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# **Health Care Regulation Policy Committee**

**Monday, March 22, 2010  
1:45 PM - 5:00 PM  
Morris Hall (17 HOB)**

# **ACTION PACKET**

**Larry Cretul  
Speaker**

**Nick Thompson  
Chair**



**HOUSE OF REPRESENTATIVES  
COUNCIL/COMMITTEE ATTENDANCE ROLL CALL**

The Council/Committee on Health Care Regulation Policy Committee

met at 1:45 o'clock on 3/22/10 with the following attendance:

| <u>Member</u>                | <u>Present</u> | <u>Absent*</u> | <u>Excused</u> |
|------------------------------|----------------|----------------|----------------|
| Rep. Thompson, Nick (Chair)  | ✓              |                |                |
| Rep. Bush III, James         | ✓              |                |                |
| Rep. Ford, Clay              | ✓              |                |                |
| Rep. Fresen, Erik            | ✓              |                |                |
| Rep. Horner, Mike            | ✓              |                |                |
| Rep. Hudson, Matt            | ✓              |                |                |
| Rep. Hukill, Dorothy         | ✓              |                |                |
| Rep. Nehr, Peter             | ✓              |                |                |
| Rep. Porth, Ari              |                |                | ✓              |
| Rep. Proctor, William        | ✓              |                |                |
| Rep. Rehwinkel Vasilinda, M. | ✓              |                |                |
| Rep. Renuart, Ronald         | ✓              |                |                |
| Rep. Roberson, Yolly         | ✓              |                |                |
| Rep. Van Zant, Charles       | ✓              |                |                |
|                              |                |                |                |
|                              |                |                |                |
|                              |                |                |                |
|                              |                |                |                |
|                              |                |                |                |
|                              |                |                |                |
|                              |                |                |                |
|                              |                |                |                |

Rep. Nick Thompson  
Chair

\*A member must be excused by Chair or Speaker. A member answering roll call is presumed "present" thereafter.

**House of Representatives  
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

**Council/Committee:** Health Care  
Regulation Policy  
Committee

**Meeting Date:** 3/22/10

**Place:** Morris Hall (17  
HOB)

**Time:** 1:45 PM – 5:00  
PM

**Bill Number:** HJR 37

**Date Received:** \_\_\_\_\_

**Date Reported:** \_\_\_\_\_

**Subject:** Health Care  
Services (Plakon)

**Council/Committee Action:**

- |  |   |
|--|---|
| <input type="checkbox"/> Favorable   | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments                       | <input type="checkbox"/> Reconsidered                 |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed        |
| <input type="checkbox"/> Other Action: _____                                 | <input type="checkbox"/> Unfavorable                  |

| Final Vote On Bill |      | MEMBERS                        | #1<br>A w/O |      |      |      |      |      |      |      |
|--------------------|------|--------------------------------|-------------|------|------|------|------|------|------|------|
| Yea                | Nay  |                                | Yea         | Nay  | Yea  | Nay  | Yea  | Nay  | Yea  | Nay  |
|                    | ✓    | Rep. J. Bush III               |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. C. Ford                   |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. E. Fresen                 |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. M. Horner                 |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. M. Hudson                 |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. D. Hukill                 |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. P. Nehr                   |             |      |      |      |      |      |      |      |
|                    |      | Rep. A. Porth                  |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. W. Proctor                |             |      |      |      |      |      |      |      |
|                    | ✓    | Rep. M. Rehwinkel<br>Vasilinda |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. R. Renuart                |             |      |      |      |      |      |      |      |
|                    | ✓    | Rep. Y. Roberson               |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. C. Van Zant               |             |      |      |      |      |      |      |      |
| ✓                  |      | Rep. N. Thompson               |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
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|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
|                    |      |                                |             |      |      |      |      |      |      |      |
| 10                 | 3    |                                |             |      |      |      |      |      |      |      |
| Yeas               | Nays | TOTALS                         | Yeas        | Nays | Yeas | Nays | Yeas | Nays | Yeas | Nays |

**House of Representatives  
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

Council/Committee: Health Care  
Regulation Policy  
Committee  
 Meeting Date: 3/22/10  
 Place: Morris Hall (17  
HOB)  
 Time: 1:45 PM – 5:00  
PM

Bill Number: HB 107  
 Date Received: \_\_\_\_\_  
 Date Reported: \_\_\_\_\_  
 Subject: Autism (Coley)

**Council/Committee Action:**

- |  |   |
|--|---|
| <input type="checkbox"/> Favorable   | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ <u>1</u> amendments                    | <input type="checkbox"/> Reconsidered                 |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed        |
| <input type="checkbox"/> Other Action: _____                                 | <input type="checkbox"/> Unfavorable                  |

| Final Vote On Bill |      | MEMBERS                       | #1<br>A w/o |      | #2<br>Withdrawn |      | Yea  | Nay  | Yea  | Nay  |
|--------------------|------|-------------------------------|-------------|------|-----------------|------|------|------|------|------|
| Yea                | Nay  |                               | Yea         | Nay  | Yea             | Nay  |      |      |      |      |
| ✓                  |      | Rep. J. Bush III              |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. C. Ford                  |             |      |                 |      |      |      |      |      |
|                    |      | Rep. E. Fresen <i>Excused</i> |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. M. Horner <i>Yea</i>     |             |      |                 |      |      |      |      |      |
|                    | ✓    | Rep. M. Hudson                |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. D. Hukill                |             |      |                 |      |      |      |      |      |
|                    |      | Rep. P. Nehr <i>Excused</i>   |             |      |                 |      |      |      |      |      |
|                    |      | Rep. A. Porth <i>Yea</i>      |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. W. Proctor               |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. M. Rehwinkel             |             |      |                 |      |      |      |      |      |
| ✓                  |      | Vasilinda                     |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. R. Renuart               |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. Y. Roberson              |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. C. Van Zant              |             |      |                 |      |      |      |      |      |
| ✓                  |      | Rep. N. Thompson              |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
|                    |      |                               |             |      |                 |      |      |      |      |      |
| 10                 | 1    |                               |             |      |                 |      |      |      |      |      |
| Yeas               | Nays | TOTALS                        | Yeas        | Nays | Yeas            | Nays | Yeas | Nays | Yeas | Nays |

**House of Representatives  
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

**Council/Committee:** Health Care  
Regulation Policy  
Committee

**Meeting Date:** 3/22/10

**Place:** Morris Hall (17  
HOB)

**Time:** 1:45 PM – 5:00  
PM

**Bill Number:** HB 729

**Date Received:** \_\_\_\_\_

**Date Reported:** \_\_\_\_\_

**Subject:** Practice of  
Tattooing  
(Brandenburg)

**Council/Committee Action:**

- |  |   |
|--|---|
| <input type="checkbox"/> Favorable   | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments                       | <input type="checkbox"/> Reconsidered                 |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed        |
| <input type="checkbox"/> Other Action: _____                                 | <input type="checkbox"/> Unfavorable                  |

| Final Vote On Bill |     | MEMBERS                       | #1<br>A w/o |     |     |     |     |     |     |     |
|--------------------|-----|-------------------------------|-------------|-----|-----|-----|-----|-----|-----|-----|
| Yea                | Nay |                               | Yea         | Nay | Yea | Nay | Yea | Nay | Yea | Nay |
| ✓                  |     | Rep. J. Bush III              |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. C. Ford                  |             |     |     |     |     |     |     |     |
|                    |     | Rep. E. Fresen <i>Excused</i> |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. M. Horner <i>Yea</i>     |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. M. Hudson                |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. D. Hukill                |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. P. Nehr                  |             |     |     |     |     |     |     |     |
|                    |     | Rep. A. Porth                 |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. W. Proctor               |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. M. Rehwinkel             |             |     |     |     |     |     |     |     |
| ✓                  |     | Vasilinda                     |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. R. Renuart               |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. Y. Roberson              |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. C. Van Zant              |             |     |     |     |     |     |     |     |
| ✓                  |     | Rep. N. Thompson              |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
|                    |     |                               |             |     |     |     |     |     |     |     |
| 12                 | 0   |                               |             |     |     |     |     |     |     |     |

Yeas Nays  
H-83 (2008)

**House of Representatives  
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

**Council/Committee:** Health Care  
Regulation Policy  
Committee

**Meeting Date:** 3/22/10

**Place:** Morris Hall (17  
HOB)

**Time:** 1:45 – 5:00 PM

**Bill Number:** HB 911

**Date Received:** \_\_\_\_\_

**Date Reported:** \_\_\_\_\_

**Subject:** Electronic Health  
Infor. (Hudson)

**Council/Committee Action:**

- |  |   |
|--|---|
| <input type="checkbox"/> Favorable   | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ <u>1</u> amendments                    | <input type="checkbox"/> Reconsidered                 |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed        |
| <input type="checkbox"/> Other Action: _____                                 | <input type="checkbox"/> Unfavorable                  |

| Final Vote On Bill |             | MEMBERS                                      | #1          |             | #2          |             | #3          |             | #4          |             |
|--------------------|-------------|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Yea                | Nay         |  | Yea         | Nay         | Yea         | Nay         | Yea         | Nay         | Yea         | Nay         |
| ✓                  |             | Rep. J. Bush III                             |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. C. Ford                                 |             |             |             |             |             |             |             |             |
|                    |             | Rep. E. Fresen <i>EXCLUDED</i><br><i>Yea</i> |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. M. Horner                               |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. M. Hudson                               |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. D. Hukill                               |             |             |             |             |             |             |             |             |
|                    |             | Rep. P. Nehr <i>EXCLUDED</i><br><i>Yea</i>   |             |             |             |             |             |             |             |             |
|                    |             | Rep. A. Porth                                |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. W. Proctor                              |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. M. Rehwinkel<br>Vasilinda               |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. R. Renuart                              |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. Y. Roberson                             |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. C. Van Zant                             |             |             |             |             |             |             |             |             |
| ✓                  |             | Rep. N. Thompson                             |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
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|                    |             |  |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
|                    |             |  |             |             |             |             |             |             |             |             |
| <b>Yeas</b>        | <b>Nays</b> | <b>TOTALS</b>                                | <b>Yeas</b> | <b>Nays</b> | <b>Yeas</b> | <b>Nays</b> | <b>Yeas</b> | <b>Nays</b> | <b>Yeas</b> | <b>Nays</b> |
| 11                 | 0           |  |             |             |             |             |             |             |             |             |







**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**Summary:**

**Health Care Regulation Policy Committee**

*Monday March 22, 2010 01:45 pm*

|               |                                     |          |         |
|---------------|-------------------------------------|----------|---------|
| HJR 37        | Favorable With Committee Substitute | Yeas: 10 | Nays: 3 |
| HB 107        | Favorable With Committee Substitute | Yeas: 10 | Nays: 1 |
| HB 729        | Favorable With Committee Substitute | Yeas: 12 | Nays: 0 |
| HB 911        | Favorable With Committee Substitute | Yeas: 11 | Nays: 0 |
| PCB HCR 10-03 | Favorable With Amendments (5)       | Yeas: 11 | Nays: 2 |

**Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM**

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**Attendance:**

|                              | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|------------------------------|----------------|---------------|----------------|
| Nicholas Thompson (Chair)    | X              |               |                |
| James Bush III               | X              |               |                |
| Clay Ford                    | X              |               |                |
| Erik Fresen                  | X              |               |                |
| Mike Horner                  | X              |               |                |
| Matt Hudson                  | X              |               |                |
| Dorothy Hukill               | X              |               |                |
| Peter Nehr                   | X              |               |                |
| Ari Porth                    |                |               | X              |
| William Proctor              | X              |               |                |
| Michelle Rehwinkel Vasilinda | X              |               |                |
| Ronald Renuart               | X              |               |                |
| Yolly Roberson               | X              |               |                |
| Charles Van Zant             | X              |               |                |
| <b>Totals:</b>               | <b>13</b>      | <b>0</b>      | <b>1</b>       |

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**HJR 37 : Health Care Services**

*Favorable With Committee Substitute*

|                              | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>Nay |
|------------------------------|-----|----------------------|---------|-----------------|-----------------|
| James Bush III               |     | X                    |         |                 |                 |
| Clay Ford                    | X   |                      |         |                 |                 |
| Erik Fresen                  | X   |                      |         |                 |                 |
| Mike Horner                  | X   |                      |         |                 |                 |
| Matt Hudson                  | X   |                      |         |                 |                 |
| Dorothy Hukill               | X   |                      |         |                 |                 |
| Peter Nehr                   | X   |                      |         |                 |                 |
| Ari Porth                    |     |                      | X       |                 |                 |
| William Proctor              | X   |                      |         |                 |                 |
| Michelle Rehwinkel Vasilinda |     | X                    |         |                 |                 |
| Ronald Renuart               | X   |                      |         |                 |                 |
| Yolly Roberson               |     | X                    |         |                 |                 |
| Charles Van Zant             | X   |                      |         |                 |                 |
| Nicholas Thompson (Chair)    | X   |                      |         |                 |                 |
| <b>Total Yeas: 10</b>        |     | <b>Total Nays: 3</b> |         |                 |                 |

**Appearances:**

Health Care Services

Will Pitts, Chairman - Proponent  
 Republican Liberty Causus of Florida  
 7807 Baymeadows Road E.  
 Jacksonville FL 32256  
 Phone: 904-237-3414

Health Care Services

Allen Douglas, Legislative Affairs Director (Lobbyist) - Proponent  
 National Federation of Independent Business  
 110 East Jefferson Street  
 Tallahassee FL 32301  
 Phone: 850-681-0416

Health Care Services

Stephen R. Winn, Executive Director (Lobbyist) - Proponent  
 Florida Osteopathic Medical Association  
 2007 Apalachee Parkway  
 Tallahassee FL 32301  
 Phone: 850-878-7364

Health Care Services

Jeff Scott, Senior Director of Governmental Affairs (Lobbyist) - Proponent  
 Florida Medical Association  
 123 S, Adams Street  
 Tallahassee FL 32309  
 Phone: 850-224-6496

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

Health Care Services

Richard Polangin, Health Policy Coordinator (Lobbyist) - Proponent

Florida Public Interest Research Group

926 East Park Avenue

Tallahassee FL 32301

Phone: 850-224-4206

Health Care Services

Rich Templin (Lobbyist) - Proponent

Florida AFL-CIO

135 S. Monroe

Tallahassee FL 32302

Phone: 850-224-6926

Health Care Services

Nick Egoroft, Health Care Freedom - Proponent

Florida State Sovereignty

Health Care Services

William Wood - Proponent

Self

12631 Lake Brook

Orlando FL 32828

Phone: 407-281-6177

Health Care Services

Jessica Lowe-Minor, Legislative & Field Manager (Lobbyist) - Proponent

Florida Alliance of Planned Parenthood Affiliates

3400 Old Bainbridge Road Unit #105

Tallahassee FL 32303

Phone: 850-228-3646

Health Care Services

Sally West, Director of Government Affairs (Lobbyist) - Proponent

Florida Retail Federation

227 S. Adams Street

Tallahassee FL 32304

Phone: 850-222-4082

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**HB 107 : Autism**

Favorable With Committee Substitute

|                              | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>Nay |
|------------------------------|-----|----------------------|---------|-----------------|-----------------|
| James Bush III               | X   |                      |         |                 |                 |
| Clay Ford                    | X   |                      |         |                 |                 |
| Erik Fresen                  |     |                      |         | X               |                 |
| Mike Horner                  | X   |                      |         |                 |                 |
| Matt Hudson                  |     | X                    |         |                 |                 |
| Dorothy Hukill               | X   |                      |         |                 |                 |
| Peter Nehr                   |     |                      |         | X               |                 |
| Ari Porth                    |     |                      | X       |                 |                 |
| William Proctor              | X   |                      |         |                 |                 |
| Michelle Rehwinkel Vasilinda | X   |                      |         |                 |                 |
| Ronald Renuart               | X   |                      |         |                 |                 |
| Yolly Roberson               | X   |                      |         |                 |                 |
| Charles Van Zant             | X   |                      |         |                 |                 |
| Nicholas Thompson (Chair)    | X   |                      |         |                 |                 |
| <b>Total Yeas: 10</b>        |     | <b>Total Nays: 1</b> |         |                 |                 |

**Appearances:**

**Autism**

Mary-Lynn Cullen, Legislative Liaison (Lobbyist) - Proponent  
 Advocacy Institute for Children  
 1674 University Parkway  
 Sarasota FL 34243  
 Phone: 941-928-0278

**Autism**

Paul Sanford (Lobbyist) - Proponent  
 Blue Cross - FIC  
 106 S. Monroe Street  
 Tallahassee FL 32301  
 Phone: 850-222-7200

**Autism**

Jose L. Gonzalez, Vice President of Government Affairs (Lobbyist) - Proponent  
 Associated Industries of Florida (AIF)  
 576 North Adams Street  
 Tallahassee FL 32301  
 Phone: 850-224-7173

**Autism**

Mary Kay Cariseo, Director of Government Affairs (Lobbyist) - Proponent  
 Nemours  
 2904 Whittington Drive  
 Tallahassee FL 32309  
 Phone: 850-491-2433

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

Autism

Michael Garner, President & CEO (Lobbyist) - Opponent

Florida Association of Health Plans

200 W. College Avenue

Tallahassee FL 32301

Phone: 850-386-2904

Autism

Stephen R. Winn, Executive Director (Lobbyist) - Proponent

Florida Osteopathic Medical Association

2007 Apalachee Parkway

Tallahassee FL 32301

Phone: 850-878-7364

Autism

Susan Goldstein, Parent Advocate (Lobbyist) - Proponent

Floridians for the Future of the Developmentally Disabled/ Daughter

3158 Inverness

Weston FL 33332

Phone: 954-830-6300

Autism

Bill Helmich (Lobbyist) - Proponent

Family Network on Disabilities

303 Johns Drive

Tallahassee FL 32301

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**HB 729 : Practice of Tattooing**

*Favorable With Committee Substitute*

|                              | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| James Bush III               | X          |                      |                |                         |                         |
| Clay Ford                    | X          |                      |                |                         |                         |
| Erik Fresen                  |            |                      |                | X                       |                         |
| Mike Horner                  | X          |                      |                |                         |                         |
| Matt Hudson                  | X          |                      |                |                         |                         |
| Dorothy Hukill               | X          |                      |                |                         |                         |
| Peter Nehr                   | X          |                      |                |                         |                         |
| Ari Porth                    |            |                      | X              |                         |                         |
| William Proctor              | X          |                      |                |                         |                         |
| Michelle Rehwinkel Vasilinda | X          |                      |                |                         |                         |
| Ronald Renuart               | X          |                      |                |                         |                         |
| Yolly Roberson               | X          |                      |                |                         |                         |
| Charles Van Zant             | X          |                      |                |                         |                         |
| Nicholas Thompson (Chair)    | X          |                      |                |                         |                         |
| <b>Total Yeas: 12</b>        |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Practice of Tattooing

Bill Hannon, Tattooist - Proponent

Florida Tattoo Artist's Guild  
 8024 Alico Road Suite A-7  
 Fort Myers FL 33912  
 Phone: 239-940-1135

Practice of Tattooing

Thomas Meyer, Treasurer - Proponent

Florida Professional Tattoo Artist Guild  
 618 SW Bryant Avenue  
 Stuart FL 34997  
 Phone: 772-220-8534

Practice of Tattooing

Wes Diffie, Secretary - Proponent

Florida Professional Tattoo Artist Guild  
 1380 Cypress Avenue  
 Melbourne FL 32935  
 Phone: 321-255-9449

Practice of Tattooing

Holly Miller, Regulatory Affairs Counsel (Lobbyist) - Proponent

Florida Medical Association  
 123 S, Adams Street  
 Tallahassee FL 32309  
 Phone: 850-224-6496

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

Practice of Tattooing

Chris Nuland, General Counsel (Lobbyist) - Proponent

Florida Society of Plastic Surgeons

1000 Riverside Avenue

Jacksonville FL 32204

Phone: 904-355-1555

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM



**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**HB 911 : Electronic Health Information**

*Favorable With Committee Substitute*

|                              | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>Nay |
|------------------------------|-----|----------------------|---------|-----------------|-----------------|
| James Bush III               | X   |                      |         |                 |                 |
| Clay Ford                    | X   |                      |         |                 |                 |
| Erik Fresen                  |     |                      |         | X               |                 |
| Mike Horner                  | X   |                      |         |                 |                 |
| Matt Hudson                  | X   |                      |         |                 |                 |
| Dorothy Hukill               | X   |                      |         |                 |                 |
| Peter Nehr                   |     |                      |         | X               |                 |
| Ari Porth                    |     |                      | X       |                 |                 |
| William Proctor              | X   |                      |         |                 |                 |
| Michelle Rehwinkel Vasilinda | X   |                      |         |                 |                 |
| Ronald Renuart               | X   |                      |         |                 |                 |
| Yolly Roberson               | X   |                      |         |                 |                 |
| Charles Van Zant             | X   |                      |         |                 |                 |
| Nicholas Thompson (Chair)    | X   |                      |         |                 |                 |
| <b>Total Yeas: 11</b>        |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Electronic Health Information

William Dillon, Attorney (Lobbyist) - Proponent  
 Big Bend Regional Healthcare Information Organization  
 2618 Centennial Place  
 Tallahassee FL 32308  
 Phone: 850-222-0720

Autism

Tins Nye, Director of FL Center for Health Information & Policy Analysis (State Employee) - Proponent  
 Agency for Health Care Administration  
 2727 Mahan Drive  
 Tallahassee FL 32308  
 Phone: 850-412-3612

Autism

Richard Polangin, Health Policy Coordinator (Lobbyist) - Proponent  
 Florida Public Interest Research Group  
 926 East Park Avenue  
 Tallahassee FL  
 Phone: 850-224-4206

Autism

Sally West, Director of Government Affairs (Lobbyist) - Proponent  
 Florida Retail Federation  
 227 S. Adams Street  
 Tallahassee FL 32304  
 Phone: 850-222-4082

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM

**COMMITTEE MEETING REPORT**  
**Health Care Regulation Policy Committee**

**3/22/2010 1:45:00PM**

**Location:** Morris Hall (17 HOB)

**PCB HCR 10-03 : Reorganization of the Department of Health**

Favorable With Amendments (5)

|                              | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>Nay |
|------------------------------|-----|----------------------|---------|-----------------|-----------------|
| James Bush III               | X   |                      |         |                 |                 |
| Clay Ford                    | X   |                      |         |                 |                 |
| Erik Fresen                  | X   |                      |         |                 |                 |
| Mike Horner                  | X   |                      |         |                 |                 |
| Matt Hudson                  | X   |                      |         |                 |                 |
| Dorothy Hukill               | X   |                      |         |                 |                 |
| Peter Nehr                   | X   |                      |         |                 |                 |
| Ari Porth                    |     |                      | X       |                 |                 |
| William Proctor              | X   |                      |         |                 |                 |
| Michelle Rehwinkel Vasilinda |     | X                    |         |                 |                 |
| Ronald Renuart               | X   |                      |         |                 |                 |
| Yolly Roberson               |     | X                    |         |                 |                 |
| Charles Van Zant             | X   |                      |         |                 |                 |
| Nicholas Thompson (Chair)    | X   |                      |         |                 |                 |
| <b>Total Yeas: 11</b>        |     | <b>Total Nays: 2</b> |         |                 |                 |

**Appearances:**

Reorganization of the Department of Health

Dr. Ana Viamonte Ros, State Surgeon General (Lobbyist) (State Employee) - Proponent  
 Department of Health  
 4025 Merchants Row Boulevard  
 Tallahassee FL 32399  
 Phone: 850-245-4444

Reorganization of the Department of Health

Chris Nuland, General Counsel (Lobbyist) - Opponent  
 Florida Public Health Association  
 1000 Riverside Avenue  
 Jacksonville FL 32204  
 Phone: 904-355-1555

Reorganization of the Department of Health

Terri Poore, Director of Public Affairs (Lobbyist) - Proponent  
 Florida Council Against Sexual Violence  
 1820 East Park Avenue Suite 100  
 Tallahassee FL 32301  
 Phone: 850-297-2000

Committee meeting was reported out: Monday, March 22, 2010 7:36:45PM



Amendment No. 1

20       (2) A person or employer may pay directly for lawful  
21 health care services and may not be required to pay penalties or  
22 finances for paying directly for lawful health care services. A  
23 health care provider may accept direct payment for lawful health  
24 care services and may not be required to pay penalties or fines  
25 for accepting direct payment from a person or employer for  
26 lawful health care services.

27       (b) Subject to reasonable and necessary rules that do not  
28 substantially limit a person's options, the purchase or sale of  
29 health insurance in private health care systems shall not be  
30 prohibited by law or rule.

31       (c) This section does not:

32       (1) Affect which health care services a health care  
33 provider is required to perform or provide.

34       (2) Affect which health care services are permitted by  
35 law.

36       (3) Prohibit care provided pursuant to general law  
37 relating to workers' compensation.

38       (4) Affect laws or rules in effect as of March 1, 2010.

39       (5) Affect the terms or conditions of any health care  
40 system to the extent that those terms and conditions do not have  
41 the effect of punishing a person or employer for paying directly  
42 for lawful health care services or a health care provider for  
43 accepting direct payment from a person or employer for lawful  
44 health care services.

45       (d) For purposes of this section:

46       (1) "Compel" includes the imposition of penalties or  
47 finances.



Amendment No. 1

76 lawful health care services directly from a health care  
77 provider; permit a health care provider to accept direct payment  
78 from a person or employer for lawful health care services;  
79 exempt persons, employers, and health care providers from  
80 penalties and fines for paying or accepting direct payment for  
81 lawful health care services; and permit the purchase or sale of  
82 health insurance in private health care systems. Specifies that  
83 the amendment does not affect which health care services a  
84 health care provider is required to perform or provide; affect  
85 which health care services are permitted by law; prohibit care  
86 provided pursuant to general law relating to workers'  
87 compensation; affect laws or rules in effect as of March 1,  
88 2010; or affect the terms or conditions of any health care  
89 system to the extent that those terms and conditions do not have  
90 the effect of punishing a person or employer for paying directly  
91 for lawful health care services or a health care provider for  
92 accepting direct payment from a person or employer for lawful  
93 health care services.

94  
95  
96 -----  
97 **T I T L E   A M E N D M E N T**

98 Remove the entire title and insert:

99 House Joint Resolution

100 A joint resolution proposing the creation of Section 28 of  
101 Article I of the State Constitution, relating to health  
102 care services.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 107 (2010)

Amendment No.

COUNCIL/COMMITTEE 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 Council/Committee hearing bill: Health Care Regulation Policy  
2 Committee

3 Representative(s) Coley offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 381.986, Florida Statutes, is created  
8 to read:

9 381.986 Screening for autism spectrum disorder.—

10 (1) If the parent or legal guardian of a minor believes  
11 that the minor exhibits symptoms of autism spectrum disorder,  
12 the parent or legal guardian may report his or her observation  
13 to a physician licensed in this state. The physician shall  
14 perform screening in accordance with American Academy of  
15 Pediatrics' guidelines. If the physician determines that  
16 referral to a specialist is medically necessary, he or she shall  
17 refer the minor to an appropriate specialist to determine  
18 whether the minor meets diagnostic criteria for autism spectrum  
19 disorder. If the physician determines that referral to a

Amendment No.

20 specialist is not medically necessary, the physician shall  
21 inform the parent or legal guardian that they can self-refer to  
22 the Early Steps intervention program or other specialist in  
23 autism. This section does not apply to a physician providing  
24 care under s. 395.1041.

25 (2) As used in this section, the term "appropriate  
26 specialist" means a qualified professional who is experienced in  
27 the evaluation of autism spectrum disorder, is licensed in this  
28 state, and has training in validated diagnostic tools. The term  
29 includes, but is not limited to:

30 (a) A psychologist;

31 (b) A psychiatrist;

32 (c) A neurologist;

33 (d) A developmental or behavioral pediatrician; or

34 (e) A professional whose licensure is deemed appropriate  
35 by the Children's Medical Services Early Steps Program within  
36 the Department of Health.

37 Section 2. Section 627.6686, Florida Statutes, is amended  
38 to read:

39 627.6686 Coverage for individuals with developmental  
40 disabilities ~~autism spectrum disorder required; exception.--~~

41 (1) This section and s. 641.31098 may be cited as the  
42 "Steven A. Geller Autism Coverage Act."

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

44 (a) "Applied behavior analysis" means the design,  
45 implementation, and evaluation of environmental modifications,  
46 using behavioral stimuli and consequences, to produce socially  
47 significant improvement in human behavior, including, but not



Amendment No.

48 limited to, the use of direct observation, measurement, and  
49 functional analysis of the relations between environment and  
50 behavior.

51 (b) "Autism spectrum disorder" means any of the following  
52 disorders as defined in the most recent edition of the  
53 Diagnostic and Statistical Manual of Mental Disorders of the  
54 American Psychiatric Association:

- 55 1. Autistic disorder.
- 56 2. Asperger's syndrome.
- 57 3. Pervasive developmental disorder not otherwise  
58 specified.

59 (c) "Developmental disability" means a disorder or  
60 syndrome attributable to cerebral palsy or Down syndrome, which  
61 manifests before the age of 18 years and constitutes a  
62 substantial handicap that can reasonably be expected to continue  
63 indefinitely. As used in this section:

- 64 1. "Cerebral palsy" has the same meaning as in s. 393.063.
- 65 2. "Down syndrome" means a disorder caused by the presence  
66 of an extra chromosome 21.

67 (d) "Direct patient access" means the ability of an  
68 insured to obtain services from an in-network provider without a  
69 referral or other authorization before receiving services.

70 (e)-(e) "Eligible individual" means an individual under 18  
71 years of age or an individual 18 years of age or older who is in  
72 high school and who has been diagnosed as having a developmental  
73 disability at 8 years of age or younger.

74 (f)-(d) "Health insurance plan" means a group health  
75 insurance policy or group health benefit plan offered by an

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 107 (2010)

Amendment No.

76 insurer which includes the state group insurance program  
77 provided under s. 110.123. The term does not include a any  
78 health insurance plan offered in the individual market, a any  
79 health insurance plan that is individually underwritten, or a  
80 any health insurance plan provided to a small employer.

81 (g)(e) "Insurer" means an insurer providing health  
82 insurance coverage, which is licensed to engage in the business  
83 of insurance in this state and is subject to insurance  
84 regulation.

85 (3) A health insurance plan issued or renewed on or after  
86 April 1, 2009, shall provide coverage to an eligible individual  
87 for:

88 (a) Direct patient access to an appropriate specialist, as  
89 defined in s. 381.986, for a minimum of three visits per policy  
90 year for the screening for, evaluation of, or diagnosis of  
91 autism spectrum disorder or other developmental disability.

92 (b)(a) Well-baby and well-child screening for diagnosing  
93 the presence of autism spectrum disorder.

94 (c)(b) Treatment of autism spectrum disorder or other  
95 developmental disability through speech therapy, occupational  
96 therapy, physical therapy, and applied behavior analysis.  
97 Applied behavior analysis services shall be provided by an  
98 individual certified pursuant to s. 393.17 or an individual  
99 licensed under chapter 490 or chapter 491.

100 (4) The coverage required pursuant to subsection (3) is  
101 subject to the following requirements:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 107 (2010)

Amendment No.

102 (a) Coverage shall be limited to treatment that is  
103 prescribed by the insured's treating physician in accordance  
104 with a treatment plan.

105 (b) Coverage for the services described in subsection (3)  
106 shall be limited to \$36,000 annually and may not exceed \$200,000  
107 in total lifetime benefits.

108 (c) Coverage may not be denied on the basis that provided  
109 services are habilitative in nature.

110 (d) Coverage may be subject to other general exclusions  
111 and limitations of the insurer's policy or plan, including, but  
112 not limited to, coordination of benefits, participating provider  
113 requirements, restrictions on services provided by family or  
114 household members, and utilization review of health care  
115 services, including the review of medical necessity, case  
116 management, and other managed care provisions.

117 (5) The coverage required pursuant to subsection (3) may  
118 not be subject to dollar limits, deductibles, or coinsurance  
119 provisions that are less favorable to an insured than the dollar  
120 limits, deductibles, or coinsurance provisions that apply to  
121 physical illnesses that are generally covered under the health  
122 insurance plan, except as otherwise provided in subsection (4).

123 (6) An insurer may not deny or refuse to issue coverage  
124 for medically necessary services, refuse to contract with, or  
125 refuse to renew or reissue or otherwise terminate or restrict  
126 coverage for an individual because the individual is diagnosed  
127 as having a developmental disability.

128 (7) The treatment plan required pursuant to subsection (4)  
129 shall include all elements necessary for the health insurance

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 107 (2010)

Amendment No.

130 plan to appropriately pay claims. These elements include, but  
131 are not limited to, a diagnosis, the proposed treatment by type,  
132 the frequency and duration of treatment, the anticipated  
133 outcomes stated as goals, the frequency with which the treatment  
134 plan will be updated, and the signature of the treating  
135 physician.

136 (8) Beginning January 1, 2011, the maximum benefit under  
137 paragraph (4)(b) shall be adjusted annually on January 1 of each  
138 calendar year to reflect any change from the previous year in  
139 the medical component of the then current Consumer Price Index  
140 for all urban consumers, published by the Bureau of Labor  
141 Statistics of the United States Department of Labor.

142 (9) This section may not be construed as limiting benefits  
143 and coverage otherwise available to an insured under a health  
144 insurance plan.

145 (10) The Office of Insurance Regulation may not enforce  
146 this section against an insurer that is a signatory no later  
147 than April 1, 2009, to the developmental disabilities compact  
148 established under s. 624.916. The Office of Insurance Regulation  
149 shall enforce this section against an insurer that is a  
150 signatory to the compact established under s. 624.916 if the  
151 insurer has not complied with the terms of the compact for all  
152 health insurance plans by April 1, 2010.

153 Section 3. Subsections (2) and (3) of section 641.31098,  
154 Florida Statutes, are amended to read:

155 641.31098 Coverage for individuals with developmental  
156 disabilities.—

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

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 107 (2010)

Amendment No.

158 (a) "Applied behavior analysis" means the design,  
159 implementation, and evaluation of environmental modifications,  
160 using behavioral stimuli and consequences, to produce socially  
161 significant improvement in human behavior, including, but not  
162 limited to, the use of direct observation, measurement, and  
163 functional analysis of the relations between environment and  
164 behavior.

165 (b) "Autism spectrum disorder" means any of the following  
166 disorders as defined in the most recent edition of the  
167 Diagnostic and Statistical Manual of Mental Disorders of the  
168 American Psychiatric Association:

- 169 1. Autistic disorder.
- 170 2. Asperger's syndrome.
- 171 3. Pervasive developmental disorder not otherwise  
172 specified.

173 (c) "Developmental disability" means a disorder or  
174 syndrome attributable to cerebral palsy or Down syndrome, which  
175 manifests before the age of 18 years and constitutes a  
176 substantial handicap that can reasonably be expected to continue  
177 indefinitely. As used in this section:

- 178 1. "Cerebral palsy" has the same meaning as in s. 393.063.
- 179 2. "Down syndrome" means a disorder caused by the presence  
180 of an extra chromosome 21.

181 (d) "Direct patient access" means the ability of an  
182 insured to obtain services from an in-network provider without a  
183 referral or other authorization before receiving services.

184 (e) ~~(e)~~ "Eligible individual" means an individual under 18  
185 years of age or an individual 18 years of age or older who is in

Amendment No.

186 high school and who has been diagnosed as having a developmental  
187 disability at 8 years of age or younger.

188 (f)~~(d)~~ "Health maintenance contract" means a group health  
189 maintenance contract offered by a health maintenance  
190 organization. The ~~This~~ term does not include a health  
191 maintenance contract offered in the individual market, a health  
192 maintenance contract that is individually underwritten, or a  
193 health maintenance contract provided to a small employer.

194 (3) A health maintenance contract issued or renewed on or  
195 after April 1, 2009, shall provide coverage to an eligible  
196 individual for:

197 (a) Direct patient access to an appropriate specialist, as  
198 defined in s. 381.986, for a minimum of three visits per policy  
199 year for the screening for, evaluation of, or diagnosis of  
200 autism spectrum disorder or other developmental disability.

201 (b)~~(a)~~ Well-baby and well-child screening for diagnosing  
202 the presence of autism spectrum disorder.

203 (c)~~(b)~~ Treatment of autism spectrum disorder or other  
204 developmental disability through speech therapy, occupational  
205 therapy, physical therapy, and applied behavior analysis  
206 services. Applied behavior analysis services shall be provided  
207 by an individual certified pursuant to s. 393.17 or an  
208 individual licensed under chapter 490 or chapter 491.

209 Section 4. This act shall take effect July 1, 2010.

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Amendment No.

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to autism; creating s. 381.986, F.S.;  
requiring that a physician refer a minor to an  
appropriate specialist for screening for autism spectrum  
disorder under certain circumstances; defining the term  
"appropriate specialist"; amending ss. 627.6686 and  
641.31098, F.S.; defining the terms "developmental  
disability" and "direct patient access"; providing health  
insurance coverage for individuals with certain  
developmental disabilities; requiring certain insurers  
and health maintenance organizations to provide direct  
patient access to an appropriate specialist for  
screening, evaluation of, or diagnosis for autism  
spectrum disorder or other developmental disabilities;  
requiring the insurer's policy or the health maintenance  
organization's contract to provide a minimum number of  
visits per year for the screening, evaluation, or  
diagnosis for autism spectrum disorder or other  
developmental disabilities; providing an effective date.



*Withdrawn*

Committee on

*Health Care Reg*

Action \_\_\_\_\_

Date *22 MARCH 2010*

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY  
(may be used in Committee, but not on House Floor)

Amendment No. 2

Bill No. 107

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

If amendment is text of another bill insert:  
Bill No. \_\_\_\_\_ Draft No. \_\_\_\_\_

Representative(s)/The Committee on Renewal

offered the following amendment:

Amendment *to the amendment*

on page 1, line 13, delete line 13 and insert:

~~to a physician and license to the state.~~ *to the CHILD'S PHYSICIAN. The*  
physician shall



Amendment No. 1

COUNCIL/COMMITTEE 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 Council/Committee hearing bill: Health Care Regulation Policy  
2 Committee

3 Representative Brandenburg offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 381.00771, Florida Statutes, is created  
8 to read:

9 381.00771 Definitions of terms used in ss. 381.00771-  
10 381.00791.-As used in ss. 381.00771-381.00791, the term:

11 (1) "Active license or registration" means a current  
12 license or registration issued by the department that is not  
13 suspended or revoked.

14 (2) "Department" means the Department of Health.

15 (3) "Guest tattoo artist" means a person who is licensed,  
16 registered, or certified to practice tattooing in a jurisdiction  
17 outside of this state who is registered with the department to  
18 practice tattooing in this state.

Amendment No. 1

19       (4) "Operator" means a person designated by a tattoo  
20 establishment or temporary establishment to control the  
21 operation of the establishment.

22       (5) "Stop-use order" means a written notice from the  
23 department to a licensee or registrant requiring him or her to  
24 remove any tattooing equipment or supplies, or cease conducting  
25 any particular procedures, because the equipment or supplies are  
26 not being used or the procedures are not being conducted in  
27 accordance with ss. 381.00771-381.00791 or any rule adopted  
28 under those sections.

29       (6) "Tattoo" means a mark or design made on or under the  
30 skin of a human being by a process of piercing and ingraining a  
31 pigment, dye, or ink in the skin.

32       (7) "Tattoo artist" means a person licensed under ss.  
33 381.00771-381.00791 to practice tattooing.

34       (8) "Tattoo establishment" means any permanent location,  
35 place, area, structure, or business where tattooing is  
36 performed.

37       (9) "Temporary establishment" means any location, place,  
38 area, or structure where tattooing is performed during, and in  
39 conjunction with, a convention or other similar event that does  
40 not exceed 14 consecutive days.

41       Section 2. Section 381.00773, Florida Statutes, is created  
42 to read:

43       381.00773 Application of ss. 381.00771-381.00791;  
44 exemption.-

45       (1) Except for s. 381.00787, which applies to all persons,  
46 ss. 381.00771-381.00791 do not apply to a person licensed to

Amendment No. 1

47 practice medicine or dentistry under chapter 458, chapter 459,  
48 or chapter 466 who performs tattooing exclusively for medical or  
49 dental purposes.

50 (2) Sections 381.00771-381.00791 apply exclusively to the  
51 tattooing of human beings and do not apply to the tattooing of  
52 any animal.

53 Section 3. Section 381.00775, Florida Statutes, is created  
54 to read:

55 381.00775 Tattoo artists; licensure; registration of guest  
56 tattoo artists.-

57 (1) Except as provided in s. 381.00773, a person may not  
58 tattoo the body of any human being in this state unless the  
59 person is licensed as a tattoo artist or registered as a guest  
60 tattoo artist under this section.

61 (2)(a) A person seeking licensure as a tattoo artist must  
62 apply to the department in the format prescribed by the  
63 department. An application must include:

64 1. The name and residence address of the applicant.

65 2. The name and street address of each tattoo  
66 establishment and temporary establishment at which the applicant  
67 intends to practice tattooing in this state.

68 (b) The department shall issue a license to an applicant  
69 who:

70 1. Is 18 years of age or older.

71 2. Submits a completed application.

72 3. Pays the applicable license fee established in s.

73 381.00781.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 729 (2010)

Amendment No. 1

74 4. Submits proof of successful completion of an education  
75 course approved by the department on blood-borne pathogens and  
76 communicable diseases.

77 5. Submits proof of passage of an examination approved by  
78 the department on the material presented in the education  
79 course.

80 (c) The department shall approve one or more education  
81 courses and examinations that allows a person to complete the  
82 requirements of subparagraphs (b)4. and 5. in person or through  
83 an Internet website.

84 (d) A tattoo artist must, within 30 days after a change,  
85 notify the department of any change in the following information  
86 disclosed in his or her most recent application for issuance or  
87 renewal of his or her tattoo artist license in the format  
88 prescribed by the department:

89 1. The name and residence address of the tattoo artist.

90 2. The name and street address of each tattoo  
91 establishment in this state at which the tattoo artist has  
92 practiced tattooing for more than 14 days since the most recent  
93 renewal of his or her tattoo artist license or, if the license  
94 has not been renewed, since the licensed was issued.

95 (3) (a) A person seeking registration as a guest tattoo  
96 artist must apply to the department in the format prescribed by  
97 the department. An application must include:

98 1. The name and residence address of the applicant.

99 2. The name and street address of each tattoo  
100 establishment and temporary establishment at which the applicant  
101 will practice under the guest tattoo artist registration.

Amendment No. 1.

102       (b) The department shall issue a guest tattoo artist  
103 registration to an applicant who:

104       1. Is 18 years of age or older.

105       2. Submits a completed application.

106       3. Pays the applicable registration fee established in s.  
107 381.00781.

108       4. Holds an active license, registration, or certification  
109 issued by a jurisdiction outside this state, whether by another  
110 state, the District of Columbia, any possession or territory of  
111 the United States, or any foreign jurisdiction, if:

112       a. The education and examination requirements of the  
113 license, registration, or certification substantially meet or  
114 exceed the requirements of subparagraphs (2) (b)4. and 5.; or

115       b. The applicant submits proof of successful completion of  
116 an education course approved by the department under  
117 subparagraph (2) (b)4. and proof of passage of an examination  
118 approved by the department under subparagraph (2) (b)5.

119       (4) (a) A tattoo artist license is valid for 1 year and  
120 must be renewed annually.

121       (b) A guest tattoo artist registration is valid for 14  
122 days. A guest tattoo artist may apply for reregistration before  
123 or after expiration of his or her current registration.

124       (5) A license or registration issued by the department  
125 under this section is not transferable.

126       Section 4. Section 381.00777, Florida Statutes, is created  
127 to read:

128       381.00777 Tattoo establishments; licensure; temporary  
129 establishments.—

## Amendment No. 1

130       (1) (a) Except as provided in s. 381.00773, a person may  
131 not tattoo the body of any human being in this state except in a  
132 tattoo establishment or temporary establishment licensed under  
133 this section.

134       (b) A person may not operate a tattoo establishment or  
135 temporary establishment in this state unless the establishment  
136 is licensed under this section.

137       (2) A person seeking licensure of a tattoo establishment  
138 must apply to the department in the format prescribed by the  
139 department. An application must include:

140       (a) The registered business name, including any fictitious  
141 names under which the tattoo establishment conducts business in  
142 the state.

143       (b) The street address and telephone number of the tattoo  
144 establishment.

145       (c) The name, mailing address, and telephone number of the  
146 tattoo establishment's operator.

147       (d) The name and address of the tattoo establishment's  
148 registered agent for service of process in the state.

149       (3) The department shall issue a tattoo establishment  
150 license to an applicant, if:

151       (a) The applicant submits a completed application.

152       (b) The applicant pays the applicable license fee  
153 established in s. 381.00781.

154       (c) The establishment complies with all applicable local  
155 building, occupational, zoning, and health codes.

156       (4) A temporary establishment must meet the same  
157 requirements for licensure as a permanent tattoo establishment.

Amendment No. 1

158       (5) (a) A license is valid only for the location listed on  
159 the license. A tattoo establishment must notify the department  
160 in the format prescribed by the department before any change of  
161 the licensed location. A tattoo establishment with more than one  
162 location must obtain a separate license for each location.

163       (b) A tattoo establishment license is valid for 1 year and  
164 must be renewed annually.

165       (c) A temporary establishment license is valid for the  
166 duration of a convention or other similar event for which the  
167 license is issued not to exceed 14 consecutive days.

168       (6) A license issued by the department under this section  
169 is not transferable.

170       Section 5. Section 381.00779, Florida Statutes, is created  
171 to read:

172       381.00779 Practice requirements.-

173       (1) A tattoo establishment or temporary establishment  
174 must:

175       (a) Display an active license for the establishment in a  
176 manner that is easily visible to the public at all times while  
177 tattooing is performed in the establishment.

178       (b) Ensure that each tattoo artist and guest tattoo  
179 artist, while practicing tattooing in the establishment, meets  
180 all applicable requirements of ss. 381.00771-381.00791.

181       (c) Maintain sanitary conditions at all times in the  
182 establishment.

183       (d) Comply with all state and local health codes and  
184 ordinances.

## Amendment No. 1

185 (e) Allow the department to inspect the establishment  
186 pursuant to subsection (4).

187 (f) Comply with s. 381.0098 and rules adopted under that  
188 section.

189 (2) A tattoo artist or guest tattoo artist must:

190 (a) Display his or her active license in a manner that is  
191 easily visible to the public at all times while practicing  
192 tattooing.

193 (b) Practice tattooing exclusively in an establishment  
194 licensed under ss. 381.00771-381.00791.

195 (c) Maintain sanitary conditions at all times in an  
196 establishment.

197 (d) Comply with all state and local health codes and  
198 ordinances.

199 (3) A tattoo artist or guest tattoo artist may tattoo the  
200 body of a minor child only to the extent authorized in s.  
201 381.00787. A tattoo establishment or temporary establishment  
202 must keep, for the period prescribed by the department, each  
203 written notarized consent submitted under s. 381.00787(3)(c) by  
204 the parent or legal guardian of a minor child who is tattooed in  
205 the establishment.

206 (4) The department may inspect and investigate each tattoo  
207 establishment and temporary establishment as necessary to ensure  
208 compliance with ss. 381.00771-381.00791. However, the department  
209 shall inspect each tattoo establishment at least annually and  
210 shall inspect each temporary establishment before and, as  
211 necessary, during a convention or similar event with which the  
212 establishment is connected.



COUNCIL/COMMITTEE AMENDMENT

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213 Section 6. Section 381.00781, Florida Statutes, is created  
214 to read:

215 381.00781 Fees; disposition.-

216 (1) The department shall establish by rule the following  
217 fees:

218 (a) Fee for the initial licensure of a tattoo  
219 establishment and the renewal of such license, which, except as  
220 provided in subsection (2), may not exceed \$250 per year.

221 (b) Fee for licensure of a temporary establishment, which,  
222 except as provided in subsection (2), may not exceed \$250.

223 (c) Fee for the initial licensure of a tattoo artist and  
224 the renewal of such license, which, except as provided in  
225 subsection (2), may not exceed \$150 per year.

226 (d) Fee for registration or reregistration of a guest  
227 tattoo artist, which, except as provided in subsection (2), may  
228 not exceed \$45.

229 (e) Fee for reactivation of an inactive tattoo  
230 establishment license or tattoo artist license. A license  
231 becomes inactive if it is not renewed before the expiration of  
232 the current license.

233 (2) The department may annually adjust the maximum fees  
234 authorized under subsection (1) according to the rate of  
235 inflation or deflation indicated by the Consumer Price Index for  
236 All Urban Consumers, U.S. City Average, All Items, as reported  
237 by the United States Department of Labor.

238 Section 7. Section 381.00783, Florida Statutes, is created  
239 to read:

Amendment No. 1

240 381.00783 Grounds for discipline; administrative  
241 penalties.-

242 (1) The following acts constitute grounds for which  
243 disciplinary action specified in subsection (2) may be taken by  
244 the department against any tattoo establishment, temporary  
245 establishment, tattoo artist, guest tattoo artist, operator of a  
246 tattoo establishment, or unlicensed person engaged in activities  
247 regulated under ss. 381.00771-381.00791:

248 (a) Providing false information on an application for  
249 licensure or registration.

250 (b) Violating a state or local health code or ordinance.

251 (c) Violating any provision of ss. 381.00771-381.00791,  
252 rule adopted under those sections, or lawful order of the  
253 department.

254 (d) Being found guilty of or pleading nolo contendere to,  
255 regardless of adjudication, a crime in any jurisdiction which  
256 relates to the practice of tattooing or the operation of a  
257 tattoo establishment or temporary establishment.

258 (e) Committing fraud, deceit, negligence, or misconduct in  
259 the practice of tattooing or the operation of a tattoo  
260 establishment or temporary establishment.

261 (f) Aiding, procuring, or assisting a person to unlawfully  
262 practice tattooing or unlawfully operate a tattoo establishment  
263 or temporary establishment.

264 (g) Failing to keep the written notarized consent of the  
265 parent or legal guardian of a minor child who is tattooed in a  
266 tattoo establishment or temporary establishment for the period  
267 specified pursuant to s. 381.00779(3) or knowingly making false

Amendment No. 1

268 entries in a parent's or legal guardian's written notarized  
269 consent.

270 (2) When the department determines that a person commits  
271 any of the acts set forth in subsection (1), the department may  
272 enter an order imposing one or more of the following penalties:

273 (a) Refusal to issue a license or registration or renew a  
274 license.

275 (b) Suspension or revocation of a license or registration.

276 (c) Imposition of an administrative fine not to exceed  
277 \$1,500 for each count or separate violation.

278 (d) Issuance of a reprimand.

279 (e) Placement of the licensee or registrant on probation  
280 for a specified period and subject to the conditions that the  
281 department may specify.

282 (f) Issuance of a stop-use order.

283 (g) Corrective action.

284 (3) The department shall impose stricter penalties for the  
285 repetition of violations and as the severity of violations  
286 escalate, distinguishing lesser violations from those that  
287 endanger the public health.

288 (4) Disciplinary proceedings shall be conducted as  
289 provided in chapter 120.

290 Section 8. Section 381.00785, Florida Statutes, is created  
291 to read:

292 381.00785 Criminal penalties.-

293 (1) A person may not:

294 (a) Operate a tattoo establishment or temporary  
295 establishment in this state without a license.

Amendment No. 1

296 (b) Practice tattooing in this state without a tattoo  
297 artist license or guest tattoo artist registration, except as  
298 provided in s. 381.00773.

299 (c) Practice tattooing in this state at any place other  
300 than a tattoo establishment or temporary establishment, except  
301 as provided in s. 381.00773.

302 (d) Obtain or attempt to obtain a license or registration  
303 by means of fraud, misrepresentation, or concealment.

304 (2) A person who violates this section commits a  
305 misdemeanor of the second degree, punishable as provided in s.  
306 775.082 or s. 775.083.

307 Section 9. Section 877.04, Florida Statutes, is  
308 transferred, renumbered as section 381.00787, Florida Statutes,  
309 and amended to read:

310 381.00787 877.04 Tattooing prohibited; penalty.-

311 (1) ~~A It is unlawful for any person may not to tattoo the~~  
312 body of a minor child younger than 16 years of age unless the  
313 any human being; except that tattooing is may be performed for  
314 medical or dental purposes by a person licensed to practice  
315 medicine or dentistry under chapter chapters 458, chapter and  
316 459, or chapter 466, or by a person under his or her general  
317 supervision as defined by the Board of Medicine.

318 (2) Any person who violates the provisions of this section  
319 shall be guilty of a misdemeanor of the second degree,  
320 punishable as provided in s. 775.082 or s. 775.083.

321 (3) A person may not tattoo the ~~No~~ body of a minor child  
322 who is at least 16 years of age, but younger than 18 years of  
323 age, unless:

Amendment No. 1

324 (a) The minor child is accompanied by his or her parent or  
325 legal guardian;

326 (b) The minor child and his or her parent or legal  
327 guardian each submit proof of his or her identity by producing a  
328 government-issued photo identification;

329 (c) The parent or legal guardian submits his or her ~~shall~~  
330 ~~be tattooed without the written notarized consent in the format~~  
331 ~~prescribed by the department; of~~

332 (d) The parent or legal guardian submits proof that he or  
333 she is the parent or legal guardian of the minor child; and

334 (e) The tattooing is performed by a tattoo artist or guest  
335 tattoo artist licensed under ss. 381.00771-381.00791 or a person  
336 licensed to practice medicine or dentistry under chapter 458,  
337 chapter 459, or chapter 466.

338 (4) A person who violates this section commits a  
339 misdemeanor of the second degree, punishable as provided in s.  
340 775.082 or s. 775.083. However, a person who tattoos the body of  
341 a minor child younger than 18 years of age does not violate this  
342 section, if:

343 (a) The person carefully inspects what appears to be a  
344 government-issued photo identification that represents that the  
345 minor child is 18 years of age or older.

346 (b) The minor child falsely represents himself or herself  
347 as being 18 years of age or older and presents a fraudulent  
348 identification.

349 (c) A reasonable person of average intelligence would  
350 believe that the minor child is 18 years of age or older and

Amendment No. 1

351 that the photo identification is genuine, was issued to the  
352 minor child, and truthfully represents the minor child's age.

353 Section 10. Section 381.00789, Florida Statutes, is  
354 created to read:

355 381.00789 Rulemaking.—The department shall adopt rules to  
356 administer ss. 381.00771-381.00791. Such rules may include, but  
357 are not limited to, rules defining terms; prescribing  
358 educational requirements for tattoo artists and guest tattoo  
359 artists, health and safety requirements, sanitation practices,  
360 and sterilization requirements and procedures; and providing  
361 requirements for tattoo equipment, customer notification, the  
362 contents of customer records, the retention of records, and  
363 physical plants. The department shall consult with  
364 representatives of the tattooing industry in this state during  
365 the development of such rules.

366 Section 11. Section 381.00791, Florida Statutes, is  
367 created to read:

368 381.00791 Local laws and ordinances.—Sections 381.00771-  
369 381.00791 do not preempt any local law or ordinance of a county  
370 or municipality that imposes regulations on tattoo  
371 establishments, temporary establishments, tattoo artists, or the  
372 practice of tattooing which are in addition to those sections.

373 Section 12. This act shall take effect January 1, 2012.

374

375

376

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

377

Remove the entire title and insert:

378

A bill to be entitled

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 729 (2010)

Amendment No. 1

379 An act relating to the practice of tattooing; creating s.  
380 381.00771, F.S.; defining terms; creating s. 381.00773,  
381 F.S.; exempting certain personnel who perform tattooing  
382 for medical or dental purposes from regulation under  
383 specified provisions; creating s. 381.00775, F.S.;  
384 prohibiting the practice of tattooing except by a person  
385 licensed or registered by the Department of Health;  
386 requiring tattoo artists to complete an education course  
387 and pass an examination; providing for the licensure of  
388 tattoo artists and the registration of guest tattoo  
389 artists licensed in jurisdictions outside this state;  
390 creating s. 381.00777, F.S.; requiring the licensure of  
391 permanent tattoo establishments and temporary  
392 establishments; creating s. 381.00779, F.S.; providing  
393 practice requirements for tattoo artists, guest tattoo  
394 artists, tattoo establishments, and temporary  
395 establishments; requiring the department to inspect the  
396 establishments at specified intervals; creating s.  
397 381.00781, F.S.; providing for fees for initial licensure  
398 or registration and the renewal or reactivation thereof;  
399 authorizing the adjustment of fees according to inflation  
400 or deflation; creating s. 381.00783, F.S.; specifying acts  
401 that constitute grounds for which the department may take  
402 disciplinary action; providing penalties; creating s.  
403 381.00785, F.S.; providing penalties for certain  
404 violations involving the practice of tattooing;  
405 transferring, renumbering, and amending s. 877.04, F.S.;  
406 prohibiting the tattooing of a minor child except under

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 729 (2010)

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407 certain circumstances; providing penalties; providing  
408 exceptions; creating s. 381.00789, F.S.; requiring the  
409 department to adopt rules to administer the act; creating  
410 s. 381.00791, F.S.; providing that specified provisions do  
411 not preempt certain local laws and ordinances; providing  
412 an effective date.



Amendment No.

COUNCIL/COMMITTEE 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 Council/Committee hearing bill: Health Care Regulation Policy  
 2 Committee  
 3 Representative(s) Hudson offered the following:  
 4

**Amendment (with title amendment)**

Remove lines 92-173 and insert:

7 Section 4. Section 408.0514, Florida Statutes, is created  
8 to read:

9 408.0514 Regional extension centers.-

10 The agency shall coordinate with federally funded regional  
 11 extension centers operating in this state to increase provider  
 12 readiness in implementing the use of electronic health records  
 13 in order to enable provider participation in health information  
 14 exchange and electronic prescribing, including, but not limited  
 15 to, readiness to prepare, use, and report performance measures  
 16 required to qualify for federal and state electronic health  
 17 record adoption incentive programs.  
 18  
 19

Amendment No.

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**T I T L E   A M E N D M E N T**

Remove lines 7-22 and insert:

408.051, F.S.; defining the term "agency"; creating s. 408.0514,  
F.S.; requiring the agency to coordinate with regional extension  
centers to implement the use of electronic health records;  
amending s. 408.061, F.S.; deleting a reference

Amendment No. 1

COUNCIL/COMMITTEE 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                 | _____                               |       |

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1 Council/Committee hearing PCB: Health Care Regulation Policy  
2 Committee

3 Representative(s) Hudson offered the following:  
4

5 **Amendment**

6 Remove line 205 and insert:

7 (b) By November 1, 2010, the department shall submit a

Amendment No. 2

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing PCB: Health Care Regulation Policy  
2 Committee  
3 Representative(s) Hudson offered the following:

4  
5

**Amendment**

6  
7  
8

Remove lines 548-549 and insert:  
persons with developmental disabilities; or boarding school  
~~housing, building or buildings, section of a~~

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB HCR 10-03 (2010)

Amendment No. 3

COUNCIL/COMMITTEE 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 Council/Committee hearing PCB: Health Care Regulation Policy  
2 Committee  
3 Representative(s) Hudson offered the following:

4  
5 **Amendment**  
6 Remove line 608 and insert:  
7 disabilities; boarding schools; civic or

Amendment No. 4

COUNCIL/COMMITTEE 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 Council/Committee hearing PCB: Health Care Regulation Policy  
2 Committee  
3 Representative(s) Hudson offered the following:

4  
5 **Amendment**

6 Remove lines 794-795 and insert:

7 2. Any facility ~~hospital, nursing home~~ certified or  
8 licensed and regulated by the Agency for Health Care  
9 Administration or Department of Children and Families,

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB HCR 10-03 (2010)

Amendment No. 5

COUNCIL/COMMITTEE 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 Council/Committee hearing PCB: Health Care Regulation Policy  
2 Committee

3 Representative(s) Hudson offered the following:

4  
5 **Amendment**

6 Remove lines 837-838 and insert:

7 4. Any eating place maintained by a facility certified or  
8 licensed and regulated by the Agency for Health Care  
9 Administration or Department of Children and Families, hospital,