. 429.905,

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/16/2012 9:00:00AM

Location: 404 HOB

CS/CS/HB 943 : Background Screening

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 18		Total Nays: 0			

CS/CS/HB 943 Amendments

Amendment 491213

Adopted Without Objection

Amendment 942789

Adopted Without Objection

Amendment 327373

Adopted Without Objection

Amendment 111011

Adopted Without Objection

Amendment 878599

Adopted Without Objection

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/CS/HB 943 : Background Screening (continued)

Appearances:

Winn, Stephen (Lobbyist) - Waive In Support
Florida Osteopathic Medical Association
2007 Apalachee Pky
Tallahassee FL 32301
Phone: (850) 878-7364

Cantwell, Laura (Lobbyist) - Waive In Support
AARP
200 West College Avenue Suite 304
Tallahassee FL 32301
Phone: (850) 577-5163

Beck, Robert (Lobbyist) - Waive In Support
Florida Association of Area Agencies on Aging, Inc.; FL Council on Aging
307 W. Park Ave.
Tallahassee FL 32301
Phone: (850) 766-1410

Vallee, Colette - Waive In Support
Florida Council on Aging
1018 Thomasville Road
Tallahassee Florida 32303
Phone: (850) 222-0080

Croteau, James - Waive In Support
FI Association of Aging Service Providers
2518 W. Tennessee St.
Tallahassee FL 32304
Phone: (850) 921-5554

Spellman, Hella - Waive In Support
FI Association of Senior Centers
1400 N. Monroe St.
Tallahassee FI 32303
Phone: (850) 891-4007

Wise, Janice - Waive In Support
FL Association of Area Agencies on Aging
2414 Mahan Dr.
Tallahassee FL 32308
Phone: (850) 488-0055

Bretz, Lisa - Waive In Support
Area Agency on Aging for North FI
2414 Mahan Drive
Tallahassee FI 32308
Phone: (850) 488-0055

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/16/2012 9:00:00AM

Location: 404 HOB

CS/CS/HB 943 : Background Screening (continued)

Appearances: (continued)

Scher, Jessica (Lobbyist) - Waive In Support
United Way of Miami-Dade
3250 S.W. 3rd Avenue
Miami FL
Phone: (305) 322-6143

Granger, Ted (Lobbyist) - Waive In Support
United Way of FL
307 E. 7th Avenue
Tallahassee FL 32303
Phone: (850) 488-8276

Pitts, Brian - Waive In Support
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Rigsby, Peggy (Lobbyist) - Waive In Support
Florida Health Care Association
307 W Park Ave
Tallahassee FL 32301
Phone: (850) 224-3907

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

Amendment No. 1

19 Section 6. Section 413.208, Florida Statutes, is amended
20 to read:

21 413.208 Service providers; quality assurance; and fitness
22 for responsibilities; background screening.—

23 (1) Service providers must register with the division. To
24 qualify for registration, the division must ~~of Vocational~~
25 Rehabilitation shall certify providers of direct service and
26 ensure that the service provider maintains they maintain an
27 internal system of quality assurance, ~~has~~ ~~have~~ proven functional
28 systems, and ~~is~~ ~~are~~ subject to a due-diligence inquiry as to ~~its~~
29 their fitness to undertake service responsibilities, ~~regardless~~
30 of whether a contract for services is procured competitively or
31 noncompetitively.

32 (2) (a) As a condition of registration under this section,
33 level 2 background screening pursuant to chapter 435 must be
34 conducted by the division on each of the following persons:

35 1. The administrator or a similarly titled person who is
36 responsible for the day-to-day operation of the service
37 provider.

38 2. The financial officer or similarly titled individual
39 who is responsible for the financial operation of the service
40 provider.

41 3. Any person employed by, or otherwise engaged on the
42 behalf of, a service provider who is expected to have direct,
43 face-to-face contact with a vulnerable person as defined in s.
44 435.02 while providing services to the person and have access to
45 the person's living areas, funds, personal property, or personal
46 identification information as defined in s. 817.568.

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Amendment No. 1

47 4. A director of the service provider.

48 (b) Level 2 background screening pursuant to chapter 435
49 is not required for the following persons:

50 1. A licensed physician, nurse, or other professional who
51 is licensed by the Department of Health and who has undergone
52 fingerprinting and background screening as part of such
53 licensure if providing a service that is within the scope of her
54 or his licensed practice.

55 2. A relative of the vulnerable person receiving services.
56 For purposes of this section, the term "relative" means an
57 individual who is the father, mother, stepfather, stepmother,
58 son, daughter, brother, sister, grandmother, grandfather, great-
59 grandmother, great-grandfather, grandson, granddaughter, uncle,
60 aunt, first cousin, nephew, niece, husband, wife, father-in-law,
61 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
62 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,
63 half-brother, or half-sister of the vulnerable person.

64 (c) Service providers are responsible for initiating and
65 completing the background screening as a condition of
66 registration.

67 (d)1. Every 5 years following initial screening, each
68 person subject to background screening under this section must
69 submit to level 2 background rescreening as a condition of the
70 service provider retaining such registration.

71 2. Until the person's background screening results are
72 retained in the clearinghouse created under s. 435.12, the
73 division may accept as satisfying the requirements of this
74 section proof of compliance with level 2 screening standards

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 1

75 submitted within the previous 5 years to meet any provider or
76 professional licensure requirements of the Agency for Health
77 Care Administration, the Department of Health, the Department of
78 Elderly Affairs, the Agency for Persons with Disabilities, or
79 the Department of Children and Family Services, provided:

80 a. The screening standards and disqualifying offenses for
81 the prior screening are equivalent to those specified in s.
82 435.04 and this section;

83 b. The person subject to screening has not had a break in
84 service from a position that requires level 2 screening for more
85 than 90 days; and

86 c. Such proof is accompanied, under penalty of perjury, by
87 an affidavit of compliance with the provisions of chapter 435
88 and this section.

89 (e) In addition to the disqualifying offenses listed in s.
90 435.04, all persons subject to undergo background screening
91 pursuant to this section must not have an arrest awaiting final
92 disposition for, must not have been found guilty of, regardless
93 of adjudication, or entered a plea of nolo contendere or guilty
94 to, and must not have been adjudicated delinquent, and the
95 record has not been expunged for, any offense prohibited under
96 any of the following provisions or similar law of another
97 jurisdiction:

98 1. Section 409.920, relating to Medicaid provider fraud.

99 2. Section 409.9201, relating to Medicaid fraud.

100 3. Section 741.28, relating to domestic violence.

Amendment No. 1

101 4. Section 817.034, relating to fraudulent acts through
102 mail, wire, radio, electromagnetic, photoelectronic, or
103 photooptical systems.

104 5. Section 817.234, relating to false and fraudulent
105 insurance claims.

106 6. Section 817.505, relating to patient brokering.

107 7. Section 817.568, relating to criminal use of personal
108 identification information.

109 8. Section 817.60, relating to obtaining a credit card
110 through fraudulent means.

111 9. Section 817.61, relating to fraudulent use of credit
112 cards, if the offense was a felony.

113 10. Section 831.01, relating to forgery.

114 11. Section 831.02, relating to uttering forged
115 instruments.

116 12. Section 831.07, relating to forging bank bills,
117 checks, drafts, or promissory notes.

118 13. Section 831.09, relating to uttering forged bank
119 bills, checks, drafts, or promissory notes.

120 14. Section 831.31, relating to the sale, manufacture,
121 delivery, or possession with the intent to sell, manufacture, or
122 deliver any counterfeit controlled substance, if the offense was
123 a felony.

124 (f) The division may grant an exemption from
125 disqualification from this section only as provided in s.
126 435.07.

127 (3) The cost of the state and national criminal history
128 records checks required by level 2 screening and their retention

Amendment No. 1

129 shall be borne by the service provider or the person being
130 screened.

131 (4) (a) The division shall deny, suspend, terminate, or
132 revoke a registration, rate agreement, purchase order, referral,
133 contract, or other agreement, or pursue other remedies in
134 addition to or in lieu of denial, suspension, termination, or
135 revocation, for failure to comply with this section.

136 (b) If the division has reasonable cause to believe that
137 grounds for denial or termination of registration exist, it
138 shall provide written notification to the person affected,
139 identifying the specific record that indicates noncompliance
140 with the standards in this section.

141 (c) Refusal on the part of a provider to remove from
142 contact with any vulnerable person a person who is employed by,
143 or otherwise engaged on behalf of, the provider and who is found
144 to be not in compliance with the standards of this section shall
145 result in revocation of the service provider's registration and
146 contract.

147 Section 7. The background screening requirements of
148 section 6 of this act do not apply to existing registrants with
149 the Division of Vocational Rehabilitation in effect before
150 October 1, 2012. Such requirements apply to all registrants with
151 the division which are renewed or entered into on or after
152 October 1, 2012.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 1

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T I T L E A M E N D M E N T

Remove line 21 and insert:
directed care program; amending s. 413.20, F.S., relating to
general vocational rehabilitation programs; providing a
definition; amending s. 413.208, F.S.; requiring registration of
service providers; requiring background screening and
rescreening of certain persons having contact with vulnerable
persons; providing exemptions from background screening;
providing disqualifying offenses; providing that the cost of
screening shall be borne by the provider or the person being
screened; providing conditions for the denial of registration;
providing for notice of denial or termination; requiring
providers to remove persons who have not successfully passed
screening; providing for applicability; amending s. 430.0402,
F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Holder offered the following:

4
5 **Amendment**

6 Remove line 470 and insert:

7 Department of Children and Family Services, the Division of
8 Vocational Rehabilitation within the Department of Education,
9 the Agency for
10

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Holder offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 562-579 and insert:

7 456.0135 General background screening provisions.-

8 (1) An application for initial licensure received on or
9 after January 1, 2013, under chapter 458, chapter 459, chapter
10 460, chapter 461, or chapter 464, or s. 465.022 shall include
11 fingerprints pursuant to procedures established by the
12 department through a vendor approved by the Department of Law
13 Enforcement and fees imposed for the initial screening and
14 retention of fingerprints. Fingerprints must be submitted
15 electronically to the Department of Law Enforcement for state
16 processing and the Department of Law Enforcement shall forward
17 the fingerprints to the Federal Bureau of Investigation for
18 national processing. Each board, or the department if there is
19 no board, shall screen the results to determine if an applicant

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 3

20 meets licensure requirements. For any subsequent renewal of the
21 applicant's license that requires a national criminal history
22 check, the department shall request the Department of Law
23 Enforcement to forward the retained fingerprints of the
24 applicant to the Federal Bureau of Investigation.

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T I T L E A M E N D M E N T

31

Remove line 65 and insert:

32

application for initial licensure

33

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Holder offered the following:
4

5 **Amendment**

6 Remove lines 851-861 and insert:

7 5. Is seeking to be employed or licensed by or to contract
8 with the Department of Children and Family Services, the
9 Division of Vocational Rehabilitation within the Department of
10 Education, the Agency for Health Care Administration, the Agency
11 for Persons with Disabilities, the Department of Health, the
12 Department of Elderly Affairs, or the Department of Juvenile
13 Justice or to be employed or used by such contractor or licensee
14 in a sensitive position having direct contact with children, the
15 ~~developmentally disabled, the aged, or the elderly as provided~~
16 ~~in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.~~
17 ~~402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(5),~~
18 ~~chapter 916, s. 985.644, chapter 400, or chapter 429;~~
19

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Page 1 of 2

h943-line851

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 4

20

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Page 2 of 2

h943-line851

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 943 (2012)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Holder offered the following:

4
5 **Amendment**

6 Remove lines 947-957 and insert:

7 5. Is seeking to be employed or licensed by or to contract
8 with the Department of Children and Family Services, the
9 Division of Vocational Rehabilitation within the Department of
10 Education, the Agency for Health Care Administration, the Agency
11 for Persons with Disabilities, the Department of Health, the
12 Department of Elderly Affairs, or the Department of Juvenile
13 Justice or to be employed or used by such contractor or licensee
14 in a sensitive position having direct contact with children, the
15 ~~developmentally disabled, the aged, or the elderly as provided~~
16 ~~in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.~~
17 ~~402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(5), s.~~
18 ~~415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;~~

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/16/2012 9:00:00AM

Location: 404 HOB

CS/HB 1229 : Reorganization of the Department of Children and Family Services

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 16		Total Nays: 2			

CS/HB 1229 Amendments

Amendment 225973

Adopted Without Objection

Amendment 694381

Adopted Without Objection

Appearances:

Fontaine, Mark (Lobbyist) - Proponent
 Florida Alcohol & Drug Abuse Association, Inc
 2868 Mahan Dr Ste 1
 Tallahassee FL 32308
 Phone: (850) 878-2196

Ervin, Debra (State Employee) - Information Only
 DCF
 1419 Winewood
 Tallahassee FL 32399
 Phone: (850) 488-9410

Committee meeting was reported out: Thursday, February 16, 2012 1:44:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1229 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Drake offered the following:

4
5 **Amendment**

6 Remove lines 81-82 and insert:

7 to protect the vulnerable, promote strong and economically
8 self-sufficient families, and advance personal and family
9 recovery and resiliency.

10

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1229 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Drake offered the following:

4
5 **Amendment**

6 Remove line 136 and insert:

7 (a) The department, through offices, shall provide services
8 relating to:

9
10